



Fannin County Board of Commissioners

Regular Meeting

Jury Assembly Room

February 26, 2019 5:15 p.m.

OPENING REGULAR MEETING

Chairman Helton called the meeting to order at 5:15 p.m. Present in meeting were Chairman Helton, Post 1 Commissioner Earl Johnson and Post 2 Commissioner Glenn Patterson.

The Invocation was led by Robert Graham and the Pledge of Allegiance was led by Commissioner Johnson.

OLD BUSINESS

Commissioner Johnson made a motion to approve the minutes of the February 12, 2019 Regular Meeting. Second made by Commissioner Patterson; motion passed.

PUBLIC COMMENTARY

Ralph Garner of Blue Ridge stated he wanted to salute Eddie O'Neal of the Fannin Recreation Department for a program that received \$280,000 in revenue. Garner stated that Post Commissioners Johnson and Sosebee stated they were used to receiving \$75,000/\$80,000 before Mr. O'Neal became Director. Garner also wanted to recognize Elaine Owen and Reporter/Commentary Debbie Holcomb of the Fannin Sentinel for reporting a lack of transparency at the North Georgia Mountain Crisis Center. The Sentinel pointed out the Chairman Steven Miracle didn't know for the last six or seven years that he had to hold open meetings at a place that is accessible to the public until it was pointed out by Owen, Holcomb and the network's own Attorney so informed them. Garner stated when Miracle and Shelter Director Joy Welch appeared at this meeting on February 12; Chairman Helton rightly pointed to the counties need for this shelter. Garner stated, "Chairman Helton didn't stop there; he went on to utter this cheap shot that some people criticized the organization which blows my mind because you do such great things for the community." Garner stated, "Mr. Helton, as he has done on other occasions, misrepresented the facts." In this case, he conveniently did so to prompt an offensive remark. Garner stated that Mr. Helton disregarded the Sentinel's concern about the management and the administration, not it's benevolence work. This county does not need Mr. Helton to abolish local media for wanting transparency. Also, Mr. Garner went further to reference The Speaker of the House, David Ralston elaborating on the investigation that has been publicized. Garner made the comment that he hereby publically censure David Ralston for using his position to thwart the judicial process. Garner also asked the Commissioners, local media, and our District Attorney to follow with their own censure of David Ralston. Garner ended with the comment of, "Respectable people don't go along with conduct such as this."

Chairman Helton stated, "He could give Mr. Garner and answer to that right now by stating "I'm not about to censure someone like David Ralston." Mr. Garner stated to Chairman Helton, "You are not man enough, that's my reply to you."

Joe Webb of Dial came forth to elaborate once more on the issue of Public Safety. Webb also stated he wanted to look at the schedule maintenance of roads. Also, Mr. Webb spoke again about the County Legislation and stated the citizens stand ready to help with this.

Public Commentary Closed at 5:25 p.m.

NEW BUSINESS

Next on the agenda was Item # 3, Variance request from Frank M. Tate and Gregory Spencer; no party was present for the request. Property Location 358 Lake Cove Drive. Motion made first by Chairman Helton; Motion made second by Commissioner Patterson; motion passed unanimously. Commissioner Johnson asked if there could be a note reflected in the minutes regarding building on the existing foundation.

Commissioner Johnson stated just if there was a problem to arise later. *(This one is getting rebuilt on the existing foundation).*

Next on the agenda was Item #4, Variance Request for Joseph M. and Bonnie Hrynyk, property address being 722 Davenport Mountain Rd. to build a garage. Mrs. Bonnie Hrynyk was present. Motion made first by Chairman Helton; Motion made second by Commissioner Johnson; motion passed unanimously.

Next on the agenda was Item #5, Variance Request for Oak Vista, LLC, property location is off of 85 White Eagle Trail to build a carport. Both Commissioners Johnson and Patterson stated there didn't appear to be any issue. Motion made first by Commissioner Patterson, Motion made second by Commissioner Johnson; motion passed unanimously.

