



City of Fairburn
Mayor and Council Meeting- Zoom
August 10, 2020
7:00 pm

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Carr-Hurst.
- II. Roll Call was taken by City Clerk, Arika Birdsong-Miller with the following members present:

Mayor Elizabeth Carr-Hurst

The Honorable Mayor Pro-Tem Ulysses J. Smallwood
The Honorable Linda J. Davis
The Honorable Alex Heath

The Honorable Pat Pallend
The Honorable Hattie Portis-Jones
The Honorable James Whitmore

The attendance of Council constituted a quorum and the meeting proceeded.

City Attorney Randy Turner was also present.

- III. The invocation was led by Councilman James Whitmore.
- IV. Adoption of City Council Minutes:
Motion to approve July 27, 2020, Council Meeting Minutes (Zoom) was made by Councilman Whitmore and the second was provided by Mayor Pro-Tem Smallwood.
Vote: 6-0: Motion Carried.

Motion to approve July 27, 2020, Executive Session Minutes (Telephonic) was made by Councilman Heath and the second was provided by Councilwoman Davis.
Vote: 6-0: Motion Carried.

Motion to approve August 4, 2020, Special Called Meeting Minutes (Telephonic) was made by Councilman Whitmore and the second was provided by Councilwoman Davis.
Vote: 6-0: Motion Carried.

Motion to approve August 4, 2020, Executive Session Minutes (Telephonic) was made by Mayor Pro-Tem Smallwood and the second was provided by Councilwoman Portis-Jones.
Vote: 6-0: Motion Carried.
- V. Adoption of the Council Agenda:
Motion to approve the Council Agenda was made by Councilwoman Davis and the second was provided by Mayor Pro-Tem Smallwood.
Vote: 6-0: Motion Carried.
- VI. Public Hearing:
 1. **Text Amendment 2020029 Safeguard Landfill Management Section 80-220 Landfill, solid waste disposal(b)(11)(12).** Planning and Zoning Director Tarika Peek explained that the proposed text amendment to Section 80-220 Landfill, solid waste disposal, initiated by the petitioner, seeks to remove the current prohibition of expanded landfills located within a one-

mile radius of a residentially zoned or used property. Ms. Peek further explained that the proposed text amendment will remove the current regulation prohibiting an expanded use within the boundaries of an expanded landfill or location. If the proposed text amendment is approved, it will allow the expansion of an existing landfill onto an additional +/-28.17 acres on five (5) parcels with frontage on Roosevelt Highway. Currently, the City's Zoning Ordinance prohibits existing landfills from expanding. The 2012 amendment to the city's Zoning Ordinance, which removed landfills as a permitted use from M-2 (Heavy Industrial) zoning district and made it subject to a use permit was implemented by the city to regulate the negative impact of landfills on the surrounding residential properties. The landfill use permit standards specifically address the location and potential expansion of new or existing landfill(s), stating "expanded landfills can not include any expanded use within a parcel boundary or location." The intent and purpose of the Zoning Ordinance is clearly stated, in restricting any further expansion of existing landfills.

Attorney Dingle, a spokesperson for the petitioner, asked for a continuance of the public hearing to consider the petitioner's request to amend Section 80-220 Landfill, solid waste disposal(b)(11)(12).

Public Comments:

1. Ms. Gordon, a resident in Durham Lakes, says that she is concerned with the effect the smell of the landfill has on her health. Ms. Gordon also stated that she has a petition of 500 citizens that say no to expanding the landfill.
2. Carla Williams, a resident in Durham Lakes, stated that she is a Registered Nurse and a health advocate. Ms. Williams says the constant smell of the landfill is awful.
3. Deshawnda Anderson, resident in Durham Lakes, stated her opinion is to deny the expansion of the landfill because of the smell and potential health hazards. Ms. Anderson further noted that the scent hinders her from enjoying being outdoors at her home because of the overwhelming smell.
4. Dasia Gilkey, resident at Durham Lakes, stated that she is a new homeowner in the community and feels like her property value will decrease if the landfill is expanded. Ms. Gilkey also stated that she would not have moved to Fairburn if she knew about the potential landfill expansion proposal prior to purchasing her home.
5. Jane Story explained that the smell is terrible on Highway 29 and Bishop Road and believes that expansion will have a negative impact on the property value in the community.
6. Rufus Wells stated that the landfill should not expand and should be closed down permanently. Mr. Wells explained that he has been a resident of Fairburn for ten years and he has had to endure the smell of the landfill for nine years.

Attorney Dingle explained that he is asking for a continuance to address the concerns of citizens and is not asking for a decision right now.

Mayor Carr-Hurst asked was there a motion on the floor to grant a continuance of the public hearing for Section 80-220 Landfill, solid waste disposal(b)(11)(12). The continuance was not granted due to a lack of a motion.

Motion to deny Text Amendment 2020029 Safeguard Landfill Management Section 80-220 Landfill, solid waste disposal(b)(11)(12) was made by Councilman Heath and the second was provided by Councilwoman Portis-Jones.

Vote: 6-0: Motion Denied.

2. Use Permit 2020083 Safeguard Landfill Section 80-220 Landfill, Solis Waste Disposal.

Ms. Tarika Peeks, Planning and Zoning Director, explained that on August 4, 2020, the applicant submitted an amendment to the use permit application in order to apply for a concurrent variance. This amendment to the use permit is to allow Safeguard Landfill to expand its existing use to adjacent property. Because of the newly proposed concurrent variance to the use permit, the amended use permit application must be re-advertised in order to comply with the Zoning Procedure Law and the City's Zoning Ordinance. Further, the amended use permit application must be submitted to the Planning and Zoning Commission for its review and recommendation. The Planning and Zoning Commission's recommendation will be presented to the Mayor and Council at a future public hearing for their consideration.

Councilman Whitmore stated that he had correspondence with Safeguard (Waste Industries) about 8 to 9 month ago and asked that Attorney Ross review the communication.

Councilman Whitmore stated that he would share all communication he engaged in with Safeguard to all Members of Council.

Councilwoman Portis-Jones expressed her concern with the length of time it took

Councilman Whitmore to disclose his communication with Waste Industries to Council.

VII. Discussion:

1. Pandemic Update – Mayor Carr-Hurst stated that the numbers are still on an incline in Fairburn and Fulton County as a whole. Mayor Carr-Hurst noted that the number increased from 219 people that tested positive to 296 people positive with COVID-19 in just a few days. Mayor Carr-Hurst informed Council that Fulton County provided gloves, hand sanitizer, N95 masks, and surgical masks to Fairburn.
2. Census Update – Mayor Carr-Hurst informed Council that the Census reports reflect 55.5% of Fairburn's citizens have been counted. Mayor Carr-Hurst informed Council that the Census Bureau changed the last date for citizens to be counted from October 31, 2020 to September 30, 2020 and encouraged everyone to complete their Census information.

VIII. Council Comments:

Councilman Whitmore thanked the citizens for their participation in the public hearing. Councilman Whitmore stated that he is also a resident in Durham Lakes and understands the possible health concerns mentioned in the public hearing.

Councilwoman Portis-Jones stated that she participated in a meeting with the Subcommittee for Georgia Municipal Association Federal Policy Council to work within the City of Fairburn and neighboring municipalities to advocate Senator Perdue and Senator Loeffler to express the need for a second round of funding because the negative economic impact of the COVID-19 Pandemic will go beyond December 2020. Councilwoman Portis-Jones asked Chief Stoney Mathis various

questions about the Police Department. Councilwoman Portis-Jones stated that she heard the concerns mentioned by the citizens during the public hearing and thanked them for their input.

Councilman Heath stated the City of Fairburn's employees are doing a great job. Councilman Heath also indicated that he had observed the odor from the landfill at various times.

Councilwoman Davis thanked the citizens for their involvement in the public hearing.


Councilman Pallend had no comment.

Mayor Pro-Tem Smallwood thanked the citizens for their engagement in the public hearing. Mayor Pro-Tem Smallwood thanked Mayor Carr-Hurst for her tireless effort to moving the City of Fairburn forward.

Mayor Carr-Hurst stated that she is here to serve the people of Fairburn and cares deeply for the citizens and the employees. Mayor Carr-Hurst wished everyone a great week.

VIII. Adjournment: At 8:23 pm, with no further business of the City of Fairburn, the Motion to adjourn was made by Mayor Pro-Tem Smallwood and the second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.


Arika Birdsong-Miller, City Clerk


Elizabeth Carr-Hurst, Mayor