

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, July 27, 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
Peter Pfeifer

COMMISSIONER ABSENT: Robert Horgan

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

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

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

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Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

PACKAGED BEER AND WINE SALES PERMIT FOR BP KENWOOD APPROVED:

Director of Community Development Pete Frisina said this was a request for change of ownership for the Packaged Beer and Wine Sales Permit for BP Kenwood, 1866 Hwy. 85 North, Fayetteville, Georgia, Noorjehan Sabzali Pirani, Owner/Applicant. He said this property was located in Land Lots 232 and 233 of the 5th District, fronted on Hwy. 85 North and Hwy. 279 and is zoned C-H. He remarked that this request was for a Change of Ownership only.

Chairman Dunn asked if the applicant or the representative was present for this discussion. Seeing no one, he said they were not required to be present for this request.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the change of ownership for a packaged beer and wine sales permit for BP Kenwood. The motion carried 4-0. Commissioner Horgan was absent.

PETITION NO. 1178-06:

Director of Community Development Pete Frisina asked for the Board's consideration in regard to Petition No. 1178-06, Shelton B. Sykes, Owner, and Andre L. Sykes, Agent, request to rezone 5.094 acres from A-R to R-75 to develop two (2) single-family dwelling lots. He said this property was located in Land Lot 225 of the 13th District and fronted on Wagonwheel Trail. He said the Planning Commission recommended approval with one (1) condition (4-0) and Staff recommended approval with one (1) condition.

Chairman Dunn interjected that the applicant would have the right to postpone this request because of one Commissioner being absent tonight. He said this would be a decision by applicant to move forward without a full Board or if applicant wished to postpone this to the next meeting where a full Board would be present.

Andre Sykes of Hampton, Georgia remarked that he was the agent for the owner Shelton Sykes. He said he would like to continue with the rezoning request tonight. He commented on the approval by the Planning Commission with the one recommended condition. He said he had just received the rezoning plat from the surveyor approximately thirty minutes ago.

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giving the thirty feet of right-of-way. He said he and his brother did agree with this condition.

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

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve Petition No. 1178-06 as presented with one recommended condition. The motion carried 4-0. Commissioner Horgan was absent. A copy of the recommended condition, staff's analysis and investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of Ordinance and Resolution approving Petition No. 1178-06, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PETITION NO. 1179-06 AND PETITION NO. RP-038-06:

Director of Community Development Pete Frisina remarked that this item for the Board's consideration was Petition No. 1179-06 and Petition No. RP-038-06, Peachstate Land Development Corporation, Owners, and Rod Wright and Donald Brandenburg, Agents, request to rezone 28.87 acres from Unclassified Property to A-R and a revision of 30.55 acres to the final plat of Platinum Ridge Subdivision to develop three (3) additional lots. He said this property was located in Land Lot 64 of the 7th District and fronted on Diamond Pointe. He said the Planning Commission recommended approval of both petitions (4-0) and Staff recommended approval.

Rod Wright, 225 River Road Drive, Fayetteville asked for the Board's consideration to approve this request.

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Petition No. 1179-06 and Petition RP-038-06 as presented, discussion followed.

Commissioner Pfeifer commented that the annexation issue made sense because annexation was supposed to be for services and the best way to get services to those people was to have it exactly where it was requested.

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Chairman Dunn felt this was a great example of the City Council, the Board of Commissioners, the two staffs from these agencies and the landowner working together to make something happen that was common sense. He said this was a really good thing for the community.

The motion carried 4-0. Commissioner Horgan was absent. A copy of the staff's analysis and investigation, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. A copy of Ordinance and Resolution approving Petition No. 1179-06, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

ORDINANCE NO. 2006-08 - AMENDMENTS TO THE FAYETTE COUNTY SIGN ORDINANCE REGARDING DIVISION III. NON-RESIDENTIAL DISTRICTS, SECTION 5-32. FREESTANDING SIGNS, E. TEMPORARY SIGNAGE APPROVED:

Director of Community Development Pete Frisina remarked that this item was for consideration of proposed amendments to the Fayette County Sign Ordinance regarding Division III. Non-residential Districts, Section 5-32. Freestanding Signs, E. Temporary Signage as presented by the Planning & Zoning Department. He said the Planning Commission recommended approval (4-0).