Next on the agenda was Item #6, Variance Request for Serene Mountain Properties, Inc., property location Grandeur Mt. to place house and garage thirty- five feet from the edge and forty- two feet from the centerline of Grandeur Drive. This is including the porch and steps. Motion made first by Commissioner Patterson; Motion made second by Commissioner Johnson; motion passed unanimously.

Item # 7 on the agenda was Fannin County Water Authority Reappointments for the following: Chairwoman Anita Weaver extended to March 2022, Board Member Mark Burger extended to March 2022, and Board Member Zack Ratcliff extended to April 2021. Chairman Helton stated two of the reappointments were Commissioner Johnson's. Commissioner Johnson stated no issue with reappointments. Commissioner Patterson stated no issue with reappointments either. Motion made first by Commissioner Patterson; Motion made second by Commissioner Johnson; motion passed unanimously.

Next on the agenda is Item #8, Patrick Cooke, Deputy Director Fannin County EMA/911 presented to the Board a quote from Xybiz for a dispatch console with matching table which is the same as last time and from the same company in the amount of \$16,749.11. Chairman Helton asked if it was same match up with the existing. Commissioner Johnson asked if these were the same price as the other ones and Mr. Cooke stated they were the same ones. Commissioner Patterson asked if they would like to keep them all a like and Mr. Cooke stated they would like them all to be the same. Commissioner Patterson inquired about a maintenance contract but Mr. Cooke stated there was not a maintenance contract. Chairman Helton asked if this would be the last one. Mr. Cooke responded that it would be the last one. Chairman Helton stated he had feed back from everyone and they like them. Motion made first by Chairman Helton; Motion made second by Commissioner Patterson; motion passed unanimously.

Next on the agenda is Item #9, Robert Graham, Director of Fannin County EMA/911, which had three items to present. Mr. Graham stated for years they had a contract with Steracycle Hazardous Waste to pick up hazardous material and they pick up once a quarter. They charge the amount of \$12,000 per year and the contract will be up on April 1, 2019. Graham stated that is too much to be charged. Graham presented two other bids with one company out of Dawsonville that would pick up once a month and would charge anywhere from \$600/\$800 a year; with first pick up being May 1, 2019 and the cost being \$50.00 per box pick up. Graham stated they just don't have that much hazardous waste. Graham stated the County Attorney had drafted a letter to the company regarding the contract. Commissioner Patterson asked if he had talked with anyone regarding this company to see if they were a reputable company and if they pick up on time. Graham stated he had talked with Pickens County which uses them and they have been pleased with them. Graham asked if he could get it approved maybe at the next meeting. Chairman Helton asked if he had a contract proposal from the company and Graham did have one. Chairman Helton asked if there were any thoughts and Commissioner Johnson asked what the old contract consisted of. Graham stated it was a three year contract which was up on April 1, 2019 with a sixty day notice to terminate. Commissioner Patterson inquired what the terms were of this contract; Graham replied it was a one year contract with automatic renewal of one year that can be terminated with a thirty day notice by either party. Chairman Helton asked how long they had been using that company and Graham replied for years. Graham stated he didn't think they were charging that amount all along. Graham elaborated on receiving bids for debris removal with two different companies in case of a disaster. Graham stated they don't activate those contracts if Public Works can handle the clean-up. Graham asked the Board with their approval, he wanted to get a contract prepared. First Motion made by Chairman Helton; second Motion made by Commissioner Patterson. Graham presented his last item which was pertaining to purchasing a remounted ambulance which would save around \$20,000/\$30,000. Graham explained the process of putting in for the chassy and the problem of waiting too long for the availability. Commissioner Johnson stated we had to have ambulances; we couldn't go without them so we need to do whatever we can. Commissioner Patterson stated that Public Safety is and should remain our highest priority. Chairman Helton commended Graham on all the effort and work he had put into the facts pertaining to planning for ambulances. Commissioner Johnson stated it was excellent and went on to make clear that we weren't in any bind whatsoever. Graham stated definitely not and he wanted to plan so we would not be in a bind. Chairman Helton asked County Attorney if there was a need to a make motion and she stated not as long as they have the RFPs.

