



CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia

AMENDED MINUTES

November 2, 2010

Regular Meeting

7:00 p.m.

- 1) **Call to Order and Opening Prayer**
Chairman 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 Walt Killingsworth, James Davenport, and Radar Fair, Sr. were all in attendance as well as the County Attorney Bill Mills and County Clerk Adria Williams.
- 2) **Agenda Approval**
Motion made by Commissioner Fair to approve the agenda without any changes. Motion seconded by Commissioner Killingsworth. Commissioner Fair and Commissioner Killingsworth voted in favor. Commissioner Davenport voted nay and Vice Chairman Waters abstained. Motion carried.
- 3) **Annual Appointments - None**
- 4) **Presentations before the Board**
 - a. Oretha Irvin- 1221 Eufaula Highway- Road Concern
Motion made by Commissioner Davenport to go ahead and fix Ms. Oretha Irvin's driveway. Motion seconded by Vice Chairman Waters. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- 5) **Minutes**
 - a. September 29, 2010 Special Called Meeting
Motion made by Commissioner Fair to approve the September 29, 2010 Special Called Meeting minutes. Motion seconded by Vice Chairman Waters. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
 - b. October 14, 2010 Special Called Meeting
Motion made by Commissioner Fair to approve the October 14, 2010 Special Called Meeting minutes. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
Motion made by Vice Chairman Waters to add under Unfinished Business the Approval of the Public Defender's Invoice. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioner Davenport voted yea. Commissioners Fair and Killingsworth voted nay. Chairman Shivers voted nay. Motion failed.
 - c. October 19, 2010 Regular Meeting
Motion made by Commissioner Davenport to approve the October 19, 2010 Regular Meeting minutes. Motion seconded by Vice Chairman Waters. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
 - d. October 21, 2010 Work Session
Motion made by Commissioner Fair to approve the October 21, 2010 Work Session minutes. Motion seconded by Vice Chairman Waters. Vice Chairman Waters and Commissioners Fair and Killingsworth voted yea. Commissioner Davenport abstained. Motion carried.
- 6) **Correspondence Requiring Action**
- 7) **Unfinished Business**
 - a. Violation of a Board Vote on September 29th by Two Commissioners
Motion made by Vice Chairman Waters to take no action as this was discussed at the last meeting. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried. Chairman Shivers stated that he just wanted to show that the minutes reflect that it was a Board decision. Commissioner Davenport stated that the Chairman allowed discussion at the last meeting. Chairman Shivers apologized. Commissioner Davenport did as well.



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- b. Board Approval for Travel Expenses prior to Meetings
Motion made by Vice Chairman Waters to take no action as this was discussed at the last meeting. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- c. Approval of Regulations for Pre-Owned Manufactured Homes and Referral to County Attorney
Motion made by Vice Chairman Waters to approve the draft for Regulations for Pre-Owned Manufactured Homes and refer to the County Attorney for final review. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioner Davenport voted yea. Commissioners Killingsworth and Fair voted nay. Chairman Shivers abstained. Motion failed.
Motion made by Commissioner Fair to table it until a later date; work shop. Motion died from lack of a second.
Motion made by Vice Chairman Waters to have Commissioner Fair and Commissioner Davenport revisit this and return suggested amendments to the Board. Motion seconded by Commissioner Fair. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- d. Approval of Communication Cell Tower Ordinance
Motion made by Vice Chairman Waters to approve the second reading of the Cell Tower Ordinance and set a public hearing date. Motion seconded by Commissioner Fair. Vice Chairman moved to have the first reading on the Cell Tower Ordinance. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- e. BOC Response to Questions and Concerns stated by Paul Munford in his 10/13/2010 Letter to the Board
Motion made by Vice Chairman Waters to take no action at this time. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.

