



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

Tom Barber
Stephanie Tigner
William Randy Turner

City Administrator
Assistant City Clerk
City Attorney

- I. MEETING CALLED TO ORDER: by the Honorable Mayor Mario Avery.**
- II. ROLL CALL:** All members were present which constituted a quorum. Council Member Hurst attended the meeting via teleconferencing.

Mayor Avery recognized Major Barney of Riverdale, Georgia. He said Major Barney was memorialized this past weekend as he was reminded how important it is to serve and value life. Mayor Avery said he was a participant in the processional with over 500 police cars, 200 police motorcycles, a 21 Gun Salute and a helicopter. He said he counted at least five states that were in attendance. He asked everyone to be reminded of how important the men and women are in our public safety departments to include the Fire and Police; they put their lives on the line for us. He thanked the Fairburn Police Department for participating in the processional.
- III. INVOCATION:** was provided by Council Member Alex Heath.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:** Annual Military Academy Nominations.

Council Member Glaize said the Mayor & Council along with the Administrative Team would like to take the opportunity to highlight Landmark Christian School. She said Landmark Christian is one of the schools in the area that sends kids to military academies; it is difficult to get into the academies. She said there is a two-step process

that includes a nomination and an appointment. She said the kids that are selected are usually in the top 1% in their standardized test with a long litany of work they have done over the four years of high school. Council Member Glaize said we hear every year when we go to these meetings all over Fulton County how well Woodward Academy does as far as their students they put into the marketplace, but we have great kids that attend school here in the City such as Creekside and Langston Hughes. She said this year Landmark Christian School was the only school that had nominations to the Military Academy. She said three of the students had track practice and one was able to attend the meeting tonight. She recognized one of the board members and the High School Principal of Landmark Christian School, Dr. Bedosky.

Dr. Bedosky said Congressman Scott and his staff are excited to recognize all the students here today who have demonstrated hard work and commitment towards reaching their goal of achieving a nomination. These students understand the military service academies provide exceptional opportunities such as honor through service to the United States, a first-rate education, fulfillment of their career aspirations and opportunities for leadership positions. Ultimately, it is an exceptional honor and responsibility to be selected for a nomination to a military service academy and it has been a privilege for Congressman David Scott to make these nominations and a responsibility he has taken seriously.

Council Member Glaize introduced Drew McMurrain who received a nomination to the U.S. Naval Academy. She said Drew McMurrain graduated from Landmark Christian School with honors and attended Northeastern Preparatory School to prepare for his appointment to the U.S. Naval Academy.

Drew McMurrain said service is one of the reasons that he applied to the U.S. Naval Academy. He said he has a desire to lead in service because this is important to our country. Mr. McMurrain said for civilians to live every day without the threat of domestic attacks is also important. He said as the Captain of the football team, leadership is very important. Mr. McMurrain said he is now attending Georgia State University taking prerequisite classes awaiting word from the Academy.

Council Member Glaize recognized Camden Cusumano U.S. Naval Academy, Stockton McGuire, nominee for the Airforce Academy and Joshua Cobb, nominee for Westpoint.

Landmark Christian School Treasurer, Ed Wyatt said “when you have served for 15 years with 60-70 students and (4) received an appointment; that is amazing”.

VI. PUBLIC COMMENTS: There were no speakers.

VII. ADOPTION OF THE COUNCIL AGENDA:

Council Member Whitmore made a motion to adopt the Council Agenda and add item #9 Text Amendment: 16TA-002 Section 56-140 Traffic and Vehicles; Item #8 will be discussed in Executive Session with Council Member Glaize providing the second. **The motion carried.**

VIII. APPROVAL OF CITY COUNCIL MINUTES: City Council Minutes of February 8, 2016.

Council Member Glaize made a motion to approve the City Council Minutes of February 8, 2016 with Council Member Heath providing the second.

Council Member Portis-Jones stated there were corrections on page (13) *add Georgia State Parks and Recreation standard job description for operation*. On page (16) add March 14, 2016 City Council Meeting and page (19) the fourth sentence from the bottom Council Member Portis-Jones wanted to add *Kansas City Chiefs*.

Council Member Glaize had one correction on page (18); \$1.2M *annually*. The corrections were noted. **The motion carried.**

IX. PUBLIC HEARING:

1. Text Amendments: 15TA-013 Chapters 80, Article VI Appeals and 80-287 Planning and Zoning Commission Powers and Duties

Council Member Heath made a motion to approve the Text Amendments: 15TA-013 Chapters 80, Article VI Appeals and 80-287 Planning and Zoning Commission Powers and Duties with Council Member Portis-Jones providing the second.

Council Member Glaize made a substitute motion to deny the Text Amendments: 15TA-013 Chapters 80, Article VI Appeals and 80-287 Planning and Zoning Commission Powers and Duties and to repopulate the Board of Zoning Appeals with Council Member Portis-Jones providing the second. **The motion carried** with Council Members Heath and Pallend voting "No".

X. AGENDA ITEMS:

2. Text Amendment: 15TA-014 Chapter 65 Article V- Stream Buffer Protection

Council Member Glaize made a motion to deny the Text Amendment: 15TA-014 Chapter 65 Article V- Stream Buffer Protection and to repopulate the Board of Zoning Appeals with Council Member Whitmore providing the second. **The motion**

carried.

3. Text Amendment: 15TA-015 Chapter 68, Flood, Article I. In General

Council Member Glaize made a motion to deny the Text Amendment: 15TA-015 Chapter 68, Flood, Article I. In General and to repopulate the Board of Zoning Appeals with Council Member Whitmore providing the second. **The motion carried.**

4. Text Amendment: 15TA-016 Chapter 74, Article II. - Tree Protection, Landscaping and Maintenance

Council Member Glaize made a motion to deny the Text Amendment: 15TA-016 Chapter 74, Article II. - Tree Protection, Landscaping and Maintenance and to repopulate the Board of Zoning Appeals with Council Member Whitmore providing the second. **The motion carried.**

5. Modification of Chapter 8, Alcoholic Beverages Ordinance

Meredith Germain provided Mayor and Council with an overview of the steps for the Modification of Chapter 8, Alcoholic Beverages Ordinance. She said there are two options in the Ordinances before you. The first is a two-step permit process which would amend Sections 8-8 and 8-9 and add Sections 80-21, 80-22 and 80-23. The second is a one-step permit process which would include an amendment to Sections 8-8 and 8-19 and add Sections 80-21 and 80-22.

Council Member Glaize made a motion to approve the Modification of Chapter 8, Alcoholic Beverages Ordinance with Council Member Heath providing the second.

Council Member Portis-Jones asked if we are to vote on the one or two step process.

Meredith Germain stated a motion would need to be made for one or the other.

Mayor Avery asked Council Member Glaize if she wanted to amend her motion.

Council Member Glaize amended her motion to support the one step process of Chapter 8, Alcoholic Beverages Ordinance with Council Member Heath providing the second.

Council Member Pallend asked that Ms. Germain explain in detail the Modification of Chapter 8, Alcoholic Beverages Ordinance.

Meredith Germain said this is a one step process that would allow certain permitted locations to have private functions where alcohol is served, but not sold. The one step

process in Section 8-21 would require a permit to be obtained by the business owner who would like to have alcohol served at the location. They would have to submit an application, be in compliance with the requirements in the Ordinance in Section 8-41; pay a \$300 permit fee and \$250 non-refundable investigative fee. The building would have to comply with building, fire, zoning requirements for on premises pouring outlets. The permit would be good for a year and would have to be renewed annually. All applications would be decided within (15) business days of receipt of the completed application. If the application meets all the requirements they will issue the qualifying location a permit which would have to be displayed at the location. Meredith Germain went on to state that it is unlawful for any person to furnish or serve alcoholic beverages at a private function at a location unless food is served. The location cannot do alcohol for tickets or any type of cash sales; and must comply with all of the age requirements regarding underage drinking; comply with all time restrictions where alcohol is purchased or sold. The person who is holding the function will be the person who will purchase and provide the alcohol to their guests. She said "we don't want them to sale alcohol at these locations". **The motion carried.**

6. Approval of Content for Signs for Eric Berry

City Administrator Tom Barber provided Mayor and Council with an overview of the 13 Signs that will be placed in the City below our welcome signs and city limits signs in honor of Eric Berry.

