

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM REGULAR MEETING HELD

JULY 7, 2008, AT 4:30 P.M.

The White County Board of Commissioners met in a regular session at 4:30 P.M. in the Court Room of the White County Courthouse, Cleveland, Georgia (Note: The opening of the meeting and the Executive Session were held in the Commissioners' Conference Room due to the Court Room being in use). Present were: Chairman Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, County Attorney David Syfan, County Manager Alton Brown, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Rev. Marc Turner brought the invocation.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the minutes from the Regular Meeting held June 5, 2008 were unanimously adopted.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the minutes from the First Public Budget Hearing of June 19, 2008 were unanimously adopted.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the minutes from the Second Public Budget Hearing of June 30, 2008 were unanimously adopted.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the minutes from the Called Meeting held June 30, 2008 were unanimously adopted.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to enter Executive Session to discuss potential litigation.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the Board of Commissioners exited the Executive Session. Chairman Nonnemaker stated that no decisions were made. (See Closed Meeting Affidavit attached).

Under Old Business, the Board of Commissioners discussed the approval and funding of improvements to NOK Drive. Sally McIntyre presented a letter to the Board of Commissioners which had been sent to Xavier Roberts and Della Tolhurst, President of Original Appalachian Art Works, Inc., from Attorney Frederick E. Link concerning a Consent Order and Decree dated June 4, 1991 and the incorporated Settlement Agreement in Civil Acton File No. 89-CV-180, the case of Xavier Roberts against White County, Georgia and others. (See copy of letter attached.)

A copy of the letter from Attorney Link was given to the County Attorney, David Syfan. Chairman Nonnemaker asked David Syfan if he wanted some time to review the letter before the Board of Commissioners made any decision. Mr. Syfan stated that he would be glad to review the letter and give the Board of Commissioners further response.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, any decision on the improvements to NOK Drive was tabled until the County Attorney could review the letter from Attorney Link.

CONSENT AGENDA:

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the following Consent Agenda Items were unanimously adopted:

1. Awarded contract on proposed Design/Build Agreement on renovation of Courthouse to Charles Black Construction Co., the lowest bidder.

Minutes from Regular Meeting Held July 7, 2008, Continued

2. Authorized Renewal of Inmate Detail Agreement for FY 2009 with Carlton H. Colwell Probation Detention Center for the sum of \$39,500.
3. Authorized renewal of Memorandum of Agreement with Enotah CASA, INC. for the distribution of \$5,000.
4. Authorized renewal of Agreement with Chamber of Commerce for the distribution of a portion of Hotel/Motel Tax in the amount of \$85,000.
5. Authorized the Renewal of Agreement with Cleveland Better Hometown, Inc. for the distribution of \$21,199.
6. Authorized Renewal Agreement with Helen/White County CVB for the distribution of a portion of Hotel/Motel Tax in the amount of \$90,000.
7. Authorized Renewal of Memorandum of Agreement with White County Department of Family and Children Services for the distribution of \$46,000.
8. Authorized Renewal of Memorandum of Agreement with White County Extension Office for the distribution of \$17,512.00.
9. Authorized execution of Memorandum of Agreement with White County Family Connection for the distribution of \$7,500.
10. Authorized Renewal of Memorandum of Agreement with Georgia Mountain Community Service Board (Mental Health Services in White County) for the distribution of \$15,000.
11. Authorized annual contribution to the White County Health Department in the amount of \$140,000.
12. Authorized Renewal Agreement with White County Historical Society for the distribution of a portion of Hotel/Motel Tax in the amount of \$5,000.
13. Authorized execution of Local Share Commitment Letter in the amount of \$8450 for FY 2009 with The Legacy Link, Inc. for services at the White County Senior Center.
14. Authorized execution of Nutrition Program Contract with The Legacy Link, Inc. for services at the Senior Center.
15. Authorized Renewal of Memorandum of Agreement with White County Library Board for the distribution of \$73,170.
16. Authorized execution of Memorandum of Agreement with White County Meth Task Force for the distribution of \$7,500.
17. Authorized Renewal Agreement with Sautee Nacoochee Community Association for the distribution of a portion of Hotel/Motel tax in the amount of \$5,000.

18. Adopted the following Resolution imposing a computer use policy for the employees of White County:

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008- 20

A RESOLUTION

WHEREAS, the purpose of the White County Network and all County information technology resources is to support and facilitate the business of White County;

AND WHEREAS, the White County Board of Commissioners is desirous of adopting and implementing an Acceptable Use Policy regarding the access, use, security and monitoring of the County’s computer systems, network, e-mail and internet access;

NOW, THEREFORE, the White County Board of Commissioners does hereby adopt the attached White County Information Technology Acceptable Use Policy and does hereby include such policy in the White County Personnel Management System under Section 3 (Standards of Conduct), Subsection 3.15 (Information Technology Acceptable Use), by adding the policy as Section 3.15 thereof.

The White County Board of Commissioners does hereby amend the Official Code of White County, Chapter 46 (Personnel), Article II (Standards of Conduct), by adding the attached policy as Section 46-35 thereto.

The Human Resources Director is hereby authorized to distribute said White County Information Technology Acceptable Use Policy to the employees of White County.

The policies shall be effective immediately upon the adoption of this Resolution.

ADOPTED, this 7th day of July 2008.

**WHITE COUNTY BOARD OF
COMMISSIONERS**

s/Chris R. Nonnemaker
Chris R. Nonnemaker, Chairman

s/Joe R. Campbell
Joe R. Campbell, Post 1

s/Craig Bryant
Craig Bryant, Post 2

ATTEST:
s/Jean Welborn
Jean Welborn, County Clerk

**White County
Information Technology Acceptable Use Policy**

This document constitutes the policy for all White County employees regarding the access, use, security and monitoring of the County's computer systems, network, e-mail and internet access.

The primary purpose for the White County Network and all County information technology resources is to support and facilitate the business of the County as defined by the County Commissioners and the County Manager. Use of these resources for other purposes must be approved by the County Commissioners, County Manager and I.T. Department prior to that use.

The information technology resources of the County shall not be used for any activity that violates Federal, State or local laws or any other applicable policy or statute. Specifically, but not meant as a comprehensive list, the White County network will not be used to transmit offensive materials, hate mail, discriminatory remarks, obtain or transmit pornographic materials, communicate racial or ethnic slurs or anything that may be construed as harassment of others based on their race, national origin, sex, sexual orientation, age, disability or religious or political beliefs. Further, the White County Network shall not be used for commercial or profit enterprises, lobbying, advertising, religious material, political causes, outside organizations, or other non-government related solicitations.

All users will be given a user account for access to the White County network. User accounts will be protected by passwords to prevent unauthorized use. User accounts are to be used only by the authorized owner of the account and only for authorized purposes. Users will not permit the use of their account by anyone else. Any attempt to gain another individual's password, use another person's account or to circumvent password or other security measures is a violation of this policy.

No user shall perform any action that disrupts or denies another user's access to the White County Network or other information technology resources. Heavy usage or high-demand activities that disrupt or significantly reduce the overall performance of the network should be avoided and may be restricted or rescheduled in order to maintain acceptable internet/network response times throughout the system.

All data, information and files accessible via the White County network are considered to be the private property of White County and shall not be disclosed except for legitimate County purposes consistent with this and any other applicable policy. Except in the course of genuine County business, users shall not damage, destroy, modify or copy information, files, data or passwords available on or via the White County Network.

Illegal use of copyrighted software is prohibited on any and all systems in the White County Network.

Network services, Internet access and email services may be provided to County employees. The primary purpose of these accounts and services is to support and facilitate the business of the County as defined by the County Commissioners and the County Manager. Incidental personal use of these systems may occur, but such usage must not interfere with efficient and timely completion of County business activities or negatively impact the performance of the network. No user should attempt to gain access to another user's personal files or emails without prior, expressed consent from that user. The County may terminate the availability of the internet or email services at any time in its sole discretion.