Mr. Frisina remarked that this was a housekeeping item. He said when the ordinance was put in place in November, 2005, staff neglected to put a height limitation on temporary signs in non-residential districts. He said this amendment would include the height limitation which would be 4 feet.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the Amendments to the Fayette County Sign Ordinance regarding Division III. Non-Residential Districts, Section 5-32. Freestanding Signs, E. Temporary Signage. The motion carried 4-0. Commissioner Horgan was absent. A copy of Ordinance No. 2006-08, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2006-09 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-2. EST, ESTATE RESIDENTIAL DISTRICT:

Director of Community Development Pete Frisina remarked that this item was for consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST, Estate Residential District as presented by the Planning & Zoning Department. He said the Planning Commission recommended approval (4-0).

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Mr. Frisina said this item was also a housekeeping item in terms of the zoning district. He said staff had decided that this district should read the same as the conservation subdivision district. He said staff was changing open space conservation area and this was throughout the ordinance. He stated that in Section E. there were some requirements from the conservation subdivision ordinance that talked about the limits on trails, paths and the area that picnic areas could be within the conservation area. He said those were both limited to 5% and in the other ordinance staff wanted to do the same thing in this ordinance. He said in Section F. the residential/recreational amenity area was only in the residential section of the subdivision and not in the conservation area. He said staff did have it in the residential section and just forgot to delete it out of this portion. He said staff wanted to take that part out.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. Est, Estate Residential District. The motion carried 4-0. Commissioner Horgan was absent. A copy of Ordinance No. 2006-09, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the consent agenda as presented. The motion carried 4-0. Commissioner Horgan was absent.

HEADLEY CONSTRUCTION, INC. AWARDED BID - MULTI-PURPOSE SENIOR CENTER: Approval to award bid to Headley Construction, Inc. to construct the proposed Multi-Purpose Senior Center in the amount of \$4,108,500 and authorization for the Chairman to execute the contract. A copy of the memorandum and contract, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

GIS PROJECT - INFORMATION TECHNOLOGY OUTREACH SERVICES: Approval of staff's recommendation to use budgeted GIS funds for related GIS projects and use the technical services of Information Technology Outreach Services (ITOS), a Division of the University of Georgia's Carl Vinson Institute of Government for GIS projects for a total of \$147,375. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - BUDGET ADJUSTMENT: Approval of staff's recommendation for a budget adjustment for FY 2006 to increase the Sheriff Criminal Investigation's Vehicle Repair Service expenditure account by \$3,793.12 for money received from an insurance claim. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - BUDGET ADJUSTMENT: Approval of staff's recommendation for a budget adjustment for FY 2006 to increase the Sheriff Jail's Vehicle Repair Services expenditure account by \$341.99 for monies received from the State of Georgia for damage claim. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - BUDGET ADJUSTMENT: Approval of staff's recommendation for a budget adjustment for FY 2006 to increase revenue by \$1,902.38 and increase CID's Overtime Expenditure account by \$1,902.38 for monies received to date from the U.S. Department of Justice and Treasury Department. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - BUDGET ADJUSTMENT: Approval of staff's recommendation for a budget adjustment for FY 2006 to increase Sheriff Patrol's Vehicle Repair Services expenditure account by \$557.03 for money received from an insurance claim. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

SNEAD ROAD SURVEYING CONTRACT - MALLETT CONSULTING AWARDED BID: Approval of staff's recommendation to award the engineering and surveying contract for Snead Road to Mallett Consulting in the amount of \$137,000 and authorization for the Chairman to execute the contract. A copy of the memorandum and contract, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

WATER SYSTEM - BID #546 AWARDED TO ALL SEASONS PAINTING: Approval of staff's recommendation to award Bid #546 for Water System painting to the lowest bidder capable of performing the work, All Seasons Painting in the amount of \$98,600 and authorization for the Chairman to execute the contract. A copy of the recommendation and contract, identified as "Attachment No. 14", follows these minutes and are made an official part hereof.

