

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, August 9, 2007, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Jack Smith, Chairman  
Herb Frady, Vice Chairman  
Robert Horgan  
Eric Maxwell  
Peter Pfeifer

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator  
Carol Chandler, Executive Assistant  
Karen Morley, Chief Deputy Clerk

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Chairman Smith called the meeting to order.  
Commissioner Pfeifer offered the Invocation.  
Pledge of Allegiance.

**RESOLUTION NO. 2007-13 - ADOPTION OF THE MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR 2007:**

Chief Financial Office Mary Holland asked for the Board's consideration in adopting Resolution No. 2007-13 establishing the millage rates and levying ad valorem taxes for 2007. She said for the unincorporated Fayetteville, Peachtree City, Tyrone and Brooks for the maintenance and operation it was \$5.432; for fire services it was 2.00; for EMS services it was \$.550 and the School Board was asking for \$18.596 as well as a bond millage rate for \$3.550 for a total rate of \$22.146 for the School Board.

Chairman Smith remarked that during this past year there were two major changes that were made in the taxing. He said the first was to establish an EMS taxing district. He said this district effectively was a tax on all of Fayette County excluding the City of Peachtree City. He said this was done after an analysis and request by Peachtree City regarding their opinion that they were getting taxed for EMS services through the General Fund and they were receiving no EMS services because they have their own EMS service delivery package. He said after careful review, the Board agreed that there was probably some disparity in this and an EMS taxing district was established. He said this effectively shifted some of the tax burden for EMS services off of Peachtree City and onto the rest of the County. He said this was the reason there was an EMS taxing district showing up this year where there was not one last year. He said the second item that was impacting the millage rate was a reduction in tax due to the insurance premiums check that the County receives from the insurance companies via the State. He said it was the tax on insurance premiums that were charged by all of the insurance companies on all of the insurance premiums that were written within Fayette County excluding the municipalities who receive their own check. He said that money was restricted in what the County could use it for. He stated there was some

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contentiousness and some debate over what this money would be used for in the past and it had to be used for at-large County function. He said part of the change seen in the millage rate this year was a reflection that the County had to reallocate the usage of that money to somewhere other than in the General Fund. He said that money was used to reduce the non-incorporated areas which effectively was the Fire Fund. He said this resulted in a reduction in the Fire Fund and a corresponding increase in millage for the EMS service district. He said this resulted in some homeowners getting a reduction in tax and some homeowners getting an increase in tax. He remarked that this reflected exactly what happened which was a shifting of the tax burden to those who were actually receiving the service as opposed to everyone in the County.

Chairman Smith said this was a public hearing and anyone who wanted to speak in favor or opposition could do so at this time.

Rebecca Pell, 373 Westbridge Road which was located in the unincorporated area in the Northern part of the County. She felt with the increase in the millage taxation and those people who were retired and on a fixed income it was very difficult to make up all of these increases that they were seeing not only in the millage tax but also in the changes in the development in their area that once were rural but now have become more congested. She said she understood that more EMS personnel would have to be hired to help with that, but she felt it was this Board making the decisions and not the homeowners. She said she would like to make a plea that some of this taxation could fall on the businesses in those unincorporated areas or for the structures that were multiple family housing.

Chairman Smith said he wanted to make a point for clarification. He said this was not an increase in the EMS cost that was the issue here but a distribution of who pays for it. He remarked that the citizens of Peachtree City were not receiving EMS service and should not pay for service they were not getting. He said the rest of the citizens must pay for the amount that the citizens of Peachtree City were not paying. He said this was in effect what had happened in this situation. He said the citizens of Peachtree City were not receiving any EMS service but in the past had been paying for that service. He said those citizens felt this was unfair and this Board agreed. He said the remainder of Fayette County citizens would have to pay more to make up for the citizens of Peachtree City who were not paying. He said the reason the citizens of Peachtree City were not paying was because they were not getting any EMS service. He said the reason for the increase was not the cost factor itself for the EMS service but it was the distribution of the cost among who should pay for it. He said the citizens who should pay for it should be the citizens who receive the service.

Commissioner Frady interjected that this increase was not something that this Board "dreamed up". He said House Bill 489 that came out of the State Legislature and

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required the County to do this. He said if there were cities not using EMS service then they should not pay the tax because they were operating their own EMS system. He said this Board must abide by these rules even though he disagreed with it.

