

MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BEN HILL COUNTY COMMISSIONERS
HELD ON JANUARY 8, 2013 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
Bennie Calloway	Commissioner
Daniel Cowan	Commissioner
Frank Feild	County Manager
Toni Sawyer	County Attorney
Donna Lampkin	County Clerk

Chairman Philip Jay III called the meeting to order.

Reverend Godfrey O'Rear gave the invocation.

Everyone gave the Pledge of Allegiance.

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 Daniel Cowan all voting for the motion.

Approval of the Agenda

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

Public Comments: NONE

Chairman Philip Jay III presented Kathy Davis with a plaque honoring and thanking her for 12 years of service as a Commissioner for District 3.

State of the County/Chairman Philip Jay III

Chairman Jay presented the Commissioners and the public with the State of the County address.

Vice-Chairman OD Netter stated he hope everybody realize the State of the County should state the position of where the County is and the direction the County is going in. He stated to his knowledge the State of the County is Philip Jay views not the Board of Commissioners unless other Commissioners had input in the writing it. Vice-Chairman Netter said it is true, we went down a difficult road; some things needing to be settled couldn't be. If the Sheriff and Magistrate Judge wants to sue us, then so be it; but the first solution should be us coming to the table to see if we can work things out. He stated he

hope when the State of the County is read in the newspaper their thought is the County Commission is calling war on everyone. He told the Chairman he doesn't feel that it was his intention to express that; but others might interpret it totally different.

Required Action

Commissioner Bennie Calloway made a motion to rehire Toni Sawyer as the County Attorney. Vice-Chairman OD Netter seconded the motion. During discussion, Vice-Chairman OD Netter stated they need to meet with Ms. Sawyer to establish some guidelines as to how Departments use our County Attorney because she works for the Commission. The motion passed with Commissioner Bennie Calloway, Vice-Chairman OD Netter, Commissioner Daniel Cowan, and Commissioner Scott Downing all voting for the motion.

Vice-Chairman OD Netter made a motion to approve Meeks, Roberts, Ashley, Sumner and Sirmans as the County Auditors. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Bennie Calloway, Commissioner Scott Downing, and Commissioner Daniel Cowan all voting for the motion.

Vice-Chairman OD Netter made a motion to table the County Manager rehire until the end of the meeting so that the Commissioners could have executive session. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Bennie Calloway and Commissioner Daniel all voting for the motion.

Commissioner Scott Downing made a motion to rehire Donna Lampkin as County Clerk. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Vice-Chairman OD Netter made a motion to approve Wells Fargo, Planters First, Colony Bank, Community Bank, Bank of America, & Local Investment Pool as the County Financial Institutes. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion. Commissioner Scott Downing abstained from the vote.

Commissioner Scott Downing made a motion to approve the Herald Leader as the County Legal Organ. Commissioner Daniel Cowan seconded the motion; which passed with Commissioner Scott Downing, Commissioner Daniel Cowan, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

Vice-Chairman OD Netter made a motion to rehire all County employees except County Manager Frank Feild. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Bennie Calloway, Commissioner Scott Downing, and Commissioner Daniel Cowan all voting for the motion.

Commissioner Daniel Cowan made a motion to appoint Vice-Chairman OD Netter as Vice-Chairman of the Board. Commissioner Scott Downing seconded the motion; which passed with Commissioner Daniel Cowan, Commissioner Scott Downing, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

Commissioner Scott Downing made a motion to appoint Melinda Stenbridge as Part-time Associate Probate Judge. Commissioner Daniel Cowan seconded the motion; which passed with Commissioner Scott Downing, Commissioner Daniel Cowan, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

Acceptance of Prior Minutes

Vice-Chairman OD Netter made a motion to approve the Workshop Meeting minutes held on December 3, 2012. Commissioner Scott Downing seconded the motion, which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Bennie Calloway and Commissioner Daniel Cowan all voting for the motion.

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

Commissioner Bennie Calloway made a motion to approve the Workshop Meeting minutes held on December 10, 2012. Commissioner Scott Downing seconded the motion; which passed with Commissioner Bennie Calloway, Commissioner Scott Downing, Vice-Chairman OD Netter, and Commissioner Daniel Cowan all voting for the motion.

Vice-Chairman OD Netter made a motion to approve the Special Called Meeting minutes held on December 12, 2012. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Commissioner Bennie Calloway made a motion to approve the Public Hearing minutes held on December 19, 2012. Commissioner Scott Downing seconded the motion; which passed with Commissioner Bennie Calloway, Commissioner Scott Downing, Vice-Chairman OD Netter, and Commissioner Daniel Cowan all voting for the motion.

Commissioner Scott Downing made a motion to approve the Special Called Meeting minutes held on December 19, 2012. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Constitutional Officer: NONE

Elected Officials and Department Head Reports: NONE

County Board Reports:

Vice-Chairman OD Netter reported the County had applied for an extension and grant amendment for the Queensland Well grant because time was running out. The grant amendment was denied by Georgia Department of Community Affairs because they are not willing to approve drilling on private property outside the target area but the request for an extension was granted. Mr. Netter stated the door has been left open for other options.

County Manager's Report

County Manager Frank Feild reported January 11th was Accounts Payable Clerk Pam Turner last day. He stated she is moving on to pursue other opportunities. She has been a loyal and extremely professional member of our county team, she will be missed.

Mr. Feild mentioned we are working on W-2s for our employees. The data is located on both systems because of the software conversion in 2012. He anticipates the completion of the W-2s by the end of this month.

The County has partnered with the City to demolish the 14 structures from the Brown property on the Ocilla Highway next to Johnnie's. This project is near completion and has dramatically improves the view along the main entrance to the City.

Mr. Feild also thanked the citizens of Ben Hill County who paid their property taxes on time. This enabled the County to meet its financial obligations and close the year in the black. He also reminded the citizens who are delinquent in their taxes that this should be a priority, so their property is not foreclosed upon.

Annexation Request: NONE

Rezoning Application: NONE

Alcohol Application: NONE

Commissioner Scott Downing made a motion to approve Ankitaben Patel alcohol application for Foster's Fast Stop. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Old Business: None

New Business:

2013 Budget

County Manager Frank Feild reported the SPLOST report for 2005 and 2011 will be published in the Herald Leader and on the Ben Hill County Website. The debt synopsis covers all the outstanding debt for the County as of December 31, 2012. Community Bank is currently acting as the lead bank on our request for bid on the 2013 TAN note in the amount of 2.5 million.

He stated all Constitutional Officers and Department Heads received the budget guideline memo along with copies of the 2013 budget. He stated the approved budget is also posted on the Ben Hill County website.

He also stated he would like to correct some disinformation that is being spread in the community. The 2013 budget has proportional decrements for every Constitutional Office and Department Head per line item. Everyone's budget was reduced; not just one or two.

Volunteer Fire Department

County Manager Frank Feild recommended the Commissioners approve a month to month payment of \$4,084.00 to the Ben Hill Volunteer Fire Department for up to four (4) months as a fee for service. Also, the inventory and audit be conducted by the county auditor and reviewed by the county attorney; all audit and attorney fees are to be paid by the Volunteer Fire Department until the five (5) year Fire Plan is completed. At that time, the Commission can consider all the fire protection options available for our community and choose the best one.

Vice-Chairman OD Netter made a motion to approve a month to month payment of \$4,084.00 to the Ben Hill Volunteer Fire Department for up to four (4) months as a fee for services. The Volunteer Fire Department would be required to cooperate in the inventory of all equipment and all records are to be audited by the county auditor and reviewed by the county attorney; all audit and attorney fees are included. Commissioner Scott Downing seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Scott Downing, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Five Year Fire Plan

Vice-Chairman OD Netter made a motion to approve National Fire Services Office to assist Ben Hill County with a five (5) year Master Fire Plan at a cost of \$3,500.00 and to authorize the Chairman to sign all documents. Commissioner Scott Downing seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Scott Downing, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Agenda Changes and/or add ons:

Commissioner Scott Downing made a motion to approve the agenda change and add February Monthly Meeting and Executive Session to the agenda. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Vice-Chairman OD Netter made a motion to change the February Monthly Meeting to February 6, 2013 because of Commission training. Commissioner Scott Downing seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Commissioner Scott Downing made a motion to go into Executive Session. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Commissioner Bennie Calloway made a motion to resume the Regular Monthly Meeting. Commissioner Scott Downing seconded the motion; which passed with Commissioner Bennie Calloway, Commissioner Scott Downing, Commissioner Daniel Cowan, and Vice-Chairman OD Netter all voting for the motion.

Commissioner Scott Downing made a motion to approve the minutes from the Executive Session meeting. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Vice-Chairman OD Netter made a motion to approve a six (6) month contract for County Manager Frank Feild that included his salary of \$5,000.00 a month and reduce his monthly expense allowance to \$750.00 a month. Commissioner Scott Downing seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Scott Downing, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Legislative Report:

Commissioner Scott Downing reported from the Economic Development side; there are a lot of projects being worked on at this time. With the uncertainty in health care and the economy a lot of people have been holding on to their projects; but some are coming to fluorescence and getting funded possibly second quarter and others by the end of the year. He stated last year was very interesting in Economic Development. Almost 200 jobs were created in the local market from existing business. The State and the Economic Development Authority has spent a lot of time focusing on the existing businesses because that's where the growth is the easiest.

Commissioner Scott Downing report on the Legislative side is the tax advalorem bill. If someone was moving into the state from another state, they would owe all the advalorem tax on their vehicles. He stated he was told there is a payment revision for that; but he expects to see several changes in that bill this year and the following years. If you purchase a car this year, you can choose to opt into that program. If you purchase a car after March 1, 2013, it is mandatory. If you choose to purchase a car new, used or off the side of the road, he suggests you reading the law because it is a complex situation.

Vice-Chairman OD Netter mentioned he and County Manager Frank Field had a conversation concerning the land bank. He stated most likely Commissioner Scott Downing would be the Chairman of Economic Development after April and maybe he could introduce it to Legislation. Mr. Netter mentioned Michael Santee has posted good information on the County website and he suggested to the public to view the site for any information they might need. He stated he and Sheriff had been talking about trying to get money for inmate care. Healthcare is going to be a big topic.

Commissioner Scott Downing said to the Commissioners if they have any questions on the emails received from ACCG to let him or Vice-Chairman OD Netter know so that they can get it on the platform. He also suggested them sitting in on some of the meetings because they are very informative on what the lobbyist are doing and the issues they are facing in Counties.

Commissioner's Remarks: NONE

Chairman Philip Jay handed each Commissioner a copy of the State of the County and stated in the area they have feelings one way or the other, he would certainly like to hear about it. He said he do want to stress that litigation is the last course of action he want to take and want to do everything to avoid that; but it is a definition they can count on to solve the differences if they have to do it. He said he wanted to be perfectly clear that it is his belief he do everything he can to see that is an option for us and he would like for the Commission to do that as well.

Meeting adjourned

_____ Philip C. Jay III, Chairman

_____ Donna R. Lampkin, County Clerk