



CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
March 25, 2019 @ 6:00 PM

WORKSHOP AGENDA

- I. Meeting Called to Order: **The Honorable Elizabeth Carr-Hurst, Mayor**
- II. Roll Call: Shana T. Moss
Interim City Clerk
- III. Presentations: None
- IV. Discussions:
- V. Review of Agenda Items for Council Session:
 1. Office of the Mayor Mayor Elizabeth Carr-Hurst
For Mayor and Council to Appoint Shana T. Moss, as Interim City Clerk.
 2. Utilities-Stormwater Mayor Elizabeth Carr-Hurst
For Mayor and Council to approve Task Order with Integrated Science and Engineering.
 3. Utilities Mr. Eddie Powell
For Mayor and Council to approve the IPC (Inter-Participant Contract) Agreement.
 4. Police Department Chief Stoney Mathis
For Mayor and Council to add Sec. 8-128 Pouring Permit to the city's Ordinance relating to Alcohol Beverage Licensing.
 5. Parks and Recreation Ms. Chapin Payne
For Mayor and Council to review and approve the rental agreement with G. Pat Green for use of 129 W. Broad Street for City of Fairburn Youth Center daily and event parking.
- VI. Executive Session Mayor and Councilmembers
- VII. Adjournment Councilmembers

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



CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
March 25, 2019

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. De'Carlon Seewood
Mr. Randy Turner

City Administrator
City Attorney

I. Meeting Called to Order:

The Honorable Mayor Carr-Hurst

II. Roll Call:

Shana T. Moss
Interim City Clerk

III. Invocation:

Rev. Deris Coto
First Baptist Church of Fairburn
Pastor of Hispanic Ministries

IV. Pledge of Allegiance:

In Unison

V. Presentations:

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:
February 25, 2019 Council Meeting

Councilmembers

- X. Public Hearing:
Planning and Zoning Ms. Tarika Peek
Lester Family Cemetery Relocation Permit [19CP-001].
- XI. Agenda Items:
1. **Office of the Mayor** Mayor Elizabeth Carr-Hurst
Appointment of Interim City Clerk, Shana T. Moss.
 2. **Utilities-Stormwater** Mayor Elizabeth Carr-Hurst
For Mayor and Council to approve a Task Order with Integrated Science and Engineering in the amount of \$5,100 to conduct Highly Visible Pollution Source (HVPS) and Industrial Inspections, document conditions and produce the required Reports for EPD.
 3. **Utilities** Mr. Eddie Powell
For Mayor and Council to approve the IPC (Inter-Participant Contract) Amendment with MEAG Power.
 4. **Police Department** Chief Stoney Mathis
For Mayor and Council to add Sec. 8-128-Pouring Permit required to City Ordinance relating to Alcohol Beverage Licensing, Chapter 8-Alcohol Beverages.
 5. **Parks and Recreation** Ms. Chapin Payne
For Mayor and Council to review and approve the rental agreement with G. Pat Green for use of 129 W. Broad Street for City of Fairburn Youth Center daily and event parking.
- XII Council Comments Councilmembers
- XIII. *Executive Session
- 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
February 25, 2019

- 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 City Clerk Keisha McCullough. Members present were:

Mayor Elizabeth Carr- Hurst
Councilmember Alex Heath
Councilmember Hattie Portis-Jones

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

Member Absent: Councilmember James Whitmore

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

- III. The invocation was given by Pastor Gary Taylor of Open Word Christian Ministries in Fairburn.
- IV. The Pledge of Allegiance was recited in unison.
- V. There were no Presentations.
- VI. Public Comments: Numerous citizens opted to speak during the public hearing.
- VII. Adoption of Agenda: The motion to approve the agenda was made by Councilman Smallwood and the second was provided by Mayor Pro-Tem Davis. Vote: 5-0 Motion Carried.
- VIII. Approval of Consent Agenda: There were no consent agenda items.
- IX. Approval of February 11, 2019 Minutes: The motion to approve minutes was made by Councilman Heath and the motion was seconded by Councilman Smallwood. Vote: 5-0 Motion Carried.
- X. Public Hearings:

1. Continued Public Hearing for Rezoning 18RZ-004 with a Concurrent Use Permit (18U-005) Exeter Bohannon Land, LLC. Staff recommended denial of this request. The following individuals spoke in support of this request:

The following individuals spoke in Support:

Mr. G. Douglas Dillard the applicant, spoke in support stating there are two tracts of land for this request, the plan will be the same for each tract. He disseminated information to mayor and council consisting of letters of support from residents, a traffic impact study, renderings of the area, an outline of an evergreen buffer and an appraisal. Mr. Dillard distributed a letter with legal ramifications based on the ordinance that the use permit should be approved and traffic cannot be use as a basis for denial.

Mr. Adam Duerr, spoke in support of this request and said this request will not impact the traffic flow in the Creekwood Area. He understands the road needs to be upgraded anyway and this request will not impact the ambience of the area. The warehouse will have neutral tones to blend in with the natural edifice.

The following individuals spoke in Opposition to this request:

Mr. Neale Nickels stated he purchased his farm and he likes living in the space he purchased.

Mr. Greg Hart spoke on behalf of 25 families in the area. He outlined reasons why Exeter would not be a good idea. The traffic would be dramatically impacted, and the property values would decrease as well as the tax digest.

Mr. Ben Pugh spoke on behalf of his mother-in-law Ms. Diane Lee. He stated that allowing this request would be an inappropriate use of land and would negatively impact the economic engine of the city.

Mrs. Lissa Cocoran stated she works with kids who experience trauma and approving this request would interfere with her program, which could possibly end.

Ms. Vanessa Turner stated she is concerned about the traffic. She will have to leave 30 minutes early to get to the highway and she is further concerned about emergency vehicles getting through. She is concerned there will be an increase in criminal activity and she has a constitutional right to be safe and happy in her home.

Ms. Barbara Allison stated she has lived in Fairburn for 30 years. She further stated it is hard to get to Highway 74 and it is easier to get to Peachtree City and Tyrone. She is also concerned about Fire and Police getting to the site.

Ms. Darcey White stated she is a new resident on Mann Road and feels there would be a decrease in water quality.

Mr. Reggie Ackie resides in Creekwood Village. He purchased his home in 1996 and moved in the area due to the quietness. This would kill the value and neighborhood in the Creekwood Village.

Mr. Derek Jones stated he doesn't understand how Exeter can tell the mayor and council what and what not to do. He left New York City because of pollution and crime. If this request is allowed this could be the same increase in pollution and crime as he experienced.

Mr. Randy Ognio, stated he is a Fayette Commissioner and his residents are worried about the citizens in Fayette County. There are no buffers on the Fayette County line.

Mr. Dillard's (Applicant) rebuttal to the opposition is this property has been zoned for the past 12-13 years for a request of this type. Council can consider traffic, but they cannot make it the basis for their denial. In the comprehensive plan, there was no discussion about why it would be

made greenspace. The comparison is between what we can do that is right and what we're going to do today; traffic is not an issue.

Councilman Heath stated he would need to know the cost of the 12 ft roads, and the cost of the property for the city?

City Planner, Ms. Tarika Peek stated that the proposal of the site is not synchronized with the comprehensive plan or the land use map. The staff's recommendation is based off that information. The area is rural residential, the roads are narrow and the bridge over the creek is small. Everything south of Creekwood Road is not for truck routes.

Motion to close the Public Hearing was made by Councilwoman Portis-Jones and the motion was seconded by Councilman Smallwood. Vote: 5-0 Motion Carried.

Motion to deny Rezoning 18RZ-004 with a Concurrent Use Permit (18U-005)-Exeter Bohannon Land, LLC was made by Mayor Pro-Tem Davis with the second provided by Councilman Smallwood. Vote: 5-0 Motion Carried.

2. Continue Public Hearing for Use Permit 18U-003-Exeter Bohannon Land, LLC.
City Planner, Ms. Tarika Peek stated staff's recommendation was denial.

Mr. Doug Dillard, applicant incorporated the information from the first public hearing for his response.

The following individuals spoke in Opposition:

Mr. George Hart stated the buffer consists of scrub trees. He lives in Asbury Park and trucks and diesel are in his back yard. He is very upset about this.

Mr. Greg Hart stated he wanted to use the same information he said from the prior hearing. This request is inconsistent with the comprehensive plan and land use map.

Ms. Denecia Buzz stated no, we don't want it.

Mr. Derek Jones stated people don't want to deal with this.

Mr. Randy Ognio stated that Exeter doesn't care about the Fayette County Neighbors.

Mr. Dillard's rebuttal to the opposition was, "we do care about our neighbors, we are going to protect the creek line." Mr. Hart didn't have one piece of evidence that supported what he spoke about. He further stated that Mr. George Hart spoke in favor of the annexation in 2006; there were no speakers in opposition to the annexation and the zoning has not changed since 2006.

City Planner, Ms. Tarika Peek stated M1 and M2 is not allowed in the PD (Planned Development) district. The development is not conducive with the comprehensive plan and land use map.

The motion to close the public hearing was made by Mayor Pro-Tem Davis and the motion was seconded by Councilman Heath. Vote: 5-0: Motion Carried.

The motion to deny Continued Public Hearing for Use Permit 18U-003-Exeter Bohannon Land, LLC was made by Councilman Heath with the second provide by Councilman Smallwood. Vote: 5-0: Motion Carried.

3. Rezoning 18RZ-007-6905 Development Company (Renaissance Festival). The motion to open the public hearing was made by Councilwoman Portis-Jones and the motion was seconded by Mayor Pro-Tem Davis. The staff's recommendation is approval with two conditions.

In Support:

Mr. Brian Pelham the applicant of Integrated Science Engineer stated he held a community meeting about a month ago with neighbors in the vicinity. The applicant stated they would erect a fence to protect the area, they would not insert an access road.

In Opposition:

Mr. Michael and Mrs. Mary Johnson stated why are we (our living area) open to the Renaissance Festival? It doesn't provide any revenue for us. We were not aware of a neighborhood meeting. The road should run north or west out of Duncan Park, all the traffic will be dumped into our neighborhood. The Renaissance Festival is not a good neighbor, an access road should not run through a residential area, and Rivertown Road is a speed trap.

Rebuttal:

This festival will not cause an increase in traffic.

Councilwoman Portis-Jones apologized to the Johnson's for not receiving notification of a meeting.

City Planner, Ms. Tarika Peek explained the process of how an applicant can make a public notification meeting. She stated all properties within 500 feet of the subject property is notified. A sign is posted before it comes to council.

The motion to close the public hearing was made by Councilman Smallwood and the second was provided by Mayor Pro-Tem Davis. Vote: 5-0 Motion Carried.

The motion to approve Rezoning 18RZ-007-6905 Development Company (Renaissance Festival) was made by Councilman Heath with Mayor Pro-Tem Davis providing the second. Vote: 5-0 Motion Carried.

XI. Agenda Items:

4. Appointment of De'Carlton Seewood as City Administrator for the City of Fairburn effective

March 6, 2019. The motion to approve the employment agreement was made by Mayor Pro-Tem Davis and the second was provided by Councilman Smallwood. Vote: 5-0 Motion Carried.

5. Approval of a Resolution opposing House Bill 302, Preemption of Local Building Design Standards. The motion to approve the resolution was made by Councilman Pallend with the second provided by Mayor Pro-Tem Davis. Vote: 5-0 Motion Carried.

6. Council Comments:

Councilman Smallwood stated it is a pleasure to serve and God bless everyone.

Councilwoman Portis-Jones stated it is great seeing government and community at work.

7. Executive Session: Mayor and Council entered Executive Session at 9:05p.m. to discuss a personnel matter.

8. Adjournment: The official meeting of the Mayor and Council was adjourned at 9:20 p.m. with Mayor Pro-Tem Davis making the motion and the second provided by Councilman Heath. Vote: 5-0 Motion Carried.

Shana T. Moss, Interim City Clerk

Elizabeth Carr-Hurst, Mayor



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

SUBJECT: Lester Family Cemetery Relocation Permit [19CP-001]

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

Mayor and City Council: March 25, 2019

DEPARTMENT: Community Development/ Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: According to the Official Code of Georgia, OCGA § 36-72-4, "Abandoned Cemeteries and Burial Grounds," 1991, no known cemetery, burial ground, human remains, or burial object shall be knowingly disturbed by the owner or occupier of the land on which the cemetery or burial ground is located for the purposes of developing or changing the use of any part of such land unless a permit is first obtained from the governing authority or municipality where the cemetery or burial ground is located. On January 31, 2019, the property owner of the Lester Family Cemetery officially submitted a Cemetery Relocation Permit to the Office of Planning and Zoning. The application consists of five parts: 1.) an archaeological report; 2.) a survey showing legal cemetery and property boundaries; 3.) a report on genealogical research and a descendant notification plan and a disinterment/reinterment plan and proposal for mitigation.

Staff is requesting for the Mayor and City Council to consider the permit request to relocate the Lester Family Cemetery located at 7895 Senoia Road/Hwy 74 to Holly Hill Memorial Park cemetery located at 359 W. Broad Street, Fairburn.

FACTS: The applicant, Mohammad Khimani, is requesting a permit to relocate the Lester Family Cemetery which is located on the westside of Senoia Road/Hwy 74, approximately 0.25 miles south of the intersection of I-85 and Hwy 85. The cemetery is north of the Package Depot liquor store located at 7895 Senoia Road. Mohammad Khimani purchased the property in 1994 and he states in the cemetery relocation permit application that the cemetery showed clear signs of abandonment, such as broken and fallen headstones, overgrown dense vegetation and the cemetery was not visible from Senoia Road due to the overgrown vegetation. The cemetery dates back to the 1800's and based on genealogical and deed research conducted in 2002 by The Research Company (TRC), there are approximately 65 individuals interred in the cemetery; 35 may be adult graves and 30 are probably children graves. Also, there are several Confederate veterans interred in the cemetery. The cemetery includes members of the Brown, Lester, Cochran, Jones, Simple, and Duncan families. The owner would like to relocate all of the interred individuals in the Lester Family Cemetery to Holly Hill Memorial Park Cemetery [359 W. Broad Street, Fairburn].

ISSUES CONSIDERED IN DECISION:

The OCGA § 36-72-8, "Issues considered in decision on application for permit", states, "The governing authority shall consider the following in making its determination:

1. The presumption in favor of leaving the cemetery or burial ground undisturbed;
Staff Findings [as referenced in OCGA § 36-72-1, "Legislative findings and intent"]

The Georgia General Assembly declares that human remains and burial objects are not property to be owned by the person or entity which the land or water where the human remains and burial objects are interred or discovered, but human remains and burial objects are a part of the infinite, irreplaceable, and nonrenewable cultural heritage of the people of Georgia which should be protected. The care accorded the remains of deceased persons reflects respect and regards for human dignity as well as cultural, spiritual, and religious values.

In addition, the intent of Georgia General Assembly provision, *OCGA § Title 36, Chapter 72 Abandoned Cemeteries and Burial Grounds*, requires respectful treatment of human remains in accord with the equal and innate dignity of every human being and consistent with the identifiable ethnic, cultural, and religious affiliation of the deceased individuals as indicated by the method of burial or historical evidence or reliable information.

2. The concerns and comments of any descendants of those buried in the burial ground or cemetery and any other interested parties;

Staff Findings:

The Office of Planning and Zoning received +/- 81 statements (i.e. letters via USPS and emails) and 7 telephone calls from descendants regarding the Lester Family Cemetery Relocation. There have been social media [Facebook] posts related to the relocation of the cemetery. All of the written statements, calls, and social media posts have strongly expressed opposition of relocating the graves. Copies of the letters and emails are attached.

The OCGA § 36-72-2(1) defines an abandoned cemetery as *“one which shows signs of neglect including...the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery”*.

Many of the descendants have expressed in their statements that the property owner has denied access to the cemetery and therefore, arguably deny that the cemetery is abandoned. The unmaintained condition of the cemetery is due to the property owner's unwillingness to allow descendants on the property to care for the graves. Statements from several descendants exclaim that the cemetery was well-maintained for many years when the property was owned by family members. When the property was no-longer owned by family members, various civic groups attempted to maintain the cemetery. Descendants have voiced that the relocation of the cemetery disregards the cultural and historical value that it holds for the descendants of the individuals buried at the cemetery and anyone who maintains an interest in preserving the history of Fairburn. Furthermore, the relocation of the graves undermines the religious and spiritual values under which the individuals were interred.

3. The economic and other costs of mitigation;

Staff Findings:

The applicant submitted an estimated cost of relocation with the permit application. The estimates are as follows:

o Brockington and Associates	\$31,907.09
o Georgia Interment Service	
▪ Removing large Granite Crypts and Discarding	\$300 each
▪ Removing Old Monuments and Discarding	\$200 each
▪ Moving Reusable Monuments to Holly Hill and Resetting	\$200 each
▪ 65 New Containers 36" x 17" x 13"	\$250 each
▪ Excavation work, transporting to Holly Hill includes excavator, operator, conex box for storage onsite	\$300 each
o Holly Hill Memorial Park Cemetery Quote dated 6/18/18	\$95,487.46

See the attached estimates.

