



## CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia  
Amended Minutes

September 21, 2010  
Regular Meeting  
7:00 p.m.

- 1) **Call to Order and Opening Prayer**  
Vice Chairman Waters, acting Chairman, called the regular meeting to order at 7:00 p.m. Commissioner Fair gave the opening prayer. Vice Chairman Barry Waters and Commissioners James Davenport, Walt Killingsworth, and Radar Fair, Sr. were in attendance as well as County Administrator Spencer Mueller, Code Enforcer Mitch Ellis, Accounts Payable Clerk Lori McMullen, and County Clerk Adria Williams. Chairman David Shivers was unable to attend.
- 2) **Agenda Approval**  
"Cynthia Brooks- South of the Border closing hours", under agenda line item 9) Comments from the Public, was removed from the agenda. Under 8) New Business, line item 8j) Regions Bank Resolution was added. Motion made by Commissioner Killingsworth to approve the agenda as corrected. Motion seconded by Commissioner Fair. All in favor; motion carried.
- 3) **Annual Appointments - None**
- 4) **Presentations before the Board**
- 5) **Minutes**
  - a. September 7, 2010 Zoning Public Hearing  
Motion made by Commissioner Davenport to approve the September 7, 2010 Zoning Public Hearing. Motion seconded by Commissioner Fair. All in favor; motion carried.
  - b. September 7, 2010 Regular Meeting  
Motion made by Commissioner Fair to approve the September 7, 2010 Regular Meeting minutes. Motion seconded by Commissioner Davenport. All in favor; motion carried.
  - c. September 15, 2010 Work Session  
Motion made by Commissioner Fair to approve the September 15, 2010 Work Session. Motion seconded by Commissioner Davenport. All in favor; motion carried.
- 6) **Correspondence Requiring Action**
- 7) **Unfinished Business**
  - a. Call for Vote – Don Mathis- Conditional Use Permit for Mobile Home (006D-048, 050, 052, and 061) and Front Yard Variance (006D-048 and 061)  
Motion made by Commissioner Davenport to approve the conditional use permit for mobile home for Mr. Mathis. Motion seconded by Commissioner Fair. Commissioner Davenport withdrew his original motion. Motion made by Commissioner Davenport to approve the conditional use permit for mobile home for Mr. Mathis. Motion seconded by Commissioner Killingsworth. Commissioners Davenport, Killingsworth, and Fair all voted yea; motion carried. Motion made by Commissioner Fair to approve the front yard variance on 006D-048 and 006D-061. Motion seconded by Commissioner Davenport. Commissioners Killingsworth, Davenport, and Fair all voted yea; motion carried.
  - b. Approval of adding Liberty National Life Insurance Company to the County Employee Benefits Package  
Commissioner Davenport stated that he wanted to hear the information the agents were to bring back to the board. Vice Chairman Waters replied that a motion and second was needed before discussion. Motion made by Commissioner Fair to approve adding Liberty National Life Insurance Company to the county employee benefits package. Motion seconded by Commissioner Killingsworth. Agent Allen Whigham answered the question in regards to the no cost accidental death policy exclusion on drugs and



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alcohol as it pertains to the individual with coverage. The exclusion pertains to the individual not the person with them, the official word from the company's underwriters. The first year of coverage is free; afterwards, the employee would pay \$10 a year to keep the coverage. Commissioner Fair asked if the policy was only for county employees. Mr. Whigham replied no. Commissioners Killingsworth, Davenport and Fair voted yea; motion carried.

