



**CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
December 12, 2016
7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Lydia Glaize
The Honorable Elizabeth Hurst
The Honorable Hattie Portis-Jones

The Honorable Alex Heath
The Honorable Pat Pallend
The Honorable James Whitmore

Stephen Hood
Stephanie Tigner
William Randy Turner

Interim City Administrator
Interim City Clerk
City Attorney

- I. MEETING CALLED TO ORDER: by Honorable Mayor Mario Avery.**
- II. ROLL CALL:** All members were present which constituted a quorum.
- III. INVOCATION:** was provided by Council Member Heath.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:**

1. Fairburn Flames 8 & Under Football Team (Parks and Recreation)

Parks and Recreation Director Chapin Payne presented the Fairburn Flames 8 & Under Football Team to Mayor and Council Members. She said she wanted to recognize some great 7 and 8 year olds from the Fairburn Flames 8 & Under Football Team here in the City of Fairburn. She said the Fairburn Flames had an undefeated season and they also won the Maple Championship. In addition, the team made it to the third round of the "Born to Compete" National Championship that took place here in Fairburn at Duncan Park. She introduced the team and the coaching staff led by Mr. Fairchild. Ms. Payne stated the team received a trophy and championship rings for their win.

2. Litter Control (Council Member Glaize)

Council Member Glaize recognized the Junior Litter Patrol participants. She said she

read a letter written by (*Turner Gerrard*) addressed to the Mayor and Council Members. After reading the letter we engaged Deputy Police Chief Bazydlo and Patrick McFadden of the Street Department. Council Member Glaize said there have been sets of youth deputized here in Fairburn. She said the youth go out in the community every Saturday to keep our community clean. She said the group was responsible for making sure the area in downtown Fairburn was clean for the Christmas Tree Lighting ceremony. In addition, there was an educational piece associated with the Junior Litter Patrol. Council Member Glaize said the children learned about the city buildings and what they represented. Council Member Glaize thanked Deputy Police Chief Bazydlo for providing the tour of the city. Participants of the Junior Litter Patrol took a moment to share their stories and thank Mayor and Council for their help.

VI. PUBLIC COMMENTS:

1. Joe Davis, Layne Heavy Civil, 300 S.E. Broad Street, Fairburn, Georgia spoke on behalf on the Layne Company. He said the heavy civil division operates wastewater projects nationwide and there are three regional offices in Indiana, Colorado and in Fairburn. He said the company made several renovations and as the company grew we purchased additional land in 2007. Mr. Layne said in the last few months, we had a major theft from the yard that has cost the company over \$300K and two months later there was a break in at the facility that would cost \$30K. Mr. Davis said we have updated our lighting and added more camera systems. Employees have expressed their concerns about their safety. He said we are no longer open to the public after the incident at the church last year due to safety concerns of our employees. Mr. Davis said two weeks ago we received notice that we would have to put up fencing/screen around the yard. He said we are not opposed to this from a cost perspective. He said we are concerned that it would make it less likely for us to protect our property as well as law enforcements to see what is going on around the yard. He said there may be many vendors that are affected by this. In addition, when you begin to see multi-colored tarps going up on fences, this may be less attractive than the fencing that you have.

2. Scott Roth, 538 S.E. Broad Street, Fairburn said my property was built in 1984 as a Building Supply Company. He said there is a major crime spree that is affecting us on Broad Street which the road is now referred to as a “hot zone”. We have had a break-in, in the recent week. If we place an obscure covering on the fence, it will prevent the police officers from seeing what is going on. Mr. Roth said I rely on homeowners from Fairburn to come in to purchase products and if I have tarps this would definitely be a deterrent to my sales. Mr. Roth said I pay about \$82K a year in sales tax to Fairburn. In addition, I pay a large tax license fee. I asked for Council’s consideration that this is taken into consideration.

3. Russell White, 338 East Broad Street, Fairburn Farm Supply said the company has

been in Fairburn since 1995. He said we are a retail sale business. Mr. White said the store front is filled with items to be sold. He said to place tarps around the business will hurt the business in which will affect our sales. He also addressed his concerns with security. Mr. White said if tarps are placed around the fencing, the police will not be able to see what is going on.

