



City of Fairburn
56 Malone Street
Fairburn, GA 30213
October 28th, 2019 @ 6:00 p.m.

WORKSHOP AGENDA

- | | | |
|-------|--|--|
| I. | Meeting Called to Order: | The Honorable Elizabeth Carr-Hurst, Mayor |
| II. | Roll Call | Arika Birdsong-Miller, City Clerk |
| III. | Presentations: | |
| | 1. Mr. Lee Hauesler | Utilities Department
Pro's and Con's of Cycle Billing |
| IV. | Discussions | Councilmembers |
| V. | Review of Agenda Items for Council Session | Councilmembers |
| VIII. | Adjournment | Councilmembers |

City of Fairburn

Utilities Department

Pro's and Con's of Cycle Billing

Pro's

- 1 Better utilization of staff
 - a Even out work load for Meter Readers read one cycle per week not entire city on the 15th Cashier/Teller
 - B: Disconnects
 - c Close gap between read date and bill date
- 2 Bills will have different due dates-one coming due each week
 - a These can have a fixed due date based on cycle or customer's choice if they have a documented need to change
- 3 Levels out cash flow for the City
- 4 Decrease in time to
 - a Generate bill
 - B: Upload files
 - c Re reads
- 5 Less time preparing and running cutoffs
- 6 Less people affected by weather delays for temperature
- 7 Cut off's done 4 times per month instead of one
- 8 Meter dept should be able to handle cutoffs without assistance
- 9 More timely cut off since it is only 1/4th of city per week
- 10 Keep the number of days between bill date, due date, cut off date but decrease the days between read and billing

Proposed

Read Date to Bill Date	7 Days
Bill Date to Due Date	16 Days
Due Date to Cutoff Date	7 Days
	30 days

Con's

- 1 All billing procedures must be ran 4 times per month instead of one but only 1/4 of the number of bills per time
- 2 Increase in number of times billing and related reports must be run
- 3 Meter readers read 4 times per month instead of one large read
- 4 3/4th of the city will have new read date, new bill date, new cut off date
- 5 Increase in finance recording of entries until integration of systems can take place
- 6 Cut off's done 4 times per month instead of one

Currently

Read Date to Bill Date	15 Days
Bill Date to Due Date	16 Days
Due Date to Cutoff Date	7 Days
	38 days

Customer already owes us over another months bill before we cutoff

**City of Fairburn
Utilities Department
Example of Billing Dates**

<u>Month</u>	<u>Cycle Number</u>	<u>Monday Read Date</u>	<u>Monday Bill Date</u>	<u>Wednesday Due Date</u>	<u>Wednesday Cutoff Date</u>	<u>Number of Days In Cycle</u>
November	1	10/28/2019	11/4/2019	11/20/2019	11/27/2019	43766
November	2	11/4/2019	11/11/2019	11/27/2019	12/4/2019	43773
November	3	11/11/2019	11/18/2019	12/4/2019	12/11/2019	43780
November	4	11/18/2019	11/25/2019	12/11/2019	12/18/2019	43787
December	1	12/2/2019	12/9/2019	12/25/2019	1/1/2020	35
December	2	12/9/2019	12/16/2019	1/2/2020	1/8/2020	35
December	3	12/16/2019	12/23/2019	1/8/2020	1/15/2020	35
December	4	12/23/2019	12/30/2019	1/15/2020	1/22/2020	35
January	1	1/6/2020	1/13/2020	1/29/2020	2/5/2020	35
January	2	1/13/2020	1/20/2020	2/5/2020	2/12/2020	35
January	3	1/20/2020	1/27/2020	2/12/2020	2/19/2020	35
January	4	1/27/2020	2/3/2020	2/19/2020	2/26/2020	35
February	1	2/3/2020	2/10/2020	2/26/2020	3/4/2020	28
February	2	2/10/2020	2/17/2020	3/4/2020	3/11/2020	28
February	3	2/17/2020	2/24/2020	3/11/2020	3/18/2020	28
February	4	2/24/2020	3/2/2020	3/18/2020	3/25/2020	28
March	1	3/2/2020	3/9/2020	3/25/2020	4/1/2020	28
March	2	3/9/2020	3/16/2020	4/1/2020	4/8/2020	28
March	3	3/16/2020	3/23/2020	4/8/2020	4/15/2020	28
March	4	3/23/2020	3/30/2020	4/15/2020	4/22/2020	28
April	1	4/6/2020	4/13/2020	4/29/2020	5/6/2020	35
April	2	4/13/2020	4/20/2020	5/6/2020	5/13/2020	35
April	3	4/20/2020	4/27/2020	5/13/2020	5/20/2020	35
April	4	4/27/2020	5/4/2020	5/20/2020	5/27/2020	35
May	1	5/4/2020	5/11/2020	5/27/2020	6/3/2020	28
May	2	5/11/2020	5/18/2020	6/3/2020	6/10/2020	28
May	3	5/18/2020	5/25/2020	6/10/2020	6/17/2020	28
May	4	5/25/2020	6/1/2020	6/17/2020	6/24/2020	28
June	1	6/1/2020	6/8/2020	6/24/2020	7/1/2020	28
June	2	6/8/2020	6/15/2020	7/1/2020	7/8/2020	28
June	3	6/15/2020	6/22/2020	7/8/2020	7/15/2020	28
June	4	6/22/2020	6/29/2020	7/15/2020	7/22/2020	28
July	1	6/29/2020	7/6/2020	7/22/2020	7/29/2020	28
July	2	7/6/2020	7/13/2020	7/29/2020	8/5/2020	28
July	3	7/13/2020	7/20/2020	8/5/2020	8/12/2020	28
July	4	7/20/2020	7/27/2020	8/12/2020	8/19/2020	28
August	1	8/3/2020	8/10/2020	8/26/2020	9/2/2020	35
August	2	8/10/2020	8/17/2020	9/2/2020	9/9/2020	35
August	3	8/17/2020	8/24/2020	9/9/2020	9/16/2020	35
August	4	8/24/2020	8/31/2020	9/16/2020	9/23/2020	35
September	1	8/31/2020	9/7/2020	9/23/2020	9/30/2020	28
September	2	9/7/2020	9/14/2020	9/30/2020	10/7/2020	28
September	3	9/14/2020	9/21/2020	10/7/2020	10/14/2020	28
September	4	9/21/2020	9/28/2020	10/14/2020	10/21/2020	28



City Hall
56 Malone Street
Fairburn, GA 30213
October 28th, 2019 @ 7:00 PM

Regular Agenda

The Honorable Mayor Elizabeth Carr-Hurst, Presiding

The Honorable Mayor Pro-Tem Linda J. Davis
The Honorable Pat Pallend
The Honorable Ulysses J. Smallwood

The Honorable Alex Heath
The Honorable Hattie Portis-Jones
The Honorable James Whitmore

Mr. Randy Turner

City Attorney

I. Meeting Called to Order:

The Honorable Mayor Carr-Hurst

II. Roll Call:

Arika Birdsong-Miller
City Clerk

III. Invocation:

Ms. Brook Bridges
Landmark Christian Academy
Class of 2020

IV. Pledge of Allegiance:

In Unison

V. Presentation:

None

VI. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to the City Administrator for review. Responses will be provided at a later date.

VII. Adoption of the Council Agenda:

Councilmembers

VIII. Adoption of Consent Agenda Items:

Councilmembers

IX. Adoption of City Council Minutes:

Councilmembers

(October 14th, 2019 Regular Meeting and Executive Session Minutes)

- X. Public Hearing:
Planning and Zoning
Amendments to the Zoning Ordinance Chapter 80, Articles I, II, IV, VI, VII, VIII, X, XI, and XII. For Mayor and City Council to approve amendments to the City of Fairburn's Zoning Ordinance.

Amendments and Adoption of the City of Fairburn's Official Zoning Map. For Mayor and City Council to adopt the zoning map.

XI. Agenda Items:

1. **Engineering** Mr. Lester Thompson
For Mayor and Council to approve the adoption of the Resolution of Commitment to Conduct a Study for the Downtown Pedestrian Overpass (Broad Street/CSX Railroad)
2. **Engineering** Mr. Lester Thompson
For Mayor and Council to approve the adoption of the Resolution of Commitment to Implement a Georgia Transportation Infrastructure Bank (GTIB) Pedestrian Bridge Project.
3. **Engineering** Mr. Lester Thompson
For Mayor and Council to approve the adoption of Resolution of Commitment to Implement Phase 2 Livable Centers Initiative (LCI) Project.
4. **Recreation** Ms. Chapin Payne
For Mayor and Council to review and approve the rental agreement with Fairburn United Methodist Church for use of the gymnasium located at 5 Washington Street for Fairburn youth basketball practice.

XII. Council Comments Councilmembers

XIII. Executive Session None

XIV. Adjournment Councilmembers

*When an Executive Session is required, one will be called for the following issues:
(1) Personnel (2) Real Estate or (3) Litigation.



City of Fairburn
Mayor and Council Meeting Minutes
October 14, 2019
7:00 pm @ City Hall

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Carr-Hurst.
- II. Roll Call was taken by City Clerk, Arika Birdsong-Miller with the following members present:

The Honorable Mayor Elizabeth Carr-Hurst

The Honorable Mayor Pro-Tem Linda J. Davis	The Honorable Alex Heath
The Honorable Pat Pallend	The Honorable Hattie Portis-Jones
The Honorable Ulysses J. Smallwood	The Honorable James Whitmore

The attendance of council constituted a quorum and the meeting proceeded.

- III. The invocation was rendered by Ms. Leah Porch. Ms. Porch is a Senior at Landmark Christian Academy.
- IV. The Pledge of Allegiance was recited in unison.
- V. Presentation:
 1. Ms. Althea Philord-Bradley, Director of Finance and Accounting at the City of College Park, presented the City of Fairburn's Finance Department with the Distinguished Budget Award on behalf of the Government Finance Officers Association (GFOA).
 2. Mr. Doug Moses that represents Mauldin & Jenkins, LLC presented the 2018 Comprehensive Annual Financial Report. Mr. Moses discussed the financial trends of the proprietary funds and how well the City of Fairburn is doing compared to 5 years ago. The current fund balance of the General Fund is \$7.6 million dollars compared to a negative fund balance in 2009. Mr. Moses presented that the fund balance as a percentage of total expenditures is approximately 56%.
 3. Mr. Bill Johnston, representing Stephens, Inc., presented the City of Fairburn's bonds, proceeds, and balances. Mr. Johnston ended the discussion with a market overview. The City has 2 General Obligation Bonds (GO) outstanding. The purpose of the GO Bonds was to acquire, construct, and furnish a fire station, city recreation facilities, downtown renewal projects, constructing and installing road rebuilding projects and projects of the City as may be determined. The City also has 4 Revenue Bonds outstanding. Two were issued to acquire, construct, equip and install certain improvements to the water and sewerage system of the City and acquire certain wastewater treatment rights. The other two were issues for an education campus project.
- VI. Public Comments:
 1. Ms. Lula Howand is a homeowner on Splitwood Lane and wanted to know the status of the roads being repaired in her neighborhood.

