



**CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
August 22, 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  
Valerie Ross

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 Mayor Mario Avery.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:**

1. Fire Department Promotional Presentation

Interim City Administrator Hood presented the following Fire Department promotions to Mayor and Council Members: Newly appointed Sergeant Sergio Bena, David Phillips and Sgt. Moore; Lieutenant Jason Raper and Charles Bell; Battalion Chief Jason Fiquoa and Deputy Chief Cornelius Robinson.

Interim City Administrator Hood also acknowledged fire department employees Gant, Johnson and Ashcroft which were absent.

Mayor Avery acknowledged Mr. Walt Brown.

## **VI. PUBLIC COMMENTS:**

1. Keyva Desai, Dairy Queen, thanked Mayor and Council for welcoming Dairy Queen to the community. He said it is an exciting time for them. He said he is looking forward to working with the City to have a ribbon cutting ceremony.

## **VII. ADOPTION OF THE COUNCIL AGENDA:**

Council Member Whitmore made a motion to adopt the Council Agenda with Consent Items #2 Approval of Ricoh Contract #3 Approval of MOU with Strack Inc., and #4 Approval of a Contract Award to H.E.H Paving, Inc. for the Paving of the East Broad Street Fire Station Parking Lot with Council Member Glaize providing the second. **The motion carried.**

## **VIII. APPROVAL OF CONSENT ITEMS:**

Council Member Glaize made a motion to approve Consent Agenda Item #2 Approval of Ricoh Contract with Council Member Heath providing the second. **The motion carried.**

Council Member Heath made a motion to approve Consent Agenda Item #3 Approval of MOU with Strack Inc. with Council Member Pallend providing the second. **The motion carried.**

Council Member Glaize made a motion to approve the Consent Agenda Item #4 Approval of a Contract Award to H.E.H Paving, Inc. for the Paving of the East Broad Street Fire Station Parking Lot in the amount of \$77,953.69 with Council Member Whitmore providing the second. **The motion carried.**

Council Member Hurst wanted to know the names of all bidders.

Community Development Director & City Engineer Brendetta Walker said there was only (1) bid for the project. We had (3) plan holders, 3 purchased the bid package, but only one company bided the package.

## **IX. APPROVAL OF CITY COUNCIL MINUTES:** City Council Minutes of August 8, 2016, July 11, 2016 and July 25, 2016 Amended City Council Meeting Minutes

Council Member Hurst made a motion to approve the City Council Minutes of August 8, 2016 with Council Member Heath providing the second. **The motion carried.**

Council Member Glaize made a motion to correct the previously adopted City Council Minutes of July 11, 2016 with Council Member Heath providing the second. **The motion carried.**

Council Member Whitmore made a motion to correct the previously adopted City Council Minutes of July 25, 2016 with Council Member Heath providing the second. **The motion carried.**

**X. PUBLIC HEARING:**

**1. 16RZ-002 (DRI 2588)-7860 Senoia Road-Fairburn Travel Center**

City Planner Linda Abaray provided Mayor and Council with an overview of the petition to rezone the property located 7860 Senoia Road 16RZ-002 DRI 2588). She said the property is located on the corner of Highway 74 and Oakley Industrial Boulevard. The property was annexed into the City in November 2007 as a truck stop. The City revised the zoning ordinance in 2012 which no longer permitted truck stops in the C-2 zoning classification. The applicant is proposing to expand the parking lot with (25) truck parking spaces and (14) standard parking spaces. The truck stop has been at the location as a non-conforming use since 2012. The application was reviewed by the Georgia Regional Transportation Authority, Atlanta Regional Commission and staff. Staff is recommending the approval of the rezoning with (2) conditions.

The conditions are:

The owner's agreement to restrict the use the subject property to a truck stop and accessory uses as well as permitted uses under the C-2 general commercial district.

For the owners' agreement to provide the following site standards inter parcel access shall be provided to rate the activity between Oakley Industrial Boulevard and Harris Road subject to the review and approval of the City Engineer.

Mayor Avery opened the Public Hearing on 16RZ-002 (DRI 2588)-7860 Senoia Road Fairburn Travel Center and called for speaker in favor of the rezoning.

Speakers For:

1. Ed Wyatt, 41 Dodd Street, spoke in favor of the rezoning. He said he purchased the site in 1998 and in 2007 the property was annexed into the City. The site was zoned C-2. Mr. Wyatt said after we completed the last phase he planted over \$250K worth of trees and the zoning for truck stops was changed to M-1. He pointed out that we he acquired the land behind the truck stop and the property line goes from Oakley Industrial Boulevard to Harris Road. Mr. Wyatt said there is a 50ft buffer that stretches across the entire length of the property.

Mayor Avery called for speakers in opposition of the rezoning.



Mayor Avery closed the Public Hearing on 16RZ-002 (DRI 2588)-7860 Senoia Road Fairburn Travel Center.

Council Member Glaize made a motion to approve 16RZ-002 (DRI 2588)-7860 Senoia Road Fairburn Travel Center with Council Member Pallend providing the second.

Council Member Whitmore made a substitute motion to approve 16RZ-002 (DRI 2588)-7860 Senoia Road Fairburn Travel Center site plan to reflect a two way on both Oakley Industrial Boulevard and Harris Road with Council Member Glaize providing the second.

City Attorney Valerie Ross requested a point of order. She said if you do refer to the site plan Council Member Whitmore I would recommend that the motion if you are going to implicate the site plan make the site plan a condition of approval of the rezoning, showing a two way on Oakley Industrial as well as Harris Road.

Council Member Whitmore made a substitute motion to approve 16RZ-002 (DRI 2588)-7860 Senoia Road Fairburn Travel Center a motion to conditioned approval of this rezoning to the site plan showing a two-way on both Oakley Industrial Boulevard and Harris Road with Council Member Glaize providing the second.

Council Member Whitmore said before Smucker's and Google going into full operation we presently have problems with the trucks coming off of Interstate 85 attempting to make a left on Oakley Industrial Boulevard. He said the trucks are obstructing traffic. He said this will give us an opportunity to do things different before Smucker's and Google go into to full operation. He said we have an opportunity to redirect the traffic from Interstate 85 to Harris Road. Council Member Whitmore suggested adding signage on Harris Road.

Council Member Heath asked Mr. Wyatt if he would consider having the two-way drive ways on Harris Road. He said if we could move everything on Harris Road then this will alleviate congestion on Oakley Industrial Boulevard.

Mr. Wyatt said we do not want to turn Harris Road into what Oakley Industrial Boulevard is. The driveway at Zaxby's will be entrance only and make the other (2) drive ways two-ways.

Council Member Portis-Jones wanted to know how the car traffic would enter into the establishment. I have observed cars and trucks turning at the same time. Will the cars have a lane and the trucks have a lane?

Mr. Wyatt said the gasoline customers are separated, but there are cars that enter in through the back truck areas for various reasons. He said these gentlemen will rent spaces

and leave the rigs and leave in their cars. There will always be cars coming and going in the back area. He said the truck maintenance facility has employees that service trucks. There will always be cars mixing in the rear and they would use the same drive way.

Council Member Portis-Jones asked if the proposed change require an ARC review.

City Planner Linda Abaray said this will all be handled in-house in the permitting phase.

Council Member Portis-Jones wanted to know why there was no consideration of the truck activity.

City Planner Linda Abaray said I cannot speak to the thinking behind the decision; truck traffic/truck stops C-2 is a less intense use and truck stops are a more intense use.

Council Member Portis-Jones asked if we accommodating in growth or expansion.

City Planner Linda Abaray stated he has the flexibility to add additional space for the use within the regulation. If he chooses to add more truck spaces anything over 10 spaces would trigger the threshold for an additional DRI and review by GRTA.

Council Member Glaize said we did not address the fact that your business was in place and was within the use and the city came in and changed the zoning and placed you in a non-confirming use. That is conflicting in that our business acumen is that we want to be supportive and ensure that there are efficient and effective ordinances that help our businesses have a good economic opportunity. She thanked Linda Abaray and Mr. Wyatt for their assistance and working through it.

Mayor Avery said this past weekend he noticed that a truck carrier was parked there overnight. He said a resident is concerned about the QT and the Cracker Barrel area becoming an unofficial truck stop.

City Planner Linda Abaray said those would not be permitted uses. The ordinance spells out specific conditions to be zoned as a truck stop. The only truck stop we have in the City is this one. After some discussion, the Interim Police Chief Sutherland said that we are looking into those areas. **The motion carried.**

## **XI. AGENDA ITEMS:**

1. Second Approval of Ordinance to Amend the City Charter to Provide for the Annual Appointment of Various City Officials.

City Attorney Valerie Ross provided an overview of the Second Approval of the



Ordinance to Amend the City Charter to Provide for the Annual Appointment of Various City Officials.

Council Member Hurst made a motion to approve the second and final reading of the Ordinance to Amend the City Charter to Provide for the Annual Appointment of Various City Officials with Council Member Glaize providing the second. **The motion carried.** Council Member Pallend voting “No”.

Mayor Avery wanted to confirm if the ordinance would have to come back before the Council.

City Attorney Valerie Ross said “no”.

## 2. Discussion of Alternate Projects for CDBG Grant Implementation in Lightning Community

Community Development Director & City Engineer Brendetta Walker provided Mayor and Council with an update on the CDBG Grant implementation. She said \$55K is awarded annually as part of the CDBG (Community Development Block Grant) to improve infrastructure in the Lightning Community. Mrs. Walker said we have not spent 2015 CDBG funding. We are going to pave Alderhold with 2015 and after speaking with Fulton County we can use 2016 for park improvements.

Council Member Hurst asked if 2015 CDBG funds will take all of the funding for Alderhold.

