



**Fannin County Board of Commissioners  
Regular Meeting  
Jury Assembly Room  
February 14, 2017 6:00 PM**

**OPENING REGULAR MEETING**

Chairman Stan Helton called the meeting to order at 6:00 PM.

The invocation was led by Lane Bishop and the Pledge of Allegiance was led by Commissioner Earl Johnson.

**OLD BUSINESS**

Chairman Helton called for a motion to approve the minutes of the January 24, 2017 regular meeting and the February 7, 2017 called meeting. Motion made first by Commissioner Johnson. Second made by Commissioner Larry Joe Sosebee; motion passed by unanimous vote.

Chairman Helton remarked that the agenda needed to be amended to add item 10. Commissioner Sosebee made first the motion. Second made by Commissioner Johnson; motion passed by unanimous vote. Chairman Helton noted the addition of his email to the agenda and asked citizens to contact him with questions or concerns.

**PUBLIC COMMENTARY**

Ralph Garner commented on Joe Webb's past remarks that all judges should report financially and Commissioner Sosebee's past remarks to Judge Weaver that checks from the Superior Court's operating account should be cleared by the board. Garner publically supported the comments and asked that, if there had been no compliance, the full board get behind Commissioner Sosebee's initiative.

Joe Webb commented on the need to contract professional services and that the contracts did not need to exceed two years. Webb also commented on the two signature policy and said citizens recommended two real signatures on checks over \$4,500, not electronic signatures. Webb stated that over the past year the board had passed a resolution for quarterly financial reports. Webb commented that the reports had only been conducted once. Webb discussed public safety at Shallowford Bridge.

Sam Walker commented that the new Science and Agriculture building being constructed by the Board of Education is in a flood plain. Walker stated he had discussed the matter with Land Development Department Head, Marie Woody, and she stated knows it is in a flood plain but would not put it in writing. Walker commented on how the county could be held liable because of the Board of Education and called on the Board of Commissioners to look at the situation and find a solution to prevent issues.

Judge Brenda Weaver gave an overview of the Appalachian Pretrial and Probation Program following the contract signing during the prior called meeting. Weaver stated the APPP had been started in 1998 when Pickens, Gilmer, and Fannin County commissioners and judges decided it would be more economical for the circuit to form the APPP rather than each county having a separate county probation department. Weaver gave a summary of the services provided by the APPP and introduced Officer Holloway, the probation officer. Weaver stated all officers are certified and can make arrests. Weaver stated that Pickens and Gilmer counties provided office space for the APPP and Fannin did not which is why the budget in Fannin is larger. Commissioners Johnson stated he did not know what APPP was until the prior week or that Fannin County had a contract with APPP. Commissioner Johnson added that, in Fannin County, all board members must sign contracts. Commissioner Sosebee commented he did not know about the contract. Judge Weaver stated there is a line item in the budget for the APPP and that since 1998, there had never been a judge that had received personal funds from the program.

**NEW BUSINESS**

Chairman Helton moved to a motion to approve all invoices over \$4,500. Motion made first by Commissioner Sosebee. Motion made second by Commissioner Johnson; motion passed by unanimous decision.

Chairman Helton shifted to the approval of the variance request from Big Creek Overlook LLC. Motion made first by Chairman Helton. Second made by Commissioner Johnson; motion passed unanimously.

Chairman Helton moved to the approval of the variance request from Aska Adventure LLC. Chairman Helton made first the motion. Second made by Commissioner Sosebee; motion passed unanimously.

Chairman Helton moved to the appointment of Gail O'Neill to the Fannin County Recreation Board. Motion for appointment made first by Chairman Helton. Motion made second by Commissioner Sosebee; motion passed by unanimous decision.

Chairman Helton shifted the appointment of Dr. Chris Jabaley to the Fannin County Recreation Board. Motion for the appointment made first by Commissioner Sosebee. Second made by Commissioner Johnson; motion passed by unanimous vote.

Robert Graham discussed the Volunteer Management Plan and introduced Jerry Gordon, VOAD coordinator of Fannin County. Graham stated that with the board's approval of the plan and one other plan they will be working on during the year, Fannin County would be eligible for an extra 2% disaster match from FEMA. Motion to approve made first by Chairman Helton. Motion made second by Commissioner Sosebee; motion

passed by unanimous vote. Graham gave an update on the Windy Ridge Fire Station and said they would be meeting with architects the following day.

Chairman Helton moved to the signing of the engagement letter with Rushton & Company for the 2016 audit. Motion to sign the engagement letter made first by Commissioner Johnson. Second made by Commissioner Sosebee; motion passed unanimously.

