



CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
June 11, 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 J. Smallwood

Ms. Donna M. Gayden  
Mr. Randy Turner

City Administrator  
City Attorney

- I. Meeting Called to Order: The Honorable Mayor Carr-Hurst  
Mayor Carr-Hurst called the meeting to order at 7 :00 PM at 56 Malone Street,  
Fairburn, GA 30213.
- II. Roll Call: Shana T. Moss  
Roll Call was taken by Interim City Clerk, Shana T. Moss, all members were present,  
and the city had a quorum. The meeting proceeded.
- III. Invocation: Rev. Dwight Boone  
Crossroads Church of South Fulton
- 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.

City Attorney, Randy Turner gave an informational update regarding a class action suit filed by Adam Rice and Devika Kumar, to the Fulton County Board of Assessors, regarding property taxes. Attorney Turner stated he has been communicating with city attorneys in East Point and Union City, as the plaintiffs have named all the cities in Fulton County. Attorney Turner stated the city will have a nominal defense as Fairburn (the city) doesn't have authority to access property, only the county does.

- VII. Adoption of the Council Agenda: Councilmembers  
Councilman Pallend made a motion to adopt the council agenda and Councilman Heath seconded the motion. **Vote: 6-0 Motion Carried**
- VIII. Adoption of Consent Agenda Items: Councilmembers  
Motion to approve Agenda Item 1 was made by Councilman Pallend, the motion was seconded by Councilman Smallwood. **Vote: 6-0 Motion Carried**
- Motion to approve Agenda Item 2 was made by Councilwoman Davis, the motion was seconded by Councilman Heath. **Vote: 6-0 Motion Carried**
- Motion to approve Agenda Item 3 was made by Councilman Smallwood, the motion was seconded by Councilwoman Davis. **Vote: 6-0 Motion Carried**
- Motion to approve Agenda Item 4 was made by Mayor Pro-Tem Whitmore, motion was seconded by Councilwoman Portis-Jones. **Vote: 6-0 Motion Carried**
- Agenda Item 5 was removed from the agenda and will be presented at a later date.
- Motion to approve Agenda Item 6 was made by Councilwoman Portis-Jones, the motion was seconded by Mayor Pro-Tem Whitmore. **Vote: 6-0 Motion Carried**
- Motion to approve Agenda Item 7 was made by Mayor Pro-Tem Whitmore, motion was seconded by Councilwoman Davis. **Vote: 6-0 Motion Carried**
- IX. Adoption of City Council Minutes: Councilmembers
1. April 23rd, 2018, Council Meeting Minutes and Executive Session. Motion to approve was made by Councilman Heath, the motion was seconded by Mayor Pro-Tem Whitmore. **Vote: 6-0 Motion Carried**
  2. May 14<sup>th</sup>, 2018 Council Meeting Minutes. Motion to approve was made by Mayor Pro-Tem Whitmore, the motion was seconded by Councilman Smallwood. **Vote: 6-0 Motion Carried**
  3. May 29<sup>th</sup>, 2018 Special Called Executive Session Minutes. Motion to approve the minutes were made by Mayor Pro-Tem Whitmore, the motion was seconded by Councilman Heath. **Vote: 6-0 Motion Carried**



4. Council Meeting Date Change: Mayor and Council proposed a date change for the July Council Meeting due to city travels. The regular scheduled Mayor and Council meeting is July 9<sup>th</sup>, 2018. Mayor and Council voted to move the July 9<sup>th</sup> meeting to July 16<sup>th</sup>. Motion to change the meeting date was made by Mayor Pro-Tem Whitmore, the motion was seconded by Councilwoman Davis.

**Vote: 6-0 Motion Carried**

X. Public Hearing

**Planning and Zoning**

Ms. Tarika Peek

Rezoning 18RZ-003-Miller Development Company. For Mayor and Council to deny a request to rezone 1.004 acres from PD (Planned Development) to remove the condition that prohibits Major Group 55 uses in the area designated as commercial in Ordinance No. 98-07. Planning and Zoning requested a continuance of this item to the July 23<sup>rd</sup>, 2018 Meeting. Motion to grant continuance was made by Councilman Smallwood; the motion was seconded by Councilwoman Davis.

**Vote: 6-0 Motion Carried**

Agenda Items:

1. **Utilities**

Mr. Tom Ridgeway

Amendment to the ECG Intergovernmental Participant Contract. For Mayor and Council to approve an amendment to the Electric Cities of Georgia (ECG) Intergovernmental Participant Contract relating to the method used to determine the cost allocation method relating to the Pole Attachment Services. Motion to approve was made by Councilman Pallend, the motion was seconded by Councilman Smallwood.

**Vote: 6-0 Motion Carried**

2. **Engineering**

Mr. Lester Thompson

Approval of the Oakley Industrial and Bohannon Road Full-Depth Reclamation Project Contract Award. For Mayor and Council to approve the Oakley Industrial and Bohannon Road Full Depth Reclamation Project Contract Award with C.W. Matthews Contracting Co., Inc, for an amount of \$ 1,776,281.85. Motion to approve was made by Councilwoman Davis, the motion was seconded by Councilman Heath.

**Vote: 6-0 Motion Carried**

3. **Planning and Zoning**

Ms. Tarika Peek

18P-007 Plat Review-Kirby K. Johnson, Sr. Estate. For Mayor and Council to review and approve the Kirby K. Johnson, Sr. Estate Final Plat. This is a request to combine 2 plats. Motion to approve was made by Councilman Smallwood, the motion was seconded by Councilman Davis.

**Vote: 6-0 Motion Carried**

4. **Office of the City Clerk**

Ms. Shana T. Moss

For Mayor and Council to accept the official certified results of the Special Election that was held on May 23<sup>rd</sup>, 2018. A special election was held to fill the

unexpired term of then Councilwoman Elizabeth Carr-Hurst, who resigned from her council seat to run for Mayor. Linda J. Davis was the winner of the special election, she captured 62.04% of the votes, receiving 858 votes. Other candidates were Audrey Horn, who captured 22.20% of the votes, receiving 307 votes, and James Sumners, who captured 15.55% of the votes, receiving 215 votes. There were three write in votes, with a 0.22%. Motion to approve results was made by Mayor Pro-Tem Whitmore, and the motion was seconded by Councilwoman Portis-Jones.

**Vote: 6-0 Motion Carried**

**5. Parks and Recreation**

Ms. Chapin Payne

Mental Fitness, 21<sup>st</sup> Century Learning, Inc. Usage Agreement. For Mayor and Council to review and approve the usage agreement for Mental Fitness, 21<sup>st</sup> Century Learning, Inc., afterschool and summer camp program. **This item was removed from the agenda and will be heard later.**

**6. Parks and Recreation**

Ms. Chapin Payne

Duncan Park Camera System Upgrade. For Mayor and Council to approve the purchase of five additional cameras and updating existing NVR license software at Duncan Park in the amount of \$ 18,129.00. The additional cameras will be added to the parking lot with a monthly service charge of \$ 1,086.00 for all cameras. Motion to approve was made by Councilwoman Portis-Jones, the motion was seconded by Mayor Pro-Tem Whitmore. **Vote: 6-0 Motion Carried**

**7. City Administrator**

Ms. Donna M. Gayden

Annual Insurance Renewal. For Mayor and Council to approve the 2018-2019 property and liability insurance agreement. The City uses Tanner, Ballew, and Maloof, Inc. (TBM) as its insurance broker. Motion to approve was made by Mayor Pro-Tem Whitmore, the motion was seconded by Councilwoman Davis.

**Vote: 6-0 Motion Carried**

**XI. Executive Session\***

None

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

**XII. Council Comments:**

Councilmembers

Councilwoman Portis-Jones, expressed appreciation to all city employees, and thanked them for all of their hard work. She thanked Mayor Carr-Hurst for the opportunity to deliver a presentation on the DDA (Downtown Development Authority), she is excited and looks forward to starting small and growing large. Also, she welcomed new councilmember Linda J. Davis.

Councilman Pallend, welcomed Councilwoman Davis and said he looks forward to working with her, and wished her all the best.



Councilman Smallwood, expressed his Thank You to all city employees. He stated he stopped by the employee appreciation picnic on June 8<sup>th</sup>, and talked to several employees. He further stated the Renaissance Festival was great, the Farmers Market was awesome, the city concerts have been fantastic. He gave accolades to Ms. Chapin Payne and Dr. D'Avante Parks for a job well done with the Parks and Recreation department. He also welcomed Councilwoman Davis.

Councilwoman Davis, stated, to all her supporters and the citizens of Fairburn, she gave a huge Thank You. She thanked her colleagues for their support and said she is committed and dedicated to sharing her gifts and talents as a member of the council and working for the betterment of Fairburn.

Councilman Heath, thanked everyone for coming out. He welcomed Councilwoman Davis, and said he looks forward to working with her. He spoke about the city delegation traveling to the RECON Conference in Las Vegas. It was a great experience and he looks forward to the outcome of their trip, by hopefully bringing businesses to Fairburn.

Mayor Pro Tem Whitmore, stated he and his esteemed colleagues are excited to have Councilwoman Davis and he looks forward to working with her.

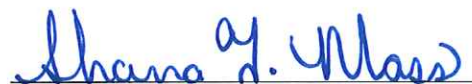
Mayor Carr-Hurst, offered her congratulations to Councilwoman Davis. She expressed her concerns about the issue and problems that voters experienced on May 22<sup>nd</sup>. She reported the city received a lot of phone calls with citizens being aggravated about being directed to the wrong polling locations. Mayor Carr-Hurst stated, she has been in communication with Fulton County Board of Elections about these problems and she expects to have a resolution. There will be a meeting on June 21<sup>st</sup> at Fulton County Board of Registration and Elections. Due to an out of town engagement she will be unable to attend. She stated it was disheartening to hear the problems some of the voters experienced. Mayor Carr-Hurst closed by saying, "this is a democratic process, this is suppose to work and it failed and for that I apologize."

XIII. Adjournment

Councilmembers

With no further business of the city, at 7:32 pm, motion to adjourn was made by Mayor Pro-Tem Whitmore, the motion was seconded by Councilwoman Davis.

  
Elizabeth Carr-Hurst, Mayor

  
Shana T. Moss, Interim City Clerk