VII. Adoption of the Council Agenda. *City Attorney Randy Turner informed the Mayor and Council that he would like to add an item to the original agenda. The item added would be the appointment of outside legal counsel for the City's Board of Ethics.* The motion to approve was made by Councilman Whitmore with the second provided by Mayor Pro-Tem Davis. Vote: 6-0: Motion Carried

VIII. Adoption of Consent Agenda Items: Agenda Items #1,2,3,4, and 5 were consent items. Motion to approve the consent agenda items was made by Councilman Whitmore and the second was provided by Councilman Heath. Vote (6-0) Motion Carried.

The consent agenda items were:

1. **Planning and Zoning** **Ms. Tarika Peek**
For Mayor and Council to review and approve a Resolution creating the 2020 Census Partnership with the City of Fairburn.

2. **Planning and Zoning** **Ms. Tarika Peek**
For Mayor and Council to review and approve a Resolution forming the 2020 Complete Count Committee pertaining to the U.S. Census Bureau.

3. **Fire Department** **Mr. Cornelius Robinson**
For Mayor and Council to agree to provide and receive Automatic Aid to and from the City of South Fulton in order to provide additional fire protection in the coverage areas that have extended response time.

4. **Utilities Department** **Mr. Lee Hauesler**
For Mayor and Council to approve the USIC Agreement for underground facilities locating and marking services.

5. **Mayor's Office** **Mayor Elizabeth Carr-Hurst**
For Mayor and Council to approve an Agreement for Fulton County-Atlanta Action Authority Inc. (FACAA) to accept Low Income Home Energy Assistance Program (LIHEAP) payments from Fulton County residents and to utilize the City of Fairburn's Annex Building.

IX. Adoption of City Council Meeting and Executive Session Minutes from September 23, 2019 were presented and approved. The motion to approve the Council Meeting Minutes was made by Councilman Smallwood and the second was provided by Mayor Pro-Tem Davis.

Vote: 6-0: Motion Carried.

The motion to approve the Executive Session Minutes was made by Mayor Pro-Tem with the second provided by Councilman Whitmore. Vote: 6-0: Motion Carried.

X. Public Hearing: There was no public hearing.

XI. Agenda Item:
City Attorney

Mr. Randy Turner

Two attorneys submitted their resumes and proposed hourly rates. It is recommended that one of the two attorneys be selected. The motion to select Ms. Jamala S. McFadden was made by Mayor Pro-Tem Davis and the second was provided by Councilman Pallend. Mayor Elizabeth Carr-Hurst and Councilwoman Portis-Jones recused herself from the vote. Vote:5-0: Motion Carried

XII. Council Comments:

Councilman Whitmore thanked Mr. Rodrique Taylor and Ms. Tarika Peeks for their efforts in earning awards for the City of Fairburn. Councilman Whitmore expressed his gratitude to the staff on their noteworthy accomplishment.

Councilman Heath thanked the citizens for attending the Council meeting and gave kudos to staff.

Mayor Pro-Tem Davis stated that she's extremely proud to be a member of Council and a resident of Fairburn. Mayor Pro-Tem Davis also thanked the outstanding staff.

Councilman Pallend stated he was happy that the City of Fairburn is in a good financial position.

Councilman Smallwood had no comment.

Councilwoman Portis-Jones congratulated staff on the accomplishments and thank Mr. Rodrique Taylor for stepping in when the City of Fairburn did not have a Finance Director. Councilwoman Portis-Jones also expressed gratitude to Ms. Tarika Peeks for the work done with the Georgia Initiative for Community Housing (GICH) and thanked previous Councilwoman Glaize for establishing the GICH program in the City of Fairburn. Councilwoman Portis-Jones expressed appreciation to the City of Fairburn's Police and Fire Department in their efforts to save someone having a heart attack in Duncan Park.

Mayor Carr-Hurst applauded the Finance Department for the awards earned for the City of Fairburn. Mayor Carr-Hurst also recognized Ms. Tarika Peeks and Councilman Heath for their efforts in ensuring the GICH program was successful. Mayor Carr-Hurst mentioned the hard work Aerotropolis is doing to make sure the areas surrounding the airport blossoms.

- XIII. Executive Session: At 8:26 p.m. a motion to enter executive session for personnel was made by Councilman Heath and the second was provided by Mayor Pro-Tem Davis.

Vote: 6-0: Motion Carried.

- XIV. Adjournment: At 8:55 p.m. with no further business of the City of Fairburn the motion to adjourn was made by Councilwoman Portis-Jones and the second was provided by Mayor Pro-Tem Davis.

Arika Birdsong-Miller, City Clerk

Elizabeth Carr-Hurst, Mayor



**CITY OF FAIRBURN
MAYOR & CITY COUNCIL
AGENDA ITEM**

SUBJECT: Amendments to the Zoning Ordinance Chapter 80 Articles I, II, IV, VI, VII, VIII, X, XI, and XIII and Zoning Map

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Planning and Zoning Commission: 10.01.19

Mayor and City Council: 10.28.19

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and City Council to approve amendments to the City's Zoning Ordinance and zoning map.

DESCRIPTION: The 2035 Comprehensive Plan was approved and adopted by the Mayor and City Council on May 11, 2015. With the adoption of an updated Comprehensive Plan, the next step is to update the City's Zoning Ordinance to ensure that the goals and objectives of the Comprehensive Plan can be achieved. On February 11, 2019, the Mayor and City Council approved a task order for the Collaborative Firm to provide services related to the audit and rewrite of the City's existing zoning ordinance and official zoning map.

The zoning ordinance is the tool that the city uses to regulate and define how properties in specific districts of the city can be developed. Development standards such as lot size, density, height of a structure, yard setbacks, lot coverage, and placement are some of the regulations outlined in the ordinance.

Staff is proposing amendments to the following Articles in Chapter 80 - Zoning:

Article I. - In General;
Article II. - Zoning Districts;
Article IV. - Administrative Permits and Use Permits;
Article VI. - Appeals;
Article VII. - Planning and Zoning Commission;
Article VIII. - Amendments to Zoning Code and Map;
Article X. - Buffers and Open Space;
Article XI. - Administration and Enforcement; and
Article XIII. - Residential Infill

On October 1, 2019 the Planning and Zoning Commission reviewed the amendments and recommended: **APPROVAL**

RECOMMENDED ACTION: For the Mayor and City Council to approve amendments to Chapter 80 - Zoning, Article I, Article II, Article IV, Article VI, Article VII, Article VIII, Article X, Article XI, and Article XIII and amend and adopt the Zoning Map.


Elizabeth Carr-Hurst, Mayor

ATTACHMENT: Overview of the amendments to the zoning ordinance



**Overview of the amendments to the Zoning Ordinance
Planning and Zoning Commission Meeting - October 1, 2019
City Council Meeting - October 28, 2019**

- 6 Deleted/Consolidated Zoning Districts
(RM-4, RM-8, DP-6, DC-1, DC-2, PS)
- 3 New/Updated Zoning Districts
(RM-12, RM-36, DTMU, PO)
- Updated definitions
- Accessory Dwelling Units
AG, R1-R-3, 800 sq. ft. max.
- Deleted the Art and Architecture Advisory Committee and created the Arts Advisory Council
- Allowed variance based on lot size
- Expansion of DTMU Node
- Added truck queuing standards
- Minimum lot size for industrial districts
(1,200 for M-1 and 1,500 for M-2)
- GA Highway 74 Overlay District boundary extended from 500' to 1,000' to allow and regulate uses along the corridor
- Administrative and Use Permits added to the zoning district regulations
- Added a distance requirement for drive-through fast food restaurants on Highway 74 to 1,500' from an existing drive-through fast food restaurant
- Updated zoning ordinance - easier to read, more user friendly, and graphically depicted
- Updated zoning map to ensure compatibility with updated zoning districts, scope of intent of districts and the Future Land Use Map
- Reduced nonconformity in R-4 district by 39%
- PD District removed M-1 and M-2 as allowable uses

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE FAIRBURN ZONING ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the city-initiated rezoning was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of October, 2019; and

Whereas, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendments to the various sections of the Fairburn Zoning Ordinance be approved; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendments to the Zoning Ordinance of the City of Fairburn, Georgia; and

Whereas, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendments to various sections of the Fairburn Zoning Ordinance would be in the best interests of the residents, property owners, businesses and citizens of the City of Fairburn; and

NOW, THEREFORE, IT BE ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that the current Chapter 80 – Zoning, Article I. – In General; Article II. – Zoning Districts; Article IV. – Administrative Permits and Use Permits; Article VI. Appeals; Article VII. Planning and Zoning Commission; Article VIII. – Amendments to Zoning Code and Map; Article X. Buffers and Open Space; Article XI. – Administration and Enforcement; and Article XIII. – Residential Infill of the Fairburn Zoning Ordinance be deleted in their entirety and substituted in lieu thereof by the ordinances as depicted in Exhibit A attached hereto:

Section 1. Adoption of the following attached as Exhibit A.

1. Article I. In General
2. Article II. Zoning Districts
 - Division 1. - Generally
 - Division 2. - District Regulations
 - AG (Agricultural) zoning district
 - R-1 (Single Family) zoning district
 - R-2 (Single-Family Residential) zoning district
 - R-3 (Single-Family) zoning district
 - R-4 (Single-Family Residential) zoning district
 - R-CT (Residential condominium/townhouse) district
 - RM-12 (Multi-Family Residential) district
 - RM-36 (Multi-Family Residential) district
 - O&I (Office Institutional) zoning district
 - DTMU (Downtown Mixed-Use) zoning district
 - C-1 (Neighborhood Commercial) zoning district
 - C-2 (General Commercial) zoning district
 - M-1 (Light Industrial) zoning district
 - M-2 (Heavy Industrial) zoning district
 - PD (Planned Development) zoning district
 - P&O Parks and Open Space zoning district
 - U.S. Highway 29 Overlay District
 - Georgia Highway 74 Overlay District
 - RR (Railroad) Zoning District
3. Article IV. Administrative Permits and Use Permits
4. Article VI. Appeals
5. Article VII. Planning and Zoning Commission
6. Article VIII. Amendments to Zoning Code and Map
7. Article X. Buffers and Open Space
8. Article XI. Administration and Enforcement
9. Article XIII. Residential Infill

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section. 3. This Ordinance shall become effective on the 28th of October, 2019.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 28th day of October, 2019, by the Mayor and Council of the City of Fairburn, Georgia.

Elizabeth Carr-Hurst, Mayor

ATTEST:

Arika Birdsong-Miller, City Clerk

APPROVED AS TO FORM:

William R. (Randy) Turner, City Attorney

AN ORDINANCE TO AMEND AND ADOPT THE CITY OF FAIRBURN OFFICIAL ZONING MAP; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, Staff recommends that the RM-4 (Multi-Family Residential) and RM-8 (Multi-Family Residential) zoning districts be removed from the zoning map and zoning text as those specific districts have become obsolete in their use within the city limits of Fairburn;

Whereas, Staff recommends that the RM-12 (Multi-Family Residential) zoning district be added to the zoning map and zoning text;

Whereas, Staff recommends that the DC-1 (Historic Downtown Commercial) and DC-2 (Downtown Commercial) zoning districts be removed from the zoning map and text as those specific districts have become obsolete in their use within the city limits of Fairburn;

Whereas, Staff recommends that the DTMU (Downtown Mixed-Use) zoning district be added to the zoning map and zoning text;

Whereas, Staff recommends that the underlying district standards of DC-1 (Historic Downtown Commercial) and DC-2 (Downtown Commercial) be implemented in the new DTMU (Downtown Mixed-Use) zoning district;

Whereas, Staff recommends that the PS (Public Service) zoning district be removed from the zoning map and zoning text as that specific district has become obsolete in its use within the city limits of Fairburn;

Whereas, Staff recommends that the P&O (Parks and Open Space) zoning district be added to the zoning map and zoning text;

Whereas, in accordance with the requirements of the City zoning ordinance, the Planning and Zoning Commission of the City of Fairburn agrees with Staff and has forwarded its recommendation to the Mayor and City Council; and

Whereas, pursuant to said requirements of the City zoning ordinance, a properly advertised public hearing on the city-initiated rezoning not less than 15 nor more than 45 days from the date of publication of notice, which public hearing was held on the 28th day of October, 2019; and

Whereas, after the above-referenced public hearing, the Mayor and City Council have determined that the adoption of the amended zoning map would be in the best interest of the residents, property owners and citizens of the City of Fairburn, Georgia; and

Whereas, the City of Fairburn official zoning map, attached as Exhibit A shall be amended and adopted to show the rezoned properties as shown as Exhibits B, C, D, E & F.

NOW, THEREFORE, IT BE ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, that the City of Fairburn Official Zoning Map, attached as Exhibit A, be amended and adopted as follows:

Section 1. That the described properties as indicated on Exhibit B be rezoned from RM-4 (Multi-Family Residential) to RM-12 (Multi-Family Residential).

Section 2. That the described properties as indicated on Exhibit C be rezoned from RM-8 (Multi-Family Residential) to RM-12 (Multi-Family Residential).

Section 3. That the described properties as indicated on Exhibit D be rezoned from DP-6 (Two-Family Residential) to RM-12 (Multi-Family Residential).

Section 4. That the described properties as indicated on Exhibit E be rezoned from PS (Public Service) to P&O (Parks and Open Space).

Section 5. That the described properties as indicated on Exhibit F be rezoned from DC-1 (Historic Downtown Commercial), DC-2 (Downtown Commercial), C-2 (General Commercial), O&I (Office Institutional), C-2, R-3 (General Commercial, Single-Family), O&I, C-2 (Office Institutional, General Commercial), R-3 (Single-Family), RM-36 (Multi-Family Residential) and M-2 (Heavy Industrial) to DTMU (Downtown Mixed Use).

Section 6. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section. 7. This Ordinance shall become effective on the 28th of October, 2019.

Section 8. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 28th day of October, 2019 by the Mayor and Council of the City of Fairburn, Georgia.

Elizabeth Carr-Hurst, Mayor

ATTEST:

Arika Birdsong-Miller, City Clerk

APPROVED AS TO FORM:

William R. (Randy) Turner, City Attorney

Exhibit B

Parcel ID: 09F171300660317
Parcel Address: 100 SUMMERWOOD DR
Owner: CAUL AISHA Y
Acers: 0.3876
Land Lot(s): 53
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660093
Parcel Address: 101 SUMMERWOOD DR
Owner: NPP ENTERPRISES LLC
Acres: 0.6456
Land Lot(s): 53 and 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660101
Parcel Address: 105 SUMMERWOOD DR
Owner: COLBURN DARRELL RAY & HULSEY SHEILA
Acres: 0.4238
Land Lot(s): 53 and 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660309
Parcel Address: 106 SUMMERWOOD DR
Owner: WARE CHRISTINE V & JONAS
Acres: 0.3574
Land Lot(s): 53
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660291
Parcel Address: 110 SUMMERWOOD DR
Owner: MC LENDON BRANDON
Acres: 0.6209
Land Lot(s): 53
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660119
Parcel Address: 111 SUMMERWOOD DR
Owner: COLBURN ALTON & GWENDOLYN
Acres: 0.4229
Land Lots(s): 53
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660226
Parcel Address: 148 SUMMERWOOD DR
Owner: PINK HOMES LLC
Acres: 0.5826
Land Lot(s): 53 and 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660218
Parcel Address: 156 SUMMERWOOD DR
Owner: JOHNSON JING X
Acres: 0.5301
Land Lot(s): 53
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660200
Parcel Address: 127 SUMMERWOOD DR
Owner: COLBURN DARRELL RAY & HULSEY SHELIA
Acres: 0.52
Land Lot(s): 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660192
Parcel Address: 123 SUMMERWOOD DR
Owner: FAVER WILLIAM P JR
Acres: 0.342
Land Lot(s): 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660184
Parcel Address: 119 SUMMERWOOD DR
Owner: KIRBY EDWIN D
Acres: 0.33
Land Lot(s): 53 and 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660176
Parcel Address: 100 SPRING CT
Owner: DOWNS INVESTMENT GROUP LLC
Acres: 0.3746
Land Lot(s): 53 and 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660085
Parcel Address: 78 CLAY ST
Owner: HARRELL VALERIE
Acres: 0.9624
Land Lot(s): 53 and 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660010
Parcel Address: 243 BAY ST
Owner: THOMAS BARRY DWAYNE SR & THOMAS SHACARA C
Acres: 0.5109
Land Lot(s): 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660028
Parcel Address: 237 BAY ST
Owner: TOMLIN CHARLES H & PATRICIA L
Acres: 0.584
Land Lot(s): 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660036
Parcel Address: 231 BAY ST
Owner: TOMLIN CHARLES H & PATRICIA L
Acres: 0.6644
Land Lot(s): 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660044
Parcel Address: 227 BAY ST
Owner: JOHNSON BRIAN C & KONDA R
Acres: 0.4493
Land Lot(s): 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F171300660051
Parcel Address: 223 BAY ST
Owner: BOISSON GREGORY MATHIEU
Acres: 0.3547
Land Lot(s): 66
Rezoning: From RM-4 (Multi-family Residential) to RM-12 (Multi-family Residential)

Exhibit C

Parcel ID: 09F020100131120

Parcel Address: 8060 SENOIA ROAD

Owner: CITY OF FAIRBURN

Acres: 2.400

Land Lot(s): 26 and 13

Rezoning: From RM-8 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F070000270999

Parcel Address: 7915 SENOIA ROAD

Owner: SOUTH ATLANTA PEACHTREE LANDING, LLC

Acres: 263.48

Land Lot(s): 26 and 27

Rezoning: From RM-8 (Multi-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F100200471228

Parcel Address: 303 SENOIA ROAD

Owner: 303 SENOIA ROAD, LLC

Acres: 6.95 acres

Land Lot(s): 47

Rezoning: From RM-8 (Multi-family Residential) to RM-12 (Multi-family Residential)

Exhibit D

Parcel ID: 09F101000520289
Parcel Address: 169 CHESTNUT STREET
Owner: FAIRBURN HOUSING AUTHORITY
Acres: 3.67 acres
Land Lot(s): 52 and 47
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F100700520227
Parcel Address: 50 PINE STREET
Owner: FAIRBURN HOUSING AUTHORITY
Acres: 1.8365
Land Lot(s): 52
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F101100530337
Parcel Address: 90 PINE STREET
Owner: SHARPE, IAN P.
Acres: 0.2755
Land Lot(s): 52
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F101100530345
Parcel Address: 96 PINE STREET
Owner: 96 PINE STREET, LLC
Acres: 0.3214
Land Lot(s): 52
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F101100530352
Parcel Address: 100 PINE STREET
Owner: HORIZON TRUST COMPANY CUSTODIAN FBO CECELIA SIRIO IRA
Acres: 0.3214
Land Lot(s): 52 and 53
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F101100530196
Parcel Address: 112 PINE STREET
Owner: FAIRBURN HOUSING AUTHORITY
Acres: 0.9183
Land Lot(s): 52 and 53
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F101500470142
Parcel Address: 296 SENOIA ROAD
Owner: BROAD CLAY STREET, LLC
Acres: 1.65
Land Lot(s): 47
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F170300661069
Parcel Address: 45 INMAN ST
Owner: FULTON COUNTY BOARD OF EDUCATION
Acres: 0.3099
Land Lot(s): 66
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F170300661085
Parcel Address: 41 INMAN ST
Owner: FULTON COUNTY BOARD OF EDUCATION
Acres: 0.3264
Land Lot(s): 66
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F170300660772
Parcel Address: 40 INMAN ST
Owner: SALAZAR NELSON & CARMEN
Acres: 0.3512
Land Lot(s): 66
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F090500510462
Parcel Address: 154 MALONE ST
Owner: HOLDEN MALCOLM V JR
Acres: 0.458
Land Lot(s): 51
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F090500510454
Parcel Address: 140 MALONE ST
Owner: THOMPSON SAM J
Acres: 0.3444
Land Lot(s): 51
Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F090500510447

Parcel Address: 134 MALONE ST

Owner: HUMPHREY ERNESTINE

Acres: 0.3444

Land Lot(s): 51

Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Parcel ID: 09F090500510439

Parcel Address: 124 MALONE ST

Owner: MARTIN JOAQUIN S & MARTIN MARIA C

Acres: 0.3444

Land Lot(s): 51

Rezoning: From DP-6 (Two-family Residential) to RM-12 (Multi-family Residential)

Exhibit E

Parcel ID: 09F200100900514

Parcel Address: 0 DODSON RD

Owner: OPEN WORD CHRISTIAN MINISTRIES INC

Acres: 19

Land Lot(s): 90

Rezoning: From PS (Public Service) to PO (Parks and Open Space)

Parcel ID: 09F090100480728

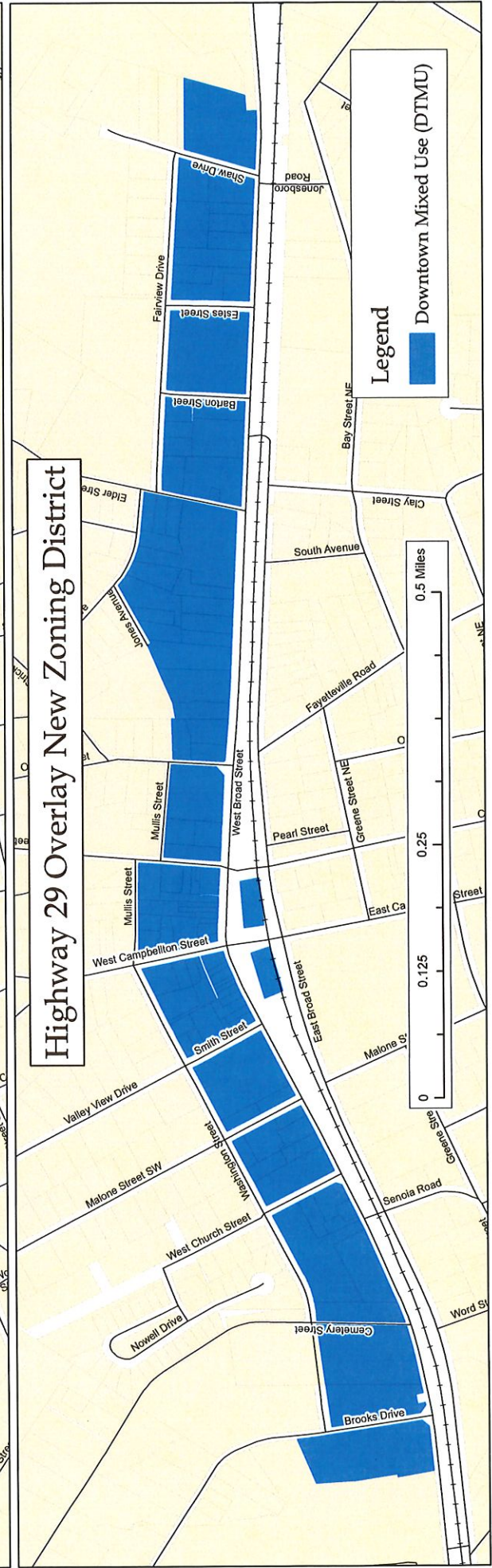
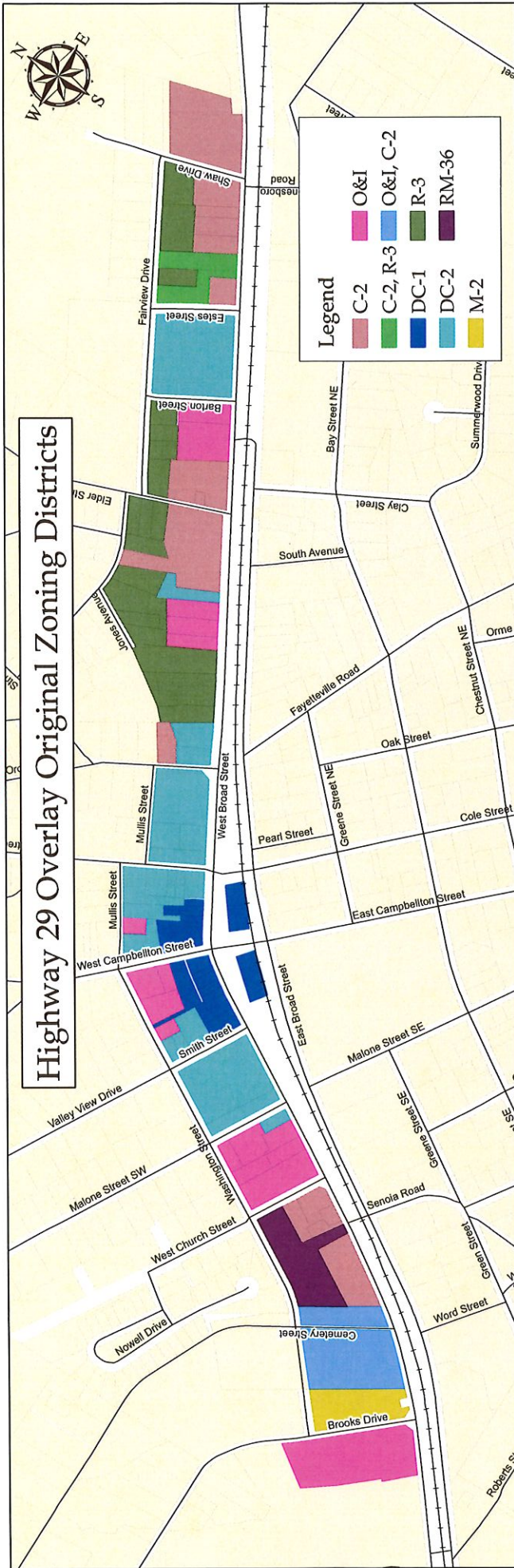
Parcel Address: 0 FAIRBURN IND BLVD

Owner: DEPARTMENT OF TRANSPORTATION

Acres: 1.874

Land Lot(s): 48

Rezoning: From PS (Public Service) to PO (Parks and Open Space)





CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: ADOPTION OF THE RESOLUTION OF COMMITMENT TO CONDUCT A DOWNTOWN PEDESTRIAN OVERPASS STUDY

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE (X) RESOLUTION () OTHER

Submitted: 10/22/2019 Work Session: 10/28/2019 Council Meeting: 10/28/2019

DEPARTMENT: Engineering

BUDGET IMPACT: Up to \$30,000 will be required to leverage up to \$150,000 of federal money. Funding will need to be identified in the 2020 budget to provide the local match of 20%.

PUBLIC HEARING? () Yes (X) No

PURPOSE: For Mayor and Council to approve the adoption of the Resolution of Commitment to Conduct a Study for a Downtown Pedestrian Overpass (Broad Street/CSX Railroad).

HISTORY: On October 11th, 2019, the City of Fairburn submitted a study application to the Atlanta Regional Commission (ARC) in response to its 2019 call for Transportation Improvement Program (TIP) Project Proposals. The amount requested was \$150,000.

The proposed study will cover the Broad Street/US 29 corridor northeast of downtown for possible crossing locations over Broad Street and CSX Railroad. The primary focus is to provide a safe connection over existing CSX's active rail lines and US 29 (Broad Street).

Project feasibility/scoping/concept development studies are project specific and intended to identify and assess project deliverability risks, determine alignment and assess possible environmental, community and right-of-way impacts. Deliverables should include a preferred typical section and concept, and, depending on the complexity of the project, a draft GDOT Concept Report.

FACTS AND ISSUES: In order to qualify for the federal funds, a 20% local match is required. As a part of the application process, the funding requirement has to be acknowledged by the applicant. This documentation provides assurances to the ARC Board that the proposed sponsor is willing to

fulfill all applicable financial and administrative requirements associated with delivering a federal aid transportation project.

The funding commitment will be in the form of an 80% reimbursement of project expenses over the life of the project. So, future budgets will need to anticipate the cash flow required.

RECOMMENDED ACTION: Staff recommends that the Mayor and City Council adopt the resolution as presented.



Elizabeth Carr-Hurst, Mayor

RESOLUTION NO. _____

RESOLUTION OF COMMITMENT TO CONDUCT STUDY

WHEREAS, it continues to be the desire of the City of Fairburn to support the development and enhancement of its corridors as a means to create and sustain livable environments, efficient vehicular movement, reduction in congestion, improvement of air quality, and facilitation of public mobility through the use of a transportation system which is multi-modal; and

WHEREAS, the Atlanta Regional Commission (ARC) has released a call for applications for 2019 Transportation Improvement Program (TIP) Project Proposals; and the City desires to submit an application for consideration to fund a Study for a Downtown Pedestrian Overpass; and

WHEREAS, the purpose of the TIP Project would be to examine the existing physical conditions along the Broad Street corridor to determine ideal locations for a pedestrian overpass.

WHEREAS, the grant agreement for Federal financial assistance, if awarded, will impose certain obligations upon the City of Fairburn, and may require the City to provide the local share of the project cost; and

WHEREAS, City of Fairburn will provide all necessary certifications and assurances to the ARC required for the project;

NOW, THEREFORE, BE IT RESOLVED that the Fairburn City Council authorize the filing of a grant application with the Atlanta Regional Commission, in an amount of \$150,000.00;

- 1. The Fairburn City Council is aware that the Atlanta Regional Commission may choose to award an amount that is less than the maximum award allowed.*
- 2. That the Mayor of the City of Fairburn is authorized to execute and file an application for Federal assistance on behalf of the City of Fairburn with the Atlanta Regional Commission.*
- 3. That the Mayor of the City of Fairburn is authorized to execute and file the necessary certifications, assurances and other documents the Atlanta Regional Commission may require before awarding a Federal assistance grant.*

4. *That the Mayor of the City of Fairburn is authorized to execute the grant and other agreements with the Atlanta Regional Commission on behalf of the City of Fairburn.*

This ____ day of _____, 2019.

Elizabeth Carr-Hurst, Mayor
City of Fairburn

ATTEST:

Arika Birdsong-Miller, City Clerk

Date: _____

SEAL:



Mayor
Elizabeth Carr-Hurst

October 11, 2019

Mayor Pro Tem
Linda J. Davis

Mr. John Orr
Atlanta Regional Commission
229 Peachtree Street, #100
Atlanta, GA 30303

City Council
Alex Heath
Pat Pallend
Hattie Portis-Jones
Ulysses Smallwood
James Whitmore

Dear Mr. Orr,

The City of Fairburn is excited to participate in the ARC's 2019 TIP Solicitation. As part of this project call, we are submitting proposals for the following project/studies:

1. FAI-01: Broad Street/US 29/SR 14 Improvements Phase II
Project Funding: \$4,950,000
Local Match: \$990,000
2. FAI-02: Downtown Pedestrian Overpass Feasibility Study
Project Funding: \$150,000
Local Match: \$30,000

The City has approved submission of these proposals and their respective local match commitments from the General Fund. The Project Funding Match Commitment and Support Resolution Documents will be presented for City Council approval and signature on November 25th, 2019. Once documentation is finalized, a copy will be sent via email to TIPsolicitation@AtlantaRegional.com

Sincerely,

Lester Thompson, MPA
Deputy Director
Community Development/Public Works
City of Fairburn, Georgia

CITY OF FAIRBURN



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: ADOPTION OF THE RESOLUTION OF COMMITMENT TO IMPLEMENT A GTIB PEDESTRIAN BRIDGE PROJECT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE (X) RESOLUTION () OTHER

Submitted: 10/21/2019 Work Session: 10/28/2019 Council Meeting: 10/28/2019

DEPARTMENT: Engineering

BUDGET IMPACT: Funding will need to be identified in the 2020 budget to provide the local match.

PUBLIC HEARING? () Yes (X) No

PURPOSE: For Mayor and Council to approve the adoption of the Resolution of Commitment to Implement a Georgia Transportation Infrastructure Bank (GTIB) Pedestrian Bridge Project.

HISTORY: The State Road & Tollway Authority (SRTA) has released a call for applications for 2019 Georgia Transportation Infrastructure Bank (GTIB) Project Proposals; and the City desires to submit an application for consideration to fund a Pedestrian Bridge on US 29/SR 14.

The primary purpose of this project is to improve pedestrian access and promote safety through the construction of a pedestrian bridge from US 29/SR 14 to McLarin Road.

FACTS AND ISSUES: As a part of the application process, the funding requirement has to be acknowledged by the applicant. This documentation provides assurances to the GTIB Advisory Committee that the proposed sponsor is willing to fulfill all applicable financial and administrative requirements associated with delivering a GTIB project. Future budgets will need to anticipate the cash flow required.

RECOMMENDED ACTION: Staff recommends that the Mayor and City Council adopt the resolution as presented.


Elizabeth Carr-Hurst, Mayor

RESOLUTION NO. _____

RESOLUTION OF COMMITMENT TO IMPLEMENT PROJECT

WHEREAS, it continues to be the desire of the City of Fairburn to support the development and enhancement of its corridors as a means to create and sustain livable environments, efficient vehicular movement, reduction in congestion, improvement of air quality, and facilitation of public mobility through the use of a transportation system which is multi-modal; and

WHEREAS, the State Road & Tollway Authority (SRTA) has released a call for applications for 2019 Georgia Transportation Infrastructure Bank (GTIB) Project Proposals; and the City desires to submit an application for consideration to fund a Pedestrian Bridge on US 29/SR 14; and

WHEREAS, the purpose of the GTIB Project would be to improve pedestrian access and promote safety through the construction of a pedestrian bridge from US 29/SR 14 to McLarin Road. The emphasis of the project would be to allow pedestrian workers to safely get to and from the bus stop and walk to work.