Next on the agenda was Item # 10, Eddie O'Neal of the Fannin County Recreation Department. Mr. O'Neal began with discussion on mowing bids and cleaning of restrooms. He stated he had a suggestion that would

need the Boards approval which was trying a 24 month contract instead of a 12 month contract. Commissioner Patterson asked if he thought that might give them a little more negotiation power and O'Neal stated he thought it would. O'Neal had another issue to discuss which was the request by the public to use the new conference room there. He stated he felt it would be a good idea to rent the room out on a rental basis for \$25.00 per hour and they would have to set the room up. Chairman Helton stated he accepted the recommendation on renting the room out to the public. Motion made first by Chairman Helton, Motion made second by Commissioner Patterson; motion passed unanimously.

Last on the agenda was Item #11, District Attorney B. Alison Sosebee of the Appalachian Circuit of Fannin County. Ms. Sosebee began with thanking the Board for putting her on the agenda and then presented to the Board with handouts pertaining to 2019 budget. Ms. Sosebee stated the handout reflects the proposed budget she submitted in September 2018 and why that proposed budget be approved with the increase being \$28,481.00 over the budget that was actually approved. Ms. Sosebee stated she wanted to show essentially how the DA's office does budgeting; there were five sources of funding. Those include State, Fannin County, Gilmer County, Pickens County and Grants. She stated that each year when they go through budgeting; one of her responsibilities is to go to each one of the Board Of Commissioners in the counties. Ms. Sosebee stated the way the State worked is they are not awarded a monetary amount; they are allotted positions. Ms. Sosebee went into detail explaining the different classifications of employees. She explained how each were paid and which were paid by State, County or by Grant. She stated those that are paid by Grant are employees that will appear on county payroll, however, grant funding reimburses the county for the employee's compensation. Ms. Sosebee went on to explain how it is a wash for the county. Ms. Sosebee explained also the organizational charts showing how each employee is paid. Ms. Sosebee explained budget comparison which showed her requesting a total of \$381,657 and explained that would not actually be what Fannin County would be paying out, however, the amount that Fannin County would be paying out would be the \$329,897.00; and that is because Fannin County is receiving the benefit of receiving that grant reimbursement in the amount of \$51,760.00 for two employees. Those are designated on the chart as being Donna Bunch and Bobbie Jane Arp as Victim Advocates. Ms. Sosebee went on to say; it was her understanding when the budget had been prepared by others in the past that was figured differently and each department has grant reimbursement figured in their column. She stated on the piece of paper that was provided (by BOC) from 2016 to present it shows an increase and she believed it needed to show any analysis of grant reimbursements because it was done differently now. Ms. Sosebee explained the budget showing now for her department is \$353,176.00 and it isn't showing anywhere in that column that the \$51,760.00 coming back to the county. She stated what has happened is they have had an increase in cases coming in based on her comparison.; and they have had the same number of employees in the District Attorney's office. She stated basically they need help and gone on to state that earlier in the meeting Mr. Patterson had stated that Public Safety remained their highest priority; and that's what they were doing. Ms. Sosebee stated she felt they needed help to effectively do their jobs and when the budget got approved there was a reduction in it. She stated what she was asking the Board here today, is for the difference between what was proposed in the budget and what was approved. The total would be \$28,481.00. Chairman Helton asked if this would be for personnel salaries. Ms. Sosebee said it was and she believed it would fall under the line item of reimburseable salary. Chairman Helton asked if she thought it was the difference in the grant reimbursements. Ms. Sosebee stated what they had in the past is the way the structuring is where the county was putting expenditures in one section and the revenue in another section; now where on her budget is it reflecting the amount that the county is receiving back the grant reimbursements. Chairman Helton stated with the way they were doing it, was based upon the recommendations of what the auditors suggested and the State auditors approved. Chairman Helton asked Ms. Gazaway if there had been any problems with the numbers or anything on grant numbers. Ms. Gazaway replied "No Sir." Ms. Sosebee stated that she wasn't implicating that it was. Only that it was done differently than what it was in the past of those numbers being shown; and she wasn't saying that it had been done improperly. Chairman Helton asked if there were any hidden costs that the other counties charged for. For example, like utilities, or rental space, etc. Chairman Helton asked Ms. Gazaway about those types of cost; and Ms. Gazaway stated she believed that would fall under maintenance. Ms. Sosebee explained it did appear that Pickens and Gilmer do charge small amounts for such utilities. Chairman Helton asked about any increases on the grant reimbursements. Ms. Sosebee stated she wasn't aware of any, and if there were, it would only be a slight cost of living increase; and stated she could not provide any numbers reflecting that at the time. Chairman Helton inquired about any State mandated or anything like that which would cause an increase in her budget. Ms. Sosebee stated the only thing she felt they would have to take into consideration is the increase in the number of cases. Ms. Sosebee stated it was something that was affecting everyone that's from the law enforcement aspect across the board. Commissioner Patterson inquired if it was something that was affecting Gilmer and Pickens across the board. Ms. Sosebee stated as a matter of fact, it was a 25% increase in one year. Ms. Sosebee said she was just going to be candid about it; she would feel differently about it if she didn't have a tremendously dedicated staff. Ms. Sosebee went on to say that some staff stayed late and came in early and worked on weekends; I can't keep expecting that from them. She stated she appreciated the dedication and the loyalty but it was something that she could not even legally require them to do without compensation. She is requesting to have an additional administrative person to come into Fannin County to help alleviate that work load. Commissioner Johnson wanted to talk about numbers and went over the actual figure approved which was the requested amount of \$381,657.00 and the approved amount of \$353,176.00 and then we get \$51,760.00 back from the State. Commissioner Johnson

