



CLAY COUNTY BOARD OF COMMISSIONERS  
Commission Chambers, Fort Gaines, Georgia  
MINUTES

Regular Meeting  
Tuesday, January 6, 2009  
7:00pm

**1) Call to Order and Opening Prayer**

Interim Vice-Chairman Shivers called the meeting to order at 7:00 p.m. Interim Vice-Chairman Shivers, Commissioner Barry Waters, Commissioner Walt Killingsworth, Commissioner James Davenport and Commissioner Radar Fair, Jr. were present. Also in attendance were Administrator Pam Ward, County Clerk Teresa Smith and Attorney Bill Mills. Commissioner Fair opened with prayer.

**2) Agenda Approval**

Commissioner Waters discussed the termination of Mr. Ellis McCoy and the conditions under which he was discharged. Motion by Commissioner Waters to approve the agenda with the following addition 14-c; Discussion regarding employee termination. Due to the nature of discussion, request the Board go into Executive Session. Second by Commissioner Fair. All in favor, motion carries.

**3) Annual Appointments**

- a. Commission Chairman – Motion by Commissioner Killingsworth to appoint Commissioner Shivers as Chairman of Clay County Board of Commissioners. Second by Commissioner Fair. Commissioner Waters voted nay, Commissioner Killingsworth voted yea, Commissioner Davenport voted yea, Commissioner Fair voted yea. Motion carries.
- b. Commission Vice-Chairman – Motion by Commissioner Davenport to appoint Commissioner Waters as Vice-Chairman of the Clay County Board of Commissioners. Second by Commissioner Fair. All in favor, motion carries.
- c. County Clerk - Motion by Commissioner Waters to appoint Teresa Smith as the Clay County Clerk. Second by Commissioner Davenport. All in favor, motion carries.
- d. County Attorney – Motion by Commissioner Waters to appoint Attorney Mills as Clay County Attorney. Second by Commissioner Killingsworth. All in favor, motion carries.
- e. County Auditor – Motion by Commissioner Waters to appoint Geer & Associates as Clay County Auditors. Second by Commissioner Killingsworth. All in favor, motion carries.
- f. County Depository – Motion by Commissioner Waters to retain Regions Bank as Clay County Depository. Second by Commissioner Killingsworth. All in favor, motion carries.
  - I. Designation of Signors: Administrator, Chairman, Vice-Chairman, plus one additional. Motion by Commissioner Waters to approve Commissioner Fair as the one additional signor. Second by Commissioner Killingsworth. All in favor, motion carries.

**4) Presentations Before the Board**

None

**5) Minutes**

- a. December 2, 2008 regular  
Motion by Commissioner Waters to postpone until next meeting, January 20, 2009. Second by Commissioner Killingsworth. All in favor, motion carries.

**6) Correspondence Requiring Action**

There was none

**7) Unfinished Business**



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a. Indigent Burials – There was a lengthy discussion between County Attorney and the Commissioners, resulting in the preceding motion.  
Motion by Commissioner Waters to have Attorney research case law regarding indigent burials and who could be responsible for payment. Second by Commissioner Davenport. All in favor, motion carries.

**8) New Business**

a. Application for beer and wine license – Pop's Gourmet Deli-Market & Catering, Inc  
Motion by Commissioner Waters to approve Beer and Wine license for Pop's Gourmet Deli-Market & Catering, Inc. Second by Commissioner Fair. All in favor, motion carries.

b. Request approval of Lease for Pataula Creek Park from USACE to Clay County Commission.  
Motion by Commissioner Waters to approve Pataula Creek Park Lease from USACE to Clay County. Second By Commissioner Killingsworth. All in favor, motion carries.

c. Appointment of representative to Council of Government from Commission.  
Motion by Commissioner Waters to appoint one of the new Commissioners, Commissioner Fair nominated Commissioner Davenport, Commissioner Davenport declined. Commissioner Waters withdrew his motion. Motion by Commissioner Waters to volunteer as representative to the Council of Government. Second by Commissioner Davenport. All in favor, motion carries.

d. Request to re-appoint Mr. Joe King and Mr. Bob Spicer to continuing terms on Hospital Authority for 2009-2012 term.  
Motion by Commissioner Davenport to re-appoint Mr. Joe King and Mr. Bob Spicer to the Hospital Authority for 2009- 2012 term. Second by Commissioner Waters. All in favor, motion carries.

e. Appointment of two new Planning & Zoning members to replace Anne Lynn and Phil Wills.  
Volunteers; Bill Kock, Roselle Moody, JoAnne Braxton and Gary Day.  
Motion by Commissioner Waters to appoint Roselle Moody and Gary Day to the Planning & Zoning Commission. Second by Commissioner Davenport. Commissioner Killingsworth voted nay, Commissioner Waters voted yea, Commissioner Davenport voted yea, Commissioner Fair voted yea, Commissioner Shivers voted yea. Motion carries.

f. Discussion on Census Bureau Statistical Areas Program and request for \$500 to off set cost of training to Lower Chattahoochee Regional Development Center.  
Motion by Commissioner Waters to approve payment of \$500 to Lower Chattahoochee Regional Development Center. Second by Commissioner Davenport. All in favor, motion carries.

g. Request from Cummins – Power South for Maintenance Agreement on back up generator for well pump.  
Postponed until next meeting; January 20, 2009.

h. Request to consider further development of new Ordinance for unsafe or unfit buildings or structures as recommended by the Planning & Zoning Commission.  
Postponed until next meeting; January 20, 2009.