4. The adequacy of the applicant's plan for disinterment and proper disposition of any human remains or burial objects;

Staff Findings [as referenced in the Lester Family Cemetery Relocation Permit Application]:

The applicant submitted a Disinterment/Reinterment Plan and Proposed Mitigation with the cemetery relocation permit. The disinterment/reinternment plan states, "prior to burial excavation, underbrush and small trees will be removed by hand and no heavy equipment will be allowed near the graves. Once the trees are removed, the identification of grave shafts will be conducted through groundtruthing (mechanical scarping). Burial excavation will be conducted by Brockington and Associates' archaeologist and the disinterment/reinterment process will be supervised by a licensed funeral director from Georgia Interment Service. The backhoe operator will remove leaf litter, sod, and adequate topsoil to expose the top of each grave shaft. Following the identification of the grave shaft, the mechanical excavator will remove overburden from the primary shaft approximately 20 centimeters above the coffin remains with a smooth-blade bucket. Archaeologist will carefully monitor this process to ensure that the mechanical excavator does not come into contact with any coffin remnants or human remains.

After the overburden, has been removed, the graves will be manually excavated using shovels, trowels, wooden picks, and dental picks. Soils at the base of all graves will be screened using 0.1375-cm mesh hardware screens. The graves will be metal detected to ensure that all metal coffin parts and hardware are collected as well as all metal graves foods. Approximately six graves will be excavated each day. All burials will be documented using the Georgia Council of Professional Archaeologists' Historic Burial Removal Form. Basic descriptive data (length, width, depth, soil description) will be recorded for each burial.

Following documentation, burials and associated cultural materials, including surface and subsurface grave goods, will be placed in the vault/casket combinations and pertinent information (e.g., burial number) will be written on a metal tag and placed in the casket. If the remains are not taken directly to the perpetual care cemetery, the burials will be securely stored in a respectful manner in a secure storage facility, or at a secure storage facility at the contracted funeral home, until the reburial process begins. Burials excavated from the existing cemetery will be reinterred in a perpetual care cemetery at Holly Hill Memorial Park [359 West Broad Street, Fairburn]. An attempt will be made to reinter the human remains based on the plan map of the cemetery. At a minimum, new shafts will be excavated on an east-west axis (as is standard with Judeo-Christian burials), and the vault/caskets will be carefully placed in the shafts. The disinterment/reinterment plan ensures relocation of all graves and sensitive treatment of the human remains.

All graves of identified individuals will be marked with inscribed granite markers which will provide the name of the individual as well as birth and death dates, if known. The Confederate Veterans' markers that are currently in the Lester Family Cemetery will be moved and re-set at Holly Hill Memorial Park Cemetery. All other headstones, footstones, box crypts, and slab markers will be taken to the Stephens Industries, LP rock quarry in College Park, Georgia, for recycling and will be pulverized. A separate granite marker providing a brief history of the cemetery and its previous location will also be provided at the Holly Hill Memorial Park Cemetery. Lester Family descendants will be given the opportunity to review and comment on the information which will be provided on all grave markers. The results of the archaeological excavations and the reinterment of the burials from the Lester Family Cemetery will be documented in a brief report that will be submitted to the City of Fairburn for their review and retention.

See the attached Disinterment/Reinterment Plan and Proposed Mitigation.

5. The balancing of the applicant's interest in disinterment with the public's and any descendant's interest in the value of the undisturbed cultural and natural environment; and

Staff findings:

Mohammad Khimani purchased the property in 1994 with knowledge of the cemetery's presence on the property. On March 2, 2017, Mr. Khimani submitted a conceptual site plan and building elevations to the City of Fairburn Department of Community Development to add 6,793 SF retail building on the existing commercial building located at 7895 Senoia Road. Staff reviewed the plan and requested for Mr. Khimani to show the boundary of the cemetery on the conceptual site plan to ensure that the proposed development

would not encroach into the cemetery. A revised conceptual site plan was not submitted. In the spring of 2018, the Office of Planning and Zoning staff was contacted by Brockington and Associates to discuss the relocation of the Lester Family Cemetery.

Based on the cemetery relocation permit, the property owner believes that the cemetery has been abandoned and that it showed clear signs of abandonment [broken and fallen headstones, overgrown underbrush and trees] when he purchased it in 1994. However, the descendants adamantly deny the claim of abandonment and states that the property owner has denied descendants access to the cemetery, which has prohibited families the opportunity to maintain the graves. Many of the descendants have expressed that the relocation of the individuals interred in the cemetery does not preserve or support the integrity of the community's history and values. Their opposition is also based upon ethical and moral objections to the practice of burial removal based upon the interpretation of the Georgia code and their own personal [religious] beliefs.

6. Any other compelling factors which the governing authority deems relevant.

Staff Findings:

The Lester Family Cemetery Relocation Permit Application was submitted to the Georgia Department of Natural Resources, Historic Preservation Division for review. Rachel Black, Deputy State Archaeologist, reviewed the application and stated:

"Overall, the proposed archaeological methods for exhumation and reburial of the remains is acceptable meeting standards expected in the archaeological industry. However, clarification on the following is recommended:

1. Provide a more legible map detailing the location of individual graves as well as the cemetery boundaries as determined by TRC in 2002.
2. Provide information regarding the proposed disposition of the existing headstones, footstones, and any and all additional above ground grave items.
3. Will an osteologist (or bioarchaeologist) be on site during fieldwork?
4. Will an eighth inch screen be used to screen all subadult excavations?

In addition, the proposal stipulates "...approximately six graves will be excavated each day...". This may be ambitious but will be dictated by field conditions, soil type, depth of burial, preservation of remains, and size of crew.

I also encourage the city to be as transparent in this process as possible and to engage the descendant community as early in the process as possible and as often as possible. The disposition of an historic cemetery is often very personal and intimate and responses are often very passionate".

Brockington and Associates responded to the above-mentioned questions by Rachel Black and the responses were added to the permit application.

STAFF RECOMMENDATION: For the Mayor and Council to DENYING the Lester Family Cemetery Relocation Permit.

ATTACHMENTS:

1. Cemetery Relocation Permit Application
 - o Permit Application Summary
 - o Ownership of Property
 - o Archaeological Report
 - o Survey Showing Legal Boundaries
 - o Disinterment/Reinterment Plan and Proposed Mitigation
 - o Estimated Cost of Relocation
2. Conceptual Plan and Elevation
3. Descendent Letters and Emails

Application For Permit for:

**Relocation of the Lester Family Cemetery
City of Fairburn, Fulton County, Georgia**

**Under Official Code of Georgia
Annotated (OCGA) § 36-72-1, et seq.**

**Prepared for
SMAS, Inc.**

Compiled by

**Michael Reynolds
Historian/Archaeologist**

Mike Reynolds

**Brockington and Associates, Inc.
Peachtree Corners, Georgia
January 2019**

Permit Application Summary

This permit request is for the relocation of the Lester Family Cemetery which is located on the west side of Senoia Road (Highway 74), approximately 0.25 mile south of the intersection of Interstate 85 and Highway 74. The cemetery is immediately north of a liquor store (Package Depot) located at 7895 Senoia Road. The Lester Family Cemetery, which contains both marked and unmarked graves, is included in Land Lot 27 in the 9th Land District of Fulton County, Georgia. Figures 1 and 2 are location maps for the cemetery.

When the present owner (M. Khimani) first purchased the property in 1994, the cemetery showed clear signs of abandonment, such as broken and fallen headstones. In addition, the entire cemetery lot was overgrown with dense vegetation and was not visible from Senoia Road.

In 2002, the present property owner considered relocating the cemetery and funded research necessary to produce a cemetery relocation permit application packet as required under the Official Code of Georgia Annotated (OCGA) Section 36, Chapters 72-5, "Abandoned Cemeteries and Burial Grounds," 1991, as amended. The investigations were conducted by The Research Company, Inc. (TRC). In 2009, the property owner, in cooperation with an adjacent property owner (Holiday Inn) and the City of Fairburn, cleared the vegetation from the cemetery, reset the headstones, and erected a fence around the cemetery. However, since that time the cemetery has become overgrown with underbrush and small trees.

Genealogical and deed research conducted in 2002 by TRC revealed the cemetery is associated with the Lester, Brown, Simpler, Jones, Cochran, and Duncan families. The local Chapter of the Sons of the Confederacy also placed several headstones in the cemetery at the burial locations of identified Confederate veterans. These veterans were identified through the genealogical research conducted by TRC, which included interviews with family descendants. At present, the fenced cemetery is surrounded by commercial development which includes the liquor store to the south, a gas station to the north, Senoia Road to the east, and the Holiday Inn hotel and parking lot to the west. In addition, there are no surviving mature trees or ornamental cemetery vegetation in the cemetery.

Based on the archaeological cemetery delineation, which was conducted in 2002 by TRC, there are approximately 65 individuals interred in the cemetery. The present property owner desires to relocate all individuals interred in the Lester Family Cemetery to a perpetual care cemetery. As a result, the OCGA § 36-72-5, "Abandoned Cemeteries and Burial Grounds," 1991, as amended, requires a Cemetery Relocation Permit. In accordance with the OCGA, evidence of property ownership (OCGA § 36-72-5 [1]); an archaeological report (OCGA § 36-72-5 [2]); a survey showing legal cemetery and property boundaries (OCGA § 36-72-5 [3]); a report on genealogical research and a descendant notification plan, (OCGA § 36-72-5 [4]); and a disinterment/reinterment plan and proposal for mitigation (OCGA § 36-72-5 [5]) have been provided in this permit application. Each of these exhibits represents individual reports completed by individual specialists. The deed research and genealogical research were supplemented with research conducted by Brockington and Associates, Inc. (Brockington), in 2018. The descendant notification plan and the disinterment/reinterment plan were also updated by Brockington in 2018.

Part 1. Ownership of Property
OCGA § 36-72-5 (1)

Ownership of Property

Introduction

The Lester Family Cemetery is located on the west side of Senoia Road (Highway 74), approximately 0.25 mile south of the intersection of Interstate 85 and Highway 74. The cemetery is immediately north of a liquor store (Package Depot) located at 7895 Senoia Road. The Lester Family Cemetery, which contains both marked and unmarked graves, is included in Land Lot 27 in the 9th Land District of Fulton County, Georgia (see Figures 1 and 2, cemetery location maps).

When the present owner (M. Khimani) first purchased the property in 1994, the cemetery showed clear signs of abandonment, such as broken and fallen headstones. In addition, the entire cemetery lot was overgrown with dense vegetation and was not visible from Senoia Road. In 2009, the present property owner, in cooperation with an adjacent property owner (Holiday Inn) and the City of Fairburn, cleared the vegetation from the cemetery, reset the headstones, and erected a fence around the cemetery. However, since that time the cemetery has become overgrown with underbrush and small trees.

Genealogical and deed research funded by the present property owner and conducted by The Research Company, Inc. (TRC), in 2002 revealed the cemetery is associated with the Lester, Brown, Simpler, Jones, Cochran, and Duncan families. The local Chapter of the Sons of the Confederate Veterans also placed several headstones in the cemetery at the burial locations of identified Confederate veterans. These veterans were identified through the genealogical research which included interviews with family descendants. At present, the fenced cemetery is surrounded by commercial development which includes the liquor store to the south, a gas station to the north, Senoia Road to the east, and a Holiday Inn hotel and parking lot to the west. In addition, there are no surviving mature trees or ornamental cemetery vegetation in the cemetery.

Based on the archaeological survey and cemetery delineation, which was conducted in 2002 by TRC, there are approximately 65 individuals interred in the cemetery. The present property owner desires to relocate all individuals interred in the Lester Family Cemetery to a perpetual care cemetery. As a result, the Official Code of Georgia Annotated (OCGA) § 36-72-5 "Abandoned Cemeteries and Burial Grounds," 1991, as amended, requires a Cemetery Relocation Permit. As part of the permit application process, the law requires evidence of property ownership, which includes a legal title opinion on property ownership. The following report provides a history of property ownership, and the legal title opinion is provided in Appendix A.

Background Research

Background research was conducted by TRC in 2002, and supplemented by Brockington in 2018, to determine who holds the current legal deed to the cemetery, to establish history of ownership of the cemetery, and to assist in determining who is interred in the cemetery.

This research was carried out as part of the necessary steps towards obtaining a development permit as required under the Georgia "Abandoned Cemeteries and Burial Grounds" act (§ 36-72). The genealogical study was undertaken after the systematic delineation of the cemetery through probing, in which 65 graves were identified. Inscribed headstones, land records, and oral history indicated that the cemetery was used by related members of the Lester, Brown, Simpler, Jones, Cochran, and Duncan families from at least 1845 to 1912.

Documentary research was carried out at the Georgia State Archives, the Deed Room of the Fulton County Courthouse, and the southeast regional National Archives Records Administration. Further genealogical information was obtained from descendants and former landowners. TRC conducted deed research and traced ownership of the parcel containing the cemetery back to 1917; state land lottery records show that the land was originally issued in 1821. Historically, the lot had been part of Fayette County, Campbell County, and finally, Fulton County. Some of the individuals buried in the cemetery lived in Coweta County. Thus, records for all four counties were searched. Census records, family records, marriage indices, will books, deeds, mortality indices, newspapers, Civil War militia records, and other historical sources were consulted to trace the descendants of those individuals buried in the cemetery. Brockington traced the ownership back to 1873.

History of Ownership of the Cemetery Parcel

Table 1 presents the ownership history of District 9, Land Lot 27, which contains the Lester Family Cemetery. The grantor/grantee indices for Campbell County, and the portion of Fayette County that became Campbell County, date back to 1828. Archival records show that Shadrack Kelly drew the original land lot (Land Lot 27) in the 1821 Georgia Land Lottery (Lucas 1986). At that time the land lot was in Fayette County, Georgia. Land Lot 27 later became part of Campbell County when that county was created in 1829. In 1931, Land Lot 27 and the remainder of Campbell County became part of Fulton County (Cooper 1934).

TRC contacted Frances Cown who revealed that her father was William Clark Brooks and that the late Georgia Mae Olvey was her sister. Mr. Brooks apparently built a house near the property around 1919. Ms. Cown indicated that the Brooks family was not related to any of the individuals buried in the Lester Family Cemetery. The genealogy compiled by TRC supports this conclusion, as no familial connection could be found between W.C. Brooks and the descendants of those individuals interred in the cemetery (Wilson 2002).

Except for the 1821 Georgia Land Lottery records (Lucas 1986) which indicate that Shadrack Kelly drew Land Lot 27 on which the Lester Family Cemetery is now located, no land records prior to 1869 could be found for the cemetery tract. However, land records do indicate that in the late nineteenth century the Lester family owned property north of the cemetery tract. According to a Brown Family descendant, Mrs. Brenda Torbush, a church known as Baptist Rest was once located adjacent to the cemetery. According to Mrs. Torbush, the church was founded prior to the Civil War. She stated that the members of the Lester family, as well as associated families, attended the church. There is no mention of a church in the deed records for the tract where the cemetery is located or in records of adjacent tracts. However, as was earlier stated, no deeds could be found for the cemetery tract prior to 1873. Currently there is no church building on the cemetery tract or adjacent to the tract.

Table 1. Chain of Title for Land Lot 27, which Includes the Lester Family Cemetery. From Campbell County and Fulton County Records (Campbell County Superior Court 1828-1931; Fulton County Superior Court 1932-2002).

Grantee	Grantor	Deed Book	Page	Date	Acres
Mohammad Khimani	Frances B. Cown, Georgia Mae Olvey	19220	208	1994	4.05
Frances B. Cown and Georgia Mae Olvey	Jimmie Lou Brooks estate	8533	205	1983	4.20
Jimmie Lou Brooks	William Clark Brooks Estate (Georgia Mae Brown Olvey executrix)	7446	248	1979	4.20
W. C. Brooks	R. H. McLarin	V	179	1917	17
R. H. McLarin	W. H. McLarin	V	185	1917	80
W. H. McLarin	A.S. Rhodes	N	352	1902	101.5
A.S. Rhodes	A.B. Smith, M.P. Harvey, and J.F. Golightly	N	350	1889	152.5
A.B. Smith, M.P. Harvey, and J.F. Golightly	John P. Miller	N	349	1886	152.5
John P. Miller	James R. Bradbury & Lula E. Bradbury	H	74	1873	152.5

From Plats for the Land Lottery (Georgia Surveyor General 1821)

Drawer	Land Lot	Date
Shadrack Kelly	27	1821

At some point after the Civil War, Baptist Rest Church moved to a new location on Gullatt Road. The new location is in in Land Lot 133, approximately 1.5 miles west of the Lester Family Cemetery. The new church building is still standing and has an associated cemetery. The church is now known as New Church of Life and is owned by a different Christian denomination. The earliest record for Baptist Rest Church is an 1883 lien taken out by a mechanic, J.R. Norton, for expenses associated with improvements to a house adjacent to and owned by Baptist Rest Church (Campbell County Deed Book [CCDB] 1883 I:768). However, this lien was associated with the new church located in Land Lot 133 of the 7th District of Campbell County (Gullatt Road).

The earliest deed record for the tract on which the Lester Family Cemetery is located is an 1873 deed for the sale of 152.5 acres of land by James R. Bradbury and his wife, Lula E. Bradbury, to John P. Miller (CCDB 1873 H:74). However, an earlier 1869 land transaction between Matthew Read and J.R. Bradbury, in Land Lot 27 of the 9th District of Fayette County, was likely the same tract of land but the deed still referenced the earlier county location of Fayette (CCDB 1869 G:530).

In 1886, John P. Miller sold the 152.5 acres to A.B. Smith, M.P Harvey, and J.F. Solightly (CCDB 1886 N:349). In 1889, A.B. Smith et al. sold the 152.2-acre tract to A.S. Rhodes (CCDB 1889 N:350). In 1902, A.S. Rhodes sold 101.5 acres of the 152.5-acre tract to W.H. McLarin. The 101.5 acres included the area where the cemetery is now located (CCDB 1902 N:352). However, the deed did not reference a cemetery or a church. In 1917, W.H. McLarin sold 80 acres of the 101.5-acre tract to R.H. McLarin (CCDB 1917a V:185). This included the area where the Lester Family Cemetery is located. Also, in 1917, R.H. McLarin sold 17 acres of the 80-acre tract to W.C. Brooks (CCDB 1917b V:179). This included the area where the Lester Family Cemetery is located. In 1979, the Estate of William Clark Brooks (Georgia Mae Olvey, Executrix) conveyed 4.2 acres of the 17-acre tract to Jimmie Lou Brooks (Fulton County Deed Book [FCDB] 1979 7446:248). In 1983, the Jimmie Lou Brooks estate conveyed the 4.2-acre tract to Frances B. Cown and Georgia Mae Olvey (Joint Tenants with Right of Survivorship) (FCDB 1983 8533:205). In 1994, Frances B. Cown and Georgia Mae Olvey sold the 4.20 (minus easements, for a total of 4.05 acres) to Mohammad Khimani (FCDB 1994 19220:208). The 4.05 acres included the Lester Family Cemetery. However, the cemetery was not referenced in the deed.

References Cited

Campbell County Deed Books (CCDB) (Georgia Archives)

- 1869 Deed of Conveyance, from Matthew Read to J. R. Bradbury. Deed Book G:530. Campbell County Clerk of Records, Fairburn, Georgia.
- 1873 Deed of Conveyance, from to James R. Bradbury and Lula E. Bradbury to John P. Miller. Deed Book H:74. Campbell County Clerk of Records, Fairburn, Georgia.
- 1883 Lien on a house owned by Baptist Rest Church et al., Land Lot 133, in the 7th District of Campbell County, for services rendered by J.R. Norton, mechanic. Deed Book I:768. Campbell County Clerk of Records, Fairburn, Georgia.
- 1886 Deed of Conveyance, from John P. Miller to A.B. Smith, M.P. Harvey, and J.F Golightly. Deed Book N:349. Campbell County Clerk of Records, Fairburn, Georgia.
- 1889 Deed of Conveyance, from A.B. Smith, M.P. Harvey, and J.F Golightly to A. S. Rhodes. Deed Book N:350. Campbell County Clerk of Records, Fairburn, Georgia.
- 1902 Deed of Conveyance, from A. S. Rhodes.to W.H. McLarin. Deed Book N:352. Campbell County Clerk of Records, Fairburn, Georgia.
- 1917 Deed of Conveyance, from W. H. McLarin to R. H. McLarin. Deed Book V:185. Campbell County Clerk of Records, Fairburn, Georgia.
- 1917 Deed of Conveyance, from R. H. McLarin to W. C. Brooks. Deed Book V:179. Campbell County Clerk of Records, Fairburn, Georgia.

Cooper, Walter G.

- 1934 *Official History of Fulton County, Georgia*. Reprinted 1978 by The Reprint Company, Publishers, Spartanburg, South Carolina.

Fulton County Deed Books (FCDB) (Fulton County Courthouse)

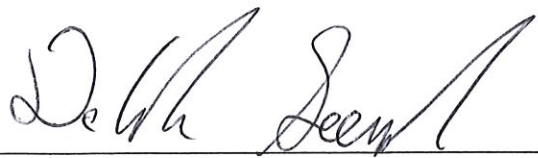
- 1979 Deed of Conveyance, from William Clark Brooks Estate (Georgia Mae Brown Olvey executrix) to Jimmie Lou Brooks. Deed Book 7446:248. Fulton County Clerk of Records, Atlanta, Georgia.
- 1983 Deed of Conveyance, from the Jimmie Lou Brookes Estate to Frances B. Cown and Georgia Mae Olvey. Deed Book 8533:205. Fulton County Clerk of Records, Atlanta, Georgia.
- 1994 Deed of Conveyance, from Frances B. Cown and Georgia Mae Olvey to Mohammad Khimani. Deed Book 19220:208. Fulton County Clerk of Records, Atlanta, Georgia.

Lucas, Rev. Silas Emmett, Jr.

- 1986 *The Fourth or 1821 Land Lottery of Georgia*. Southern Historical Press, Inc., Easley, South Carolina.

Wilson, Kristin J.

- 2002 *Results of Genealogical Investigation of The Lester Family Cemetery in Fulton County, Georgia*. Submitted to Patrise Perkins-Hooker and Associates, PC, Atlanta, Georgia. Prepared by TRC, Atlanta Georgia.

Handwritten signature of De'Carlton Seewood in black ink.

De'Carlton Seewood, City Administrator

Handwritten signature of Elizabeth Carr-Hurst in blue ink.

Elizabeth Carr-Hurst, Mayor

Part 2. Archaeological Report
OCGA § 36-72-5 (2)

Archaeological Survey Report

Introduction

The Lester Family Cemetery is located on the west side of Senoia Road (Highway 74), approximately 0.25 mile south of the intersection of Interstate 85 and Highway 74. The cemetery is immediately north of a liquor store located at 7895 Senoia Road. The Lester Family Cemetery, which contains both marked and unmarked graves, is included in Land Lot 27 in the 9th Land District of Fulton County, Georgia (see Figures 1 and 2, cemetery location maps).

When the present owner (M. Khimani) first purchased the property in 1994, the cemetery showed clear signs of abandonment, such as broken and fallen headstones. In addition, the entire cemetery lot was overgrown with dense vegetation and was not visible from Senoia Road. In 2009, the property owner, in cooperation with an adjacent property owner (Holiday Inn) and the City of Fairburn, cleared the vegetation from the cemetery, reset the headstones, and erected a fence around the cemetery. However, since that time the cemetery has become overgrown with underbrush and small trees.

Genealogical and deed research funded by the present property owner and conducted by TRC in 2002 revealed the cemetery is associated with the Lester, Brown, Simpler, Jones, Cochran, and Duncan families. The local Chapter of the Sons of Confederate Veterans also placed several headstones in the cemetery at the burial locations of identified Confederate veterans. These veterans were identified through the genealogical research, which included interviews with family descendants. At present, the fenced cemetery is surrounded by commercial development, including the liquor store to the south, a gas station to the north, Senoia Road to the east, and a Holiday Inn hotel and parking lot to the west. In addition, there are no surviving mature trees or ornamental cemetery vegetation in the cemetery.

As part of the relocation process, Georgia's 1991 Abandoned Cemetery Act (OCGA § 36-72-5 [2]) requires an archaeological survey and report to determine the number of graves present and to delineate the boundaries of the cemetery. The archaeological survey and cemetery delineation were conducted by TRC in 2002 and the attached report was also produced by TRC in 2002 (Wilson 2002; see attached). Based on the results of the TRC cemetery delineation, a boundary fence was erected around the cemetery in 2009. Based on the archaeological survey and cemetery delineation, which was conducted in June 2002 by TRC, there are approximately 65 individuals interred in the cemetery. A plan map showing the graves, cemetery boundary, and legal property boundary of the cemetery lot is provided in Part 3 of this permit application package. The archaeological report prepared by TRC follows:

Part 3. Survey Showing Legal Boundaries
OCGA § 36-72-5 (3)

Part 5. Disinterment/Reinterment Plan and Proposed Mitigation
OCGA § 36-72-5 (5)

Introduction

The Lester Family Cemetery is a Euro-American cemetery located on the west side of Senoia Road (Highway 74), approximately 0.25 mile south of the intersection of Interstate 85 and Highway 74. The cemetery is immediately north of a liquor store located at 7895 Senoia Road. The Lester Family Cemetery, which contains both marked and unmarked graves, is included in Land Lot 27 in the 9th Land District of Fulton County, Georgia (see Figures 1 and 2, cemetery location maps).

When the present owner (M. Khimani) first purchased the property in 1994, the cemetery showed clear signs of abandonment, such as broken and fallen headstones. In addition, the entire cemetery lot was overgrown with dense vegetation and was not visible from Senoia Road. In 2009, the property owner, in cooperation with an adjacent property owner (Holiday Inn) and the City of Fairburn, cleared the vegetation from the cemetery, reset the headstones, and erected a fence around the cemetery. However, since that time the cemetery has become overgrown with underbrush and small trees.

Genealogical and deed research funded by the present property owner and conducted by TRC in 2002 revealed the cemetery is associated with the Lester, Brown, Simpler, Jones, Cochran, and Duncan families. The local Chapter of the Sons of Confederate Veterans also placed several headstones in the cemetery at the burial locations of identified Confederate veterans. These veterans were identified through the genealogical research which included interviews with family descendants. At present, the fenced cemetery is surrounded by commercial development which includes the liquor store to the south, a gas station to the north, Senoia Road to the east, and a Holiday Inn hotel and parking lot to the west. In addition, there are no surviving mature trees or ornamental cemetery vegetation in the cemetery.

As part of the relocation process, Georgia's 1991 Abandoned Cemetery Act (OCGA § 36-72-5 [5]) requires a Disinterment/Reinterment Plan. Based on the archaeological survey and cemetery delineation, which was conducted in June 2002 by TRC, there are approximately 65 individuals interred in the cemetery. The archaeological survey report prepared by TRC is provided in Part 2 of this permit application packet. A plan map showing the graves, cemetery boundary, and legal property boundary of the cemetery lot is provided in Part 3 of this permit application packet. Based on the Archaeological Report, a Disinterment/Reinterment Plan was developed. This plan provides general background information and details the disinterment/reinterment process developed by Brockington for the Lester Cemetery. The plan also provides proposed mitigation measures developed by Brockington.

Disinterment/Reinternment Plan

Prior to the burial excavations, underbrush and small tree removal will be necessary in the cemetery. The underbrush and small trees will be removed by hand and no heavy equipment will be allowed near the graves. All work will be monitored by a Brockington archaeologist who meets the criteria defined under the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61).

Once trees and underbrush have been removed, the identification of grave shafts will be conducted through groundtruthing (mechanical scraping) using a mechanical excavator with a smooth blade

bucket to ensure that all grave shafts are identified. The archaeological cemetery delineation report produced by TRC (see Part 2 of this packet) and maps prepared by the professional land surveyor (see Part 3 of this packet) will be used as reference during groundtruthing. The entire cemetery inside the established cemetery boundary will be mechanically scraped to ensure that all graves are identified. Georgia Interment Service (P.O. Box 78, Grayson, Georgia 30017) will employ an experienced excavator/operator to conduct the mechanical excavations. As the groundtruthing progresses, each grave shaft will be mapped using a Trimble Unit. The coordinates of each grave shaft will be tied into the previously mapped cemetery boundary. The groundtruthing will be monitored by a Brockington archaeologist who meets the criteria defined under the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61).

The excavation techniques will make use of both a mechanical excavator with a smooth blade bucket and traditional methods of archaeological excavation. The human remains and any associated grave items will be placed in individual, 36-inch, hard polystyrene vault/casket combinations. The excavation process will be carefully conducted to ensure that burials and associated cultural items are moved with minimal damage and treated with appropriate respect and dignity.

Burial excavations will be conducted by an experienced Brockington archaeologist who meets the criteria defined under the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) and archaeological technicians. The disinterment/reinterment process will also be supervised by a licensed funeral director from Georgia Interment Service. Historic graves generally average four to five feet deep and consist of a primary shaft and a secondary shaft. The primary shaft is larger than the coffin, while the secondary shaft is the size and depth of the coffin. Wooden slats were often placed over the secondary shaft to keep the grave from collapsing when filled.

Initially, the backhoe operator will remove leaf litter, sod, and adequate topsoil to expose the top of each grave shaft. Following initial identification of the grave shafts, the mechanical excavator will remove overburden from the primary shaft to approximately 20 centimeters (7.8 inches) above the actual coffin remains with a smooth-blade bucket. Archaeologists will carefully monitor this process to ensure that the mechanical excavator does not come into contact with any coffin remnants or human remains.

After the overburden has been removed, the graves will be manually excavated using shovels, trowels, wooden picks, and dental picks. Soils at the base of all graves will be screened using 0.3175-cm (0.125-inch [1/8-inch]) mesh hardware screens. In addition, the graves will be metal detected to ensure that all metal coffin parts and hardware are collected as well as all metal grave goods. Approximately six graves will be excavated each day. All burials will be documented using the Georgia Council of Professional Archaeologists' Historic Burial Removal Form. Basic descriptive data (length, width, depth, soil description) will be recorded for each burial. If the remains are well preserved, basic qualitative information will be recorded (e.g., age, sex, any visible pathologies) and sketches of the burials will be drawn on the Historic Burial Removal Forms. An osteologist/bioarchaeologist who meets the criteria defined under the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) will be made available for field

analysis of any well-preserved human remains that exhibit any unusual pathologies or that appear to have African American or Native American traits. Additionally, digital photographs will be taken of all aspects of the excavation. Analysis of remains and grave items will take place in the field prior to relocation to the perpetual care cemetery. Artifacts recovered from the graves will be recorded on the Historic Burial Removal Forms and digital photographs will be taken of the artifacts. In addition, all original headstones, footstones, box crypts, and slab markers will be digitally photodocumented before removal.

Following documentation, burials and associated cultural materials, including surface and sub-surface grave goods, will be placed in the vault/casket combinations and pertinent information (e.g., burial number) will be written on a metal tag and placed in the casket. If the remains are not taken directly to the perpetual care cemetery, the burials will be securely stored in a respectful manner in a secure storage facility, or at a secure storage facility at the contracted funeral home, until the reburial process begins. In addition, originals and two photocopies of all field and analysis notes, drawings, and photographs will be submitted to the City of Fairburn Planning Department. All field and laboratory records will be on acid-free paper or placed within acid-free folders. Any electronically stored data will accompany hard copies of the records.

Burials excavated from the existing cemetery will be reinterred in a perpetual care cemetery at Holly Hill Memorial Park, 359 West Broad Street, Fairburn, Fulton County, Georgia 30213. An attempt will be made to reinter the human remains based on the plan map of the cemetery. At a minimum, new shafts will be excavated on an east-west axis (as is standard with Judeo-Christian burials), and the vault/caskets will be carefully placed in the shafts. The disinterment/reinterment plan ensures relocation of all graves and sensitive treatment of the human remains. The plan outlined above meets the requirements of Georgia's Cemetery Relocation Law (OCGA § 36-72-5 [5], 1991, as amended) and ensures compliance with all provisions of the legislation.

Avoidance and Plans to Minimize Harm

While alternatives to avoid or minimize harm to cemeteries are always taken into consideration, proposed development plans will require the use of the majority of the lot on which the Lester Family Cemetery is located. Based on the current development plans for the property, relocation of the cemetery is the only viable option.

Proposed Mitigation

As previously stated, an attempt will be made to reinter the human remains based on the plan map of the cemetery. At a minimum, new shafts will be excavated on an east-west axis (as is standard with Judeo-Christian burials), and the caskets will be carefully placed in the shafts. All graves of identified individuals will be marked with inscribed granite markers which will provide the name of the individual as well as birth and death dates, if known. The Confederate Veterans' markers that are currently in the Lester Family Cemetery will be moved and re-set at Holly Hill Memorial Park Cemetery. All other headstones, footstones, box crypts, and slab markers will be taken to the Stephens Industries, LP rock quarry in College Park, Georgia, for recycling and will be pulverized. This will ensure that no former grave markers will be discarded at another location where they could be mistaken for another cemetery location.

A separate granite marker providing a brief history of the cemetery and its previous location will also be provided at the Holly Hill Memorial Park Cemetery. Lester Family descendants will be given to opportunity to review and comment on the information which will be provided on all grave markers. The results of the archaeological excavations and the reinterment of the burials from the Lester Family Cemetery will be documented in a brief report that will be submitted to the City of Fairburn for their review and retention. The plan outlined above meets the requirements of Georgia's Cemetery Relocation Law (OCGA § 36-72-5 [5], 1991, as amended) and ensures compliance with all provisions of the legislation.

Appendix D. Estimated Cost of Relocation

Cost**Lester Cemetery Relocation Archaeology
Fairburn, Georgia**

Brockington and Associates, Inc.
07/11/2018 (P18-287)

	Hours	Rate	Amount
<u>Field Investigations</u>			
Field Technician	80	\$33.00	\$2,640.00
Lab Technician 2	80	\$40.00	\$3,200.00
Field Technician 4	80	\$51.00	\$4,080.00
Field Technician 4	96	\$51.00	\$4,896.00
Archaeologist 6	80	\$58.00	\$4,640.00
Senior Historian 3	96	\$72.00	\$6,912.00
<u>Lab Analyses</u>			
Lab Technician 2	4	\$40.00	\$160.00
<u>Graphics / GIS</u>			
Senior Graphics Specialist 2	4	\$69.00	\$276.00
<u>Report Preparation</u>			
Lab Technician 7	4	\$62.00	\$248.00
Senior Historian 3	8	\$72.00	\$576.00
<u>Support Costs</u>			
Supplies	66.5	\$23.83	\$1,584.70
Equipment Rental	2	\$254.40	\$508.80
Equipment Rental	2	\$84.80	\$169.60
Rental Vehicle	20	\$97.20	\$1,944.00
Rental Vehicle	1	\$71.99	\$71.99
Total:			\$31,907.09

PROPRIETARY. The information contained in this proposal is the property of Brockington and Associates, Inc. and may not be used or shared without express written permission.

It may be necessary to substitute staff grades (e.g., Archaeologist 6 instead of Archaeologist 5) with small rate changes due to availability at the time of project execution. Total project cost will remain the same regardless of any substitutions.



Georgia Cemetery & Monument Sales Inc.

Keenan S. Byrd

678-978-6442

P.O. Box 78, Grayson, GA 30017

Mike Reynolds Brockington & Assoc.

7895 Senola Road, Fairburn, GA Project

Removing Large Granite Crypts and Discarding	\$ 300.00 each
--	----------------

Removing Old Monuments and Discarding	\$ 200.00 each
---------------------------------------	----------------

Moving Reuseable Monuments to Holly Hill and Resetting	\$ 200.00 each
--	----------------

65 New Containers 36" X 17" X 13"	\$ 250.00 each
-----------------------------------	----------------

Excavation work, transporting to Holly Hill includes excavator, operator, conex box for storage on site	\$ 300.00 each
---	----------------

THANK YOU

**Holly Hill Memorial Park
Cemetery Services Quote**
6/18/2018

Lester Family - Relocation

Professional Services:

Known People - Ground/Lawn Crypt Interment (Mon-Sat)
Unknown People - Ground/Lawn Crypt Interment (Mon-Sat)

Memorials:

60 x 20 Raised Panel Granite Dark Grey Vase Included Vase Included
24 x 12 Basic Granite Memorial (no vase Included)

Traditional Ground Space:

Known People - Spaces - Section 9 Dogwood (Back) AN
Unknown People - Spaces - Section 9 Dogwood (Back) AN

Fees:

Administrative Fee
Perpetual Endowment Care
Inspection Fees - grass markers

Sales Tax - 7.75%

Quote is valid for 30 days

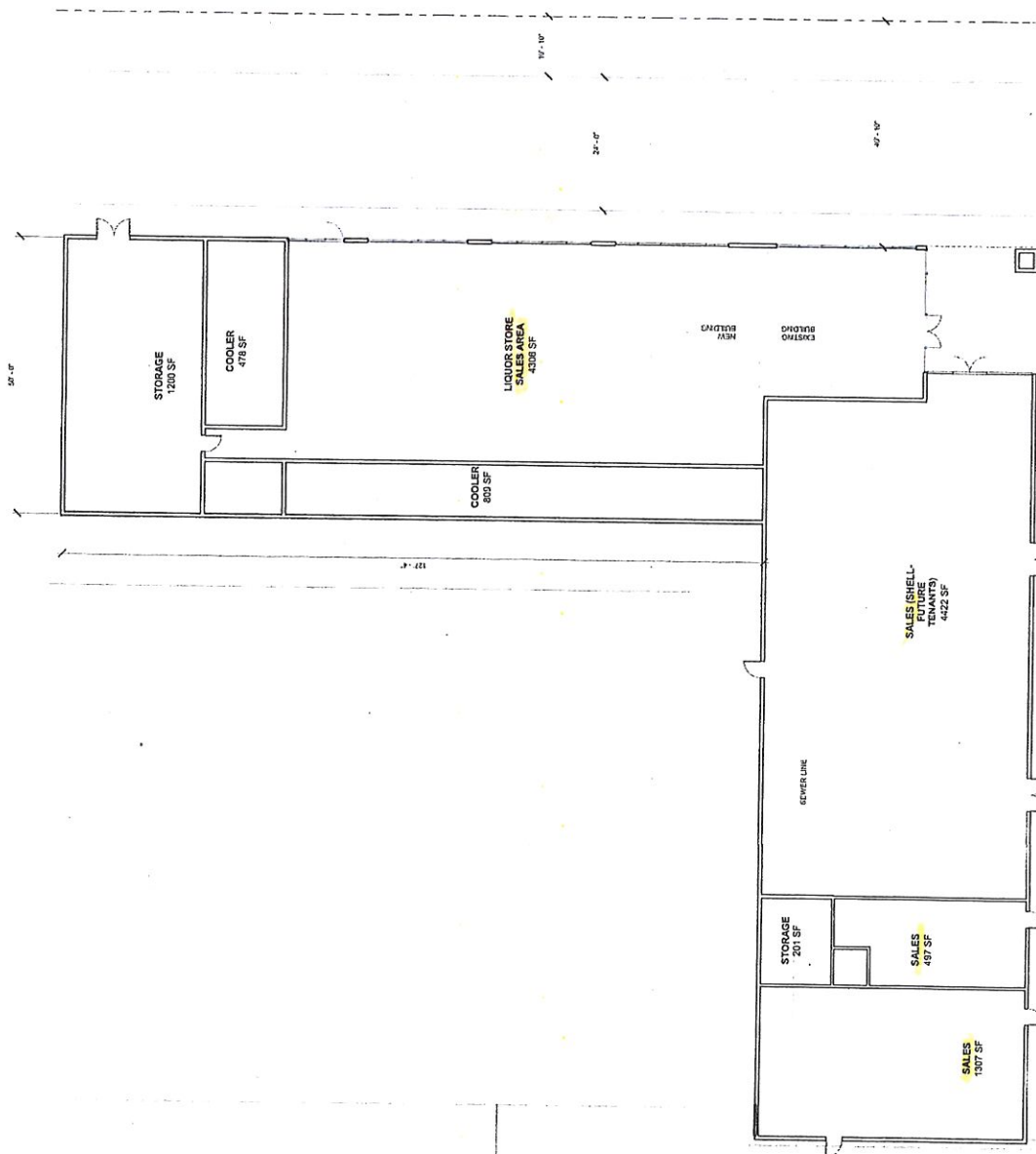
Qty	Retail Price	Total Price	Disc %	Disc. Amt	Total Cost
19	\$1,575.00	\$ 29,925.00	35%	\$ (10,473.75)	\$ 19,451.25
23	\$1,575.00	\$ 36,225.00	35%	\$ (12,678.75)	\$ 23,546.25
1	\$2,785.00	\$ 2,785.00	20%	\$ (557.00)	\$ 2,228.00
19	\$235.00	\$ 4,465.00	0%	\$ -	\$ 4,465.00
19	\$975.00	\$ 18,525.00	10%	\$ (1,852.50)	\$ 16,672.50
23	\$975.00	\$ 22,425.00	10%	\$ (2,242.50)	\$ 20,182.50
1	\$95	\$ 95.00			\$ 95.00
20	15%	\$ 6,142.50		\$ (614.25)	\$ 5,528.25
	\$140.00	\$ 2,800.00			\$ 2,800.00
		\$ 561.88		\$ (43.17)	\$ 518.71
Quote Total		\$ 123,949.38		\$ (28,461.92)	\$ 95,487.46
				-23.0%	

(SIGNATURE)

Date

(SIGNATURE)

Date



SALES FLOOR AREA 11,000 SFT = 55 BAYS
 STORAGE AREA 3000 SFT. = 3 PARKING BAYS
 TOTAL REQUIRED 58 BAYS

ARCHITECTURAL DESIGN WORKSHOP P.C.
 814 COVERED BRIDGE, WATFORD, ALA. 36205, TEL. 770.386.7484.

CLIENT: Mohammed Khimani
 PROJECT: LIQUOR STORE
 1500 HWY 8 EAST
 FARMERSVILLE, GA 30213

FLOOR PLAN

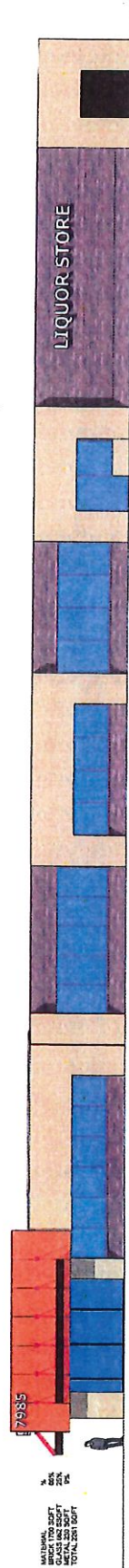
Project Name	1000	Drawn By	CONCEPT PLAN
Project Number	27422017	Scale	1" = 10'-0"
Date	2/14/2017	Author	A102



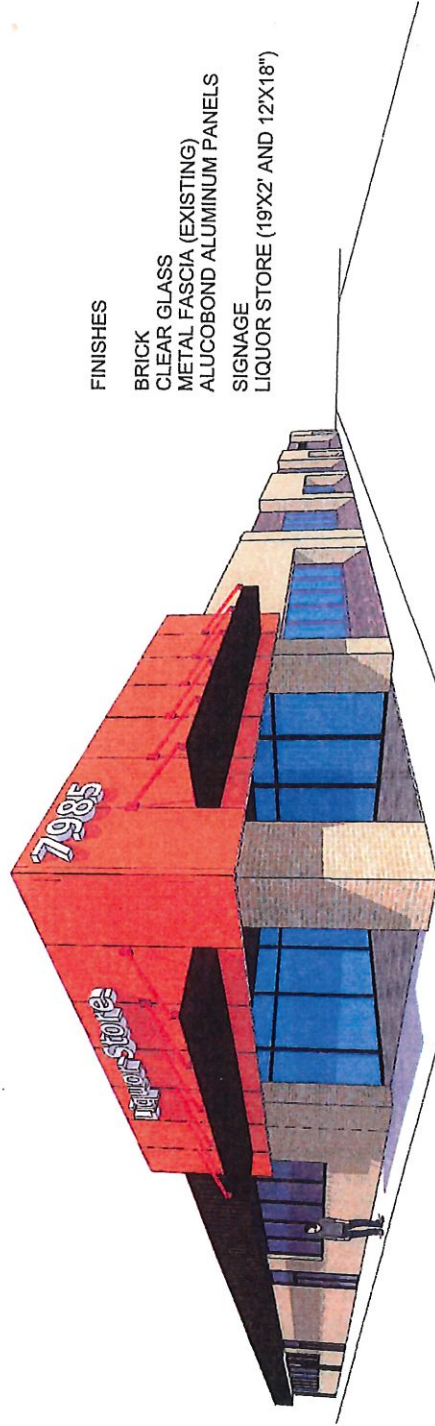
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



3D VIEW

- FINISHES
- BRICK
 - CLEAR GLASS
 - METAL FASCIA (EXISTING)
 - ALUCOBOND ALUMINUM PANELS
 - SIGNAGE
 - LIQUOR STORE (19'X2' AND 12'X18")

ARCHITECTURAL DESIGN WORKSHOP P.C.
814 COVERED BRIDGE WAY, PARBUEN, GA. 30213, TEL. 770.306.7464.

CLIENT: Mohammed Khimani

PROJECT: LIQUOR STORE
7885 HWY 74 EAST
PARBUEN, GA. 30213

ELEVATIONS

Project Name	Project Number	Scale	Drawn By	Check By	Concept Plan
LIQUOR STORE	7985	1/8" = 1'-0"	MM	MM	1/18/77
Date	1/18/77	1/18/77	1/18/77	1/18/77	1/18/77

A103



Lester Family Cemetery Relocation Permit Application

**Letters and Emails submitted to the
Office of Planning and Zoning**

City of Fairburn Planning Department

March 8, 2019

P.O. Box 145

Fairburn, GA 30213

Attention: Tarika Peek

RECEIVED

MAR 13 2019

Gentlemen:

I am writing in response to the letter dated Feb. 14, 2019, from Mr. Mike Reynolds, Historian/Archaeologist, Brockington & Associates, regarding the Lester Family Cemetery. I want to express my objection to the relocation of my descendants to the Holly Hill Cemetery in Fairburn from their present location on Highway 74. When they were buried in this family cemetery, this was to be their final resting place—not to be disturbed.

This is not "an abandoned cemetery" because family members have tried to get access to the cemetery but access was denied by Mr. Khimani. This created the impression the cemetery was abandoned just as he wanted it to appear.

The main concern is that Mr. Khimani will not abide by the State of Georgia Code requirements in relocating each family member's grave and headstone as it is now in the present cemetery. I do not believe he will take appropriate measures so that each grave and headstone will be individually placed in Holly Hill as they are now in the Lester Family Cemetery. My fear is that all the caskets and headstones will be dumped into one large common grave. THIS IS NOT ACCEPTABLE.

Please do not grant Mr. Khimani permission to relocate our family cemetery. He knew this cemetery was on the property when he purchased it.

Sincerely,

Sandra Perry
Sandra Perry

599 Lees Mill Road

Fayetteville, GA 30214

4 March 2019

RECEIVED
MAR 13 2019

John F. Sloan
131 Dixon Circle
Fayetteville, GA 30215

City of Fairburn
Planning Department
Attention: Tarika Peek
PO Box 145
Fairburn, GA 30213

Dear Ms. Peek:

I write to register my opposition to the proposed move of the graves in the Brown-Lester Cemetery at Fairburn, GA. I am a member of the Old Campbell County Historical Society, as well as several other heritage-related organizations and any proposed disruption of an historic site is abhorrent to me. In this case, the move affects me personally, as I am a direct descendant of Doctor Wade Lester and his wife, Elizabeth, who are buried in the cemetery. Doctor Lester was one of the first medical doctors, if not the first, to serve the area of Campbell and Fayette Counties long before the Civil War. He was also the son of a Revolutionary War soldier from South Carolina, Isaac Lester.

The argument made by some that the cemetery is abandoned is simply not true. We of the genealogical/historical community have long known about the cemetery and the cemetery was well-maintained for many, many years while it was on property owned by family members. After the property passed out of the control of family members, various civic groups attempted to maintain the cemetery over time, but I understand they have, in recent years, been prevented from taking care of the cemetery by the new owners of the property. But, the cemetery has never been "abandoned" by family members.

I spent many of my early years in Fairburn and my family has been associated with that area for at least 6 generations. During my schooling in Fairburn, my love for history was nurtured by a beloved teacher at old Campbell High School. It always meant so much to me and to many others that our family was so deeply involved with the history of our community. It now seems a shame and a sacrilege to disturb the resting place of our family members for the commercial gain of others. Thus, I register my strong opposition to the proposed relocation of the Brown-Lester Cemetery. The proposal should be rejected and provision should be made to allow access to the cemetery for family members and for those who wish to maintain it.

Sincerely,



John F. Sloan

March 4, 2019

RECEIVED

MAR 05 2019

Fairburn Planning Department
P. O. Box 145
Fairburn, GA 30213

ATTN: Tarika Peek

Dear Council Members:

Re: Lester Family Cemetery

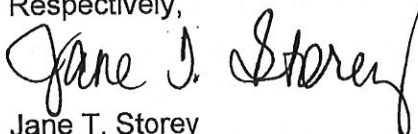
I am a third great granddaughter of Dr. Wade and Elizabeth Lester. The Lester's had 12 children and since many people married from within their local communities back in the olden days there are numerous family members related to this couple that are concerned.

The property owner knew there was a cemetery on the property when he bought it. He has not allowed any of us to visit our relatives graves and place flowers at any time. The cemetery was not abandoned! The cemetery was in horrible shape because he would not allow any family members to take care of it.

There are laws that protect cemeteries, therefore I request that the cemetery be undisturbed. The tombstones need to be left intact where they are and the families need to be able to visit whenever they wish.

I plan to attend the meeting to be sure that the council knows that there are still family members living that oppose the moving of our relatives.

Respectively,



Jane T. Storey
601 Duckbill Court
Fairburn, Georgia 30213

human characteristic that is common across most faiths; and the intent of a property owner to nullify these personal decisions in favor of future development, demonstrates a shallow regard for these shared values and human dignity.

Finally, I am opposed to the property owner's request based on the literal interpretation of the state code under which they have applied. The O.C.G.A. §36-72-2(1) defines an *abandoned cemetery* as one which shows signs of neglect including... *the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.* Further, the provisions of the code as implied by the *presumption in favor of leaving the cemetery or burial ground undisturbed* (O.C.G.A. §36-72-8(1)), is intended to address the removal/relocation of burial grounds when no other alternative for their care exists; and is not intended to provide relief to property owners who have knowingly acquired property on which they exist. Our family has maintained an active interest in preserving this cemetery. Its current condition is not due to the inability of the property owner to locate a responsible party for its maintenance, but rather due to his own actions in restricting access for maintenance to occur. As the property owner has been unwilling to provide access to the family for the maintenance of the cemetery, he has failed to explore other alternatives for its care. Therefore, this application under Title 36, Chapter 72 for *Abandoned Cemeteries and Burial Grounds* seems to have been made under false pretext and is not in keeping with the intent of this statute.

In closing, the state's code is clear in stating that the remains and burial objects located at this site are not the property of the current property owner (O.C.G.A. §36-72-1(a)). Therefore, the question at hand is not one merely of this individual's property rights, but rather a question as to the moral obligation of this duly elected governmental body to uphold and preserve the integrity of its community's history and values. The earliest marked grave in this cemetery dates back to 1845, predating the Civil War and the incorporation of the city itself. The irrevocable and shortsighted harm that would be inflicted if the request for its removal were approved would undoubtedly deprive future generations of this meaningful history. I therefore, urge the council to consider this in their decision-making and to uphold the intent of the Official Code of Georgia by voting to deny this request as submitted.

Very Respectfully,

Amanda L. Clement

Amanda L. Clement

March 7, 2019

City of Fairburn Planning Dept.

My Name is Mary L. Benson,
and as a descendant of the Lester
family, as well as the Boyd family members,
who are buried in the Lester Family Cemetery,
I wish to express my voice as to being
"EXTREMELY Opposed" to family members
being exhumed for relocation.

This letter stands for my right
as a descendant of the Lester Family Cemetery
to "oppose" the planning of relocating said
Cemetery.

Mary L. Benson
108 Derby Drive
Griffin, Ga. 30224
770-229-8113

P.S. This relocation
ACTION is AGAINST my
Christian beliefs. The
bodies should remain buried
in their graves until the LORD
raises them up!!

OCGA § 36-72-8. Issues considered in decision on application for permit

The governing authority shall consider the following in making its determination:

- (1) The presumption in favor of leaving the cemetery or burial ground undisturbed;
- (2) The concerns and comments of any descendants of those buried in the burial ground or cemetery and any other interested parties;
- (3) The economic and other costs of mitigation;
- (4) The adequacy of the applicant's plans for disinterment and proper disposition of any human remains or burial objects;
- (5) The balancing of the applicant's interest in disinterment with the public's and any descendant's interest in the value of the undisturbed cultural and natural environment; and
- (6) Any other compelling factors which the governing authority deems relevant.

Therefore, in accordance with OCGA 36-72-8 above, I request that the cemetery be undisturbed. I object to the relocation of the cemetery and would request that my objection be made a part of the record in this proceeding.

Respectfully,



James F. Edmondson, Jr.
6900 Berea Road
Douglasville, GA 30135

Tarika Peeks

From: haleybfloyd@yahoo.com
Sent: Wednesday, March 13, 2019 5:02 PM
To: Tarika Peeks
Subject: Lester Family Cemetery

As a descendent of those buried in the Lester Family Cemetery, I wholeheartedly oppose any disturbance to the grounds.

The Georgia Code that the property owner is using in order to move the remains refers to "Abandoned Cemeteries". However, the grounds have only been abandoned because the property owner refuses to allow family members access.

The Georgia Assembly states in the same code, OCGA 36-72-1, that "human remains and burial objects are part of the finite, irreplaceable, and nonrenewable cultural heritage of the people of Georgia and should be protected."

The final resting place of any person should be just that, the FINAL resting place. To disturb these graves would not only destroy the sacredness that is held in the hearts of their ancestors, but also the general integrity of the remains.

Haley Britt Floyd

Tarika Peek

From: Jeanene <jeaneneweiner@gmail.com>
Sent: Tuesday, March 12, 2019 2:31 AM
To: Tarika Peek; Venetta Thomas
Subject: Lester Family Cemetery

My name is Laura Jeanene Weiner. I am writing on behalf of my father Cecil Lynn Thomas. Please let this letter go on record as my vote of opposition to the relocation of my relatives remains from Lester Family Cemetery in Fairburn, GA.

I hope the owner will allow descendants to visit the graves without the fear of intimidation. The cemetery has not been abandoned as he stated, 2 rather he has continually blocked access.

Please allow my relatives to stay where they intended -

Regards,
Cecil Lynn Thomas
2ne Green Valley
Norcross, Ga 30071

Tarika Peek

From: Barbara Fox <bqfox@bellsouth.net>
Sent: Monday, March 11, 2019 9:49 PM
To: Tarika Peek
Cc: ROBERT L TORBUSH
Subject: Lester/Brown Cemetery

Dear Fairburn City Council,

My name is Barbara Fox and I reside in Fayette County, Georgia. I am a retired Fulton County School educator having taught at and retired from Evoline C. West Elementary in Fairburn, Georgia. I also have many ancestors who were born, raised, and died in Campbell County. I have always been proud of the fact that I helped to educate many of the children in the E.C. West school district.

It has come to my attention that the owner of a liquor store on Hwy. 74 in Fairburn, Georgia wants to have the remains of the Lester/Brown Cemetery removed in order to expand/renovate his business. I sincerely hope that you will consider not letting him proceed with having the remains moved. There are numerous graves there of veterans of several wars. When their loved ones placed their remains in this cemetery, it was to be their final resting place. These individuals fought for the United States of America and laid down their lives for our freedom. I think if you were to allow these graves to be removed, it is sending out a message to the community and the state how you feel about veterans. The man who owns the store will not allow access to family members to clean up the cemetery or lay flowers on the graves of their beloved ancestors. I also want to give you some "food for thought." How would you feel if this was happening to you or one of your family members?

I hope that you will reconsider allowing this desecration of the graves at the Lester/Brown Cemetery to happen. I thank you for your time and consideration.

Sincerely,

Barbara Fox

Tarika Peek

From: Burnard Mauldin <raymauldin@att.net>
Sent: Thursday, March 07, 2019 7:03 PM
To: Tarika Peek
Subject: Lesters Family Cemetery

This e-mail is in regards to some of my ancestors that are buried in the Lester cemetery in Fairburn, GA. I feel that this cemetery should be preserved and that the family should have access to it so as they can maintain the graves that are located there. Thank you for your time concerning this matter.

Nancy Speir Mauldin
raymauldin@att.net

Tarika Peek

From: dianna morrow <diannamorrow61@gmail.com>
Sent: Wednesday, March 06, 2019 11:15 PM
To: Tarika Peek
Subject: Lester/Brown Cemetery

I have desendents in the Lester/Brown cemetery. I strongly believe the graves should remain where they are presently located.

Thank you,
Dianna Morrow

Tarika Peeks

From: Lorenda Todd <abesmomma@gmail.com>
Sent: Wednesday, March 06, 2019 10:23 PM
To: Tarika Peeks
Subject: Lester Family Cemetery

Dear Tarika Peeks and City of Fairburn,

It has come to my attention that an old family cemetery is being considered for removal. I grew up in Fairburn, as did a long line of ancestors. It greatly disturbs me that attempting to remove and relocate graves would be considered. I do say "attempt" here because it is quite unlikely that all human remains will be located and removed. As this cemetery is very old, many of these burials utilized wooden coffins, or similar elements. No doubt, bodies will be disturbed; parts will be left behind. There will probably be bodies that will be missed. This might sound gruesome, but it is gruesome. This is why it should not be done. Does the government of Fairburn want to have this kind of sacrilege on its conscience?

As a lover of genealogy and history, I am appalled that this removal is even being considered. A cemetery is a sacred spot, no matter who is buried there. It is incomprehensible to me that the city that I grew up in would allow such an endeavor. This is not the culture of Fairburn, nor what it aspires to be. Fairburn is progressive, inclusive, and looking forward. It is not, however, a city that allows history and culture to be plundered for the sake of one individual's desire for profit. It is not a city that forgets its past while looking forward.

I still live in the area, and I see several antiquated cemeteries that have been enclosed, preserved, and embraced by the community. Why can this cemetery not gain the same consideration? Right down the road in Peachtree City, there is a very well-kept cemetery right in the middle of a huge commercial center. It is beside the Best Buy to be exact. Perhaps the City of Fairburn could strike a deal with this individual and buy this area of land for preservation? Even if this is not possible, still listen to the pleas of your community and do not allow desecration of this sacred area. These people buried in the cemetery lived and died in this community. They deserve to be honored and respected, not contemptuously dragged from where their family members lovingly laid them to rest. It is morally wrong to do so, and it is on you now. Please do not allow this to happen.

Sincerely,

Lorenda Carter Todd

Tarika Peek

From: LUCILLE P HINDMAN <lucillephindman@bellsouth.net>
Sent: Tuesday, March 05, 2019 5:49 PM
To: Tarika Peek
Subject: Brown-Lester Family Cemetery, Fairburn, GA

I am sending this e-mail on behalf of my husband, Donald Edward Hindman, who is opposed to the moving of the graves in this historical cemetery. He has family buried there on his mother's side of the family-Lester, and does not believe the graves should be disturbed. His contact information is:

Donald Edward Hindman
8286 Spence Rd.
Fairburn, GA 30213
770-964-8375 Home

Thank you,

Lucy Hindman

"Every new day offers many gifts,

Untie the ribbons"

(Please help prevent spammers and hackers from obtaining addresses of your friends. Erase all previous names and addresses from emails before you forward them. Use the bcc option for multiple addresses. Thank you for your consideration.)

Tarika Peek

From: Marci Thomas <methomas624@gmail.com>
Sent: Monday, March 04, 2019 4:19 PM
To: Tarika Peek
Subject: Letter of opposition to Lester family cemetery relocation

Good Afternoon,

On behalf of my grandfather, Cecil Thomas, my father Wyndell Thomas, and my sisters Melanie and Melissa Thomas, I am writing you this afternoon to express our opposition to the relocation of the Lester family cemetery. We are descendants of Dr. Lester, the oldest family member buried there, and we do not want the graves disturbed.

-Marci Thomas

Sent from my iPhone

Tarika Peek

From: Venetta Thomas <thomasvenetta@gmail.com>
Sent: Monday, March 04, 2019 6:04 PM
To: Tarika Peek
Subject: Lester Family Cemetery

Ms. Peek, I have ancestors buried in the Lester Family Cemetery on Hwy 74 in Fairburn. I can't express enough how much I oppose the moving of the graves to another location. That is not an abandoned cemetery. the property owner has denied families access to the graves for many years. Leave our dead to rest in peace.

William J. Thomas

Tarika Peeks

From: Randy Thomas <tool.shop@hotmail.com>
Sent: Tuesday, March 05, 2019 7:50 AM
To: Tarika Peeks
Subject: Lester Family Cemetery on Hwy 74

To whom it may concern

Dr. Wade & Elizabeth Lester, we're my 3rd great grandparents were among the first buried there in 1845. They also have two daughters buried there.

I am sending this email to voice my right and wish that the graves not be disturbed and the the land owner be required to allow the families of the people buried there access to the grave sites which so far has been refused.

My name is Randy J Thomas

114 Apollo Drive

Fayetteville, GA 30214 Email address tool.shop@hotmail.com Thank you for your attention to this matter.

Sent from my iPhone

Tarika Peek

From: Lynn Thomas <lynnaper56@gmail.com>
Sent: Monday, March 04, 2019 8:06 PM
To: Tarika Peek
Subject: Lester family cemetery

My name is Teresa Lynn Williams and I am a descendant of Dr. Wade and Elizabeth Lester. I have a problem with these graves being disturbed and the Cemetery being considered abandoned. Numerous family members have tried to visit the graves and or tend to the graves and have been met with threats of arrest or lawsuits. Any abandonment of this Cemetery has been forced by the current Property owner. Please allow us to visit and tend to these graves.

Thank you

Teresa Lynn Williams
75 Poplar St
Fairburn Ga. 30213

[Sent from Yahoo Mail for iPhone](#)

Tarika Peek

From: Cindy Britt <britt3g@gmail.com>
Sent: Monday, March 04, 2019 6:59 PM
To: Tarika Peek
Subject: Lester Family Cemetery

Good evening Ms. Peek,

I am writing to express my concern over the proposed move of the Lester Family Cemetery. As a descendent of Dr. Wade and Elizabeth Lester and a native of Fairburn, I am opposed to the moving of the graves in this cemetery. Cemeteries are a sacred resting place and provide future generations a tangible link to the past.

The Abandoned Cemeteries code that the property owner is attempting to use does not apply here. Family members have been denied access to the graves, they have not been abandoned.

I thank you for taking the time to read and record my letter. I plan to attend the meeting on March 25th.

Cindy Britt
770-668-6548

Tarika Peek

From: Samuel Thomas <st2766@sbcglobal.net>
Sent: Monday, March 04, 2019 5:26 PM
To: Tarika Peek
Subject: Lester Cemetery

I have been following this for sometime and would like to say I do not want the graves of my ancestors disturbed. For any reason Especially for a liquor store.

Samuel D Thomas Sr.
27515 FM 2090 Rd
Splendora TX 77372

Sent from my iPhone

Sent from my iPhone

Tarika Peeks

From: Darrell Thomas <Darrell_Thomas@outlook.com>
Sent: Monday, March 04, 2019 7:56 PM
To: Tarika Peeks
Subject: RE: Dr. Wade and Elizabeth Lester cemetery plot

Dear sirs... As a descendent of Dr. Wade and Elizabeth Lester it is my wish that the cemetery and burial plots located at Senoia Rd., Fairburn, Ga. remain undisturbed and in no way moved or relocated.

I thank you for your attention in this matter.

Sincerely,

Darrell Thomas
Carpet Pros Inc
Owner
(704) 341-1200

Tarika Peek

From: rwblanch <rwblanch@bellsouth.net>
Sent: Friday, March 08, 2019 4:45 PM
To: Tarika Peek
Subject: Historic cemetery

To whom it may concern,
I feel that if the city of Fairburn gives in and allows the owner to move these graves which some are Historic due to be Civil War headstones. If these bodies are moved the headstones will be damaged or crumble. The owner bought the land knowing there was a family cemetery there so shame on him and shame on Fairburn if they allow this to happen. I am a long time resident of Fairburn and feel this is a tragedy!! Think of the families involved and allow them on the property to clean up and take care of their family members.

Concerned citizen,
Sheryl Blanchard

Sent from my Sprint Samsung Galaxy S7.

Tarika Peeks

From: Suzanne Huckaby <suzy38@hotmail.com>
Sent: Sunday, March 10, 2019 1:12 PM
To: Tarika Peeks
Cc: torbushbrenda@gmail.com
Subject: Lester/Brown Cemetery

Dear Fairburn City Council,
My name is Suzanne Huckaby. It is my understanding that the Lester Brown Cemetery on Hwy 74 in Fairburn, Georgia is in danger of being removed so that a liquor store can be built in it's place. I would like to make you aware that this cemetery is not an abandoned cemetery. This cemetery holds the remains of at least five veterans who served our country in two wars. Descendants of those buried there still live in the area and still go to pay their respects and lay flowers. I do hope that you will not allow this cemetery to be removed.

Sincerely,
Suzanne Huckaby

Sent from my iPhone

Sincerely,

 Robert H. Jones

Sent from [Mail](#) for Windows 10



Tarika Peek

From: Nancy Watkins <ncwat@bellsouth.net>
Sent: Tuesday, March 12, 2019 10:25 AM
To: Tarika Peek
Cc: Brenda Torbush
Subject: Lester/Brown Cemetery

Ms. Peek,

RE: Lester/Brown Cemetery, Hwy 74

I have heard about the disrespect for this family cemetery. This cemetery is not abandoned. There should be a law concerning protection and access for cemeteries. There are Veterans of all years buried there as well as precious family members. Please do what you can to make sure it is not destroyed for a liquor store.

Kind Regards,
Nancy Watkins
Fayetteville, GA

Tarika Peek

From: cathyculverhouse@yahoo.com
Sent: Thursday, March 14, 2019 2:28 AM
To: Tarika Peek
Cc: torbushbrenda@gmail.com
Subject: Lester/Brown Cemetary

Dear Ms. Peek,

I recently learned of the possibility that the Lester/Brown Cemetary is to be moved / destroyed in order to place a business on that location. I understand that there are several veteran's of the United States Armed Forces that are buried in that cemetary.

Having had almost every generation of my family back to the beginning of this country serve in some form of the military it greatly concerns me that any final resting place of our veterans should be disturbed in any way. As far as it goes, I don't feel that any graves should ever be intentionally disturbed.

I know that there are often small cemeteries in some of the oddest places. Where I live, in Hapeville, we have a cemetary in the middle of a neighborhood, surrounded by homes, that I am not sure if anyone knows who is buried there. But, I can be rest assured that even with homes being built in every lot larger than a driveway there will never be anything built on that lot.

It may be said that a cemetary is deserted, that nobody cares about the people buried there. Believe me, somebody cared that those people were buried there. People most likely still care that their family members are buried there. And those people need to have the peace of mind to know that their relatives are in a secure resting place.

Thank you so much for your consideration in this matter. Please do all in your power to assure these families that their relatives will continue to rest in peace where they were originally laid to rest.

Sincerely,
Cathy Culverhouse
3053 Oakdale Road
Hapeville, GA 30354

Sandra Johnson Pryor
1328 Little New York Rd.
Whitesburg, Georgia 30185
770-301-3505
Sweetiepryor1958@gmail.com
March 6, 2019

Honorable Mayor, Elizabeth Carr-Hurst
City of Fairburn, Georgia
Fairburn City Hall
56 SW Malone St
Fairburn, GA 30213

Dear Honorable Mayor, Elizabeth Carr-Hurst:

Dear, Mayor Carr-Hurst, I am writing to you to express my **Opposition** to the issue of removal/relocation of **the Lester, Brown, Cochran and Duncan Cemetery** and the 65 plus additional graves there.

As a native born citizen of South Fulton County, where my ancestors and their neighbors and friends labored to build these communities, I find it offensive that an Outsider or anyone can come into an area and disrupt a local cemetery which was in use for many, many years, just because of their desire to use the property for something else when the THEY KNEW BEFOREHAND there was a CEMETERY located on the property.

This Cemetery is the Final Resting Place of some of the founding families of our area. Think of Lester Road, Duncan Park...which has been a cherished park for decades in Fairburn. We cannot remove them and rebury them in the manner AND with the LOVE and RESPECT with which they were initially interred. That cannot be recreated. Would you want your family members treated so disrespectfully for any reason, especially the almighty Dollar?

These families remaining family members and descendants have been barred from entering a Cemetery that was well known and USED in full knowledge of the citizens during the years long past. The families cannot even keep the cemetery clean and maintained to any degree... by the new property owner; who is in violation of Georgia Law. This is just unconscionable and should not be allowed.



Brenda Torbush <torbushbrenda@gmail.com>

Brown Lester Duncan cemetery

1 message

JANE T STRICKLAND <sjanes@comcast.net>
Reply-To: JANE T STRICKLAND <sjanes@comcast.net>
To: torbushbrenda@gmail.com

Thu, Mar 7, 2019 at 9:09 AM

Good morning, I a writing to you as a concerned citizen regarding the cemetery mentioned above. I would appreciate your noting my opposition to moving the cemetery. For many years, construction has been done enhancing and preserving the graves of our families who created the communities that are overtaking their final resting places.

My own great great grandfather, great great grandmother, their daughter and a grandson lie between the right of way and a golf cart path on Hwy 54 in Peachtree City. Another daughter and her husband lie on the well known "graveyard hole" on the edge of a golf course. A subdivision in Fayette County used the family cemetery located there as a landscaped greenspace. So it can be done, well, and tastefully.

I am not against progress, but it is sad that someone would want to destroy a cemetery to expand (not something exhalting) but a liquor store. Please help us take a stand against this sad happening.

Thank you

Jane Strickland

Native Atlantan

BOD of Fayette County Historical Society

South Fulton resident

Respectfully,

LISA LAND COOPER, former resident of Red Oak, paralegal, educator, and historian, author of three history books and currently researching and writing a two-volume book regarding old Campbell County, weekly history columnist published in "The Douglas County Sentinel," board member for the Douglas County Museum of History and Art, member of the Douglas County Tourism and History Commission, and member of the Old Campbell County Historical Society



Lisa Cooper

Author - History Research - Curriculum Design

LisaLandCooper.com



Brenda Torbush <torbushbrenda@gmail.com>

Lester/Brown Cemetery

1 message

Suzanne Huckaby <suzy38@hotmail.com>

Sun, Mar 10, 2019 at 1:11 PM

To: "tpeeks@fairburn.com" <tpeeks@fairburn.com>

Cc: "torbushbrenda@gmail.com" <torbushbrenda@gmail.com>

Dear Fairburn City Council,

My name is Suzanne Huckaby. It is my understanding that the Lester Brown Cemetery on Hwy 74 in Fairburn, Georgia is in danger of being removed so that a liquor store can be built in it's place. I would like to make you aware that this cemetery is not an abandoned cemetery. This cemetery holds the remains of at least five veterans who served our country in two wars. Descendants of those buried there still live in the area and still go to pay their respects and lay flowers. I do hope that you will not allow this cemetery to be removed.

Sincerely,

Suzanne Huckaby

Sent from my iPhone

3/11/2019

Gmail - Fairburn cemetery



Brenda Torbush <torbushbrenda@gmail.com>

Fairburn cemetery

1 message

Armanda Crandall-wheeler <armandacrandall@gmail.com>

Mon, Mar 11, 2019 at 11:01 AM

To: mayorhurst@fairburn.com
Cc: torbushbrenda@gmail.com

It is wrong to move the cemetery or any part of it. This person knew that it was there when he bought the property, it is a gross disrespect to the families.

3/11/2019

Gmail - Relocation of Graves in the Brown Lester Cemetery



Brenda Torbush <torbushbrenda@gmail.com>

Relocation of Graves in the Brown Lester Cemetery

1 message

Charles Branson <chasbran@gmail.com>

Mon, Mar 11, 2019 at 9:00 AM

To: MayorHurst@fairburn.com
Cc: torbushbrenda@gmail.com

Madam Mayor,

I recently read about this property owner's efforts to remove these graves. Let me say that I have no issue with someone opening a liquor store. I could care less, however he should have been aware of the encumbrances when he purchased the property. Some things should remain sacred. The families should have never been denied access to the graves, and if any changes in the cemetery take place, it should be with the full agreement of the surviving family.

Thank you,

Charles Branson

3/11/2019

Gmail - old Campbell County - Brown Lester - cemetery located on Highway 74/Senoia Road in Fairburn



Brenda Torbush <torbushbrenda@gmail.com>

**old Campbell County - Brown Lester - cemetery located on Highway
74/Senoia Road in Fairburn**

1 message

Mon, Mar 11, 2019 at 4:04 PM

Laura Tully <lauratully83@yahoo.com>

To: "MayorHurst@fairburn.com" <MayorHurst@fairburn.com>

Cc: "torbushbrenda@gmail.com" <torbushbrenda@gmail.com>

I saw a posting on Facebook about an owner wanting to expand his liquor store by moving a cemetery. The fact that he does not allow family members to visit their loved ones is actually against the law. It is a public cemetery. If any of the markers are over 100 years old, it can be and should be registered on the list of historical places in the county or state.

Please do not move the cemetery.

Thank you.

Laura Tully

p.s.: I had the same thing happen to one of my family cemeteries in Wakulla County, Florida. Luckily, a distant cousin new the adjoining property owners and I registered the cemetery on the list of historical places in Florida. As long as there are living family members, access should be granted and it has been. Now the local



Brenda Torbush <torbushbrenda@gmail.com>

Fwd: Lester Family Cemetery

1 message

Venetta Thomas <thomasvenetta@gmail.com>
To: Brenda Torbush <torbushbrenda@gmail.com>

Tue, Mar 12, 2019 at 8:33 PM

This is Skeeter's letter

----- Forwarded message -----

From: **Venetta Thomas** <thomasvenetta@gmail.com>
Date: Tue, Mar 12, 2019 at 8:32 PM
Subject: Lester Family Cemetery
To: Tarika Peeks <tpeeks@fairburn.com>

Ms. Peeks, I have asked my cousin to send this letter to you as I do not have a computer.

I have family in the Lester Family Cemetery. Dr. Wade Lester and his wife Elizabeth were my 3rd great grandparents. They also have two daughters buried in the same cemetery.

I am against the disturbing of any of the graves. There was a time when I could, and did, visit the cemetery. I can no longer do so because the man that owns the land will not let family members visit the graves.

A person's grave is their final resting place. A sacred place and should never be disturbed in any way. The headstones should also be preserved just as they are. If given the chance, family will clean the cemetery and the headstones.

I respectfully ask you to please deny the removal of theses graves. Let our dead rest in peace.

Charles Thomas
7190 Fielder Road
Jonesboro, Ga. 30236



Brenda Torbush <torbushbrenda@gmail.com>

Lester, Brown, Cochran, Duncan cemetery

1 message

Mark McGouirk <mark@markmcgouirk.com>

Sun, Mar 10, 2019 at 5:11 PM

To: MayorHurst@fairburn.com, torbushbrenda@gmail.com

Hon. Mayor Hurst and Ms. Torbush,

I am writing as someone who has been involved in studying the history of Old Campbell County, GA as my ancestors were early settlers of the area (McGouirks, McClartys, Henleys). My GG Grandfather Dr. James E. Henley once lived in that 1835 house that still stands on SR 166 on the right before crossing the Chattahoochee from Douglas into South Fulton County. I am also a documentary filmmaker currently working on a film about the Muscogee Creek Indians of our area. My grandmother's first cousin Henley Campbell who I knew, started the Old Campbell County Historical Society in Fairburn around 1970.

Whereas I have no kin that I know of in the cemetery in question, this place is a significant part of the history of the area. The idea of losing that history let alone disturbing a sacred place of burial is more than disturbing. This proposed removal would be an outrage against the memory of these ancestors, an outrage against the descendants of these people, an outrage against the citizens of the county but also a blatant failure of leadership. Local government and the public should always remain steadfast in the stewardship of our heritage and history. This idea is more than a glaring example of how history gets lost. It's truly a horrific concept. We already have our history vanishing before us as the archeological record gets bulldozed and paved over in the name of "progress". And to the point where we no longer know who we are let alone who we were!

This local business owner, Mr. Khimani should not be allowed to remove and destroy this historic cemetery just because he would like to expand the size of his liquor store. As has been pointed out many times, he knew this pioneer family cemetery was there when he purchased the land and worse than that he will not allow descendants or anyone else who would like to visit, clean and maintain this cemetery to do so. As a citizen and property owner he has not only demonstrated a lack of respect for such things, he has been morally irresponsible. Please do not permit him to go even further with the unthinkable.

I plead with you all within your office, to deny Mr. Khimani this application. Please show courage and responsibility to the ideals and concepts I mention above. Further from that, please enforce that moving forward Mr. Khimani must allow descendant families and anyone who wishes to help clean this cemetery up and maintain it, before vegetative growth itself takes over. This cemetery was never abandoned rather he has already had a hand in allowing it to be damaged by growth. Please let this situation go no further.

Thank you for reading and giving a fair hearing to all who have expressed their thoughts and concerns.

Respectfully submitted,

Mark E. McGouirk

3/13/2019

Gmail - Campbell County - Brown Lester Cemetery located on Highway 74 / Senoia Road in Fairburn



Brenda Torbush <torbushbrenda@gmail.com>

**Campbell County - Brown Lester Cemetery located on Highway 74 /
Senoia Road in Fairburn**

1 message

Christine Clay <christine@findlinglawfirm.com>
To: "MayorHurst@fairburn.com" <MayorHurst@fairburn.com>
Cc: "torbushbrenda@gmail.com" <torbushbrenda@gmail.com>

Wed, Mar 13, 2019 at 10:21 AM

Dear Mayor Hurst,

Please do not allow these graves to be moved. The buyer knew the cemetery was there when he purchased the property.

Regards,

Christine Clay

Christine Clay, Legal Assistant

THE FINDLING LAW FIRM, P.C.

One Securities Centre

3490 Piedmont Road, Suite 600

Atlanta, Georgia 30305

Telephone No. 404-460-4500, Ext. 112

Facsimile No. 404-460-4501

Email: christine@findlinglawfirm.com

Tarika Peeks

From: Susan Davis <jsmdavis@bellsouth.net>
Sent: Thursday, March 14, 2019 11:52 AM
To: Tarika Peeks
Subject: Lester Family Cemetery

To Whom It May Concern:

As a descendant of the Lester family, I do not wish to see the Lester Family Cemetery moved or disturbed in any way. In my opinion, cemeteries are sacred ground and should not be disturbed.

Susan S. Davis

27 September 2018

John F. Sloan
131 Dixon Circle
Fayetteville, GA 30215

City of Fairburn
Ms. Donna Gayden, Administrator
56 E. Malone St.
Fairburn, GA 30213

Dear Ms. Gayden:

I write to register my opposition to the proposed move of the graves in the Brown-Lester Cemetery at Fairburn, GA. I am a member of the Old Campbell County Historical Society, as well as several other heritage-related organizations and any proposed disruption of a historic site is abhorrent to me. In this case, the move affects me personally, as I am a direct descendant of Doctor Wade Lester and his wife, Elizabeth, who are buried in the cemetery. Doctor Lester was one of the first medical doctors, if not the first, to serve the area of Campbell and Fayette Counties long before the Civil War. He was also the son of a Revolutionary War soldier from South Carolina, Isaac Lester.

The argument made by some that the cemetery is abandoned is simply not true. We of the genealogical/historical community have long known about the cemetery and the cemetery was well-maintained for many, many years while it was on property owned by family members. After the property passed out of the control of family members, various civic groups attempted to maintain the cemetery over time, but I understand they have, in recent years, been prevented from taking care of the cemetery by the new owners of the property. But, the cemetery has never been "abandoned" by family members.

I spent many of my early years in Fairburn and my family has been associated with that area for at least 6 generations. During my schooling in Fairburn, my love for history was nurtured by a beloved teacher at old Campbell High School. It always meant so much to me and to many others that our family was so deeply involved with the history of our community. It now seems a shame and a sacrilege to disturb the resting place of our family members for the commercial gain of others. Thus, I register my strong opposition to the proposed relocation of the Brown-Lester Cemetery. The proposal should be rejected and provision should be made to allow access to the cemetery for family members and for those who wish to maintain it.

Sincerely,

John F. Sloan



Brenda Torbush <torbushbrenda@gmail.com>

Fwd: Lester family cemetery

1 message

Tue, Feb 26, 2019 at 12:19 PM

Venetta Thomas <thomasvenetta@gmail.com>
To: Brenda Torbush <torbushbrenda@gmail.com>

This is the reply I got from Mr. Moyer. I forwarded it to Gloria to see what Campbell Co. Historical Society will do, if anything. Also, I think we need to see if we can get an idea of who will be willing to join us in the event we need to pay an attorney to file an appeal for us & fight it. Your thoughts.

----- Forwarded message -----

From: **Venetta Thomas** <thomasvenetta@gmail.com>
Date: Tue, Feb 26, 2019 at 12:17 PM
Subject: Fwd: Lester family cemetery
To: Gloria Thomas <gloriagthomas@hotmail.com>

Gloria, this is the response I got from Mr. Moyer. Perhaps you can answer his question about the official position of the Campbell Historical Society. As for his last question about further plans should we be defeated, I think we need to come up with a plan. My only idea is for us to have legal representation and file an appeal in Fulton Co. Superior Court. I guess we need to try to get a feel for how many people would be willing to join us in that venture.

----- Forwarded message -----

From: **ALLEN MOYE** <allenmoye@me.com>
Date: Tue, Feb 26, 2019 at 11:32 AM
Subject: Re: Lester family cemetery
To: Venetta Thomas <thomasvenetta@gmail.com>

Ms. Thomas,

I would be happy to speak on March 25. Will the Campbell County Historical Society have an official position?

As you may have learned from John Sloan, Josiah Brown was my great-great grandfather. (His clock sits on my mantle, and still keeps good time.)

My great-grandmother Brown married a Landrum. My grandmother and my mother were born in the Landrum home place, which stood on the south side of 74, and was taken by GDOT when 74 was enlarged in the 1980's. That house sat about 1/4 to 1/2 mile west of Landrum road. I was in what remained of the house several times. The last time was a couple of years before it was destroyed. (On one visit, my mother retrieved a hand-carved table which now sits in my daughter's breakfast room.)

My father, Judge Charles Moyer, was the executor of the estate of my grandmother, who died in 1980. In addition to the home place, and the 3 acres on which it sat, my grandmother had inherited about 50 acres of timberland on the other side of 74. (I recall once cutting a Christmas tree from that land.) I could not precisely place the land now, but the Ga Power lines crossed her land and crossed 74 just west of the

Tarika Peeks

From: Paul Lester <lester1914@aol.com>
Sent: Thursday, March 14, 2019 4:16 PM
To: Tarika Peeks
Cc: torbushbrenda@gmail.com; lester1914@aol.com
Subject: Lester Family Cemetery, Fairburn, GA

Tarika Peeks
City of Fairburn Planning Department
Fairburn, GA

Ms. Peeks, as per our discussion on Tuesday-March 12, 2019, I am sending you this e-mail to declare my opposition to the relocation of remains of Wade & Elizabeth Lester, and all other Lester Family members buried in the Lester Family Cemetery. I am also in opposition to relocation of any other remains that are interned in this cemetery as well.

I am the Great-Great Grandson of Wade Lester. As per his headstone he was buried in this location in 1845, and his spirit was committed to God. His remains should not be tampered with so that he may continue his rest in peace.

I will be attending the Public Meeting on the 25th of March to express my opposition to any attempt to relocate the remains of any and all remains in this cemetery.

If you or anyone has a question or a comment, you may contact me using the information listed below.

3/14/2019

Paul Howard Lester
1012 Williamsburg Road
Savannah, GA 31419
Tel: 912-856-4437
e-mail: lester1914@aol.com

Tarika Peek

From: James White <jimwhite65@bellsouth.net>
Sent: Thursday, March 14, 2019 8:16 PM
To: Tarika Peek
Subject: Historic graveyard on Hwy 74

My name is Jim White. My Grandmother, Annie Jones White, has relatives buried in that old graveyard. Jimmy Jones born 1863 died 1866 has been resting in peace for 153 years; I see no reason why his remains should be disturbed at this time. His mother was buried around the turn of the century. She was my Grandmother's first cousin.

I am strongly opposed to moving any of these graves, were the families allowed access we would be willing to clean up and maintain the graveyard.

My contact information:

Jim White
218 Meadowview Circle
Tyrone, Ga 30290

770-487-4291 home phone
470-446-7842 cell phone

jimwhite1942@gmail.com

Sincerely,

Jim White

14 Foxtail Lane
Hillsdale, Michigan 49242
14 March 2019

Mayor and City Council
City of Fairburn, Georgia
Fairburn City Hall
56 Malone Street
Fairburn, Georgia 30213

RE: Application for Permit to Relocate the Brown-Lester Cemetery

Dear Madam Mayor, and Members of the Council:

I write to oppose the removal of the Brown-Lester Cemetery. Those buried there, all early settlers of Campbell and Fayette Counties, should be allowed to rest in peace.

Let me tell you about some of the members of my family buried in this cemetery. Two of the unmarked graves are those of **John W. and Mary Brown**. John (ca. 1790-1846), who was born in South Carolina, migrated to Georgia between 1820 and 1822, along with his wife Mary (ca. 1795-aft.1880) and their three oldest children. The couple subsequently had six additional children, most of whom settled in Fayette/Campbell County. Three of these six children, the widow of a fourth, and the child of a fifth, are buried in the Brown-Lester Cemetery.

Susan Brown Cochran (1822-1911) was the fourth child of John and Mary. She married **Sion Jones Cochran** (1828-1862) in Fayette County in January 1850. Both Susan and Sion are buried in the Brown-Lester Cemetery. They had four children. One of their sons, **Willis F. Cochran** (1855-1900), married Mary D. "Mollie" Wade in Campbell County in 1884. On his tombstone, she had placed the inscription "A kind wife mourns in thee a husband lost. The poor a friend who felt what friendship lost." **Hue Cochran** (1887-1908) and **Sidney Cochran** (1893-1919) were children of Willis and Mollie.



Susan Brown Cochran

Jimmy Jones (1863-1866) was the son of Nancy Brown, daughter of John and Mary, and Jackson Jones. Nancy is buried at The Rock, and Jackson in Savannah.

Mary Cochran Brown (1827-1870) was the widow of Robert Wilson Brown (1831-1862), youngest child of John and Mary Brown. Wilson Brown died of erysipelas in Virginia and is buried in Richmond. Mary was left

appear to have traveled with them. Susan was from Georgia. They were living in Fayette County in the 1840 and 1850 censuses. In 1860, they had moved to Coweta County, and in 1870, they were in Talladega County, Alabama, where they were staying with their daughter Sarah Webb, whose husband had died in 1863 at Vicksburg. By 1880 they had returned to Campbell County. The last known reference to them is in Josiah Brown's will, dated 21 January 1888: "I further say that my farther [sic] in law, and my mother in law, occupy the house that they are now in, also a garden and truck patch they have at this time." This was an outbuilding of the house on Hwy 29 in Fairburn, which my mother said was always described as "the cook's house."

I sincerely hope that you will respect our beloved dead by denying the request to disturb their final resting places.

Thank you very much.

Yours sincerely,

/s/ Lucy E. Moye



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT OF INTERIM CITY CLERK

☐ AGREEMENT
☐ ORDINANCE

☐ POLICY / DISCUSSION
☐ RESOLUTION

☐ CONTRACT
☒ OTHER

Submitted: 03/13/2019

Work Session: 03/13/2019

Council Meeting: 03/25/2019

DEPARTMENT: Office of the City Clerk

BUDGET IMPACT: Budgeted City Clerk's Salary.

PUBLIC HEARING? ☐ Yes ☒ No

PURPOSE: The City of Fairburn has hired an Interim City Clerk until a permanent City Clerk is hired. Shana T. Moss has been hired in the Interim position.

HISTORY: The City Clerk is the official record keeper for the City and is the custodian of the City Seal.

FACTS AND ISSUES: NA.

RECOMMENDED ACTION: Approval of Appointment of Interim City Clerk.

Handwritten signature of De'Carlon Seewood in black ink.

De'Carlon Seewood, City Administrator

Handwritten signature of Elizabeth Carr-Hurst in black ink.

Elizabeth Carr-Hurst, Mayor

SHANA T. MOSS

~~1112-339-0782 | smoss10@gmail.com~~

CITY CLERK/HUMAN RESOURCES MANAGER/ HIGHER EDUCATIONAL INSTRUCTOR

Committed to building and sustaining a positive work culture where collaboration and team work drive business success.

Several years of progressively responsible positions in Governmental Administration (City Clerk), Human Resources Management and Higher Education Counseling and Teaching including recruitment, selection, and benefit administration. Proactive and business-minded leader with a strong leadership ability. Excellence in steering organizations through transitions and building a talented workforce. Proven expertise in defining organizational structure and human capital requirements to align with business goals.

CORE COMPETENCIES

- City Clerk Administration
- Succession Planning
- Staffing & Recruitment
- Educational Counseling
- Human Resources Management
- Training & Development
- Policy & Program Development
- Team Leadership
- Conflict Resolution
- Marketing Management
- Strategic Planning
- Budgeting

Computer Skills: Windows, Microsoft Office, Microsoft Publisher, and Excel. Agenda and Civic Plus Governmental Software.

Technology Skills: Expansive knowledge of QS-1 Governmental Software, General Ledger, PUBS, and Occupational Licenses.

PROFESSIONAL EXPERIENCE

Georgia Southern University
Savannah, GA

August 2018-Present

Instructor of Marketing in the College of Business Administration.

City of Fairburn, Fairburn, GA

August 2017 to July 2018

Hired as Interim City Clerk. Served as clerk to Mayor and Council and managed the city clerk's office. Served as custodian of official City records and public documents. Recorded actions in public meetings in accordance with State Law and parliamentary procedures; posted meeting notices and maintained public records. Served as the city's qualifying officer for elections. Served as the city's Special Projects Administrator under the supervision of the City Administrator. Completed and maintained the city's reports administered through Department of Community Affairs. Planned and executed the city's trainings, including the Mayor and Council Retreat. Served as the city's media relations liaison.

Interim City Clerk

August 2017-December 2017

May 2018-July 2018
December 2017-May 2018

Special Projects Manager

Key Contributions:

- ✓ Prepared council agenda and coordinated the assembly of council packets for all council meetings.
- ✓ Attended regular and special called meetings of Mayor and Council.
- ✓ Prepared and posted notices of public meetings and hearings and notified the media of scheduled meetings.
- ✓ Supervised Business Office employees; evaluated, reviewed progress and directed changes as needed; disciplined and counseled subordinates;
- ✓ Assisted with the preparation and review of the annual operating budget; conducted revenue projections for budget; scheduled hearings; advertisements and meetings on the adoption of the budget to ensure compliance with local and state laws.
- ✓ Prepared weekly report on business activities for the City Administrator.
- ✓ Managed the city's grant programs.
- ✓ Scheduled, coordinated, and implemented any special event for the city.
- ✓ Prepared elections qualifying packets and worked closely with the county's elections office. Certified Elections Qualifying Officer.
- ✓ Designed Marketing material for the city.
- ✓ Wrote press releases and submitted information to the media.

City of Walthourville, Walthourville, GA

June 2012 to February 2017

Hired to create and design the City's first Human Resources Department. Planned, organized, and directed the operations of the City's Human Resources policies and programs including recruitment and selection, compensation and benefits, workers' compensation insurance, property and liability insurance, employee relations, performance appraisals and trainings.

City Clerk
Human Resources Manager

March 2013 to February 2017
June 2012 to February 2017

Key Contributions:

- ✓ Managed the employment activities for the City, including recruiting, interviewing, selection, and orientation.
- ✓ Counseled and provided direction and interpretation of policies and procedures to department heads and employees.
- ✓ Administered, monitored, and updated human resources policies and procedures manual; maintained compliance with Federal, EEOC, and other applicable guidelines.
- ✓ Sole responsibility for maintaining all human resources, records, and files, and records City Council Meetings

Key Contributions (continued)

Shana T. Moss Resume

- ✓ Provided advice, information, and guidance to the Mayor, and Mayor City Council on City Business, activities, operations, and updated city codes and ordinances.
- ✓ Developed and balanced the annual budget for the city. Performed budgeting, and financial transactions, for financial management
- ✓ Undertook and coordinated several administrative tasks to include serving as the city travel secretary, scheduling, and overseeing preparation of Mayor and Council Packets for City Council Meetings, and travel packets for trainings.
- ✓ Supervised and managed five city hall employees.

Savannah Technical College, Hinesville, GA

September 2007 to February 2010

Financial Aid Specialist

February 2007 to February 2010

ADA Coordinator

April 2007 to September 2009

Marketing Instructor (Adjunct)

September 2007 to August 2009

Key Contributions:

- ✓ Counseled and assisted current and prospective students in matters dealing with financial aid eligibility procedures including reviewed all documents, FAFSA, and tax returns
- ✓ Assisted in recruiting, admissions, advising students, monitored student's Satisfactory Academic Progress, and academic review for graduation
- ✓ Responsible for updating the receipt of required paperwork and information into the BANNER student records system, and BANNER GOAMED I for special needs students
- ✓ Monitored and reviewed the SURFER database to determine HOPE eligibility and the NDSL database for resolving student loan issues
- ✓ Liaison between faculty, staff and student for special needs, enforcing ADA rules and regulations
- ✓ Checked on special needs student's progress throughout the quarter, deciding on appropriate accommodations for special needs students as needed.
- ✓ Created first Marketing online class at Liberty Campus
- ✓ Assisted Marketing Department Head with administrative duties.

Georgia Southern University

May 2003-October 2005

Educational Specialist

Educational Talent Search

Key Contributions:

- ✓ Provided academic, financial aid and career counseling low income first-generation middle and high school students.
- ✓ Planned and coordinated cultural and educational trips for students.
- ✓ Assisted students in completing college admissions packet and financial aid applications.
- ✓ Responsible for maintaining and placing information in Blumen Database.
- ✓ Coordinated and contacted appropriate congressman's offices, for support of TRIO Programs and events.

EDUCATION

Carl Vinson Institute of Government, Athens, GA	Certified Municipal Clerk
Georgia Secretary of State's Election's Office	Certified Qualifying Officer
International Institute of Municipal Clerks	Certified City Clerk Training

Troy University, Troy, AL	2018
Master of Public Administration: Emphasis in Governmental Policy	

Troy University, Augusta, GA	2006
Master of Education: Higher Education Administration	

Georgia Southern, Statesboro, GA	1992
Bachelor of Science: Business Administration: Marketing/ Management Dual Degree	

PROFESSIONAL AFFILIATIONS

Georgia Municipal Clerks Association
International Municipal Clerks Association



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: TOF FOR PHASE 1 MS4 INSPECTIONS

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

Submitted: 02/28/19

Work Session: 3/11/19

Council Meeting: 3/11/19

DEPARTMENT: Stormwater

BUDGET IMPACT: \$5,100 from FY 2019 Budget, Acct. # 506-0000-52-3900

PUBLIC HEARING? () Yes (X) No

PURPOSE: For Mayor and Council to approve a Task Order with Integrated Science and Engineering in the amount of \$5,100 to conduct Highly Visible Pollution Source (HVPS) and Industrial Inspections, document conditions and produce the required reports for EPD.

HISTORY: 100% of HVPS and Industrial sites must be inspected by close of the reporting period, with eight HVPS and 18 Industrial sites remaining to be inspected as a condition of the City's NPDES Phase 1 MS4 Stormwater permit. Inspections must be completed by April 30 with the report to EPD by June 15, 2019.

FACTS AND ISSUES: The City does not have qualified staff to perform these functions. A position of an Environmental Compliance Technician to perform these and other functions was requested but not approved in the FY 2019 Budget. ISE has performed this service for us in the past.

RECOMMENDED ACTION: For City Council to authorize the Mayor and Council to approve the Task Order for Phase 1 MS4 monitoring in the amount of \$5,100.

A handwritten signature in black ink, appearing to read "De'Carlton Seewood".

De'Carlton Seewood, City Administrator

A handwritten signature in black ink, appearing to read "Elizabeth Carr-Hurst".

Elizabeth Carr-Hurst, Mayor



INTEGRATED
Science &
Engineering

Atlanta / Savannah / Mobile

Task Order Form

1039 Sullivan Road, Suite 200, Newnan, GA 30265
(p) 678.552.2106 (f) 678.552.2107

To: Tom Ridgway, Utility Director
Company: City of Fairburn
Address: 56 Malone Street
Fairburn, Georgia

Date: March 1, 2019
From: Jason Ray, GISP
Copy to: John Caldwell, P.E.

Project: 2018-2019 HVPS and Industrial Inspections TOF #: 133

BACKGROUND

Integrated Science & Engineering, Inc. (ISE) has prepared this Task Order Form (TOF) in accordance with the terms and conditions in our Master Services Agreement dated August 14, 2017. This TOF has been prepared to assist the City of Fairburn (City) with the City's annual NPDES Phase I compliance efforts.

SCOPE OF SERVICES

Task 1 – HVPS Inspections

As required by the City's approved Stormwater Management Plan (SWMP), the City shall inspect 100% of the total number of HVPS facilities located within the city limits by the end of the 2018-2019 reporting period. At this time, the City has 8 sites that would need to be inspected to complete 100% within the 5-year period.

The standard facility inspection checklist (included as part of the City's SWMP) will be used during all inspections. If any violations are documented during the inspection process, ISE will notify the City, as well as the property owner, of the violation and provide recommendations on fixing the violation.

Task 2 – Industrial Inspections

As required by the City's approved SWMP the City shall inspect 100% of the total number of Industrial facilities located within the city limits by the end of the 2018-2019 reporting period. At this time, the City has 18 sites that would need to be inspected to complete 100% within the 5-year period.

The standard facility inspection checklist (included as part of the City's SWMP) will be used during all inspections. If any violations are documented during the inspection process, ISE will notify the City, as well as the property owner, of the violation and provide recommendations on fixing the violation.

SCHEDULE

Task 1 and Task 2 will be completed by April 30th, 2019.

Task Order Form

FEE ESTIMATE

Task	Contract Amount
Task 1 – HVPS Inspections	\$1,600 (Lump Sum)
Task 2 – Industrial Inspections	\$3,500 (Lump Sum)
Total Contract Amount	\$5,100

AUTHORIZATION

The Scope of Services outlined herein will be performed in accordance with ISE's Master Services Agreement with ___ City of Fairburn ___ dated August 14, 2017. As our authorization, please sign in the space provided below.

City of Fairburn


Integrated Science & Engineering, Inc.

Signature: _____

Name: _____

Title: _____

Date: _____

Signature:  _____

Name: Jason Ray, GISP

Title: Project Manager

Date: March 1, 2019



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: APPROVAL OF RESOLUTION AND SIGNATORY CERTIFICATE FOR MEAG POWER

☐ AGREEMENT
☐ ORDINANCE

☐ POLICY / DISCUSSION
☒ RESOLUTION

☐ CONTRACT
☐ OTHER

Submitted: 02/28/2019

Work Session: 03/25/2019

Council Meeting: 02/25/2019

DEPARTMENT: Utilities

BUDGET IMPACT: None

PUBLIC HEARING? ☐ Yes ☒ No

PURPOSE: For Mayor and Council to approve the IPC (Inter-Participant Contract) Amendment with MEAG Power.

HISTORY: MEAG Power is a type of public power entity designated as a joint action agency, it is a consortium of public power systems within our state.

RECOMMENDED ACTION: Approval of Resolution and Signatory Certificate.

A handwritten signature in black ink, appearing to read "De'Carlton Seewood".

De'Carlton Seewood, City Administrator

A handwritten signature in black ink, appearing to read "Elizabeth Carr-Hurst".