WHEREAS, the grant agreement for financial assistance, if awarded, will impose certain obligations upon the City of Fairburn, and may require the City to provide the local share of the project cost; and

WHEREAS, City of Fairburn will provide all necessary certifications and assurances to the SRTA required for the project;

NOW, THEREFORE, BE IT RESOLVED that the Fairburn City Council authorize the filing of a grant application with the State Road & Tollway Authority, in an amount of \$1,500,000.00;

1. *The Fairburn City Council is aware that the State Road & Tollway Authority may choose to award an amount that is less than the maximum award allowed.*
2. *That the Mayor of the City of Fairburn is authorized to execute and file an application for Federal assistance on behalf of the City of Fairburn with the State Road & Tollway Authority.*

3. *That the Application Fee is \$250. A check must be made payable to the State Road & Tollway Authority (SRTA) and be received by the GTIB at the appropriate address as provided in the application within 2 weeks of submitting the application.*
4. *That the Mayor of the City of Fairburn is authorized to execute and file the necessary certifications, assurances and other documents the State Road & Tollway Authority may require before awarding grant funds.*
5. *That the Mayor of the City of Fairburn is authorized to execute the grant and other agreements with the State Road & Tollway Authority on behalf of the City of Fairburn.*

This ____ day of _____, 2019.

Elizabeth Carr-Hurst, Mayor
City of Fairburn

ATTEST:

Arika Birdsong-Miller, City Clerk

Date: _____

SEAL:

INSTRUCTIONS FOR APPLICATION SUBMITTAL

This standard Application will be used to evaluate all requests for loans and for grants. If applying for a grant, only this Application is required. If applying for a loan, this Application and the Financial Documentation Form found on the GTIB website <http://www.srta.ga.gov/gtib> are required.

- Read all information provided on the Loan and Grant pages of the GTIB website. This information provides details of the program regarding eligibility, loan/grant parameters, and Application requirements to verify that the proposed Applicant, project and terms are within the established guidelines.
- Answer all questions fully. There should be no blanks on any form. Missing information or omitted fields may cause the Application to be delayed or rejected.
- +
- All Applicants, projects, and costs for which funding will be used must be “**eligible**” as specified on the GTIB website.
- The initial completed Application (and Financial Documentation Form if applying for a loan) must be submitted by email to GTIBinfo@srta.ga.gov. Within 2 weeks of submitting the Application by email, the Applicant must pay the Application Fee of \$250 via check made out to the State Road and Tollway Authority.
- Hard copy submissions are not required, however, the GTIB reserves the right to request hard copies of the application and/or supporting materials.
- Regardless of whether the request is approved, the Applicant is solely responsible for all of its costs incurred in participating in this program, including but not limited to completing all forms.
- Applicants have an affirmative obligation to update any information included on any application if such information is no longer accurate.
- Applicant Agency must be established and approved by appropriate governing body prior to the GTIB Application Deadline.

CHECKLIST FOR LOANS AND GRANTS

For both Grant and Loan Applications (all materials to be submitted electronically):

- ☐ All of the questions on the Application are answered.
- ☐ The requested GTIB financial assistance is within funding limits:
 - Loan requests must be for at least \$25,000.
 - No more than 25% of available GTIB funds will be awarded to a single grant application. Refer to the GTIB website for total available funding.
 - Grant requests over \$2 million are capped, specifically GTIB funds may constitute no more than 33% of total project value. There is no cap under \$2 million, applicants are encouraged to contribute as much local match as possible to make the request competitive.
- ☐ An electronic version of the Application has been submitted by e-mail to GTIBinfo@srta.ga.gov.
- ☐ A map of the project with beginning and end points clearly marked, providing sufficient detail on areas affected has been submitted.
- ☐ All estimates for project costs must be recent preferably within the last six months) and developed by a credible expert and should be provided in the year of expenditure indicating the anticipated inflation rate.
- ☐ Documentation to verify funding sources. The Applicant must provide proof of commitment of these funds such as a city/ county commission resolution.
- ☐ Any other project related documents necessary to complete evaluation. Applicants are advised to provide concise supporting information and/or to specify in the application the specific location where critical information can be found in supporting documents.

For Loan Applications only, also include:

- ☐ The signed Financial Documentation Form (form available on GTIB website).
- ☐ Documents as required in Section II of the Financial Documentation Form.
- ☐ A copy of the bond-rating letter or Official Statement (OS), if the jurisdiction has issued rated or insured debt in the past.

The following materials must be delivered to the State Road & Tollway Authority within two weeks of submitting the Application by e-mail:

- ☐ A check for the Application Fee of \$250 payable to the State Road & Tollway Authority. Please mail to:

**State Road & Tollway Authority
C/O GTIB/Cindy Treadway
245 Peachtree Center Avenue NE
Suite 2200
Atlanta, GA 30303**

GEORGIA TRANSPORTATION INFRASTRUCTURE BANK (GTIB)

APPLICATION FOR LOANS AND GRANTS

*****Please read Instructions for Application Submittal prior to filling out Application*****

1) TYPE OF GTIB ASSISTANCE REQUESTED

Check one of the following:

<input checked="" type="checkbox"/> Grant	Please check GTIB website for latest Grant program eligibility and restrictions.
<input type="checkbox"/> Loan	All loan Applicants are required to submit a completed Financial Documentation Form in addition to this GTIB Application. The form is available on the GTIB website.
<input type="checkbox"/> Both	Please check the GTIB website and ensure the Financial Documentation Form is submitted in addition to this GTIB Application. The grant and loan must be for the same project.

2) CONTACT INFORMATION

Date	October 1, 2019		
Project Applicant	City of Fairburn		
Classification of Applicant (State, County, City, CID, etc.)	City, Supporting Sponsor South Fulton CID		
Department/Division of Applicant receiving GTIB proceeds	Community Development/Public Works		
Contact Person Name	Lester Thompson	Contact Person Title	Deputy Director
Street Address or P.O. Box	26 W Campbellton St		
City	Fairburn, Georgia	Zip Code	30213
Telephone Number:	(770) 964-2244 (ext. 306)	Fax Number:	(770) 306-6919
E-mail Address	ltompson@fairburn.com		

Additional Contact Information:**Attorney**

Contact Name & Title	Randy Turner, City Attorney (Turner Ross Germain LLC)
Street Address	2265 Roswell Road, Suite 100
City, State, Zip Code	Marietta, Georgia 30062
Telephone Number	(770) 509-9770
Fax Number	(770) 509-2243
E-Mail Address	rturner@lawtrg.com

Independent Auditor

Contact Name & Title	Doug Moses, Partner (Mauldin & Jenkins CPAs & Advisors)
Street Address	200 Galleria Parkway, Suite 1700
City, State, Zip Code	Atlanta, Georgia 30339
Telephone Number	(770) 955-8600 ext. 36773
Fax Number	(770) 980-4489
E-Mail Address	dmoses@micpa.com mjconnect@micpa.com

Finance Director

Contact Name & Title	Angela Jackson, Finance Director
Street Address	56 Malone Street, SW
City, State, Zip Code	Fairburn, Georgia 30213
Telephone Number	(770) 964-2244 ext. 118
Fax Number	(770) 969-3474
E-Mail Address	ajackson@fairburn.com

3) PROJECT OVERVIEW

Name of Project	US 29 Pedestrian Bridge
Project Type (road, bridge, etc.)	Pedestrian Bridge
Project Location (include county and specific location)	Across CSX Railroad Track from US 29 near Harbor Lakes to McLarin Road, City of Fairburn, Fulton County

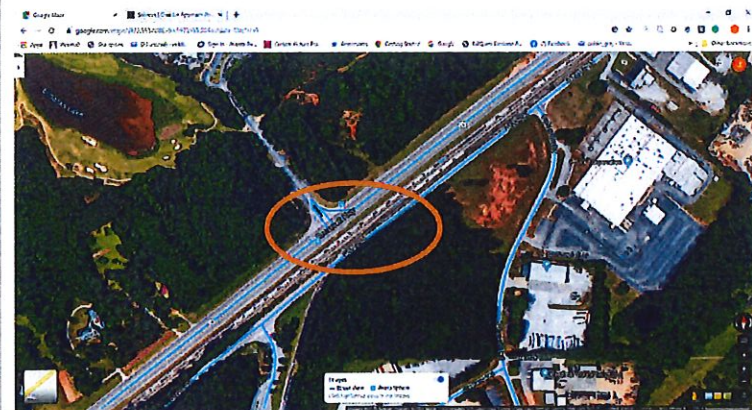
i List all state, regional or local plans that this project is officially a part of and include project numbers where applicable (e.g. GDOT PI#715858, MPO Plan 2040, County SPLOST 2009, City Comprehensive Plan 2015). If applicable, and in 300 words or less, identify how the project is consistent with state, regional and local plans and/or investment priorities.

Fulton County Transit Plan and South Fulton CID Multimodal Plan. Both of these plans note that US 29 requires pedestrian improvement for workers using the bus to get to work. This project is currently being submitted for the current South Fulton Comprehensive Transportation Plan.

Current Project Phase/Status*	Preliminary Engineering
*(Preliminary Engineering, Right of Way Acquisition (ROW), Construction)	
Estimated or actual project planning start date	In progress
Estimated construction start date	May 2020
Estimated completion date	December 2020

i In 300 words or less, provide a physical description of the transportation project (e.g., new 2 lane road with sidewalks and streetscaping, 1500 feet in length, connecting Williams St. and Smith St.). Please ensure the submitted project map clearly shows the project. Please do not provide a justification for the project here, this may be provided in Section 4 below.

Pedestrian bridge across the CSX Railroad Tracks, from US 29 near Harbor Lakes to McLarin Road. See below and attached for a project map and conceptual rendering.



4) PROJECT BENEFITS

A. Degree of transportation problem that the proposed project seeks to address:

- i** In 300 words or less, describe the scope of the current transportation problem and how the project is expected to improve the situation. The explanation should include how the project will advance a strong transportation need and derive a strong public benefit as a result.

The rapid growth of warehousing and distribution centers in the City of Fairburn has resulted in an influx of workers who ride transit to work. Often, these workers need to walk over a mile along US 29 from the bus stop to their place of employment located on Bohannon Road or Logistics Center Drive. Currently, there is no pedestrian crossing or traffic controls at or near the MARTA bus stops along US 29 nor across the CSX Railroad tracks. The absence of these roadway facilities makes US 29 a particularly dangerous location for pedestrians exiting the bus, who as a result must run across four lanes of cars and heavy freight traffic. Once on the other side of US 29, they must then traverse over the CSX railroad tracks. If a train is blocking the tracks, pedestrians will crawl through the idle train just to make it to work on time. There is on average 100 pedestrians per day crossing the railroad tracks near Bohannon Road to get to and from work. The issue is fully documented both in the pictures shown below and in this video: https://www.youtube.com/watch?time_continue=7&v=2Bpf5605iws



B. Impact of the proposed project on public mobility, reliability, connectivity, congestion, safety:

- i** In 300 words or less, describe how the project would improve any or all of the following areas: mobility, reliability/system efficiency, border-to-border and interregional connectivity, local connectivity to the state-wide transportation network, inter-modalism, congestion, and/or safety.

