



CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia
Minutes

December 1, 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 Fair gave the opening prayer. Vice-Chairman Barry Waters, Commissioners James Davenport, Radar Fair, Sr. and Walt Killingsworth were in attendance as well as County Attorney Bill Mills, County Administrator Pam Ward, Code Enforcer Mitch Ellis, Public Works Director Bobby Dupree, EMS Director Ron Brown, and County Clerk Adria Williams.
- 2) **Agenda Approval**

The following item was added to the agenda:

 - 8d. Discussion / Possible Action Concerning the Loss of Taxpayer Funds

Vice-Chairman Waters motioned to approve the agenda with changes. Commissioner Fair seconded the motion; motion carried.
- 3) **Annual Appointments**
 - a. None
- 4) **Presentations before the Board**
 - a. None
- 5) **Minutes**
 - a. November 17, 2009 Planning & Zoning Hearing
Vice-Chairman Waters motioned to approve the minutes of the public hearing of November 17th. Commissioner Killingsworth seconded the motion; motion carried.
 - b. November 17, 2009 Regular Meeting
Commissioner Killingsworth motioned to approve the November 17th minutes as written. Commissioner Davenport seconded the motion; motion carried.
- 6) **Correspondence Requiring Action**
 - a. None
- 7) **Unfinished Business**
 - a. Review of backhoe leasing options
Commissioner Fair motioned to approve purchasing the backhoe with leasing option one. Commissioner Davenport seconded the motion. Vice-Chairman Waters voted nay; motion carried.
- 8) **New Business**
 - a. Call for vote on Planning & Zoning Applications:
 - i. Wilmer Crozier – Extension of C-1 zoning to expand business
Commissioner Killingsworth motioned to approve. Commissioner Fair seconded the motion. Commissioner Davenport abstained. Motion carried.
 - ii. Bertram Gore – Conditional Use Permit for Mobile Home
Commissioner Fair motioned to approve. Commissioner Killingsworth seconded the motion. Commissioner Davenport abstained. Motion carried.
 - b. Request for approval of EMS Support Contract with Quitman County
One change was made to the contract; removing the names of the Chairman of each county. Vice-Chairman Waters motioned to approve the document with the stated changes. Commissioner Killingsworth seconded the motion; motion carried.
 - c. Consideration of Legal Organ
No action taken.
 - d. Discussion on loss of taxpayer funds
The Board discussed the issue of tax interest and penalties due to the IRS. No action taken.
- 9) **Comments from the Public**

Ken Penuel- Encouraged the Board members to attend the Flood Control Plan meeting on Friday, December 4th, 2009 due to the effects it could possibly have on some of the county's residents and the responsibility that the county could possibly inherit. He also informed them of the Broadband Grant being delayed a second time. County Administrator Ward publicly commended Mr. Penuel on the work he has done in getting the flood plain lowered to the actual lake level.



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Joe Miller- Clay County Resident- Addressed the Board with a refuse issue. Mr. Miller does not feel that it is right for the county to bill him refuse fees on a vacant mobile home even though the home has active utilities.

Vice-Chairman Waters motioned to add this issue to the agenda for the January 5th, 2010 meeting. The motion died from lack of a second.

10) Comments from Department Heads & Constitutional Officers

Code Enforcer Mitch Ellis notified the Board of the mobile home approved to be stored on the property of James Griffin for 120 days at the November 17th, 2009 meeting not being a 1990 model. The home has a 1968 Florida tag attached. Chairman Shivers stated that the Board approved a 1990 model being moved into the county; not the one in question. The Board was notified that action would be taken on this matter. Public Works Director Bobby Dupree sought the Board's opinion on the road department employees not working on rainy days. Vice-Chairman Waters stated that as long as it is applied equitably to all employees he had no argument.

11) Administrator Comments, Reports & Recommendations

a. Monthly Reports ending October 2009
The reports included bank balances, year-to-date budget, department reports from Public Works, EMS, and the County Attorney, web site usage, and employee activity. County Administrator Pam Ward notified the Board of Dorothy Bell Young's request by letter for a Grievance Hearing. The hearing was scheduled for Friday, December 4, 2009 at 6 p.m.

12) Comments from the Board

Vice-Chairman Waters questioned the County Attorney on the following items from the Attorney Report:
58. Excess Absenteeism County Employee- We have advised the compliance with the personnel policy in regard to any disciplinary actions. He asked if this applies to the issue pertaining to the Grievance Hearing. The answer from Attorney Mills was no.
59. Chairman Policy- We understand there has been an issue regarding the cancellation of a meeting by the Chairman. He asked what it was about. It was in reference to a special called work session but didn't require any action. Vice-Chairman Waters also expressed his disappointment with the Board for not taking action on the issue of the IRS penalties and interest.
Chairman Shivers informed the Board of County Administrator Pam Ward's decision to resign. The Board's decision is to postpone until the January meeting. If an equitable solution is not made by then; advertisement for the position will began.

13) Invoices to Be Approved

Commissioner Fair motioned to approve the invoices. Commissioner Killingsworth seconded the motion; motion carried.

14) Consent Agenda

15) Executive Session (If Needed)

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

17) Adjourn

There being no further business, the regular meeting adjourned at 8:22 p.m.

David Shivers, Chairman

1-6-2010
Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE DECEMBER 1, 2009 MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Adria Williams, County Clerk

1-6-2010
Date