4. Alex Bowen, 107 Howell Avenue, Fairburn gave his time to Pat Chambers of Chambers Drum Company who spoke in opposition of the screen ordinance. She said we have two businesses in Fairburn. She said unfortunately, on November 17, 2016, I received my first violation in the 30 years. We are a retail and wholesale company with over 300 customers from all over the world. These customers come to see our operation and technology. We are partnered with one of the largest container manufacturers in the world. The company makes about \$21K cash sales with people that come to do business with us here in Fairburn. She said we have complied with all codes and regulations. The violation states for us to place a shade or screen up. Mrs. Chambers said it is not a good idea to screen the building. She said I had a brick thrown in to the window at my company. Mrs. Chambers said it is a security concern for me for the drivers to not be able to see what is going on at the property. Mrs. Chambers stated that she has had to install additional cameras at the facility. The financial ramifications are unreasonable and do not believe all businesses received a violation. She respectfully requested that the Council rescind this violation in writing. She said I believe that we could work together and come up with a better way to handle this.

5. William Chambers, 71 Roberts Street, Fairburn gave his time to Patrice Chambers.

6. Rhonda Appleby, DDA/DA Chairperson spoke in favor of the Economic Development Strategic Plan. She said she is excited that the City of Fairburn is considering the EDSP. She said City of Fairburn is one of many cities fortunate to have both Downtown Development Authority and Development Authority. She said the authority is here to assist.

VII. ADOPTION OF THE COUNCIL AGENDA:

Council Member Glaize made a motion to adopt the City Council Agenda with Consent Agenda Items # 3, #4, #5, #6, #7, #8, #9, #10, #12, #13 and to add item #14 Resolution for Taxable Water Rebates with Council Member Whitmore providing the second. **The motion carried.**

VIII. CONSENT AGENDA:

Council Member Hurst made a motion to approve the Consent Agenda Items #3, #4, #5, #6, #7, #8, #9, #10, #12, and #13

3. Facilities Use Agreement Between the City of Fairburn and the Southside Kickers Kickball League for Use of Recreational Fields and Facilities at Duncan Park (Parks and Recreation)
4. Facilities Use Agreement Between the City of Fairburn and South Fulton Little League for Use of Recreational Fields and Facilities at Duncan Park (Parks and Recreation)
5. Approval of Change Order with Stantec Consulting Services for Professional Services Associated with the Downtown LCI Project (Engineering)
6. Approval of a Supplemental Agreement to the Project Framework Agreement for the I-85 @ SR 74 Interchange Project (Engineering)
7. Approval of an Amendment Agreement with Transystems Corporation for Additional Services (Engineering)
8. Approval of the Selection of Gametime as the Vendor for the Provision of Playground Equipment in Cora Robinson Park (Engineering)
9. Approval of Playground Equipment for the Cora Robinson Park (Engineering)
10. Request for Approval of Phase Two Landscaping Design and Installation for City Hall (Building Department)
12. Approval of Task Order for Landscape Architectural Services with Moreland Altobelli Associates, Inc. (Engineering)
13. City of Fairburn Economic Development Strategic Plan EDSP Phase II Implementation (Economic Development/City Administrator)

Council Member Portis-Jones provided the second. **The motion carried.**

IX. APPROVAL OF CITY COUNCIL MINUTES: City Council Minutes of November 14, 2016.

Council Member Heath made a motion to approve the City Council Meeting Minutes of November 14, 2016 with Council Member Whitmore providing the second.

Council Member Hattie Portis-Jones stated on page (5) in the second to the last sentence the word should be “asked”. She said on page (6) in the third paragraph last sentence state instead of is it should be “in that order”. Council Member Portis-Jones last correction was to add a question mark after “what now” in the second to the last sentence near the bottom of page (7). The corrections were noted.

Council Member Hurst made a suggestion to add more information on page (2) in the paragraph that begins with Mayor Avery. She said there should be a period after Brendetta Walker. She then said the next sentence should begin with “also present were representatives”. She said in the paragraph that begins with Interim Police Chief on page (4). Council Member Hurst requested to remove the word “that”. Council Member Hurst said there is a correction on page (5). She requested the Interim City Clerk to remove the word taking and to replace with “taken”. Council Member Hurst requested the Interim City Clerk to review the audio and to add her statements when she requested the Interim Finance Director Tim Young to come forward pertaining to the discussion on Confiscated Funds and the discussion around Finance Director statements. The corrections were noted.

Council Member Glaize stated there is a correction to agenda item #1 Complete Streets Ordinance on page (3). She requested the Interim City Clerk to add her name as the sponsor of the item. Council Member Glaize said on page (6) of the minutes in Council Member Hurst’s comments the correct name of the church is “Free Spirit Ministries”. She requested the Interim City Clerk to review the audio and clarify her statements regarding the collaboration of Atlanta Area Technical College and Georgia Military College in her council comments. The corrections were noted. **The motion carried.**

X. AGENDA ITEMS:

1. City Ordinance Discussion (City Administrator)

Mayor Avery took a moment of executive privilege to address several reports of complaints from business owners, staff and threats that have been made to the staff during the enforcement of the screening ordinance. Mayor Avery said as we move forward in our efforts to rectify and determine how to address the issue with our business owners and residents. He said code enforcement was given a charge by the body to enforce the code in our residential and industrial areas earlier this summer. The areas that have come into question were discussed earlier in the year as we discussed the LCI Study and Downtown Overlay. He said the City Administrator inquired about enforcement as it relates to the LCI Study and the negative implication as a result of bringing our codes up to speed to comply with the LCI. I would like for the Council to provide direction to the staff from three perspectives: (1) Do we continue with the enforcement as we have done in the residential/industrial areas (2) Do we seek to modify the ordinance that creates a business hardship for our business owners (3) Do we seek to maintain our standard Code Enforcement. Mayor Avery thanked the businesses owners despite your complaints; your respectful tone, I believe the body appreciates it

Interim City Administrator Hood said I asked for this item to be placed on the agenda for the reason the Mayor has stated. He said there was an outcry from the business

community as we were charged with enforcing the ordinances and codes that are on the books. The charge has been given to staff to enforce the ordinance. I want to say from staff's perspective respectfully; our intention was never intended to cause hardship for our business owners. For the record, in our efforts it was not to be (inaudible) our efforts were to conform all residents, business industrial, residential with what the City Council charged us with. Interim City Administrator Hood said due to the LCI, Hwy 29, Hwy 74 Overlay and the Development Plans Phase I and II all of those things are a vision of the City Fairburn. I am asking for direction and collaboration. He said we want to be responsive for the residents and Mayor and City Council, but as the Administrator I want to be responsive to those that work with me to make sure we are following the will of the Council. He thanked everyone for their time.

Patrice Chambers said your staff has been nothing but professional; nothing but kind and they are to be commended. She said those gentlemen have a thankless job.

City Attorney Randy Turner said my office is responsible for prosecuting the citation. He said my office is prepared to prosecute these cases as they are presented. He said from my perspective, I think there should be some discussion. Have you heard anything that you may want to reevaluate in the ordinance before you continue to enforce them or are you satisfied? He said you find often times with quality of life ordinances you see unanticipated results of enforcement. City Attorney Randy Turner said dialogue is important. He said as the City Solicitor should we continue? Do we take some extra time or are we pursuing this in the right fashion? He said he appreciates the City Administrator for bringing this forward.

Council Member Glaize said she would like to have more information. She said I am not prepared to make any suggestions as of now.

Council Member Portis-Jones said I agree as well. The ordinances and various plans we put in place were approved over time. We may not always connect the dots. I think it deserves for us to revisit the ordinances and plans we have put in place. She said all of the plans should be looked at and discussed together.

Council Member Hurst said there seems to be a consensus with the business owners about safety concerns. She said I am having some issues with this. I did not realize until you spoke that there was a lot of crime in the area. I do not see it on our daily crime report. I would like to review this in greater depth. I do not want to place a burden on our business owners that are in Fairburn. I agree with my colleagues that we should review the ordinances to see if we could do something differently and bring you all to the table. She said as Mayor Avery always states "One Fairburn, One Family".

Council Member Heath said if you have businesses here since the 1980's these businesses are anchored and these businesses have been with us. He said this is Christmas time and this is a lot of money we are asking these businesses to pay. To say in December you have 30 days to bring your fencing up to code. Council Member Heath said if businesses were given up to 60 to 90 days would seem more reasonable. He said he spoke to a business owner that stated the fine would affect Christmas bonuses that the employees would receive. He said I think ordinances should be fluid like laws. He then spoke on the Hwy 29 Overlay District. Council Member Heath said he would like to see some of the businesses grandfathered in; we have done this before. I think we need to take heed to that.

Council Member Whitmore said I have heard what the business owners said tonight. I think it does open an avenue for dialogue. I would like to remind Mayor and Council before I decided to run for this position, I sat in the audience. There was a business owner that was building in our City and the City took the approach to force him to cleanup things that were not his responsibility. He was not allowed to do any additional building until the areas was cleaned; this was the wrong approach. I have heard the concerns of the business owners as far as the safety aspect; we should review this with the Police Department. He asked the Interim City Administrator Hood if there are any City properties that are not in compliance with the code.

