



CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
March 26, 2018  
7:00 PM

### MINUTES

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

The Honorable Alex Heath  
The Honorable Pat Pallend  
The Honorable Hattie Portis-Jones

The Honorable Ulysses Smallwood  
The Honorable Mayor Pro-Tem James Whitmore

Donna M. Gayden  
Jennifer Elkins  
Randy Turner

City Administrator - absent  
City Clerk  
City Attorney

- I. Meeting Called to Order: The Honorable Mayor Carr-Hurst  
Mayor Carr-Hurst called to order at 7:09 PM at 56 SW Malone Street, Fairburn, GA 30213.

- II. Roll Call: City Clerk  
Mayor Elizabeth Carr-Hurst  
Councilman Alex Heath  
Councilman Pat Pallend  
Councilwoman Hattie Portis-Jones  
Councilman Ulysses Smallwood  
Mayor Pro Tem James Whitmore

Jennifer Elkins, City Clerk stated that all were present and that there was a quorum.

- III. Invocation Pastor Doug Thompson  
Harvest Rain Church International

- IV. Pledge of Allegiance: In Unison

- V. Presentation:

1. Volunteer Coach of the Year

Chapin Payne, Parks and Recreation Director, presented Coach Charles Fairchild with a plaque honoring his service to the City's youth.

Mayor Carr-Hurst stated that there was a second presentation from Waste Industries.

2. Waste Industries - Mayor Pro Tem Whitmore and John Childs

John Childs was presented with a check for the STEAM program in the amount of \$3,000 from George Gibbons of Waste Industries.

VI. Public Comments:

Rebecca Hellgeth - 6800 Mann Road – Ms. Hellgeth stated that she came to the Mayor and Council meeting a month ago and spoke about the conditions in her area. Ms. Hellgeth stated that after that meeting several employees worked in her area repairing 1 pothole, removing a barricade and some debris. Ms. Hellgeth stated that more work was needed and gave the examples of trees being down on the phone lines, potholes in the street and trash that needed to be picked-up. Further, Ms. Hellgeth stated she appreciated Kevin Johnson for coming out initially and the work he did, however, there was still more work needed.

Alexa Gurley – 160 Bay St NE – Ms. Gurley made statements regarding the need for additional traffic control in her area.

VII. Adoption of the Council Agenda: Council Members

VIII. Adoption of Consent Agenda Items: Council Members  
**Planning and Zoning** Tarika Peeks

1. Consideration and action on the Final Plat for OCP/CLG Fairburn.

**Utility Department** Tom Ridgeway

2. Consideration and action on Resolution 2018-05 MEAG Voting Delegation.

3. Consideration and action on a Memorandum of Agreements with Metropolitan North Georgia Water Planning District to participate in district wide Toilet Retrofit Program not to exceed \$2,500.

4. Consideration and action to approve a policy for Payment Arrangements to assist utility customers with unusually large bills.

5. Consideration and action to direct MEAG Power to apply the City's MEAG Power Projects 2017-year end settlement of \$198,060 to the City New Generation and Capacity Funding Account-Intermediate Extended Maturity.

6. Consideration and action to direct MEAG Power to apply the City's MEAG Power 2017-Telecommunications year end settlement of \$1,363 to the City's New Generation and Capacity Funding Account – Intermediate Extended Maturity.

**Finance Department** John Wiggins

7. Consideration and action on Budget Amendment Ordinance 2018-01 Budget Amendment.

8. Consideration and action on Hotel/Motel Revenue Management with GMA in an amount not to exceed \$5,400.00 per year.

**Parks and Recreation**

Chapin Payne

9. Consideration and action to enter into a Rental Agreement with G. Pat Green for use of 129 W. Board Street for daily and event parking for \$500.00 a month.

**Administration**

Donna Gayden

10. Consideration and action on an agreement with Advanced Disposal for commercial dumpster services.

**Human Resources**

Linda Johnson

11. Consideration and action on HR Express Program with GMA in an amount not to exceed \$2,000.

**City Clerk**

Jennifer Elkins

12. Consideration and action on an agreement with Fulton County Elections for the May 22, 2018 Special Elections in the amount of \$1,798.39.

13. Consideration and action on Appointment of Development Authority of Fairburn and the Downtown Development Authority Members.

- a. Rhonda Appleby
- b. Danita Jones
- c. Johnny Todd
- d. Carlos Montano
- e. Jason Jones

14. Consideration and action on Appointment of Housing Authority members.

- a. Betty North
- b. Daisy Brown
- c. Sandra Raines

**MOTION: Councilman Heath made a motion and Councilman Smallwood seconded the motion to approve the Consent Agenda. Motion carried 5-0.**

- IX. Adoption of City Council Minutes:  
1. February 26, 2018

Council Members

**MOTION: Mayor Pro Tem Whitmore made a motion and Councilman Pallend seconded the motion to approve the February 26, 2018 Minutes. Motion carried 5-0.**

- X. Agenda Items:

**New Business:**

**City Attorney**

Randy Turner

15. Consideration and action on Resolution 2018-04 Rules of Procedure.

Mayor Carr-Hurst stated that the City Attorney could resume review of the Rules of Procedure.

Randy Turner, City Attorney, reviewed the Rules of Procedure.

Councilwoman Portis-Jones inquired about a timeframe for the written notice under the Rule for abstaining.

Mr. Turner stated that a timeframe was not currently in the Rules.

After much discussion the Mayor inquired as to the Council's desire if the written notice should be required or removed.

The consensus of Council was to remove written notice.

Councilwoman Portis-Jones asked if a vote could be taken.

Councilwoman Portis-Jones stated that she thought a Councilperson did not have an option as to whether or not they cast a vote and that everyone had to cast a vote either for or against.

Mayor Carr-Hurst stated that the City Attorney advised Council that you could not compel someone to vote.

Councilwoman Portis-Jones asked if a consensus could be taken with, yes or no, to compel a councilmember to vote.

Mayor Carr-Hurst asked each Councilmember their desire as to requiring a vote.

Mayor Pro Tem Whitmore stated that he would yield to the City Attorney's opinion and that he did not think that he could compel someone to vote.

Councilman Heath stated that he did not think anybody should be forced to vote even though it is their responsibility.

Councilman Smallwood stated that it should not be a requirement.

Councilman Pallend stated that he would accept the legal perspective of the City Attorney.

Councilwoman Portis-Jones stated that we are elected to make decisions why would we sit up here and not have to vote yes or no.

City Attorney, Randy Turner, continued to review the Rules of Procedure.

Mayor Carr-Hurst inquired if there were any questions, objections or comments on the remaining items listed in the Rules of Procedure.

Councilwoman Portis-Jones inquired about the public's right to submit an item to the agenda and asked for submission timeline.

Randy Turner, City Attorney, stated that a meeting schedule was adopted and that it contained deadlines for submission. Mr. Turner further stated that he would be submitting an ordinance to remove some of the procedural rules from the Code.

Mayor Carr-Hurst asked if it was the City Attorney's suggestion that the Rules of Procedure not be adopted tonight.

Mr. Turner stated that the Rules could be adopted with the deletion of the advance written notice.

**MOTION: Councilman Pallend made a motion and Mayor Pro Tem Whitmore seconded the motion to adopt the Rules of Procedure. Motion carried 5-0.**

XI. Council Comments: Council Members  
Councilman Heath stated that he would like to give accolades to Mr. Berry for all the things that he does for the youth in the City and to Coach Fairchild.

Councilman Smallwood stated that he would like to highlight the city workers, Chief Bazydlo and stated that the Police Departments robust response has been amazing.

Councilwoman Portis-Jones stated that she would like to thank the Fairburn Police Department and law enforcement agencies throughout the metro area. Ms. Portis-Jones explained that several (Hall, Gwinnett and Cherokee Counties) agencies had helped with the locating of her husband who has Alzheimer's. Further, Ms. Portis-Jones stated that the Fairburn Police Department Chief Bazydlo, Det. Israel and Glantz helped with keeping her informed about what was happening and what the procedures were. Ms. Portis-Jones also thanked Interim Fire Chief Robinson for his help. Ms. Portis-Jones thanked everyone for their help, support, and professionalism.

Mayor Carr-Hurst stated that our prayers are with Councilwoman Portis-Jones and her family during this journey. Mayor Carr-Hurst stated that Interim Fire Chief John Reed came on board last Wednesday and welcomed him to the City of Fairburn, Mr. John Wiggins who is our Finance Director, and Jessica Davis, Executive Assistant recently came onboard and welcomed both to the City. Mayor Carr-Hurst asked if there were any appointees to Housing Authority present and thanked them for their service. Mayor Carr-Hurst stated that last week the City of South Fulton suffered a tornado at the Chestnut Ridge subdivision and that she and other members of city, Fire, Police, Code Enforcement, Water and Streets came out to help this area. Mayor Carr-Hurst also asked that her colleagues not forget to contact their legislators regarding the House and Senate Bills relating to right-of-way control.

XII. Executive Session \*- None

City Attorney


XIII. Adjournment

Council Members

**MOTION: Mayor Pro Tem Whitmore made a motion and Councilman Heath seconded the motion to adjourn the meeting at 8:13 PM. Motion carried 5-0.**

Respectfully submitted,

  
Elizabeth Carr-Hurst, Mayor

  
Shana T. Moss, Interim City Clerk