Council Member Heath made a motion to approve the Content for Signs for Eric Berry with Council Member Hurst providing the second.

Council Member Hurst asked that the Welcome Signs be placed after the signs are dedicated. She said "I would like to display the signs at the ceremony".

Mayor Avery asked for clarification regarding the text that will appear on the signs.

Council Member Hurst said the issue is putting a date on the sign. She said later on the signs will seem dated. If we are looking at those signs in 2019 or 2020 and we are talking about 2015 there is a date attached to it. She said she would like to get with Eric and his father and find out if they would agree with us to take the date off or put something else up that would be satisfactory.

Council Member Glaize wanted to know the size of the sign.

City Administrator Tom Barber said "4ft wide and 2ft tall".

Council Member Glaize asked if the signs would be the same size.

City Administrator Tom Barber said 4ft wide and 6 or 8 inches tall.

Council Member Glaize asked if smaller signs were being looked at.

City Administrator Tom Barber said “they will all be 2x4’s”.

City Administrator Tom Barber said Harvey Stokes will provide proofs in a day or two.

Mayor Avery mentioned that Council Member Heath wanted to place a sign at Duncan Park in recognition of Eric Berry. Mayor Avery wanted to know if Council Member Hurst would be amenable to do this as part of the ceremony.

Council Member Hurst said that would be fine.

Council Member Portis-Jones wanted to know what language would be added to the signage.

Council Member Hurst said she will be back in the City this week and will have a conversation with the Berry’s about the language.

City Administrator Tom Barber wanted to know if this item would be continued to the March 14, 2016 City Council Meeting.

Council Member Glaize made a substitute motion to hold the Approval of Content for Signs for Eric Berry with Council Member Heath providing the second. **The motion carried.**

7. Discussion of Speed Bumps in Lightnin’ Community

Mayor Avery wanted to know if Council wanted to move forward with the execution of the speed bumps after the review of the memo submitted by Police Chief McCarthy.

Council Member Portis-Jones asked Chief McCarthy if he has a proposal that would address safety and the emergency vehicles.

Police Chief McCarthy said we can use speed turtles. He said the problem with speed bumps is if someone loses control of their vehicle it will endanger the public opposed to helping them. He said there are many alternatives, but “I wanted to let you know what the facts are”.

Council Member Portis-Jones said it would have been helpful if you would have

brought forth some alternatives, but we do have to address this issue.

Police Chief McCarthy said we have found some limited amounts of cars speeding in the area. We have found that there are few people that speed. He said “in my memo you would have to put the speed bumps from the beginning to the end so they cannot build speed up”.

Council Member Portis-Jones wanted to know the barriers in placing the speed bumps from beginning to end other than cost.

Police Chief McCarthy said “law enforcement uses it as a cut through and would slow police response down by 30-45 seconds. It will slow us down, but we can handle it”.

Fire Chief Hood said our trucks are larger and slower. He said “we have navigated around speed bumps before. It would slow our response, but it is something that we could navigate around”. He said the ambulances would have to navigate around them as well. Fire Chief Hood said “our response is different than the Police Departments’ as they may be in pursuit, we will be going to a fixed location”.

Council Member Glaize asked Harvey Stokes if there were any concerns that took place prior and why the speed bumps were removed. She wanted to know how far apart they were placed on the street.

Harvey Stokes said “no, I don’t know why they were removed. There were two rows at the cross walk at the park”.

Ed Wyatt said he does remember when the speed bumps were there. He said “I don’t know why they were removed”. I cannot give you a number of how many times of the week you see it, but you do see people flying up the road in front of us. You wonder how fast they are going by the neighborhood. He said I have seen motorcycles too. He said University Hospital has the wide speed bumps for traffic control.