Chairman Smith asked if anyone else wished to speak in favor of against this item. Hearing none, he declared the public hearing closed.

Chairman Smith asked for the Board's pleasure in this matter.

On motion made by Commissioner Horgan, seconded by Commissioner Frady to adopt Resolution No. 2007-13 establishing the millage rates and levying ad valorem taxes for 2007. The motion carried 5-0. A copy of Resolution No. 2007-13, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**PUBLIC COMMENT:**

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

There was none.

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

**MINUTES:** Approval of minutes for Board of Commissioners meeting held on July 12, 2007.

**FURTHER DISCUSSION TO INITIATE A REVISED PURCHASING CARD PROGRAM, AND APPROVAL OF THE PROPOSED POLICY AND PROCEDURES FOR P-CARD PROGRAM ADMINISTRATION:**

Chief Finance Officer Mary Holland asked for the Board's consideration to allow the County to reinstate a revised purchasing card program for County employees. She said the proposed policy and procedures were presented to this Board at its last meeting on August 1<sup>st</sup>. She said she would be glad to answer any questions that the Board might have in regard to this recommendation.

Commissioner Frady said he was not present at that meeting and asked Ms. Holland to give a short review of the program.

Ms. Holland said staff was recommending an implementation of a revised purchasing card program. She said this would be on a test basis where a select few departments would participate that would include the Sheriff's Department, Clerks of Court, and Fire

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and Emergency Services. She said the purchasing card would be used for travel, travel arrangements, employee educational purposes and seminars as well as office supplies and any type of emergency purchases could be utilized as well. She said the committee recommended a limit of \$250 and if an employee needed some type of supply that was less than \$250 they could purchase that with the p-card if the item fell within these categories. She said the proposal was to implement this policy and for staff to monitor how it worked before coming back to the Board and ask for consideration for adoption of the program.

Chairman Smith clarified that this was a \$250 limit on the card. He asked if that included or excluded travel.

Ms. Holland replied that this would exclude travel. She said the limit would be based on the budget of that department.

Commissioner Horgan how long Ms. Holland felt the trial period would last.

Ms. Holland replied that the trial period would probably take 60 to 90 days.

Commissioner Maxwell asked Ms. Holland if there would be random checks on these card purchases.

Ms. Holland replied that staff would select a card for an audit to make sure it was in compliance with all of the rules and regulations and any exceptions would be addressed at that time.

Commissioner Frady noted that department heads would be responsible for the card issued for their department, who would actually need a card, and signing off on any purchases made by the department.

Chairman Smith asked for clarification on purchase orders being less than \$250.

Ms. Holland responded that staff had reviewed the requisitions that were processed in fiscal year 2007 and of that more than 30% were for items of \$250 or less. She said the p-card would also help in the petty cash funds and employees would be able to use the p-card instead of having to come into the Finance Department to get petty cash reimbursements. She said over the last year the Finance Department had actually issued more than \$22,000 in petty cash reimbursements.

Chairman Smith asked Ms. Holland if she believed in the time saved in purchasing by using the p-card system instead of the requisition petty cash system was equal to or greater than the time it would take to audit the system after the transactions have taken place.

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Ms. Holland replied yes that she did believe that there would be a time savings in regard to issuing requisitions and converting those into purchase orders. She said staff would be working with the County's banking services to automate the accounting process and this was part of the labor intensive piece of the previous program where this was not automated.

Chairman Smith commented that the procedural issues as far as accountability was much different from before. He said the County had this program before and there were some problems with it and this was the reason it was discontinued.

Ms. Holland replied that she believed that the controls were similar to what the County had before but she felt by putting the accountability on the department head would add extra controls.

Chairman Smith asked for the Board's pleasure in this matter.

On motion made by Commissioner Maxwell, seconded by Commissioner Frady to approve a trial period for implementation of the P-Card Program with a formal review of the program and Ms. Holland reporting back to the Board in 90 days, discussion followed.

Commissioner Pfeifer said he felt the p-card program could increase efficiency and could save money. He said the program the County had previously did have controls and there was a procedure but the program was violated. He said there were consequences, and when it was continually violated the Board discontinued the program. He said the procedures were in place but they were not followed. He said he was hoping that staff could stay on top of this new program and make sure it was done properly.