### 8) New Business

- a. Approval of Resolution 10-072 Amend SPLOST Fund FY10  
Motion made by Commissioner Fair to approve Resolution 10-072 Amend SPLOST Fund Fiscal Year 2010. Motion seconded by Commissioner Davenport. All in favor; motion carried.
- b. Approval of Resolution 10-073 Amend General Fund FY10  
Motion made by Commissioner Fair to approve Resolution 10-073 Amend General Fund Fiscal Year 2010. Motion seconded by Commissioner Davenport. All in favor; motion carried.
- c. Approval of Resolution 10-074 Amend E911 Phase I Fund FY10  
Motion made by Commissioner Killingsworth to approve Resolution 10-074 Amend E911 Phase I Fund Fiscal Year 2010. Motion seconded by Commissioner Fair. All in favor; motion carried.
- d. Approval of Resolution 10-075 Amend LCR E911 Fund FY10  
Motion made by Commissioner Fair to approve Resolution 10-075 Amend LCR E911 Fund Fiscal Year 2010. Motion seconded by Commissioner Killingsworth. Commissioner Davenport asked why they couldn't have E911 get supplies from our office. Commissioner Killingsworth stated that county doesn't own them. All in favor; motion carried.
- e. Approval of Resolution 10-076 Amend Multi-Grant Fund FY10  
Motion made by Commissioner Fair to approve Resolution 10-076 Amend Multi-Grant Fund Fiscal Year 2010. Motion seconded by Commissioner Killingsworth. All in favor; motion carried.
- f. Approval of Resolution 10-077 Amend Water Fund FY10  
Motion made by Commissioner Fair to approve Resolution 10-077 Amend Water Fund Fiscal Year 2010. Motion seconded by Commissioner Killingsworth. All in favor; motion carried.
- g. Approval of Albany Tech request for Office Space Occupied by Men of Clay  
Motion made by Commissioner Davenport to approve office space occupied by Men of Clay for Albany Tech. Motion seconded by Commissioner Fair. Vice Chairman Waters asked Mr. Kenneth Sumpter what group he was affiliated with. Mr. Sumpter stated he was a regular citizen and is affiliated with Enrichment Services (notified Board that Clay County was just approved for funding to purchase computers and equipment relative to Albany Tech's...). Vice Chairman Waters explained the situation of the office space and advised referring the issue to the County Attorney for his review and advice. Vote not called for on the previous motion. Motion made by Commissioner Davenport to refer to the County Attorney (paraphrased by Vice Chairman Waters to include, "for his advice and requirements"). Motion seconded by Commissioner Killingsworth. All in favor; motion carried.
- h. Approval of Off System Safety Project Agreement  
Motion made by Commissioner Fair to approve the Off System Safety Project Agreement. Motion seconded by Commissioner Davenport. Vice Chairman Waters had a question in reference to page 11 and Commissioner Killingsworth wanted to know where it came from. The Administrator explained that it came from Georgia Department of Transportation. Vice Chairman Waters recommended not signing the agreement due to page 11 stating Fulton County and not Clay County. Commissioner Fair withdrew his motion. Motion made by Commissioner Fair to refer to the County Attorney for advice. Motion seconded by Commissioner Davenport. The appearance of the agreement didn't seem to have come from DOT so the Board asked for a clean copy of the document. Commissioner Fair withdrew his motion. Motion made



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### Amended Minutes

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by Commissioner Davenport to postpone until the meeting of the 23<sup>rd</sup> to discuss at the workshop and have a clean copy and modifications. Motion seconded by Commissioner Fair. Commissioners Davenport and Fair voted yea; Commissioner Killingsworth voted nay. Motion carried.

- i. Approval of the Regional Transportation Sales Tax Referendum  
Motion made by Commissioner Fair to approve the Regional Transportation Sales Tax Referendum. Motion seconded by Commissioner Davenport. Commissioners Davenport and Fair voted yea. Commissioner Killingsworth was a no vote. Three vote minimum needed to be adopted. Item not approved.
- j. Regions Bank Resolution  
Administrator Mueller explained that an account was needed for the Tax Commissioner's tax funds received from the state. Motion made by Commissioner Fair to open separate bank account for Tax Commissioner. Motion seconded by Commissioner Davenport. All in favor; motion carried.

#### 9) Comments from the Public

Sonia Thornton- 38 Creddles Mill Road- Mrs. Thornton felt that her rights had been violated when Cobb Electric entered on her property without permission to install emergency equipment on the utility pole. She also wanted to know whose electricity would be used. The situation will be looked into and Commissioner Fair will follow up with Mrs. Thornton.

Don Mathis- Mr. Mathis explained the utility easement for informational purposes only.

Mitch Ellis- Mr. Ellis notified the Board of the recommendation to have a structural engineer inspect the gym to tell them what needs to be done and how. The cost will be around \$75 - \$100 per hour. Motion made by Commissioner Davenport to add repairs to the old gym to the agenda for discussion to authorize the County Administrator to investigate repair options for the old gym. The motion died from a lack of a second.

Aaron Feyes- Introduction- General Manager of Meadow Links Golf Course- Mr. Feyes stated that the golf course's budget for next July had been approved. If he was needed for any meetings or if anything was needed from the golf course, the Board could contact him.