According to the Governors Highway Safety Association, a pedestrian dies on American roadways every 90 minutes and it may be higher in Georgia, who experienced a 32% increase in deaths between 2017 and 2018. (<https://www.ghsa.org/resources/Pedestrians19> and https://www.ghsa.org/sites/default/files/2019-02/FINAL_Pedestrians19.pdf). The L.A. Times reported that the growing epidemic of pedestrian deaths on American roadways disproportionately impacts **lower-income, minority communities** — neighborhoods that have roads designed to move vehicles quickly, with little thought to those who rely on walking or public transportation (<https://www.latimes.com/world-nation/story/2019-09-15/pedestrian-deaths-are-on-the-rise>). In addition, railroad fatalities in the United States that involved pedestrians not at a crossing were at an all-time high as of 2017, with over 513 deaths which represented 44% of all railroad fatalities (Railroad Fatalities in the US 2021-2019 by Steve Laffey, found in TR News number 322).

This pedestrian bridge is critical to the safety of these workers and will allow people to safely exit the bus and walk to work. This project will complement a Sidewalk and Lighting Project along Bohannon Road that the City of Fairburn and the South Fulton CID are using local funds to implement. In addition, this project will be the first step in the BRT system planned for US 29.

C. Acceleration of high priority transportation projects:

i In 300 words or less, describe how potential assistance from the GTIB will expedite the project.

Both the City of Fairburn and the South Fulton CID are implementing key freight safety projects as quickly as possible. The demand has far outweighed available funding. This grant will allow an urgent safety project to move forward several years ahead of schedule.

D. Coordination with Development Patterns:

i In 300 words or less, explain how the project would coordinate transportation investment with development patterns and/or manage market driven travel demand (e.g., reduce SOV travel), if applicable.

According to Georgia Power, Georgia offers the sixth largest warehouse distribution market in the U.S. but is the second most affordable. This is both due to the price of land, but also our affordable workforce (<https://www.selectgeorgia.com/resources/publications/warehousing-and-logistics/>). Both the demand and the average wages result in a workforce that often relies on transit to get to work. This development is largely occurring South of the airport.

Over the last few years, the City of Fairburn has had the privilege of becoming the home of several major developments (Google, Duracell, Smucker's, Post, DHL, Crown Linen, etc.) totaling over 6 million square feet in industrial/warehouse space.

In addition to these new developments, the recent expansion of the Fairburn CSX Intermodal Facility has given this facility the capability of doubling its container handling capacity providing the ability to serve more customers both inbound and outbound. This intermodal facility is a logistics hub serving California and all of the major cities east of the Mississippi River.

Because of the ability to access several interstates, the CSX Intermodal rail yard, the Atlanta International Airport, and the proximity to the Port of Savannah, the City of Fairburn expects to continue to attract other premier companies.

With the influx of new developments in the area coupled with the expansion of the CSX Intermodal Facility, the potential benefits to be derived from the construction of this pedestrian bridge are needed now more than ever. A project such as this would not only demonstrate our commitment to leveraging our geographical advantage to be an economic and logistics center but also our commitment to promoting the safety and welfare of our vibrant workforce.

E. Innovation:

- i** In 300 words or less, describe any unique/innovative characteristics, methods or approaches (e.g. new technology, innovative design, etc.) that are a part of the project.

This pedestrian bridge project will be a key benefit for the future BRT along US 29. It is the most innovative, as well as feasible, solution to this problem available.

F. Ability to enhance and/or create economic benefits for the local community, region or State:

- i** In 300 words or less, explain how the local community, region or state would benefit economically from the project. Answers may include, but not be limited to, a description of the estimated reduction in state or local unemployment, land development/redevelopment, growth in private-sector employment, improved access to jobs, and/or improved efficiencies of freight, cargo, and goods movement. Please cite all sources used to determine benefits (i.e. cost-benefit analyses, economic impact reviews, etc.)

While state routes and the railroad drive the local freight economy, they also provide extreme barriers to transit and last mile connections that are vital to business operations. Currently DHL—a major warehousing and logistics employer with worksites along Bohannon Road—experiences 70% turnover. The reason is simple: workers accept a job when it is available, but they quickly find the commute unsustainable. Georgia Commute Options conducted a statistically significant survey at 10 DHL sites in the area, representing 5,000 employees. They found that more than 500 of DHL employees are traveling by bus in this specific area. This project will vastly improve both retention and last mile connectivity for DHL and may other businesses in the area, creating safer, more sustainable commutes.

This project also has significant support of area businesses and their employees and is one major step in creating a safe option to access jobs in the City of Fairburn—a city that is bisected by two major state routes and the CSX railroad.

G. Project Feasibility

i In 300 words or less, explain all critical factors necessary for the project's success, including a list of all federal, state, and local permits and approvals required for the project. Please provide the status of each necessary approval including anticipated approval dates if approvals are outstanding. If not already secured, the steps that will be taken to obtain necessary environmental and construction approvals.

CSX has promised to provide air rights **as noted in the letter of recommendation**. We have held several meetings with GDOT, including trying to obtain a pedestrian signal at this location. They have not supported an at grade pedestrian crossing. They have indicated support for the pedestrian bridge.

5) PROJECT FINANCE PLAN SUMMARY

i In 300 words or less, provide a summary of the proposed finance plan that fully details the entire funding of the project, including contingencies as applicable. The summary should include a detailed written description of the status of all project funding sources, back-up project funding sources (if applicable), and the completion of the below fields.

If bonds or other non-GTIB indebtedness have already been issued to finance a portion of the project's costs, the financial plan should provide details of the issuance (terms, sources & uses, credit ratings, debt service requirements, etc.). If the issuance received a credit rating below investment grade "BBB," explain in detail any deficiency that led to that rating. If applicable, please provide copies of any bond documents related to the issuance, such as an Official Statement (OS).

If bonds or other non-GTIB indebtedness are contemplated for funding a portion of the project's costs in the future, provide an explanation of the issuance. Explanations should include the proposed bond's structure, timing, and status of resolutions/approvals.

The preliminary engineering of the project is currently funded by the South Fulton CID. The City of Fairburn will commit to use TSPLOST funds to cover the gap provided by the GTIB grant and the project implementation. The City will also oversee right of way acquisition, construction, and obtain all permits. While the exact amount of right of way needed and construction costs are not finalized, it is anticipated that the project will exceed \$2 million.

SOURCES AND USES

List all funding sources in the Project Funding Sources table below (i.e. CID \$1.1M, GDOT \$5M, County \$2M, Private \$250k, etc.). If LMIG is a source of funding it must be listed as a separate funding source:

Project Funding Sources (Committed and Contributed)				
Funding Source	Portion Spent to Date* (A)	Portion Remaining to be Spent (B)	Funding Source Total (A+B)	Percentage of Total Project Funding
GTIB (Requested Amount)**		\$	\$1,500,000	%
CID	\$	\$	\$	%
City of Fairburn	\$	\$	\$	%
	\$	\$	\$	%
	\$	\$	\$	%
Total Project Funding:	\$	\$	\$	100.0%

List all project costs in the Project Costs table below:

Project Costs (Future Project Costs and Funds Spent to Date)				
Activity	Portion Spent to Date* (A)	Portion Remaining to be Spent (B)	Line Item Cost Total (A+B)	Percentage of Total Project Costs
Concept/Feasibility	\$2,500	\$0	\$2,500	0.13%
Preliminary Engineering	\$	\$200,000	\$200,000	10.25%
Right of Way (ROW)	\$	\$20,000	\$20,000	1.03%
ROW Contingency (15%)	\$	\$3,000	\$3,000	0.15%
Construction	\$	\$1,500,000	\$1,500,000	76.9%
Construction Contingency (15 %)	\$	\$225,000	\$225,000	11.54%
Total Project Costs:	\$2,500	\$1,948,000	\$1,950,500	100.0%

NOTE FOR ABOVE TABLES: AMOUNT OF TOTAL PROJECT FUNDING SOURCES MUST EQUAL TOTAL PROJECT COSTS.

Proposed Use of GTIB Funding Request		
Activity (i.e. PE, ROW, CST)	GTIB Amount	Percent of GTIB Request
Construction	\$1,500,000	100 %
	\$	%
	\$	%
Total:**	\$	100.0%

* Subject to verification during application review.

**Please refer to GTIB Website for GTIB funding limits and restrictions.

Please fill out the following if bonds or debt will be used to finance any portion of the project:

Anticipated date of Bond sale:	
Type of bond (General Obligation/Revenue):	
Tax exempt status:	
Issuer:	
Expected Credit rating:	

6) LOAN TERMS (TO BE COMPLETED ONLY BY LOAN APPLICANTS)

Requested term of loan in years:	
----------------------------------	--

(Minimum 5 years; maximum is the lesser of 20 years or the useful life of the project)

Estimated draw-down schedule of funds: (All funds may be spent-down in first year; the maximum spend-down period is 5 years)	
Year 1:	\$
Year 2:	\$
Year 3:	\$
Year 4:	\$
Year 5:	\$

Repayment source(s) that will be used to service the loan:	
Is repayment source(s) currently being used to secure other debt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will repayment source(s) be used to secure other debt in the future?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Additional backup repayment source:	

REMAINDER OF PAGE LEFT BLANK

7) ATTESTATION

Under penalty of perjury, I declare and affirm that:

The Applicant has the authority to request and incur the liabilities and obligations described in this Application and, upon approval, will enter into a closing contract.

The Applicant has held any locally required public hearings or notices and will comply with all applicable state and federal regulations and requirements.

To the best of my knowledge all information contained in this Application is valid and accurate.

The governing body of the undersigned jurisdiction at its _____ (date) meeting authorized the submission of this Application.

The undersigned official has the authority to sign this Application and bind the Applicant.

