

MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BEN HILL COUNTY COMMISSIONERS  
HELD ON SEPTEMBER 7, 2010 AT 6:30 PM  
IN THE BEN HILL COUNTY COUTHOUSE ANNEX

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Those present for the meeting were as follows:

Philip C. Jay, III	Chairman
O. D. Netter	Vice Chairman
Scott Downing	Commissioner
Kathy Davis	Commissioner
Richard Goodman	Commissioner
Paula J. Jones	Acting County Manager/Clerk
Toni Sawyer	County Attorney
Trish Beard	Deputy Clerk

Chairman Philip C. Jay, III called the meeting to order.

Chaplain Bob Tate from Fitzgerald Home Church gave the invocation.

Everyone gave the pledge of allegiance.

Commissioner Scott Downing made a motion to suspend the portion of the County meetings Ordinance 2-192, that states that every Commissioner must address the chair and not each other also to suspend 2-195 which will allow the Commissioner's to address public speakers and each other. Commissioner Kathy Davis seconded the motion, which passed unanimously.

Commissioner Richard Goodman made a motion for commission to go back to regular meeting rules to allow Commissioners free discussion. Vice-Chairman O.D. Netter seconded the motion. Commission discussed this motion and no vote was taken.

Vice-Chairman O.D. Netter made a motion to table the previous motion for meeting rules until further into the agenda. Commissioner Kathy Davis seconded the motion, which passed unanimously.

Public comments were heard as follows:

Commissioner Scott Downing made a motion to allow speakers to give up their speaking time to others wishing to speak. Commissioner Kathy Davis seconded the motion, which passed unanimously.

Janet McMahan spoke on cancer in Ben Hill County and Fitzgerald.

Commissioner Richard Goodman made a motion to allow Gina Wiggins to give her speaking time to Janet McMahan. Commissioner Scott Downing seconded the motion, which passed unanimously.

Commissioner Richard Goodman made a motion to extend Janet McMahan's time to speak. Commissioner Scott Downing seconded the motion, which passed unanimously.

Commissioner Kathy Davis stated that we need to look into a grant for cancer research for Fitzgerald, Ben Hill County.

Jack Bryant spoke against the coal plant and how it would affect agriculture.

Commissioner Kathy Davis made a motion to allow Jack Bryant to speak for 14 minutes regarding the coal plant and how it would affect agriculture. Commissioner Richard Goodman seconded the motion, which passed unanimously.

Commissioner Kathy Davis made a motion to extend Jack Bryant's time to speak. Commissioner Richard Goodman seconded the motion, which passed unanimously.

Roger Norris spoke against the coal plant in Fitzgerald, Ben Hill County.

Claudia Kaminsky spoke against the coal plant and giving citizens the right to vote on the coal plant coming to the community.

Cheryl Garreau spoke against the coal plant in Fitzgerald, Ben Hill County.

John Wilcox spoke on coal ash and the affects it would have for Fitzgerald, Ben Hill County.

Ted Cowan spoke on allowing the citizens to vote on the coal plant.

Vice-Chairman O.D. Netter made a motion to recognize Janet McMahan to speak. Commissioner Richard Goodman seconded the motion, which passed unanimously.

Constitutional Officers: NONE

Elected Officials and Department Head Reports:

Road Superintendent Tim Kegebein requested to list equipment from the road department on GovDeals. He reported that they are still working on FEMA pipes.

Commissioner Scott Downing made a motion to accept the list and declare it as surplus to be sold on GovDeals. Commissioner Richard Goodman seconded the motion, which passed unanimously.

County Board Reports:

Vice-Chairman O.D. Netter reported on a loan for Allen Conger and Protein Plus through the Ben Hill County Development Authority.

County Manager's Report:

Acting County Manager/Clerk Paula Jones reported that Ben Hill County has been awarded a CDBG grant for the Queensland well which will go towards upgrading the well.

Approval of Agenda:

Annexation Request:

John & James Dorminy rezoned from G-F County to G-B City. Property is located at 303 Ocilla Hwy.

Vice-Chairman O.D. Netter made a motion to approve the annexation request for John and James Dorminy to be rezoned from G-F County to G-B City. Commissioner Scott Downing seconded the motion, which passed unanimously.

Jerry P. Harper rezoned from G-F County to G-B City. Property is located at 303 Ocilla Hwy.

Commissioner Scott Downing made a motion to approve the annexation request for Jerry P. Harper to be rezoned from G-F County to G-B City. Commissioner Richard Goodman seconded the motion, which passed unanimously.

#### Rezoning Request – NONE

#### Beer and Wine Application:

Beer application for Sue's Bait & Tackle located at 189 Mobley Bluff Rd. – Sue Haney.

Commissioner Kathy Davis made a motion to table this item due to the criminal history report having two different last names on it, Haney and Honey. Commissioner Scott Downing seconded the motion, which passed unanimously.

Commissioner Scott Downing made a motion to allow Acting County Manager/Clerk Paula Jones to meet with the applicant, Sue Haney for clarification of the application. Commissioner Kathy Davis seconded the motion, which passed unanimously.

#### Acceptance of prior month's minutes:

Vice-Chairman O.D. Netter made a motion to accept August 2, 2010 workshop meeting Minutes. Commissioner Scott Downing seconded the motion, which passed unanimously.

Commissioner Kathy Davis made a motion to accept August 3, 2010 commission meeting minutes. Commissioner Richard Goodman seconded the motion, which passed unanimously.

Commissioner Scott Downing made a motion to accept August 11, 2010 workshop meeting minutes. Commissioner Richard Goodman seconded the motion, which passed unanimously.

Commissioner Kathy Davis made a motion to accept August 23, 2010 workshop meeting minutes. Commissioner Richard Goodman seconded the motion, which passed unanimously.

Commissioner Kathy Davis made a motion to accept August 27, 2010 special call meeting minutes. Commissioner Richard Goodman seconded the motion, which passed unanimously.

#### Old Business:

#### October Commission date change

Commissioner Kathy Davis made a motion to change the October 2010 Commission meeting date to Wednesday October 13, 2010. Commissioner Richard Goodman seconded the motion, which passed unanimously.

#### Resignation of County Physician

Commissioner Kathy Davis made a motion to accept County Physician Dr. Charles Durden's letter of resignation as County Physician. Commissioner Scott Downing seconded the motion, which passed

unanimously.

Acting County Manager/Clerk Paula Jones will ask Dr. Durden who he recommends to replace him, and then she will get a letter out for a replacement.

New Business :

**DFCS Board expired term – Martha Boggus**

Commissioner Kathy Davis made a motion to accept Martha Boggus' decline to the DFCS Board expired term due to health issues. Vice-Chairman O.D. Netter seconded the motion, which passed unanimously.

**Legislative Leadership Conference – Voting Delegate**

Vice-Chairman O.D. Netter made a motion to appoint Commissioner Scott Downing to attend the Legislative Leadership Conference as voting delegate. Commissioner Richard Goodman seconded the motion, which passed unanimously.

**Removal of Coal Plant from the Comp. Plan**

Commissioner Richard Goodman made a motion to remove the coal plant from the Ben Hill County Comp. Plan. Commissioner Kathy Davis seconded the motion.

Commissioner Richard Goodman made a motion to withdraw the previous motion. Vice-Chairman O.D. Netter seconded the motion.

Commissioner Scott Downing made a motion for a second withdraw of the motion. Vice-Chairman O.D. Netter seconded the motion, which passed unanimously.

Commissioner Richard Goodman made a motion pertaining to 5.2.2 appendix B, referencing Economic Development of the proposed Greater Ben Hill County 2031 Comprehensive Plan of area Industrial tract to include the complete zoning of the original tract which is 3200 acres and withdraw these two items from the Comprehensive Plan that will be presented to the State for approval. Commissioner Kathy Davis seconded the motion, which passed unanimously.

**Ben Hill County Revolving Loan Fund – Bell Plantation**

Vice-Chairman O.D. Netter made a motion for Commission to approve the new contract for Allen Conger, Bell Plantation, Protein Plus. Commissioner Richard Goodman seconded the motion, which passed unanimously.

**Attorney's opinion of Legal Obligation for Ben Hill County on the coal plant**

Vice-Chairman O.D. Netter made a motion to go into executive session (8:30 PM) to discuss the Attorney's opinion of Legal Obligation for Ben Hill County on the coal plant (possible law suite). Commissioner Kathy Davis seconded the motion, which passed unanimously.

Vice-Chairman O.D. Netter made a motion to come out of executive session (8:45 PM). Commissioner Richard Goodman seconded the motion, which passed unanimously.

Vice-Chairman O.D. Netter made a motion to amend the agenda to add 1. discussing the legal obligation Letter that was requested by Tim Anderson 2. Cancer Study 3. Structure of the roads in the Seminole, Flint area. Commissioner Scott Downing seconded the motion, which passed unanimously.

Commissioner Scott Downing made a motion to release the letters from June 18th and August 25th from the County Attorney to the press regarding her opinion of legal obligation for Ben Hill County on the coal

plant issue. Vice Chairman O.D. Netter seconded the motion. Roll call vote was taken – all Commissioners voted yea except for Commissioner Richard Goodman who voted nay, motion passed 3 to 1.

**Election Agreement for liquor by the drink**

Vice-Chairman O.D. Netter made a motion to approve the contract with the City and amend the contract to state the number of voting machines for voting liquor by the drink. Commissioner Scott Downing seconded the motion, which passed unanimously.

**Cancer Study**

Vice-Chairman O.D. Netter made a motion to get the State and local Health Department involved and to look for grants for cancer study in Fitzgerald, Ben Hill County. Commissioner Scott Downing seconded the motion, which passed unanimously.

Commissioner Scott Downing made a motion to draft a resolution to the State representatives requesting support in the event there are no funds available to address cancer study in Ben Hill County and amended to include surrounding areas. Commissioner Kathy Davis seconded the motion, which passed unanimously.

**Structure of the roads in the Seminole, Flint area**

The Commissioners and Road Superintendant Tim Kegebein discussed this issue.

**Motion to go back to regular rules – Commissioner Richard Goodman**

Commissioner Richard Goodman temporarily withdrew the motion to go back to the regular rules for meetings. Commissioner Scott Downing seconded the motion, which passed unanimously.

Toni to order 10 copy's of Robert's Rules of order

**Beer and Wine Application – Sue Haney**

Vice-Chairman O.D. Netter made a motion to approve the beer and wine application for Sue Haney. Commissioner Kathy Davis seconded the motion, which passed unanimously.

Commissioner's closing remarks - NONE

The meeting was adjourned at 9:15 P.M.

\_\_\_\_\_ Philip C. Jay, III, Chairman

\_\_\_\_\_ Paula J. Jones, County Clerk