



City of Fairburn
Mayor and Council Meeting- Zoom
October 12, 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 Apostle Danita Jones of In His Great Name Ministry.
- IV. Adoption of City Council Minutes:
Motion to Approve September 28, 2020, Council Meeting Minutes (Zoom) was made by Councilman Whitmore and the second was provided by Councilwoman Davis.
Vote: 6-0: Motion Carried.
Motion to Approve September 28, 2020, Executive Session Minutes (Zoom) was made by Mayor Pro-Tem Smallwood and the second was provided by Councilman Heath.
Vote: 6-0: Motion Carried.

Motion to Approve the October 1, 2020, Special Called Meeting Minutes (Zoom) was made by Councilman Whitmore and the second was provided by Mayor Pro-Tem Smallwood.

- V. Adoption of the Council Agenda:

Motion to Move Item #10, For Mayor and Council to Express Support of South City Partners Acquisitions, LLC purposed Class A Multi-Family Housing Development and for the Implementation of Steps by the Development Authority of Fairburn to provide Bond Financing and Tax Abatement Assistance for the Project, to Item # 1 was made by Councilwoman Portis-Jones and the second was provided by Councilwoman Davis. Vote: 6-0: Motion Carried.

Motion to Approve the Council Agenda was made by Councilman Whitmore and the second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.

- VI. Presentation:
 1. Mr. Aaron Johnson, Fulton County Board of Registration and Elections Board Member, explained that Fulton County is making it easier than ever to cast your ballot for the November

3, 2020 General Election. Mr. Johnson explained that there are three ways to vote for the General Election that include by mail (absentee ballots), early voting and Election Day voting. Mr. Johnson also stated that the City of Fairburn added New Beginnings Senior Center as an Election Day voting site, so in total Fairburn will have four (4) voting sites on November 3, 2020. Adding a fourth location will help reduce the number of citizens assigned to the other 3 precincts to ensure the wait time is minimal for all voters.

2. Dr. Joyce Dorsey and Mr. Eddie Lee Brewster, CEO and Community Outreach Coordinator at the Fulton Atlanta Community Action Authority (FACAA), explained that FACAA has available financial assistance for citizens in Fulton County from the CARES Act. Mr. Brewster informed Mayor, Council and the citizens of Fairburn that FACAA offers Utility/Water Assistance, Rent/Mortgage Assistance, and Emergency Assistance. Mr. Brewster stated that financial assistance is available now until November 1, 2020 for all senior citizens and citizens that have a disability and after November 1, 2020 FACAA will begin accepting applications from all Fulton County residents in need.

VII. Public Hearing:

1. Rezoning 2020090 with a Concurrent Variance [2020095]- South City Partners Acquisitions, LLC.

Motion to open the hearing for public questions and comments was made by Councilwoman Davis and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

Planning and Zoning Director, Ms. Tarika Peeks, explained that South City Acquisitions, LLC is seeking to rezone 14.9749 acres from C-2 (General Commercial District) to RM-36 (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 spaced per unit. Ms. Peeks stated that the Planning and Zoning Commission denied the rezoning request on August 4, 2020. Ms. Peeks stated that staff is recommending a conditional approval. Staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area consists of: RM-36 (Multi-family Residential District) and C-2 (General Commercial Residential District) to the north, RM-12 (Multi-family Residential District), R-CT (Residential Condominium/Townhouse District) and R-4 Overlay (Single-family Residential District) to the east, C-2 (General Commercial District) to the south, and C-2 (General Commercial District), and PD (Planned Development) to the west.

Mr. Will Cassidy, SCP Acquisitions, LLC, stated that the 287-unit development will be a catalyst for growth in the City of Fairburn.

Opposition:

1. Ms. Samuels, resident at 3993 Meadow Glen Lake, stated that she has a petition with 332 signatures of citizens in opposition of the development. Ms. Samuels is concerned about the traffic congestion and pollution the 287-unit development will cause. Ms. Samuels also stated her concerns about impact the multi-family community will have on the Police and Fire Department.

