



City of Fairburn
Mayor and Council Meeting Minutes
August 28, 2017

- I. Meeting Called to Order: The regular meeting of the Mayor and Council was called to order at 7:07 PM by the Honorable Mayor Mario B. Avery.
- II. Roll Call was taken by Interim City Clerk, Shana T. Moss with the following members present:
 - The Honorable Mayor Pro-Tem Hattie Portis-Jones
 - The Honorable Councilwoman Lydia Glaize
 - The Honorable Councilman James Whitmore
 - The Honorable Councilman Alex Heath
 - The Honorable Councilman Pat Pallend

With all members present, the city had a quorum.

Also in attendance was: Interim City Administrator: Chief Stephen Hood
City Attorney: Randy Turner
- III. The Invocation was given by Councilman Heath.
- IV. The Pledge of Allegiance was recited in unison.
- V. Presentation (None)
- VI. Public Comments: Each speaker was given 3 minutes.
 1. Ms. Elizabeth Hurst, Ms. Hurst stated OCGA 45-2-2, states, "no person shall hold, in any manner, or be commissioned to hold more than one office at one time. Thereby, on August 23, 2017 she resigned her council seat to run for the Office of Mayor. Ms. Hurst thanked the council and that she enjoyed working with them and the past 10 years she has been on council has been some of the best. She is excited about the future of Fairburn and is looking forward to January.
 2. Ms. Gwen Coleman of 368 Fairview Drive, she resides behind Georgia Military College and her area is an eyesore due to the massive 18 wheelers that are allowed to park near her residence. She presented pictures to Mayor and Council. Ms. Coleman, stated, "The citizens of her community have reported this situation to Code Enforcement, but obviously they have hit a plateau." Ms. Coleman further said, she has counted 13, 18 wheelers that were parked outside her front door on Shaw and Fairview Drive.

3. Ms. Leotha Edwards of 155 West Broad, the seniors are having problems with the alarm system, it continuously alarms at four and five o'clock in the mornings. The last time the city responded was August 13th, and they were told not to cry wolf. They were told the alarm would be fixed, she has to get up early in the mornings for work and the alarm sounding at all intervals is tiresome. She is asking for Mayor and Council to look into this situation for a resolution.

VII. Adoption of the Agenda with Mayor and Council adding Items 7, 8, & 9. Item 7 regarding Fulton County League of Women Voters, Item 8, Election Yard Signs, and Item 9 Mental Fitness Contract. Motion to approve agenda was made by Councilwoman Glaize; motion, seconded by Councilman Whitmore.
Vote: 5-0 {Motion Carried}.

VIII. Approval of City Council Minutes: City Council Minutes of July 24, 2107 and August 14, 2017 will be presented at the September 11, 2017 City Council Meeting.

IX. Public Hearing:

1. Use Permit 17U-001 & 17CV-002-Clayton Ministries (Planning). City Planner, Ms. Tarika Peeks introduced a use permit petition to allow a church at 7875 Bohannon Road, with a concurrent variance to allow parking within the minimum front yard setback. Pastor Hayes Clayton informed Mayor and Council the congregation purchased the land 10 years ago and he is trying to bring a ministry into the city. The church will eventually seat 300 people, Pastor Clayton's denomination is Pentecostal, he has been pastoring for over 25 years and he has a growing ministry with members in Marietta, Gray, and LaGrange, and he is trying to secure a location with everyone is in one place. Per City Planner, Peeks, the City of Fairburn recommended conditional approval, the church will have 64 parking spaces, all spaces will have to meet ADA and be handicapped accessible. The adjacent property is zoned as follows: to the north M-1; West-Industrial; South is Light Agricultural. Motion to approve was made by Councilwoman Glaize; motion, seconded by Councilman Heath. Vote: 5-0 {Motion Carried}.
2. Rezoning 17RZ-001-Saben, LLC (Planning). City Planner, Ms. Tarika Peeks introduced a rezoning petition to rezone properties from AG-1 (Agricultural District) to M-1 (Light Industrial District) to allow the development of three warehouse facilities. The area is approximately 99 acres and the frontage streets are Creekwood, Cleckler, and John Seaborn Roads. Ms. Linda I. Dunlany of the Dunlavy Law Group, 1062 B. Atlanta, Georgia represented Saban LLC, she presented the overall presentation. Ms. Dunlany was given 21 minutes to make her presentation, she stated this property was south of I-85, and was west of Creekwood Drive, and is owned by Saban LLC. She stated this project will enhance the city by providing approximately 600 jobs, and the estimated projected revenue is \$48 million. She stated the area is currently vegated and evergreens will be planted to permeate the area, there will be a 50 foot buffer