MARSHAL'S OFFICE - BUDGET ADJUSTMENT: Approval of staff's recommendation for a budget adjustment for FY 2006 to increase the Marshal's Vehicle Repair Services expenditure account by \$790.65 for money received from an insurance claim. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

EMERGENCY SERVICES - MOSCAD SIREN SYSTEM UPGRADED AND BUDGET ADJUSTMENT: Approval to purchase software upgrade for the MOSCAD Siren System and for a budget adjustment for FY 2006 in the amount of \$2,400 to be transferred from Emergency Management's FY 2006 Budget Operating Equipment #522232. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

ROAD DEPARTMENT - BID #578 AWARDED TO APAC AND BALDWIN PAVING COMPANY: Approval of staff's recommendation to award Bid #578 for Asphalt to low bidder APAC for eight items and to low bidder Baldwin Paving Company for five items and authorization for the Chairman to execute the contract. A copy of the recommendation and contract, identified as "Attachment No. 17", follow these minutes and are made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners Special Called Meeting held on June 7, 2006 and the regular Commissioners' meeting held on July 5, 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.

Grace Caldwell: Tyrone Councilwoman Grace Caldwell thanked the Board for the \$18,000 that was designated for recreation in the Town of Tyrone. She said she hoped this would go for improvements to Shamrock Park. She said she also appreciated all of the Board's help in clean up day in Tyrone.

Gloria Furr: Tyrone Councilwoman Gloria Furr thanked the Board and everyone who was involved in getting the onion smell situation resolved. She said she had a lot of friends who were sick and she appreciated everything that was being done. She said on behalf of the citizens of Tyrone and the Town of Tyrone she would like to say thank you for everyone who was helping.

Sierra Leone: Sierra Leone commented on the issue of the number of people allowed to live in a home under Fayette County's current ordinance and a situation in her neighborhood. She said the current ordinance stated that as long as the people in the house were related by marriage or blood then 50 to 100 people can live in one home. She

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asked for the Board's consideration to consider amending this ordinance. She said this was definitely a problem in her area. She said she also appreciated the Board's help in coming out the very next day as well as yesterday in regard to other issues. She said she appreciated it and so did a lot of other residents in her area.

Connie Biemiller: Connie Biemiller thanked the Board and staff for everything that had been done in regard to the Propyl Mercaptan. She said she had heard from the E.P.D. today on this issue and the gentleman there was supposed to let her know if things were going to close up by tomorrow or not. She remarked if the plant was not closed down on Friday as hoped, concerned citizens would be protesting on S.R. 74 on Saturday from 9:00 a.m. to 6:00 p.m. She said the citizens would appreciate the Board's support during that time to show solidarity.

Johnny Bell: Johnny Bell, 350 Greenview Circle, Fairburn expressed concern with the onion smell and a health condition that he had recently been diagnosed with that might possibly be related to the smell. He said he did not understand how a company was allowed to have toxic fumes going into the air and nobody be aware of it. He said he and his neighbors would appreciate some help.

Commissioner Wells interjected that citizens could speak with Chief Jack Krakeel who was present here tonight and let him know about any potential health problems. She said Chief Krakeel and his staff would be gathering this information.

STAFF REPORTS:

CHIEF JACK KRAKEEL: Chief Jack Krakeel updated the Board on the onion smell situation. He remarked that the incident that occurred some time ago continued to linger. He said at the Board of Commissioners' meeting two weeks ago, the Board instructed staff to develop an action plan and present this to the Board for review. He said he was present tonight to update the Board on the activities that had occurred over the course of the last two weeks. He said significant progress had been made over the course of the last two weeks. He said individuals had engaged in a number of meetings with citizens of Fayette County and Fulton County as well as with Fulton County officials and other State officials. He said a healthcare questionnaire form had been developed to begin tracking the number of citizens in this community who had complained of some type of illness that was believed at this juncture to be associated with this issue. He said 122 health surveys had been returned to his office as of this evening. He said those surveys continued to be available from his staff and also from the County's website in both English and Spanish. He said an impact zone had been plotted in the community based on the surveys that had been received and the number of complaints that had been received. He said this incident propagated a significant area in North Fayette County in terms of the odor itself. He said there were also areas outside of the affected area such as the Administrative Complex area where there was some minor indication of an occurrence.

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Chief Krakeel said that last night they had met at Bethany United Methodist Church again and presented information to the citizens that had been obtained during the last week. He said he and his staff had been working aggressively trying to identify if this was the first known occurrence of a situation such as this. He said he was able to obtain an epidemiological report that was done by the California Department of Public Health in 1990 as a result of an incident similar to this. He said his office had copies of those reports and would make copies of those reports available to the public. He said he had also continued to work with the various agencies and had request these agencies per the previous action plan to continue to monitor the situation. He said the Environmental Protection Division conducted a multi-media site investigation this week of the PSE facility which resulted in a review by experts of all facets of this plant. He said results of that investigation would be forthcoming some time in the next week to fourteen days. He said the District Health Office and the State Health Department were being requested to immediately begin an epidemiology investigation of this incident. He stated that Dr. Michael Strain who was the Chairman of the Fayette County Board of Health had concurred with this recommendation and had written a letter to Dr. Michael Brackett who was the District Four Medical Director. A copy of the letter, identified as "Attachment No. 18", follows these minutes and is made an official part hereof. He said a conference call scheduled for tomorrow morning at 9:00 a.m. with Dr. Brackett to pursue the initiation of an epidemiological study and investigation of this incident in North Fayette County.

Chief Krakeel further remarked that water sampling would also be ongoing of the Whitewater Creek area for volatile organic compounds. He said Fayette County Water System Manager Tony Parrott along with the City of Fayetteville would be sharing some costs on some additional water sampling of the Whitewater Creek area for these compounds. He said they hoped that this would be concluded in the next couple of weeks. He felt at this juncture with all of the activities that had been undertaken during the past three weeks, maximum saturation was close to being reached as far as Fayette County was concerned. He said staff definitely wanted to see an epidemiological investigation initiated because it was believed that ultimately not only would it provide answers to this situation but it would provide the base line for a long term analysis. He said he believed that was necessary in this particular case.

Chief Krakeel said his particular request to the Board was that the Commission's counterparts on the Fulton County Commission and all of the local agencies be kept up to date regarding all of these findings and requests since this plant was in Fulton County's jurisdiction and also the State agencies who have a role in this. He said staff had identified a number of steps that were believed to be appropriate at this juncture. He said (1) while this incident had caused serious concern for the community, it had caused further concern from his perspective and the emergency management perspective of the integrity of the Whitewater Creek basin. He said while there was some capture capability on site, he was concerned that any future potential spills that may occur at this facility could have a significant negative impact on the County's water source with one of the primary water

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sources being Whitewater Creek. He said (2) he would like to see and ensure that if this facility remained open that an appropriate containment system was constructed there to absolutely ensure no spill would have a detrimental affect on the community. He said (3) staff had requested that the E.P.D. perform a continuous air monitoring system using a more sophisticated methodology than what was previously utilized post July 4th weekend be done for a period of thirty days. He said staff continued to receive complaints from citizens about the odor in this area and he felt that this more intensive capability would give the County better data than what it was able to obtain with the previous air sampling capability. He felt that the ultimate resolution to this issue would be a closure of the facility and it would be in the best interest of this community and its citizens for that to occur. He said if this facility was allowed to function as it had, that this facility be prohibited from receiving any material that had the potential for creating this kind of environmental impact. He expressed concern with the plant receiving any future material that might have the potential for creating this kind of environmental impact. He felt there should be pretesting done on any product coming into the facility to eliminate the potential for an accidental vapor release which could create a significant odor problem for surrounding communities. He said if this facility continued to operate, that a plan be developed by not only the facility but with the Fayette County and Fulton County communities so that Emergency Services would be immediately notified of any situation that had the potential to affect the community so that appropriate action could be initiated before it reached a threshold level such as it did in this particular situation. He said at this point these were the activities that had been undertaken. He said these had been numerous, intensive and they were ongoing at this time. He said he would be glad to answer any questions.

Commissioner Wells said she would like to commend Chief Krakeel and all of his staff who had been so vigilant in this situation. She said if it had not been for Fayette County it would probably have been several days longer before the location of the actual problem was determined. She said her concern was with the effects of this odor and the time frame it would take to get answers for the affected citizens. She said all of the elaborate plans in the world could be in place and everyone might be so busy studying the issue that things continue without any resolution for a long period of time.

Chairman Dunn remarked that many citizens had spoken at the last Commissioners' meeting and opened everybody's eyes to this situation. He said unfortunately Fayette County was not the jurisdiction that had control over this area but the County was not going to be deterred in trying to get to the bottom of this situation. He said the County had a lot of things that it could do and had been doing but it would also be doing some additional things. He said if this plant was located in Fayette County, the situation would have been acted upon very rapidly.

Chairman Dunn further remarked that Chief Krakeel was requesting this Board to contact its counterparts in Fulton County and this would be done. He said so far everyone who had been involved had responded in a positive way once the crisis seemed to get out of hand.

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He said the citizens had to activate whatever happened in that area as a result of this odor. He said it had been a problem jurisdictionally that the plant itself was not located in Fayette County. He said this Board could not dictate to people in Fulton County as to what needed to be done. He remarked that Fayette County had the best emergency management people in the State as well as the best medical services. He said there was a lot of expertise here in Fayette County and the ability to do things on its own but this plant was operating in a different jurisdiction. He said Fulton County Commissioner Edwards had asked for an immediate shut down of this plant until the problem could be determined. He said he would be speaking personally with Fulton County Chairperson Karen Handel and asking that Fulton County shut down this plant permanently. He said the citizens should not have to go through periods with horrible smells coming from this facility every once and a while and have something this disastrous happen was ridiculous. He said an incident equal to this one occurred ten years ago and it smelled like sewerage. He said in the meantime there had been one or two days of obnoxious odors that dissipated over time. He said this time it was something much worse. He said it had been a month since this smell started and it still had not dissipated completely. He said no one knew exactly what the odor was but this Board did not want to have the people in Fayette County nor the people in Fulton County who live within residential areas surrounding this plant to have to put up with this. He said regardless of what was found in this incident, this plant should be closed.

Chairman Dunn further remarked that this plant was also very close to Whitewater Creek and Fayette County citizens get a substantial amount of drinking water out of Whitewater Creek. He said Fayette County did not want to have to do extraordinary measures now to figure out every day whether or not this plant was polluting Fayette County's drinking water. He said Fayette County would still have to purify the water but it sure did not want to purify the water from things that it did not know anything about. He said this Board was unanimous in feeling that this plant must be closed and it needed to determine what happened there. He said in addition to Fayette County asking them to do this, Fayette County would also offer its assistance and staff. He said it was important for Fayette County staff to be working with the Fulton County staff so that Fayette would know exactly what was found and exactly what the impact of this was. He felt with the two governments working on this situation together rather than just having one reporting to the other, the community would be better off in the future. He said Fayette County would pursue this and he supported 100% what the citizens were going to do this weekend. He said by bringing attention to the problem would help them to make some good decisions. He thanked all of the citizens who had come to the Commissioners' meeting last week and also tonight to tell the Board just how bad this situation was. He said there was no way that this Board could have understood that because none of the Board members lived close to this. He said what these citizens had been going through was unbelievable and this Board was going to do whatever it could to resolve it. He said he had spoken to Carolyn Couch yesterday who was the Executive Director of the Georgia Department of Natural Resources and she was very much interested in this situation. He said the Atlanta Regional

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Commission would be more and more interested in this particularly if appropriate responses were not received from the region. He assured everyone that this issue would not be dropped just because a letter was being sent out.

Commissioner Frady said he felt this was an excellent letter and all bases had been covered. He said he wished everyone could have attended the recent meeting at Bethany United Methodist Church. He said the emotion up there was very high and he sure hoped that something could be done to help those citizens.

EXECUTIVE SESSION: Assistant County Attorney Dennis Davenport requested an executive session to discuss two real estate items and three legal matters.

REAL ESTATE: Attorney Davenport discussed a real estate item with the Board.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize Attorney Davenport to proceed in this matter. The motion carried 4-0. Commissioner Horgan was absent.

LEGAL: Attorney Davenport reported to the Board on a legal matter.

The Board took no action on this matter.

REAL ESTATE: Attorney Davenport discussed a real estate item with the Board.

The Board took no action on this matter.

LEGAL: Attorney Davenport updated the Board on a legal matter.

The Board took no action on this matter.

LEGAL: Attorney Davenport reported to the Board on a legal matter.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that two real estate items and three legal matters were discussed in Executive Session. The motion carried 4-0. Commissioner Horgan was absent. A copy of the Affidavit, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

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There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 8:20 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of August, 2006.

Karen Morley, Chief Deputy Clerk