



CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
September 24, 2018  
7:00 PM

## *The Honorable Mayor Elizabeth Carr-Hurst, Presiding*

The Honorable Mayor Pro-Tem James Whitmore  
The Honorable Alex Heath  
The Honorable Pat Pallend

The Honorable Linda J. Davis  
The Honorable Hattie Portis-Jones  
The Honorable Ulysses Smallwood

Keshia McCullough  
Randy Turner

City Clerk  
City Attorney

- |      |   |  |
|------|---|--|
| I.   | Meeting Called to Order:  | The Honorable Mayor Carr-Hurst   |
| II.  | Roll Call:  | Keshia McCullough, City Clerk  |
| III. | Invocation:   | Bishop Aaron B. Lackey<br>Temple of Prayer Cathedral<br>United Churches of God in Christ, Inc. |
| IV.  | Pledge of Allegiance:   | In Unison  |
| V.   | Presentations:  |  |
|      | Resolutions for the wife of the late Judge Willie J. Lovett Jr. |  |
|      | • Georgia State Senate  | Senator Donzella James   |
|      | • Georgia House of Representatives                              | State Representative Sharon<br>Beasley-Teague  |
|      | • City of Fairburn  | Mayor Pro Tem James Whitmore   |

Senator Donzella James from the Georgia State Senate presented Ms. Seletha Butler, the wife of the late Judge Lovett Jr., with a resolution honoring the life and memory of Judge Willie J. Lovett Jr. Senator James stated the Georgia State Senate recommended the highest award the Georgia Legislature can give, the Outstanding Georgia Citizen Award, and Judge Lovett Jr. was approved for it. Additionally, State Representative Sharon Beasley-Teague and State Representative Derrick Jackson presented a resolution on behalf of the House of Representatives to Ms. Butler. Lastly, Mayor-Carr-Hurst, former Mayor Mario Avery and Mayor Pro-Tem James Whitmore presented a resolution to Ms. Butler on behalf of the City of Fairburn.

**Presented**

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 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.

1. Rufus Wells stated that he and his neighbors have talked to oppose the new proposed development. He said that the development will impact the school system as well as other areas of infrastructure. He specified that the planning process should take a look at where they want Fairburn to be in 5, 10 or 20 years so that the City can have smart growth over time.
2. Patricia Robinson inquired about why the notices from the Planning and Zoning Department did not go out before the meeting. She stated that she lives on the original Durham Lakes Road and that it takes an hour to get in and out of her street during the Renaissance Festival. Ms. Robinson said that the schools are already overcrowded and that building a new school would cost the taxpayers money. She stated that with only one entrance in and out of the new homes, it would be a safety hazard for the Fire Department. Lastly, Ms. Robinson inquired as to why does the City have to build more homes on this piece of land instead of using the land/space they already have.

VII. Adoption of the Council Agenda: Councilmembers  
Mayor Pro Tem Whitmore made the motion to adopt the Council Agenda with Councilman Heath providing the second.

**Motion Carried 6-0**

VIII. Approval of Consent Agenda Items: Councilmembers  
Mayor Pro Tem Whitmore made the motion to approve items #7, 8, 9, 10 and 11 on the Consent Agenda with Councilwoman Davis providing the second.

**Motion Carried 6-0**

IX. Approval of September 10, 2018 Minutes: Councilmembers  
Councilman Heath made the motion to adopt the minutes with corrections with Councilman Smallwood providing the second.

**Motion Carried 6-0**

X. Public Hearings:

2. **Finance**

Rodrique Taylor

2<sup>nd</sup> Public Hearing for proposed Fiscal Year (FY) 2018-2019 budget

Budget Consultant Rodrique Taylor presented the FY 2018-2019 budget. He stated that it is a balanced budget. There were no speakers in favor of the budget and there were no speakers in opposition. Councilman Pallend made the motion to approve the FY 2018-2019 budget with Councilwoman Portis-Jones providing the second.

**Motion Carried 6-0**

3. **Community Development**

Tarika Peeks

Public Hearing for the proposed text amendment to reduce the retail/commercial buffer standard for the Highway 74 Overlay District

Senior Planner Tarika Peeks requested for this agenda item to be withdrawn and moved to a later date. Councilwoman Portis-Jones made the motion withdraw the Public Hearing for the proposed text amendment to reduce the retail/commercial buffer standard for Highway 74 Overlay District with Councilwoman Davis providing the second.

**Motion Carried 6-0**

4. **Community Development**

Tarika Peeks

Public Hearing for a request to rezone the subject property from R-2 (Single-Family Residential District) to R-CT (Residential Condominium/Townhouse) to allow the development of 232 townhouses and 86 single-family homes on 75.9 acres

Melissa Griffis from South Fulton LLC asked for a continuance of this public hearing in order to receive a traffic study for the subject property. Richard Ferry gave a walkthrough of the project's approximately 232 townhomes and 86 single-family homes. He pointed out that there is more than one entrance into the project.

There were no speakers in favor of the public hearing.

Speakers in opposition:

1. Pearl Oliphant stated that she is extremely concerned about the traffic issues. She also inquired if there was going to be a rental policy and how the rentals would be controlled.

2. Danielle Robinson is concerned with the emergencies. She stated that if someone was having an emergency, there is very minimal space for anyone to respond. She said that the neighborhood does not add to anything that Fairburn stands for and that they need to look at the current infrastructure and see what room there is to grow in a positive movement.
3. Mike Burgess reiterated that traffic will be a nightmare. He also stated that no one has given a price point as of yet. Mr. Burgess said that the privatization is an issue with emergency vehicles and he suggested that the property stay zoned R-2.
4. Sherice Mullins is concerned about the property. She is concerned about the price point. She stated that the City should think about expanding upon other amenities that we could possibly have.
5. Greg Sanders stated that instead of a traffic study, a total impact study should be done. He said that investors will buy the properties to rent and with renters comes other issues.
6. Bill Oliphant is concerned with the education system. He stated that we already have a stressed education system. He said that the low-price housing units will attract people with young children.
7. Patricia Robinson asked what is Fairburn's future outlook. She suggested that we need to keep Fairburn as the small city that it is.
8. Rufus Wells stated that there are over 400 units that have not been developed in Durham Lakes therefore the traffic study will be flawed. He suggested that when the traffic study is conducted that the builders are mindful of the undeveloped homes in Durham Lakes.
9. Jerome Dunn stated that when he moved to Fairburn 3 years ago, he thought he was moving into a small community. He asked that whomever is doing the traffic study to take their time to complete it.
10. Eric Walker said that it is already a nightmare dropping his kids off to school in the morning. He stated that within the two years that he has lived in Fairburn, there are already issues within his neighborhood not to say that this new community would bring those types of problems.
11. Chuck Spine stated that he has nothing against development, however that is not what we need in Fairburn. He asked that we do not give away what we already have and that they should tread carefully to get what they need.

Councilwoman Davis stated that she is concerned that a price has not been revealed and she said a price point is needed. Ms. Griffis responded that they are still working on a price point.

Councilman Heath inquired about a HOA fee and bylaws for rentals and Ms. Griffis replied that it has not been discussed.

Councilman Smallwood brought up the Harris Road Project. He stated that there is still development planned for the City, therefore the traffic study will be flawed. Ms. Griffis states that the traffic study will consider the 400 undeveloped homes in Durham Lakes.

Mayor Pro Tem Whitmore said that price points should be revealed at this time. He also stated there should be an impact study done because a traffic study will not suffice.

Councilwoman Portis-Jones said that she lives on Rivertown Road, therefore she has major concerns. She stated that she shared the concerns of those who made comments. She asked how far back does the development come to Duncan Park and she also inquired what will be the buffer.

**Continued to October 22, 2018 Meeting**

**XI. Agenda Items:**

5. **Finance** Rodrique Taylor  
Approval of the Fiscal Year 2018-2019 Millage Rate for the City of Fairburn  
  
Budget Consultant Rodrique Taylor requested approval of the Fiscal Year 2018-2019 Millage Rate at the rate of 8.100. Councilman Pallend made the motion to approve the Millage Rate at 8.100 with Councilman Smallwood providing the second.  
**Motion Carried 6-0**
6. **Office of the Mayor** Mayor Elizabeth Carr-Hurst  
Discussion of the Betty Hannah Monument at Georgia Military College  
Mayor Carr-Hurst and Council discussed the location and size of the Betty Hannah monument  
  
Mayor Carr-Hurst states that the Council minutes from 4-5 years ago need to be reviewed in order to see when the name changed. She also stated that this item will be moved to the October 22, 2018 meeting so that more research can be conducted.  
**Moved to October 22, 2018 Meeting**
7. **Utilities** Tom Ridgway

Approval of the three-year renewal of a Service Agreement with Smart Covers, Inc. in the amount of \$9,900 per year

Mayor Pro Tem Whitmore made the motion to approve this consent agenda item with Councilwoman Davis providing the second.

**Motion Carried 6-0**

**8. Utilities**

Tom Ridgway

Approval to accept a proposal from Action Underground Utilities to replace approximately 1,100 feet of a failed clay sewer line on White Bird Way in the amount of \$160,700

Mayor Pro Tem Whitmore made the motion to approve this consent agenda item with Councilwoman Davis providing the second.

**Motion Carried 6-0**

**9. Utilities**

Tom Ridgway

Approval of a Task Order with Integrated Science and Engineering in the amount of \$17,200 to conduct Phase I MS4 inspections of storm drain structures in the Deep Creek watershed

Mayor Pro Tem Whitmore made the motion to approve this consent agenda item with Councilwoman Davis providing the second.

**Motion Carried 6-0**

**10. Utilities**

Tom Ridgway

Approval of a Pole Attachment Agreement with New Cingular Wireless PCS, LLC

Mayor Pro Tem Whitmore made the motion to approve this consent agenda item with Councilwoman Davis providing the second.

**Motion Carried 6-0**

**11. Utilities**

Tom Ridgway

Approval of a Pole Attachment Agreement with MCI METRO Access Transmission Services Corporation

Mayor Pro Tem Whitmore made the motion to approve this consent agenda item with Councilwoman Davis providing the second.

**Motion Carried 6-0**

**12. Parks and Recreation**

Chapin Payne

Approval of the revised City of Fairburn facility reservation policies and facility reservation fee structure

Parks and Recreation Director Chapin Payne discussed the revised facility reservation fee structure. Mayor Carr-Hurst stated that this subject needed to be discussed more, therefore, it was moved to the October 8, 2018 meeting.

**Moved to October 8, 2018 Meeting**

**13. Fire Department**

Deputy Chief Cornelius Robinson

Approval of the designation of the Fairburn Fire Departments as "Baby Safe Haven" locations

Sarah Koeppen, Executive Director of the Hope Box, conveyed information about being a Baby Safe Haven. Councilwoman Portis-Jones made the motion to approve the Fairburn Fire Departments as Baby Safe Havens with Councilman Pallend providing the second.

**Motion Carried 6-0**

**14. Office of the Mayor**

Mayor Elizabeth Carr-Hurst

Approval of a proposal from Banks, Finley, White and Co. for financial management within the City of Fairburn

Councilman Heath made the motion to approve the proposal from Banks, Finley, White and Co. with Mayor Pro Tem Whitmore providing the second.

**Motion Carried 6-0**

**15. Office of the Mayor**

Mayor Elizabeth Carr-Hurst

Discussion on retaining the services of the Mercer Group to retain a City Administrator

Mayor Carr-Hurst stated that the Council is looking for ways to move forward with a new City Administrator. Through further discussion, this item was moved to the October 8, 2018 meeting.

**Moved to October 8, 2018 Meeting**

**16. Office of the Mayor**

Mayor Elizabeth Carr-Hurst

Discussion on the relocation of the Brown Lester Cemetery

Senior Planner Tarika Peeks and City Attorney Randy Turner gave a status update on the Brown Lester Cemetery. Mr. Turner stated that there can be no new development on the site without a permit and that requires a public hearing. Additionally, he stated that there is a presumption in the law that cemeteries should not be disturbed. Ms. Peeks specified that there are approximately 65 individuals in the cemetery and that there could possibly be more due to unmarked graves. She also stated that once the application process for the relocation begins, it will be a long procedure.

**Discussed**

17. Council Comments:

Councilmembers

There were no Council Comments.

18. Executive Session\*- (1) Personnel

City Attorney

Councilman Pallend made the motion to adjourn to Executive Session at 8:51 PM with Mayor Pro Tem Whitmore providing the second. **Motion carried.** Councilman Pallend made the motion to reconvene into regular session at 9:21 PM with Mayor Pro Tem Whitmore providing the second. **Motion carried.**

19. Adjournment

Councilmembers

Councilwoman Davis made the motion to adjourn the meeting with Mayor Pro Tem Whitmore providing the second. The meeting adjourned at 9:22 PM.

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

  
Elizabeth Carr-Hurst, Mayor

  
Keshia McCullough, City Clerk