Signature _____
(Authorized Official)

Title _____

Jurisdiction _____

Name _____
(type or print)

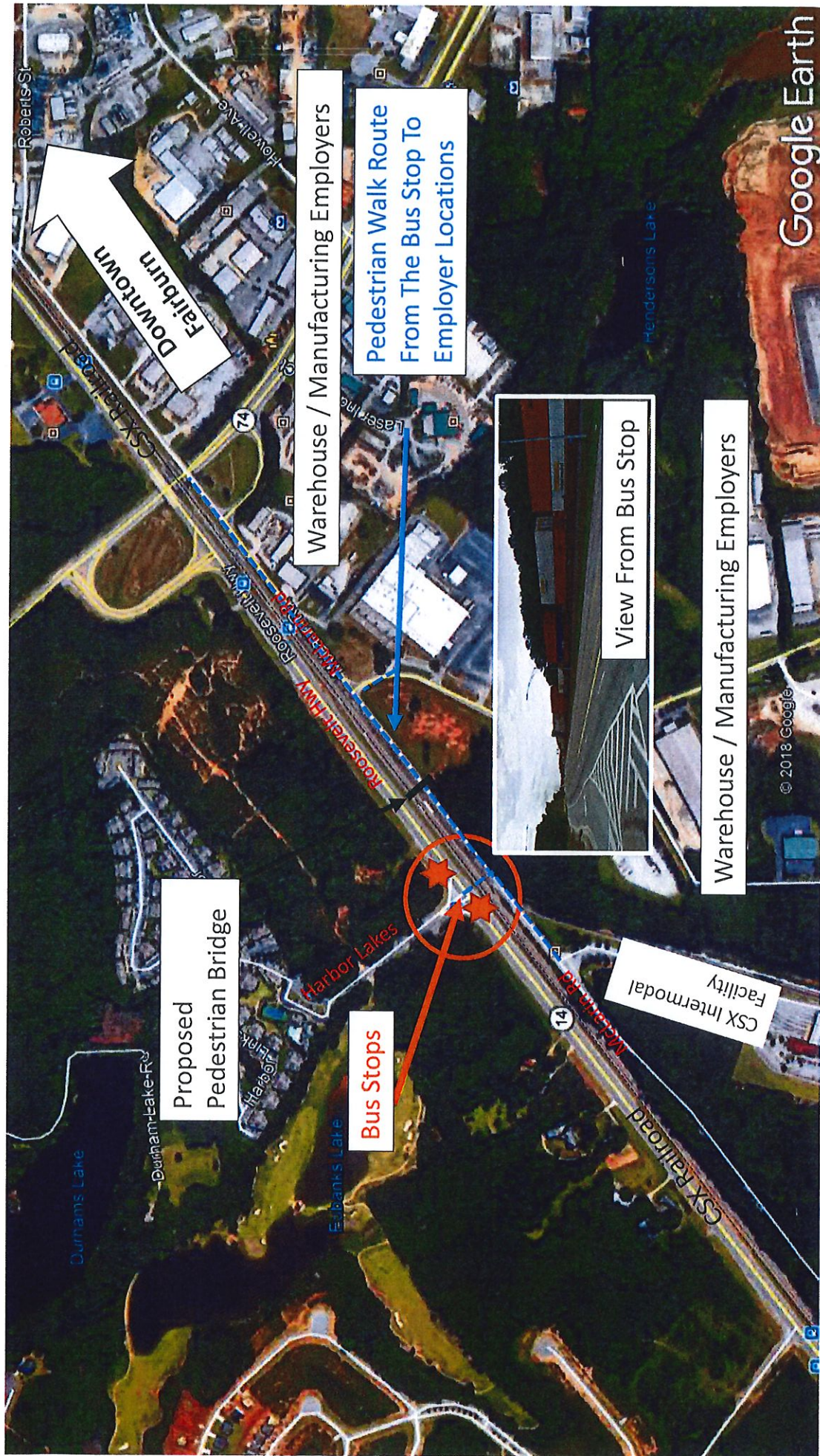
Date _____

Sworn to and subscribed before me this _____ day of _____, 20__.

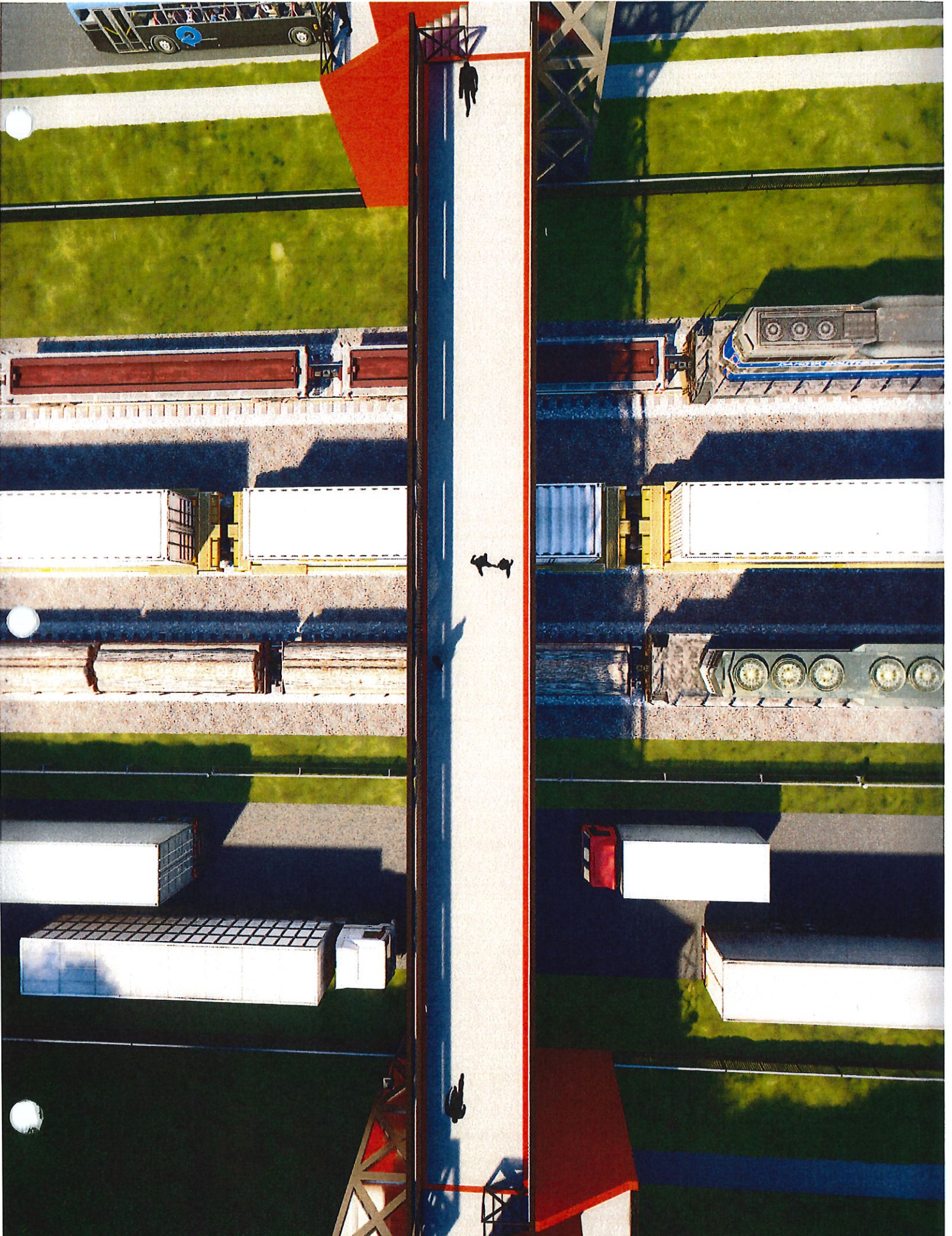
(Notary Public)

My commission expires: _____

NOTARY
SEAL









CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: ADOPTION OF THE RESOLUTION OF COMMITMENT TO IMPLEMENT A PHASE 2 LIVABLE COMMUNITIES INITIATIVE (LCI) PROJECT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE (X) RESOLUTION () OTHER

Submitted: 10/21/2019 Work Session: 10/28/2019 Council Meeting: 10/28/2019

DEPARTMENT: Engineering

BUDGET IMPACT: Up to \$990,000 over five years will be required and will leverage up to \$4.95M of federal money. Funding will need to be identified in the 2020 budget and subsequent years to provide the local match of 20%.

PUBLIC HEARING? () Yes (X) No

PURPOSE: For Mayor and Council to approve the adoption of the Resolution of Commitment to Implement a Phase 2 Livable Centers Initiative (LCI) Project.

HISTORY: Several years ago, the City took advantage of the Atlanta Regional Commission (ARC) Livable Centers Initiative (LCI) program funding to study our downtown area to develop a list of proposed improvements consistent with LCI principles. The Phase 1 LCI project, was our big first step in implementing some of the strategies and recommendations identified in the 2009 study. It is our goal to continue the efforts of the Phase 1 Project, 0012636, SR 14; CAMPBELLTON RD; SMITH ST & WASHINGTON ST (LCI), through the design and construction of a Phase 2 LCI Project. The proposed termini are Point A (Strickland Road), the end point of the Phase 1 LCI Project; and Point B (SR 138), the location of the joint Gateway Project with Union City.

The primary purpose of this project is to address pedestrian, vehicular, bicycle, and transit movements along West Broad Street (US 29) through new and expanded bicycle and pedestrian facilities. This project will also include ADA upgrades for improved accessibility; way finding signs to direct visitors, brand the City, and identify points of interest; signal upgrades to include the potential use of RRFB; mid-block crossings where appropriate; pedestrian islands; landscape medians; raised planter beds; street trees and plantings; new pedestrian and roadway lighting;

new granite header curb; and brick paver sidewalks. A multi-use path along the R/R side of US 29 is also being considered to better serve pedestrians and bicyclists. The intent of these improvements is to improve access to MARTA and downtown for students, residents and visitors of Fairburn. Concerns regarding pedestrian safety, marred by the death of a student crossing US 29 leaving class at Georgia Military College to go to the MARTA bus stop, further exposed the need to provide better pedestrian facilities in the area and improve access to available transit and bus services. It is also important to note that many of the proposed improvements were identified as recommendations in the 2009 LCI Study.

FACTS AND ISSUES: In order to qualify for the federal funds, a 20% local match is required. As a part of the application process, the funding requirement has to be acknowledged by the applicant. This documentation provides assurances to the ARC Board that the proposed sponsor is willing to fulfill all applicable financial and administrative requirements associated with delivering a federal aid transportation project.

The funding commitment will be in the form of an 80% reimbursement of project expenses over the life of the project, expected to be a five-year period. So, future budgets will need to anticipate the cash flow required.

RECOMMENDED ACTION: Staff recommends that the Mayor and City Council adopt the resolution as presented.


Elizabeth Carr-Hurst, Mayor

RESOLUTION NO. _____

RESOLUTION OF COMMITMENT TO IMPLEMENT PROJECT

WHEREAS, it continues to be the desire of the City of Fairburn to support the development and enhancement of its corridors as a means to create and sustain livable environments, efficient vehicular movement, reduction in congestion, improvement of air quality, and facilitation of public mobility through the use of a transportation system which is multi-modal; and

WHEREAS, the Atlanta Regional Commission (ARC) has released a call for applications for 2019 Transportation Improvement Program (TIP) Project Proposals; and the City desires to submit an application for consideration to fund a segment of the Fairburn Historic Downtown LCI Corridor; and

WHEREAS, the purpose of the TIP Project would be to enhance the corridor. The emphasis of the project would be to improve pedestrian access and a key intersection within a segment of the Fairburn Historic Downtown LCI Corridor.

WHEREAS, this corridor is a vital regional link that connects the City of Fairburn to other South Fulton cities by way of the Historic Roosevelt Highway; the project will assist in enhancing the Corridor for all transportation-related uses;

WHEREAS, the grant agreement for Federal financial assistance, if awarded, will impose certain obligations upon the City of Fairburn, and may require the City to provide the local share of the project cost; and

WHEREAS, City of Fairburn will provide all necessary certifications and assurances to the ARC required for the project;

NOW, THEREFORE, BE IT RESOLVED that the Fairburn City Council authorize the filing of a grant application with the Atlanta Regional Commission, in an amount of \$4,950,000.00;

- 1. The Fairburn City Council is aware that the Atlanta Regional Commission may choose to award an amount that is less than the maximum award allowed.*

2. *That the Mayor of the City of Fairburn is authorized to execute and file an application for Federal assistance on behalf of the City of Fairburn with the Atlanta Regional Commission.*
3. *That the Mayor of the City of Fairburn is authorized to execute and file the necessary certifications, assurances and other documents the Atlanta Regional Commission may require before awarding a Federal assistance grant.*
4. *That the Mayor of the City of Fairburn is authorized to execute the grant and other agreements with the Atlanta Regional Commission on behalf of the City of Fairburn.*

This ____ day of _____, 2019.

Elizabeth Carr-Hurst, Mayor
City of Fairburn

ATTEST:

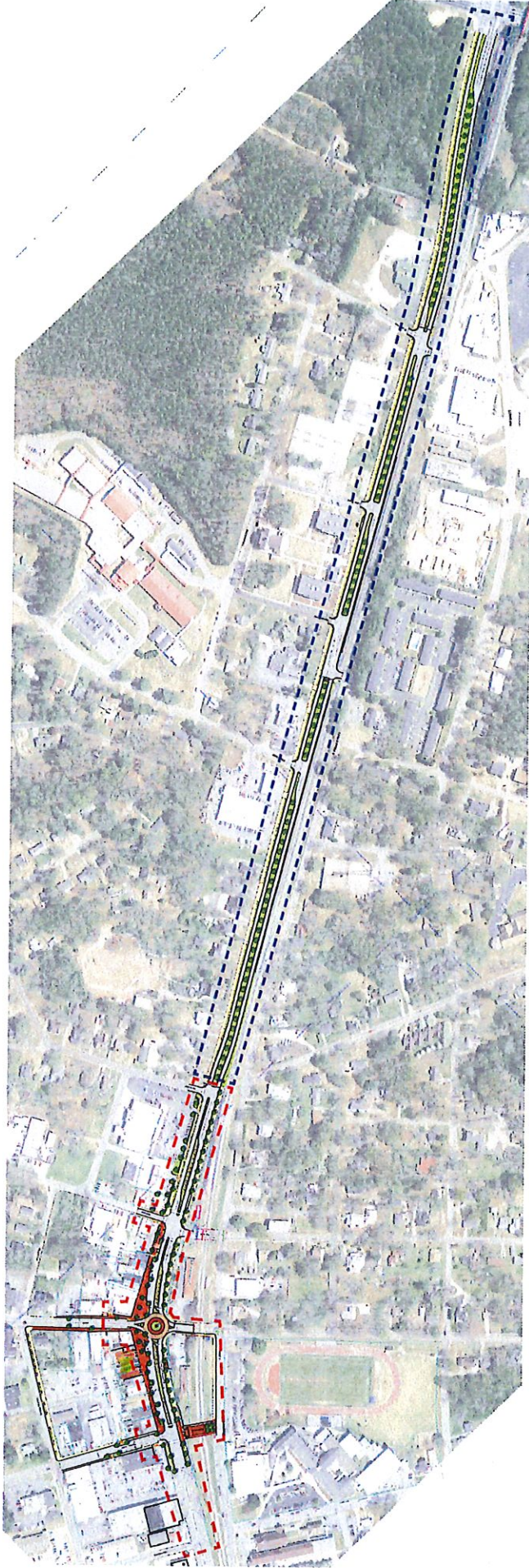
Arika Birdsong-Miller, City Clerk

Date: _____

SEAL:

Downtown Fairburn LCI Plan and Vision for US 29

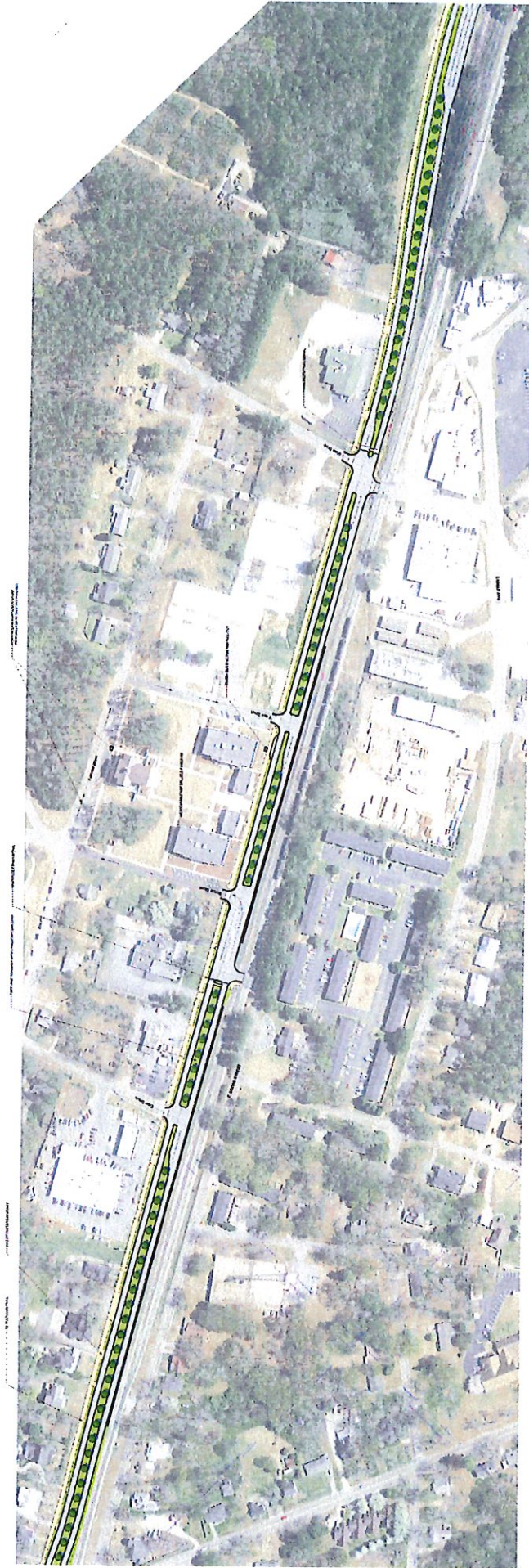
-  Phase 1: Downtown Fairburn LCI Project (0012636)
-  Phase 2: Downtown Fairburn LCI Project (Current Application)



Proposed Improvements:

- New and expanded bicycle and pedestrian facilities (west side of Broad Street)
- Wayfinding
- Improved ADA accessibility
- Signal upgrades including the potential use of HAWK and/or RRFB
- Street trees and plantings
- Landscaped medians (where appropriate)
- New pedestrian and roadway lighting

Detailed Concept Plan for US 29



NOT TO SCALE

General Note

The current plan shown above indicates a road diet from four lanes to two lanes. Based on traffic analysis from Phase 1, a road diet is not appropriate. Where possible, medians will be installed and vegetated conforming to GDOT/AASHTO guidelines.



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Rental Agreement: Fairburn United Methodist – Gymnasium

(☒) AGREEMENT (☐) POLICY / DISCUSSION (☐) CONTRACT
(☐) ORDINANCE (☐) RESOLUTION (☐) OTHER

Submitted: October 23, 2019 Work Session: October 28, 2019 Council Meeting: October 28, 2019

DEPARTMENT: Recreation

BUDGET IMPACT: \$1500.00

PUBLIC HEARING? (☐) Yes (☒) No

PURPOSE: For Mayor and Council to review and approve the rental agreement with Fairburn United Methodist Church for use of the gymnasium located at 5 Washington Street for Fairburn youth basketball practice.

HISTORY: The Fairburn United Methodist Church gymnasium will provide an additional practice facility for the Fairburn Parks and Recreation Department's youth basketball program.

FACTS AND ISSUES:

RECOMMENDED ACTION: For Mayor and Council to approve the Rental Agreement between Fairburn United Methodist Church and the City of Fairburn for use of the gymnasium located at 5 Washington Street for the term of the lease


Elizabeth Carr-Hurst, Mayor

Facility Use Agreement

5 Washington Street, Fairburn GA 30213

THIS AGREEMENT is made and entered into between Fairburn United Methodist Church (hereinafter referred to as "Landlord") and the City of Fairburn, a municipal corporation of the State of Georgia (hereinafter referred to as "Lessee") for rental of the Landlord's gymnasium at 5 Washington Street, Fairburn, Ga 30213 (hereinafter referred to as "Premises").

WHEREAS, Fairburn United Methodist Church is the owner of the Premises located at 5 Washington Street; and

WHEREAS, Lessee desires to use the Premises for basketball practice for the City of Fairburn's Parks & Recreation basketball teams.

TERM: This Agreement is to become effective on November 18, 2019 and shall terminate on February 21, 2020.

A. Basketball practice: Monday -- Friday (6:00pm -- 8:00pm)

RENTAL FEE: Lessee agrees to pay Landlord a rental fee during the term in the amount of \$25 per 2-hour block used for basketball practice. Rent shall be paid at the end of each month during the Term of this Agreement.

OTHER TERMS AND CONDITIONS:

For the use of the Premises, in addition to the payment of Rent, the Lessee agrees to the following terms and conditions:

1. The Premises will be delivered from the Landlord in an as-is condition.
2. Lessee will use the Premises solely as a gymnasium and shall comply with all state, county, and municipal laws and ordinances.
3. Lessee will keep the Premises clean and free from debris while using same. No storage of goods or materials of any kind or description which are combustible or would increase fire risk will be left on the Premises.
4. Landlord shall not be liable for damage to vehicles while parked on Landlord's property due to any reason or cause whatsoever, except where such is due to Landlord's gross negligence or intentional misconduct.
5. Lessee shall provide Landlord with proof of liability insurance in the amount of \$500,000.00 per person / \$1,000,000.00 per occurrence for bodily injury and property damage prior to the effective date of this Agreement.
6. Lessee further understands and agrees that no improvements either permanent or temporary will be made to the Premises unless prior written approval from the Landlord is obtained.

7. In the Landlord's discretion, for failure of the Lessee to follow the policies and procedures for use of the Premises, Lessee's use of the gymnasium may be suspended, or this Lease may be immediately terminated. Otherwise, thirty (30) days notice must be given for termination of agreement.
8. Lessee shall deliver Premises in good order and repair to Landlord upon termination or expiration of this Agreement. Whenever Landlord is entitled to possession of the Premises under the terms of this Agreement, Lessee shall at once surrender Premises to the Landlord and shall remove all of Lessee's property from same, if any.
9. If Lessee fails to pay rent or any other sums due, or otherwise fails to abide by and perform any of the obligations, conditions or provisions of this Agreement, including, but not limited to, failure to reimburse Landlord for any damages, repairs or costs when due, abandonment of the Premises, or violate any of the rules and regulations set forth herein, each and any breach shall constitute a default under this Rental Agreement. If such default continues for three (3) business days after written notice of default from Landlord, Landlord may terminate the lease by written notice to the Lessee.
10. Lessee must provide the Landlord with written notification of any practice cancelation. If written notification is not received, the Lessee is responsible for the rental fee of the scheduled practice.
11. The Premises shall not be sub-leased without the written approval of the Landlord.

This Agreement and any attached addendums constitute the entire Agreement between the parties and no oral statements shall be binding. Lessee agrees that by signing this Agreement it will abide by these conditions and understands that failure to abide by them may result in the loss of the right to conduct their activities as provided herein.

This 28th day of October, 2019.

Lessee, CITY OF FAIRBURN

Landlord, Fairburn United Methodist Church

By: _____
Elizabeth Carr-Hurst, Mayor

By: _____
Fairburn United Methodist Church (Print Name)
Title: _____

Attest: _____
Arika Birdsong-Miller, City Clerk

Fairburn United Methodist Church (Signature)

Approved: _____
William R. (Randy) Turner
City Attorney

Mailing Address:

