

The Board of Commissioners of Fayette County, Georgia met in Official Session on August 23, 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  
Don Comer, Interim County Attorney  
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.

**PROCLAMATION HONORING THE BIRTHDAY OF MARQUIS DE LAFAYETTE:**

Chairman Smith read and the Board presented a Proclamation honoring the birthday of Marquis de LaFayette to members of the Sons of the American Revolution. A copy of the Proclamation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**REZONING RULES:** Director of Community Development Pete Frisina remarked that tonight's public hearing was for the Board of Commissioners to consider a request for rezoning of property and any proposed amendments related to County codes and regulations. He said Fayette County required two public hearings for these requests. He said the first public hearing on the first Thursday of every month was held by the Fayette County Planning Commission and their vote was a recommendation to the Fayette County Board of Commissioners. He said the second public hearing was held on the fourth Thursday of every month by the Board of Commissioners and their vote was the final decision of the County.

Mr. Frisina said procedures for public hearings of each agenda item are as follows: (1) presentation by the petitioner. He said once the agenda item was announced the petitioner will present the request to the Board of Commissioners. He said the petitioner along with those speaking in favor of the request would be granted a cumulative total of fifteen (15) minutes for presentation and rebuttal. (2) public comment. He said after the petitioner's presentation the Chairman of the Board of Commissioners would ask for public comment. He said speakers will have a total of three (3) minutes each to address the Board of Commissioners. He said first the Board of Commissioners will hear those in favor of the request and then the Board would hear those opposed to the request. He said a cumulative total of fifteen (15) minutes would be granted to each side. He said this pertained to speakers in favor of the request and those opposed. He said each person who wished to speak

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to the Board would come to the podium and print his/her name and address on the form provided so that each speaker would be accurately identified in the minutes of the meeting. He said speakers were requested to speak only to the Board and not to the applicant or others in the audience. He said if a group wished to speak then a spokesman should represent the group. He said it was asked that each speaker not repeat the same concerns as previous speakers. He said any items such as photographs or signed petitions that the speaker wishes the Board to have should be given to the Marshal. He said after all those in opposition have spoken, the Chairman of the Board would close the floor to further public comment on the agenda item. He said the petitioner would be given the remainder of his/her fifteen (15) minutes for rebuttal and to address the Board about the issues. He said normally a Commissioner would make a motion to either approve, deny, approve with conditions or table and then the motion seconded by another Board member. He remarked that lack of a second would nullify the motion. He said the Board of Commissioners can ask questions or make comments prior to or after a motion was made and seconded. He said following discussion, the Chairman would call for the vote. He said the vote by the Fayette County Board of Commissioners was the final County decision regarding the request.

**PETITION NO. 1200-07:**

Director of Community Development Pete Frisina read Petition No. 1200-07, Scott McGregor of Kenwood Farm, LLC, Owner, and Randy M. Boyd, Agent, request to rezone 39.853 acres from A-R to R-45 to develop a proposed subdivision consisting of 22 single-family dwelling lots. He said this property was located in Land Lot 252 of the 5th District and fronts on Kenwood Road and Thornton Lane. He said the Planning Commission recommended approval with four (4) recommended conditions and Staff recommended approval with four (4) recommended conditions.

Randy Boyd said he was the agent for the petitioner in this matter. He said this was a vacant tract of land and consisted of approximately forty acres and was located on the North side of Kenwood Road and bordered on the West side by Thornton Lane. He said it was currently zoned A-R and the petitioner was requesting an R-45 zoning change to develop a residential subdivision of approximately 22 lots. He said North Fayette Elementary was directly across the street on the West side at Franklin Farms Subdivision. He said to the North there was a beautiful 100 acre horse farm, to the East were two very nice homes and to the South there were two subdivisions zoned for R-45 and R-40. He said the net density of the proposed project was approximately 1.3 acres per unit which was consistent with the Fayette County Comprehensive Plan. He said staff had recommended approval with four recommended conditions and the petitioner had agreed with these conditions. He said the Planning Commission approved this rezoning request unanimously. He asked for the Board's consideration to approve this request as submitted.

Chairman Smith asked if anyone wished to speak in favor of this rezoning petition. Hearing none, he asked if anyone wished to speak in opposition to this petition.

Alicia Diaz said she lived on Thornton Lane which was a little bit North and West of this particular property. She said Mr. Boyd had just mentioned the surrounding of developments but this piece of property was surrounded both North and South by other parcels that were zoned A-R. She said there was the 100 acre horse farm which would not be usable as a horse farm if this subdivision was built. She said there were two large houses on a tract that take up the rest of that corner. She remarked that there was a 100 acre horse farm on one side and two very large

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houses on basically thirty acres on the other side. She said she understood the County's policy was to do a step down in zoning and she believed that it would be possible to do a less dense step down than A-R to R-45 and still maintain the long term plan of the County for increased growth and development.

Sean Sullivan said he also lived on Thornton Lane. He said he had obtained a map from the soils sample site and he displayed this map for the Board. He called the Board's attention to the area which was Larry Whitton's property as well as the spur that abuts against the back of Larry's property. He said that area was spongy water laden soil during any period of rain. He said there was an active spring head underneath in the underground area. He said this was a plat that had 22 dense lots in close proximity not only to a flood area but also to an active water zone in terms of running down the middle of the property. He noted that a number of the lots in question actually overlap the zone in question and the rest were in near direct abutment against it. He said from the perspective of the people living in the neighborhood the opposition was primarily based on the impact that this would have if Brenda was unable to use her property as a horse farm because of the density of the project, the noise and the resulting issues that may result. He called the Board's attention again to the soil issues and he felt with something a little less dense might have a better impact in terms of the proximity to the water sources in the area particularly given that the spur looks like it was flowing into the creek bed in question as well as staving off the kinds of concerns that we have from a neighborhood perspective on the impact of this in the long term and hopefully being able to allow Brenda to continue using her horse farm in its current capacity instead of selling off to a subdivision type development.

Chairman Smith asked if anyone else wished to address the Board at this time.

Susie Ferguson said she also lived on Thornton Lane. She remarked that the current conditions of the soil were not typical of what they would be normally on the East side of the proposed road. She said in past years she was unable to ride her horse in that area because it was so spongy and muddy. She said once the weather returns to normal, she did not feel this property would be acceptable for septic tanks or houses. She said the only other concern she had was for less houses. She also expressed concern with the entrance to this subdivision and it being proposed to go out onto the dirt road. She said there would be cars coming and going from 22 houses going out onto a little road. She said there was also a school next door and this would result in a bottleneck of the traffic.

Alice Jones remarked that she was a representative of the North Fayette Community Association. She asked for the Board's consideration to perform an environmental impact study based on these comments made tonight. She also ask that the Board address the density issue.

Chairman Smith asked if anyone else wished to speak. Hearing none, he asked Mr. Boyd if he wanted to address any of these issues.

Randy Boyd responded that the first comment regarding the horse farm located North of the property. He said he agreed this was a beautiful 100 acre horse farm. He said the lady had said if this property was developed then the horse farm could not remain as a horse farm. He said there would be houses on the Northern end of the project and they would back up to the farm but he saw no problem with the horse farm continuing as it has been. He said in his opinion as a registered engineer and surveyor who had been in business for twenty-five years and who had put many of these type subdivisions up that had backed up to farms and they have continued to function as such. He commented on the location of the creek. He said this creek had been field located and there was a 100 foot undisturbed buffer per County ordinance including a 50 foot building line off that. He remarked that there were two

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watershed management basins and these would address the water quality and the detention overflow, bank protection and float protection for the creeks. He commented on the gentleman who had presented the soils map. He remarked that this soils map was prepared by the University of Georgia approximately thirty years ago and it was prepared from one soil sample per ten to fifteen acres. He said this was just a general map of the area. He said he had a Level II soils analysis if the Board would like to see it. He said if this plan were approved for the petitioner to development this subdivision, there would have to be an updated topographic survey, a Level III soils analysis, and a wetlands delineation. He said at that time petitioner would also have to do a design that would be based on all of these criteria. He said if there were wetlands along the creek, those would be avoided. He said if the wetlands were disturbed, they could be mitigated or totally avoided. He said in the past he had tried to prepare designs that did not disturb the wetlands because it could be quite expensive to address that.