Interim City Administrator said "yes".

Council Member Whitmore said for many years I attempted to work with code enforcement with the City for an example with HB 110. I wanted to address the multiple land owners that had lots with grass growing 6-8 feet tall in a residential area. He said it took years after the adoption to see the change. He said after hearing from Mrs. Chambers, I appreciate working together. Now, that the dialogue is now open we can talk about some of the concerns. He said he is interested in hearing from the Police Department about the instances of crime that I did not see in the reports. The dialogue that we are opening up is a great opportunity. We have some additional opportunities to look at this with the Director of Code Enforcement Mr. Thompson. He said I do not believe it is the intention of the City government, City Administrator or Mr. Thompson that we were going to force compliance in 30 days. He said we now have a full opportunity to look at grant opportunities and to look at the code. Council Member Whitmore said if the codes are on the books, we should ensure that we enforce them in a responsible way. He said we are not sending our officers out with the thought of them being viewed as our internal police. Council Member Whitmore said the same resident that spoke with the Mayor spoke to him about the boarded up windows on Highway 29. He then stated that we want the businesses to stay; let us work together.

Council Member Pallend suggested having a conversation with everyone involved

and come up with some solutions that are satisfactory with everyone involved. He said we need to sort this out. Council Member Pallend said these businesses have been here for a long time. He went on to clarify monies that is available through grant funding.

Mayor Avery reiterated the (3) options that are available.

Lester Thompson clarified that we are not being selective when it comes to the enforcement of the code. He said anyone that has requested an extension; received one.

Mayor Avery said as it relates to the areas that deals with the Downtown Overlay and the LCI. Is there an opportunity to bring Mayor and Council a recommendation to modify or to do away with it completely? He said Council Member Heath discussed grandfathering this in. After further discussion, Interim City Administrator asked Mayor and Council to provide direction on the issue. A suggestion was made to have a work session.

City Attorney Randy Turner said what the Council needs is an understanding of what the specific concerns are from the staff. He provided more guidance to help resolve the issue.

2. National Flag Football Agreement (Parks and Recreation)

Parks and Recreation Director Chapin Payne provided an overview of the National Flag Football Agreement for the spring 2017 season. She said the National Flag Football league is the largest flag affiliate in the country. Ms. Payne said the ultimate goal is to provide children with unique beneficial opportunities. She said the league will not interfere with any other of our current vendors.

After some discussion, Council Member Portis-Jones made a motion to approve the National Flag Football Agreement. **The motion failed** for lack of a second.

11. Resolution to Adopt the 5 Year Plan Update for the Fairburn Historic Downtown Livable Centers Initiative Study (Engineering)

Community Development Director & City Engineer Brendetta Walker provided Mayor and Council with a brief overview of the Resolution to Adopt the 5 Year Plan Update for the Fairburn Historic Downtown Livable Centers Initiative Study.

She said we developed a LCI Plan Initiative Study in June 2009. Ms. Walker said the plan was recently updated to include a report which listed the original goals and objectives and the goals for the next 5 years.

Council Member Heath made a motion to approve the Resolution to Adopt the 5

Year Plan Update for the Fairburn Historic Downtown Livable Centers Initiative Study with Council Member Portis-Jones providing the second.

Community Development Director & City Engineer Brendetta Walker said she would like to follow up with Councilwoman Glaize comments. She said in the study there are three (3) nodes identified in study and they are: civic, downtown and education. The education node relates to the education campus, the civic node is City Hall and the Manor at Broad. Ms. Walker said to add the third building to the Education Campus for a City Hall use is in conflict as to the way we have described our nodes. She said we have the education campus listed for the recruitment of schools. She said to change the description would require a narrative change in the plan. She said if we get further along we can combine our civic and education nodes so we will not be in conflict.

Council Member Hurst stated the Council has not had a full discussion about the third building at the campus.

Brendetta Walker stated the plan is fluid. As time change, we remove and add, but we will have those conversations.

Council Member Portis-Jones said I agree with Council Member Hurst about having a discussion about the third building at the campus. She said there is another school interested in the third building at the campus. Council Member Portis-Jones asked that Mrs. Walker to specifically restate that in the plan

Brendetta Walker said Phase II is from Strickland to Highway 138 and Dodd Street. She said the streetscape plan begins at Malone Street to Strickland and from Strickland to Highway 138. I will make the necessary changes. She then explained the streetscape project from Malone to Strickland and the budget.

Council Member Glaize said Aerotropolis Atlanta Alliance has a strong interest in helping to vet colleges in the South Fulton area. She asked the Council to allow Aerotropolis to hold their first meeting in January. After some discussion, **the motion carried.**

14. Resolution for Taxable Water Rebates (Council Member Glaize)

Council Member Glaize provided an overview of the Resolution of the Mayor and City Council of the City of Fairburn, GA to Urge the U.S. Secretary of the Treasury to Support I.R.S. Service Rules and Regulations to exclude Water Conservation Rebates Provided by Municipal Water Utilities from Defined Taxable Gross Income.

Council Member Glaize made a motion to approve the Resolution with Council Member Hurst providing the second. **The motion carried.**

XI. COMMENTS FROM COUNCIL:

Council Member Whitmore thanked Ms. Tarika Peek and Councilwoman Glaize for their efforts with the G.I.C.H Program. He said the dedication to Former Mayor Betty Hannah and Former City Council Member Arnold was great. He said the Christmas Tree Lighting ceremony was a production. He said we received a lot of positive feedback from the residents. He wished everyone a Merry Christmas and prosperous New Year.

Council Member Heath wished everyone a Merry Christmas and a Happy New Year.

Council Member Hurst sent kudos to Dr. Parks for one of the best holiday luncheons. She said Dr. Parks did a fantastic job with the games and the mannequin challenge. She said employees, department heads and the council had a great time. She said we have so much to be thankful for with the health challenges in my family this year. She thanked her colleagues for their prayers and support. Council Member Hurst said her daughter Kimberly is doing well. She referred to a quote from a pastor and wished everyone a Merry Christmas and a prosperous New Year. In closing, she said I look forward to working with the Interim City Administrator our Interim Police Chief and everyone that is making Fairburn a great place to work. She thanked her colleagues and said we don't always agree, but we can always disagree in love. I look forward to seeing you all in January.

Council Member Portis-Jones congratulated the Fairburn Flames. She said it was awesome to see the parade of the teams. She acknowledged the Fairburn Junior Litter Patrol. She said it was a great initiative of Turner Gerrard to take her up on her request. She said tonight was about the youth. She thanked Council Member Glaize and Deputy Police Chief Badzylo. Council Member Portis-Jones said we are here interpreting the law based on the feedback we receive from the community. We do not always get it right, but that is when we have to go back to reassess. Council Member Portis-Jones thanked staff for their work on the dedications to the Former Mayor Betty Hannah and Former Council Member Frankie Arnold, employee luncheon, Christmas Tree Lighting ceremony; all of the events were outstanding. She said Mrs. Arnold said "we gave her, her flowers while she yet lived. She thanked the Mayor Avery. She wished everyone a Happy Holiday season.

Council Member Pallend said that he saw Mrs. Arnold this morning in the bank; he wanted to share that with the Council.

Council Member Glaize thanked the Mayor and her colleagues for being a family during this week. She acknowledged everyone who sent kind remarks via email, cards or even

attending the home going ceremony for her father in law. She said this year has been a great year. I call it the turn up year. I believe that we have seen some of our best work in bringing those things to fruition in 2016. She said we were able to dedicate two city buildings to Former Mayor Betty Hannah and Former Council Member Frankie Arnold. She acknowledged Interim City Administrator Hood, Interim Police Chief Sutherland, City Attorney Randy Turner and his office for putting in the work to ensure we stay out of trouble; Merry Christmas.

Mayor Avery thanked the city staff for all of the events. He said during a swearing in ceremony for a new police officer he explained to the officer that she is not coming to the City to wear a uniform; I expect her to be great. He said the City of Fairburn is one of the top 100 safest cities in the country. He acknowledged Interim City Administrator Hood for stepping in the role that was not easy. In addition, he thanked the City Attorney Randy Turner. He wished everyone a Merry Christmas and a Happy New Year.

XII. ADJOURN:

Council Member Hurst made a motion to adjourn into Executive Session for (2) Real Estate Matters and (1) Litigation Matter with Council Member Whitmore providing the second. **The motion carried. 9:36pm.**

XIII. EXECUTIVE SESSION:

Council Member Heath made a motion to exit out of Executive Session with Council Member Whitmore providing the second. **The motion carried.**

Council Member Pallend made a motion to reconvene with Council Member Heath providing the second. **The motion carried.**

Council Member Heath made a motion to adjourn the meeting with Council Member Whitmore providing the second. **The motion carried.** The meeting adjourned at 10:08pm.

Interim City Clerk, Stephanie Tigner

Mayor, Mario Avery