Chairman Helton commented the board had held a workshop where county roads were discussed. Chairman Helton called on Zack Ratcliff, Director of Public Works, to discuss the county road list. Ratcliff suggested revising the list to add or remove roads every six months. Chairman Helton commented that when roads are removed or added it will be a full board decision and must be noted in the minutes. Chairman Helton noted past confusion about county roads and recommended placing a moratorium on adding roads until July to accumulate information and do research on the roads. Commissioner Johnson and Commissioner Sosebee inquired about roads that were supposedly added in 2013. Commissioner Sosebee added the roads did not come across the board. Commissioner Johnson stated he was under the impression the county had been under a moratorium for four years and did not want any roads from 2012 forward to be included in the list. Chairman Helton made a motion to add or remove roads to the county list in July and January. Second made by Commissioner Sosebee; motion passed by unanimous decision.

Chairman Helton moved to the discussion of a February workshop. The board decided the workshop would be held Thursday, February 23 at 8:30 AM.

#### EXECUTIVE SESSION

Motion to enter into executive session made first by Commissioner Johnson. Motion made second by Commissioner Sosebee; motion passed by unanimous decision. The board entered into executive session at 7:01 PM regarding personnel issues and real estate.

Chairman Helton called for a motion to come out of executive session at 7:50 PM. Commissioner Sosebee made first the motion. Motion made second by Commissioner Johnson; motion passed unanimously.

Chairman Helton stated the board had made no decision in regards to the real estate matter.

Chairman Helton stated the board would sign a separation agreement with former County Clerk and Finance Director, Rita Kirby. Commissioner Sosebee stated the only item the board had to reference was a calendar she had submitted with her comp time. Commissioner Sosebee stated the calendar had been initialed by Bill Simonds, former Fannin County Chairman. Commissioner Sosebee remarked he was unaware of department heads receiving comp time. Commissioner Sosebee stated Kirby had not posted or placed budgets in the system over the last three weeks of her employment. Commissioner Sosebee commented that the calendar looked as though it had been done in the same pen on the same day. Commissioner Sosebee read the following salaries received from Kirby over the past eight years:

• 2009: \$31,000	• 2014: \$56,000
• 2010: \$40,000	• 2015: \$59,000
• 2011: \$49,000	• 2016, with additional comp time: \$76,000
• 2012: \$51,000	
• 2013 \$53,000	

Commissioner Sosebee added that Kirby's husband, Sheriff Dane Kirby, made approximately \$75,000 per year bringing the total for both Rita Kirby and Dane Kirby just under \$1,000,000. Commissioner Sosebee stated he took the situation as blackmail.

Chairman Helton stated the separation agreement was for the amount of \$13,622.07 and he struggled with it as well. Chairman Helton added that it is tax payer money and the potential liability for the county would be much more significant, especially if the board were to hire a specialist in labor law. Chairman Helton stated the separation agreement would release the county from any other claims and the board could move forward with a clean slate.

Commissioner Johnson commented that Kirby had worked under the entire board for one and a half years and he did not know of any other salaried employees that were accruing comp time. Commissioner Johnson presented the calendar and said it was an example of how unorganized the county has been.

Commissioner Johnson remarked that former Chairman Bill Simonds had already paid another sum to Kirby. Commissioner Sosebee remarked that the total was \$3,295.60 that the chairman had approved before leaving office. Commissioner Johnson commented that the total paid to Kirby would be \$16,822. Commissioner Johnson said he had not voted to terminate Kirby but was unaware comp time was being accrued and he was not happy about paying it.


Commissioner Sosebee added that Kirby's last raise had not come across the board. Commissioner Johnson commented on Chairman Simonds's initials on the comp time calendar binding the county. Commissioner Johnson stated he did not see another way for the county to get out of the situation and move ahead other than paying the sum.

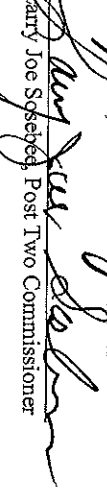
Chairman Helton called for a motion to pay \$13,622.07 to Rita Davis Kirby to settle all claims for wages and compensation as well as any and all other claims. Chairman Helton added that the settlement gives the county a free and clean release of any obligations pertaining to the former financial director. Chairman Helton made first the motion. Motion made second by Commissioner Johnson. Commissioner Sosebee opposed; Motion passed two to one.

#### CLOSING

With no further business, Chairman Helton called for a motion to adjourn at 8:02 PM. Motion made first by Commissioner Sosebee. Second made by Commissioner Johnson; motion passed by unanimous vote.

  
Stan Hejon, Chairman

  
Earl Johnson, Post One Commissioner

  
Larry Joe Sesebeck, Post Two Commissioner

Attest:

  
Kristina Stone, Interim County Clerk