

City of Fairburn  
Mayor and Council Minutes  
April 8, 2019  
7:00 PM

- I. Call to Order: The meeting was called to order by Mayor Elizabeth Carr-Hurst at 7:00 pm.
- II. Roll Call was taken by Interim City Clerk Shana T. Moss. Members present were:

Mayor Elizabeth Carr-Hurst	
Mayor Pro-Tem Linda J. Davis	Councilmember Alex Heath
Councilmember Pat Pallend	Councilmember Hattie Portis-Jones
Councilmember Ulysses J. Smallwood	Councilmember James Whitmore

The attendance of Mayor and Council constituted a quorum and the meeting proceeded.

- III. The invocation was given by Apostle Danita Jones, of In His Great Name Ministries of Fairburn, GA.
- IV. The Pledge of Allegiance was recited in union.
- V. Presentations:

Letter of Commendation Mr. Lorenzo Williams  
Mr. Williams represented the Property Owners Association of Durham Lakes Golf and Country club read a letter commending the city staff. The staff responded to an issue regarding improper parking at the Durham Lakes Golf and Country Club Community.

Life Saving Award Mr. Chris Chambers  
Chief's Bazdylo and Robinson presented Mr. Chris Chambers with a life-saving award. On January 27, 2019 on Fayetteville Road, Mr. Chambers assisted with an accident. Mr. Chambers risked his own life by entering a burning vehicle and rescuing a citizen to safety. He was presented a Commendation Proclamation by Deputy Police Chief Bazydlo and Chief Robinson presented him with a shirt and a pair pants from the Fire Department.

Essay: "Why is my Vote Important." Miss Caroline Hukin  
Miss Caroline Hukin, a 9<sup>th</sup> Grader at the Foundry School read her essay. The title of Miss Hukin's essay was, "Why is my Vote Important?" Mayor Elizabeth Carr-Hurst attended a function where Miss Hukin read her essay and asked her to come read it at the Council Meeting. Ms. Hukin's essay regarded our country's first president, George Washington and the decision he made to yield to natural human greed but instead make a selfless decision to guide our country. Her essay stated that elections are important, and every citizen should exercise our given right to vote and we should vote for the most qualified candidate.

Linesman Appreciation Day Recognition Mayor Elizabeth Carr-Hurst

Mayor Elizabeth Carr-Hurst requested Councilmembers to join her at the lectern to recognize the city's linesman. April 8, 2019 was Linesman Appreciation Day. She read a Proclamation of appreciation for the linesman and Dr. Davante Parks, City of Fairburn Marketing Specialist compiled an appreciation video. The linesmen recognized were: Edward Powell, Paul T. Austin, Thomas M. Banks, Joseph M. Latham, Travis McEvaney, Erik O. Phillips, and Ryan J. Simmons.

- VI. Public Comments: Citizens
1. Apostle Danita Jones stated she was very appreciative of the work in the Lightning Community. She has been in that community for 29 years and a lot of promises have been made to her. She is grateful this administration acted and made changes. She has watched blighted houses be torn down, the streets are safer, and the park has been renovated where the children can play. She remembers a time when the police were afraid to come to that area. She thanked Mayor and Council for a wonderful job. Also, she asked Mayor and Council about grant opportunities because her building needs repair.
- VII. Adoption of the Council Agenda: The motion to approve the agenda was made by Councilman Heath and the second was provided by Mayor Pro-Tem Davis. Vote: 6-0 Motion Carried.
- VIII. Adoption of the Consent Agenda Items: The motion to approve consent agenda items which were:
1. Appointment of Mrs. Carol Berry to the Downtown Development Authority.
  2. Usage Agreement for Mental Fitness, 21<sup>st</sup> Century Learning Inc. for the afterschool and summer Camp program.
  3. Task Order #3 with Moreland Altobelli for Professional Engineering Services.
- The motion to approve was made by Councilman Heath and the motion was seconded by Councilman Smallwood. Vote: 6-0 Motion Carried.
- IX. Adoption of City Council Minutes: The motion to approve March 25, 2019 minutes was made by Councilman Heath and the second was provided by Mayor Pro-Tem Davis. Vote: 6-0 Motion Carried.
- X. Public Hearing
- Mayor Elizabeth Carr-Hurst established protocol for public hearing supporters. She stated those in support and those opposing would be granted 30 minutes equally. The motion to grant each side 30 minutes was made by Councilman Whitmore with the second being provided by Councilman Heath. Vote: 6-0 Motion Carried.