8) New Business

- a. Approval of Yancey Brothers Heavy Equipment Survey
Motion made by Vice Chairman Waters to take no action at this time on this item. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- b. Approval of Installment Payments for Property Tax
Motion made by Vice Chairman Waters to approve installment payments on property tax in two six month increments. Motion seconded by Commissioner Davenport. Motion made by Vice Chairman Waters to modify his motion to set the time frame as per the suggestion of the Administrator. Motion made by Vice Chairman Waters to modify his motion to approve two installment payments as far as property tax is concerned. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- c. Approval of Resolution to Resolve Conflict in County Ordinance
Motion made by Vice Chairman Waters to approve the Resolution to Resolve Conflict with the Code of Ordinance. Motion seconded by Commissioner Fair. Vice Chairman Waters and Commissioners Fair and Davenport voted yea. Commissioner Killingsworth abstained. Motion carried.
- d. Approval of Merit Raises for Two County Employees
Motion made by Vice Chairman Waters to approve merit raises for two employees at the rate suggested. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- e. Internal Investigation of Open Records Request
Motion made by Vice Chairman Waters to take no action at this time due to errors in the memo. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- f. Approval of Hazard Mitigation Grant Program
Motion made by Vice Chairman Waters to approve the Hazard Mitigation Grant Program. Motion seconded by Commissioner Fair. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.



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- 9) **Comments from the Public**
Jamie Wilson-thanked Board for consideration of merit raise
Sandra Sacco-addressed the Board on addressing high-school dropout rates and workforce development
- 10) **Comments from Department Heads & Constitutional Officers**
Attorney Mills- informed the Board of the Comprehensive Water Stewardship Act. He will information available for them at the next meeting and suggested placing it on the next agenda.
- 11) **Administrator Comments, Reports & Recommendations**
Administrator Mueller- updated the Board on Road Striping Bid, County contract for culvert repair, Energy Conservation Grant bids
- 12) **Comments from the Board**
Commissioner Fair- informed the Board and Attorney of his correct email address and the Pataula Shores Circle citizen canvas report. He will meet with residents of that area on Saturday and report back to the Board.
Vice Chairman Waters- provided the Board with copies of the Administrator's evaluation, notified them of the Pandemic Flu Strategic Plan Meeting at the Clay County Health Department on November 8th at 1:30 pm, and of Clay EMS receiving an EKG monitor; he recognized Clay County EMS Paramedic, Matt Wall, for initiating and following through on the grant.
Commissioner Davenport- provided the Board with copies of the Citizen News article in reference to adding items to the agenda, and he expressed that he would like for the Board to be as courteous to each other as they were at this meeting.
Chairman Shivers- informed the Board of nominating an ACCG Legislative Coordinator, and stated he would like for them to consider making the Water System a fire district
- 13) **Invoices to Be Approved**
Motion made by Vice Chairman Waters to approve the invoices. Motion seconded by Commissioner Fair. Vice Chairman Waters and Commissioners Davenport, Fair, and Killingsworth voted yea; motion carried.
- 14) **Consent Agenda**
- 15) ~~Executive Session (If Needed)~~
- 16) **Adjourn**
There being no further business the regular meeting adjourned at 8:35 p.m.

David Shivers
David Shivers, Chairman

11/21/2011
Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE NOVEMBER 2, 2010 REGULAR MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Adria Williams
Adria Williams, County Clerk

11/21/2011
Date

RESOLUTION 10-082

AN ORDINANCE OF CLAY COUNTY, GEORGIA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 30.13, COMMUNICATIONS BETWEEN EMPLOYEES AND COMMISSIONERS AND ESTABLISHING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED by the County Commission of Clay County, Georgia as follows:

Section 1. That Sec. 30.13, Communications between employees and Commissioners, of the Clay County Code of Ordinances is hereby amended by amending Section 30.13, paragraph (D) to be deleted in its entirety.

Section 2. That all prior ordinances and resolutions of a permanent nature pertaining to the subjects of this Ordinance shall be deemed repealed from and after the effective date of this Ordinance.

Section 3. That this Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED after first and only reading in its entirety this 2nd day of November, 2010. COUNTY OF CLAY

STATE OF GEORGIA

BY: David Shivers Yea Nay Abstain Present
David Shivers, Chairman

BY: Barry Waters Yea Nay Abstain Present
Barry Waters, Vice Chairman

BY: James Davenport Yea Nay Abstain Present
James Davenport

BY: Radar Fair Sr. Yea Nay Abstain Present
Radar Fair, Sr.

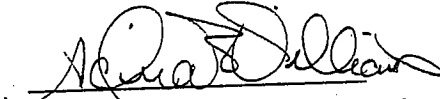
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BY: Walt Killingsworth Yea Nay Abstain Present
Walt Killingsworth

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, 11/02/2010, 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