Elizabeth Carr-Hurst, Mayor

**Resolution of
CITY OF FAIRBURN**

WHEREAS, the City of Fairburn (the "City") is a Beneficiary of the Municipal Competitive Trust (the "Trust") that MEAG Power established as of January 1, 1999; and

WHEREAS, pursuant to the terms of the Trust, the City is allowed to transfer certain funds between accounts and withdraw certain funds from accounts by written direction to MEAG Power and the Trustee; and

WHEREAS, by official action of the City, a City official was delegated authority to make deposits to the Trust and to communicate City decisions with respect to the Trust to MEAG Power and the Trustee; and

WHEREAS, in order to improve the notification process, MEAG Power has requested that all written directions communicating City decisions with respect to the Trust be executed by two independent City officials; and

WHEREAS, the City, after due consideration, has determined that such procedural changes are in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that henceforth the Mayor and City Administrator (together, the "Authorized Officials") are authorized to communicate City decisions with respect to the Trust by jointly executing written directions to MEAG Power and the Trustee; and

FURTHER RESOLVED that the City hereby authorizes the Authorized Officials to execute, and the Interim City Clerk to attest and deliver, certificates specifying the names, titles, term of office and specimen signatures of the Authorized Officials and other certificates and documents that MEAG Power may require from time to time to effect the purposes of the Trust and this Resolution.

This the ____ day of _____ 20____.

City of Fairburn

Approved as to Form:

Elizabeth Carr-Hurst, Mayor

William R. (Randy) Turner, City Attorney



ATTEST:

[SEAL]

Shana Moss, Interim City Clerk

INCUMBENCY AND SIGNATORY CERTIFICATE

I, the undersigned, Jennifer Elkins, DO HEREBY CERTIFY that I am the duly appointed City Clerk of the City of Fairburn (the "City"). I HEREBY FURTHER CERTIFY that the below named persons have been duly appointed or elected, as applicable, have been qualified, are duly holding the offices set opposite their names on this day and the signatures set opposite their names are their genuine signatures:

<u>Name</u>	<u>Office</u>	<u>Term Expires</u>	<u>Signature</u>
Elizabeth Carr-Hurst	Mayor	December 31, 2021	
Tom Ridgway	Utility Director	At the pleasure of the City Administrator	

IN WITNESS WHEREOF, I have hereunder subscribed my name and affixed the official seal of the City this 10 day of February, 2018.


By: Jennifer Elkins

Its: City Clerk

[SEAL]

- * Examples: (1) At the pleasure of the Council; or
(2) Month, day and year (i.e. December 31, 2018)

**Resolution of
CITY OF FAIRBURN**

WHEREAS, the City of Fairburn (the "City") is a Beneficiary of the Municipal Competitive Trust (the "Trust") that MEAG Power established as of January 1, 1999; and

WHEREAS, pursuant to the terms of the Trust, the City is allowed to transfer certain funds between accounts and withdraw certain funds from accounts by written direction to MEAG Power and the Trustee; and

WHEREAS, by official action of the City, a City official was delegated authority to make deposits to the Trust and to communicate City decisions with respect to the Trust to MEAG Power and the Trustee; and

WHEREAS, in order to improve the notification process, MEAG Power has requested that all written directions communicating City decisions with respect to the Trust be executed by two independent City officials; and

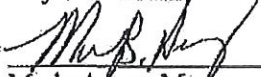
WHEREAS, the City, after due consideration, has determined that such procedural changes are in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that henceforth the Utilities Director and Mayor (together, the "Authorized Officials") are authorized to communicate City decisions with respect to the Trust by jointly executing written directions to MEAG Power and the Trustee; and

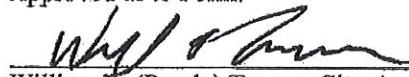
FURTHER RESOLVED that the City hereby authorizes the Authorized Officials to execute, and the City Clerk to attest and deliver, certificates specifying the names, titles, term of office and specimen signatures of the Authorized Officials and other certificates and documents that MEAG Power may require from time to time to effect the purposes of the Trust and this Resolution.

So Resolved and Adopted this the 14th day of December, 2015.

City of Fairburn,


Mario Avery, Mayor

Approved as to Form:


William R. (Randy) Turner, City Attorney

ATTEST:


Brenda James, City Clerk





CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Addition to Ordinance Chapter 8- Alcoholic Beverages (8-128)

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

Submitted: 03/13/19

Work Session: 3/25/19

Council Meeting: 3/25/19

DEPARTMENT: Police

BUDGET IMPACT: None

PUBLIC HEARING? () Yes (x) No

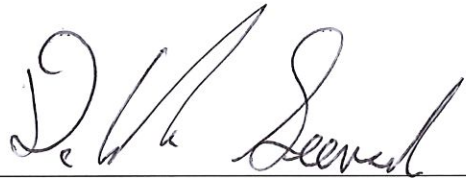
PURPOSE: for the Mayor and Council, to add Sec. 8-128- Pouring Permit required to City Ordinance relating to Alcohol Beverage Licensing, Chapter 8-Alcohol Beverages.

HISTORY: Currently, the City has an ordinance section addressing the issuance of and regulation of alcohol licensing. There is currently not a section outlining the issuance of pouring permits. The Fairburn Police Department proposes to begin issuing pouring permits to all employees to on-site consumption premises.

FACTS AND ISSUES: The addition to the ordinance outlining pouring permits is required prior to the implementation of issuing the permits within the City. Surrounding cities are presently issuing pouring permits to on-site consumption companies within their City limits. In addition, a background check is required for all applicants requesting a pouring permit and they must be 18 years or older. Those who have proven to have committed felonies, crimes opposed to decency and morality, entered a plea of nolo contendere within a five- year period prior, plead guilty of any crimes involving violations of ordinances of the city relating to the use, sale, manufacture, distribution, taxability or possession of beer, wine or liquor or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation, use, or sale of beer, wine or intoxicating liquors, or taxability thereof will be denied. In doing this it will further help to regulate and reduce crime within our City. Additionally, surrounding cities are also offering Background Check and Livescan fingerprinting services and charging a fee for accident and

incident reports. We are currently referring our residents to Union City for Background checks and to Fulton County for fingerprinting, which is an inconvenience when we could provide them at our police department, within a closer range. By imposing a small fee for the issuance of police reports to non-residents, it will allow us to serve the residents of the city of Fairburn by recouping some of the cost back on the amount of money it costs for the paper to furnish the reports. Citizens of the City of Fairburn would still be able to retrieve police reports free of charge with a valid form of ID.

RECOMMENDED ACTION: We recommend that Mayor and Council approve the addition of proposed Sec. 8-128 to the City ordinance Chapter 8, addressing the issuance of pouring permits and approve the associated fees for pouring permits, criminal background checks, livescan fingerprinting, and copies of accident and incident reports; effective June 1, 2019.


De'Carlon Seewood, City Administrator


Elizabeth Carr-Hurst, Mayor

Sec. 8-128. - Pouring permit required.

- (a) An employee pouring permit shall be required for:
 - 1) Any employee of a consumption on the premises licensee who dispenses, sells, serves, takes orders, mixes beverages, or serves in any managerial position; and
 - 2) Any employee of an alcohol beverage caterer who is engaged in handling, selling, or serving alcohol beverages; provided, however, employees whose duties are limited solely to those of busboys, cooks or dishwashers shall be excluded.
- (b) No licensee shall employ any person required to have a pouring permit until such person has procured such permit.
- (c) Any person required to obtain a pouring permit shall apply to the city for such permit. Only one pouring permit per individual will be issued for employment at any and all establishments within the city. The permit will be valid for a period of one year and shall be renewed on or before its expiration. Persons applying for the permit shall make themselves available for photographing, fingerprinting, and such other investigation as may be required by the police department. The fee for a pouring permit shall be set by way of the adoption of the city's annual budget, which amount shall remain in effect until modified or amended by subsequent budgets adopted by the Mayor and City council.
- (d) The Chief of Police may revoke an employee's pouring permit and demand its return where the employee violates the provisions of this chapter or becomes one who adversely affects the public health, safety, or welfare.
- (e) Any conviction for violation of the provisions of this article or of the state's Alcohol Beverage Code shall result in the automatic suspension of the pouring permit.
- (f) It shall be unlawful for an employee whose pouring permit has been revoked and upon whom demand for return of the card has been made to refuse to return the card or to alter, conceal, deface, or destroy the card.

- (g) When a person applies for a pouring permit, the Chief of Police or his designee shall have a complete and extensive search made to determine if there is a police record of such person. If there is a record of conduct prohibited by this chapter or evidence that the person's employment would adversely affect the public health, safety, or welfare, issuance of a permit shall be denied.
- (h) A new search may be conducted on any person issued an employee pouring permit if the Chief of Police receives information which warrants such a new search. If the new search reveals evidence that warrants revocation of the card, the card may be revoked following notice and a hearing.
- (i) When any employee's pouring permit is denied or revoked, the Chief of Police shall issue to the applicant or permit holder a copy of the denied permit stating that the person does not meet the requirements of this chapter and that upon request the Chief of Police will refer the matter and any evidence the person cares to submit on his behalf to the Mayor, City Council, and City Manager for consideration. If the person requests consideration by the Mayor, City Council, and City Manager, the entire record will be sent. All matters presented shall be considered and a decision will be made as to whether the person qualifies for a pouring permit under this chapter. In the event the permit is denied, a written notice will be provided, outlining the denial to the applicant or employee, which shall set forth the reasons for the denial. The applicant shall have a right of review of the denial by filing a petition for writ of certiorari to the Superior Court of Fulton County, Georgia, within 30 days of the denial.

City of Fairburn Police Department



Services Fee Schedule Procedure and Policy

SERVICES AND FEE SCHEDULE POLICY TABLE OF CONTENTS

MISSION STATEMENT 3

GUIDELINES 4

LIST OF SERVICES AND FEE SCHEDULE 5

**CITY OF FAIRBURN POLICE
DEPARTMENT
MISSION STATEMENT**

*"To Provide Outstanding Police
Service to the community and promote a
peaceful living environment for our
residents"*

Department Guidelines

The Police Department Services Fee Schedule is set forth to define the individual services that will be offered to the general public and to give guidance to all Police Department personnel so that they may conduct themselves in a manner which is compatible with the best interest of the Department and the City as a whole. The functions of these services will be the main responsibility of the Administrative/Support Services section.

- The list of services that will be offered to the general public, residents and non-residents, will include Criminal Background Checks, Fingerprinting Services, Alcohol Licenses, Pouring Permits, Business Licenses, and copies of Accident/Incident reports.
- Police Reports may be retrieved Monday through Friday from 8:00 am until 5:00 pm, excluding Holidays.
- Fingerprinting, Criminal Background checks, Alcohol Licenses, and Business Licenses, may be obtained Monday through Friday from 9:00 am until 4:00 pm, excluding Holidays.
- Pouring permits may be obtained Monday through Friday from 9:00 am until 4:00 pm.
- Payment in the form of cash will be accepted for all services.
- All payments must be deposited immediately upon receipt. A receipt must be given to the citizen/customer and the duplicate must be retained for Police Department records.
- A deposit for all monies collected will be prepared and taken to City Hall each evening, no later than 4:30 pm.

Police Department

Services Fee Schedule

Fingerprinting

Residents and Non-Residents	\$25.00
Government Employees	\$10.00

**There will be an additional charge of \$5.00 if we provide the Fingerprint cards.*

Criminal Background Checks

Residents and Non Residents	\$25.00
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Accident Reports

Residents	No Charge
Non-Residents	\$5.00

Incident Reports

Residents	No Charge
Non-Residents	\$0.25 per page in person/ \$1.00 per page if mailed

Alcohol License

\$250 Investigation Fee

\$5,000 Package/Distilled Spirits

\$1,000 Package/ Malt beverage and
Wine

\$2,500 Consumption/Malt Beverage,
Wine, and Distilled Spirits

\$1,500 Consumption/ Wine and
Malt Beverage

\$500 Wholesale Dealer/
Distilled Spirits

\$500 Wholesale Dealer/
Malt Beverage

\$500 Wholesale Dealer/ Wine

Pouring Permit

\$50.00

\$40.00 Annual Renewal Fee

Business Licenses

\$50.00 Administrative Fee

Additional Fees are based upon gross
receipt estimates and tax class.



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Usage Agreement-Youth Center Parking Lot

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

Submitted: 03/14/2019 **Work Session:** 03/25/2019 **Council Meeting:** 03/25/2019

DEPARTMENT: Recreation

BUDGET IMPACT: \$6,000.00

PUBLIC HEARING? () Yes (x) No

PURPOSE: For Mayor and Council to review and approve the rental agreement with G. Pat Green for use of 129 W. Broad Street for City of Fairburn Youth Center daily and event parking.

HISTORY: 129 W. Broad Street is located adjacent to the Fairburn Youth Center and provides approximately (16) additional parking spaces and additional grass parking.

FACTS AND ISSUES: G. Pat Green is the owner of 129 W. Broad Street.

RECOMMENDED ACTION: For Mayor and Council to approve the Rental Agreement between G. Pat Green and the City of Fairburn for use of the parking lot located at 129 W. Broad Street for the term of the lease.

A blue ink signature of De'Carlon Seewood, written in a cursive style.

De'Carlon Seewood, City Administrator

A blue ink signature of Elizabeth Carr-Hurst, written in a cursive style.

Elizabeth Carr-Hurst, Mayor

RENTAL AGREEMENT

129 West Broad Street, Fairburn GA 30213

THIS **AGREEMENT** is made and entered into between G. Pat Green (hereinafter referred to as "Landlord") and the City of Fairburn, Georgia, a municipal corporation of the State of Georgia (hereinafter referred to as the "Lessee") for rental of a parking lot at 129 West Broad Street, Fairburn, Ga 30213.

WHEREAS, G. Pat Green is the owner of the parking lot located at 129 West Broad Street (hereinafter referred to as "the Property" or "the parking lot"); and

WHEREAS, Lessee desires to rent the Property from Landlord and to use same for the parking of cars and light pickup trucks.

TERM:

This Agreement is effective on April 1, 2019 and shall terminate on March 31, 2020.

RENTALS:

For use of the Property in accordance with the terms and conditions of this Agreement, Lessee shall pay Landlord \$500.00 per month, which payment shall be due on the 1st day of each month during the Term of this Agreement.

TERMS AND CONDITIONS:

For the use of the Property, Landlord and Lessee mutually agree to the following additional terms and conditions:

1. The parking lot will be delivered from the Landlord in an as-is condition.
2. The Landlord shall be responsible for the general maintenance of the parking lot during the Term of the Lease.
3. Lessee shall use the parking lot for the parking of cars and light pick-up trucks only; not to include heavy trucks or equipment. Lessee shall comply with all applicable state, county, and municipal laws and ordinances.
4. Lessee will be responsible for keeping the parking lot clean and free from debris. There will be no storage of goods or materials of any kind or description which are combustible or would increase the risk of fire.
5. Landlord shall not be liable for damages to any vehicle parked on the parking lot due to any reason or cause whatsoever, except where such damage is due to Landlord's negligence or intentional misconduct.
6. Lessee shall, throughout the Term of this Agreement, maintain liability insurance in the amount of not less than \$500,000.00 per individual / \$1,000,000.00 per occurrence for bodily injury and property damage.

7. Lessee shall make no improvements, either permanent or temporary, to the parking lot unless prior written approval from the Landlord is obtained.
8. Either Lessee or Landlord may immediately terminate this Agreement should the other party fail to comply with the terms and conditions of this Agreement, provided the party in alleged noncompliance fails to correct the alleged noncompliance after five (5) days advance notice. Otherwise, this Agreement may be terminated by either party after giving the other party thirty (30) days notice.
9. Lessee shall immediately deliver the parking lot in good order and repair, free entirely of Lessee's property, to Landlord upon termination or expiration of this Agreement.
10. If Lessee fails to pay rent, or any other sum due, or otherwise fails to abide by the terms and conditions of this Agreement, including, but not limited to, failure to reimburse Landlord for any damages, repairs or costs when due, or abandonment of the parking lot, same shall constitute a default under this Agreement. If such default continues for five (5) days after written notice of default from Landlord, Landlord may terminate the lease by written notice to the Lessee.
11. Any failure by Landlord to seek redress for the violation of, or to insist upon the strict and prompt performance of, any terms or conditions of this Agreement shall not operate as a waiver of any such violation or of Landlord's right to insist on prompt compliance in the future, and shall not prevent a subsequent action by Landlord for any such violation. Acceptance by Landlord of any late payment of rent shall not constitute a waiver of any rights of Landlord, including without limitation, the right to terminate this Agreement as herein provided. The receipt of any rent or additional rent by Landlord with the knowledge of such breach shall not operate as a waiver by Landlord unless such waiver is in writing and signed by Landlord.
12. The parking lot shall not be sub-leased by Lessee without the written approval of the Landlord.

This Agreement constitutes 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.

[Signatures at Following Page]

This Agreement entered into this _____ day of _____, 2019.

Lessee, CITY OF FAIRBURN

Landlord, G. PAT GREEN

By: _____
Elizabeth Carr-Hurst, Mayor

By: _____
G. Patrick Green

Attest: _____
Shana T. Moss, Interim City Clerk

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