



## CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia

Minutes

July 21, 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. Vice-Chairman Barry Waters, Commissioners James Davenport, Walt Killingsworth and Radar Fair, Sr. were in attendance as well as County Administrator Pam Ward and County Clerk Adria Williams.

**2) Agenda Approval**

The following items were added to the agenda:

7a. Update on Don Smith Litigation

8g. Discussion on Board of Equalization Request for Per Diem

Vice-Chairman Waters motioned to approve the agenda with changes. Commissioner Davenport seconded the motion; motion carried.

**3) Annual Appointments**

a. None

**4) Presentations before the Board**

a. South of the Border – Fred Cannon

Mr. Cannon did not attend the meeting.

**5) Minutes**

a. July 7, 2009

Chairman Shivers suggested changing under 8) New Business:

"8k. Chairman Shivers attend the meeting July 1, 2009 in Buena Vista"; to,

"8k. Chairman Shivers attended the meeting July 1, 2009 in Buena Vista."

Vice-Chairman Waters suggested changing under 8) New Business:

"8g. Motion died for lack of a second"; to ,

"8g. Motion died for lack of a second.", and

"8i. It was the opinion of County Attorney that EMS personnel are entitled to holiday pay based upon their status as a full time employee and Section 9.3.1(B)."; to

"8i. It was the opinion of the County Attorney that EMS personnel are entitled to holiday pay based upon their status as a full time employee and Section 9.3.1(B).", striking

"8l. In summary, the County does allow employees to open accounts." , and adding page numbers.

Commissioner Davenport motioned to approve the minutes with changes. Commissioner Fair seconded the motion; motion carried.

**6) Correspondence Requiring Action**

a. None

**7) Unfinished Business**

a. Update on Don Smith Litigation- Given by the Chairman

Tabled until the August 4, 2009 meeting (with the County Attorney present)

**8) New Business**

a. Call for vote on zoning issues:

i. Jamie Wilson – Conditional Use Mobile Home Variance

Recommended by the Planning and Zoning Commission for approval with no opposition.

Commissioner Fair motioned to approve the mobile home variance. Commissioner Davenport seconded the motion. Vice-Chairman Waters abstained. Motion carried.

ii. Hinton McLendon - Conditional Use Mobile Home Variance

Recommended by the Planning and Zoning Commission for approval with no opposition.

Commissioner Fair motioned to approve the mobile home variance. Commissioner Davenport seconded the motion. Vice-Chairman Waters abstained. Motion carried.

iii. Michael Godby - Conditional Use Mobile Home Variance

Recommended by the Planning and Zoning Commission for approval with no opposition.

Commissioner Fair motioned to approve the mobile home variance. Commissioner Davenport seconded the motion. Vice-Chairman Waters abstained. Motion carried.



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- iv. Clyde Swords – A-1 to C-1 for facility to build boat docks with recommended buffers Recommended by the Planning and Zoning Commission for approval with recommended buffers; no opposition. Commissioner Davenport motioned to approve the rezoning pending recommended buffers. Commissioner Fair seconded the motion. Vice-Chairman Waters abstained. Motion carried.
  - b. Request permission for temporary storage of trailer owned by Shirley M. Fair Vice-Chairman Waters motioned to approve 90 day storage of trailer. Commissioner Killingsworth seconded the motion. Commissioner Fair abstained. Motion carried.
  - c. Review and discussion on suggested ordinance for "gray water" – Commissioner Waters Vice-Chairman Waters requested postponing until August 4, 2009 meeting.
  - d. Review of quotes to replace HVAC system in Commission offices Commissioner Davenport motioned to table until August 4, 2009 meeting. Vice-Chairman Waters seconded the motion; motion carried.
  - e. Council of Governments Meeting Update – Commissioner Waters Vice-Chairman Waters gave the Board an overview of Ken Penuel's presentation of the Broadband Stimulus Package given at the Council of Governments Meeting on July 2<sup>nd</sup>, 2009.
  - f. Discussion on the Palace Club Alcoholic Beverage License – Commissioner Waters Commissioner Waters made the following motion: " Motion to rescind the July 7, 2009 decision by the BOC regarding suspension of Mr. King's (a.k.a., The Palace) alcohol license; limit punishment to "suspended-time incurred" and thereby restore the alcohol license to Mr. King as the decision is, by my observation:
    1. Discriminatory: It mandates "second offense" punishment against one individual and has yet to be adopted and incorporated into the ordinance by the BOC;
    2. Stated conditional treatment/punishment does not appear under "First Offense" in Chapter 111: Alcoholic Beverages, Sec. 111.20, "Suspension, revocation, denial of renewal or transfer" and should be considered as too severe;
    3. County did not comply with Sec. 111.20 (A), specifically minimum time frame (3 days) for written notification of public hearing meeting;
    4. County written notification of decision quoting Sec. 111.21 (D) does not support conditional installation of video cameras decision by the BOC; and,
    5. Public perception of a conflict of interest of the Chairman on behalf of the County Sheriff."Commissioner Davenport seconded the motion. Vice-Chairman Waters, Commissioners Davenport and Fair voted yea; Chairman Shivers abstained; Commissioner Killingsworth voted nay. Motion carried.
  - g. Discussion on Board of Equalization request for Per Diem Postponed for further investigation
- 9) **Comments from the Public**  
Ken Penuel commented that the volunteers that travel on county business don't get a per diem. Phil Wills stated that the Board of Equalization members are appointed by jurors and sworn in by the judge.
- 10) **Comments from Department Heads & Constitutional Officers**  
None
- 11) **Administrator Comments, Reports & Recommendations**
- a. Update on Drag Nasty Creek Bridge Demolition and construction of the bridge will begin the week of July 20<sup>th</sup>, 2009. The bridge will be closed until approximately September 2010. The approximate cost of the replacement bridge is \$1.8 million dollars.
  - b. USDA Water System Funds Clay County has \$85,192.00 of CDBG grant dollars to expedite by August 31<sup>st</sup>, 2009.
- County Administrator informed the Board of an indigent death in the county and suggested appointing a county guardian for such matters, notified them that the county has been asked if Clay County EMS can be on site for the Boat Drag Race scheduled for August 22<sup>nd</sup> and 23<sup>rd</sup>, 2009, and gave suggestions from Regions Bank to close the sweep accounts due to the fees incurred; Vice-Chairman Waters requested placing the discussions on the agenda for the August 4<sup>th</sup>, 2009 BOC meeting.
- 12) **Comments from the Board**  
Vice-Chairman Waters asked County Administrator Ward to keep the Board informed of information received from the Workforce Ready meetings and would like to see the following placed on the August 4<sup>th</sup>, 2009 agenda:  
Attorney Fees- Accountability for how the Attorney charges the County  
Gateway Grant Program- Grant money for sidewalk repair



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Mowing / Maintenance Agreement- This agreement allows local governments to mow state roads within their community limits.

Commissioner Davenport thanked County Administrator Ward for her help on the Pecan Road issue. Commissioner Fair asked on behalf of Dorothy Wells if the county will mow across the front of her yard the next time the Public Works crew has the arm mower on Creddles Mill Road.

- 13) **Invoices to Be Approved**  
Vice-Chairman Waters motioned to approve invoices. Commissioner Fair seconded the motion; motion carried.
- 14) **Consent Agenda - None**
- 15) **Executive Session (If Needed)**
- 16) **Continuing Business as a result of Executive Session (If needed)**
- 17) **Adjourn**  
The meeting adjourned at 9:02 p. m.

David Shivers

David Shivers, Chairman

8-18-09

Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE JULY 21, 2009 MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Adria Williams

Adria Williams, County Clerk

8/18/09

Date