



CLAY COUNTY BOARD OF COMMISSIONERS
Commission Chambers, Fort Gaines, Georgia

Regular Meeting
June 16, 2009
7:00 p.m.
Amended

1) Call to Order and Opening Prayer

Chairman David Shivers called the meeting to order at 7:00 p.m. Commissioner Radar Fair gave the opening prayer. Chairman David Shivers, Vice-Chairman Barry Waters, Commissioners Walt Killingsworth, James Davenport and Radar Fair were in attendance as well as County Administrator Pam Ward, Sheriff Roger Shivers, County Attorney Bill Mills and County Clerk Adria Williams.

2) Agenda Approval

The following items were added to the agenda:

- 8e. EMS Letter of Support
- 8f. Discussion to rescind landfill fee increase to \$3.00
- 8g. Disciplinary action against County Clerk
- 8h. Discussion for letter of intent to DNR

Commissioner Waters motioned to approve the agenda with changes; Commissioner Fair seconded. Motion carried.

3) Annual Appointments

- a. None

4) Presentations before the Board

- a. None

5) Minutes

- a. June 2, 2009 Public Hearing on Budget
Commissioner Killingsworth motioned to approve the minutes. Commissioner Fair seconded. Motion carried.
- b. June 2, 2009 Regular Minutes
Commissioner Fair motioned to approve the minutes with changes. Commissioner Waters seconded. Motion carried.
- c. June 10, 2009 Special Called Meeting
Commissioner Killingsworth motioned to approve the minutes. Commissioner Fair seconded. Commissioner Waters abstained. Motion carried.

6) Correspondence Requiring Action

- a. None

7) Unfinished Business

- a. Review and discussion of proposed ordinance to create official form of minutes and other misc. items.
Commissioner Waters motioned to postpone until the next meeting. Motion failed due to lack of being seconded. Commissioner Killingsworth motioned to accept draft with changes. Commissioner Davenport seconded the motion. Commissioner Waters voted nay. Motion carried.
- b. Ordinance 09-012 to correct Codification Nomenclature on previously adopted resolution
Commissioner Waters motioned to approve Codification Nomenclature on previously adopted resolution 09-012. Commissioner Davenport seconded the motion. Motion carried.
- c. HVAC purchase approval for Commission/Tax Commission Offices
Commissioner Fair motioned to rescind approval motion of HVAC purchase of \$17875.00 but approve HVAC purchase of \$4650.00. Commissioner Killingsworth seconded. Motion carried.

