

# City of Fairburn: Mayor and Council Meeting Minutes

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City of Fairburn  
Mayor and Council Meeting Minutes  
November 27, 2017  
7:00 PM

- I. Meeting was called to order at 7:00 PM by the Honorable Mayor Mario B. Avery.
- II. Roll Call was taken by Interim City Clerk, Shana T. Moss, all members of council were present; the city had a quorum and the meeting proceeded.
- III. Invocation was rendered by the Honorable Mayor Mario B. Avery.
- IV. The Pledge of Allegiance was recited in unison.
- V. Presentation: There were none.
- VI. Public Comments:
  1. Dr. Nick Parnell of 8410 Cleckler Road, stated he does not have communication from elected officials, he reached out to every official and did not receive a response. The City of Fairburn has environmental and traffic issues and the elected officials have slight disregard and will not call on other agencies that can be of assistance. He asked that the elected officials reach out to the National Transportation Safety Board (NTSB) for sound concerns, and the EPD for environmental issues. He further stated, Mayor Pro-Tem, Portis-Jones, Councilmembers, Glaize and Whitmore have attended numerous conferences on the environment and water supply. He is concerned about the contaminated water in the area, he asked Mayor and Council to call experts into the city to address these problems. He presented a document to Mayor and Council that will become a part of the official minutes.
  2. Mr. Christian Turner, of 8345 Cleckler Road, stated he moved to the area in 2003 for a more simpler lifestyle to raise a family, he is aware council wants many new warehouses in the area, due to the revenue they generate. Mayor and Council need to step up to the table, because the city is in need of repairs, Bohannon Road, Oakley Industrial, and Highway 74, the bridge on Bohannon is damaged, there is a huge crack in the bridge that immediately need repairs. McClarien Road always has high volume of tractor trailers, when they go over the railroad tracks, other cars cannot get through safely. If Saban Warehouse is approved, there will be an increase of employees going to work when it's dark, they can easily be hit due to no reflective vest, people walking in the street, it will be more added danger.
  3. Mrs. Tonya Clauss, of 8410 Cleckler Road, stated garbage has been increasing in the area; it is not good for the environment. There is an increase in bicycle traffic, one morning she left her home between 6:30 am and witnessed a tractor trailer, use the turn-a-round space occupied by Clorox, the bicyclist was almost ran over,

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the green traffic light on Highway 74 is only 34 seconds and that amounts to excessive traffic build-up.

4. Ms. Janet Adams of 2107, Sandtree Court, Atlanta, Georgia spoke in agreement of the warehouse. She stated her mother was a resident of the area; and her mother is 90 years old and will not return to that location.
5. Mr. Doug Edmondson of 8545 Cleckler Road, stated he supported Saban.
6. Mr. Pete Edmondson of 8545 Cleckler Road, stated he supported Saban.
7. Mr. Geral Todd, of 300 Rivertown Road, spoke in support of Saban, he rode through the area, the warehouse will generate revenue for the city, and we must change with the times if we want progress. The warehouse will bring more eateries, and be an overall benefit for the city. He has seen a tremendous amount of growth in Fairburn, he has been in the area since 1968, he has witnessed Fairburn being strangled and now it is a vibrant city with fresh ideas and Fairburn has to keep up with the times.
8. Mr. Al Nash of 141 Pryor Street, Suite 2052 stated he is the CEO of Select Fulton, the Economic Arm of the city. His understanding is this will be a high tech distribution warehouse; a lot of money is being invested into this project, which will create jobs, and will increase tax dollars. He thanked everyone for listening.
9. Mr. Aaron Shropshire, of 8471 Creekwood Road, Palmetto, GA 30268, stated his residence is close to the Clorox Warehouse, and he doesn't hear disturbing noises, he is in support of the warehouse.
10. Mr. Scott Nicholson, of 4795 Coates Drive, Fairburn, GA is an independent carrier for DHL and he is in support of the Saban Project.
11. Ms. Patricia Durette, of 8415 Clecker Road, Palmetto, GA 30268, stated she purchased the ugliest home in the area, and renovated it. She made an emphatic plea; she played a video with sound for Mayor and Council and narrated the sounds to illustrate the massive noise level. She was offered \$70,000 for her home. She stated Saban has said, they will plant vegetation for the sound, but no vegetation can be planted, she is begging for mercy; please, do not vote for this warehouse to be placed in her yard. She further stated, Saban has a lot of property, they have the option of going somewhere else, and she does not have that option, due to finances.
12. Ms. Vanessa Turner of 8575 Creekwood Ridge Drive stated she has to leave her home at 6:30 because of the traffic light. She has to wait for all the trucks that are currently entering and exiting from Clorox. With the addition of the Saban

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Warehouse, this is going to cause great danger, and she is concerned, someone is going to be hit or killed. Also, this will bring increased garbage to the area, to add another facility, this will compound the problem, she is not opposed to growth, she is opposed to danger.

13. Mr. Mike Stevenson, of 8475 Creekwood Road, stated he would appreciate if the city would hire professionals to come into the city to conduct studies, such as the Corps of Engineers, and EPD. He stated he invited the elected officials to come out on November 12<sup>th</sup>, and no one came, except Councilwoman Glaize, nor has any elected official gotten back in touch with the residents.

VII. Adoption of the Council Agenda:

Motion to approve agenda was made by Councilman Pallend; motion, seconded by Councilman Whitmore, authorizing the removal of Item # 4 from Property Management, requesting approval to demolish a structure on Blighted Property at 231/233 Margaret Street. This item will be presented at a later date, after more information is obtained, per Attorney Valerie Ross. Adding Items 5 & 6, with 5 being GICH Discussion for DCA Chip Grant, and item 6 being Certification of the November 7<sup>th</sup>, General Election Results.

Vote: 5-0.

Motion Carried.

Motion to approve consent agenda was made by Councilwoman Glaize; motion, seconded, by Councilman Heath.

Vote: 5-0.

Motion Carried.

VIII. Adoption of City Council Minutes:

Motion to approve minutes from the November 13, 2017 meeting was made by Councilman Heath; motion, seconded by Councilman Whitmore. Councilman Whitmore had a correction, page 4 under his comment section, instead of area; he stated the word should say community. The change was noted and made.

Vote: 5-0

Motion Carried.

IX. Agenda Items:

**Old Business:**

Mayor Avery gave both the applicant and the opposing party thirty minutes, apiece to present their information.

1. Community Development/ Planning and Zoning

Public Hearing: Rezoning 17 RZ-001 (DRI 2665) Saben, LLC. Ms. Walker stated this information was presented at the August 28<sup>th</sup> meeting. Motion to discuss this item as old business was made by Councilman Heath; motion, seconded by Councilman Whitmore.

Ms. Brendetta Walker

Ms. Walker stated this information was presented at the August 28<sup>th</sup> meeting. Motion to discuss this item as old business was made by Councilman Heath; motion, seconded by Councilman

Vote: 5-0

Motion Carried.

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Ms. Walker stated, the applicant (Saban) is requesting to rezone thirteen (13) parcels from AG-1 (Agricultural District) to M-1 (Light Industrial District). The subject properties are located by I-85 on the north, Creekwood Road (which begins at the southern end of Oakley Industrial Blvd) on the east, Cleckler Road on the south and John Seaborn Road on the west. This project consists of three (3) warehouse buildings totaling 107,370 square feet of warehouse/distribution space on approximately 99 acres. Site access is proposed along the northern side of the subject property, parallel to I-85 and Creekwood Road. The proposed project was submitted to the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) for DRI (Developmental of Regional Impact) conceptual plan review on January 23 2017. GRTA approved the conceptual plan without conditions on March 29, 2017.

### **Applicant**

Ms. Walker stated additional studies were requested at the August 27, 2017 meeting, and those studies had been completed. Ms. Linda Dunlavy with the Dunlavy Law Firm representing Saban presented the team consisting of:

John Barker	Developer
Bobby Fountain	Principal of Saben and Shugart Family Member
Bill Hare	Real Estate to the Shugart Family
Sylvia & Mark Shugart	Family Members and principals of Saban
Randy Parker	Traffic Engineer
Dan McHugh	Sound Engineer
Brian Brumfield	Engineering Team

Ms. Dunlavy stated this item was deferred and since the deferment, a comprehensive sound study has been conducted, a zoning study was conducted, several site visits were conducted, and supplemental vegetation was studied for the best sound barrier for the area. Saban's sound study revealed decibel levels of the low 50's is what is present, trucks present decibels of low 60's. She referenced Exhibit C in the packet which depicted the quality of the area, noise, light and supplemental planting. Saban also presented 14 Proposed Conditions (which will become an official attachment to the minutes) that will be done on the site, as well as designing a parking lot with a barrier to block the Cleckler Subdivision, as well as a ring-a-round. There will be a 25 feet buffer around the property She stated there has been ongoing communication with the residents, a meeting was held on November 18, 2017. She stated her applicant has followed all regulations, the area is zoned M-1, and her applicant should be afforded the right to occupy the premises.

### **Opposing Party:**

Mrs. Tonya Clauss, stated she is Fairburn committed, she sees growth, but no attention is given to the citizens, and what is best for them. This is a tough position to be in, pouring your heart out to your elected officials, and seemingly falling on deaf ears. She has witnessed increased traffic, mainly truck traffic; she is concerned about

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the contamination runoff into the streams. Elected officials must take care of the citizens; recommendations should be done by professional government agencies. She is asking council members to postpone the vote, until additional studies and agencies can come into the area, conduct their studies, and present their findings. She asked, "What is the rush to push this vote through? She is requesting the Army Corp of Engineers, NTSB, and Georgia Power come into the area to conduct unbiased studies. She asked the city to hire a third party to study the environmental concerns this warehouse pose.

Dr. Nicholas Parnell, said he was going to reiterate what he has previously stated and referenced the handout he distributed. He feels the city need help in guidance and an outside agency to come in and conduct studies. He stated the citizens of the subdivision have been at the table negotiating with the Saban group; however, he stated the elected officials should be involved and sitting at the table with them. Dr. Parnell asked, "who will ensure the 14 points Saban identified, who will regulate to ensure they are carried out?"

Mr. Chuck Beaver, stated he is a truck driver, has driven all over the United States, and he has never seen a successful ring-a-round.

The hearing ended.  
Council Comments:

Councilwoman Glaize, stated she is proud to see communication with the Shuggart Family and the constituents. There is work to do on both sides, the City of Fairburn has to step up and deal with the problems the citizens referenced, such as the bridge on Bohannon Road, road damage, and the guard rail. She feels a few more things need to take place before a definitive decision can be made, because the citizens will be affected. There is no consideration for growth, more information is needed, and the City of Fairburn need to delay to allow more discussion. She made a substitute motion to delay the vote. The motion died for lack of a second.

Councilman Whitmore posed several questions beginning with asking City Engineer, Ms. Walker about a Corp of Engineer's letter, Ms. Walker was not familiar with the letter, he then referenced the Interim City Clerk about the letter, the clerk stated no one was privy to the information, but councilmembers (Saban gave a massive packet to only mayor and council members). Ms. Walker quickly reviewed the document and stated the letter was regarding encroachment on buffers, the State of Georgia has a 25 foot law on buffers and the City of Fairburn has an additional 25 foot. Buffer Encroachments can occur when there is construction, such as tree's being destroyed. CM Whitmore, asked about the responsibility of the Corps of Engineers, Ms. Walker stated, Inspectors have to go out, and inspect the site, studies are conducted and the area is often designated by orange fencing. The Corp of Engineers will issue a permit or deny the buffer encroachment. Ms. Walker stated, if the order is not followed, the City of Fairburn will issue a stop work order. He also asked about the Traffic light problem on Highway 74 and Oakley Industrial Boulevard and what is Fairburn

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doing? Ms. Walker stated this is a DOT situation, she has had several meetings and conversations with DOT, and they have done studies and actually completed a study this summer. Mayor Avery stated he attended a meeting with Ms. Walker and Mr. Thompson regarding this issue and they are working with South Fulton's CID. CM Whitmore, asked about the process involving ARC and GRETTA, Ms. Walker stated, it is a process, the process has been followed. Deputy Chief Bazdylo was called to the podium, at this time CM Whitmore, referenced the litter and Clorox personnel and asked if communication and surveillance could be implemented and would like a report back. Mr. Harvey Stokes was asked about the guard rail on Oakley, he stated the guard rail was destroyed by a tractor trailer, the city has been in communication with the insurance company about getting it repaired. In closing, he stated the area was zoned from AG-1 to M-1, he is happy the citizens and the Shugart's have been communicating. He thanked everyone for coming out and sharing their concerns, he is listening and when he votes it will be within the confines of the law.

Councilman Heath, inquired about the buffer around the area, he asked City Engineer Ms. Brendetta Walker, "If there is a problem with the buffer, will you shut it down?" "Yes," replied Ms. Walker. Councilman Heath asked, Mr. Dan McHugh, sound engineer about his experience, he stated he has been doing sound analysis for 25 years in the Atlanta Market.

Mayor Pro-Tem Portis-Jones, stated the citizens of Fairburn for coming out and expressing their concerns. She stated the city streets are a problem, and Oakley Industrial Boulevard is the main road that will be the recipient of the city's T-SPLOST, that will begin next year.

Mayor Avery, asked about the regulatory mechanism and what would be a non-compliance scenario? City Engineer Walker, hypothetically gave this scenario, "if a buffer has been encroached; the first step is to sit down with the owner, and inform him it must be replanted or restored, there are strict guidelines regarding buffers and encroachment.

Councilman Pallend, asked, "Has everything been adhered to?" Ms. Walker, replied, "Yes."

Motion to approve the Saban Warehouse Project was made by Councilman Pallend; motion, seconded by Councilman Heath.

Vote: 4-1

Opposed: Councilwoman Glaize

Motion Carried.

### Agenda Item 5

Councilwoman Glaize

Consideration of GICH Team moving forward to submit CHIP application through DCA. Councilwoman Glaize presented information to determine if Council wanted to move forward with applying for CHIP Grant this year. This information was

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presented to Mayor and Council on October 9, 2017, council decided not to proceed with the CHIP application due to the \$100,000 matching funds the city would have to match. Councilwoman Glaize stated in workshop the city would not have to provide matching funds, in-kind donations such as employees working on the grant would suffice. Mayor Avery stated his concern was the employees would become so inundated with working on the grant which would equate to funds, in the form of manpower. The motion died on the floor, for lack of a second.

### Agenda Item 6

Certification of the General Election Results Interim Clerk, Shana T. Moss  
Reported the City received the official certified election results from the November 7<sup>th</sup> General Election from Fulton County Board of Elections. In the Mayoral race, Elizabeth Carr Hurst qualified and ran unopposed, she received 1,121 votes, equaling 93.57% of the vote, there were 77 write in votes, equaling 6.43% of the vote. 9 people qualified for the city's three council seats that were available, in alignment with the city's charter, the top vote getter wins the seat. The three people receiving the most votes were: Alex Heath with 592 votes, equaling 19.79% of the vote; Hattie Portis-Jones with 848 votes, equaling 28.34%; and Ulysses Smallwood with 405 votes, equaling 13.54% of the vote. Mayor Avery asked for a motion to accept the results; motion was made by Councilwoman Glaize; motion, seconded by Councilman Heath.

Vote: 5-0.

Motion Carried.

### New Business:

All items were Consent Agenda Items (from Mayor and Council Workshop; motion made by Councilwoman Glaize; motion, seconded by Councilman Heath.

Vote: 5-0

Motion Carried.

1. City of Fairburn, cancellation of December 25, 2017 Council Meeting. This is the city's second meeting of the month and Christmas Day is a city holiday.
2. Police Department, Surplus/Inoperable Police Equipment.
3. Utilities (Electric) Department, Recloser Purchase, the city will have one unit that will monitor all phases; this will result in less outages.
4. Item Removed: Will be heard at a later date.

### X. Council Comments:

Councilman Whitmore, stated he appreciated everyone coming out, the vote was legal.

Councilman Heath Thanked everyone for coming out, there were good arguments on both sides, his heart goes out to the citizens. He announced the city's Christmas Tree

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Lighting Event, which will be held on Saturday December 2<sup>nd</sup> from 6:00 PM-8:00 PM. He invited everyone to come out, and he wished everyone a Great Christmas.

Councilwoman Glaize, this was a grave situation, this wasn't a win situation, and it could have been a win-win situation. Did not get to the finish line, it is very hard to sell your property, she is disheartened. The corridor need to be returned to M-1. It has been a pleasure working with all of you; people should always be first; when people win, we all win. It has been an honor to serve.

Councilman Pallend, had no comment.

Mayor Pro-Tem Portis Jones stated she has been educated by the residents of Clecker Road and Creekwood. Ordinances, land-use maps, and zoning conditions have been established. This is an opportunity for us to create a win-win, by having continued dialogue.

Mayor Avery stated he has 41 days left; he remains committed to assisting the citizens as he always have. He remains committed to leaving the city in good standing for the next administration consisting of Mayor-Elect Elizabeth Carr- Hurst, and City Administrator, Ms. Donna M. Gayden. He announced that City Administrator, Ms. Donna M. Gayden would be present at the next meeting, as her hire date is December 4<sup>th</sup>. Don't forget the Christmas Tree Lighting Ceremony on Saturday December 2, 2017 from 6:00 PM-8:00 PM in the downtown courtyard.

- XI. Executive Session, at 9:21 pm motion to enter into Executive Session for litigation was made by Councilman Heath; motion, seconded by Councilman Whitmore.

Motion to exit Executive Session at 9: 55 pm was made by Councilman Whitmore, with second being provided by Councilman Pallend.

- XII. Adjournment: At 9:53 PM with no further business of the City of Fairburn, motion to adjourn was made by Councilman Pallend; motion, seconded by Councilman Heath.

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Shana T. Moss  
Interim City Clerk

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Mario B. Avery  
Mayor

I attest: