



# CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia

Minutes  
Amended

October 20, 2009  
Regular Meeting  
7:00 p.m.

**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. Vice-Chairman Waters, Commissioners James Davenport, Radar Fair, Sr., and Walt Killingsworth were in attendance as well as County Attorney Bill Mills, Sheriff Roger Shivers, County Administrator Pam Ward, Public Works Director Bobby Dupree, County Code Enforcer Mitch Ellis, and County Clerk Adria Williams.

**2) Agenda Approval**

The following items were added to the agenda:

- 8e. Alcoholic Beverage License Application- Samuel Freeman
- 8f. Discussion on Golden Triangle Cell Phone Donation
- 8g. Discussion on GEFA Grant
- 8h. Discussion on Personnel Policy Violation

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

**3) Annual Appointments**

- a. None

**4) Presentations before the Board**

- a. RFP Bid Opening for Backhoe – replaces expired contract.  
There were a total of four bids as follows:

Company Name	Cash Option	Trade-In Option	Guaranteed 5yrs/5000 hrs. Buyback
Albany Tractor Company	\$86,180.00	\$28,000.00	\$34,000.00
Atlanta JCB	\$78,123.05	No Trade	\$39,000.00
Border Equipment	\$99,500.00	\$29,000.00	\$22,000.00
Yancey Brothers	\$75,426.00	\$27,000.00	\$43,000.00

Vice-Chairman Waters motioned to postpone. Commissioner Fair seconded the motion; motion carried.

- b. David Baldwin – Forestry Commission Update on Clay County

Mr. Baldwin presented the Forestry Commission's annual report and informed the Board of the NFP/VFA Grant available for fire departments serving communities with a population of less than 10,000.

Vice-Chairman Waters motioned to complete the application for the NFP/VFA Grant. Commissioner Fair seconded the motion; motion carried.

**5) Minutes**

- a. Public Hearing for Zoning – October 6, 2009

Commissioner Davenport motioned to approve the minutes. Commissioner Killingsworth seconded the motion. Vice-Chairman Waters and Commissioner Fair abstained. Motion carried.

- b. Regular Meeting – October 6, 2009

Vice-Chairman Waters motioned to approve the minutes with the following change to line item 7)

Unfinished Business under *Actions pending which require additional information*; change "Vice-Chairman Waters motioned to table until response received from County Attorney Bill Mills.", to "Vice-Chairman Waters motioned to table."

Commissioner Killingsworth seconded the motion; motion carried.



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### 6) Correspondence Requiring Action

- a. None

### 7) Unfinished Business

- a. Discussion on County Attorney Opinion on Discipline of County Commissioners  
Vice-Chairman Waters motioned for evidence to be presented and referred to the Governor's office for disposition; motion died from the lack of a second. Commissioner Davenport motioned for the Board to establish guidelines to follow on the discipline of County Commissioners. Vice-Chairman Waters seconded the motion; motion carried.

### 8) New Business

- a. Request approval of ARRA Stimulus Award of \$66,200 for Clay County Transit  
Vice-Chairman Waters motioned to approve. Commissioner Fair seconded the motion; motion carried.
- b. Resolution 09-042 Amending FY09 Budget  
Vice-Chairman Waters motioned to approve. Commissioner Fair seconded the motion; motion carried.
- c. Call for vote on Zoning Applications: (Note all applications approved by Zoning Commission & RVRC)
  - i. Shirley and Radar Fair, Sr. – Conditional Use Permit for Mobile Home  
Vice-Chairman Waters motioned to approve. Commissioner Davenport seconded the motion. Commissioner Fair abstained due to personal conflict. Motion carried.
  - ii. Teresa Heard – Conditional Use Permit for Mobile Home  
Commissioner Fair motioned to approve. Vice-Chairman Waters seconded the motion; motion carried.
  - iii. David and Karen Rountree - Conditional Use Permit for Mobile Home  
Vice-Chairman Waters motioned to approve. Commissioner Fair seconded the motion; motion carried.
  - iv. Larry Wilborn - Conditional Use Permit for Mobile Home  
Commissioner Fair motioned to approve. Vice-Chairman Waters seconded the motion; motion carried.
  - v. Jimmy Blalock - Conditional Use Permit for Mobile Home  
Vice-Chairman Waters motioned to approve. Commissioner Fair seconded the motion; motion carried.
  - vi. Steve Potts - Conditional Use Permit for Mobile Home  
Commissioner Fair motioned to approve. Vice-Chairman Waters seconded the motion; motion carried.
  - vii. Larry Kennedy - Conditional Use Permit for Mobile Home  
Commissioner Fair motioned to approve. Commissioner Davenport seconded the motion; motion carried.
- d. Request from River Valley Regional Commission for nomination of "Regionally Important Resources"  
Vice-Chairman motioned to postpone. Commissioner Fair seconded the motion; motion carried.
- e. Alcoholic Beverage License Application- Samuel Freeman  
Mr. Freeman spoke in favor of his application. Mr. Ralph Davis was in opposition to the application as well as a letter being submitted reflecting opposition.  
Vice-Chairman Waters motioned to postpone. Commissioner Davenport seconded the motion; motion carried.
- f. Discussion on Golden Triangle Cell Phone Donation  
Vice-Chairman Waters motioned to allow donation of used County cell phones to Golden Triangle.  
Commissioner Davenport seconded the motion; motion carried.
- g. Discussion on GEFA Grant  
Vice-Chairman Waters motioned to grant permission to apply for grant. Commissioner Fair seconded the motion; motion carried.  
Commissioner Fair motioned to withdraw motion and postpone until next meeting. Commissioner Killingsworth seconded the motion; motion carried.
- h. Discussion on Personnel Policy violation  
A discussion was held as to whether a personnel policy violation had been committed in regards to a county employee being placed on administrative leave without the Board's approval.