In no event shall the County be liable to any user for any damages, whether direct, indirect, special or consequential arising out of the use of the Internet, accuracy or correctness of data bases or information contained therein or related, directly or indirectly, to any failure or delay of the County in providing access to the internet or email.

All computers, communication, activity and all information stored, received or transmitted using the White County Network shall be assumed to be the property of the White County and are to be used primarily for job-related purposes. Any email messages sent or received using the White County network are considered property of the County. To ensure proper use of the network and computer resources, the County may monitor the use of these systems, information and equipment at any time. All users understand that there is no right of privacy associated with the County's computer equipment. In this regard, the county has the right to monitor all activities and communications, retain records of all activities and communications and use this information in any manner permitted by law.

Violators of this policy are subject to disciplinary action, up to and including termination from employment.”

19. Appointed Tom O'Bryant to the State Water Council.
20. Authorized the purchase of Solar Panels for Speed Trailers used by the Sheriff's Department for the sum of \$1750 with the funds to be paid from contingency.
21. Awarded bid for a 5-ton heating and cooling system in the Magistrate Court and District Attorney's Offices to the lowest bidder, Burke Heating and Air, for the sum of \$4,558, which is to be paid from the Building and Maintenance budget of General Fund.
22. Authorized the Park and Recreation Department to purchase an F 250 Truck from Jacky Jones Ford for the sum of \$15,920, which is below the State Contract Price, using Capital Outlay and Miscellaneous funds in the Park and Recreation Department.
23. Authorized the purchase of a 1991 Mini Pumper for the Fire Department for \$17,500.
24. Authorized the purchase of an F 350 Truck for use in the Road Department for a Sign Truck from Jacky Jones Ford in the amount of \$19,388, which is below the State Contract price, with the funds to be paid from the Road Department, General Fund Budget.
25. Adopted the following Resolution declaring certain property of White County as surplus and authorizing the sale thereon through the Government On-Line Surplus process:

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-21

TO DECLARE CERTAIN PROPERTY OWNED BY WHITE COUNTY TO BE SURPLUS PROPERTY; TO PROVIDE FOR THE DISPOSAL OF SAID PROPERTY BY ON-LINE AUCTION THROUGH GOVDEALS; TO PROVIDE FOR ADVERTISING OF SAID DISPOSITION OF SAID PROPERTY; AND TO AUTHORIZE A REPRESENTATIVE OF WHITE COUNTY TO EXECUTE ANY TITLE TRANSFERS AND BILLS OF SALE ON THE PROPERTY.

WHEREAS, the Board of Commissioners of White County have determined that certain County-owned property is surplus; and

WHEREAS, the Board of Commissioners of White County desires to dispose of said property through the government on-line auction and to give public notice of said disposition;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of White County, Georgia, and it is hereby resolved by the authority of the same as follows:

-1-

The Board of Commissioners of White County hereby declares that the property described in Exhibit "A" attached hereto and incorporated herein by reference is surplus and shall be disposed of by the county by government on-line auction to the highest responsible bidder for each item. All surplus personal property will be sold "as is" and must be removed from the county property by the successful bidder within ten (10) days from the award of the bid, except as otherwise provided in Exhibit "A."

-2-

The Clerk of the Board of Commissioners is directed to cause notice to be published once a week for two weeks in the official legal organ of the county not less than 15 days nor more than 60 days preceding the date of the bid due date. The legal notice shall include a description of the property to be sold and shall contain the conditions of the proposed sale and shall give the website for the on-line auction.

-3-

The Board of Commissioners of White County reserves the right to refuse any and all bids on said property.

-4-

The County Manager is hereby authorized to execute any title transfers and bills of sale to the successful bidders on the personal property.

ADOPTED, this 7th day of July, 2008.

**WHITE COUNTY BOARD OF
COMMISSIONERS**

s/Chris R. Nonnemaker _____
Chris R. Nonnemaker, Chairman

s/Joe R. Campbell _____
Joe R. Campbell, Post 1

s/Craig Bryant _____
Craig Bryant, Post 2

ATTEST:

s/Jean Welborn _____
Jean Welborn
County Clerk

WHITE COUNTY
SURPLUS PROPERTY
TO BE SOLD “AS IS/WHERE IS”

- 1) 1986 Dodge D-50 Pick-up Truck, VIN JB7FP24D9FP103433;
- 2) 1976 Dodge W20 4x4 Pickup Truck, VIN W24BE7S061966;
- 3) 1973 Ford F600 Truck Cab w/chassis, VIN F6CIDCR54440; and
- 4) 1994 Ford F150 Truck, VIN FTEF14Y7RNB68048.”

-Exhibit A-

26. Awarded the bid on HVAC maintenance to the lowest bidder, Conditioned Air, for the sum of \$6,575 per year, which covers quarterly HVAC maintenance for the Courthouse, Mauney Building, Park and Recreation, Public Defender Building and Cleveland Library.
27. Authorized the advertisement for Public Hearing to be held at the August 4, 2008 meeting on the proposed abandonment of a portion of Leaford Road.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the execution of an Addendum to the Agreement with Georgia Mountains RDC concerning the CDBG Water Infrastructure at Bean Creek, extending its term to July 31, 2008, was unanimously authorized.

NEW BUSINESS:

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the Board of Commissioners placed the following hiring freeze:

**“WHITE COUNTY
HIRING FREEZE POLICY**

- (a) Due to the current economic climate, increases in fuel and other costs, the Board of Commissioners in order to avoid the elimination of active employees, hereby implements a “hiring freeze” for all non-Public Safety positions until January 1, 2009.
- (b) The “hiring freeze” shall include full and part time employment in all departments and offices receiving funding from the White County General Fund.
- (c) The Board of Commissioners recognizes that some positions are of a critical nature and will require filling if vacated during this period.
- (d) If a Department Manager or Elected Official deems that a vacated position falls into the “critical nature” category, the Department Manager or Elected Official shall request that the Board of Commissioners perform a “critical nature determination” review of the position.
- (e) If the Board of Commissioners does not determine that the position is “critical,” the position shall remain vacant until further determination of the need.”

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the purchase of an ISG Thermal Imaging Camera with Tru View and Fast Tract for the Fire

Department for \$9,500 from a single-source vendor, NAFECO, was unanimously approved. It was stated that the funds would be paid from the Fire Department budget wherein this expenditure was included.

Commissioner Campbell made a motion to enter into a SPLOST Intergovernmental Agreement between White County Board of Commissioners and The City of Cleveland Council for the distribution of 13% of the proposed SPLOST revenues beginning in October, 2009. Commissioner Bryant seconded the motion for discussion.

Mayor Don Stanley stated that there were some items that they would like to discuss with the Commissioners before a final decision was made; that they needed a meeting to discuss this. It was agreed that the City representatives and the County would hold a Called Meeting on July 21, 2008 at 4:00 P.M. to discuss the SPLOST appropriations. Greg Ash from the City of Helen asked if they could join the meeting. It was stated that the Commissioners would meet with representatives from both the Cities of Cleveland and Helen at that time.

The motion to enter into the Intergovernmental Agreement was rescinded.

Commissioner Bryant made a motion to table the SPLOST-related agenda items until the meeting of July 21, 2008.

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the following Resolution was unanimously adopted (Note: At first, Commissioner Campbell voted against the adoption of the following Resolution; however, he changed his vote to "yes" later in the meeting):

"WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-22

A Resolution to Allow the Citizens of White County the Opportunity to Vote on the Issue of a Land Use Management Plan

Whereas, the White County Board of Commissioners has received requests from White County property owners to implement a Land Use Management Plan in White County; and

Whereas, the White County Board of Commissioners desires to allow the citizens of White County the opportunity to vote on the Land Use Management issue in the unincorporated areas of White County.

Now therefore, it is hereby resolved that the following question be placed on the November 4, 2008 General Election ballot:

- | | |
|------------------------------|--|
| <input type="checkbox"/> YES | Shall the White County Board of Commissioners provide for Land Use Management in the unincorporated areas of White County? |
| <input type="checkbox"/> NO | |

All persons desiring to vote for approval of a Land Use Management Plan in the unincorporated areas of White County shall vote "Yes" and those persons desiring to vote for rejection of a Land Use Management Plan in the unincorporated areas of White County shall vote "No."

If more than fifty percent (50%) of the votes cast on the question are for approval of a Land Use Management Plan in the unincorporated areas of White County, the White County Board of Commissioners shall enact a code providing for a Land Use Management Plan in the unincorporated areas of White County.

Resolved, adopted and effective this 7th day of July, 2008.

White County Board of Commissioners

s/Chris R. Nonnemaker
Chris R. Nonnemaker, Chairman

Attest:

s/Jean Welborn
Jean Welborn
Clerk, White County”

Sandi Hanes stated that she felt that if the citizens were being asked to vote on zoning, it should be stated as such on the ballot.

Upon motion made by Commissioner Campbell, seconded by Chairman Nonnemaker, the following Resolution was adopted, with Commissioner Campbell and Chairman Nonnemaker voting “for” and Commissioner Bryant voting “against:”

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-23

A Resolution to Allow the Citizens of White County the Opportunity to Vote on the Issue of Beer and Wine Sales

Whereas, White County Board of Commissioners has received requests from citizens residing in White County and businesses located in White County to authorize the sale of beer and wine in White County; and

Whereas, the White County Board of Commissioners desires to allow the citizens of White County the opportunity to vote on the issue of beer and wine sales in the unincorporated areas of White County.

Now therefore, it is hereby resolved that the following question be placed on the November 4, 2008 General Election ballot:

- YES Shall the White County Board of Commissioners provide for the sale of beer and wine in the unincorporated areas of
 NO White County?

All persons desiring to vote for approval of beer and wine sales in the unincorporated areas of White County shall vote "Yes," and those persons desiring to vote for rejection of beer and wine sales in the unincorporated areas of White County shall vote "No."

If more than fifty percent (50%) of the votes cast on the question are for approval of beer and wine sales in the unincorporated areas of White County, the White County Board of Commissioners shall enact a code providing for the sale of beer and wine in the unincorporated areas of White County.

Resolved, adopted and effective this 7th day of July, 2008.

White County Board of Commissioners

s/Chris R. Nonnemaker

Chris R. Nonnemaker, Chairman

Attest:

s/Jean Welborn

Jean Welborn

Clerk, White County”

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker **COMMISSIONER JOE R. CAMPBELL** was re-appointed to the **Chestatee-Chattahoochee Resource Conservation Board** for a one-year term to expire June 30, 2009.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **TOM O’BRYANT** was unanimously re-appointed to the **Chestatee-Chattahoochee Resource Conservation Board** for a one-year term to expire June 30, 2009.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, **BILLY JOE JENKINS** was unanimously re-appointed to the **Department of Family and Children Services Board** for a five-year appointment to expire June 30, 2013.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **JOHN ERBELE** was unanimously re-appointed to the **Development Authority of White County** for a six-year term to expire June 30, 2014.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, **MARC GREENE** was unanimously re-appointed to the **Development Authority of White County** for a six-year term to expire June 30, 2014.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, **JOHN ZIEMER** was unanimously re-appointed to the **Development Authority of White County** for a six-year term to expire June 30, 2014.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **TOM O’BRYANT** was unanimously appointed to the **Development Authority of White County** for the balance of a term to expire June 30, 2012 (position formerly held by Mike Newton, who resigned).