#### 10) Comments from Department Heads & Constitutional Officers

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

Administrator Mueller informed the Board of the following:

1. Regions safe deposit box purchased to store the bank CD's
2. Possible addition of 39 new water customers
3. E911 One GA Grant nearing close

#### 12) Comments from the Board

Vice Chairman Waters briefed the Board on the CDBG grant for extending the water system being denied, gave them copies of the revised Alcoholic Beverage Ordinance for review and asked that it be placed on the agenda for the next meeting, spoke about getting a hand on attorney fees, complimented the clerk in reference to the Bank of Early CD resolution, supplied the Board with the Behavioral Health contact list, stated that the draft of the manufactured housing requirements is complete and an occupancy limit ordinance draft was added for review, stated that his review of the county clerk was complete and had a copy of it if they wanted to see it, informed them it was time for the County Administrator's sixth month evaluation; the County Administrator preferred individual evaluations when asked, and notified them that there will be a Sowega Mobile Farmers Market meeting on Sept. 27<sup>th</sup> from 11 a.m. to 2 p.m. (clerk to notify legal organ of possible quorum) and of being approached by a citizen about adding basketball courts to the tennis courts. He asked if the Board would consider sharing the cost, if



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reasonable, with the City of Fort Gaines of putting up a couple of basketball courts, attaching them to the tennis courts.

Commissioner Davenport asked the Administrator to instruct the Public Works Director to mention remote county roads to DOT.

**13) Invoices to Be Approved**

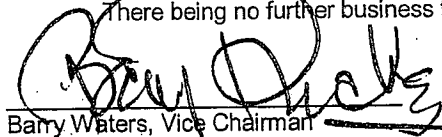
Motion made by Commissioner Fair to approve the invoices. Motion seconded by Commissioner Davenport. All in favor; motion carried.

**14) Consent Agenda**

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

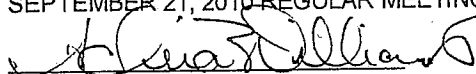
**16) Adjourn**

Motion made by Commissioner Killingsworth to adjourn.  
There being no further business the regular meeting adjourned at 8:22 p.m.

  
Barry Waters, Vice Chairman

9/21/10  
Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE SEPTEMBER 21, 2010 REGULAR MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

  
Adria Williams, County Clerk

9/22/2010  
Date

# RESOLUTION 10-072

A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the SPLOST 2006-2012 Fund as follows:

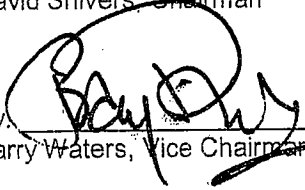
	<u>Original</u>	<u>Amended</u>
EXPENSES, by Function		
SPLOST – Road Projects	\$ 23,125.37	\$ 22,778.37
SPLOST – Backhoe Lease	\$ 0.00	\$ 347.00
<b>TOTAL EXPENSES</b>	<b><u>\$ 23,125.37</u></b>	<b><u>\$ 23,125.37</u></b>

2. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED after the first and only reading this 21st day of September, 2010.

COUNTY OF CLAY, STATE OF GEORGIA

BY: \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
David Shivers, Chairman

By:  \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
Barry Waters, Vice Chairman

BY: Radar Fair  
Radar Fair

Yea  Nay  Abstain  No Vote

BY: James Davenport  
James Davenport

Yea  Nay  Abstain  No Vote

BY: Walt Killingsworth  
Walt Killingsworth

Yea  Nay  Abstain  No Vote

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Clay County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Clay County in public meeting assembled on September 21<sup>st</sup>, 2010, the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.