**9) Comments from the Public**

Mr. Leonard Ricks requested temporary storage of Mobile Home, located off Blue Bird Ln, until his conditional use application is heard.  
Motion by Commissioner Waters to allow temporary storage of mobile home. Second by Commissioner Killingsworth. All in favor, motion carries.

**10) Comments from Department Heads & Constitutional Officers**  
None

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



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Planning & Zoning has requested Clay County change the Legal Organ. Which would need to be determined by Probate Judge, Superior Court Clerk and Sheriff. Request Board of Commissioners send letter to Legal Organ stating their concerns in-regard to the lack of advertisements being published. Commissioner Waters requested from the Board to allow the Constitutional Officers the opportunity to discuss this issue with the Legal Organ before anything is done. Motion by Commissioner Fair to send letter of concern to Legal Organ. Second by Commissioner Killingsworth. All in favor, motion carries.

**12) Comments from the Board**

Commissioner Waters handed out Lower Chattahoochee Regional Development Center report of accomplishments for the past year. The minutes are not done timely. Commissioner Shivers Piney Grove Rd. Mr. Rice can not get in to property. Request Bobby Dupree to look into problem. Commissioner Davenport request Bobby Dupree to look at drainage problem at Mt. Calvary Church. Motion by Commissioner Killingsworth to add discussion of pending litigation in Executive Session. Second by Commissioner Waters. All in favor, motion carries.

**13) Invoices to be Approved**

Motion by Commissioner Waters to approve the invoices as presented. Second by Commissioner Killingsworth. All in favor, motion carries.

**14) Consent Agenda**

- a. Request for annual budgeted funding to Economic Development Council for \$4,950.
- b. Request for annual budgeted funding to Library for \$2,500.
- c. Add item 15-a Ellis McCoy' termination and 15-b. Discussion of pending litigation.

Motion by Commissioner Waters to approve consent agenda. Second by Commissioner Killingsworth. All in favor, motion carries.

Commissioner Waters stated Mr. McCoy did not have his appeal with the Administrator in a timely manner, stated the county office did not follow their Personnel Policy. Wanted dates from Bobby Dupree as when the infractions took place. Wanted documentation from Administrator when she set-up the meeting with Mr. McCoy. Administrator nor Bobby Dupree had personnel file documentation at this time.

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

- a. Ellis McCoy's termination.
- b. Pending litigation.

Motion by Commissioners Waters to go into Executive Session in compliance with O.C.G.A. 50-14-3(6) at 9:06pm. Second by Commissioner Davenport.

Motion by Commissioner Waters to come out of Executive Session at 10:17pm. Second by Commissioner Davenport. No official action taken.

Motion by Commissioner Waters to waive dates of appeals as stated in Personnel Policy. Motion dies due to lack of second.

Motion by Commissioner Waters to go into Executive Session to discuss pending litigation at 10:18pm. Second by Commissioner Killingsworth. All in favor, motion carries.

Motion to come out of Executive Session at 10:24pm. Second by Commissioner Davenport. All in favor, motion carries. No action taken.

**16) Parliamentary Procedures – Board Continuation**

None

**17) Adjourn**



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Chairman Shivers adjourned the meeting at 10:26p.m.

David Shivers  
David Shivers, Chairman

Date

2.17.09

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE  
January 6, 2009 MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Teresa Smith  
Teresa Smith, County Clerk

Date

2.17.09

**CLOSED MEETING AFFIDAVIT**

STATE OF GEORGIA  
COUNTY OF CLAY

**AFFIDAVIT OF CHAIRMAN**

Gerald Von Anderson, III, Chairman/Presiding Officer of the Clay County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1. The Clay County Board of Commissioners met in a duly advertised meeting on January 6, 2009

2. During such meeting, the Board voted to go into closed session.

3. The executive session was called to order at ~~9:00~~ 10:18 ~~8:44~~ p.m.

4. The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

X  Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and (insert the citation to the legal authority making the tax matter confidential) \_\_\_\_\_;

Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. §50-14-3(6);

Other (describe the exemption to the open meetings law):

\_\_\_\_\_ as provided in (insert the citation to the legal authority exempting the topic) \_\_\_\_\_.

5. The executive session was adjourned at 10:24 p.m.

This 6th day of January, 2009.

David Gamm, Chairman  
Clay County Board of Commissioners

Sworn to and subscribed Before me this 6 day of January, 2009.

Terese Smith  
Notary Public

My commission expires: MY COMMISSION EXPIRES JUNE 30, 2009

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  X   Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. §50-14-3(6);

         Other (describe the exemption to the open meetings law):

         as provided in (insert the citation to the legal authority exempting the topic)         .

5. The executive session was adjourned at 10:17 p.m.

This 6th day of January, 2009.

David Slavin, Chairman  
Clay County Board of Commissioners

Sworn to and subscribed Before me this 6 day of January, 2009.

Verisa Smith  
Notary Public

My commission expires: MY COMMISSION EXPIRES JUNE 30, 2009