Mr. Boyd further remarked that Thornton Lane was not improved at this point and was a dirt road. He said petitioner only intended to develop from Kenwood Road up to the entrance of this subdivision and maybe have a turnout radius going to the North only to tie back into the dirt section. He said he had driven down this road earlier today and he felt there would not be any increased traffic. He said this road did not go anywhere except to service the houses and the horse farm and it was quite difficult to turn around there. He said this area was inundated with R-40 and R-45 zoned property. He said petitioner felt this project was compatible with the area and also the Land Use Plan.

Chairman Smith asked if there were any further comments. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Maxwell to approve Petition No. 1200-07 as presented with four recommended conditions, discussion followed.

Commissioner Maxwell remarked that 22 lots were yielded out of the total 39 acres. He said it was his understanding that in R-45 zoning Mr. Boyd would be allowed to do one acre lots on this property. He said if the plan could be reconfigured, it might be reconfigured for more than 22 lots. He said he assumed this property would be serviced with County water and would not be a well situation.

Mr. Boyd remarked that it was actually 1.36 acres per lot.

Commissioner Maxwell said if the concept plan was approved then soil studies would have to be done and some of these lots might not even perk.

Mr. Boyd remarked that there would have to be a Level III soils analysis and also a wetlands delineation that was not required at this juncture in the zoning procedure. He said they had tried to make some of the lots larger than one acre because of the unknown soil conditions.

Commissioner Maxwell said if one of the lots did not perk, that would just add more property to the 22 lots.

Mr. Boyd stated he did not like to make attempts to jam more lots on a proposed plan. He said he would rather be realistic as to what would fit on a plan. He said in all the plans that he had submitted to the County, they did not

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really vary at all from the proposal. He said normally the number of lots was reduced after further soil studies were done on the flood plains, soils analysis and the wetlands analysis.

Commissioner Maxwell said it was his assumption that Mr. Boyd's client would agree to a 22 lot maximum if the property were rezoned since the plat presented showed 22 platted lots.

Mr. Boyd replied that he felt on this plan 22 lots would be the maximum. He said he could write in a fifth condition stating there would be a maximum of 22 lots with the Board's permission.

Commissioner Maxwell clarified that the entrance to the subdivision would be off of Thornton Lane.

Mr. Boyd replied yes that was correct. He said the entrance would have to come off Thornton Lane because there was no other location that would comply with County ordinance.

Commissioner Maxwell said he had not driven on this road but he had heard it described as a gravel road. He asked if there were any plans to pave the portion of this road from Kenwood Road up to the intersection of the neighborhood.

Mr. Boyd replied yes. He said they would only take it from Kenwood Road up to the entrance of the subdivision.

Commissioner Maxwell said this looked to be approximately 300 feet plus the width of the road.

Mr. Boyd replied yes that was correct. He said the road would then tie back into the gravel portion of the existing Thornton Lane.

Commissioner Maxwell clarified that this would be paved to meet the County standards.

Mr. Boyd replied yes, the road would be part of the subdivision. He remarked that Thornton Lane did not currently have a right-of-way, but it was right-of-way by prescription. He said it was a local road classification and would be exactly like the road classification in the subdivision and considered a local road.

Commissioner Maxwell said with the exception of the 295 feet plus the width of the road that was all that would be paved and all that would be changed on that road. He said otherwise it would be the same County gravel road of approximately 350 feet.

Commissioner Horgan asked Mr. Boyd how close the entrance to Thornton Road to the school was as far as accel and decel lanes.

Mr. Boyd replied that it appeared to be approximately 400 to 500 feet to the West. He said in the Staff report it stated that it was directly across the street from the Greewood Subdivision entrance or close thereto.