8) New Business



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- a. Resolution 09-035 Approving FY10 Budget and Authorizing the Tax Commissioner to Compute Millage Rate
Commissioner Killingsworth motioned to adopt resolution 09-035 with changes. Commissioner Fair seconded. Commissioner Waters voted nay. Motion carried.
 - b. Request for re-appointment of Commissioner Barry Waters to continue serving on West Central Georgia Region 7 EMS Council
Commissioner Waters stated the agenda stated to reappoint him but that it was open to any one of the commissioners on the board that would like to go and attend as the representative of Clay County EMS. Commissioner Davenport motioned to reappoint Commissioner Waters as the representative of Clay County EMS. Commissioner Fair seconded. Motion carried.
 - c. Request by Sheriff Roger Shivers to hear complaint on alcoholic beverage license of James E. King
Sheriff Shivers requested the suspension of the Beer/Wine License of James E. King due to license being non-transferrable. Business is currently being operated by Keith Boldin. Mr. King stated that he would discontinue the lease agreement with Mr. Boldin if the Commissioners would allow him to continue with his license. County Attorney Mills stated it is the Board of Commissioners' decision on revoking the license. However, a hearing is required and Mr. King would have to be given notice not less than three days and not more than ten of the hearing date. Commissioner Killingsworth motioned for a hearing on July 7, 2009. Commissioner Fair seconded. Motion carried. Commissioner Waters motioned to continue the suspension of alcoholic beverage sales until the hearing. Commissioner Fair seconded. Motion carried.
 - d. Review and discussion E-911 FY10 Budget
Commissioner Killingsworth motioned to approve E-911 FY10 Budget. Commissioner Fair seconded. Motion carried.
 - e. EMS Letters of Support for Federal Ambulatory Budgeting
Commissioner Killingsworth motioned to send letters of support. Commissioner Fair seconded. Motion carried.
 - f. Discussion to rescind landfill fee increase of \$3.00
Commissioner Waters motioned to rescind previous motion to increase the landfill fee and postpone issue until next meeting. Commissioner Davenport seconded. Motion carried.
 - g. Disciplinary Action against County Clerk
Issue of integrity and honesty of County Clerk making a false statement concerning an elected official. County Clerk Adria Williams publicly apologized to Commissioner Barry Waters for a misunderstanding of an \$11.00 beginning salary as County Clerk. Commissioner Waters accepted the apology.
 - h. DNR Letter of Intent Concerning the closing of George T. Bagby State Park
Commissioner Waters motioned to send letter. Commissioner Davenport seconded. Motion carried.
- 9) **Comments from the Public**
- a. Phillip Wills- Clay County citizen interested in status of Bagby Park and Golf Course
 - b. Ken Penuel- Encourages everybody to do what they can to keep Bagby Park open
 - c. Lindsey Smith- Questioned County Attorney and Sheriff Shivers if and how businesses are notified of Ordinance changes. Questioned Sheriff Shivers on the number of stops made in the County last weekend and of that number how many were Caucasian.
 - d. Byron Sands- On behalf of the City of Fort Gaines- wishes the County would reconsider the landfill rate increase; it would have a big impact on the City.
- 10) **Comments from Department Heads & Constitutional Officers- None**
- 11) **Administrator Comments, Reports & Recommendations**
- a. Clay County received a Payment in Lieu of Tax (PILT) Payment of \$35,259.00
 - b. Under Red Flag Ordinance County may have to switch billing method from postcard to envelopes; being researched by County Attorney.
 - c. One Georgia Grant- 100% successful on repeater replacement.
- 12) **Comments from the Board**
- a. Commissioner Shivers requested an update on Donald Smith on water issue.
 - b. Commissioner Fair requested an update on Yellow Pine and a final results on the Jerry Heard situation.



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- c. Commissioner Waters requested to postpone the Jerry Heard issue until next meeting and for the County Attorney to find in the Solid Waste Ordinance where the Code Enforcer has authority to open an account.
 - d. Commissioner Killingsworth suggested waiting until the property can be repossessed for non-payment.
 - e. Commissioner Killingsworth concerned with garbage collectors picking up a refrigerator they are not supposed to pick up. They need to be notified not to do this.
 - f. Commissioner Waters is concerned with excessive Special Called Meetings; provided secondary information on Budget from RDC and the Pandemic Flu Announcement; is composing a graph of the LOST and SPLOST amounts from 2004 to present day(gaps need confirming with Dept. of Revenue; afterwards will round off and provide copies of graph); announced postponement of GA DCA Regional Roundtable scheduled for July 8th; questioned final determination on nuisance abatement ordinance; proposes that board develops purchasing guideline; thanked board members for re-appointment back to EMS Council and provided copies of the June 11, 2009 EMS Council Meeting.
- 13) **Invoices to Be Approved**
Commissioner Waters motioned to approve invoices. Commissioner Fair seconded. Motion carried.
- 14) **Consent Agenda - None**
- 15) **Executive Session (If Needed) - None**
- 16) **Continuing Business as a result of Executive Session (If needed) - None**
- 17) **Adjourn**
The meeting adjourned at 9:10 p.m.



David Shivers, Chairman

7-21-09
Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE June 16, 2009 MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.



Adria Williams, County Clerk

7-21-09
Date