2. Mr. Thomas Cochran, 467 Fireleaf Way, stated his concerns about the traffic congestion the residents of the new 287-unit development will cause on Highway 74. Mr. Thomas feels like the apartment complex will create too much density for the area. Mr. Thomas also stated that the Bond Inducement and Tax Abatement that the South City Partners Acquisitions, LLC is requesting should not be an option.

SCP Acquisitions, LLC Petitioner Mr. Will Cassidy thanked citizens for their comments and stated that the traffic that the residential community will create will produce little traffic on Highway 74. There is also a new traffic light that has been installed that will assist in traffic control. Mr. Cassidy stated that the property has been available for 2 years and other commercial properties weren't successful. Mr. Cassidy further stated that the Bond Inducement will help finance the best in class product at affordable rates to the renters.

Councilwoman Davis asked for the occupancy percentage at the Crofthouse. Mr. Cassidy explained that the Crofthouse Fairburn is 276-units and the community and is 72% occupied. Councilwoman Davis stated that the Public Hearing for the development was not at a convenient time for citizens during the COVID-19 Pandemic. Mr. Cassidy stated that the notifications was sent to all surrounding neighbors of the proposed development and SCP Acquisitions, LLC attempted to accommodate all feedback. Councilwoman asked if the tax abatement status transfer to other buyers if the developer sells the community once construction is complete. Mr. Cassidy said yes that the tax abatement status does transfer.

Councilman Heath asked if the City was responsible for the Bond Inducement. Attorney Turner stated that the City is not responsible. Councilman Heath also asked if the power lines would be a health issue to the residents. Mr. Cassidy explained that the during construction they have buffers in place to keep the residents safe. Councilman Heath asked if there was any other inquiry for the land purchase. Ms. Peek stated that there have been no other inquiries.

Councilwoman Portis-Jones inquired if SCP Acquisitions, LLC is asking for tax abatement only by going through the Development Authority. Attorney Turner said yes to Councilwoman Portis-Jones. Councilwoman Portis-Jones asked if the Crofthouse Fairburn and Solstice Apartments used the same tax abatement method. Attorney Turner stated that the Crofthouse Fairburn and Solstice Apartments went through Fulton County's Development Authority. Councilwoman Portis-Jones asked if the project is not approved for tax abatement will it move forward. Mr. Cassidy said the project will not move forward without tax abatement approval. Councilwoman Portis-Jones asked if additional multi-family apartments were part of the Comprehensive Plan. Ms. Peek stated that apartments communities are part of the Comprehensive Plan. Ms. Peek stated that staff considered adding this development would help increase the possibilities of adding a grocery store and sit down restaurants to that area.

Mayor Pro-Tem Smallwood asked what concerns Planning and Zoning had that led to the recommendation of denying the rezoning request. Ms. Peek stated the concerns were traffic on Hwy 74 and the number of apartments in the vicinity.

Motion to close the Public Hearing was made by Councilman Heath and the second was provided by

Councilman Whitmore.

Vote: 6-0: Motion Carried.

Motion to Approve the Rezoning 2020090 with a Concurrent Variance [2020095]- South City Partners Acquisitions, LLC was made by Councilman Heath and the second was provided by Councilman Whitmore.

Vote: 2-4: Motion Denied.

Councilman Heath and Councilman Whitmore voted to Approve Rezoning 2020090 with a Concurrent Variance [2020095]- South City Partners Acquisitions, LLC.

Mayor Pro-Tem Smallwood, Councilwoman Davis, Councilman Pallend, and Councilwoman Portis-Jones voted to Deny Rezoning 2020090 with a Concurrent Variance [2020095]- South City Partners Acquisitions, LLC.

2. Rezoning 2020109 with a Concurrent Use Permit [2020114]- C4 Bullsboro, LLC.

Motion to open the hearing for public questions and comments was made by Mayor Pro-Tem Smallwood and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

Mr. John Davis, Bullsboro, LLC, stated that the rezoning request is to rezone 2.93 acres from R-3 (Single Family Residential) to M-1 (Light Industrial) with a concurrent use permit to allow a truck terminal on 5.33 acres with 99 parking spaces.

Councilwoman Davis stated concerns about the location of the truck terminal coming onto Jonesboro Road. Councilwoman Davis stated that there is a large Amazon Warehouse on Hwy 92 that has large vans being utilized. Councilwoman Davis stated that the proposed facility with 99 trucks will create traffic congestion.

Ms. Peek stated that during the Public Hearing there was one (1) homeowner from the surrounding area, and he had no opposition of the rezoning request. Ms. Peek stated that the street is a little narrow and after the Engineer reviews the plan there could be turning lanes required once the land disturbance application is received.

Councilman Heath asked about the proposed security service that the lot would have. Mr. Davis stated that they will have a 24-hour monitoring service that will monitor the camera at the lot.

Councilwoman Portis-Jones asked if Bullsboro, LLC contacted the school bus terminal. Mr. Davis stated that there was no direct contact with the bus terminal, but the invitation to attend the Public Hearing was sent. Mr. Davis stated that there is not a safety issue. Councilwoman Portis-Jones asked if the land is proposed land vacant. Mr. Davis stated that 3 lots are vacant and the other 2 have abandoned houses. Councilwoman Portis-Jones asked how far the facility is from Taylor Gas since they have propane gas. Mr. Davis stated the facility is close to Taylor Gas, however there are no concerns.

Mr. Davis stated that the truck parking will help the area. Mr. Davis stated that the ARC did several studies and on average it takes a trucker 4 hours to find a place to park.

Motion to close the Public Hearing was made by Councilwoman Portis-Davis and the second was provided by Councilwoman Davis.

Motion to Deny Rezoning 2020109 with a Concurrent Use Permit [2020114]- C4 Bullsboro, LLC was made by Councilwoman Davis and the second was provided by Councilwoman Portis-Jones.
Vote: 6-0: Motion Carried.

3. Use Permit 2020108- 1162 Highway 54 East, LLC.

Motion to open the hearing for public questions and comments was made by Mayor Pro-Tem Smallwood and the second was provided by Councilman Whitmore.

Mr. Joe Strack, 1162 Highway 54 East, LLC, is requesting a use permit to allow a truck terminal with 112 parking spaces on 5.99 acres zoned M-2 (Heavy Industrial).

Councilwoman Portis-Jones asked would there be any amenities. Mr. Strack stated there will be greenery and truck parking at the facility.

Motion to close the Public Hearing was made by Councilman Heath and the second was provided by Councilwoman Davis.

Motion to Approve Use Permit 2020108- 1162 Highway 54 East, LLC was made by Councilman Heath and the second was provided by Councilwoman Portis-Jones

Vote: 6-0: Motion Carried.

VIII. Agenda Items:

1. City Attorney

Attorney Randy Turner

For Mayor and Council to Express Support of South City Partners Acquisitions, LLC purposed Class A Multi-Family Housing Development and for the Implementation of Steps by the Development Authority of Fairburn to provide Bond Financing and Tax Abatement Assistance for the Project. Attorney Turner stated that since the Rezoning request was denied this item should be Tabled indefinitely. Motion to Remove item in Support of South City Partners Acquisitions, LLC was by Councilwoman Portis-Jones and the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

2. Planning and Zoning

Ms. Tarika Peeks

For Mayor and Council to Approve Final Plat 2020140- Strack Lot #1.

Ms. Peeks explained that the applicant is requesting a final plat approval for Lot # 1 of the Strack Development project. The property is located on the northeast side of Bohannon Road and will also have frontage on Howell Ave, which is currently under construction. The property is 5.99 acres and zoned M-2 (Heavy Industrial). Motion to Approve Final Plat 2020140- Strack Lot #1 was made by Mayor Pro-Tem Smallwood and the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

3. Planning and Zoning

Ms. Tarika Peeks

For Mayor and Council to approve the LCI Downtown Master Plan Contract Award with The Collaborative Firm, LLC for an amount of \$115,425. Ms. Peeks explained that the Request for Proposals (RFP# 20-007, LCI Downtown Master Plan) was advertised on August 5, 2020 with a proposal submission deadline of September 1, 2020. There were five (5) proposal submitted by the deadline. After completion of the proposal evaluation, it was determined that The Collaborative Firm, LLC, was the lowest responsive and responsible consultant with a proposal cost of \$115,425. Councilwoman Davis asked if there were any

reimbursable expenses that The Collaborative Firm, LLC would be submit in addition to the \$115,425. Mr. Michael Hightower stated that the bid is the complete cost for service. Councilwoman Davis asked how Ms. Peeks felt about previous work done by The Collaborative Firm in the past. Ms. Peeks stated that everything went well, and the document produced was done professionally. Mr. Hightower explained that he felt like Councilwoman Davis was slandering his name. Attorney Turner stated that Councilwoman Davis is operating as a Member of City Council and asking questions that pertains to the contract. Motion to Approve the LCI Downtown Master Plan Contract Award with The Collaborative Firm in the amount of \$115,425 was made by Councilman Heath and the second was provided by Councilman Whitmore. Vote: 4-3: Motion Approved.

Mayor Carr-Hurst, Mayor Pro-Tem Smallwood, Councilman Heath, and Councilman Whitmore voted to Approve the LCI Downtown Master Plan Contract Award with The Collaborative Firm in the amount of \$115,425.

Councilwoman Davis, Councilman Pallend, and Councilwoman Portis-Jones voted to Deny the Contract Award with The Collaborative Firm for the LCI Downtown Master Plan in the amount of \$115,425.

4. Engineering

Mr. Lester Thompson

For Mayor and Council to Approve the Resolution to Adopt the South Fulton County Comprehensive Plan Update. Mr. Thompson explained that the CTP update has been underway since February 2019. The study area includes eight cities in southern Fulton County (Chattahoochee Hills, College Park, East Point, Fairburn, Hapeville, Palmetto, South Fulton and Union City) as well as the portion of unincorporated Fulton County along SR70/Fulton Industrial Blvd. Motion to Approve the Resolution to Adopt the South Fulton County Comprehensive Transportation Plan Update was made by Councilwoman Portis-Jones and the second was made by Councilwoman Davis.

Vote: 6-0: Motion Carried.

5. Engineering

Mr. Lester Thompson

For Mayor and Council to Approve Task Order #10 with Pond and Company for Professional Engineering & Landscape Architectural Services in the amount of \$25,000. Mr. Thompson stated that the agreement with Pond & Company was approved with the understanding that task orders associated with Professional Engineering and Landscape Architectural Services would be issued on an as need basis. Motion to Approve Task Order #10 with Pond and Company for Professional Engineering & Landscape Architectural Services in the amount of \$25,000 was made by Mayor Pro-Tem Smallwood and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

6. Engineering

Mr. Lester Thompson

For Mayor and Council to Approve the Change Order with Envirorisk Consultant to Remove the Underground Storage Tanks from the Downtown LCI Streetscape Project in the amount \$1,200. Mr. Thompson stated that the proposal for Envirorisk Consultants, Inc. to remove the three (3) underground storage tanks (USTs) associated with the Downtown LCI Streetscape Project for an amount of \$17,100 was approved at the September 14th City Council Meeting. After completing the Ground Penetrating Radar (GPR), it was discovered that the tanks appear to be larger than 500 gallons and extend beneath at least one lane on Broad Street (SR 14/US 29). As such, the consultant revised the proposal by \$1,200 to

capture the additional cost associated with draining of the larger tanks, the removal of the larger tanks from the roadway, the use of security plates, and other health & safety related measures. Motion to Approve the Change Order with Envirorisk Consultants to Remove the Underground Storage Tanks from the Downtown LCI Streetscape Project in the amount of \$1,200 was made by Councilwoman Davis and the second was provided by Councilwoman Portis-Jones. Vote: 6-0: Motion Carried.

7. Engineering

Mr. Lester Thompson

For Mayor and Council to Approve Change Order #2 with Precision 2000 to assist in the Removal of the Underground Storage Tanks from the Downtown LCI Streetscape Project in the amount of \$17,563.95. Mr. Thompson explained that after completing the Ground Penetrating Radar (GPR) associated with the Envirorisk UST removal scope, it was discovered that the tanks extend beneath at least one lane of West Broad Street (SR 14/US 29). As such, a proposal was requested from Precision 2000, the roadway contractor for the LCI Streetscape Project, to provide the necessary traffic control to remove the tanks and to restore the roadway per GDOT standards and specifications upon completion. Motion to Approve Change Order #2 with Precision 2000 to assist in the Removal of the Underground Storage Tanks from the Downtown LCI Streetscape Project in the amount of \$17, 563.95 was made by Councilman Heath and the second was provided by Mayor Pro-Tem Smallwood. Vote: 6-0: Motion Carried.

8. Fire Department

Chief Cornelius Robinson

For Mayor and Council to Approve the purchase of 25 Self-Contained Breathing Apparatus (SCABs) in the amount of \$182,000. Chief Robinson explained that Self-Contained Breathing Apparatus are essential equipment in fire suppression. The current units are 14 years old, the same age as the department. Their maximum service life is 15 years. The Fire Department has been approved Federal funding in the amount of 173,333. As a condition of the grant we are required to contribute \$8,667 of non-Federal funds for a total of 182,000. Motion to Approve the purchase of 25 Self-Contained Breathing Apparatus (SCABs) in the amount of \$182,000 was made by Councilwoman Portis-Jones and the second was provided by Councilwoman Davis. Vote: 6-0: Motion Carried.

9. Fire Department

Chief Cornelius Robinson

For Mayor and Council to Approve the purchase of 10 sets of Bunker Gear from Bennett Fire Products in the amount of \$25,870. Chief Robinson stated Bunker gear has a shelf life of 10 years. The National Fire Protection Agency (NFPA) statutes 1851 and 1971 recommend that each Firefighter has a main set of gear as well as a back-up set. The purchase of this gear will allow for their current gear, prior to its expiration, to serve as a back-up set in the event of an exposure incident (i.e. blood, bodily secretions and/or flammable liquids). Motion to Approve the purchase of 10 sets of Bunker Gear from Bennett Fire Products in the amount of \$25,870 was made by Councilman Whitmore and the second was provided by Councilman Heath. Vote: 6-0: Motion Carried.

10. City Attorney

Attorney Randy Turner

For Mayor and Council to Approve an Intergovernmental Agreement with Fulton County School District to accept approximately 0.186 of right-of-way with the FCSD's improvements at Campbell Elementary School. Attorney Turner explained that Fulton County School District has undertaken and has constructed certain improvements at Campbell Elementary School. In connection with said improvements, FCSD has constructed a turning lane and is

now dedicating approximately 0.186 of new ROW to the City of Fairburn. Motion to Approve an IGA with Fulton County School District to accept approximately 0.186 of ROW with the FCSD's improvements at Campbell Elementary School was made by Councilwoman Davis and the second was provided by Mayor Pro-Tem Smallwood.

Vote: 6-0: Motion Carried.

11. City Attorney

Attorney Randy Turner

For Mayor and Council to Approve a Resolution to Accept a Quitclaim Deed of Conveyance from Fulton County, Accepting the Old Campbell County Historic Courthouse. Attorney Turner explained that the Old Campbell County Historic Courthouse is located wholly within the corporate limits of the City of Fairburn and is a building of historic significance. Mayor and City Council expressed their desire to obtain fee simple ownership and Fulton County Board of Commissioners approved the transfer. Motion to Approve a Resolution to Accept a Quitclaim Deed of Conveyance from Fulton County, Accepting the Old Campbell County Historic Courthouse was made by Councilwoman Portis-Jones and the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

VIII. Council Comments:

Councilwoman Davis had no comment.

Councilman Pallend had no comment.

Councilman Whitmore had no comment.

Councilwoman Portis-Jones had no comment.


Councilman Heath had no comment.

Mayor Pro-Tem Smallwood had no comment.

Mayor Carr-Hurst had no comment.

IX. Adjournment: At 10:12 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 Councilman Heath.

Vote: 6-0: Motion Carried.


Arika Birdsong-Miller, City Clerk


Elizabeth Carr-Hurst, Mayor