

February 13, 2018

PUBLIC NOTICE

Pursuant to 24 CFR Part 85, Section 85.36(b) (3) “Code of Conduct” and 24 CFR Part 570.489(h), “Conflict of Interest”

Notice is hereby given pursuant to 24 CFR Part 85, Section 85.36(b) (3) and 24 CFR Part 570.489(h) of the city of Blue Ridge’s intent to request an exception to the general conflict of interest prohibition which requires public disclosure for a conflict defined by 570.489(h) (1-3), including but not limited to, wherein a person participating in the grant process may have an interest in said grant for familial and/or business ties.

On October 17, 2016, the Georgia Department of Community Affairs awarded the city of Blue Ridge a \$500,000 Community Development Block Grant (CDBG) to upgrade water and fire protection infrastructure along portions of East Second Street, Hill Street, Orchard Boulevard, Orchard Place, State Street, Wilson Street, Ridge Street and Card Lane.

The exception will be requested for the following persons, who have familial and/or business ties in the target area. Potential conflicts are as follows:

- 1) Mayor Whitener is related by marriage to Janice Nicholson, who owns two parcels and three residential units along Orchard Boulevard. Specifically, Whitener is third cousin to Janice Nicholson’s husband, Danny Nicholson, maternal nephew of Mayor Whitener’s father. One unit is occupied by Jodie Nicholson, son of Janice and third cousin to Mayor Whitener.
- 2) Mayor Whitener is third cousin to Brian Nicholson, who owns and resides on one parcel along Orchard Boulevard. Whitener’s father is uncle to Brian Nicholson’s father.
- 3) A potential conflict also exists for Mayor Whitener and Brian Huffman, who is employed by Whitener’s private business.
- 4) Post 1 Council Member Harold Herndon and his wife owns two undeveloped acres along State Street.
- 5) Post 2 Council Member Rhonda Thomas Haight is the great-niece of Glenda Herndon, who resides in the target area.
- 6) Post 4 Council Member Robbie Cornelius and her daughter, Carolyn D. Cornelius, reside at 89 Orchard Place. A 0.04-acre permanent utility easement is required from Carolyn D. Cornelius at this location. This easement was identified approximately two years prior to Cornelius’s election to office and is essential for project completion. In accordance with the Uniform Relocation & Real Property Acquisition Act of 1970 (URA), Carolyn D. Cornelius has been notified of her rights as a property owner and agreed to sell for fair market value based on 2017 Fannin County Tax Assessor’s records.
- 7) Post 5 Council Member Nathan Fitts is Mayor Whitener’s maternal nephew. His mother, Linda Fitts Rogers, sister to Mayor Whitener, is also related by marriage to Janice Nicholson. Nathan Fitts is fourth cousins with Jodie and Brian Nicholson.

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In accordance with 24 CFR Part 570.489(h), each of the following factors was considered in the decision to seek the request for exception:

- i) Not applicable. The exception will not provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available.
- ii) Not applicable. All construction activities were publicly bid in accordance with Georgia House Bill 1079, House Bill 513 and Senate Bill 146. Notices were posted at City Hall, on the City’s website, in the local legal organ, *The News Observer*, and on the Georgia Local Government Access Marketplace (glga.org) prior to the November 07, 2017 election. As such, opportunity for open and competitive bidding is not applicable to the requested exception.
- iii) The majority of persons affected are members of a group or class or low or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.
- iv) Not applicable. The affected persons have not withdrawn from his or her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question.
- v) The interest or benefit to Carolyn D. Cornelius was present before Robbie Cornelius was elected.
- vi) Undue hardship will result either to the State, the city, or the persons affected when weighed against the public interest served by avoiding prohibited conflicts. Undue hardship will result to the persons affected when weighed against the public interest served by avoiding prohibited conflicts.
- vii) The potential conflicts, outlined herein above, do not provide any financial interest, directly or indirectly to Mayor Whitener or Councilmembers Cornelius, Herndon, Thomas, or Fitts. The target area was selected due to the presence of low or moderate-income persons and not due to potential conflicts. The exception will allow all persons in the target area to receive the same interests or benefits as are being made available or provided to the group or class.