

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

Chairman Philip Jay III called the meeting to order.

Reverend Steve O'Neal gave the invocation.

Everyone gave the Pledge of Allegiance.

**Amendments To The Rules Of Order**

No action was taken

**Approval of the Agenda/Agenda Changes**

Commissioner Bennie Calloway made a motion to approve the agenda. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Bennie Calloway, Vice-Chairman OD Netter, and Commissioner John Mooney all voting for the motion.

**Public Comments:**

Clara Jones addressed the Commissioners concerning the door being locked during a Workshop Meeting that was held on November 30<sup>th</sup>. She also requested another building for the Summer Food Program because of what she considered inconveniences while using the Monitor Center.

Elder Jasper Stewart, Pastor of the Evergreen Baptist Church in Queensland on Lonnie Brown Road, addressed the Commissioners concerning paving in the Queensland area. He thanked them for paving by his house and Pastor Carl Stanley Church; but asked why the paving stopped just before reaching the Evergreen Baptist Church.

**Acceptance of Prior Minutes**

Vice-Chairman OD Netter made a motion to approve the Workshop Meeting Minutes held on November 02, 2015. Commissioner John Mooney seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner John Mooney, and Commissioner Bennie Calloway all voting for the motion.

Commissioner Bennie Calloway made a motion to approve the Regular Monthly Meeting Minutes held on November 03, 2015. Commissioner John Mooney seconded the motion; which passed with Commissioner Bennie Calloway, Commissioner John Mooney, and Vice-Chairman OD Netter all voting for the motion.

Vice-Chairman OD Netter made a motion to approve the Workshop Meeting Minutes held on November 30, 2015. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

**Constitutional Officer: NONE**

**Department Head Reports:**

County Extension 4H Agent Jeri Gelliland gave an update on Ag Extension and 4-H.

**County Board Reports: NONE**

**County Manager's Report:**

*Budget Review*

County Manager Frank Feild gave a brief update on the revenues and expenditures as of October 31, 2015.

Commissioner Daniel Cowan joined the meeting at this time in the agenda.

*Road by Prescription*

Mr. Feild stated in 2013, the County closed several public roads that it had been maintaining. At the time, we discussed the precedent of "dedication by prescription"; where a county acquires the legal right to continue maintaining any public road it has been maintaining for 7 years or longer. When the Commission voted to close those roads, we also discussed affirming and retaining the County's rights of dedication by prescription on every other public road that is being maintained by the County.

In searching our records, I have not been able to find documentation that the Commission formally voted to affirm and retain the County's rights of dedication by prescription on every public road that is being maintained by the County. Although the Road Superintendent and I are certain this was voted on, it never made it into the minutes. This is an administrative oversight that should be corrected immediately.

Commissioner Daniel Cowan made a motion to approve the Resolution affirming and retaining the County's rights of dedication by prescription on every public road that is being maintained by the County; using the Road Superintendent's current list of roads that is provided DOT for the Local Maintenance Improvement Grant program. Commissioner John Mooney seconded the motion; which passed with Commissioner Daniel Cowan, Commissioner John Mooney, Vice-Chairman OD Netter, and Commissioner Bennie Calloway all voting for the motion.

*Comprehensive Plan*

Mr. Feild reported DCA approved our draft Comprehensive Plan Update on December 2nd. The next step is to schedule a Public Hearing to receive any comments; then approve the final Draft. We will put this Public Hearing on the Agenda for the January 5th Regular Meeting. It is being advertised in The Herald-Leader on December 9th and 16th.

The City will follow the same process; approving the final Draft at its January 11th Regular Meeting. At that point the Update will be completed.

The Draft of the Comprehensive Plan Update is posted on the County website at [www.benhillcounty.com](http://www.benhillcounty.com) for public review. It includes the 5-Year Program of Work Update and the Economic Development Strategic Plan. Comments can be forwarded to the County, the City or the Regional Development Commission.

**Annexation Request:** Lyon Investment Company  
County Manager Frank Field reported the Lyon Investment Company has petition for annexation and for initial City of Fitzgerald zoning designation for property located at 203 Ocilla Hwy. Their plans are to build a Dairy Queen. There is no need for action in this matter at this time.

**Rezoning Application: NONE**

**Alcohol Application: NONE**

**Old Business:**

**Service Delivery Strategy**

County Manager Frank Field stated the City-County Service Delivery Strategy is a written document required by Georgia Law and administered by the Department of Community Affairs. It addresses the different categories of public services provided by the City and County; who is responsible for each of them; and how they are paid for. This document must be updated every 5-years; and expires on by February 28<sup>th</sup>, 2016. We need to submit it to DCA for review not later than January 28, 2016.

This document was originally prepared in 1989, and was re-approved by the City Council and County Commission in 2011 without changes.

The City and County Staffs have met and prepared a new DRAFT of the 2016 Service Delivery Strategy for review and approval by the City Council and County Commission. After approval, the document will be forwarded thru the Regional Commission to DCA. This document was posted on the Commissioner's CVO and the Ben Hill County website on November 13th.

In 2012, the City and County reached agreement on the Local Option Sales Tax distribution and approved splitting the collections equally (50-50); with the understanding that we would balance the teeter-totter by renegotiating the Service Delivery Strategy. This renegotiation has never taken place.

Mr. Field's recommendation is conducting this joint meeting with the City as soon as possible after we complete the 2016 Joint Services Budget discussions.