The motion to open the public hearing was made by Councilman Whitmore with the second being provided by Mayor Pro-Tem Davis. Vote: 6-0 Motion Carried.

Planning and Zoning Ms. Tarika Peeks

Rezoning with two concurrent variances (19RZ001 with 19CV001). 19CV001 is being withdrawn by the applicant. City Planner, Ms. Tarika Peeks addressed Mayor and Council stating, "The Prestwick Company is seeking to rezone 4.35 acres from R-3 (Single Family Residential) to RM-36 (Multifamily Residential) with 1 concurrent variance to allow a 64-unit multifamily residential development at 136 West Broad Street. The concurrent variance is a request to reduce the side yard setback from 30-feet to 20-feet due to the extraordinary shape of the lot.

The subject property is located in the Highway 29 Overlay District and is **NOT** located within the boundaries of Fairburn's Commercial Historic District which was established in 1988 and is on the National Register of Historic Places.

The subject site is a designated Town Center Mixed Use on the Future Land Use Map. The appropriate land uses for the Town Center Mixed Use Character Area as stated in the Comprehensive Plan are: mixed use, civic/institutional/educational, residential (all types), and commercial/retail/office.

The proposed 64-unit multifamily residential use is suitable in view of the use and development of adjacent and nearby properties of 136 West Broad Street. Residential uses surround the subject site in all directions and there should be no adverse or negative effects of the proposed development on the surrounding uses.

The applicant will be required to install 6-foot fencing and a 25' undisturbed vegetated buffer. Based on the concerns expressed by nearby property owners, the applicant made some adjustments to the conceptual site plan and building elevations. The proposed buildings have been reduced from 3 stories to 2 stories and the number of units have been reduced from 96 units to 64 units. The architectural colors of the buildings will be consistent with the Highway 29 Overlay District color palette and compliment the colors of the existing house on the property.

The impact on traffic is projected to be minimal. The projected traffic counts are:

AM Peak (7am-9am) – 24 trips [7 entry, 17 exit]

PM Peak (4pm-6pm) – 30 trips [19 entry, 11 exit]

The development of the site will include keeping the existing house on the site which will be renovated to accommodate the leasing office, a fitness center, library and an activity room. An outdoor courtyard area will include benches, lighting and trash receptacles. To facilitate pedestrian circulation and walkability in the downtown area, the applicant will be required to construct 5-foot wide sidewalks on all street frontages associated with the development.

Due to the property's location within 1,000-feet of an active rail line, staff required the applicant to conduct a noise study to determine if noise levels would exceed the U.S. Department of Housing and Urban Development limitations. Only a very small portion of the site had a noise decibel level higher than 65. The applicant submitted a mitigation plan to address the use of suitable wall, window and door sound transmission class rating material to reduce noise levels.

The Fulton County Board of Health reviewed the proposal and does not anticipate any adverse impacts to the health of humans or the environment by allowing the rezoning.

Staff does not anticipate the proposed multifamily development having a negative effect on the city's water and sewer infrastructure. The current infrastructure can adequately support the development. [12' and 24' water mains are available and are adequate; no low water pressure issues are anticipated]

On March 26<sup>th</sup>, 2019 I attended a Retail Commercial Roundtable hosted by ECG [Electric Cities of Georgia]. There were Economic Development professionals, Urban Planners and Elected Officials from the Metro Atlanta area present and we discussed the barriers, priorities, and next steps for redevelopment, with a big focus on redevelopment in or near downtown.

Eric Kronberg with the Krongerb Wall Company presentation on Neighborhood Redevelopment was excellent and he stated, "The two things cities should be focusing on right now is #1 their **Downtown**, making downtown the heart of the city, a vibrant, active place, where everyone wants to be.

