

City of Fairburn

Mayor and Council Meeting Minutes
November 13, 2017
7:00 PM

Official Minutes

The Honorable Mayor Mario B. Avery, Presiding

The Honorable Mayor Pro-Tem Hattie Portis-Jones
The Honorable James Whitmore

The Honorable Alex Heath
The Honorable Pat Pallend

Stephen Hood
Shana T. Moss
Randy Turner

Interim City Administrator
Interim City Clerk
City Attorney

- I. Meeting was called to order by the Honorable Mayor Mario B. Avery at 7:00 PM.
- II. Roll Call was taken by Interim City Clerk, Moss, all member of council were present with the exception of Councilwoman Lydia Glaize who was absent.
- III. The Invocation was given 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. Mr. Thomas Cochran of 467 Fire Leafway, Fairburn, Georgia, congratulated Mayor, Council, Ms. Chapin, and Dr. Parks on a great festival and the events they are doing in Fairburn. He opposes the cluster mailboxes, due to the problem they pose for the elderly, being immobile trying to obtain their mail, and the security problem of everyone's mail being out. He further stated this is not a covenant nor is it a mandate by the postal service.
 2. Mrs. Tonya Clauss of 8410 Cleckler Road, stated she is aware of the vote in a few weeks regarding Saban Properties. Commented that the subdivision have had meeting with the Saban Group for a five year plan to sell their homes for bigger property. She stated the subdivision is inundated with loitering, illegal parking, and littering and if this warehouse is allowed in the area, these problems with only expand. The stop sign in the subdivision has been ran over twice in two months, she has video of semi-trucks speeding, more signage and more patrol is needed.
 3. Dr. Nicholas Parnell of 8410 Clecker Road, presented a formalized plan (will become a part of the minutes) summarizing the major concerns of the Fairburn

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residents living on Clecker Road, opposing the Saban Warehouse. He reported the stop sign is down, and by allowing this warehouse the quality of life would be diminished in the area. There will be an increase in light and noise, bringing this warehouse will increase 350 more truck annually, and an increase in water pollution, and environmental concerns due to fluids leaking from the trucks.

4. Ms. Christina Turner of 8345 Clecker Road stated she wants to see Fairburn grow, and is not opposed to growth, but this warehouse is not the growth the area needs. Her animals can get sick from the contamination that they will be exposed to.
 5. Ms. Patricia Durette of 8415 Clecker Road stated she is gravely concerned because her home is 27-30 feet from the warehouse line. This proposed warehouse will be within a few feet of where she sleeps. She can't imagine what it will be like living so close to this warehouse? What will her quality of life be like?
 6. Mr. Chuck Deaver of 8415 Clecker Road, thanked Councilwoman Glaize for coming out to meet with the resident, stated he sent an email to all elected officials inviting them to the meeting and received no response. Stated, Saban has done noise study and it is not the same as the level he has recorded. This warehouse will negatively impact lives, trucks are everywhere, there will be an additional back log in traffic, property value will decrease, he is very close to retirement, and he feels stuck and can't sell.
 7. Eric Wallis, Jr. of 100 Vintage Court, spoke regarding the Fairways of Durham Lakes and the theft in the area. He reported the main model was vandalized; the, thieves backed a U-Haul up to the unit and depleted the home. He asked if theft is an ongoing problem? Chief Sutherland replied that crime statistics in Fairburn has diminished tremendously. He spoke regarding the poorly dim lit John Rivers Road and asked if more lighting could be placed along the route.
- VII. Adoption of The Council Agenda: Motion to approve consent agenda, with the addition of Item # 8, being the former Far Better Community Center, Quit-Claim Deed. Motion to approve agenda was made by Councilman Heath; motion, seconded, by Councilman Pallend.
- Vote: (4-0): Motion Carried.
- VIII. Adoption of City Council Minutes: Motion to approve minutes from October 23, 2017 Council Meeting was made by Councilman Whitmore; motion, seconded by Councilman Heath.
- Vote: (4-0): Motion Carried.
- IX. Agenda Items:
Consent Agenda for Items 1,2, 3, 4, 5, & 6, being consent with Item 7 & 8 being a discussion in regular council.

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Agenda Item 1

Ms. Karen Larkin/Chief Hood

This presentation was done in Workshop due to completing workshop and time allowed for presentation before regular meeting.