Commissioner Horgan remarked that he had noticed that there was no accel or decel lanes that were proposed with this but being so close to the school he questioned if that might cause a traffic problem there entering or exiting the school.

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Mr. Boyd replied that because this was a local road it was his understanding that this would be required. He said this was basically the entrance to the subdivision and there would have to be an accel or decel lane coming into Thornton Lane. He said the deceleration lane was the one that was the longest and was 120 feet. He noted that on the turnout going Westerly toward the school would just be the 50 feet to 70 feet taper. He said a acceleration lane was not really required in the subdivision design entrance and he did not feel there would be conflict there.

Commissioner Horgan said he understood the amount of traffic that would be going into the subdivision but questioned with the school if there might be a larger problem.

Mr. Boyd remarked that on a 22 lot subdivision plus the additional five houses that had not been a problem as far as stacking in order to get out of the entrance. He said this would not be a problem and this was basically a thirty lot entrance coming out. He said it would be a problem if the subdivision consisted of 120 lots but there should not be a problem with a 30 lot subdivision.

Commissioner Horgan questioned the soil sample findings. He asked what had changed from 30 years ago to now that had improved the soils on this property or what had made it different.

Mr. Boyd responded that back then a lot of this was determined through aerial photography and they would just do small samples such as one sample per ten acres or one sample per 100 acres. He said he had the soils analysis books that were produced for the entire county. He said these give a pretty good indication of the soils in the area but it was not as good as a Level II or Level III soils analysis where holes were dug every 200 feet. He said he had obtained a Level II soils analysis and he would be glad to give this to the Board. He noted that there was not just one soil type on this property. He said Fayette County preliminary plat required that a Level III soils analysis be done and that involved even more intense testing.

Commissioner Horgan asked for the results of the soils analysis.

Mr. Boyd responded that there was applying soil which was conventional and the other two were alternate soil systems. He said in the area along the creeks that could not be developed because of the buffers, he had not delineated that area because it could not be used.

Commissioner Horgan said there were a lot of trees and he asked how many of these would be disturbed. He felt the trees acted as a really good buffer.

Mr. Boyd replied that 150 feet over from the creek was basically "no man's land". He said the center of the creek was the property line. He said per the County ordinance they had to stay 100 feet off that with an undisturbed buffer and then a 50 foot building line of which no impervious surface could be put in there.

Commissioner Horgan said the creek comes to Kenwood Road and asked where it went from that point.

Mr. Boyd replied that it goes on the Southside of Kenwood Road.

Commissioner Pfeifer remarked that whatever the zoning was determined to be for this property if a lot did not perk then it would not perk. He pointed out that even if the landowner was to voluntarily agree to a condition that they

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would only build a certain number of lots, then that would be a conditional zoning and was not legal. He also commented on the previous comment regarding step down zoning. He said he felt that was appropriate here and it was land use for one to two acres and he could support R-70 for two acres but could not support one acre lots.

Chairman Smith asked if there were any further comments.

Commissioner Maxwell said since there was a fifth condition being offered voluntarily he asked if the motion should be amended to include that.

Chairman Smith said he understood the petitioner was offering a condition but the Board was not requiring it as a condition.

Mr. Boyd said the petitioner would offer the fifth condition of the final plat for 22 lots.

Commissioner Frady said if the petitioner wanted to add this condition and give it to the Planning Commission that was alright but there was no need for it to be included tonight.

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

The motion carried 3-2 with Commissioner Horgan and Commissioner Pfeifer voting in opposition. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 2", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1200-07, identified as "Attachment No. 3", follow these minutes and are 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 no public comment.