Chairman Smith interjected that for violations there was the ability for this Board to remove the violating department from the p-card program. He felt this would be an incentive for department heads to keep close check on this program.

The motion carried 5-0. A copy of the policy and procedures for the P-Card Program, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**CONSIDERATION OF A REQUEST FROM THE TOWN OF BROOKS FOR ASSISTANCE WITH CODE ENFORCEMENT:**

Interim County Administrator Jack Krakeel remarked that several months ago the County received a request from the Town of Brooks to assist them with enforcement of certain activities within the Town of Brooks specifically related to the construction of residences

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and the inspection process associated with that as well as engineering services. He said he had requested staff to review this request from the Town of Brooks. He said both the Director of Engineering Phil Mallon and the Director of Community Development Pete Frisina have spent a considerable amount of time taking a look at the impact that the Town of Brooks' request would have on the County departments. He said it was staff's opinion based on the research that there would be minimal impact but in order to provide equity throughout the County for those services that were provided, to establish a fee associated with specific requests that would come to the County for enforcement actions in the case of violations in connection with new construction and enforcement of the Zoning Ordinance and engineering services. He said those fees were identified for the Board in the report prepared by staff. He said he would be glad to answer any questions that the Board might have. He said it was staff's recommendation that they were capable of performing the assistance that was requested within the current capabilities of each department. He said Mayor Butler for the Town of Brooks was present as well as Huey Bray who was the Zoning Administrator for the Town of Brooks if the Board had any questions.

Mayor Butler said he and the Council of Brooks had reviewed the Agreement and fee schedule and they were in agreement with them. He said this would be of great help to the Town of Brooks.

Chairman Smith asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to enter into an Intergovernmental Agreement with the Town of Brooks for the provision of code enforcement services and authorize the Chairman to execute said Agreement. The motion carried 5-0. A copy of the request and Agreement, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

**DISCUSSION OF WATER COMMITTEE RECOMMENDATION CONCERNING A REQUEST BY JIM DAUGHTRY REPRESENTING THE FAYETTEVILLE ROTARY CLUB TO BUILD A HANDICAP ACCESSIBLE FISHING DOCK AT LAKE HORTON:**

Director of the Water System Tony Parrott introduced Jim Daughtry who was representing the Fayetteville Rotary Club.

Jim Daughtry said he was representing the Fayetteville Rotary Club who was making the request to build a handicap accessible fishing dock at Lake Horton. He said there was currently an existing ramp with a small dock and he was proposing to pave the walkway with asphalt for the plans that need approval. He said this would allow people in wheelchairs to go out and have access to fishing. He said there would be no cost to the County for this project. He noted that this was one of the Fayetteville Rotary Club's projects that they were working on and several businessmen had expressed interest in helping the Club build this dock. He said they would be raising money through fundraisers

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to help with this project. He said they had discussed this with the Water System and they were aware that they would have to go through the Planning and Zoning Department regarding the specifications for the project. He said they would submit the final plans for approval before proceeding with the project.

Chairman Smith asked Mr. Daughtry if he had reviewed the conditions under which the Water Committee recommendation was made for construction of the dock.

Mr. Daughtry said he could not recall exactly what those conditions were.

Chairman Smith read the conditions as follows: (1) the final design should include a P.E. stamp from an engineer registered in the State of Georgia; (2) the structural design should be done by a registered engineer; (3) the project to be submitted to the Building Department for a permit; (4) the Fire Marshal review for ADA accessibility; (5) work will be done while the lake is down so that the pilings could be done in a dry state; (6) have a geotechnical evaluation of the sub grades of the foundation on the pilings; and (7) asphalt to be the pervious material that is already at Lake Horton.

Mr. Daughtry said they would agree with those conditions. He remarked that they would not proceed with any work until all of these conditions were met.

Commissioner Maxwell thanked Mr. Daughtry for coming in and presenting this to the Board. He said this was just another thing this Club does for the community service. He said he understood that once the dock was completed it would be dedicated to the County and would no longer be a Rotary Club item and would become County property. He said the maintenance for the dock would also be the responsibility of the County. He said the Rotary Club would be responsible for the funding for the entire project and there would be no cost to the County.