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **BILL BLACK** was unanimously re-appointed to the **Georgia Mountains RDC Board** for a term to expire June 30, 2009.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **CHAIRMAN CHRIS R. NONNEMAKER** was unanimously appointed to the **Georgia Mountains RDC Board** for a portion of a term to expire December 31, 2008 and **COMMISSIONER JOE R. CAMPBELL** for the balance of the term to begin January 1, 2009 and ending June 30, 2009.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **JAMES STATON** was unanimously re-appointed to the **White County Industrial Building Authority** for a five-year term to expire June 30, 2013.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, **MARC GREENE** was unanimously re-appointed to the **White County Industrial Building Authority** for a five-year term to expire June 30, 2013.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **DOROTHY GORE** was unanimously appointed to the **Region 2 MHDDAD (Mental Health, Developmental Disabilities, and Addictive Diseases) Regional Planning Board** for a three-year term to expire June 30, 2011 (position formerly held by Mavis Blackstock).

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **MIRIAM HAMMOND** was unanimously appointed to the **White County Public Library Board of Trustees** for a four-year term to expire June 30, 2012 (position formerly held by Tricia Dockery).

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, **EDWIN NIX** was unanimously re-appointed to serve on the **Upper Chattahoochee River Soil and Water Conservation Board**.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, **BOB HIRSCHI** was unanimously re-appointed to serve on the **White County Water and Sewer Authority Board** for a two-year appointment to expire June 30, 2010 to represent the general public.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, **EDWIN NIX** was unanimously re-appointed to serve on the **White County Water and Sewer Authority Board** to represent the Upper Chattahoochee River Soil and Water Conservation District for a two-year appointment to expire June 30, 2010.

CITIZEN PARTICIPATION:

Peggy Rutter wanted an update on LHR Farms and she wanted to know when the White County files would be open for viewing under the Open Records Request that she submitted last Monday. Ms. Rutter stated that it was a conflict of interest for David Syfan to be involved with anything relating to LHR Farms since he had business dealings with the Gailey family in Hall County.

Chairman Nonnemaker stated that he had a conference call, along with Alton Brown and David Syfan, with Attorney Joan Sasine of Powell and Goldstein, the environmental attorneys handling LHR Farms; that it appeared that last Wednesday EPD had a meeting with LHR and the Attorney General's Office.

Chairman Nonnemaker stated that the Board of Commissioners had had an earlier Executive Session to discuss the situation; that there were actions that the County wanted to take but they could not until the EPD did what they had to do; that they were waiting for EPD to tell the County what they were going to do because of the way the statute was written, which decision should be forthcoming rather quickly; that he did not know the outcome of the meeting with EPD.

Peggy Rutter asked if it wasn't Jackson County that forced EPD to put the injunction on the Talmo business. Chairman Nonnemaker stated that he was not familiar with that situation.

Teresa Stansel asked which statute Chairman Nonnemaker was referring to. Chairman Nonnemaker stated that there was a statute that allowed the County to do something against the EPD. David Syfan stated that one would be the Clean Water Act and another would be the Resource Conservation Recovery Act.

Chairman Nonnemaker stated that the Board of Commissioners was looking at their options; that it looked like EPD would be taking action; that he hoped that they would be shutting the operation down.

Ms. Rutter asked what would happen if they didn't get this shut down before school started.

Minutes from Regular Meeting Held July 7, 2008, Continued

Chairman Nonnemaker stated that, to this point, all the indications that they had received on the testing, nobody had told them that there was an extreme health concern; that the only health concerns were in the fecal chloroform in the creeks. Ms. Rutter stated that she had had a client to come in last week to get her hair done in the middle of the day; that she overheard them say that they had been working at the new school and the smell was so bad that they all had to pack up and leave.

Chairman Nonnemaker stated that an obnoxious odor was not necessarily hazardous to your health; that people lived near chicken farms and hog farms.

Ms. Rutter stated that they could not just assume that EPD would shut LHR Farm down; that they might just fine them \$500,000; that for the county to sit back and wait for EPD to take action was not acceptable to her.

As to the files under the Open Records Request, Mr. Brown stated that he had worked on them for 10 hours the day before and was about 1/3 of the way through; that he expected, barring any unforeseen incidents, to have the package ready for Ms. Rutter by the close of business on Wednesday.

David Syfan spoke concerning the allegation that he had a conflict of interest on the LHR Farm matter. Mr. Syfan stated that there was no legal conflict in his representation of the County concerning LHR Farms; that he knew they could disagree with that; that due to the disagreement, he had allowed the Atlanta firm of Powell and Goldstein to be the lead attorney in this matter; that he had not been putting in substantial work on LHR; that he had been letting the Atlanta firm handle it; that the Atlanta law firm made the recommendations; that the primary advice on LHR was coming from the Atlanta firm, not him. Mr. Syfan stated that he did not believe there was a conflict; however, since the question had been raised, he was letting the Atlanta law firm make the recommendations.

Ms. Rutter asked Mr. Syfan if he represented Steve Gailey's business. Mr. Syfan stated that he did from time to time. Ms. Rutter asked if Steve Gailey's brother, Rick Gailey, had the company that removed the sludge from LHR Farms; and, if they shut down LHR Farms, it would put a pinch on the Gailey family, which represents a conflict of interest. Mr. Syfan stated that he did not represent Rick Gailey; that in his dealings with Steve Gailey, Rick Gailey was not involved in any of the dealings. Ms. Rutter stated that Steve Gailey and John Hulsey were involved in business together.

Mr. Peter Both asked if the situation wherein the EPD might be taking action meant that the negotiations between the County and LHR Farms were at a halt. Chairman Nonnemaker stated that they were not at a halt. Chairman Nonnemaker stated that they had a proposed settlement agreement with LHR Farm; that LHR Farm came back with a red-lined, watered-down version of the agreement; that upon the recommendation of Attorney Joan Sasine, the County sent a letter late last week that stated that they were no longer engaged in any kind of agreement with LHR Farm and that they were not in negotiations with LHR Farm; that they did not want to make matters worse; that so far the air quality standards were not negatively outstanding; that they did not have the proverbial "smoking gun;" that they did have the violations of the consent order between EPD and LHR Farm; that it appeared that EPD might pull the consent order. Chairman Nonnemaker stated that there was a question as to whether LHR Farm could go back to land application, which some people thought was far worse than the aerosol spraying; that Attorney Sasine was worried that LHR might be grandfathered to go back to that.

Chairman Nonnemaker stated that Peggy Rutter and some others might think that there was a conflict of interest with David Syfan; that, speaking for himself, working with Mr. Syfan, there had never been any conflict; that Mr. Syfan had been very forthright and helpful. The other Commissioners stated that they had confidence in Mr. Syfan and did not feel that there was a conflict and that he was looking out for the best interest of the county.

Chairman Nonnemaker announced the following:

Minutes from Regular Meeting Held July 7, 2008, Continued

- 1) Public Hearing on the 2008 Millage Rates at 9:30 A.M. on Thursday, July 17, 2008;
- 2) Second Hearing on the 2008 Millage Rates at 6:00 P.M. on Thursday, July 17, 2008;
- 3) Called Meeting of Monday, July 21, 2008, at 4:00 P.M. with the representatives of the Cities of Cleveland and Helen for SPLOST negotiations;
- 4) Third Hearing on the 2008 Millage Rates at 10:00 A.M. on Friday, July 25, 2008;
- 5) Called Meeting to establish 2008 Millage rates at 10:15 A.M. on Friday, July 25, 2008;
- 6) Work Session to be held immediately after the Called Meeting of Friday, July 25, 2008, at 10:15 A.M.
- 7) Regular Meeting to be held Monday, August 4, 2008, at 4:30 P.M.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the meeting was adjourned.

Chris R. Nonnemaker, Chairman

Joe R. Campbell, Post 1

Craig Bryant, Post 2

Jean Welborn, County Clerk