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Commissioner Fair motioned to go into executive session, "in order to know what's going on before making a decision." Commissioner Davenport seconded the motion. Vice-Chairman Waters voted no. Motion carried.

**9) Comments from the Public**

Ken Penuel informed the Board of the Broadband Grant application being one of 22 applications recommended by Governor Perdue for the Federal Stimulus Grant and asked for approval to apply for the Recreational Trail Grant. Vice-Chairman motioned to grant permission to apply for the Recreational Trail Grant. Commissioner Fair seconded the motion; motion carried.

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

Sheriff Shivers- "I do have one thing. I think it's very, very important. The request from River Valley Regional Commission for nomination of Regionally Important Resources; I think we particularly need to put in the extraordinary amount of hot air that's generated in this room should be a terrific boom in the generation of electricity. Pontification is right there with it; one of the two major things I think we can put on there. That's all we got."

Mitch Ellis- Notified the Board of three citations he's preparing to issue:

1. Raymond Blount (Raymond's Place)- Building Permit for covering over gas pumps
2. Ellis McCoy- Cease business due to commercial re-zoning request being denied.
3. Female Resident from Fains Hatchery Road- Mobile home needing to be moved from property(Permit issued for new mobile home; old mobile home has been moved to the back of the property)

Mr. Ellis stated that he would appreciate comments from the Board. Vice-Chairman Waters asked what the procedure was for the individual with the trailers; if the individual would receive a letter of notification of the citation or if a citation would just be issued. Mr. Ellis stated that a citation would be issued. He informed the Board of the time frame that has been given to each of the individuals above. There were no further comments from the Board.

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

None

**12) Comments from the Board**

Chairman Shivers stated that he had contacted GA Dept. of Transportation's Head Office and was informed that the state right-of-ways will be mowed within two weeks and apologized for it not being done already. Commissioner Fair commented on the condition of Macedonia Road and asked for it to be scraped. Vice-Chairman Waters provided the Board with copies of the audio file of the October 8<sup>th</sup>, 2009 Council of Governments Meeting, informed them of his liking to find out from Evan Simmons, Randolph County Board of Commissioners Chairman, who his sources are in Atlanta in reference to the statement, "Should we abolish county lines among smaller poor counties in Georgia? Most of Atlanta thinks so; many in the Legislature agree." from the Citizen News article read at the October 8<sup>th</sup> meeting. (Email response from Rep. Gerald Greene stated that he didn't know anything about it.), suggested the Board consider some sort of recognition for Morris Spann's fifty-four years of County service, and notified the Board that he had emailed the state revenues to them and of the email he received from Becky Stewart concerning the Board of Health's budget not reflecting the approved County participation increase of \$4500.00 monthly to \$5700.00 monthly. County Administrator Ward stated not recollecting the increase and of it not being in her budget notes. Chairman Shivers stated that the June meetings would have to be reviewed to see if that was the case and adjust the budget accordingly.

**13) Invoices to Be Approved**

Vice-Chairman Waters motioned to approve the invoices. Commissioner Davenport seconded the motion; motion carried.

**14) Consent Agenda**

None



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

Commissioner Fair motioned to enter into executive session at 8:58 p.m. for an update from the County Attorney on the Donald Smith case and a discussion on a personnel issue. Commissioner Davenport seconded the motion; motion carried.

Executive Session began at 8:58 p.m.

Commissioner Davenport motioned to come out of executive session at 9:31 p.m. Vice-Chairman Waters seconded the motion; motion carried.

Executive Session ended at 9:31 p.m.

**16) Continuing Business as a result of Executive Session (If needed)**

Vice-Chairman Waters motioned to instruct the employee to return to work. Commissioner Fair seconded the motion; motion carried.

**17) Adjourn**

The regular meeting adjourned at 9:33 p.m.

Handwritten signature of David Shivers in cursive.

David Shivers, Chairman

Handwritten date "11/3/2009" in cursive.

Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE OCTOBER 20, 2009 MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Handwritten signature of Adria Williams in cursive.

Adria Williams, County Clerk

Handwritten date "11/3/2009" in cursive.

Date