



City of Fairburn
Mayor and Council Meeting- Zoom
September 14, 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 Mayor Pro-Tem Ulysses J. Smallwood.
- IV. Adoption of City Council Minutes:
Motion to approve August 24, 2020, Council Meeting Minutes (Zoom) with corrections was made by Councilman Whitmore and the second was provided by Mayor Pro-Tem Smallwood.
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 Councilman Heath.
Vote: 6-0: Motion Carried.
- VI. Public Hearing:

1. Rezoning [2020090] with a Concurrent Variance [2020095]- SCP Acquisitions, LLC.

Tarika Peek, Planning and Zoning Director, explained to Mayor and Council that SCP Acquisitions, LLC is seeking to rezone 14.979 acres from C-2 (General Commercial District) to RM-35 (Multi-family Residential District) to allow a 287 unit multi-family residential development with a concurrent variance to reduce the required parking from 2 spaces per unit to 1.50 spaces. Ms. Peek also informed Mayor and Council that the Planning and Zoning Commission reviewed the proposed rezoning petition on Tuesday, August 4, 2020, and the Commission recommended denial. Ms. Peek asked Mayor and Council for a continuance of the petition to Monday, October 12, 2020.

Motion to open the hearing for public comment was made by Councilman Heath and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

The Public Hearing was opened at 7:09 pm and there was no comment made in favor of or against the Rezoning [2020090] with a Concurrent Variance [2020095]-SCP Acquisitions, LLC.

Motion to close the Public Hearing was made by Councilman Whitmore and the second was provided by Councilwoman Davis. Vote: 6-0: Motion Carried.

The Public Hearing closed at 7:11 pm.

Motion to approve Continuance of the Petition to Monday, October 12, 2020, was made by Councilman Heath and the second was provided by Mayor Pro-Tem Smallwood. Vote: 6-0: Motion Carried.

2. Fiscal Year 2020-2021 Proposed Budget.

Rodrique Taylor, Interim Finance Director, explained the Proposed Budget for the FY2020-2021 is \$57,037,705, which represents an overall increase of \$2,885,167 or a 5% over the FY2019 adopted Budget. Mr. Taylor stated that the General Fund has a Proposed Budget of \$17,762,565 or a 3% increase from the prior year.

Motion to open the Public Hearing was made by Councilwoman Davis and the second was provided by Councilman Heath. Vote: 6-0: Motion Carried.

The Public Hearing opened at 7:20 pm, and there was no comment made in favor or against the Fiscal Year 2020-2021 Proposed Budget.

Motion to close the Public Hearing for the FY2020-2021 Proposed Budget was made by Councilman Whitmore and the second was provided by Councilman Heath. Vote: 6-0: Motion Carried.

Mayor and Council Discussion:

Councilwoman Davis:

1. Requested a timeline for vacant positions to be filled.
2. Asked why the City Clerk isn't being paid a market rate salary.
3. Is there a need for a new Human Resources position?
4. Will Linda Johnson, HR Director, salary decrease when City Administrator is hired?

In response to #1, Mayor Carr-Hurst responded by stating that the new position will be advertised in October once we are in the FY2020-2021 budget year.

In response to #2, Mayor Carr-Hurst stated that the City Clerk is not certified and was aware that the salary would increase once the certification was received when hired.

In response to #3, Mayor Carr-Hurst stated that the new position in the Human Resources is needed to back up the person who does payroll for the City. Mayor Carr-Hurst stated that with all the new things in HR dealing with COVID-19, a new position is a necessity.

In response to #4, Mayor Carr-Hurst stated that as soon as a City Administrator is hired the Human Resources Director's salary will revert to the original amount.

Councilwoman Portis-Jones:

1. When did Rodrique Taylor become Interim Finance Director, and why wasn't Council notified?
2. Inquired why the position of Deputy Chief in the Fire Department is vacant.
3. ISO Recertification
4. Requested an updated expense report through August 31, 2020
5. Asked about the decrease in expenditures in the Fire Department
6. Suggested adding no newly created position right now because of a decrease in income and recommended Mayor and Council revisit the new positions during the Mid-Year Budget adjustment period.

In response to #1, Mayor Carr-Hurst stated that Rodrique Taylor was named Interim Finance Director 2 weeks ago.

In response to #2, Mayor Carr-Hurst stated that some of the positions available in the Fire Department are already advertised and other positions will be filled soon.

In response to #3, Fire Chief Robinson explained that it usually would be time for the City of Fairburn's Insurance Service Office (ISO) Recertification, but with COVID-19 things are not on the regular schedule.

In response to #4, Mr. Taylor will send out the expense report.

In response to #5, Mr. Taylor explained that there is a decrease in expenditures because there is an increase in grants that the Fire Department received.

Councilman Pallend:

1. Stated that he would like to see the City Administrator position be filled.
2. Stated that he hadn't seen anything done by the Public Relations Representative for the City of Fairburn, Mr. Jeff Dickerson.

In response to #2, Mayor Carr-Hurst stated that she would send out an email regarding work performed by Mr. Dickerson this week.

VII. Agenda Items:

1. Engineering

Mr. Lester Thompson

For Mayor and Council to approve the Proposal to Remove Underground Storage Tanks from the Downtown LCI Streetscape Project in the amount of \$14,250. Mr. Thompson explained that on August 3, 2020, three underground storage tanks (USTs) were discovered during excavation activities associated with the installation process storm sewer line on the Downtown LCI Streetscape Project. Mr. Thompson informed Council that the lowest responsive bidder, Contour Environmental, LLC, withdrew their bid. The next lowest bid was from Envirorisk Consultants, Inc. in the amount of \$17,100. Motion to approve the

Proposal to Remove the Underground Storage Tanks from the Downtown LCI Streetscape Project with Envirorisk Consultants, Inc. was made by Councilwoman Davis and the second

was provided by Councilwoman Portis-Jones.

Vote: 6-0: Motion Carried.

2. Engineering

Mr. Lester Thompson

For Mayor and Council to approve the Change Order #1 for the Downtown LCI Streetscape Project in the amount of \$28,046.25. Mr. Thompson explained that during the review of the traffic signal and lighting submittals, it was discovered that the construction plans call for galvanized steel mast arms in the notes. Motion to approve Change Order #1 for the Downtown LCI Streetscape Project for an amount of \$28,046.25 was made by Councilman Whitmore and the second was provided by Mayor Pro-Tem Smallwood.

Vote: 6-0: Motion Carried.

Mr. Thompson announced that GDOT approved the request to resurface US 29/State Route 14 from Palmetto to Union City.

3. Economic Development

Mr. Kalanos Johnson

For Mayor and Council to approve the Media Production and Permits Ordinance Text Amendment. Mr. Johnson explained that the Media Production and Permit Ordinance Text Amendment was necessary to properly manage all media and film activity and to assist the City of Fairburn in becoming a Georgia Film Ready City. Councilwoman Davis stated that she wants the City of Fairburn to be competitive in the film industry. Councilman Pallend wanted to highlight that this Ordinance does not regulate the news media. Motion to approve the Media Production and Permit Ordinance Text Amendment was made by Councilman Pallend and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

4. Economic Development

Mr. Kalanos Johnson

For Mayor and Council to approve the Amendment to the Fee Schedule. Mr. Johnson explained the Media Production and Permits Ordinance would require applicants who want to receive an expedited application to apply for an Expedited Review in the amount of \$150 per occurrence. Motion to approve the Amendment to the Fee Schedule was made by Mayor Pro-Tem Smallwood and the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

5. Planning and Zoning

Ms. Tarika Peeks

For Mayor and Council to Increase the FY2020-2021 Budget by \$12,500 for the Keep Fairburn Beautiful Program. Ms. Peeks explained that the mission of KFB program is to encourage public awareness and participation in creating and maintaining clean, beautiful, well-kept communities throughout the City of Fairburn. Ms. Peeks stated the KFB program would address the illegal dumping and littering problems within the residential neighborhoods and commercial corridors. Councilwoman Davis stated that she thinks that the Keep Fairburn Beautiful program is a wonderful idea and asked if there was a way to trim down the \$12,500 for the program. Councilwoman Davis suggested reducing the uniform budget and utilizing the supplies from the Street Department. Motion to approve the increase to the FY2020-2021 Budget by \$12,500 for the Keep Fairburn Beautiful Program was made by Councilwoman Davis and the second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.

6. Planning and Zoning

Ms. Tarika Peeks

For Mayor and Council to Increase the FY2020-2021 Budget by \$6,000 to provide a Stipend for Planning and Zoning Board Members. Ms. Peeks explained the boards are essential and play a vital role in the success of Fairburn's development and growth. Ms. Peeks asked for an increase in the FY2020-2021 Budget by \$6,000 to provide a \$50 stipend to board commission members. Councilman Whitmore thanked Ms. Peeks for considering the board members. Councilwoman Davis asked would this include all boards; Ms. Peeks informed Council that the \$50 dollar stipend would be for all boards. Motion to approve the increase to the FY2020-2021 Budget by \$6,000 was made by Councilman Whitmore and the second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.

7. Fire Department

Chief Cornelius Robinson

For Mayor and Council to approve the Change Order for the Purchase and Installation of Air (Cascade System) Light Unit for Air Light 22 in the amount of \$10,498. Chief Robinson explained that on April 13, 2020, Mayor and Council approved the purchase and installation of Air (Cascade System) and Light Unit for Air Light 22 with Randall Brackett for \$26,080. To follow the State of Georgia Regulation as an Emergency Vehicle during the refurb process emergency lights were added and installed, guard for the light tower to protect it from damage, installation of a generator that the Fire Department already owned and the swivel elbow. Motion to approve the Change Order for the Purchase and Installation of Air (Cascade System) Light Unit for Air Light 22 in the amount of \$10,498 was made by Councilwoman Davis and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

VIII. Council Comments:

Councilwoman Davis had no comment.

Councilman Pallend had no comment.

Councilwoman Portis-Jones had no comment.

Councilman Whitmore stated he did nothing wrong when communicating with Safeguard. Councilman Whitmore specified that he will not have another conversation about this topic publicly. Councilman Whitmore requested to add the response he received from Attorney Valerie Ross to the record: *I have reviewed the below email exchange between you and the applicant for Safeguard Landfill and it is my legal opinion that there exists no violation of the City's Code of Ethics. First, as we discussed previously, an applicant for a land-use decision may seek to discuss the application with Mayor and members of City Council as it is a part of the legislative process, pursuant to the Zoning Procedures Act. Such an outreach of the legislative body is not improper. Second, it appears to me that the applicant specifically sought you out because he was under the impression that you represent the specific area that the Safeguard Landfill is located – as in a ward or district. Whatever the impression, there was nothing improper done on your part when you communicated with the applicant, nor does there appear to be any wrongdoing contained in the body of the email from the applicant. Again, this type of communication is typical throughout the rezoning/text amendment process. Of course, you are not required to engage in*

such communication, but if you elect to do so, that will not be a violation of the City's Code of Ethics or the Zoning Procedures Law.

Councilman Heath had no comment.

Mayor Pro-Tem Smallwood had no comment.

Mayor Carr-Hurst provided the following updates:

1. The City of Fairburn will now have four (4) polling locations for the November 3, 2020 Presidential Election.
2. The signage that was damaged when entering the City of Fairburn will be repaired.
3. The Casablanca Restaurant looks fantastic and is projecting an October grand opening in the City of Fairburn. The patio is being constructed, and there will be about 35 parking spaces.
4. The fourteen (14) municipalities in Fulton County are still working on getting funds from the CARES Act from Fulton County and made a counteroffer of \$70 million dollars. Mayor Carr-Hurst stated that the Mayor's in Fulton County has been working diligently on an agreement with the county.

IX. Adjournment: At 8:57 pm, with no further business of the City of Fairburn, the Motion to adjourn was made by Councilwoman Davis and the second was provided by Councilwoman Portis-Jones.

Vote: 6-0: Motion Carried.


Arika Birdsong-Miller, City Clerk


Elizabeth Carr-Hurst, Mayor