

MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BEN HILL COUNTY COMMISSIONERS  
HELD ON AUGUST 2, 2016 AT 6:30 PM IN THE  
BEN HILL COUNTY COURTHOUSE ANNEX

Those present for the meeting were as follows:

Philip C. Jay III	Chairman
Daniel Cowan	Vice-Chairman
Bennie Calloway	Commissioner
John Mooney	Commissioner
Frank Feild	County Manager
Donna Prather	County Clerk
Toni Sawyer	County Attorney

**Call to Order**

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**

Vice-Chairman Daniel Cowan made a motion to amend the agenda by adding County Surveyor Special Election Resolution to New Business. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

**Public Comments:**

Jim Casper expressed his concerns and confusion regarding the budget process. He stated the Commissioners gave the Sheriff a \$530,000 increase but fell to increase the millage rate 2 mills to cover the increase. He stated now the Commissioners are asking other Departments to cut their budget and suffer because of their error giving the Sheriff an increase.

Vice-Chairman Daniel Cowan made a motion to extend Jim Casper time. Commissioner John Mooney seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner John Mooney, and Commissioner Bennie Calloway all voting for the motion.

Mr. Casper stated he has been studying the line items of the Sheriff and Jail budget and discovered some law suits. He blamed the Sheriff, Commissioners, and some staff for some poor choices in decision making.

Jean Faircloth asked the Commissioners if the County have an ordinance for back yard kennels; is there a noise ordinance; is it being enforced; is there an ordinance against firing a weapon in close quarters.

County Attorney Toni Sawyer stated there is an nuisance ordinance and not a noise ordinance.

Ms. Faircloth stated she is afraid because she has a neighbor firing a weapon during the night while being intoxicated. She stated she has called the Sheriff Department but they didn't do anything about. She said a deputy told her he can't do anything to the neighbor unless he sees him firing the gun. She stated she is looking for some help and she will back back because she wants some answers.

The Chairman instructed County Attorney Toni Sawyer to look up the code of ordinances and contact Ms. Faircloth with her findings so she will understand what can be done on her behalf.

Daphne Williams thanked the Commissioners for contributing to the DMV program she started. She stated it has since turned into a literacy program because she discovered through an incident a young man could not read. She reported she has had six (6) students out of nineteen (19) pass the GED and four (4) students has passed the DMV. She stated they have moved from Monitor, to the Grand Theater, and now a permanent home at the Housing Authority Learning Center. She mentioned the three young men that came asking for work are now getting bigger contracts because of the work that was given to them by the County.

#### **Acceptance of Prior Minutes**

Vice-Chairman Daniel Cowan made a motion to approve the Workshop Meeting Minutes held on July 7, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Public Hearing Minutes held on July 12, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Regular Monthly Meeting Minutes held on July 12, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Workshop Meeting Minutes held on July 13, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Public Hearing Minutes held on July 22, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Special Calling Meeting Minutes held on July 22, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Workshop Meeting Minutes held on July 25, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Special Called Meeting Minutes held on July 28, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve the Workshop Meeting Minutes held on July 28, 2016. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

**Constitutional Officer: NONE**

**Department Head Reports:**

Department of Leisure Service Director Keith Morris stood to give a report.

Commissioner John Mooney stated he thinks there is some miscommunication concerning the language in a letter that Mr. Morris received from the Commissioners. He stated he want to be able to make suggestions; but he thinks the letter wording should have been suggesting instead of mandating Mr. Morris concerning the restroom issue at Paulk Park.

Mr. Morris continued on in updating the Commissioners on the new Department of Leisure Service office and pool. He stated he they have been working with the architect Glenn Gregory of Valdosta, GA and they have a basic sketch of the office space and pool. Mr. Morris stated he will keep the Commissioners informed of the progress on the new facility.

**County Board Reports: NONE**

**County Manager's Report:**

***Oriole Road Crossing***

We met with CSX on July 21st to discuss the road improvements and designing the signals for the Dave Bishop, Sr. and Pine Level Church Crossings. CSX is moving forward with the signal design, and sees no problems. The Road Department began leveling the approaches to the Dave Bishop, Sr. crossing last week; and plans to do the Pine Level Church approaches in early fall.

***2016 Tax Digest***

The Department of Revenue reviewed and approved the 2016 Tax Digest for the County and the School Board last week. We are waiting for their written approval so we can order the preparation of the 2016 individual tax statements. The sooner we can get this done, the sooner collections can begin. Once again, we are deeply appreciative of what Joyce Merritt has done to guide us through this complex process

**Annexation Request: NONE**

**Rezoning Application: NONE**

**Alcohol Application: NONE**

**Consent Items**

County Manager Frank Feild stated the County's General Liability Insurance Policy was due for renewal on August 1st. We last bid this policy in 2014, and most counties bid their policies every three years.

Our agent provided us a quote from One Beacon for continuation of the current policy; which will cost the County \$167,973. This is a \$5,030 increase over last year; and the increase is in the area of automobile liability. Our claims have not increased; but One Beacon's actuarial experience in automobile claims has.

