



CLAY COUNTY BOARD OF COMMISSIONERS  
Commission Chambers, Fort Gaines, Georgia  
Minutes  
Amended 3/17/09

March 3, 2009  
7:00 p.m.

- 1) **Call to Order and Opening Prayer** – Chairman David Shivers called the regular session of the Clay County Board of Commissioners to order at 7:00 p.m. Commissioners Shivers, Waters, Killingsworth, Fair and Davenport were in attendance. Additionally, Administrator Ward and County Clerk Smith were present.
- 2) **Agenda Approval** – Commissioner Waters requested item 15) Executive Session be added to the agenda for possible misappropriations of county funds by a county employee. Commissioner Davenport seconded the motion; motion carried. Commissioner Killingsworth motioned to approve agenda as amended. Commissioner Waters seconded the motion; motion carried.
- 3) **Annual Appointments**  
None
- 4) **Presentations before the Board**  
a. Mr. Perry Alexander – New Horizons review of activities. Mr. Perry Alexander and Caroline Goff presented an updated of activities of New Horizon to the commission. They also expressed their appreciation for the Coleman Social Services Building.
- 5) **Minutes**  
a. February 17, 2009 – Two changes were made to the minutes of February 17, 2009  
Item 7b) striking "until State Representative can be contacted for further clarification"  
Item 12) correct spelling error "singed" to "signed".
- 6) **Correspondence Requiring Action**  
a. None
- 7) **Unfinished Business**  
a. Resolution 09-030 Requesting an Act to create the Lower Chattahoochee Regional Transportation Authority – Commissioner Waters motioned to table resolution 09-030. Motion died for lack of a second. Commissioner Davenport motioned to approve 09-030 with the stipulation of an "opt out" clause to be added to the act that would allow counties to discontinue being members of the authority. Motion was seconded by Commissioner Killingsworth; motion carried. Commissioner Waters voted Nay.  
b. Request for Alcoholic Beverage License – Fredrick B. Cannon D/B/A South of the Border. Commissioner Waters motioned to postpone review of application to the next meeting when applicant would be present. Commissioner Davenport seconded; motion carried. Commissioner Shivers voted Nay. Commissioner Waters motioned to reopen discussion of Alcoholic Beverage license upon arrival of applicant. Commissioner Davenport seconded. Motion carried. Commissioner Fair motioned to postpone application review until next meeting for applicant to complete the application. Motion seconded by Commissioner Waters; motion carried. Commissioner Shivers voted Nay.
- 8) **New Business**  
a. Regional Update and Plan – LCRDC – Commissioner Waters advised commission to review the regional update and plan and requested any corrections or additions be directed to him by 3/11/09 to the LCRDC can be advised.  
b. Consideration and discussion to change to Ordinance 06-004 – Occupation Taxes for Businesses (request of Sheriff)
  - i. Require all business to obtain license
  - ii. Create a complaints/compliment file on all businesses
  - iii. Intent is to reduce fraud and fly by night contractors/businesses that are cheating our residentsSheriff Shivers reviewed his concerns with fraudulent businesses taking advantage of Clay County residents and made the above recommendations. The Administrator was asked to have the County Attorney review and make suggestions to amend the Occupation Tax Ordinance if appropriate.  
c. Consideration to change the current "court appearance" per diem policy for deputies who are subpoenaed to court when off duty (request of Sheriff) to pay their normal hourly rate during court duty. Sheriff Shivers explained his desire to pay the Deputies their regular hourly rate when they have court appearances on their days off. Commissioner Waters made a motion to pursue with county attorney. Commissioner Fair seconded; motion carried. Administrator is to contact county attorney to see if the county can waive state per diem and pay hourly rates.



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- 9) **Comments from the Public** - Mr. Gary Day and Mr. Phillip Wills voiced concerns over possible additional costs to taxpayers if Deputy's are paid their hourly wage versus their per diem rate.
- 10) **Comments from Department Heads & Constitutional Officers**
  - a. None
- 11) **Administrator Comments, Reports & Recommendations**
  - a. None
- 12) **Comments from the Board** – Commissioner Waters advised the commission that the USDA would like to write grants for heavy equipment, the State of Georgia has restored funding for the Meals on Wheels program and requested an update on the Yellow Pines projects. Administrator Ward reminded him there was an update at the last meeting and had been no changes to date. He also advised the commission should contact our House Representative Gerald Greene on HB83. Commissioner Waters requested a list of committees and board. The Administrator advised there were notebooks kept in the Administrators office that contained minutes, rosters, etc. of all commissions and boards that reported. In addition the boards are listed on our county web site. The administrator will endeavor to create a document for same in the next few weeks.

Commissioner Shivers requested to set a date for a budget workshop of Friday, March 6, 2009 at 6:00 p.m. in the commission chambers. Administrator will advertise.

Commissioner Killingsworth asked about the refund for Planning & Zoning applicants. It was left off of this agenda. Will be placed on the next meeting agenda for discussion.

- 13) **Invoices to Be Approved** – Motion was made by Commissioner Waters to pay the bills. Commissioner Davenport seconded the motion; motion carried.
- 14) **Consent Agenda**
  - a. None
- 15) **Executive Session (If Needed)**  
 At 8:35 p.m. Commissioner Shivers suspended the regular business meeting and called the executive session to order for discussion of possible misappropriations of county funds by and county employee.  
  
 At 8:57 p.m. Commissioner Waters motioned to come out of executive session and return to the regular business session. Motion seconded by Commissioner Davenport; motion carried.  
  
 Commissioner Davenport made a motion to refer the allegations by Commissioner Waters to the County Attorney for review of possible liability issues. Motion was seconded by Commissioner Fair; motion carried.  
  
 Commissioner Shivers and Commissioner Fair strongly recommended some type of action to be taken when the personnel policies of not followed by the commissioners. Commissioner Waters stated commissioners are not bound by the policy. Commissioner Fair felt the commission should not ask employees to do anything they would not follow themselves. Commission suggested a code of ethics be considered. Commissioners were again asked to present information pertaining to issues to be considered by the board to the Administrator for inclusion in the Commission books.
- 16) **Adjourn** – Commissioner Fair motioned to adjourn at 9:15 p.m.

David Shivers  
 David Shivers, Chairman

3-17-09  
 Date

I HEREBY AFFIRM THAT I AM THE COUNTY ADMINISTRATOR AND THAT THIS IS A TRUE AND CORRECT COPY THE MARCH 3, 2009 MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Pam Ward  
 Pam Ward, County Administrator

3-17-09  
 Date