



**CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
June 13, 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

Tom Barber  
Stephanie Tigner  
William Randy Turner

City Administrator  
Interim City Clerk  
City Attorney

- I. MEETING CALLED TO ORDER:** by Honorable Mayor Mario Avery at 7:04pm.
- II. ROLL CALL:** All members were present which constituted a quorum.
- III. INVOCATION:** provided by Honorable Mayor Mario Avery.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:**

1. Proclamation in Recognition of Ethel Lee Benjamin Abrahams

*Whereas*, Ethel Lee Benjamin was the 4<sup>th</sup> of 9 children born May 28, 1916, to the late Reverend John Benjamin, Sr. and Missionary Pasion Tucker Benjamin who were Christian leaders in the Uniontown Alabama community and part of the ministerial staff of New Aimwell Missionary Baptist Church; and

*Whereas*, Ethel Lee Benjamin graduated from Alabama State College with a degree in teaching and taught for two years in the Marengo County Alabama school system; and

*Whereas*, Ethel Lee Benjamin having received the Lord in 1938, married Walter Abrahams on September 21, 1941, and remained married for 58 years until his departure in 1999; and

*Whereas*, Ethel Abrahams was a newlywed Army wife and taught school before receiving

sound counsel from the Lord through her mother to relocate north, Mrs. Abrahams went to Detroit, Michigan where she got a job, joined the church feeding the hungry, clothing the needy and just doing good to those who needed her help; and

*Whereas*, Upon Mr. Abrahams' return from service to our Country, Ethel Abrahams gave birth to their only biological daughter, the now Mrs. Berna Dean Howell, a graduate of Florida Institute of Technology and the First Lady of New Horizons in Faith Church, in Fairburn, Additionally, Mrs. Abrahams has fostered another daughter for 13 years; and

*Whereas*, Ethel Abrahams returned to the south with her husband and acquired a 100 acre farm that produced okra, watermelon, corn, pecans and pears and raised cattle, pigs, chickens, cats and dogs; and

*Whereas*, While dwelling in Uniontown, Alabama, Deacon Walter Abrahams and Ethel Abrahams joined the Bethel Hill Missionary Baptist Church, where she continued to the best of her ability to follow the moral and biblical principles instilled in her by her parents, never drinking, smoking or dancing but rising early every morning to read her bible and pray to God for her family; and

*Whereas*, Ethel Abrahams has now relocated to Georgia to be with her daughter Mrs. Betha Dean Howell and her son-in-law, Dr. LaReese Howell, the Senior Pastor of New Horizons in Faith Church, to provide love, encouragement and wisdom from a seasoned saint.

**NOW, THEREFORE**, I, Mario B. Avery and the six members of the City Council for the City of Fairburn do recognize and commemorate Mrs. Ethel Lee Benjamin Abrahams on her milestone 100<sup>th</sup> birthday and Proclaim, June 14, 2016, Mrs. Ethel Lee Benjamin Abrahams Day in the City of Fairburn, this 13<sup>th</sup> day of June, 2016.

Ms. Ethel L. Benjamin said this is a happy surprise. She then recited the alphabets backwards. She recited a prayer and thanked Mayor and Council for the recognition.

Mrs. Howell thanked Mayor Avery and City Council Members for honoring Ms. Benjamin.

Pastor Howell commended Mayor and Council for receiving him and his family in the City. He said I am very proud to be a pastor in the community. He also acknowledged Pastor Danita Jones for the fabulous work that she does in the community. He thanked everyone for honoring his mother in-law.

*\*The proclamation was presented to Ethel Lee Benjamin after the public comments section\**

## **VI. PUBLIC COMMENTS:**

1. Cheryl Hewitt, 360 Champions Drive, said she lives in Durham Lakes Subdivision. She said she and her husband is in the process of opening up a fine dining Jamaican Restaurant in Fairburn. Mrs. Hewitt said the grand opening is slated for September



1<sup>st</sup>. She said the restaurant will be located at 8420 Senoia Road #204. She said they are in the process of applying for a liquor license to serve wine. She said there will be no sagging pant, no baseball caps turned around, no flip flops, no hoodies or tanks. Mrs. Hewitt said she hope the restaurant brings the clientele that she would like to see in Fairburn where the surrounding cities do not have to Atlanta to eat Jamaican food. She said we will be sourcing our products from Jamaica to maintain the authenticity of the restaurant.