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

**STREET LIGHT DISTRICTS APPROVED:** Approval of the following subdivisions as new street light districts in Fayette County: Annelise Park (Phase II & III), Chantilly, Mountbrook, and Waterlace (Pod C & E). A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**VEHICLE REPLACEMENT COMMITTEE'S RECOMMENDATION:** Approval of the Vehicle Replacement Committee's recommendation for the Sheriff's Office, Traffic Enforcement to replace a 1999 Ford Expedition XLT (VIN B62664), and for the Finance Department to transfer \$29,437 from the Vehicle Replacement Fund for the purchase. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**VEHICLE REPLACEMENT COMMITTEE'S RECOMMENDATION:** Approval of the Vehicle Replacement Committee's recommendation for the Sheriff's Office Criminal Investigation Division to replace a 1998 Chrysler Cirrus (VIN 241529), and to transfer \$29,750 for this purpose. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**PROPOSAL P614 AWARDED FOR LIBRARY CLEANING SERVICES TO C & T JANITORIAL SERVICES:** Approval of staff's recommendation to award Proposal P614 for Library Cleaning Services to the company offering the best price, C & T Janitorial Services at \$1,565 per month. A copy of the recommendation, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**BID #618 AWARDED TO TRAFFIC MARKINGS, INC. - ROAD STRIPING:** Approval of staff's recommendation to award Bid #618 for road striping to low bidder Traffic Markings, Inc. in the amount of \$24,469 pending receipt of insurance certificate and bonds. A copy of the recommendation, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**BID #620 AWARDED TO NAFCO, MES-SOUTHEAST, TEN-8 AND FIRELINE - TURNOUT GEAR:** Approval of staff's recommendation to award Bid #620 for turnout gear to the four overall lowest bidders that meet the specifications, NAFCO, MES-Southeast, Ten-8 and Fireline. A copy of the recommendation, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

**G.D.O.T. - LOCAL ASSISTANCE ROAD PROGRAM FUNDING FOR RESURFACING PROJECTS APPROVED:** Approval of County's Annual Request to Georgia Department of Transportation for Local Assistance Road Program Funding (LARP) for resurfacing project. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**FAYETTE COUNTY RECREATION COMMISSION APPOINTMENT:** Approval of appointment of Charles McCollum to the Fayette County Recreation Commission for a term which will begin on September 1, 2007 and will expire on August 31, 2011. A copy of the recommendation, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**2006 FEDERAL ANNUAL CERTIFICATION REPORT FOR ASSET FORFEITURE FUNDS APPROVED:** Approval for the Chairman to sign the fiscal year 2007 and amended fiscal year 2006 Federal Annual Certification Report for asset forfeiture funds. A copy of the Certification Report, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners Special Called Budget Meeting held on March 14, 2007 and Board of Commissioners meetings held on July 26, 2007 and August 9, 2007.



**DISCUSSION OF REQUEST TO WAIVE THE FEE FOR GIS DATA FROM THE SOUTHERN CONSERVATION TRUST:**

Interim County Administrator Jack Krakeel remarked that staff had received a request from the South Conservation Trust which was a non-profit agency that manages several wildlife management areas in the County as well as several other parcels of property for conservation purposes. He said this organization would like to have access to the County's GIS data to assist them in their mapping process of the conservation land areas. He said this would assist them in accurately mapping and managing those areas. He said the County's current policies with respect to the transfer of GIS data did not include non-profit agencies. He said the County did provide this data at no charge to Federal and State Government Authorities, Regional Development Centers, Local Governments and Authorities and Educational Institutions at no charge. He said the request from the Southern Conservation Trust was to be considered under the same criteria as those agencies so that they could have access to the County's data.

Mr. Krakeel further remarked that the County currently had two types of user agreements in place for the sale of this data. He said those user agreements were adopted several years ago and define how GIS data could be used through those licenses. He said (1) was a license agreement that strictly limited the use of the data to the agency that acquired and paid for the data, and (2) there was a second commercial agreement which actually allowed an entity to utilize the data and then in the development of a product and in the resale of that product. He said the question before the Board this evening was the request from the Southern Conservation Trust to acquire the County's GIS data for the development of their mapping program to assist in the management of the conservation properties located in Fayette County under their care.

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

On motion made by Commissioner Maxwell, seconded by Commissioner Pfeifer that the County consider waiving the fee for GIS data for any non-profit with the provision that any contract or agreement that the County had entered into would have a provision that they could not disseminate the information other than those approved by the County, discussion followed.