asked Ms. Gazaway if numbers were reflected that way last year. Ms. Gazaway replied they were reflected the same way as it was this year. Commissioner Johnson stated he was trying to figure how he would know we were getting the \$51,760.00 back. Commissioner Johnson stated if they were actually awarded what they requested then; their budget would actually be less than what we approved once we get the money back from the State. Ms. Gazaway stated the difference would be the same; the number's don't reflect revenue last year nor the year before nor this year. Commissioner Patterson stated it didn't reflect the reimbursements. Ms. Gazaway stated the expenses go into expenses and the revenue goes into revenue. Commissioner Johnson stated, 'So in reality, we are not spending what we approved.' Commissioner Patterson stated, 'We're getting an overage.' Ms. Gazaway replied 'Yes'. Commissioner Johnson asked, 'So what's the problem?' 'So, if we are spending less money than what's approved; I don't understand what the issue is?' Ms. Gazaway replied 'It's still an increase in the budget because that revenue is still not in any of them.' Commissioner Johnson stated, 'I understand that, so why don't we have that revenue reflected in here?' Ms. Gazaway replied, 'You don't net your revenue with your expenses, that goes into a revenue account.' Commissioner Patterson stated it was timing. Ms. Gazaway replied, 'No you never net them.' Commissioner Johnson stated, 'How is Earl, as a Commissioner, gonna know that their department is getting back \$51,760.00?' Ms. Gazaway stated, 'Unless you ask me you probably wouldn't know it'. She stated there is a special line as revenue. Commissioner Johnson asked, 'So it's listed out as District Attorney's Office?' Ms. Gazaway replied 'Yes'. Commissioner Helton asked if we had other departments that would be in the same category as grants. Ms. Gazaway stated 'Yes'. Commissioner Helton stated that the state auditors required us to follow those accounting practices. Commissioner Johnson stated that when he approved a budget he was actually approving more than she was actually getting. Ms. Gazaway stated she would be getting all the money but we are getting reimbursed for some of it. Commissioner Johnson replied, 'Since we are going to split hairs then, because that's the road we are going down, at no point and time did I know she was getting \$51,000.00 back from the state so when I approved the \$353,176.00 budget, I'm thinking that's what it is costing Fannin County tax payers. So if we were to give them what they are requesting, it would only cost the tax payers the \$329,897.00 which would be the increase of what they are asking by the time they get the reimbursement.' Ms. Gazaway replied, 'No, because we always have to link that revenue in there to get a balanced budget, if I'm hearing you correctly, it's always been done that way.' Commissioner Johnson stated, 'No, not always.' Ms. Gazaway replied, 'Well, it was before I got here and they were here way before I was.' Commissioner Johnson asked, 'So out of the 2019 Budget of \$353,176.00, what is the total cost to Fannin County going to be after they are reimbursed?' Ms. Gazaway replied, 'It would be the difference between the grant money.' Commissioner Johnson stated, 'So it would be the \$51,760.00 less than what was in the budget?' Ms. Gazaway stated it would be an offset. Commissioner Johnson stated he just needed to know when it comes to the District Attorney what he