placed around the facility. The esthetics of these containers will not be the customary aluminum siding, Saban's container's will be masonry and glass, comprised of high-tech materials. She stated trucks will be going to the site during peak hours, the most trucks estimated in a day would be 23 and the amount of noise that would be heard from the area would equate to 60 decibels. Saban conducted three prior community meetings. The rezoning petition was reviewed at the August 8, 2017 Planning and Zoning Commission meeting and denied by the Atlanta Regional Commission.

A Public Hearing was conducted for pro's and con's for this rezoning.

Pros

- Ms. Janet Adams, of 2107 Sandtree Court, Atlanta Georgia spoke in support of Saban LLC, stated this was a difficult decision for her family. Her mother's residence (Mrs. Christine Smith) is in the area and her mother is in support of this property being rezoned.

Opposition

- Ms. Shelia Harris, 8525 Creekwood Ridge Drive, opposes the rezoning due to the safety concerns of the subdivision and the seventeen residential homes, the eighteen wheelers are dangerous and she is afraid they will run the four way stop and cause a bad accident or fatality.
- Horace Cooper, 880 Buckingham Cove, spoke in opposition regarding the heavy traffic on Highway 74, and with the addition of these tractor trailers being on the road, the traffic will be heavier. He further stated, with the deepening of the Savannah River, there will be more of an influx of truck traffic. The trucks are dangerous, some of them have turned over because they go too fast entering and exiting I-85.
- Gabe Kennedy of 8425 Cleckler Road, Palmetto Georgia 30268 stated this facility will be 280 feet from his back deck, and Saban stated their noise would not equate to any more than 60 decibels, Mr. Kennedy stated 80 decibels causes hearing loss, anything with 60 decibels or more requires ear plugs. Mr. Kennedy said he has a Master's in Marine Biology and is an engineer for Delta Airlines and the evergreens Saban states they will plant, will not absorb the noise. He is also concerned about the accumulation of traffic.
- Ms. Tonya Clauss of 8410 Cleckler Road, Palmetto, Georgia 30268 stated there are 17 homes in the area; she has a Master's in Environmental Health. He moved to Fairburn for the rural quaint life, family life style. She has lived in Fairburn for 12.5 years, and 18 wheelers are a big problem and if this rezoning occurs this will result in more traffic woes, the area of Highway and 74 and Oakley Industrial Boulevard is a big nightmare.
- Ms. Patricia Durette, 8415 Cleckler Road, Palmetto, GA 30268 stated her bedroom is 30 feet from the property line; her home is the last home in the tight knit community. Most of the residents in the area are close to retirement and cannot afford to move to another location. Their area will be affected by the noise and lights; she is scared to watch this monster unfold.

- Mr. Nicholas Parnell, stated the planning commission had denied the request previously and he is asking Mayor and Council to do the same. The subdivision is a nice tight knit community with 17 houses. People's homes will be in close proximity to this proposed facility. The area sits on a gas line and the gas line area will have to be cleared, there will be tons of traffic, and people will be loitering and littering the area. They are already affected by the Clorox Company that is in the area.
- Mr. Harvey Smith (opposed his sister Ms. Janet Adams who represented Ms. Christine Smith). Mr. Smith stated this situation has divided his family, his mother's property has been in existence since 1971, he is the oldest son, and there are three other siblings. His sister Ms. Adams has power of attorney over their mother; however, he does keep his mother sometimes and she loves her home, (Mr. Harvey Smith) still resides there, his mother is 90 years old, and she wants to keep her home. Mr. Smith asked Mayor and Council to oppose the rezoning, most of the homes are paid off, and people are not at the age to go in debt with another mortgage.

Per Robert's Rules of Order, Mayor Avery gave Saban, LLC a three minute rebuttal.

Ms. Linda Dulany refuted the opposing citizens concern's about trucks, as she stated Cleckler Road would only be affected when trucks would be entering going to the smaller 12, 000 square foot trailer. She stated the company agreeing to saturate the area with evergreens, was not a noise barrier, but an esthetics deterrent, because evergreens grow fast, and wide. She asked council to allow Saban to hire a sound expert and conduct a sound study, instead of a Delta employee.

