



## CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia  
Amended Minutes

March 16, 2010  
Regular Meeting

- 1) **Call to Order and Opening Prayer**

Chairman David Shivers called the regular meeting to order at 7:00 p.m. Commissioner Davenport gave the opening prayer. Chairman David Shivers, Vice-Chairman Barry Waters, and Commissioners James Davenport, Radar Fair, Sr., and Walt Killingsworth were all in attendance as well as Sheriff Roger Shivers, County Administrator Spencer Mueller, EMS Director Ron Brown, and County Clerk Adria Williams.
- 2) **Agenda Approval**

The following item was added to the agenda:  
8f. Discussion on County Administrator Responsibilities as it relates to Authorities  
Motion made to approve the March 16<sup>th</sup> agenda with the amendment by Vice-Chairman Waters. Motion seconded by Commissioner Fair; motion carried.
- 3) **Annual Appointments - None**
- 4) **Presentations before the Board**
  - a. Richard Scott – EMS/MC  
Richard Scott, EMS/MC Representative presented a new hardware and software opportunity to the Board for the county's EMS system. Clay County EMS has received 2 laptop computers from the state as part of a grant. EMS/MC recommends that Clay County EMS upgrade to the touch screen tablet computer. EMS/MC offered to pay for the software. The EMS director, Ron Brown, will make the purchase then submit receipts to the state and to EMS/MC for reimbursement.  
Motion made to approve the addition of the hardware by EMS/MC and the addition of Image Trends software to the EMS laptops by Vice-Chairman Waters. Motion seconded by Commissioner Davenport; motion carried.
- 5) **Minutes**
  - a. Motion to Amend 02/16/10 Minutes  
The Board reviewed Vice-Chairman Waters' suggested changes to the minutes.  
Motion made for the Board to amend the February 16, 2010 minutes to include the minutes by Vice-Chairman Waters. Motion seconded by Commissioner Fair. Commissioner Killingsworth voted nay. Motion carried.
  - b. March 2, 2010 Regular Meeting  
Motion made to approve the March 2, 2010 regular meeting minutes by Commissioner Fair. Commissioner Davenport seconded the motion. Vice-Chairman Waters abstained. Motion carried.
- 6) **Correspondence Requiring Action**
  - a. None
- 7) **Unfinished Business**
  - a. Samuel Freeman – Palace Club- Alcoholic Beverage License  
Mr. Freeman originally advertised his Alcoholic Beverage License Application in the legal organ for March 2, 2010. He came before the Board at the March 2<sup>nd</sup> regular meeting under "Comments from the Public" due to having been removed from the agenda because his necessary documents were not ready by the agenda deadline. After his addressing the Board, Commissioner Davenport asked that the issue be added to the March 16<sup>th</sup> agenda. Vice Chairman Waters asked if the appropriate advertising had been done on the subject and if public hearings were required. Commissioner Killingsworth stated that there should be. The County Clerk stated that the last one had been done during the regular meeting. Vice Chairman Waters stated that it had come to his attention that the address advertised in the legal organ was incorrect. The advertisement could not be found in the office to support this. Mr. Rosheen Cannon stated that they didn't know the date on the sign had to be changed to March 16<sup>th</sup>. Mr. Freeman stated that they were in compliance when they initially put up the sign. Chairman Shivers stated that the purpose of the sign is to inform anyone opposed of the meeting; and that if the decision is given tonight it would be unfair to anyone who opposes. Sheriff Shivers stated that the applicant's business license was expired; he didn't have what he needed to have, has never had everything he needed to have, and don't believe he ever will have everything he is supposed to have; he either unwillingly or unable to comply with an ordinance. Mr. Freeman stated that was why he resubmitted everything. Vice Chairman Waters asked what was required by ordinance. Chairman Shivers stated that he could not quote the whole thing. Mr. James King, owner of the Palace Club stated that it was inappropriate for the Sheriff's Department to say "that you're never



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gonna get a license" to anyone, especially if their background check is of appropriate status. Sheriff Shivers stated that he didn't say they weren't going to get one, he said that they were either unwilling or unable to comply with the ordinance. Vice Chairman Waters suggested the Board set a hearing date and for the applicant to re-advertise with the date a time set by the Board in an effort for everything to be done by the book. Mr. Cannon stated he didn't understand, "see yall ain't paying these bills on this club we paying. This has been going on every since September of last year". Sheriff Shivers asked Mr. Cannon what was his connection to the club. Mr. Freeman stated that Mr. Cannon was his partnership. Sheriff Shivers asked if Mr. Cannon has had a background check done. Mr. Cannon stated no, why should he; he hasn't been in the club, he is just putting up his money. Commissioner Davenport stated that the misunderstanding is due to allowing the applicants to speak at the March 2<sup>nd</sup> meeting; after removing them off the agenda they shouldn't have been allowed to speak. Chairman Shivers stated that after speaking with them, he told them they could speak under "Comments from the Public" if they had something to say. Commissioner Fair asked that the Board provide the applicants with the instructions on what they need to do. Chairman Shivers stated that a copy of the ordinance is sufficient enough. Motion made to hear application at the April 6, 2010 meeting by Vice Chairman Waters. Motion seconded by Commissioner Davenport; motion carried. Motion made to amend the motion by Vice Chairman Waters to include the Board giving the applicants the right information needed before they come before the Board again; motion died from lack of a second.

- b. Accident Auto Repair Estimate- Debbie James  
Motion made to pay the 1<sup>st</sup> Murphy's Station Paint & Body Works quote of \$793.40 by Vice-Chairman Waters. Motion seconded by Commissioner Fair. Motion made for the County Administrator to draw up a draft of a release for attorney review and approval, upon acceptance of Ms. James, and include the condition of one check being issued to Murphy's Station Paint & Body by Vice-Chairman Waters. Motion seconded by Commissioner Fair; motions carried.
- c. Discussion on Temporary Storage for Willie Walker  
Motion made to notify the gentlemen to appear before the Board at the April 6<sup>th</sup> meeting to explain the situation by Vice-Chairman Waters. Motion seconded by Commissioner Davenport; motion carried.
- d. Discussion Ellis McCoy- Property Owner Authorization  
Vice-Chairman Waters stated that Mr. McCoy was unable to attend.  
Motion made to postpone until the April 6<sup>th</sup> meeting by Vice-Chairman Waters. Motion seconded by Commissioner Fair; motion carried.
- e. Secure Tech Systems Panic Button Maintenance Proposal  
Prior quote of \$3113.00 renegotiated to \$2588.00. The Secure Tech Systems Panic Button Maintenance fees were not budgeted for FY2010. Motion made to do further research by Vice-Chairman Waters. Motion seconded by Commissioner Fair; motion carried.

#### 8) New Business

- a. Discussion on Water System Resolution 08-018  
Motion made to discuss and possibly amend Resolution 08-018 by Vice-Chairman Waters. Motion seconded by Commissioner Fair; motion carried. A copy of Resolution 08-018 and the Water System finance report to be supplied for the April 6, 2010 meeting.
- b. Discussion on Emergency Preparedness Review and Training  
Board will schedule a workshop date to review the Emergency Preparedness material at the April 6, 2010 regular meeting.
- c. Discussion on 03/02/10 Attorney Report  
Vice-Chairman Waters wanted the Board to consider basic requirements for the attorney report, having Attorney Mills add in explanations on the report. Chairman Shivers stated he didn't want to pay for additional hours for time adding in explanations. No action taken.
- d. Discussion on Disposition of Old Ambulance  
The decision was made at the March 2<sup>nd</sup> regular meeting to transfer the old ambulance from EMS to the Sheriff's Department to use as part of Emergency Response. Vice-Chairman Waters asked how maintenance will be funded when the grant money funding it runs out. Commissioner Killingsworth stated it would come out of the Sheriff's budget.
- e. Discussion on Clay County Chamber of Commerce Request  
Vice-Chairman Waters stated that documentation supporting the \$600.00 fee could be asked for. Motion made to authorize the Administrator to find out what the fees are for by Vice-Chairman Waters. Motion seconded by Commissioner Davenport; motion carried.

#### 9) Comments from the Public

James Coleman- Addressed the Board with plans of moving his street party into the county. He is on the agenda for the April 6<sup>th</sup> regular meeting and will have plans to show how crowd control, highway maintenance, etc. will be handled.



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Minutes

James King- Stated that he considered the comments made by the Sheriff to be very inappropriate. He asked that the comments be added to the minutes.

**10) Comments from Department Heads & Constitutional Officers**  
None

**11) Administrator Comments, Reports & Recommendations**

Administrator Mueller informed the Board that a work session needs to be scheduled to discuss Local Option Sales Tax, and of a, the GA Parks and Historic Sites Grant which requires a 50/50 match, the Department of Treasury waived the \$28,000 interest fees, GA Department of Revenue re-issued a \$2211.00 check from 10/08, the Department of Community Affairs receiving the Service Delivery Strategy, and his waiting on a response from the Sheriff in reference to funding Code Red.

**12) Comments from the Board**

Vice-Chairman Waters stated that the State of Georgia has \$18 million in unclaimed sales tax to be released to the counties.

Commissioner Davenport stated that the Board needs to review the ordinance where it relates to citizens being charged tax inappropriately and make necessary amendments.

Commissioner Fair wanted to know what the County considers a private road. The Administrator commented anything not maintained by the County.

Chairman Shivers commented that the agenda date at the bottom of the page is incorrect.

**13) Invoices to Be Approved**

Motion made to approve the invoices by Commissioner Fair. Motion seconded by Commissioner Davenport; motion carried.

**14) Consent Agenda**

**15) Executive Session (If Needed)**

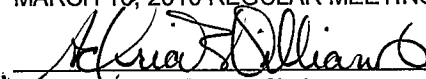
**16) Adjourn**

There being no further business, the regular meeting adjourned at 10:15 p.m.

  
David Shivers, Chairman

4-7-2010  
Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE MARCH 16, 2010 REGULAR MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

  
Adria Williams, County Clerk

4-7-2010  
Date