was dealing with. Ms. Gazaway stated it would stay on the books as the budget amount of \$353,176.00 always. Commissioner Johnson stated, he understood that but in reality when they get the reimbursement back, their office is not actually spending the \$353,176.00; he stated he needs to know that somehow without having to ask everything that goes on because I'm under the assumption that their office is wanting another \$28,000 just out of the clear blue. Ms. Gazaway explained they were asking for a 20 percent increase from last year. Commissioner Johnson replied, 'And that bothers you I guess.' Ms. Gazaway stated that she was just telling him that and she didn't care. Ms. Sosebee stated she was not asking for a 20 percent increase from the 2018 to the 2019 budget. Ms. Sosebee went on to elaborate on the numbers of the fringe benefits with employees also. Commissioner Helton made the comment if they started making an exception for their department for grants, to give you the sole called credit and our auditors says that it goes against accounting practices. Ms. Sosebee stated she was certainly not asking them to go against any accounting practices or recommendations by the auditors. Ms. Sosebee stated what she was saying and Commissioner Johnson, is Fannin County is in reality receiving that \$51,000.00 back and we are not actually spending that. Chairman Helton asked about the numbers in 2016, and if the grants would be included. Ms. Sosebee stated she couldn't speak for that. Chairman Helton asked Ms. Gazaway if those would be in our old audit reports. Ms. Gazaway stated she would have to look, that some things were missing but she could look. Chairman Helton stated he had the sheet and he was seeing the increase in the last three years and if grants were received during those years also; it would still be a big increase in three years. Chairman Helton asked Ms. Sosebee if her caseload was going up, wouldn't the other court's not go up too. Ms. Sosebee stated all she could say is that they have had a 25 percent increase. She stated also they just need help in getting cases through and getting them processed. Chairman Helton stated, 'If you look at the other offices and they have essentially been flat; we can certainly look at grants to see if there's a difference but grants would be similar then it would be about the same; and what your office is representing from 2016 until now is an 82% increase and what your asking for now it would be an 97% increase. Ms. Sosebee stated that at one point with prior accounting, they did receive acknowledgments of those funds coming back into the county. Chairman Helton explained to Ms. Sosebee of holding to the budget due to the fact of not having a big tax increase but if she felt there was something not being calculated correctly with her budget that would need to be looked at. Chairman Helton asked about the comparison of numbers pertaining to the caseload. Ms. Sosebee stated she couldn't speak for the surrounding counties but stated 'If you recall, a couple of years ago there was a problem with reporting from the Clerk's Office so with the analysis she had, you would need to actually go to the Clerk of Superior Court to make a determination of numbers and you would need to look at grants received and population with those surrounding counties. Chairman Helton and District Attorney Sosebee continued with comparison on caseload numbers with surrounding circuits and an expenditure sheet showing numbers to


date. Chairman Helton stated that it certainly appeared she wasn't going to run out of money and we could always revisit later on in the year. Ms. Sosebee stated the only problem was; she had held off on hiring an administrative assistant to alleviate the workload so she stated she could certainly go ahead and fill that position and come back later in the year. Chairman Helton stated he didn't believe in kicking the can down the road; the other Commissioners could make an adjustment or leave it as is; and they could look at grant reimbursements but the thing about that; there are two issues and anyone looking at their budgets this early in the year, especially that support the judicial system, could make some kind of case about workload as you did. If we don't look at this very carefully and fairly, we are opening up the door for an even bigger readjustment to the whole budget and I'm not prepared to do that. Commissioner Patterson inquired into the number of cases they had actually tried in Fannin; Ms. Sosebee stated she didn't come prepared with that calculation. Commissioner Patterson continued to speak about Public Safety and keeping our community safe. Commissioner Johnson asked how many other departments that we have that received grants like this department. Ms. Gazaway stated she would have to go back and check but she couldn't think of any off the top of her head. Commissioner Johnson stated it sounded like it had been calculated differently by prior administrations, it would have to be. Commissioner Johnson stated to Ms. Sosebee, "You and only you know what your office needs and don't need, you are a Constitutional Officer and you are elected by your own people and if you're comfortable with asking for the increase. We have always asked if anyone wants an increase; we've asked for them to come and explain why." Commissioner Johnson stated he was glad that she came tonight because he had learned something he didn't know for six years. Commissioner Johnson also asked who she presented the numbers to and why did they change. Chairman Helton stated he could answer that question; that would be Appalachian Judicial Circuit with anything to do with your office or Superior court; we all, myself and CFOs meet and sat down with the Chairmans of all the other counties and discuss with them the equitable budget needs. And the agreement with Gilmer County was 1/2 person there and 1/2 person here; that was the agreement because you had asked for 1 person. Ms. Sosebee stated she had hired a full administrative person in Gilmer County. Commissioner Johnson asked about all three counties getting together to discuss an agreement for her office. Chairman Helton stated, that before the counties didn't discuss but now they try to get together so everyone in the Circuit is together with what everyone is doing. Commissioner Johnson stated, he wasn't concerned with what Gilmer and Pickens were doing; he was only concerned on with what Fannin's doing. Ms. Sosebee stated she did present her budget in September, but the number changed in between then and December when the budget was approved. Ms. Gazaway spoke up and stated she did email both Ms. Sosebee and Brian Stanford about the change to give her time to review and bring up any concerns before the approval. Ms. Sosebee stated she did receive an email on November 30, 2018 as to what was being looked at; there was no amendments or numbers submitted. Chairman Helton did comment there was no exclusion in going down to meet with the other counties; obviously they couldn't go at the same time; but both are welcome to go. Commissioner Patterson stated he understood what Commissioner Johnson was stating and we do need to take care of our county. He stated we could delay but not more than a couple of months or a month. Commissioner Patterson stated that was his thoughts. Chairman Helton asked what the Commissioners wanted to do at the time; they could make a motion or leave the budget as is or they could look into the grants a little more. Commissioner Johnson stated he thought they should go ahead and give her what she requested because she will be spending less and he wasn't going to tell her how to run her office; that's what she got elected to do. Motion made first by Commissioner Johnson to approve increase; motion made second by Commissioner Patterson, motion passed two to one with Chairman Helton voting no.


EXECUTIVE SESSION

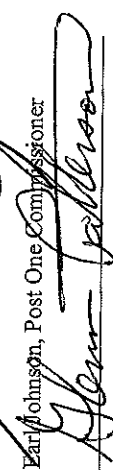
No Executive Session needed.

CLOSING

Motion to adjourn made at 7:30 p.m. first by Commissioner Johnson. Motion made second by Chairman Helton; motion passed unanimously.


Stan Helton, Chairman


Earl Johnson, Post One Commissioner


Glenn Patterson, Post Two Commissioner

Attest:


Sherril Walker, County Clerk

Glenn Patterson, Post Two Commissioner