Chairman Smith asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to approve the Water Committee's recommendation for a request made by Jim Daughtry representing the Fayetteville Rotary Club to build a handicap accessible fishing dock at Lake Horton at no cost to the County and to include the recommended conditions as discussed. The motion carried 5-0. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**BOARD REPORTS:**

**CHAIRMAN SMITH:** Chairman Smith commented on the Board's retreat that was held yesterday at Callaway Gardens. He said the Board had covered a significant number of issues both in Board philosophy, policies and procedures that it wanted to follow. He said

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the Board had not taken a vote on anything, but had directed staff to bring back information that the Board would vote on in open session. He said one of the items that the Board decided to move forward with was a rebalancing of the voting districts. He noted that the County was divided into three separate voting districts. He said each one of those had been drawn along what were originally known as the Georgia Militia Districts. He said the Georgia Militia Districts were now obsolete. He said the Board was investigating another method on which the voting districts would be based. He said the three districts should be relatively similar in population size that the particular district constituent represents. He said over the course of construction and development in the County those districts had become unbalanced. He said the three districts should be somewhere in the 21,000 range.

Commissioner Frady interjected that he had the population figures for the current districts. He said the third district had approximately 14,500 people, the second district had approximately 21,000 people and the first district had approximately 27,000 people. He noted that reapportionment changed two lines on the map and these changes were not that significant. He said they would now be sending this back to the reapportionment office.

Chairman Smith clarified that the State of Georgia was under a consent order from the Department of Justice and this Board could not change anything without Department of Justice approval. He said one of the things that the Board had done was to send a preliminary sketch of what they felt a balanced district would look like to the Department of Justice for a preliminary look. He said the Department of Justice had taken a look at the map and instead of using voter numbers they adjusted it slightly and sent this back to the Board as a proportionate map that represented something more balanced. He said the voting districts were within approximately 10,000 people of being balanced between the three districts. He said in looking at the County map showing the voting districts there was not a significant change and there would still be a district that represented the Northwestern, the Northeastern, and the Southern section of the County. He said the actual lines did have to be adjusted to get the population within the census numbers that the Department of Justice would call a balance. He said the Board had discussed the issue of an authorization to send the document showing the revised lines for voting districts to the Department of Justice with a formal request to change it so that the districts were now balanced. He said the Board had reviewed this map and the Board had tentatively agreed for the Chairman to execute the necessary documents for the revision to the lines for the voting districts to be sent to the Department of Justice for a formal request to make these changes so the districts were more balanced. He asked for the Board's pleasure on this matter.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to authorize the Chairman to execute all of the necessary documents to go through the Legislature and onto the Department of Justice, discussion followed.



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Commissioner Pfeifer said he objected and requested that the Board table this item to the next Board of Commissioners' meeting. He said one of the other items that the Board had discussed at the retreat was the issue of Agendas. He said Agendas serve two purposes. He said one purpose of an Agenda was to let the public know what the Board was about to discuss so any interested members of the public can come to a meeting and express their concerns. He said the other reason was to allow the Board time to prepare for these discussions. He said this item had not been placed on an Agenda. He remarked that this would be a major change for this County and he felt the public needed to know what was under consideration so the Board could hear their input. He said this would also allow the Board time to prepare for these discussions. He said he would like to request that this item be tabled to the next Commissioners meeting.

Commissioner Frady interjected that this was the second meeting that the Board had discussed this item.

Commissioner Pfeifer said he was referring to having this item discussed at a meeting where this item was listed on a published Agenda.

Chairman Smith said the Board had a request from a Commissioner to table this item. He said it did not require a second but did require discussion by the Board and a voting on the motion to table.

Commissioner Frady said the reason a Commissioner might table an item was to give that person more time to review the item and then bring it back to the next Commission meeting. He noted that this was the second meeting where this item was listed on an Agenda. He felt it was perfectly fine for the Board to vote on this item tonight.

Chairman Smith remarked that the procedure according to County Code was that any time a motion was under discussion, there may be a motion to table and it would not require a second. He said the motion must specify the time and place for continued discussion. He said he understood the motion to be that this item would be on the Commissioners' next meeting Agenda. He said there was no further discussion on the motion on the table but the Board would have to discuss and vote on the motion to table. He said if there was no further discussion on the motion to table, it was appropriate that the Board vote on the motion to table at this time.