Adria Williams  
Adria Williams, County Clerk

## RESOLUTION 10-073

### A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the SPLOST 2006-2012 Fund as follows:

	<u>Original</u>	<u>Amended</u>
EXPENSES, by Function		
Commissioners - Travel	\$ 6,000.00	\$ 6,500.00
Admin - Prof Svs - SR Atty	\$ 44,800.00	\$ 48,027.00
Admin - Penalties & Interest	\$ 5,200.00	\$ 9,749.00
Tax Comm.- Salaries	\$ 25,675.00	\$ 31,947.00
Tax Comm. - Supplies & Mat	\$ 1,000.00	\$ 1,250.00
Tax Comm. - Office Supplies	\$ 2,000.00	\$ 2,800.00
Tax Comm - Small Equip	\$ 1,000.00	\$ 200.00
Tax Comm - Sales Tax	\$ 1,500.00	\$ 0.00
Tax Comm - Rep & Maint	\$ 1,000.00	\$ 0.00
Tax Comm - Edu & Train	\$ 1,000.00	\$ 600.00
Tax Comm. - Dues & Fees	\$ 500.00	\$ 300.00
Bldg - Water - Shop	\$ 200.00	\$ 225.00
Bldg - Elect- All Voting Hses	\$ 2,650.00	\$ 3,000.00
Probate - Communications	\$ 3,000.00	\$ 3,500.00
Probate - Books & Periodicals	\$ 500.00	\$ 1,000.00
Sheriff - Repairs & Maint	\$ 8,000.00	\$ 8,250.00
Sheriff - Supplies & Materials	\$ 3,200.00	\$ 3,250.00
Sheriff - Cap Outlay - Vehicles	\$ 30,000.00	\$ 29,700.00
Fire - Small Equipment	\$ 1,000.00	\$ 1,852.00
EMS - Overtime	\$ 60,650.00	\$ 70,000.00
EMS - Profess Svs Bio	\$ 800.00	\$ 859.00
EMS - Repairs & Maint	\$ 3,900.00	\$ 4,200.00
EMS - Cell Phone	\$ 1,500.00	\$ 1,550.00
EMS - Medical Supplies	\$ 5,800.00	\$ 5,872.00
EMS - Gas & Oil	\$ 8,700.00	\$ 9,500.00
EMS - Refund	\$ 0.00	\$ 585.00
EMA - Local Grant Match	\$ 5,000.00	\$ 5,716.00
DFCS - Water	\$ 255.00	\$ 275.00
Extension - Telephone	\$ 1,315.00	\$ 1,338.00
Extension - Cell Phone	\$ 524.00	\$ 544.00
Extension - Travel	\$ 1,400.00	\$ 1,404.00


	<u>Original</u>	<u>Amended</u>
Extension – Other Equipment	\$ 238.00	\$ 500.00
Admin – Contingency	\$ 74,912.00	\$ 48,726.00
<b>TOTAL EXPENSES</b>	<b><u>\$303,219.00</u></b>	<b><u>\$ 303,219.00</u></b>

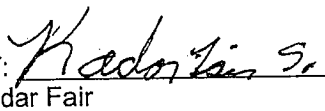
2. That this Resolution shall become effective immediately upon its passage.

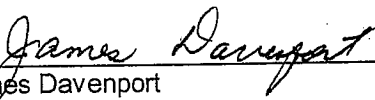
**PASSED AND ADOPTED** after the first and only reading this 21st day of September, 2010.

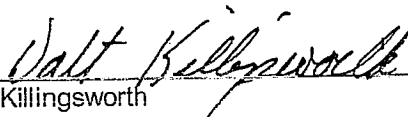
**COUNTY OF CLAY, STATE OF GEORGIA**

BY: \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
David Shivers, Chairman

BY:  \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
Barry Waters, Vice Chairman

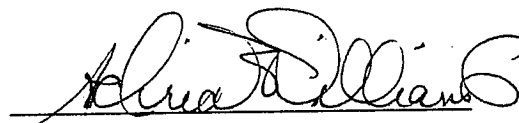
BY:  \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
Radar Fair

BY:  \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
James Davenport

BY:  \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
Walt Killingsworth

CLERK'S CERTIFICATE

*I, the undersigned Clerk of the Board of Commissioners of Clay County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Clay County in public meeting assembled on September 21<sup>st</sup>, 2010, the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.*

  
Adria Williams, County Clerk

# RESOLUTION 10-074

A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the E-911 Phase I Fund as follows:

	<u>Original</u>	<u>Amended</u>
REVENUES, by Function		
E-911 Phase I – Grant Revenue \$	0.00	\$ 9,358.00
EXPENSES, by Function		
911 Phase I – Equip Exp \$	0.00	\$ 9,358.00
<b>TOTAL EXPENSES</b>	<b><u>\$ 0.00</u></b>	<b><u>\$ 9,358.00</u></b>

2. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED after the first and only reading this 21st day of September, 2010.

COUNTY OF CLAY, STATE OF GEORGIA

BY: \_\_\_\_\_  
David Shivers, Chairman

Yea  Nay  Abstain  No Vote

By:  \_\_\_\_\_  
Barry Waters, Vice Chairman

Yea  Nay  Abstain  No Vote

BY: Radair Fair  
Radair Fair

Yea  Nay  Abstain  No Vote

BY: James Davenport  
James Davenport

Yea  Nay  Abstain  No Vote

BY: Walt Killingsworth  
Walt Killingsworth

Yea  Nay  Abstain  No Vote

CLERK'S CERTIFICATE

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Adria Williams  
Adria Williams, County Clerk

# RESOLUTION 10-075

A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the Lower Chattahoochee Regional E-911 Fund as follows:

	<u>Original</u>	<u>Amended</u>
EXPENSES, by Function		
LCR E-911 – Office Supplies	\$ 3,000.00	\$ 0.00
LCR E-911 – Equipment Exp	\$ 3,304.00	\$ 1,304.00
LCR E-911 – Clay County	\$ 37,688.00	\$ 42,688.00
<b>TOTAL EXPENSES</b>	<b><u>\$ 43,992.00</u></b>	<b><u>\$ 43,992.00</u></b>

2. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED after the first and only reading this 21st day of September, 2010.

COUNTY OF CLAY, STATE OF GEORGIA

BY: \_\_\_\_\_  
David Shivers, Chairman

Yea  Nay  Abstain  No Vote

By:   
Barry Waters, Vice Chairman

Yea  Nay  Abstain  No Vote

BY: Bradley Fair  
Bradley Fair

Yea  Nay  Abstain  No Vote

BY: James Davenport  
James Davenport

Yea  Nay  Abstain  No Vote

BY: Walt Killingsworth  
Walt Killingsworth

Yea  Nay  Abstain  No Vote

CLERK'S CERTIFICATE

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Adria Williams  
Adria Williams, County Clerk

# RESOLUTION 10-076

A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the Multi-Grant Fund as follows:

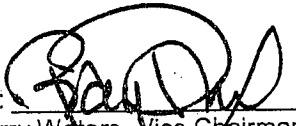
	<u>Original</u>	<u>Amended</u>
EXPENSES, by Function		
GEMA – Misc Grant Exp	\$ 99,779.81	\$ 105,540.00
EMA – Weather Siren Exp	\$ 23,500.00	\$ 17,739.00
<b>TOTAL EXPENSES</b>	<b><u>\$123,279.81</u></b>	<b><u>\$ 123,279.81</u></b>

2. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED after the first and only reading this 21st day of September, 2010.

COUNTY OF CLAY, STATE OF GEORGIA

BY: \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
David Shivers, Chairman

By:  \_\_\_\_\_  Yea  Nay  Abstain  No Vote  
Barry Waters, Vice Chairman

BY: Radon Fair  
Radon Fair

Yea  Nay  Abstain  No Vote

BY: James Davenport  
James Davenport

Yea  Nay  Abstain  No Vote

BY: Walt Killingsworth  
Walt Killingsworth

Yea  Nay  Abstain  No Vote

CLERK'S CERTIFICATE

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Adria Williams  
Adria Williams, County Clerk

**RESOLUTION 10-077**

**A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT RESOLVED** by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the Water Fund as follows:

EXPENSES, by Function	<u>Original</u>	<u>Amended</u>
Water – Rep & Maint	\$ 6,200.00	\$ 7,200.00
Water – Other Purchased Svs	\$ 450.00	\$ 0.00
Water – Dues & Fees	\$ 2,000.00	\$ 1,450.00
<b>TOTAL EXPENSES</b>	<b><u>\$ 8,650.00</u></b>	<b><u>\$ 8,650.00</u></b>

2. That this Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED** after the first and only reading this 21st day of September, 2010.

**COUNTY OF CLAY, STATE OF GEORGIA**

BY: \_\_\_\_\_  
David Shivers, Chairman

Yea  Nay  Abstain  No Vote

By:  \_\_\_\_\_  
Barry Waters, Vice Chairman

Yea  Nay  Abstain  No Vote

BY: Radon Fairs  
Radar Fair

Yea  Nay  Abstain  No Vote

BY: James Davenport  
James Davenport

Yea  Nay  Abstain  No Vote

BY: Walt Killingsworth  
Walt Killingsworth

Yea  Nay  Abstain  No Vote

CLERK'S CERTIFICATE

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Adria Williams  
Adria Williams, County Clerk