Community Development Director & City Engineer Brendetta Walker said we estimated at \$30K, but once we add in header curb it will increase the project cost we will be close, but we would have to do a more detail estimate to determine.

Council Member Hurst said the \$55K will not be enough to cover the cost for the renovation of the Cora Robinson Park. She said there is standing water in the park and playground equipment is expensive. Council Member Hurst wanted to know how much for the park improvements.

Community Development Director & City Engineer Brendetta Walker said we are putting together an estimate to include grading and a fall zone for a playground. She said the Street Department has some interest and will contribute some money.

Council Member Hurst requested adding benches and table at the park.

Council Member Portis-Jones wanted to know the time frame to expend the 2016

CDBG funds.

Community Development Director & City Engineer Brendetta Walker said it is available now and there is no expiration date.

Council Member Portis-Jones asked when do you plan to begin to use the 2015 CDBG funds.

Community Development Director & City Engineer Brendetta Walker said we need a CM/PM contract for construction management. We are trying to get the RFP and obtain a selection committee to come out and do the work.

Council Member Portis-Jones asked if there has been any engagement with the Lightning Community as to what they would like to see at the park.

Council Member Glaize said she and Mr. Stokes have been engaging the Lightning Community for almost two years.

Mayor Avery requested to yield to Interim City Administrator Hood for more information.

Interim City Administrator Hood said it may take all of the funds to do the grading, fall zone and the engineering things that will need to be done. We will seek grant opportunities for the playground equipment. He said this may take longer, but we would like to do it right. We will upgrade the park to bring it out to the same speed as all of the other parks. He said the goal is to get everything completed. We are currently revamping the RFP process; staff is getting a process in place. When it comes to the park we are going to do the grading and drainage to get the kids back in the park we won't have standing water when it rains. As things progress, I will bring it to the Council.

Council Member Glaize said we are attempting to obtain the Kaboom grant.

Council Member Hurst said Union City was able to obtain grant money for their park equipment.

## **XII. COMMENTS FROM COUNCIL:**

Council Member Whitmore thanked Interim City Administrator Hood for his leadership and bringing the fire department promotions before the Council. He said it is great when you have dialogue with the people that protect and serve.



Council Member Heath had no comment.

Council Member Hurst congratulated City Planner Linda Abaray on her new job at the City of Riverdale. She said she hates to see her leave and wished her much success. Council Member Hurst thanked Interim Police Chief Sutherland and the two officers that were involved in the shooting in Meadow Glen. She said the situation was handled professionally. She said the officers used Tasers instead of a gun.

Council Member Glaize said Linda Abaray was the topic of discussion at the last GMA meeting. She said City Planner Linda Abaray has done a phenomenal job. The work that you have done cannot be erased and congratulated her as the new Director of Planning at the City of Riverdale. She wanted an update on the officer that was injured. She wanted to say thank you. She sent prayers with the officer that was injured. Council Member Glaize sent her condolences to the family who lost a child. Council Member Glaize thanked City staff for doing a great job.

Interim Police Chief Sutherland said both officers will be back to work this evening.

Council Member Pallend had no comments.

Council Member Portis-Jones acknowledged City Planner Linda Abaray for an excellent job in the Planning Department. She said Ms. Abaray has a special place in her heart. She thanked Ms. Abaray for stepping in to assist with the establishment of the Farmers Market and programming that was developed. She congratulated her on the promotion that was well deserved.

Council Member Whitmore recognized the Street Department and Harvey Stokes for Mr. Brewster's dedication.

Council Member Portis-Jones said she was in Milwaukee, Wisconsin her home town. She said she experienced the travesty that is brewing in the city currently. She urged her colleagues to be proactive. She said it warms her heart to see the police officers deter from the use of bodily harm in Meadow Glen. She congratulated Chief Hood and the Fire department for the promotions. Council Member Portis-Jones thanked Chief Hood for his leadership. Council Member Portis-Jones also acknowledged the new Dairy Queen restaurant on Senoia. She thanked the Collaborative Firm for the Economic Plan. She announced the last day for the 2016 Fairburn Farmer's Market is Friday, August 26, 2016.

Mayor Avery thanked the staff and key hires that came together to vet. He said we did an excellent job with the two hires in the Planning department. He also acknowledged Tarika Peeks and Linda Abaray. Mayor Avery acknowledged staff for the great job



recognizing Mr. Brewster.

**XIII. ADJOURN:**

Council Member Whitmore made a motion to adjourn into Executive Session for (1) Ligation, (1) Real Estate and (1) Personnel Matter with Council Member Heath providing the second. **The motion carried** at 8:36 pm.

**XIV. EXECUTIVE SESSION:**

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

Council Member Portis-Jones made a motion to reconvene the meeting with Council Member Whitmore providing the second. **The motion carried.**

Council Member Whitmore made a motion to adjourn with Council Member Pallend providing the second. **The motion carried.** The meeting adjourned at 10:32pm.

---

Interim City Clerk, Stephanie Tigner

---

Mayor, Mario Avery