Commissioner Maxwell said he found himself in a difficult position. He said he agreed with Commissioner Frady that this was the second time this item had been discussed. He said there was plenty of notice and the Board had discussed this at length at the Board's retreat. He said no formal vote was taken but certainly a consensus was reached. He noted that no formal votes were taken at all at the retreat. He said it was understood when the Board of Commissioners were in that room that this would happen today at this meeting. He said

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this puts this Board in a position of having to consider the motion to table when it was not mentioned yesterday at the retreat. He said the purpose behind the motion to table was to give a Commissioner ample time to study an issue. He said Commissioner Pfeifer had ample time to study this and an opportunity to make his argument yesterday on this issue. He said, however, this was such an important decision for this County and one in which this Board finds itself without an attorney to give the Board an opinion that he was reluctant to go forward with it because he was afraid of a challenge down the road. He said the next available Board of Commissioners' meeting was going to be the Special Called Meeting that was going to be held on August 20<sup>th</sup> at 8:30 a.m. He said because of caution he finds himself in the position that he believed this Board should wait for the August 20<sup>th</sup> meeting to discuss this further and make a decision at that time. He said he was reluctant for this Board to proceed with this issue tonight and possibly allow a challenge to the vote.

Commissioner Frady said he agreed with Commissioner Maxwell's analysis and said he would withdraw his motion.

Commissioner Horgan said he would withdraw his second to the motion.

Chairman Smith felt Commissioner Pfeifer's objection was not that he had not had time to review this item but that he felt it appropriate that the public be given ample time to review the district maps before this Board voted on those. He said he felt this to be an appropriate request.

On motion made by Commissioner Pfeifer, seconded by Commissioner Frady to table this item to the Special Called Board of Commissioners meeting to be held on Monday, August 20, 2007. The motion carried 5-0.

**STAFF REPORTS:**

**WATER SYSTEM:** Water System Director Tony Parrott asked for the Board's consideration to approve authorization for the Water System to spend up to \$750,000 in order to relocate the 10" water line and associated valve boxes, fire hydrants and so forth along S.R. 74 in Peachtree City in connection with Phase I of the S.R. 74 project. He remarked that the Department of Transportation did not want to have water line pipes that were installed in the 1960's under new pavement. He noted that the cost of relocating the 8,500 feet was approximately \$750,000 that included money in case there was a need for rock excavation. He noted that Shockley plumbing was the County's annual contractor for this site. He said if there was not much rock, then the cost of the project would be less. He asked for the Board's consideration to authorize the Water System to spend up to \$750,000 out of the Water System's Renewal and Extension Fund.

Chairman Smith asked for the Board's pleasure in this matter.

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On motion made by Commissioner Frady, seconded by Commissioner Horgan to approve the request made by the Director of the Water System Tony Parrott to spend up to \$750,000 out of the Water System's Renewal and Extension Fund in order to relocate the water line along S.R. 74 in Peachtree City. The motion carried 5-0.

**FAYETTE COUNTY SENIOR SERVICES:** Interim County Administrator Jack Krakeel asked for the Board's consideration to allow the Senior Services to place a sign on the existing sign for the Justice Center. He said this was one of the change order requests from Senior services that the Board had discussed during the budget process. He said since that time there had been some discussions and there was a new request from the Senior Services Center to place their signage on the existing Justice Center signage at the entrance to the Justice Center Drive off of Jimmy Mayfield. He asked for the Board's authorization to allow the Senior Services Center to place signage similar in nature on the existing sign located at the entrance to the Justice Center.

Commissioner Horgan asked if Senior Services was requesting any additional signage for their facility when coming in from the back way to the Justice Center.

Mr. Krakeel responded no, not to his knowledge.

Chairman Smith remarked that Fayette Senior Services was a non profit organization. He asked if this would set any kind of precedent or obligate the County to do any kind of signage for any other non profit organization.

Mr. Krakeel replied that the facility actually belonged to Fayette County. He remarked that a self-standing sign would cost approximately \$5,000 and the cost for this would probably be less than \$500.

Chairman Smith asked if the same lettering font would be used on the Senior Services sign as on the existing sign and Mr. Krakeel responded yes.