**CDBG Street & Storm Drainage Improvements**

Our 2014 CDBG Street & Storm Drainage project involves street paving, curbs & gutters, and storm drainage. The target area includes Fern Court, Moss Lane, Marble Lane, Sandstone Street, Fieldstone Court, and Bowens Road.

Although we had four plan holders on file, only one bid was received on November 6th. It was from East Coast Asphalt, LLC for \$ 479,757.60; which is slightly under our maximum budget for the project. Because there was only one bidder, we submitted this information to DCA for special contractor clearance; and they responded positively on November 12th.

Our project engineer has recommended the County award the project to East Coast Asphalt, LLC in the amount of their bid. If the Commission approves this award, the contractor will be required to execute the Agreement and furnish the required contractor's bond, payment bond, and certificates of insurance within 15-days of the notice.

Vice-Chairman OD Netter made a motion to award the CDBG Street & Storm Drainage Improvements project to East Coast Asphalt, LLC in the amount of \$ 479,757.60 and authorize the Chairman to sign the Notice of Award. Commissioner John Mooney seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner John Mooney, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

### **Courthouse Windows**

The Historic Preservation Commission met on October 27th. Commissioner Mooney presented the RFQ on the historic preservation work pre-qualification bid list. The contractors presented were Willingham Sash & Door Company, Fourth Street Interiors, and L.E. Harper Construction. The Historic Preservation Commission voted unanimously to approve adding the three contractors to the County's Bidder's List for historic preservation work.

Commissioner John Mooney made a motion to approve adding these three contractors to the bidders list for historic preservation work, and approve the release of the Invitation to Bid for the Courthouse Window work. Commissioner Daniel Cowan seconded the motion; which passed with Commissioner John Mooney, Commissioner Daniel Cowan, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

### **Property Deed**

The Tax Commissioner has requested the Commissioners approve, sign and file the deed transferring Lot 3, Block 1 in the Green Acres Subdivision to John Carey Walker. She says all back taxes have been paid, the property has already changed hands, and the attorney's missed the tax deed when the property was sold.

Vice-Chairman OD Netter made a motion to approve and sign the deed and direct the Staff to register it with the Clerk of Court's Office. Commissioner John Mooney seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner John Mooney, Commissioner Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

### **Right of Way/Southern Veneer**

At its October 14, 2015 Special Called Meeting, the Commission unanimously approved Southern Veneer using County Right-of-Way to install a natural gas pipeline, and directed the County Attorney to prepare a resolution that will clarify the conditions of the agreement. These minutes were approved at the November 3rd Regular Meeting. However, there has been a delay in preparing the legal documents.

Commissioner John Mooney made a motion to authorize the Chairman to send Southern Veneer a Letter of Intent to continue supporting this project and attach the Minutes of the October 14th Special Called Meeting as an enclosure.

Vice-Chairman OD Netter seconded the motion; which passed with Commissioner John Mooney, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

**New Business:**

**ACCG Award**

The Association County Commissioners of Georgia has recognized the former Ben Hill County Commissioner Scott Downing for his Excellent Service as ACCG Economic Development and Transportation Policy Committee Chairman and Vice Chairman in 2015.

ACCG Past-Chairman O. D. Netter, Jr. presented the plaque to Commissioner Downing on behalf of ACCG Executive Director Ross King.

**GA Forestry Commission Report**

Chief Ranger Theo Craddock gave an annual report for 2015 of all activity in Ben Hill County concerning the Forestry unit.

**2015 Budget Amendment**

County Manager Frank Feild reported EMS has received a grant for \$ 15,811.86. We need to do budget amendments to reflect this as an EMS Grant Revenue and an EMS Supplies Expenditure.

The Public Defender Budget must be increased by \$33,802 for the last 6 months of 2015 to reflect the terms of the Agreed Order.

Vice-Chairman OD Netter made a motion to approve these budget amendments. Commissioner Daniel Cowan seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Daniel Cowan, Commissioner John Mooney, and Commissioner Bennie Calloway all voting for the motion.

**Board of Education Letter**

County Manager Frank Feild reminded the Commissioners regarding the County incurring several unbudgeted expenses in 2012 by supporting redistricting for the Board of Education. These services were outside those specified in our Service Delivery Strategies.

On May 16, 2012 we provided them an invoice and requested reimbursement; but the Board of Education refused to honor this.

Vice-Chairman OD Netter made the motion to authorize the County Manager to continue efforts to collect this debt. Commissioner John Mooney seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner John Mooney, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

**Inmate Housing Agreement**

County Manager Frank Feild stated he have prepared a draft Inmate Housing Agreement for the Commission to consider as an Intergovernmental Agreement with the City. I provided the Sheriff a copy two weeks ago. It is modeled after the IGA used by Murray County. We currently do not have a written agreement with the City.

No action was taken on this agenda item.

**New County Purchasing Cards & Credit Card Law Resolution**

No action was needed for this agenda item.

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

**Legislative Report: NONE**

**Commissioner's Remarks:**

Chairman Philip Jay mentioned the loss of former Magistrate Judge Shirley Ely. He stated she served long and well for Ben Hill County.

Chief Magistrate Judge Lisa McCard stated she was hired under Judge Ely leadership and will place a plaque in the lobby of the Magistrate Office displaying her years of service.

Meeting adjourned

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

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