Commissioner Maxwell said the Southern Conservation Trust was a wonderful organization. He said generally his experience in dealing with non-profits was that there was limited funds to do these kinds of projects and the County was fortunate to have Southern Conservation Trust to manage several pieces of property in Fayette County. He said they have indicated that they need this information for whatever purpose. He felt the commercial rate was approximately \$5,300 and this would probably be cost prohibitive to most 501-3C non-profit organizations. He said he would like to draft something that would accommodate this type of non-profit organization.

Chairman Smith asked Attorney Comer if this would be possible.

Interim County Attorney Don Comer replied that it was his understanding that the County currently had a policy that did not address any type of waiver of the fee. He said it would be his suggestion to go ahead and amend the policy to deal with this type of situation to allow the County to either waive the fee entirely or in the

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alternative to possibly provide a reduced fee for certain agencies that would otherwise qualify. He said one provision that the Board might want to include would be a prohibition that the information could be used in an adverse way to the County's interest but more importantly a provision that would prohibit the resale of the information. He said the entity would certainly have to understand that they were being deemed to be a single user. He said it would be no problem at all to amend the County's policy so that it would not be an exemption that the Board would be making now but it would be in compliance with the County's policy to outline a reduced fee or a no fee for these types of agencies.

Chairman Smith asked if it would be Attorney Comer's recommendation that the Board approve a policy change before the Board approved this request.

Attorney Comer replied that unless there was some real urgency, that would be the better way to handle this.

Commissioner Pfeifer asked why the Southern Conservation Trust would not be considered an educational organization. He said a portion of the County's policy says that there was no charge to an educational organization for supplying this kind of information.

Interim County Administrator Jack Krakeel said that educational institutions were defined as school, colleges, universities and this was the intent of the policy issue. He said while there were some educational benefit that this organization did provide to the community in terms of the management areas that they maintain and the walking trails in those areas would provide some educational opportunities, the policy dealt strictly with the issue of typical educational institutions.

Chairman Smith asked if this organization had obtained this data from the County in the past.

Interim County Administrator Jack Krakeel replied no, not to his knowledge.

Commissioner Horgan asked if there had been any other non-profits who had obtained this information.

Mr. Krakeel responded that he was not familiar with any other non-profit organization requesting this information.

Chairman Smith said the Board had made a motion with a second and asked for the Board's pleasure in this matter.

Commissioner Maxwell said he would like to direct Attorney Comer to draft a policy change that would incorporate the 501-3C non-profit organization, the adverse use and the resale restriction and bring this back to the next Commission meeting. He felt this would be a housekeeping item at that point.

Chairman Smith asked if Commissioner Maxwell would withdraw his motion.

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Commissioner Maxwell said he would withdraw his motion and make a new motion.

Chairman Smith clarified that Commissioner Maxwell's new motion was to direct staff. He said the Board would not actually need a motion to do that.

Chairman Smith said there was a consensus of the Board that Mr. Krakeel would work on amending this policy and bring this back to the Board for adoption.

Interim County Administrator Jack Krakeel remarked that staff could do this.

It was the consensus of the Board to direct Interim County Administrator Jack Krakeel to draft a policy regarding waiving the fee for GIS data requests from any non-profit 501-3C organizations, the adverse use and the resale restriction and bring this back to the Board at the September 5, 2007 Commission meeting.

**STAFF REPORTS:**

**EXECUTIVE SESSION:** Interim County Administrator Jack Krakeel requested an Executive Session to discuss one item of real estate acquisition.

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

**REAL ESTATE:** Interim County Administrator Jack Krakeel discussed a real estate item with the Board.

On motion made by Commissioner Horgan, seconded by Commissioner Frady to reconvene back to open session. The motion carried 5-0.

It was the consensus of the Board to authorize the Interim County Administrator Jack Krakeel to proceed in this real estate matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Horgan, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that one real estate item was discussed in Executive Session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to adjourn the meeting at 8:35 p.m. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk

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Jack R. Smith, 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 3<sup>rd</sup> day of October, 2007.

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Karen Morley, Chief Deputy Clerk