Commissioner John Mooney made a motion to approve the renewal of the County's General Liability Insurance Policy with One Beacon, and authorize the Chairman to sign the necessary documents. Commissioner Bennie Calloway seconded the motion; which passed with Commissioner John Mooney, Commissioner Bennie Calloway, and Vice-Chairman Daniel Cowan all voting for the motion.

***1. Liability Insurance Policy Renewal***

**Old Business:**

***Rezoning Application***

Vice-Chairman Daniel Cowan made a motion to leave the zoning at Residential (R1) and make a special exception to allow the mobile home that was burned to be replaced at 1346 Dewey McGlamry Road. Commissioner John Mooney seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner John Mooney, and Commissioner Bennie Calloway all voting for the motion.

Vice-Chairman Daniel Cowan made a motion to approve rezoning the property at 293 Benjamin Hill Drive from Multi-Residential (MR) to General Business (GB). Commissioner John Mooney seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner John Mooney, and Commissioner Bennie Calloway all voting for the motion.

The County Attorney Toni Sawyer stated the Planning and Zoning Board didn't see a need for a rezoning application but looked at this situation as a special exception due to illness; therefore didn't vote on the matter.

The Commissioners discussed the request of Ricky Kellum. He and his wife wants the approval of the Commissioners to place a modular home on his property located at 472 Benjamin Hill Drive to care for his wife elderly parents instead of placing them in the nursing home.

Mr. Kellum stated that they are now considering a mobile RV home instead of a modular home. Mrs. Kellum explained the poor health of her elderly parents and begged the Commissioners to consider their request.

Commissioner Daniel Cowan stated he didn't have an issue with granting the request of the Kellums; but stated he was not going to vote on anything if there was not a document present for him to see stating the terms of the special exception. Commissioner Calloway agreed with Commissioner Cowan.

County Attorney Toni Sawyer was instructed to prepare a document for the Kellums and the Commissioners to sign regarding the terms and conditions of the special exception.

### ***Public Defender 2017 Contract***

Vice-Chairman Daniel Cowan made a motion to amend the contract submitted by taken away the increase requested and approve \$86,795.00. Commissioner Bennie Calloway seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner Bennie Calloway, and Commissioner John Mooney all voting for the motion.

### ***Department of Leisure Service Board Appointment***

Commissioner John Mooney nominated Jennifer Schultz. Commissioner John Mooney also nominated Leroy Dunnom at the July Regular Monthly Meeting.

Chairman Philip Jay stated the Commissioners would vote by secret ballot. After the voting process was completed, Chairman Jay announced Jennifer Shultz was appointed to the Department of Leisure Service Board.

### ***DFAC Board Appointment***

Vice-Chairman Daniel Cowan made a motion to appoint Debra Weil to the DFAC Board. Commissioner John Mooney seconded the motion; which passed with Vice-Chairman Daniel Cowan, Commissioner John Mooney, and Commissioner Bennie Calloway all voting for the motion.

### **New Business:**

#### ***Library Board Vacancy/Anne Jordan***

Anne Jordan was nominated for the Library Board.

### ***County Surveyor Special Election Resolution***

County Manager Frank Feild reported no one qualified for the County Surveyor position; but the County Surveyor's term expires on December 31, 2016. This is not a paid position and it offers no amenities. The incumbent sees no reason to continue paying qualifying fees just to have a title.

The County Attorney has advised we will have to have a special election in conjunction with the November 8, 2016 General Election for the purpose of filling this position. If no one qualifies for the special election, then we may have to keep calling for a special election until someone does; as this is an official election position that should not remain vacant. This will require a lot of extra work and expense for the County and the Elections Department.

The ACCG Commissioner's Handbook states that whenever an election fails to fill this office, or a vacancy occurs, the probate judge appoints someone to serve as surveyor until the vacancy is filled. The General Assembly may by local law abolish the office of elected county surveyor and authorize the governing authority to appoint a county surveyor. When there is no county surveyor, any Georgia resident who is a duly licensed land surveyor may be appointed to perform the duties of county surveyor.

An alternative to continue calling for special elections to fill this position might be to do a charter amendment to eliminate the County Surveyor position from Ben Hill County's elected offices. Local legislation could be introduced in the 2017 Session of the Georgia Legislature to accomplish this. The Probate Judge could appoint someone to serve as county surveyor effective January 1, 2017 and continuing until the Local Legislation is passed or the vacancy is filled.

If the Commission wants to pursue this alternative, the next step would be to contact our State Representative and work with him on drafting proposed Local Legislation to be introduced during the 2017 Session.

Commissioner John Mooney made a motion to do a charter amendment to eliminate the County Surveyor position from Ben Hill County's elected offices and allow the Probate Judge to appoint someone to serve as county surveyor effective January 1, 2017 until the Local Legislation is passed or the vacancy is filled. Vice-Chairman Daniel Cowan seconded the motion; which passed with Commissioner John Mooney, Vice-Chairman Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

Commissioner John Mooney made a motion to approve the County Surveyor Special Election Resolution. Vice-Chairman Daniel Cowan seconded the motion; which passed with Commissioner John Mooney, Vice-Chairman Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

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

**Legislative Report: NONE**

**Commissioner's Remarks:**

Commissioner John Mooney stated a plaque should be prepared for Leroy Dunnom for his years of service on the Department of Leisure Service Board.

**Meeting adjourned**

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

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