This multifamily development proposed by the Prestwick Company will provide the needed density in downtown to attract businesses [retail shops and restaurants] to the downtown area. A downtown with retail shops, restaurants, and engaging spaces is a result of good **Urbanism**.

And #2 **Affordable Housing**. The affordability of the rental rates for the multifamily development will provide some relief from the severe shortage of affordable housing. Just to bring perspective to the dire need for affordable housing, “Since 1990, rents and home prices have risen aggressively, but the median household income has stagnated. The result: Millions are struggling to afford housing.” (sources: AARP Making Room Report, 2018)

In conclusion, the rezoning of the subject property from R-3 (Single family Residential) to RM-36 (Multifamily Residential) to allow a 64-unit multifamily development in downtown is in conformity with the goals and objectives of the 2035 Comprehensive Plan and the Town Center Mixed Use Character area, which specifics that all residential types are suitable. Therefore, staff is recommending **Approval Conditional** of rezoning petition 19RZ-001 Prestwick Company and the associated concurrent variance 19CV-002.”

**The following individuals spoke in support:**

1. Mr. Edrice Harris of Prestwick Holding addressed Mayor and Council. He stated this was not Section 8 Housing. This program is included under the IRS Program of being a Class A Developer. This would be a tax credit program which mean incomes are at a median and would be income based. The Area Median Income (AMI) for a family of four is \$74,000. Th area median income in Fairburn is \$44,000. The rent would be affordable for working class families. He has been in the industry for 20 years, he understands change is scary and citizens are apprehensive. He showed a video from a Prestwick unit in Greenville, South Carolina that is doing well and would be a replica of the unit in Fairburn. The unit would have the following amenities: a playground, well center, onsite medical care, and a business center. The units would be energy efficient.
2. Ms. Rose Colbert stated she lives at the Manor at Broad Street. She is in support of this project. Prestwick built the facility she resides in and it is enjoyable living there. She doesn't see a lot of traffic.

**The following individuals spoke in opposition:**

1. Mr. Mark Shepherd resides at 300 Fairview Drive, he stated he doesn't see any use for this project.
2. Ms. Gloria Furr of 112 Vickery Drive stated she is opposed due to the area and flooding. She questioned where is the greenspace for children? She would like to see the district remain the same.
3. Ms. Debbie Mullis of 61 Strickland Street stated she is opposed to the apartment complex. The neighborhood is opposed because this will decrease the property value. The zoning board denied the rezoning request and she is asking Mayor and Council to do the same.
4. Ms. Marian Johnson of 363 Spence Road stated it is not good for the area.
5. Mrs. Kathy Kimbrel of 119 Elder Street stated the home she and her husband resides in is 125 years old. Several generations have lived in the area and it is a great family neighborhood. She would like for it

to remain as it is. This is not a good location. She isn't against the complex, she is against the location. She would like to maintain the small-town atmosphere.

6. Mr. Andre Lovas of 342 Fairview stated there is already a problem entering onto Highway 29. There is clogging at the school and this complex would add to the congestion. There is not a suitable entrance.

7. Reverend Jeffrey Benoit with the Clayton County National Action Network addressed Mayor and Council. He was representing the Rights of People. He stated if this action was approved they would be setting a precedence in zoning.

8. Mr. James Alday of 152 Broad Street stated he is opposed to this project. He is familiar with companies such as Prestwick who has invaded small communities. He is concerned this will bring crime to Fairburn.

9. Mr. Mike Robinson of 113 Malone Street SW, stated Fairburn is a quaint town. He enjoys sitting on his patio. There is already a lot of traffic on Malone and Broad Street and people aren't driving slowly, they are driving fast. He doesn't want to see Fairburn become another Newnan.

10. Mrs. Schenan Marshall stated she has lived here for 18 years. She is opposed to this project and moved to Fairburn because it was a small city. Traffic will increase, and crime will escalate. She loves living in Fairburn because it affords her a work-life balance.

#### **5 Minute Rebuttal from the Applicant:**

Mr. Harris provided a rebuttal consisting they he and his firm will be long-term members of the community. He has addressed the concerns the opposing citizens had. He further stated his request is aligned with the city's comprehensive plan. The project meets the traffic requirements because a traffic study has been done. The traffic study indicates only an additional 25 cars during the peak hours of 7 pm-9 pm. With this complex, citizens will have expendable income to spend in Fairburn. Prestwick can construct a development that will bring vibrancy to downtown Fairburn.

#### **Councilmembers Responses:**

Councilman Heath inquired about the residence at 136 Broad Street being on the historic registry. City Planner, Ms. Peeks stated it wasn't.

Mayor Pro-Tem Davis asked Mr. Harris how many developments has been constructed on acreage the same amount or less? He stated Marietta and Stonecrest.

Councilwoman Portis-Jones stated she had researched the tax breaks he referenced. The entrance along Broad Street is narrow and there is no back up plan for traffic. Ms. Peeks was asked when was the 29 Overlay District established? She stated it was established in 2012 as a result of the Liveable Cities Initiative (LCI) which extends from Shaw Drive-to-Brooks Drive. The design was classified as commercial, family and residential and the color must coincide with the color palette.

Councilman Smallwood asked about the price range for rent. The apartment price ranges will be from \$600-\$1200.

Councilman Pallend asked Ms. Peeks to elaborate on the transparency of the process. Ms. Peeks stated this request has been handled as any zoning request. This request was properly advertised and announced.

Motion to end the public hearing was made by Councilman Smallwood and the second was provided by Mayor Pro-Tem Davis. Vote: 6-0 Motion Carried.

Mayor Elizabeth Carr-Hurst called for a vote. The motion to deny this request was made by Mayor Pro-Tem Davis with Councilman Pallend providing the second. Vote: 6-0 Motion Carried.

XII. Council Comments:

Councilman Whitmore had no comments.

Councilman Heath stated he was proud to see the great citizens come out tonight. Fairburn is a great place to work, live and play.

Mayor Pro-Tem Davis stated in the short time she has been on Council; a lot has been done. She stated the excellence of Miss Caroline Hukin's essay and timing of the essay when such an important vote was at stake tonight. She stated she has to vote for, "the overall good for the overall city." She is excited to be apart of council.

Councilman Smallwood stated he was glad to be back. He missed the last meeting due to his mother being ill. He Loves Fairburn. He congratulated Apostle Danita Jones on her elevation to Apostle, he was in attendance at installation program. There is a lot of growth in Fairburn and there is a difference between growth and development.

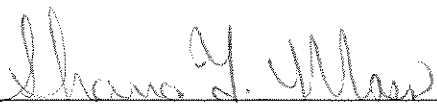
Councilman Pallend stated he stands in agreement with Councilman Heath regarding the great citizens of Fairburn. He thanked them for coming out.


Councilwoman Portis-Jones stated, "Why is my Vote Important," read by Miss Caroline Hukin, reminded every elected official of their duties and responsibilities. She thanked Mayor Carr-Hurst for inviting Miss Hukin's to speak. There has been awesome citizen participation. She stated that she lives here too and must consider the impact what business, industry or dwelling comes to Fairburn. She thanked the Linesman for a job well done, and commended Dr. Davante Parks on a great video. To Mr. Chambers, his family and family of the survivor and deceased, she stated humanity is alive and kindness is before us.

Mayor Carr-Hurst congratulated Apostle Danita Jones on her elevation. She stated Fairburn's Linesmen are fantastic and real-life super heroes. She stated Interim Utilities Director Eddie Powell is doing a good job. He calls her and keeps her updated on every situation in the city.

XIII. Executive Session: There was none.

XIV. Adjournment: The motion to adjourn the April 8<sup>th</sup>, 2019 Mayor and Council meeting was made by Councilman Heath and the second was provided by Mayor Pro-Tem Davis.

  
Shana T. Moss, Interim City Clerk

  
Elizabeth Carr-Hurst, Mayor