On motion made by Commissioner Maxwell, seconded by Commissioner Horgan to approve the request made by the Interim County Administrator Jack Krakeel to allow Fayette County Senior Services to place a sign on the existing sign located at the Justice Center. The motion carried 5-0.

**STATE OF GEORGIA CLEAN AIR FORCE:** Interim County Administrator Jack Krakeel asked for the Board's consideration to provide space to allow a representative from the State of Georgia Environmental Protection Division to be available to the public in the lobby of the Georgia State Patrol Office located on McElroy Road for approximately 16 hours per week for the next six years and to have a definite time schedule published for public's information. He noted that the representative would be responsible for issuing waivers for

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vehicles that could not pass an emissions test and have expended more than \$700 in repairs in order to try to achieve bringing their vehicle into compliance with the emissions certification requirements. He remarked that the State Environmental Protection Agency had actually contracted with the Georgia Clean Air Force for this purpose. He said in the other metro Atlanta Counties where these requests have been fulfilled they have been done so within the Tag Offices of the respective jurisdictions. He said unfortunately the Fayette County Tax Commissioner did not have any additional space available to provide this to the Clean Air Force. He said staff had researched available space for the request to provide a small table and a chair for a person to sit and be available to the citizens who need to have this waiver filed. He said it was determined that the only space available would be the lobby at the Administrative Complex or the lobby at the Georgia State Patrol Office on McElroy Road. He asked for the Board's pleasure on this matter.

Commissioner Maxwell said he would like to make sure that this representative would have definite regular hours and those hours published for the public. He said he also felt the best location for the representative would be at the McElroy Road facility.

Mr. Krakeel replied that the representative would have definite hours and these would be published for the public.

Chairman Smith asked if the Board would have the ability to change the location in the future.

Mr. Krakeel said he felt that was certainly something that could be placed within the contract that should there be a need to relocate this representative to another space that the County would have the latitude to do that.

Commissioner Pfeifer asked how many vehicles they expected to need these waivers.

Mr. Krakeel replied that the number of vehicles would be minimal.

Chairman Smith asked for the Board's pleasure in this matter.

On motion made by Commissioner Maxwell, seconded by Commissioner Frady to approve the request made by State of Georgia Clean Air Force to provide space in the lobby of the Georgia State Patrol Office located on McElroy Road for approximately 16 hours per week divided among three days for the next six years, to have a definite time schedule published for the public's information, and the ability of the County to relocate them to another location if the need arose. The motion carried 5-0.

**EXECUTIVE SESSION:** Commissioner Maxwell requested an Executive Session to discuss one legal item.

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Commissioner Pfeifer stated that he objected to Commissioner Maxwell's request for an Executive Session since there was no County Attorney present, therefore he would not attend.

**INTERIM COUNTY ATTORNEY ANNOUNCED:** Interim County Administrator Jack Krakeel announced that within the last week the County had engaged the services of an attorney to represent the County on an interim basis. He said that information had been submitted to members of the Commission and this was a public announcement of that engagement. He said this attorney was present this evening and he was Attorney Don Comer. He said Mr. Comer was a resident of Peachtree City and had been for a number of years. He said Mr. Comer was the Chief Staff Attorney for Clayton County for more than 20 years and had previously been engaged by Fayette County, through the law firm of the County's former attorney, on several projects pursuant to issues that the previous attorney was not able to handle. He said the County was very fortunate to have someone of Mr. Comer's caliber and capability to assist the County during this transition period.

Chairman Smith clarified that Mr. Comer was officially the County's Interim Attorney.

Commissioner Pfeifer withdrew his objection to Commissioner Maxwell's request for an Executive Session.

Commissioner Maxwell said he would like to renew his request for an Executive Session to discuss one legal item.

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

**LEGAL:** Commissioner Maxwell discussed one legal item with the Board.

The Board took no action on this matter.

Chairman Smith reconvened the meeting at this time.

Chairman Smith announced that the Board had taken no action on this matter.

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

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On motion made by Commissioner Horgan, seconded by Commissioner Frady to adjourn the meeting at 8:00 p.m. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk

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Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23<sup>rd</sup> day of August, 2007.

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Karen Morley, Chief Deputy Clerk