

MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BEN HILL COUNTY COMMISSIONERS  
HELD ON FEBRUARY 3, 2015 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
Frank Feild	County Manager
Donna Prather	County Clerk
Toni Sawyer	County Attorney

Commissioner Daniel Cowan was absent.

Chairman Philip Jay III called the meeting to order.

Elder Gene Thomas 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. Commissioner Bennie Calloway seconded the motion; which passed with Commissioner Scott Downing, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

**Approval of the Agenda/Agenda Changes**

Commissioner Bennie Calloway made a motion to approve the agenda. Commissioner Scott Downing seconded the motion.

Commissioner Scott Downing made a motion to amend the agenda by moving Public Comments next on the agenda and add Tax Assessor Board Reappointment to the agenda. Commissioner Bennie Calloway seconded the motion; which passed with Commissioner Scott Downing, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

**Public Comments:**

Joe Lamb opposed merging City and County services and imposing dog tag fees on responsible dog owners to fund irresponsible dog owners.

Ronny Blackstock opposed merging City and County services. He stated the Animal Shelter was a kill facility and he was concerned with their way of implementing the dog tag fees.

JoAnn Lafaber stated she is all for lease laws and dog tags. She reported dogs have been dropped off at her house on many occasions and attacked her and her neighbor dogs. She said if she has to by a tag for her pets; everyone else should have to.

Shari Jasko stated she is concerned with the dog ordinance because she does not allow her dogs to run loose. She stated she can't afford to conform to legislation deeming certain breeds dangerous dogs. She stated the previous state she resided in, the veterinarian vaccinated and issued license for pets. She believed responsible pet owners should be taken into consideration before making decisions.

Carrol Kirkland opposed the dog ordinance and dog fees.

Wendell Thompson asked the commissioners about the law concerning running for a political office as an independent. He also asked if all the Revolving Loan Funds depleted.

Vice Chairman OD Netter made a motion to schedule a Workshop Meeting with all concerned pet owners to address the animal control issues. Commissioner Scott Downing seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Scott Downing, and Commissioner Bennie Calloway all voting for the motion.

### **Swearing In Ceremony/Chief Magistrate Judge**

Vice Chairman OD Netter made a motion to postpone this agenda item. Commissioner Scott Downing seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Scott Downing, and Commissioner Bennie Calloway all voting for the motion.

### **Acceptance of Prior Minutes**

Commissioner Bennie Calloway made a motion to approve the Regular Monthly Meeting Minutes held on January 06, 2015. Commissioner Scott Downing seconded the motion; which passed with Commissioner Bennie Calloway, Commissioner Scott Downing, and Vice-Chairman OD Netter all voting for the motion.

Vice-Chairman OD Netter made a motion to approve the Workshop Meeting held on January 09, 2015. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, and Commissioner Bennie Calloway all voting for the motion.

Commissioner Bennie Calloway made a motion to approve the Special Called Meeting Minutes held on January 16, 2015. Vice Chairman OD Netter seconded the motion; which passed with Commissioner Bennie Calloway and Vice-Chairman OD Netter both voting for the motion. Commissioner Scott Downing abstained from the vote.

Vice Chairman OD Netter made a motion to approve the Special Called Meeting Minutes held on January 26, 2015. Commissioner Bennie Calloway seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Scott Downing all voting for the motion.

### **Constitutional Officer: NONE**

### **Department Head Reports:**

Executive Director of Economic Development Courtney Whitman gave an update of all activity concerning the Development Authority of Ben Hill County, Revolving Loan Fund, and RBEG.

### **County Board Reports:**

Commissioner Scott Downing made a motion to reappoint William F. Jacob to a three year term on the Ben Hill County Tax Assessor Board. Commissioner Bennie Calloway seconded the motion; which passed with Commissioner Scott Downing, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

Disable American Veterans Representative Kenneth Anderson presented the Commissioners with a plaque from the Disable American Veterans for supporting all veterans in Ben Hill County. He stated this is the first time in the history of Fitzgerald/Ben Hill County the veterans have been represented in the Disable American Veterans.

Vice Chairman OD Netter made a motion to display the plaque from the Disable American Veteran in Commissioners meeting room. Commissioner Bennie Calloway seconded the motion; which passed with Vice Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Scott Downing all voting for the motion.

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

County Manager Frank Feild reported the following:

#### *Georgia Appleseed*

Georgia Appleseed has completed the first draft of a Legal Guide for Small Rural Farmers

#### *Rural Business Enterprise Grant*

We held our first training seminar for attorneys on providing pro-bono assistance to clients of our Rural Business Enterprise Grant (RBEG) program.

USDA has encouraged us to apply for a 2015 RBEG Grant so we can continue our work.

#### *Department of Leisure Services*

Department of Leisure Services has begun demolition of Lion Park.

#### *City Annexation*

The City of Fitzgerald has formally notified the County it has annexed 5 parcels by local ordinances.

Ordinance 14-1458 was approved on 12/8/14 and became effective 1/1/15. It annexed 0.61 acres (125 Bowens Mill Hwy) and 0.27 acres (North side of Butler Court) in Land Lot 21 in the Third Land District of Ben Hill County; and rezoned the 0.61 acres from G-B (County) to G-B (City), and the 0.27 acres from G-B (County) to R-6-M (City).

Properties owned by Mariano Copado & Fernando Copado.

Ordinance 14-1459 was approved on 1/12/15 and becomes effective on 2/1/15. It annexed 1.50 acres (211 Franklin Ave.) in Land Lot 92 in the Third Land District of Ben Hill County; and rezoned it from R-15 (County) to R-15 (City). Property owned by Gene Dorminy.

Ordinance 14-1460 was approved on 1/12/15 and becomes effective on 2/1/15. It annexed 19.36 acres (Northwest Corner of the Intersection of Franklin Ave. and Benjamin H. Hill Dr.) and the Public Road Right of Way Adjacent Thereto in Land Lot 92 in the Third Land District of Ben Hill County; and rezoned it from R-15 and M-R (County) to R-15 (City). Property owned by Tommy Spivey.

Ordinance 14-1461 was approved 1/12/15 and becomes effective on 2/1/15. It annexed 5.22 acres (146 EL Harris Rd.) in Five Acre Tracts 1318 and 1319 in Land Lot 92

in the Third Land District of Ben Hill County; and rezoned it from R-15 (County) to R-15 (City). Property owned by Mary E. Swank.

#### *Tax Anticipation Note*

County Manager Frank Field reported the \$2.5M County Tax Anticipation Note for 2015 has been approved by the three banks. The agreement is being prepared.

#### *Senior Citizen Center*

We have increased our Senior Center Nutrition Program participation to 26 and Cathy Posey is aggressively recruiting more seniors. We understand the Georgia Department of Human Services Division of Aging Services is planning some significant changes that would go into effect on July 1st. We are learning all we can about their intended plans so we can stay ahead of any new requirements.

Vice-Chairman OD Netter made a motion to approve the parcels annexed by local ordinances. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, and Commissioner Bennie Calloway all voting for the motion.

#### *Comprehensive Plan*

It is time to start working on updating the Joint Comprehensive Plan for Ben Hill County and the City of Fitzgerald. Our last update was in 2011. We have a technical services agreement with the Southern Georgia Regional Commission, and I have asked them to begin the process. We expect to start meeting in June of this year; complete a draft update by December; and put the 2016 Comp Plan Update on the City and County agendas for approval by February.

#### *Chamber of Commerce Contract*

The Chairman and County Manager met with the new Chamber Chairman John William Mooney last week. Mr. Mooney envisions a new direction for the Chamber under his leadership. But, he needs a little time to accomplish this, and will then come back to the Commission with a new contract for 2015.

Commissioner Scott Downing made a motion to approve the Chamber contract. Vice Chairman OD Netter seconded the motion.

Commissioner Scott Downing made a motion to withdraw the previous motion. Vice Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice Chairman OD Netter, and Commissioner Bennie Calloway all voting for the motion.

Commissioner Scott Downing made a motion to amend the Chamber of Commerce contract until March 31, 2015. Vice Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice Chairman OD Netter, and Commissioner Bennie Calloway all voting for the motion.

Vice Chairman OD Netter made a motion to add Annexation to the agenda. Commissioner Scott Downing seconded the motion; which passes with Vice Chairman OD Netter, Commissioner Scott Downing, and Commissioner Bennie Calloway all voting for the motion.

### *Maintenance*

Our Maintenance Department is installing new LED lighting around County buildings. This will provide better security and help reduce our electricity bills.

We inspected the Federal Building last week, and are developing a plan to clean it up for adaptive reuse.

### **Annexation Request:**

Vice Chairman OD Netter made a motion to approve the following annexation by the City of Fitzgerald; Ordinance 14-1458, Ordinance 14-1459, Ordinance 14-1460, and Ordinance 14-1461. Commissioner Bennie Calloway seconded the motion; which passes with Vice Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Scott Downing all voting for the motion.

### **Public Hearing:** Debbie Gibson/Perry House Road

Building & Zoning Administrator Jason Miller explained that Debbie Gibson applied to rezone 148 Perry House Road from Multiple Residential to Community Commercial. He stated the Zoning Board has approved the change.

No public comments.

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 Bennie Calloway all voting for the motion.

### **Rezoning Application:**

Commissioner Scott Downing made a motion to approve Debbie Gibson rezoning application of 148 Perry House Road from Multiple Residential to Community Commercial. Vice Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice Chairman OD Netter, and Commissioner Bennie Calloway all voting for the motion.

### **Alcohol Application: NONE**

### **Old Business:**

#### **Communication Tower**

Commissioner Scott Downing made a motion to postpone this agenda item. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, and Commissioner Bennie Calloway all voting for the motion.

#### **Judicial Alternatives of Georgia Probation Service Agreement**

Vice Chairman OD Netter made a motion to not approve the fee increase. Commissioner Bennie Calloway seconded the motion; which passes with Vice Chairman OD Netter and Commissioner Bennie Calloway both voting for the motion. Commissioner Scott Downing opposed the motion.

Commissioner Scott Downing made a motion to postpone this agenda item. The motion fell because no one seconded the motion.

**Public Transportation Title VI Plan**

County Manager Frank Feild stated he is working with RMS to finalize the 3rd Party Operator (TPO) Contract; but RMS is taking the lead on ordering the computer to support the program. H said we are predicting the (3) three new vans with lifts will be delivered in March and the Ben Hill Public Transit Service can began in April.

He stated the Department of Transportation has completed its review of our Title VI Plan and has cleared it for adoption without changes. He recommended the Commission adopt this policy and authorize the Chairman to sign it.

Vice Chairman OD Netter made a motion to adopt the Title VI Plan policy and authorize the Chairman to sign it. Commissioner Scott Downing seconded the motion; which passes with Vice Chairman OD Netter, Commissioner Scott Downing, and Commissioner Bennie Calloway all voting for the motion.

**Recodification Adopting Ordinance**

County Manager Frank Field stated MUNCICODE has insisted that the Commission pass an Ordinance formally adopting the Recodification before they will post it on their website. The Commission has already reviewed and approved the recodification; but did not pass an ordinance. We have prepared one that meets their requirements. He recommended the Commission adopt the Recodification Ordinance and authorize the Chairman to sign it.

Commissioner Scott Downing made a motion to adopt the Recodification Ordinance and authorize the Chairman to sign it. Commissioner Bennie Calloway seconded the motion; which passed with Commissioner Scott Downing, Commissioner Bennie Calloway, and Vice Chairman OD Netter all voting for the motion.

**New Business: NONE**

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

**Legislative Report:**

Vice Chairman OD Netter reported NACO is doing the county profile that includes jobs, education, etc. Mr. Netter encouraged everyone to look review the profile.

Commissioner Scott Downing gave an update on HB 170Transportation Funding Bill.

**Commissioner’s Remarks: NONE**

Meeting adjourned

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

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