2. Rodney Anderson, 365 Champions Drive, recognized some of the things that are going on in the City of Fairburn. He said he has two kids and one of his children attends the Mental Health Fitness summer program. He made a request to the City Council to continue the program throughout the school year. He said the Mental Health Fitness program is enrichment to the City. Mr. Anderson stated that he recently broke up a fight between some high school children. He said it is summer time and we definitely need to keep the youth busy. He said the waterpark at Duncan Park is doing great; the kids love it. Mr. Anderson also mentioned that he would like to see some sit down restaurants in the City. He said we need to keep the tax dollars in the City. He said bike paths and sidewalks leading up to the park would be a great asset to the park.
3. Pastor Danita Jones, 81 Dodd Street, thanked Council Member Hattie Portis-Jones for the Farmer's Market; it is wonderful. Pastor Jones said she purchased several bags of peaches and they were the sweetest peaches she's had. She then addressed her concerns with the TSPLOST project list. She requested the Council to consider turning three streets in the Lightning Community into one-way streets. She said there are some seniors in the neighborhood. She said we need the speed bumps, but the round-a-bouts will be an addition to the community; we can have that without changing the streets. Pastor Danita Jones said the houses that are boarded up can be torn down; they do not serve a purpose. She said I do not know why they are still there. She requested the Council to consider including the residents when you come in to the neighbor.
4. Michael Johnson, 430 Waterboy Road, Mary Johnson spoke on behalf of Michael Johnson. She thanked Mayor and Council for bringing Duncan Park back. She said she is glad to see the initial stages of the park. Mrs. Johnson addressed her concerns with the utility bills. She said it was revealed by a council member that some residents pay less in utility bills than others. She said the City of Fairburn has received \$14 million dollars SPLOSTS funds. She wanted to know how the money will be spent.

Mayor Avery spoke on the TSPLOST Referendum.

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

Council Member Heath made a motion to adopt the City Council Agenda and to add item #9 Discussion and Possible Action of the Process of the City Council Meeting Minutes with Council Member Portis-Jones providing the second. **The motion carried.**

## **VIII. APPROVAL OF CITY COUNCIL MINUTES:** City Council Minutes of May 23, 2016 and Special Called Meeting Minutes of June 2, 2016.

Council Member Heath made a motion to approve the City Council Minutes of May 23, 2016 with Council Member Pallend providing the second.

Council Member Glaize made a substitute motion to not approve the City Council Meeting Minutes of May 23, 2016 due to the meeting not being recorded. **The motion died for lack of a second.**

Mayor Avery asked the City Attorney Randy Turner for clarification.

City Attorney Randy Turner stated there are no requirements that the minutes should be verbatim, but some form of minutes should be approved to show the action of the meeting even if it is a summary of the proceedings.

Council Member Glaize amended the substitute motion to adopt the action minutes of May 23, 2016 City Council Meeting.

City Attorney Randy Turner said you cannot adopt the actions you should adopt the minutes to the actions. If you want to delay the adoption of the minutes before you, you can have the Clerk come back with the summary of the action that was taking on May 23, 2016. City Attorney Randy Turner provided more clarification on the substitute motion to instruct the City Clerk to come back with a summary of the actions taken at the May 23, 2016 City Council Meeting

Council Member Glaize amended the substitute motion to instruct the City Clerk to come back with a summary of the actions taken at the May 23, 2016 City Council Meeting with Council Member Whitmore providing the second. **The motion carried** with Council Member Pallend voting "no".

Council Member Heath made a motion to adopt the Special Called Meeting Minutes of June 2, 2016 with Council Member Pallend providing the second. **The motion failed** for the lack of (4) votes.

Mayor Avery asked for clarification.

City Attorney Randy Turner stated it is his understanding there was not a quorum; therefore there was no meeting.

**IX. AGENDA ITEMS:**

1. 16 P-002 PLAT REVIEW-Brookhaven at Durham Lakes-Unit V, Phase I & II

Council Member Glaize made a motion to approve the PLAT REVIEW-Brookhaven at Durham Lakes-Unit V, Phase I & II with Council Member Whitmore providing the second. **The motion carried.**

2. Questline Residential Newsletter

Council Member Pallend made a motion to approve the Questline Residential Newsletter with Council Member Heath providing the second. **The motion failed for the lack of (4) affirmative votes.**

3. Approval of the 2016 Transportation Special Purpose Local Option Sales Tax (TSPLOST) Project List

Council Member Glaize made a motion to approve the 2016 Transportation Special Purpose Local Option Sales Tax (TSPLOST) with amendments with Council Member Pallend providing the second. **The motion carried with Council Member Heath voting “no”.**

4. Ordinance to Modify the Fiscal Year 2015-16 Budget

Council Member Glaize made a motion to approve the Ordinance to Modify the Fiscal Year 2015-16 Budget with the recommended changes with Council Member Heath providing the second. **The motion carried.**

5. Discussion and/or Approval of a Request for Proposals for a Complete and Comprehensive Rewrite of the City Charter

Mayor Avery opened the floor for discussion.

Council Member Glaize requested to hold the Request for Proposals for a complete and comprehensive rewrite of the City Charter.



City Attorney Randy Turner said “I did not receive any responses to the draft”.

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

6. Resolution Regarding Appointment of Various City Officials

Council Member Glaize made a motion to approve the Resolution Regarding Appointment of Various City Officials with Council Member Whitmore providing the second.

After some discussion, Council Member Glaize stated for the record “for the CEO, it was done as Home Rule and changed the Charter and the governance”.

Council Member Glaize amended the motion to hold for a rewrite to comply with the Home Rule Act with Council Member Whitmore providing the second. **The motion carried** with Council Members Pallend and Heath voting “no”.

7. Discussion of Grant Writer with ECIVIS

Mayor Avery opened the floor for discussion on the Discussion of Grant Writer with ECIVIS.

Council Member Glaize made a motion to hold the Discussion of Grant Writer with ECIVIS to the next Council Meeting to be held on July 11, 2016 with Council Member Hurst providing the second. **The motion carried.**

8. Discussion of Electrical/Utility Issues

Mayor Avery opened the floor for discussion.

Council Member Whitmore had discussion on working outside of the Standard Operating Procedures.

Utility Director Tom Ridgway said I was attempting to help a customer until they were able to pay a bill. He went on to explain the process.

Council Member Whitmore inquired about the restrictors. He asked if there were any commercial businesses that have a balance that was greater than the resident.

Utility Director Tom Ridgway said yes.

Council Member Whitmore said we do not have a policy that governs the use of the restrictors. We could have granted the residence an additional two weeks as we treat our commercial businesses.

After much discussion, Council Member Whitmore said to have any department do anything outside of the policy and procedures is wrong.

9. Discussion and/or Approval for Fairburn Athletic Association becoming a Vendor at the City of Fairburn Laser Show

Council Member Glaize made a motion to approve the Fairburn Athletic Association to be a vendor at the Fairburn Laser Show and to provide concessions at Duncan Park to include Friday night football with Council Member Hurst providing the second. **The motion carried.**

10. Discussion and Possible Action on the Process of the City Council Meeting Minutes

**X. COMMENTS FROM COUNCIL:** There were no council comments.

**XI. ADJOURN:**

Council Member Pallend made a motion to adjourn into Executive Session for a Litigation and Personnel Matter with Council Member Whitmore providing the second. **The motion carried.** The meeting adjourned at 10:03pm.

**XII. EXECUTIVE SESSION:**

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

Council Member Whitmore made a motion to reconvene the meeting with Council Member Glaize providing the second. The motion carried.

Council Member Whitmore made a motion to authorize the filing of an in rem complaint against 231 Margaret Street and 139 Orchard Street. **The motion carried.**

Council Member Whitmore made a motion to authorize the filing of an in rem complaint against the property located at 178 Margaret Street with Council Member Portis-Jones providing the second. **The motion carried.**

Council Member Hurst made a motion to terminate Tom Barber's contract effective

immediately without cause and to pay pursuant to the contract and the City of Fairburn will utilize Mr. Barber as a consultant with Council Member Portis-Jones providing the second. A roll call vote was taken and Council Members voting “yes” were Glaize, Hurst, Portis-Jones and Whitmore. Council Members voting “no” were Pallend and Heath. **The motion carried.**

Council Member Glaize made a motion to adjourn the meeting with Council Member Hurst providing the second. **The motion carried.** The meeting adjourned at 12:20pm.

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Interim City Clerk, Stephanie Tigner

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Mayor, Mario Avery