Per Robert's Rules of Order, Mayor Avery closed the Public Hearing.
 Motion to revisit this permit in 90 days was made by Councilman Heath;
 motion; seconded by Councilman Pallend. Vote 4-1 {Motion Carried}
 Opposed: Councilwoman Glaize

Council Comments:

Councilwoman Glaize, stated the Planning and Zoning Board didn't approve the request and she would like to revisit this process in 90 days at the November 27, 2017 meeting. ARC made recommendations.

Mayor Pro-Tem Portis-Jones, stated the mayor and council needed to be provided more information on both the opposing and opposite side. She stated it might be beneficial for Mayor and Council to do a site visit, she would like this deferred until she could be educated appropriately.

Councilman Whitmore, stated there are concerns on both sides, he suggested to have staff (Ms. Peeks) reach out to New Jersey to compare the way a differing state would handle this situation. He also, stated, going to visit the site and also visiting the homes in the subdivision.

Councilman Heath, stated additional studies need to be conducted such as (noise and sound) this will be beneficial to make the best decision.

Mayor Avery, stated council is going to revisit the information in 90 days; however, around day 50 information (studies conducted) should be provided to council.

Councilman Pallend, suggested that both sides continue communicating with one another, to see if a mutual decision can be made.

X. Agenda Items

3. Text Amendment 17TA-003-Cluster Mailbox Units Ordinance (Planning). City Planner Ms. Tarika Peaks presented a resolution for Mayor and Council to add regulations for the installation of residential cluster mailbox units. The United States Postal Services (USPS) has initiated a centralized mail delivery policy for new residential development, including single family development, referred to as cluster box units (CBU). The benefits of a CBU is that it reduces theft, and this is the most effective method for combating mail theft. Ms. Peaks stated this is a mandate for all new subdivisions by the postal service. Motion to approve was made by Councilwoman Glaize; motion, seconded, by Councilman Pallend.

Vote (5-0) {Motion Carried}.

Council Comments:

Councilman Whitmore, asked would current subdivisions be grandfathered in? Ms. Peaks, stated, "Yes," and there would be no more personal mailboxes for single family homes.

Councilman Heath, asked if the boxes are individually locked? Ms. Peaks, stated, "Yes." He raised the question about a disabled person obtaining their mail; Ms. Peaks stated this mandate is being disseminated by the postal service.

Councilwoman Glaize, asked if this was uniformity throughout the postal service and she would like more information from other cities that have evolved to the CBU's.

Mayor Pro-Tem Portis-Jones, stated she would like information from the post office regarding these new units.

Councilwoman Glaize put a substitute motion on the floor to wait an additional 30 days before making a decision; motion, seconded by Mayor Pro-Tem Portis-Jones.

Vote (5-0) {Motion Carried}.

4. Discussion on the Comprehensive Managed Services for IT & GIS Request for Proposal (Mayor). Interim City Manager Stephen Hood presented to Mayor and Council the discuss the city's selection committee's decision in awarding InterDev the winning bid for the Comprehensive Managed Services for Information Technology and Geographical Information Services. Mr. Hood stated this would allow the city to be blanketed and staffed with an in house person

daily. City Attorney Randy Turner stated this was being presented again, as this was on the floor before, but failed to get a second. Motion to approve was made Mayor Pro-Tem Jones; motion, seconded by Councilman Pallend.

Vote (5-0) {Motion Carried}.

Council Comments:

Mayor Pro-Tem Portis-Jones, stated it is crucial to have on site resources and it is beneficial to have someone permanently.

Councilwoman Glaize put a substitute motion on the floor to have a hybrid IT Director on site; motion, seconded by Councilman Heath.

Vote (5-0) {Motion Carried}.

Councilman Whitmore, stated this will provide GIS support requirement.

Mayor Pro-Tem Portis-Jones agreed with substitute motion.

Councilman Pallend, stated if we don't do this we will have a gap in technology and we can't have that.

5. Service Agreement with Perfect Events for You, LLC (Parks and Recreation).
Ms. Chapin Payne, Parks and Recreation Director, presented an agreement to Mayor and Council to approve a service agreement between the City of Fairburn and Perfect Events 4 You, LLC, to provide transportation for College and University and bands to participate in the Fairburn Fall Festival on October 7, 2017. The amount of the agreement is \$12,050.00. Ms. Chapin stated bands from Clark Atlanta and Alabama State have committed. There is a performance fee which is \$2500, and about \$13,000 has been collected for the festival. Motion to approve agreement was made by Councilman Pallend; motion, seconded by Councilwoman Glaize.
Vote (5-0) {Motion Carried}.
6. Sale of Bucket Truck (Utilities). Mr. Tom Ridgeway, Utilities Director presented for Mayor and Council to accept an offer of \$7,500 from Lance East for an old bucket truck that is 19 years old. Motion to approve was made by Councilwoman Glaize; motion, seconded by Councilman Pallend. Vote (5-0) {Motion Carried}. Councilwoman Glaize recommended the city's new bucket truck be placed on the city's Facebook page.
7. Fulton County League of Women Voters. Councilman Pallend tasked Interim City Manager, Stephen Hood and Interim City Clerk, Shana T. Moss of contacting the Atlanta-Fulton County League of Women Voters, to partner with the city in sponsoring a Candidate Forum/Meet and Greet. The interim manager and city clerk will make contact and report back to Mayor and Council. Motion to approve was made by Councilman Heath; motion, seconded by Mayor Pro-Tem Portis-Jones.
Vote (5-0) {Motion Carried}.
Both Mayor Pro-Tem Portis Jones and Councilwoman Glaize stated some other religious and civic organizations were having candidate forums.
8. Campaign Sign Protocol. Mayor Avery spoke with Mayor and Council about campaign signs on the city's major thoroughfares and these signs being a hindrance with city employees cutting grass. Mayor and Council established the following area being prohibited from campaign signs, From Highway 84 North

(leaving Peachtree City, entering into Fairburn) in the Median {middle area} through the Highway 29 Overpass. All candidates will be notified by the Interim City Clerk on August 29, 2017. Motion to approve was made by Councilwoman Glaize; motion, seconded by Councilman Heath. Vote (5-0) {Motion Carried}.

9. Mental Fitness Esteem Program was presented by Councilman Whitmore, regarding the city's outdated contract. The city has been operating without a contract for two years. Councilwoman Whitmore asked council to make the contract retro to be effective May 25, 2017 and commencing on February 28, 2018. Motion to approve was made by Councilman Whitmore; motion, seconded by Councilwoman Glaize. Vote (5-0) {Motion Carried}. Councilman Whitmore stated Ms. Chapin Payne and him are working to create a system alert for the expiration of contracts.

XI. Comments from Council:

Councilwoman Glaize requested a moment of silence for our fellow Americans in Houston due to Hurricane Harvey. She said, as citizens of our country, state, and cities we are all better when we work together. As an almost 30 year resident of Fairburn the quality of life for citizens have to be the mayor and council's first priority.

Councilman Pallend-No Comments.

Mayor Pro-Tem Portis-Jones-No Comments.

Councilman Heath, thanked everyone for coming out and the great opportunity to work and reside in a democracy, and he's a lifelong resident of Fairburn in which he's glad to call home.

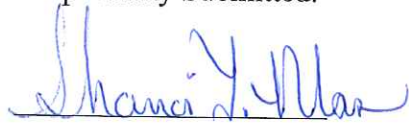
Councilman Whitmore, stated he and Mayor Pro-Tem Portis-Jones, attended the movie premiere, "When does the sentence end?" Said this is a great movie. Also spoke about Police Week which is October 2,-October 6th and coincides with the city's Fall Festival. He thanked Interim Police Chief Sutherland for his hard work for all the activities that will be taking place during Police Week.

Mayor Avery expressed his best wishes to Mayor-Elect Hurst and wished her well as she takes the helm as Mayor on January 8, 2018. Stated he spoke with the Mayor of Houston and sent his prayers and thoughts as they deal with the crisis of a catastrophic hurricane. He asked instead of pointing fingers, to please pray for everyone in a critical leadership role.

XII. Executive Session: None per City Attorney, Randy Turner.

XIII. Adjourn: With no further business of the City of Fairburn at 9:18 pm, motion to adjourn was made by Councilman Heath; motion, seconded by Councilman Whitmore. Vote (5-0) {Motion Carried}

Respectfully Submitted:



Shana T. Moss
Interim City Clerk



Mario B. Avery
Mayor

I Attest: