

MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BEN HILL COUNTY COMMISSIONERS  
HELD ON DECEMBER 4, 2012 AT 6:30 PM IN THE  
BEN HILL COUNTY COURTHOUSE ANNEX

Those present for the meeting were as follows:

Philip C. Jay III	Chairman
OD Netter	Vice-Chairman
Scott Downing	Commissioner
Kathy Davis	Commissioner
Frank Feild	County Manager
Toni Sawyer	County Attorney
Donna Lampkin	County Clerk

Commissioner Bennie Calloway was absent.

Chairman Philip Jay III called the meeting to order.

Reverend Steve O'Neal gave the invocation.

Everyone gave the Pledge of Allegiance.

Ben Hill County 4-H provided a reception to honor the Commissioners prior to the Monthly Meeting. Jeri Gilleland, Ben Hill County 4-H Associate, introduced the Middle and High School members that were present. Tifara Brown was recognized as the Georgia 4-H state president and also for being a state winner in the 4-H performing arts project for which she won a trip to National 4-H Congress. Tyler Tucker was introduced as a Southwest 4-H District Junior board member. Sierra Ely, Marquan Norris, and Katie Denison were introduced as the winning junior team at the recent Area 4-H Cotton Bowl Judging Contest where Sierra was also high individual overall in the senior division at that contest. Other 4-H members present were Adrianna Caldwell, Taylor Hawley, Olivia Phillips, Mackenzie Troupe, and Jonathan Tomberlin.

### **Amendments To The Rules Of Order**

Commissioner Scott Downing made a motion to relax the rules on addressing the Chairman, Commissioners, and the public. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, and Commissioner Kathy Davis all voting for the motion.

### **Approval of the Agenda**

Commissioner Scott Downing made a motion to approve the agenda. Commissioner Kathy Davis seconded the motion; which passed with Commissioner Scott Downing, Commissioner Kathy Davis, and Vice-Chairman OD Netter all voting for the motion.

### **Public Comments:**

Janak Patel asked the Commissioners about his liquor store being open for Thanksgiving and Christmas because the State has changed the law allowing liquor stores to remain open on Thanksgiving and Christmas but the County ordinances states no liquor store may be open on those days.

Allen Conger introduced the Volunteer Fire Department board and some of the fireman. He expressed his concerns over the Volunteer Fire Department budget. He stated because of the rising cost he needs an increase in the amount of \$10,000.00. He mentioned he has tried to meet with the Commissioners to discuss his budget

but that has not happen.

Commissioner Scott Downing made a motion to extend Allen Conger time to address the Commissioners. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, and Commissioner Kathy Davis all voting for the motion.

Allen Conger continued to express his concerns about the cuts the Volunteer Fire Department are experiencing and the lack of communication between him and the Commissioners. He stated because of the narrow band they will need more pagers and they are in need of new turn out gear. He asked the Commissioners for the amount budgeted for the Volunteer Fire Department. He stated he can't continue to operate with the current budget and if the budget is going to remain the same he will have to close one of the fire stations.

### **Acceptance of Prior Minutes**

Vice-Chairman OD Netter made a motion to approve the November Regular Monthly Meeting minutes held on November 4, 2012. Commissioner Scott Downing seconded the motion, which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, and Commissioner Kathy Davis all voting for the motion.

Commissioner Scott Downing made a motion to approve the Workshop Meeting minutes held on November 27, 2012. Vice-Chairman OD Netter seconded the motion, which passed with Commissioner Scott Downing and Vice-Chairman OD Netter both voting for the motion. Commissioner Kathy Davis abstained from the vote.

Vice-Chairman OD Netter made a motion to approve the Special Called Meeting minutes held on November 27, 2012. Commissioner Scott Downing seconded the motion, which passed with Vice-Chairman OD Netter and Commissioner Scott Downing both voting for the motion. Commissioner Kathy Davis abstained from the vote.

### **Constitutional Officer: NONE**

### **Elected Officials and Department Head Reports:**

EMS Director Mark Shealey addressed the Commissioners with a proposal for an ambulance rate increase. He had a handout showing that Ben Hill County rates are below the surrounding counties and other counties are proposing a rate increase to offset the increase in medical supplies, fuel, and maintenance. The Commissioners ask Mark to bring back the surrounding counties rate proposal.

### **County Board Reports:**

Vice-Chairman OD Netter reported he and the Revolving Loan Fund Secretary Lakeisha Flemings went to the USDA office in Tifton, GA and secured a \$100,000.00 grant. They will also travel to Eatonton, Georgia to attend the Advancing Rural Economic Development through Regional Intergovernmental Collaboration meeting that is hosted by USDA.

### **County Manager's Report**

County Manager Frank Feild reported the Tax Commissioner Linda McDonald had a delinquent property tax sale that involved 96 parcels. A total of 13 properties were sold and brought in \$9,500 in delinquent taxes, penalties, and interest from the sale. He reported \$211,000.00 was collected in 2012 back taxes before the sale and the total collections for 2012 is \$1,633,521.00. Mr. Feild thanked the Tax Commissioner for all her hard work and efforts. She has been working closely with the Commission, the County staff, and the City of Fitzgerald to insure taxes are collected; while supporting community redevelopment plans.

Mr. Feild mentioned the Commission has declared several parcels of land excess. The plan is to list them on GoDeals.com for public auction with reserved prices. The sale will be advertised in the Herald Leader and posted on the County website. The County has a number of tax deeds on property that should be sold and returned to the tax rolls. They will be brought before the Commission in the future for declaration as excess property.

The County expects to receive \$267,081.50 in LMIG and TIA funds for road work in 2013. DOT will issue a check for the full amount; but the program requires a minimum of 30% match; which is \$80,124.45. The County is responsible for bidding and contracting the work. The County is setting aside \$120,000.00 in SPLOST fund for the road resurfacing. The work will began in late spring when the temperatures are above 55 degrees. He mentioned several roads are being studied for the possibility of being a candidate for closure. In each case he insures this will not hurt the public, save the County money, and it will save lives. He plans to make a detailed presentation to the Commission in January or February.

Mr. Feild also reported the County has cleared the \$1,000,000.00 courthouse debt with USDA that saved nearly \$1,000,000.00 in interest over the life of the note. The motor grader note in the amount of \$100,000.00 and the I-pad note in the amount of \$4,000.00 were all paid off using accrued SPLOST funds. The Fire Truck Note was also paid off in the amount of \$120,160.96 by using \$99,000.00 in accrued SPLOST funds and \$21,160.96 in general fund. This will save the County about \$4,000.00 a year in interest.

On January 13, 2013, the Sheriff's vehicle note will be paid off in the amount of \$29,919.70 using accrued SPLOST funds. Mr. Feild stated we plan to pay off the \$78,000.00 garbage truck note and the \$4,000.00 map printer during the first quarter of 2013 using accrued SPLOST funds. These early payoffs will also save the County thousands of dollars in interest payments. This will clear all debt except the Hospital Authority of Ben Hill County \$9,000,000.00 subsidized debt; but we are expecting an agreement in the first quarter of 2013 that could relieve us of this obligation.

Mr. Feild stated this is Commissioner Kathy Davis last Regular Monthly Meeting. He stated she has faithfully served our community on this board for 12 years. On behalf of the staff, departments, and constitutional officers, he thanked her for her leadership and many sacrifices she made over the years while serving our citizens. He stated Commissioner Kathy Davis has made many contributions in enhancing the lives of the people of Ben Hill County.

Vice-Chairman OD Netter reported since the County changed to paperless and began using the I-pads; we have saved \$27,000.00 so far in labor, paper, and material. Commissioner Scott Downing also mentioned a savings in not having to buy computer systems.

Vice-Chairman OD Netter ask the board to give County Attorney Toni permission to look into what Mr. Patel had mentioned during public comments concerning the alcohol ordinance that allows liquor stores in the County to be open on Thanksgiving and Christmas in case there is any problems; specifically if Christmas falls on a Sunday. Vice-Chairman OD Netter also asked if the Board wanted Ms. Sawyer to write an alcohol ordinance; the Board answered yes.

**Annexation Request: NONE**

**Rezoning Application: NONE**

**Alcohol Application: NONE**

## **Public Hearing/Energy Excise Tax: NONE**

Commissioner Scott Downing stated for public interest that Shaw Industries sent a letter in regards to the excise tax. Of course, they are not all that crazy about the tax. He stated they would discuss exactly what the tax is under old business. Public Hearings will be scheduled, but is the only one that has given us notice of their position on the tax. There is a letter on record if anyone would like to read it.

Chairman Philip Jay opened up the Public Hearing. There were no comments from the public.

Commissioner Scott Downing made a motion to close the Public Hearing. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, and Commissioner Kathy Davis all voting for the motion.

## **Old Business:**

### **2<sup>nd</sup> Reading & Approval of Energy Excise Tax Ordinance**

County Manager Frank Field stated that we were scheduled to do a second reading of the Energy Excise Tax Ordinance. The ordinance and press release is posted on the County website. Mr. Feild stated that based on the concerns that has been expressed not only by Shaw Industries but a need for a Public Hearing it is not beneficial to make a decision at this time. He mentioned that they would probably need to schedule some meetings with the concern party and post a Public Hearing specifically for this purpose prior to the Commissioners making any decisions.

Commissioner Scott Downing reported that Shaw Industry opinion of the Energy Excise Tax is it is going to make our environment business unfriendly; which he said is not completely wrong. He expressed to them from the Commissioners side that he didn't think we could take a hit to the SPLOST like that being that we just started collecting on it and that would equal a lot of money. He stated that Shaw Representatives are going to come down hopefully to the next meeting to voice their opinion.

### **Proposed Multi-Purpose Building Contract**

County Manager Frank Feild stated he received a contract offer from Glenn Gregory, from Associate Architect from Valdosta, Georgia, for some design work. Initially the preliminary design is for a Multi-Purpose building for the Department of Leisure Services. The contract calls for a lump sum payment of \$25,472. He stated they are in the process of cleaning up the contract in order for it to be approved by the Commission and would like to move it forward as quickly as we can. The objective at this time is to get a reasonable cost to get a design prepared so the Commission, City Council and the Department of Leisure Services Board are to review the design to determine if that is what they want to see on the ground and at that point they would make a decision to move forward with construction plan. There is a recommendation that all three Boards sign the contract so that are no questions in anybody's mind about the agreement.

Department of Leisure Services Director Joe Parrish stated he had talked with Glenn Gregory concerning the contract and it would be nice to move forward.

Commissioner Downing stated he was under the impression the Commission voted to have all options designed to be a representation of what each option might cost and acceptable. He stated it discourages him a little that they only received one proposal.

## **New Business:**

### **Code Enforcement**

County Manager Frank Feild stated the County does not have a Code Enforcement Officer available at this time because he is out on workers' compensation. Mr. Field stated the City of Fitzgerald would contract with the County as needed on a case by case bases and this might result in saving the County money.

Commissioner Scott Downing expressed his concerns about some Code Enforcement issues and not being able to enforce the codes. He stated he wants the public to know if anyone wants to shack up to share expense, he don't have a problem with that; but he do have a problem for example when his next door neighbor has two or three families living in his out house, pool house, and garage paying rent and the yard turning into a parking lot.

After further discussion on code enforcement and ordinances, Commissioner Downing suggested going back through the books to get rid of some of them if we can't do anything with them. He stated it is discouraging because he has some constitutes that has been fairly patient that he can't give an answer to.

### **Agenda Changes and/or add ons: NONE**

### **Legislative Report:**

Commissioner Scott Downing reported the Legislative session will begin next month. He ask if anyone has anything on their mind please to let him know so he can relay it to the lobbyist to get it in the platform. He mentioned it is too late to get in this year platform. He stated one of the biggest issues will be the Public Safety Bill. They are bumping up the felony and this will put more people in our jails instead of the state system. He stated he would keep everyone informed with the Legislative updates. ACCG was nationally recognized for Outstanding Association and Legislative teams. He stated it is one of the most respected under the gold dome.

Vice-Chairman OD Netter stated ACCG welcomed the Fire Association. This might would put us closer together to help solve some of the Fire Department and Volunteer Fire Department problems. He stated he would be attending NACO for ACCG this week and they will be covering everything on a national association. He also mentioned Commissioner Bennie Calloway and newly elected Commissioner Daniel Cowan were both at the New Commission Training in Athens, Georgia.

### **Commissioner's Remarks:**

Chairman Philip Jay thanked Commissioner Kathy Davis for her years of service and devotion to being a Commissioner. He stated she is a passionate advocate. She has put in a lot of time in this job.

Commissioner Scott Downing thanked Commissioner Kathy Davis for handling most of the problem calls in their district. He mentioned Commissioner Davis is concerned about the people of the County and he appreciates her for that.

Vice-Chairman OD Netter stated he was going to Commissioner Kathy Davis. He stated she has always been honest and he was honored to serve on the board with her for 12 years. He stated he considered her as a friend.

Commissioner Kathy Davis stated she was dedicated and passionate for the people. She said it has been an honor and a privilege to serve on the board for 12 years. She said she has met a lot of people along the way, made a lot of friends, shared a lot of love, and she loved everyone. She thanked everyone for the opportunity to serve.

**Meeting adjourned**

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

\_\_\_\_\_ Donna R. Lampkin, County Clerk