GMA-GIRMA Georgia Firefighters' Cancer Benefit Program Proposal and Resolution for Coverage as mandated by HB 146 (2017). Ms. Larkin stated medical research shows that smoke and ash can be carcinogenic; for fire fighters who are exposed to the elements when fighting fires. HB 146 will become effective January 1, 2017 and GMA has compiled the program and contracted with a 3rd party insurance company Hartford. Upon the 1st diagnosis the Lump Sum will be \$25,000, must be employed 12 months and there is a three month pre-existing condition. The lifetime maximum payout is \$50,000. The City of Fairburn currently has 43 Fire Fighters, per an employee census, 13 are employed elsewhere. For the 13 employee that are employed elsewhere (with other cities), their cost will be paid by the several other cities they are employed for. The amount per fire fighter is estimated at \$224.00 annually, premiums are due quarterly. First three years the rates are locked in. Mayor Pro-Tem Portis-Jones requested Ms. Larkin follow up with written instructions on the required administrative procedures including the City's responsibility to inform insured Firefighters of their right to continue coverage upon termination of employment. She further requested clarification regarding coordination between the Group's Long Term Disability policy administered by Lincoln and the current policy.

Agenda Item 2

Mr. Tom Ridgway

TOF for Storm Water Study in St. John's Crossing. The backyard of 1780 Crosswinds Walk has experienced flooding, at time up to the base of the foundation during major rain events.

Agenda Item 3

Mr. Tom Ridgway

Election for Off-System Energy Sales Margins for Power Supply Year 2018. MEAG Power has excess generating capacity not needed by participants, the energy is sold into the market and Fairburn receives a proportionate share of the revenue. The City of Fairburn received percentages of 60/40.

Agenda Item 4

Mr. Tom Ridgway

Election for Participant Directed Voluntary Deposits into the Municipal Competitive Trust. MEAG Power is eliminating the Reserve Funded Debt Account in the Municipal Competitive Trust. This year's balance is \$126,377.

Agenda Item 5

Mr. Harvey Stokes

Request for Approval of a Landscaping Design and Installation Agreement for Fairburn Police Department. The exterior of the building has not had any type of improvements. The landscaping will bring the department up to standards with our Youth Center, Fire Station, and City Hall. The cost will be allocated to the Tree Bank

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Budget Line Item. Pike's Nursery was awarded the bid, which encompasses a lifetime warranty on plants. Councilwoman Whitmore also commented about dumping on John Rivers Road.

Agenda Item 6

Ms. Brendetta Walker

In December of 2015, OCP, Partners donated approximately 20 acres of property to the City of Fairburn. This previously donated property is adjacent to the current site offered for donation. The property is in close proximity to Hwy 74, and will have frontage along the proposed roadway from Harris to Milam Road.

Agenda Item 7

Ms. Brendetta Walker

The City of Fairburn has no ordinance regarding cluster mailbox units that the United States Postal Services (USPS) is proposing. The United States Postal Service (USPS) has initiated a centralized mail delivery policy for new residential subdivisions, most often referred to as cluster box units (CBU). Cluster mailboxes are now the USPS' preferred method for mail delivery for new residential development (subdivisions). These units are common features of apartment units. The USPS began a centralized delivery of these units in April 2012; this policy is now being enforced for new residential subdivisions. The USPS recognized the convenience of having a mailbox located at the end of a resident's driveway; however, there are advantages to CBU's, such as secure mail, and least expensive. This ordinance was previously presented at the September 25, 2017 Council Meeting and died from lack of a motion. The ordinance would allow the city a road map of parameters for contractors/builders to follow with building designs and specifications in the city. Motion to approve this ordinance was made by Councilman Whitmore; motion, seconded by Councilman Pallend.

Vote: (4-0) Motion Carried.

Councilwoman Whitmore vehemently opposes the cluster mailbox units and spoke on behalf of Durham Lakes Subdivision. The postal service has notified the residents they will be evolving to the cluster system and residents are very unhappy. Councilman Whitmore resides in Durham Lakes and stated people purchased \$300,00-\$500,000 homes in that community and mail will not be delivered to residents home, is unimaginable. The Homeowner's Association at Durham Lakes has solicited the assistance of Congressman David Scott, to assist with the postal service. Having cluster mailboxes poses problems for the elderly who are immobilized, parking problems and weather related problems. Residents of Durham Lake state this is not a mandate by the Postal Service; therefore, they feel they should be under no obligation to install cluster mailboxes. The Home Owners Association has prepared a letter that will be sent to Congressman Scott, and Councilman Whitmore, asked Mayor and Council to sign the letter in support of the resident of Durham Lakes that they oppose the cluster mailboxes that are being erected in their city. Councilman Whitmore read the letter from the Homeowner's Association to the council and citizens and asked that the letter become a part of the official record.

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Below is the original letter in its entirety.

Supplement to Privacy Release Form - Rufus Wells, Sr. for

Durham Lakes Property Owners Association (POA)

Problem: Durham Lakes Golf & Country Club is an 864 unit development located in Fairburn, Georgia. We have four major subdivisions within our community; Durham Lakes, The Fairways, The Enclaves, and Brookhaven. Brookhaven is the subdivision where the problem exists.

All of our subdivisions have “Curbside Delivery” with the exception of Brookhaven. The Brookhaven subdivision is required by the Postmaster to have “Cluster Style” mailboxes according to a Notice from the Postmaster dated 4/9/12 (Growth and Delivery Point Management Program). The Cluster mailboxes are to be located in the Common Areas of the subdivision. There are 255 lots/homes in the Brookhaven subdivision. Currently there are 85 occupied homes in Brookhaven that were platted on 2/21/06. The original Plat Plan was approved for “Curbside Delivery” of the mail for all 864 lots.

The Builder, Century Communities of Georgia erected temporary Cluster mailboxes at the entry of the Brookhaven subdivision until such time as the Property Owners Association and the City of Fairburn could agree on locations for the permanent Clusters that would not impede traffic and would allow for off-street parking while the residents retrieved their mail.

I have personally received many complaints from current residents regarding the traffic jam that is created at the temporary Cluster Mailboxes in the evenings when residents are returning from work. There is insufficient parking area to accommodate more than three (3) vehicles at a time, and the current location is larger than any single Common Area owned by the POA. Please note that the traffic problem is being caused by only 85 families and the subdivision is only thirty four percent (34%) completed. Additionally, there are 5 to 8 new families moving in each month.

The POA met with City of Fairburn officials two weeks ago to identify acceptable Common Areas where the Cluster mailboxes could be located, recognizing that the traffic problem was only getting worse with each passing month. When we located the Common Areas in the Plat

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Plan, it became obvious that there are no sufficient Common Areas within the subdivision to locate the Clusters and not cause “significant” traffic control issues. The POA asked City officials if they could contact the Postmaster to get relief from the Cluster requirement since the Plat Plan was approved well in advance of the Postmaster’s Notice. City officials indicated that the Postmaster’s office was not willing to change their position this requirement.

Resolution: We are asking Congressman Scott’s office to intervene with the Postmaster to see if “Curbside Delivery” can be approved for our Brookhaven subdivision. This is the only solution that can solve the traffic control problem and ensure that the residents of Brookhaven have the same benefits as all other Durham Lakes residents.

The Mayor and Council decided to sign the agreement in support of the citizens of the city.

Agenda Item 9

Attorney Randy Turner

Presented to Mayor and Council Quit-Claim Deed for the former Far Best Community Center, this land originated from being overcharged regarding Duncan Park, Fulton County made assurances to deed the city this land in exchange for the overpayment. Mayor Pro-Tem Portis-Jones, thanked Attorney Turner on his hard work for this project, she is looking forward to working with the staff and citizens on renovations for this center. Mayor Avery wanted it to be understood, that this facility is inclusive for all. The next administration will set rental rates for this facility. Motion to accept was made by Councilman Pallend; motion, seconded by Councilman Heath.

Vote: (4-0) Motion Carried.

X. Council Comments:

Councilman Whitmore: Thanked everyone who came out and spoke, he heard everything that was said; he appreciated the narrative that was submitted by Dr. Parnell of Clecker Road. He is glad there is continued communication with Saban, Inc. and he hope the group meeting slated for Saturday (November 18) is productive. He congratulated Chief Robinson on receiving his Bachelor’s degree.

Councilman Heath: Thanked everyone for coming out, and for letting everyone know how they feel. He thanked citizens for electing him to his third term. This was the largest election cycle of candidates, the forums, citizens brought up a lot of issues, he asked if anyone has an issue please come and voice your concern. He will be in Charlotte, along with his colleagues for the National League of Cities Conference.

Councilman Pallend: No Comment

Mayor Pro-Tem Portis-Jones: Thanked the residents of Clecker Road for coming out, she received a lot of information. She looks forward to hearing about the meeting between the residents and Saban on Saturday (November 18th). She congratulated Chief Robinson on his achievement of receiving his degree. Thank you to the Fire and Police Department, they work

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really hard and do their best. Thanks for electing her to her second term and she appreciated the high voter turnout.

Mayor Avery: Congratulations to Deputy Chief Robinson, he acknowledged the newly elected official Mr. Ulysses Smallwood, who will take office in January 2018 as a council member and also, extended congratulatory wishes again to Mayor Elect Elizabeth Carr-Hurst.

XI. Executive Session : None

XII. Adjournment: With no further business of the city, motion to adjourn at 8:18 pm was made by Councilman Heath; motion, seconded by Mayor Pro-Tem Portis Jones.

Respectfully Submitted:

Shana T. Moss
Interim City Clerk

Mario B. Avery
Mayor

I Attest: