

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, July 13, 2006, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman  
Linda Wells, Vice Chair  
Herb Frady  
Robert Horgan  
Peter Pfeifer

STAFF MEMBERS PRESENT: Chris Venice, County Administrator  
Dennis Davenport, Assistant County Attorney  
Carol Chandler, Executive Assistant  
Karen Morley, Chief Deputy Clerk

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Chairman Dunn called the meeting to order, offered the Invocation and led the pledge to the Flag.

**ON-PREMISE CONSUMPTION POURING PERMIT FOR BEER, WINE AND DISTILLED SPIRITS APPROVED FOR SEQUOIA GOLF WHITEWATER:**

County Administrator Chris Venice remarked that this was a request for consideration of an On-Premise Consumption Pouring Permit for Beer, Wine, and Distilled Spirits for Sequoia Golf Whitewater, LLC d/b/a Whitewater Creek Country Club, 175 Birkdale Drive, Fayetteville, Georgia. Sequoia Golf Whitewater, LLC, Owner and Joseph Guerra, Applicant.

She said this property was located in Land Lot 225 of the 4<sup>th</sup> District and Land Lot 2 of the 6<sup>th</sup> District, fronted on Birkdale Drive, and was zoned PUD-PRD. She said this request was for a Change of Ownership only.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this request. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the On-Premise Consumption Pouring Permit for Beer, Wine and Distilled Spirits for Sequoia Golf Whitewater. The motion carried 5-0.

**DISCUSSION OF WIRELESS INTERNET AT THE JUSTICE CENTER:**

Director of Information Systems Russell Prince remarked that there had been a request for wireless internet access at the courthouse that was approved with several stipulations including that this would be paid for from the law library and also that it be a secured type of access that he had recommended. He said he had been asked to give the Board a brief overview of that and what access would involve.

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Mr. Prince remarked that wireless internet access was a system that involved an internet connection and some wireless access points located throughout the building that were basically radio transmitter/receivers that speak to a wireless network card located usually in a laptop or a PDA. He said there were various levels and types of wireless internet access. He said some facilities put in systems where a person could register and pay for access. He said other facilities use a system where a person would register but cost nothing for access. He said some facilities, such as hotels, use totally open unsecured access that was just wide open. He said someone could just log on with their laptop if they were in range and go on the internet.

Mr. Prince further remarked that an open system was perfectly open and a person would basically have an internet connection and an open wireless access point. He said anyone could get on this type of system. He said this system was slightly less expensive to implement and there were no resources required to administer a username or password or handle the registration. He said the disadvantages of an open system were that there was no control over who uses the system. He said basically anyone in range of this system could use it. He said there were no logs kept on this type of system and there would be no information about the users. He said if law enforcement requested information about a particular activity, there would not be any logs to provide that information. He said unfortunately there were plenty of people who wanted to use the internet for inappropriate activities such as computer hacking and downloading of information. He said those types of people were attracted to unsecured open internet "hot spots" because they know they cannot be monitored. He said there was no way that these people could be tracked. He said those types of systems were implemented in places such as hotels.

Mr. Prince further stated that the secured system or logged system was the same basic system. He said the difference was that there was a box that keeps up with user names and passwords. He said the advantages to these types of systems were that the usage could be controlled as to who would get on a system and who would not. He said logs were kept in the system of the activity based on username. He said if a law enforcement agency requested information, then these logs could be provided. He said if someone was in the courthouse and they saw something they felt was suspicious, they could contact Information Systems and staff could look in the logs and see what was going on. He said universities and some hotels use the secured systems. He said the City of Athens had implemented approximately eight "hot spots" in their City to give access throughout the City. He said they were using the same type of device that staff was recommending which was a blue socket device that keeps up with logging.

Mr. Prince remarked that the main reason that staff had recommended the secured system or the systems monitored was because he wanted to be able to provide a system that would firstly deter those kinds of activities. He said he would be glad to answer any questions that the Board might have.

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Commissioner Pfeifer said he had several conversations with Judge Edwards about this issue. He said he had assured the Judge that the Board would be looking into the whole matter. He felt there were issues of internet security from the County's perspective and also issues that were not addressed regarding internet security from the user's perspective. He pointed out that this was a courthouse and some of the individuals who would use the internet would be defendants and defendants' attorneys. He said he wanted to make sure that the Board was not making or creating a situation where someone could observe what they were doing and this concerned him.

Mr. Prince interjected that this was a huge gray area. He commented that the internet as well as technology had grown so fast that laws and even general guidelines for implementing these things had not really been established.

Commissioner Pfeifer felt the Board needed to review this further and look at all aspects of the situation.

Commissioner Wells felt the disadvantages of a secured system needed to be discussed.

Mr. Prince responded that the disadvantages were that it would be slightly more expensive to implement it and it would require somebody to administer the user names and passwords. He said the system that the County was looking at had a couple different software packages with it. He said one package had a "bulk manager" and an individual could print out 150 to 200 sheets of paper and all have user names and passwords. He said the way staff was planning to implement this at the courthouse with the jurors regarding internet access was to have user names that each juror would use to log on. He said staff would write the user name down next to the juror's name so there would be a correlation between the juror and the person on the internet. He said the user name and password might last five days. He said attorneys' user names and passwords might last for a period of one year or two years. He said it would not really matter as long as they showed some identification and someone typed in their name and address to get them in the system. He said it would probably take no more than one minute to log in an attorney and no more than fifteen seconds to log in a juror.

Commissioner Pfeifer asked how close the County was to having any type of usable system in place.

Mr. Prince replied that he was already to order the equipment and he had some communications with the courthouse staff that changed this. He said those individuals had changed their minds and they did not want to do this unless the County could come up with a system that did not involve them in this process.

Commissioner Horgan asked if the courthouse's computer system was separate from the rest of the County government. He asked if it was a stand alone system.

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Mr. Prince replied no. He said the network in the courthouse was part of the County network. He said staff did not want the public to be able to get on the County network at all. He said staff was looking at getting a separate cable internet connection and then hooking the wireless access points to it so there would be no physical connection between those access points and the County's network.

Commissioner Horgan asked if there were no physical connections then the concern of security might not be as great as initially thought of hackers actually trying to get into the County's system.

Mr. Prince replied yes that was correct. He said it was more of a concern with hackers coming and getting on the County's wireless system and hacking somewhere else. He said these hackers could try to penetrate other government sites such as the Pentagon through the County's system. He said this was the point where he would like to be able to provide something showing the records for a particular day.

Mr. Prince further remarked that the system would have six access points throughout the courthouse and they would basically be funneled in through this gateway which on the other side would be connected to the internet. He said the system would be pretty configurable as to how much security and information that would require to be provided.

Commissioner Horgan asked what type of maintenance a system of this type would require.

Mr. Prince remarked on the administration of this type of system. He said as far as the jurors go, an individual could print 200 sheets of paper and set those aside. He said the maintenance on the system would be approximately \$600 per year for the device and \$240 for all of the access points throughout the courthouse.

Commissioner Horgan said if this was an open system it would basically be a DSL system with a wireless connection.

Mr. Prince replied yes and stated that most of those types of systems were pretty much disposable.

County Administrator Chris Venice remarked that she would be happy to summarize the situation. She said as Mr. Prince as noted last month the Board did approve the installation of wireless internet at the Justice Center with two provisions (1) that it be secured access with access codes administered by the court personnel; and (2) that it be paid for with law library funds. She said Mr. Prince had also noted that the court preferred not to involve court personnel in the administration. She said if the Board was still interested in secured access, she would be glad to work with Mr. Prince to see if another way could be determined to administer the codes.

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Commissioner Wells remarked that this decision did not need to be made tonight.

Chairman Dunn remarked that there were a lot of places as well as cities that had gone to the wireless system. He said he thought the entire University of Georgia in Athens was on an open system and maybe the entire City of Athens.

Mr. Prince interjected that the City of Athens had implemented a wireless system and this was done in conjunction with the University of Georgia. He said they had created a group called the WAG group which was the Wireless Athens Group. He remarked this was government in conjunction with the University. He said the government was allowing them to use the telephone poles and the University was helping to implement it. He said this started out in a two tier system where the University students had user names and pass words to get on.

Chairman Dunn asked Mr. Prince if the City of Athens was having any problems with this system.

Mr. Prince replied that as far as he knew he had not heard of any. He said he had talked with Scott Schamp who was the person in charge of the Athens system. He said Mr. Schamp had been warned that they did not have a lot of security on their system. He said they require an individual to put in an e-mail address in their system but they did not verify that e-mail address. He said the City of Athens had various reasons for the tracking system. He said the City was trying to determine what people were doing on their system to help businesses out. He said they actually had an internal website in this group that had information about restaurants, hotels and things of that nature.

Chairman Dunn asked what the range of the system would be that would be put in the courthouse. He asked how far away from the courthouse could someone be and still use it.

Mr. Prince responded that the better quality access points could be tweaked and turn down the closer access points to try and reduce penetration outside the building. He pointed out that even doing this would not prevent access outside.

Chairman Dunn said the County was going to be in a position where it would have to be decided if the system would be secured or not secured.

Mr. Prince remarked that he was making his recommendation but ultimately it was up to the County.

Commissioner Frady asked Attorney Davenport what the liability aspects of open system would be.

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Attorney Davenport replied that this was an area where it was not very clear other than the fact that the County would provide the building and the access. He said there would be an issue of some level of liability for the County. He said right now there was nothing to show what the level of that liability could be.

Commissioner Frady asked if this would be liability with sanctions.

Attorney Davenport responded that this could range from sanctions to much more than that. He said if it was something with no security whatsoever and there was evidence that the location was used for hacking into secured sites at some other geographic location that caused substantial dollars in damage, the individuals who experienced the damage would look to go after whoever facilitated someone to do that and the County would be that person.

Chairman Dunn said the County had a lot more information to go over before a decision could be made and Commissioner Wells agreed.

Chairman Dunn said there was nothing that the County could do at the courthouse that would be failsafe in this age of technology.

Mr. Prince interjected that unfortunately there was no security that was full proof. He said if somebody wanted to get through a firewall of a system bad enough, they could generally do it.

Chairman Dunn said the Board would not take any action tonight and would look into this issue further. He asked if there was an expert at the G.B.I. who was an expert on this type of thing that the County could consult with and Mr. Prince said he would look into that.

**CONSENT AGENDA:** On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the consent agenda as presented. The motion carried 5-0.

**SIEMENS' CONTRACT FOR HVAC MAINTENANCE AT SHERIFF'S DEPARTMENT:** Approval of recommendation to approve Siemens' proposal for a 3 year contract to continue HVAC maintenance in the Sheriff's Department Buildings A and B and to authorize the Chairman to execute a subsequent contract; and to approve a budget adjustment to add \$12,432 to the Sheriff's Administrative FY'07 Building Maintenance Account. A copy of the contract, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**ELECTIONS:** Approval of Elections' request for a budget adjustment for FY'06 to transfer \$388 of unused budget funds in Lodging and Meals to Overtime Regular Account to cover cost of the March Special Election. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**COMMISSIONERS' BUDGET:** Approval of Commissioners' request for a budget adjustment for FY'06 to transfer \$2,400 of unused budget funds in Lodging and Meals to Pension Match Accounts. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**WATER COMMITTEE - SHOCKLEY PLUMBING, INC. AWARDED BID:** Approval of Water Committee's recommendation to award the annual waterline contract to the low bidder Shockley Plumbing, Inc. in the amount of \$1,124,340 and authorization for the Chairman to execute a subsequent contract. A copy of the memorandum and contract, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

**STREETS APPROVED FOR MOTORIZED CARTS:** Consideration of approval for the specified streets in Platinum Ridge Subdivision, Autumn Lake Estates, and Oakley Estates to be authorized for the use of motorized cart travel per Ordinance 95-10. Streets in Platinum Ridge Subdivision include Diamond Pointe and Platinum Ridge Point; Streets in Autumn Lake Estates include Village Lake Court and Autumn Lake Court; and Streets in Oakley Estates include Riveroak Drive. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meeting held on June 22, 2006.

**PUBLIC COMMENT:**

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

**Connie Biemiller:** Connie Biemiller, 480 Lees Lake Road, Fayetteville remarked on the very strong onion odor that was occurring in her area. She said she was representing the deeply concerned citizens of Fayette and South Fulton Counties. She said they had all recently been made aware that the very strong onion odor in their area that everyone had been smelling was actually a toxic chemical known as Propyl Mercaptan which was used in pesticides. She said most of them had no idea that a toxic waste plant was actually in their neighborhood, however, that all made sense to them now. She said their animals were no longer wanting to go outside for any length of time and several of the pets had

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suddenly died in the past few weeks due to bleeding disorders. She said they themselves were having nose bleeds, severe headaches, nausea, increased allergy symptoms and heightened asthmatic responses. She also added that before she left for the meeting tonight she learned that some of the children had blood in their urine.

Ms. Biemiller said she was a clinical social worker and worked with people on a daily basis and could attest to the fact that this was not sympathetic hysteria by any means. She said her community only began to share their stories on Monday afternoon one by one during an impromptu petition signing. She said more than 250 signatures were collected within a four hour period and she was presented this petition to the Board tonight. A copy of the petition, identified as "Attachment No. 6", follows these minutes and is made an official part hereof. She said the citizens were asking the Commissioners to be advocates for this community. She said they were asking the Commissioners to band with them to help and guide their neighborhood's safe return to a healthy environment where their children could run and play outside and where everybody could enjoy a quality of life that was the right of every citizen. She said she was proud to call Fayette County her home and truly felt this had been one of the greatest blessings of her life to live here. She said she would do everything in her power to make sure that this feeling remained within her and that of her neighbors.

Ms. Biemiller said the citizens were specifically requesting that the Fayette Commissioners advocate for the citizens in the following ways: (1) conduct an independent study of the nearby streams, soil and air near the Phillips Service Facility; (2) open the Health Department to begin treating and documenting illnesses relating to the toxic incident; (3) hold meetings with South Fulton Commissioners and State Representatives to ensure that Phillips Service Corporation was disposing of toxic substances in a lawful and safe manner; (4) conduct further research as to the appropriateness of having such a waste site in a residential community; and finally (5) follow up by implementing a meeting with Fayette County residents to inform them of the above results and lead the citizens with further advocacy to the State officials. She said they would like to request that this meeting take place no later than July 28, 2006 due to the immediacy of this matter. She said she was just informed before this meeting that there would be a Town Hall meeting scheduled at Bethany United Methodist Church on Wednesday, July 19<sup>th</sup> at 7:00 p.m. and various government agencies would be involved in that meeting. She said the citizens would like to thank the Board in advance for its recognition of this urgent matter and its courage and leadership in the days ahead.

**Earl Hindman:** Earl Hindman said he was the Vice President of the Fife Community Association. He expressed concern over the strong odor coming from a nearby plant. He said this was not the first time that they have had to deal with this plant. He said in 1992 the Fife Community Association was formed specifically to fight the odors coming from this plant. He said at that time it was a smell of very bad open sewer and it permeated



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everything. He said the odor got into a locked car, the seat fabric and even the clothes in their closets. He said they fought the personnel at this plant and at first they thumbed their noses at the citizens. He said there were even people in the community who had to up and leave their homes because the odor absolutely permeated everything. He said their lives were ruined. He remarked in April, 1992 they retained a law firm to help them in this fight. He said to begin with the plant had an open tank and they were processing the grease from restaurants. He said there were also septic tank trucks. He said the odor was really bad. He remarked now the plant was licensed by the State to handle industrial waste. He said through negotiations with the attorneys they did put domes over the tanks and the odor got a little better. He said from time to time this odor occurs and now it had spread to an area of approximately 200 square miles.

Mr. Hindman remarked that the dome on a tanker truck was approximately 13 feet tall. He questioned if the lid on a tanker truck was raised and a little vapor escaped would the smell actually last for four weeks. He said the citizens in the area began smelling this odor in the middle of June. He said their community had initiated the calls to the E.P.A. and E.P.D. He said they had called every day and sometimes several times every day. He said the residents were told by plant officials that they had gotten a truck from Alabama. He said when the truck was opened, it smelled bad and the plant officials closed the truck back up and sent it back to Alabama. He said the citizens had watched trucks coming in and out of this plant day and night. He said they had documentation of the personnel washing down the parking lot, washing down the trucks and washing the trees. He said he had pictures of all of that taking place. He said if this was just a little vapor, then why were they washing everything. He said he also had pictures of the personnel scooping up dirt around the parking lot and putting it in several dump trucks and hauling it away. He said one of the community members actually followed the dump trucks and now they knew where they were taking it. He asked the Board to think about this and he felt the citizens did not have the whole story. He said the citizens felt like there had been a massive spill. He said now that Lake Horton had been built, Whitewater Creek was the drinking water for the citizens. He said from what he had seen on television, the citizens were not getting the whole story.

**Dennis Chase:** Dennis Chase, 290 Crabapple Road, Fayetteville said he was the President of the Line Creek Homeowners Association. He remarked on several soil samplings that had been taken above and below the sewage treatment plant during the last couple of years. He said he had been involved in sampling along Whitewater Creek in this part of Fayette County and South Fulton County since the Spring of 2004. He said this had come up because the Atlanta Regional Commission was coming down to hold a public hearing for Fayette County for a violation of the total maximum daily load for Whitewater Creek for sediments. He said he had sampled above and below this sewage treatment plant and there was a confirmation of what the State had found and what Fulton County had found as well and that was that the stream had been hit pretty hard at least biologically. He said he had also been doing on a very regular basis with sewage spills from the Latham

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Road pump station which dumps into Trickum Creek. He remarked that Fayette County was receiving an awful lot of stuff from Clayton County and Fulton County. He said Fayette County was being asked to fix problems that it did not create. He said during the Atlanta Regional Commission's public meeting he asked the question what they expected Fayette County to do about problems that were being created in South Fulton County. He said the A.R.C. said that Fayette County would have to firstly prove that other counties were creating the problem. He said he presented his report to them proving this situation. He said the A.R.C. later told him that his report was better than anything they had. He said at the end of this meeting the A.R.C. representatives said if the City of Fayetteville, Fayette County or any other government agency here has a problem with what was going on, the Atlanta Regional Commission would step in and be a mediator. He remarked that the A.R.C. said they would hold the meetings, help find the answers and call in whatever expertise was needed to do some of the very things that the Board was being asked to do here tonight. He felt this was the Board's best option in addition to attending the meetings and hearing what the citizens have to say. He said Fayette County had put a lot of money in the A.R.C. organization and the County should allow them to do some good for it now. He said the Board should asked the A.R.C. to step in and check on this situation. He said anything that had been done on this situation before now had run directly into the Environmental Protection Division who was finding every possible reason that it could not to do something. He said this was the same thing that he had come up against regarding the TMDL's on Whitewater Creek and the violation of TMDL's on the Flint River coming out of Clayton County. He reminded the Board about the issues that were faced when the deicing spill occurred a few years ago. He said at that point he and others had tried to get the State to get the Airport to do samples of what was going on and they wouldn't even listen to them. He said in both cases he had sampled the streams because the E.P.D. would not. He said he had found that there were some very severe problems out there. He said he was aware that these problems were there and the A.R.C. needed to step in and help to bring in a consulting firm to demonstrate what had actually gone on. He said yesterday he had spent some very tough hours at the site and walked through some very difficult swamp area. He said he did not see much of anything that could tell anyone one way or another but notably what he did not see were the tracks of any animals. He said he had been on sites that had been contaminated in the past and the animals in many ways were a lot smarter than humans. He said in these kinds of situations, animals stay away. He said the nearest he saw any deer tracks was approximately a quarter of a mile to half a mile away and they were old tracks. He said he was an experienced biologist and when he sees no animals and no birds this tells him that everything that the Board was hearing from the citizens tonight were absolutely right on target. He said he would like to encourage the Board to go to the A.R.C. and get them to step in, mediate with the County and help resolve this situation.

Commissioner Wells remarked that this problem had gone on for at least four weeks. She said everyone was aware that bureaucracy moves extremely slowly. She asked if the Board did go to the A.R.C. and had a mediator if that would give these citizens any type of

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relief in a prompt manner. She said this was her bigger concern. She said this problem could continue to go on and the people would still be suffering. She asked how quickly the Board could expect a response from the people that Mr. Chase was familiar with at the A.R.C.

Mr. Chase said he felt the Board might be able to get the individuals at the A.R. C. to move to action but he could not. He said he had spent a lot of years trying to get the E.P.D., E.P.A. and these other agencies to go in a direction and they would not move.

Commissioner Wells said this was her concern.

Mr. Chase said the Board of Commissioners was in a position because Fayette County was a member of the Atlanta Regional Commission. He said Fayette County was getting the raw end of the deal in this situation. He said this County was getting all of this dumped on it whether it be down Whitewater Creek, Line Creek, Morning Creek, Camp Creek and coming down the Flint River. He said this situation was being created by Fayette County's neighbors to the North and no one was stepping in to help the County.

Commissioner Frady said he did not think anything would be wrong with appointing a committee such as Water System Director Tony Parrott and Director of Environmental Health Rick Fehr to contact the A.R.C. tomorrow and see if they could get something started on this. He said Commissioner Horgan was a member of the Fayette County Board of Health and he had a report saying that the heavy air was just laying stagnant and the wind had not shifted. He said nobody knows if the wind would take this odor away. He said there would have to be people on this committee who have an understanding of these types of things. He said there were individuals at the University of Georgia right now who have equipment who can nail down a particular matter down to parts per trillion and identify what it was. He said there was the technology to find out what this was. He said even yesterday he could smell it.

Commissioner Horgan remarked that as part of the direction of the emergency management agency was to tell people to pull their air conditioning filters out and clean them. He said there was material that could stick to the dirt within their filters. He said this would also include only opening windows at certain times. He said he agreed with Commissioner Wells that something needed to be done as soon as possible.

Commissioner Wells recalled the contamination situation with Lake Edith. She said the E.P.D. was very slow to respond. She said the County had approached the E.P.D. repeatedly. She said the County even had documentation that Lake Edith was contaminated and it was a process that just went on and on forever and that was a fairly isolated situation. She asked if someone such as Pete Nelms from emergency management could help in this process.

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Chairman Dunn said he was the County's representative on the A.R.C. and he felt getting them to do anything would be very slow. He said the County needed to take action as soon as possible and there were a lot of ways to do this. He felt the first step was to get with the people who were responsible for this and that was the Fulton County Board of Commissioners. He said Fayette County needed to meet with them and review this situation. He said this plant was very close to Fayette County and all breezes in that area blow South of the plant 365 days per year. He said a lot needed to be done and making false promises was not one of those. He said he felt like Fulton County was not going to do much about this because the situation did not really affect them. He said Fayette County was going to have to take action for them.

Commissioner Frady said he felt all of the individuals affected should get together. He said Tony Parrott and Rick Fehr should definitely be involved in this as well as Dennis Chase.

Chairman Dunn asked Captain Pete Nelms to give a brief summary of the situation. He noted that right now the County would still not have known anything about what was going on if it was not for the Fayette County Public Safety officers gotten involved in this situation. He said at least now citizens were getting information location wise and what the smell actually is. He said it should have actually been Fulton County who handled this situation but Fayette County would continue to be involved.

Captain Pete Nelms said he was the Emergency Management Coordinator for Fayette County. He said on June 30<sup>th</sup> Fayette County had sent an engine out to look for this odor and they were unable to locate it. He said on Friday some of the emergency management staff drove up to S.R. 92 North. He said for exact clarification the odor was approximately one mile North of the County line on S.R. 92 and this was located in the unincorporated Fulton County. He said staff was able to locate the site and to obtain the data safety sheets or the MSDS as it was referred to. He said staff distributed that information to the EMS system and contacted the local hospital here to give them heads up as to exactly what they were dealing with in case any patients arrived at the hospital for treatment. He felt even more importantly than that was that staff had contacted Fulton County's emergency management and Fayette County staff had actually demanded that this become a very high priority for them. He said the emergency management agency did put a lot of pressure on them. He said they had sent representatives down there and got a lot of things going. He said they had received a lot of calls from the public as well. He said the emergency management agency up there had done quite a bit of work in this. He noted that a lot of air sampling had been done by E.P.A. and E.P.D. and a division of the C.D.C. was also involved. He said he also had a copy of that report. He said there needed to be a greater awareness of what goes on in certain parts of South Fulton County and how this ultimately affects Fayette County and what exactly goes on in that facility.

Captain Nelms remarked that as an EMS system did not transport nor did they respond to any 911 emergency calls in unincorporated Fayette County for calls for service as a result

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of this odor. He noted that the hospital did see six individuals over the July 4<sup>th</sup> Holiday. He said they were evaluated and released and no one was admitted. He said there was some illness as a result of this situation.

Chairman Dunn said it was his concern that some of the symptoms that Ms. Biemiller described may be an indicator for something that might not be evident yet. He said just because a child might stop bleeding did not mean that what happened to them was not going to have some repercussions later on. He said he was an asthmatic most of his life and anyone with Asthma did not need anything like this within twenty miles of them. He said this situation was really bad. He said one of the things that needed to be pressed for was an investigation and not just a bunch of bureaucrats going to look at something and blessing it because no one could smell anything anymore. He said he was going to press the County's counterparts in Fulton County for a joint investigation with EMS and all affected citizens involved every step of the way so that the citizens could get the truth. He said they had never had the truth before now. He said the citizens were getting a bunch of reports from Fulton County and they were apparently not willing to shut the plant down. He said there had to be a full court press and it was not going to be easy. He said Fayette County did not have any authority over them but it could press for the truth. He said Fayette County would just have to keep pressing and pressing until they did the right thing. He said the citizens of Fulton County were suffering as much as the Fayette County citizens. He said this could just not be ignored. He said he had lived in Fayette County in 1992 and remembered something about an odor at that time but had not heard anything about it for many years. He said he had no idea that citizens in that area were having a problem with this every now and again.

Mr. Hindman said they were having problems periodically. He said the odor was still being emitted today and the smell filled his car as he passed the plant. He said the odor was so strong that his eyes watered and his nose was burning. He pointed out that he was traveling at 50 miles per hour.

Chairman Dunn said the County's EMS had certainly given the Board a report and they had also been working with their counterparts in Fulton County. He said there was only so much that Fayette County's EMS personnel could do. He said the Fayette County Board of Commissioners was going to have to elevate it to the governing authority over there. He assured the citizens that this would be done. He said he could not promise anyone what the results would be or how fast results would come but Fayette County would do everything it could to get to the bottom of this. He said there might be some time when Fayette County would try very hard to try and remove that plant totally from the area.

Mr. Nelms said EMS personnel would certainly be glad to be part of any committee or any activity that would support not every having this occur again.

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Commissioner Frady said he certainly appreciated everything that the County's EMS personnel had done on this. He said he did not realize that the County EMS had gone as far as they had already because he had not received a report on this.

Chairman Dunn questioned the CDC's report and the results of that.

Assistant Chief Allen McCullough replied that the air sampling had not revealed anything that contained anything with an appreciable high number of parts per million.

Chairman Dunn understood that the CDC's conclusion was that this was nothing that was going to threaten the lives of citizens.

Assistant Chief McCullough said that information was based on the CDC's methodology but remarked that there were more sensitive ways to determine this. He said his department's report at this point stated that there was a significant health hazard and this was the information that they had reported to the hospitals. He said the hospital did treat people with irritant complaints.

Chairman Dunn asked Captain Nelms to obtain inspection reports for this plant for the last several years.

Captain Nelms said the E.P.D. would provide that information to him.

Chairman Dunn said he had a list of a lot of issues that needed to be looked into.

Captain Nelms remarked that he would be glad to get that information and whatever else the Board needed.

**Sierra Leone:** Sierra Leone, a resident of Landmark Mobile Home Park commented that she had gotten sick from the odor in her area. She said she had also found a dead bird in her yard.

Chairman Dunn asked if anyone had collected the bird for the Environmental Health Department to check and Ms. Leone responded that she had thrown the bird away.

Ms. Leone said she had come to the meeting tonight to address the Board on something that was of great concern to her as well as many residents in the mobile home community. She said she had been a resident of Fayette County for over nine years and she resided in Landmark Mobile Home Community. She said she was present tonight because she wanted to see some changes on the issues that she was going to speak on tonight. She said she was present because she knew this Commission could help her with two very important issues. She said (1) was the issue of the mobile home owner that lives on

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private property. She said the mobile home community had approximately 500 home sites or pads for mobile or manufactured homes. She said since she had lived there the property had changed hands a few times. She said their situation was unique being that homeowners live on land that did not belong to them. She remarked that this unique situation could be found all across the Country and in every State. She said in most communities as with her community she was subjected to rent increases. She said the rent increases come with no change in property condition, no infrastructure upgrades, no community security and no respect for the residents who live in this community. She said the residents were subjected to park closures. She said landowners and investors may use mobile home parks as interim strategy to gain income while their land appreciates because the State of Georgia had not passed laws that protect the mobile home owner. She said in most States a mobile home community could be sold to the highest bidder and families were left without homes, without financial resources to help them relocate and without laws that would protect them against such acts. She said most times when this occurs these families have no place to go.

Ms. Leone further remarked that the second issue was poor management and maintenance was something else that they were subjected to. She said if the Board talked with any mobile home owner or resident they would often say that poor management was an issue in their community. She said poor community management was a major factor that leads to physical and social problems in the community which results in diminishing the quality of life and the value of every home located there. She said her community had seen its fair share of this and she was tired of it. She said unfortunately fear and complaints to management may lead to eviction and discourages full use of tenant rights. She said they need and desire the help of local and State government to change things. She said they were subjected to community rules and these rules may change with every new property owner. She said these rules were generally not enforced or they were used to evict a mobile home owner at the property owner's whim. She said the going back and forth with new rules or adding rules with each new property owner was disruptive to the mobile home owner and most times changed the quality of life in the community. She said the homeowners were subjected to being homeowners one day and another day being renters. She said prior to this last purchase of the property, Landmark Mobile Home Community was for mobile homeowners only. She said this was the premise upon which she moved into this community. She said the new property owners now rent or lease the home sites out and now there was a large group of transient people living in the community. She said these transients living in this community were not concerned with building, financially supporting or maintaining the community or the County.

Ms. Leone further remarked that this was abuse and it was wrong. She said these abuses have occurred in part because State laws historically have not protected residents of mobile home parks and communities or if there were laws in place they were not being used to protect the mobile homeowner. She said mobile homeowners pay taxes, legally live here in the State of Georgia and Fayette County and they also vote. She said fortunately for

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some mobile homeowners their politicians and legislators have taken action. She said they never tell their constituents that they are taxpaying citizens and live on private property and nothing can be done. She said there were several States that had taken action. She said there were three States who had taken action to protect the mobile homeowners were the State of New Hampshire, State of Vermont and the State of Washington. She said in Vermont in July, 2004 Governor Jim Douglas established a Vermont Advisory Commission on manufactured and mobile homes. She said the Commission was charged with investigating issues that impacted the mobile home housing in Vermont and making recommendations for programs, rules or legislation to address the problems. She said the Department of Housing and Community Affairs provided administrative support for the Commission. She said top priorities identified by the Commission included the affordability of owning manufactured homes located in mobile home parks, lot rent, and the availability of affordable financing, park closures and mobile home park infrastructure. She said as a result of the Commission, the mobile homeowners in the State of Vermont now classify their mobile homes as real property and not as personal property.

Ms. Leone said the doors for financing of mobile homes were opened. She said now the mobile homeowners in Vermont could not be told to pick up their house and move if they did not like it. She said the upgrade of community infrastructure was now a requirement. She said they modify the statutory requirements in the cooperative housing law that impaired the creation of mobile home park cooperatives and created a process where mobile homeowners could convert mobile home parks and communities to condominium ownership. She said mobile homeowners in the States of Vermont, Washington and New Hampshire have laws that protect them, their families and from reckless, heartless and money hungry property owners.

Ms. Leone remarked that something had to be done in the State of Georgia. She said too many lives were at stake not to take action. She remarked on the 2004 census bureau and said that Georgia's entire population was over 8,000,000. She remarked that over 1,000,000 Georgians lived in manufactured homes. She said manufactured homes in Georgia was one of the major sources of affordable housing for zero to 50% median family income residents. She said just a couple of years ago in Athens, Georgia the Garden Spring Mobile Home Park was sold. She said 108 families were displaced when the land beneath their manufactured homes was sold for \$1.7 million. She said in order to relocate the 108 families \$500,000 was raised over nine months. She said the replacement cost of the manufactured homes and families lost when they moved had not been tallied. She said the families paid \$17,000 per month in lot fees to an absentee land lord and they lost their homes. She said this was abuse and it was wrong. She said the laws must be changed to support, protect, and stabilize mobile home owners in mobile home communities.

Ms. Leone remarked that her second issue related to immigration. She said she did not have a problem with legal immigration for any group of people but she wanted to know how



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an illegal alien rents or purchases a home in the State of Georgia. She said she also wanted to know why there were 15 plus people allowed to live in two bedroom homes in Fayette County and in her community. She said this was a huge problem everywhere but she said she wanted the County officials to actively and immediately respond to this situation. She said this situation was already out of hand here. She said local officials in New York, Virginia, Massachusetts, and Cobb and Gwinnett Counties, Georgia had evicted residents, threatened landlords and fined or given jail time to combat a problem that disrupts neighborhoods. She said this problem was labeled as an immigration issue and to her it was a safety issue, a health issue and an issue that deteriorated the quality of living in her community. She said if the County did not have ordinances addressing this issue, then it should. She questioned if the County did have ordinances then why were they not being enforced. She asked what exactly was being done in Fayette County to deal with the problem. She said the County was telling her that this was on private property and nothing could be done. She said now the problem in her community was compounded by this problem.

Ms. Leone further remarked that on May 5, 2006 the Fayette County school officials stated that they were going to crack down on children in Fayette County who did not live in Fayette County. She said they stated that it cost \$7,000 to educate each child in this County. She asked what about all of the people living in Fayette County who were not paying taxes and not citizens of this Country who were sending their children to Fayette County schools for an education. She said if Fayette County had ordinances restricting 15 to 20 plus people from living in a single family home, this would reduce costs on the education system. She said for many years the Fayette County property owners had turned their heads to the problem in this community. She said only the bottom line on a financial statement was all that mattered and not people's lives or living conditions. She said she was present tonight to let the Board know that she needed and wanted the Commission's help now to change things.

Commissioner Wells asked Ms. Leone to leave her name and address so the Board could contact her. She pointed out that the County did have an ordinance that defined family and she felt this would address one of Ms. Leone's issues that she had brought up tonight.

**James Chichinsky:** James Chichinsky and he was also a resident of Landmark Mobile Park and had concerns with conditions at Landmark Mobile Home Park. He presented pictures to the Board for review. He said he had lived next door to the mess that was shown in the pictures for the last five years. He said he had complained to the Health Department, the Housing Department and Ward Chamberlain for the last five years and had not gotten a response from anyone. He said these were abandoned homes with children playing around them and vagrants and homeless people living in these abandoned homes. He said his home had been broken into twice because homeless people were living in these abandoned homes.

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Commissioner Wells asked if Mr. Chichinsky had complained to the Board of Health.

Mr. Chichinsky responded that he had complained to the Board of Health, the owners of the property and a lot of others and had not gotten a response from anyone.

Commissioner Pfeifer asked if these pictures were of homes in Fayette County and Mr. Chichinsky replied yes.

Commissioner Wells asked if he had complained to the Fayette County Marshal's Office and Mr. Chichinsky replied yes. She asked what the response from the Marshal's Office had been.

Mr. Chichinsky replied that he was not sure. He said that had occurred back in March, 2006.

Commissioner Wells asked Mr. Chichinsky to leave his name and address so that the Marshal's Office could contact him. She said she would make sure that Mr. Chichinsky was contacted.

**Connie Biemiller:** Connie Biemiller said she would like to add another comment to the odor situation. She asked if South Fulton did not take action on this as quickly as hoped, she asked if North Fayette County could be declared a disaster zone due to the lack of response of South Fulton County.

Commissioner Wells replied that a response to that would have to be predicated upon finding something that was obviously injurious to health. She said this would give the County the authority to do that. She said there would not be as strong of a suit if it turned out to be a quality of life issue. She said at this time she was not sure if anyone could respond to her questions with enough information that was currently available.

Chairman Dunn said he could guarantee Ms. Biemiller that the Board would look into this situation and drop it. He said Fulton County would have to be pressured because South Fulton County did not have its own government.

**Cathy Strong:** Cathy Strong, 370 Kite Lake Road, Fayetteville commented on the effects of the odor in her area. She said her normally healthy 14 year old son now had blood in his urine. She said her son had been to the doctor but not a hospital. She said there would be no record of him being transported or seen at a hospital. She said she felt there might be a lot of people out there who might be in the same situation. She said she had taken him to a urologist who had done extensive testing and this had cost them hundreds of dollars. She said this had also been very painful to her son. She said nothing bad had been found that could be diagnosable. She said with the article that they had read

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yesterday in the Fayette Citizen this had been the first time that this had come to her attention that there was something poisonous that might have been in the air or could have been in the air for a while. She said the blood in her son's urine began around the last week in June. She said they were told that they were not exactly sure what it might be but to watch and let the doctor know if there were any changes. She said the blood in his urine continued and that was when they went to the doctor's office. She said her biggest concern was testing of the people who were affected. She said it would be wonderful if there was a website that the affected citizens of all the counties could go to that would tell them what the chemical Propyl Mercaptan was and how long it would stay in a person's system. She questioned how this chemical could be tested in the body. She said she had called the Lab Corps that already had blood and urine specimens to be tested for kidney problems and other types of things. She said when she informed the urologist today of the newspaper article and asked him to go ahead and test those specimens that he had for toxins, Lab Corps said they would not do this. She said she had been referred to another lab who told her that they were located in Pennsylvania and did not deal with individuals. She said it was suggested to her to just go to the Fayette Community Hospital and request a toxicology test. She felt it was important that a lot of these individuals who had already been exposed did the same thing and had some place to go.

Commissioner Wells also suggested that Ms. Strong also contact the Board of Health.

Ms. Strong asked if she should take her son to the public health department.

Commissioner Wells felt that would be a good place to start so the health department could refer her and would also have a record of the visit. She said this would help the County to facilitate documentation.

Ms. Strong felt it was very important that everybody who could potentially have been affected needed to have this information as soon as possible and get tested. She said this could be something that might potentially harm someone over the long term.

Commissioner Frady clarified that the people who have spoken tonight on this issue all lived in Fayette County.

Chairman Dunn asked if anyone was present who lived in South Fulton County. He noted that several people stood up who said they were from South Fulton County.

**Earl Hindman:** Earl Hindman introduced his daughter and granddaughter and reminded the Board that as obnoxious as this odor was, it was what could not be seen or what could not be smelled that people should really be worried about.

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**Cindy Harris:** Cindy Harris introduced her daughter Victoria. She said her parents keep Victoria during the day and they lived next door to the plant. She said Victoria did not go to the hospital but she did go to the doctor. She felt there were probably more than six people who had been to a doctor. She said Victoria was having chest pain, nausea, nose bleeds, dizziness, and fever. She felt there was a lot of people there who were not aware of what they were dealing with. She said Victoria was definitely affected by this odor and they had been up all night for two nights in tears because of the effects of this odor. She said now Victoria was scared to go back to her grandparents' home because she thought she was going to get sick again.

Chairman Dunn asked Ms. Harris where she lived.

Ms. Harris said she lived in Fayette County but the grandparents lived in Fulton County. She said she wanted the Board to know that the effects of this smell were real and this had happened to her daughter.

Commissioner Wells asked Assistant Chief McCullough if her suggestion that these citizens start with the Fayette County Health Department the right place to start or would he suggest something else.

Assistant Chief McCullough replied that it would be a good idea to start with the public health department. He said they could also reach out to the Department of Human Resources where there were several layers of specialization. He said he would be glad to coordinate anything that was necessary.

Commissioner Wells suggested the newspapers also publish this information so that anyone experiencing problems would know what direction to take.

**Nell Smith:** Nell Smith of Fairburn expressed concern with the odor coming from the sewage plant in her area. She said the plant was approximately 4.3 miles from her home. She said she did not think action should wait until the meeting scheduled for next Wednesday if Commissioner Bill Edwards could be expedited to take some action. She said she had also left a message for the Fairburn City Administrator informing him that just because this plant was physically located in Fulton County the air was affecting Fairburn. She said the odor would make you nauseous and have watery eyes. She said she was a cancer survivor and she wanted her prognosis to stay that way. She said if her cancer were to come back and it was determined to be chemically related, she would go after this plant and its officials. She said something needed to be done and possibly on the State or Federal level.

**Ben Nelms:** Ben Helms of Peachtree City remarked on the odor in the North Fayette County area. He said the E.P.D. emergency response team tested the area this afternoon

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and took multiple air samples. He said they test for one half part per million which was the health effect level. He said nothing showed up on the test. He said the human nose could detect variably 600 parts per trillion. He said the team could smell the odor but yet it did not show anything. He said the material safety data sheet on Propyl Mercaptan said this was mild to moderately toxic and would result in headaches, nausea, and vomiting were the normal side effects if there was some type of exposure.

Mr. Nelms said he would like to note for the record that there were significantly more than six people in this room who had experienced these symptoms. He said everyone was aware that the political boundaries exist and yet this series of incidents had no boundary and it was affecting the humans. He said some of these people live in Fayette County and some live in Fulton County and they were neighbors. He said Fulton County and Fayette County would try to determine what needed to be done. He said it was certainly not a Fulton County issue. He remarked that there was a pre-treatment permit through Fulton County but there was a solid waste permit through E.P.D. which was the State of Georgia. He said since this plant was transporting interstate hazardous waste, it might very well be E.P.A. He said there would be quite a few residents from both Fayette County and Fulton County at the public meeting next Wednesday. He said hopefully representatives from Phillip Services Corp. would be present. He said in the meantime it was a fact that approximately 100 people have gotten ill from this smell. He asked the Commissioners to go to the North Fayette County and South Fulton County areas and spend a few hours there and smell the odor. He said if the Commissioners did this then they would know what these citizens were talking about. He said there were certain chemical anomalies that were occurring in that area. He said it was definitely heavier than air and moves along the ground and did not dissipate very easily in sunlight at all. He said for approximately a period of one week during that time the winds were blowing North/South and yet every morning the heavy Propyl Mercaptan smell was traveling due North and this was still occurring today. He said two nights ago employees at this plant were washing trees around this plant. He said he knew two individuals who lived right next to the plant who woke up at approximately 1:30 a.m. with their throats closing up. He said it was now four weeks after the incident occurred. He said the vapors of this chemical were moving due South into Fayette County and due West toward S.R. 74 and due North and East with winds or no winds and rain or no rain. He said this was he and the other citizens were concerned with. He said this smell seemed to be defying the laws of chemistry and nature.

Chairman Dunn asked Ben Nelms if he lived in that area and he said no but he had spent a lot of time there. He said he appreciated Ben's input.

**Latrice McLondon:** Latrice McLondon, 4080 Castle Way, Fairburn remarked on the odor coming from the plant and the effects on her family. She said her home was located just beyond the tree line of the plant. She said everyone in her family has had experiences with this odor. She said she was also a cancer survivor but had not made her five year mark

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yet. She said she was really afraid right now of what was going to happen. She said she has had headaches every single day. She said she cannot send her children outside and had to send them to California with their grandmother. She said her children's eyes were constantly red. She said the smell had invaded every part of her house. She said she wakes up at night trying to find a way to sleep so that she would not smell the odor. She said she had been spraying perfume on her pillow and putting her face in the pillow so she can get a minute of fresh air.

Chairman Dunn asked if there had been any public hearings at all in Fulton County on this situation.

Ms. McLondon replied none that she was aware of. She said she had really just started getting involved during the last couple of weeks. She said she had planned to get in contact with her Fulton County Commissioners. She said everyone in her household had been affected including her father and mother who were visiting her from California. She said her mother was still having problems with her throat from just being in the house. She said a friend had come to visit her and was only in the house for approximately one hour and the smell was in her car for three days.

Commissioner Frady said he was glad the citizens from Fulton County had come to this meeting to give this Commission an idea of what was occurring on the Fulton County side.

Ms. McLondon further remarked that her next door neighbor's dog had died.

Chairman Dunn thanked everyone for speaking tonight. He said this was a very frightening situation. He said he could not say tonight exactly what route the Board would take to help solve this problem but the Board would definitely take a route and would not wait a long time to determine that route. He felt that anyone who has had dealings with this Board knows that when it takes an issue on, it would be thoroughly investigated. He asked for clarification of the meeting that was going to take place next Wednesday.

**Clare Hindman:** Clare Hindman, 8295 Spence Road, Fairburn remarked that a meeting would be held at the Bethany United Methodist Church at 7:00 p.m. on Wednesday, July 19<sup>th</sup> to discuss the situation of the odor occurring in her area. She remarked that she lived within a half mile of this plant. She replied that the meeting next Wednesday would take place at the Bethany United Methodist Church at 7:00 p.m. She said she had gone to Fulton County Commissioner Bill Edwards' office today and was told that Mr. Edwards would attend this meeting. She said Mr. Edwards was also going to try and have representatives of the plant present as well as Representative Virgil Fludd. She said the television news reported that a truck at this facility had raised its lid and then closed it back down and this was the release of the smell. She said this was not true. She said the area residents had been smelling this odor for the last four weeks.

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Chairman Dunn said he had gotten the impression that this plant had processed some of the debris.

Ms. Hindman said there was a total of sixteen trucks.

Captain Pete Nelms said that there was an assumption that some of this had been processed.

Chairman Dunn said if the trucks were driven away then their whereabouts needed to be determined and where the debris was processed if it was.

Ms. Hindman interjected that the trucks had come from Alabama.

Commissioner Wells asked if anyone had tested the ground in that area.

Captain Nelms replied that he was not aware of any ground or soil sampling that had been done.

Commissioner Wells asked Dennis Chase if he was aware of any soil sampling that had been done.

Mr. Chase replied no that he had not heard of any.

Commissioner Wells suggested that this be the next step that would be pursued.

Captain Nelms remarked that this plant was not in Fayette County's jurisdiction and noted that it was located in Fulton County.

Commissioner Wells said soil sampling needed to be done so that this information could be reviewed. She said she was not sure how stable or unstable the testing of the air would be.

Ms. Hindman suggested there should be concern with the water. She said she passed by the plant when the employees at the plant were washing off the parking lot and the water was running off down the side of the road and down into the creek.

**Gilbert Bentley:** Gilbert Bentley, 179 Milam Road, Fayetteville commented on the area where the odor was occurring and where soil samples might be taken. He said if the Commissioners wanted to test some of the soil in that area, there was an area behind the plant located at the headwaters of Whitewater Creek. He said it was no more than a quarter mile that an individual would be on Fayette County soil. He said this would allow someone to get soil and water samples and be in the Fayette County jurisdiction. He urged

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the Board not to use this as campaign rhetoric. He said he was aware that the election was this coming Tuesday and two Commissioners were up for re-election. He urged the Board to keep this discussion going.

Commissioner Wells suggested Mr. Bentley speak with Captain Pete Nelms so this sampling could be coordinated.

Chairman Dunn thanked everyone who spoke tonight and for enlightening the Board on this situation. He said he would go to the location and check it out for himself.

Commissioner Wells said she had driven to that area approximately four weeks ago and smelled the onion smell. She said at the time she had no idea what it was or where it was coming from.

Ms. Hindman said when she had spoken with Fulton County Commissioner Edwards this morning he had not been to the location to check out the odor. She said she invited him to come with her to the area. She said in order for him to investigate this situation, he needed to smell it first.

Commissioner Wells said the odor was very pervasive and filled their car as they drove through the area.

**STAFF REPORTS:**

**MOTOROLA RENEWAL CONTRACT FOR E-911 COMMUNICATIONS EQUIPMENT:**

County Administrator Chris Venice asked for the Board consideration in approving the annual maintenance renewal agreement with Motorola for E-911 communications equipment. She said this was a budgeted item and totaled \$20,500 which would require Board approval pending approval by the County Attorney's office.

On motion made by Commissioner Frady, seconded by Commissioner Wells to approve the annual maintenance renewal agreement with Motorola for E-911 communications equipment. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**HAZARD WASTE TRUST FUND:** Assistant County Attorney Dennis Davenport remarked that in 2004 Fayette County had submitted to the Hazard Waste Trust Fund to receive eligible reimbursements for costs incurred for post closure care and maintenance of the landfill on First Manassas Mile Road. He said the County was eligible to receive \$349,876 back in 2004 but the funding was not available. He said the County had received 25% of that amount which was \$87,000 plus. He said the County had received communication from D.N.R. that the Hazardous Waste Trust Fund has now been funded again. He said



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the County was now eligible to receive the remaining 85%. He said the County was now eligible to receive \$262,407 and asked for the Board's consideration in authorizing the Chairman to execute the Agreement as reimbursement for the costs incurred by the County.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the agreement for reimbursement from the hazardous waste trust fund. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**EXECUTIVE SESSION:** Assistant County Attorney Dennis Davenport requested an executive session to discuss three legal items.

**EXECUTIVE SESSION:** On motion made by Commissioner Wells, seconded by Commissioner Horgan to adjourn to Executive Session to discuss three legal items. The motion carried 5-0.

**LEGAL:** Attorney Davenport updated the Board on a legal item.

The Board took no action on this matter.

**LEGAL:** Attorney Davenport updated the Board on a legal item.

The Board took no action on this matter.

**LEGAL:** Attorney Davenport discussed a legal item with the Board.

The Board took no action on this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Wells, seconded by Commissioner Horgan to authorize the Chairman to execute the Executive Session Affidavit affirming that three legal items were discussed in Executive Session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:30 p.m.

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Karen Morley, Chief Deputy Clerk

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Gregory M. Dunn, Chairman

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The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 2<sup>nd</sup> day of August, 2006.

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Karen Morley, Chief Deputy Clerk