Council Member Whitmore said motorcyclists will slow down as they do not want to hurt themselves. He said in Jersey we had speed bumps in the community and there are various types of speed bumps; this should be investigated. I think if you are looking into installing exclusively, where the park is, you should have signs on both sides identifying to those that travel over speed bumps at a fast rate of speed they know the damage it can cause to their cars and motorcycles, so they will definitely slow down.

Mayor Avery said if we agree to move forward with speed bumps it would need to go the length of the street. He said if we place them only near the playground area where the kids are crossing what we are concerned about is the people that are actually speeding and time they hit the bumps there is a guarantee there will be an altercation or a wreck.

Council Member Glaize made a motion to add as an agenda item #7 *Speed Bumps in Lightnin' Community* and to place speed bumps at the entrance at Dodd Street and speed bump signs on both sides of the street with Council Member Heath providing the second. **The motion carried.**

9. Text Amendment: 16TA-002 Section 56-140 Traffic and Vehicles

Council Member Whitmore said at the last Council Meeting we discussed the Text Amendment 16TA-002 Section 56-140 Traffic and Vehicles. He said we had a discussion as to if CSX was on the train tracks and stopped for five minutes we are going to issue a ticket. We had some discussions and identified that this was considered federal and interstate commerce. He said, but one thing I didn't state is I understand the current concern that if CSX stops on the tracks we have traffic backing up on Hwy 29. Council Member Whitmore said one of the reasons the underpasses were installed throughout the City is for cars to have access another way to access the opposite side of the tracks. He said this item came and went fast and we voted on it and I don't think we realized it before we put this text amendment in. The only thing that will happen out of an occurrence like this is we will spend more time in court. He said when they finally decide to respond to citations; if they are submitted. Council Member Whitmore said he communicated with our sister city Union City and in speaking to the Police Department they do not issue tickets; it's a non-entity with them. He said I think this is something that requires repealing, but I wanted the Council to have a conversation. I think we have what we need in place which are the underpasses to gain access to the other side, if anything; you would need the police to redirect people.

Council Member Whitmore made a motion to reconsider the vote to approve the Text Amendment: 16TA-002 Section 56-140 Traffic and Vehicles at the February 8, 2016 City Council Meeting with Council Member Glaize providing the second.

Council Member Portis-Jones wanted to know if any additional research is required on this item.

Council Member Whitmore made a motion to deny the Text Amendment: 16TA-002 Section 56-140 Traffic and Vehicles with Council Member Portis-Jones providing the second. **The motion carried.**

Mayor Avery stated agenda item #8 Discussion of Surplus Property Offered by Fulton County will be discussed in Executive Session.

XI. COMMENTS FROM COUNCIL:

Council Member Portis-Jones thanked Mayor and Council for the condolences as well as the plant in her time of bereavement. She said the home going celebration was beautiful for an individual that she considered her god brother. She said he was a true servant of God and was acknowledged by all those who were there. Council Member Portis-Jones thanked the Mayor and Council for their thoughtfulness. She also thanked her colleagues for the Special Called Meeting and Executive Session where they discussed processes that are inclusive of the Executive and Legislative branches. She said these processes will allow each branch to fulfill their governance responsibility by allowing us to be well informed to make decisions based on all of the decisions available to us. Council Member Portis-Jones said the plan of inclusion was previously used by the Mayor for other appointments, prior to her being on Council. So, "I appreciate this Council's willingness to work with the Mayor to reinstate the enhanced version the Mayor used in the past. Council Member Portis-Jones thanked the businesses in Fairburn and the residents for their involvement in governing. We need you here; we need to hear from you; and we need you here consistently. We are here for you, so thank you for participating in the last several meetings and encouraged everyone to continue to participate. Council Member Portis-Jones said in the Mayor's last comments he stated "for us to act fairly and equitably at all times". Council Member Portis-Jones said she is asking the same. She said our differences were shown in the conflicting language that exists in our City Charter and Ordinances. I welcome this opportunity to address those inconsistencies. She thanked the Mayor and Council for undertaking the Charter review. She congratulated all of the students at Landmark Christian School and they are:

Stockton McGuire, U.S. Air Force Academy nomination, Landmark Christian School
Camden Cusumano, U.S. Naval Academy nomination, Landmark Christian School
Thomas McMurrain, U.S. Naval Academy nomination, Landmark Christian School

Council Member Portis-Jones said she attended the ceremony for the second time and each time it was well presented and heart felt. She said you will leave teary eyed as each student comes up and accepts nomination. The journey they went through to get to that point reminds me of why I am here; why I serve. It is to carry the message that we have extreme talent in the community that we need to showcase". She thanked Congressman Scott for promoting the students and congratulated the students from Landmark Christian School for the 2016 nomination to the Academy.

Council Member Pallend had no comments.

Council Member Glaize thanked everyone for coming out tonight. She said I appreciate all the students at Landmark Christian School and the hard work they put in to make opportunities for themselves. She said “we do have a great asset in this City” and I have been preaching it since I have been here. We have to continue to share that Landmark is a hallmark for this City along with the other high school students in the marketplace and the opportunities that they have. She said it is important as to how we market this City. Council Member Glaize said what we heard a few days ago regarding the South Metro Development Network Program; school safety is extremely important. She said they named Woodward Academy of College Park over South Fulton, but we don’t hear the name Landmark Christian School and the work that they continue to do and the great students they continue to put out. So, I will continue to be the voice for them. It is important that we say we have great schools that exist in our community, therefore we are to bring young people back to this community with talents and careers that convey a great workforce for companies such as Porsche and others”. Council Member Glaize reiterated that the Charter review is a non-negotiable for 2016 and the “Process of Inclusion and Equity” should be the primary focus for the Charter revision. She thanked the City Attorney and his partner(s) for the opportunity to sit down and go back to the table to make sure they would continue to be our representatives; they have done an absolute fantastic job and no one has questioned that. We have worked through the small instances of fiscal responsibilities that were our major concerns; they have been worked out. She said we will continue to move forward and thanked them for having an equitable and amiable conclusion to continue to move forward with our legal representation. She said it is an honor to serve. It is difficult anytime there are changes moving away from the status quo. She said “change is what brought us a cellphone versus as you know the big heavy phone”. It is all a process and if you do not see it that way, you will turn away the best things that our future has to hold. It does not mean that you take away those things you have built upon; you keep those in place. She said “I would like to stand on guard for those things that we have done and done very well in this City. I stand and proclaim them, but I also know that we are a progressive City and we do have to bring in some things that were not previously in our Charter. We really want to address those things. She thanked everyone for their patience.

Council Member Heath thanked everyone for coming out. He reminded everyone that early voting is going on at the Fairburn Library. He said early voting will end February 26, 2016. He said the pool and splash pad at Duncan Park is moving along; it should be completed by late spring. He said the City is in the process of hiring staff. Council Member Heath said the companies that are moving into the area are slated to bring over 1500 jobs. He reminded everyone to continue to look in the newspaper for the announcements. Council Member Heath said based on the 2010 Census Tract, Fairburn is at 9 and a half percent unemployment rate. He said he wants to see everyone working and wipe out the unemployment rate. He thanked everyone for coming to the meeting.

Council Member Whitmore said he has received phone calls from business leaders and taxpayers since the election in November. He said some of the comments are about change. He said each phone call he received he answered them truthfully; "I did not embellish anything". I shared all of the facts not just part of the facts. They appreciated my honesty and asked that I continue to do the work of the people. Council Member Whitmore said he appreciated all of the comments and will continuously look forward to receive phone calls. He said the only reason why he is sitting here tonight is because of the citizens of the City. My pledge was total government transparency, police body cameras and to get a comprehensive recreational program for seniors and youths in the City. He said the P.I.E. diagram (Process, Inclusion and Equity), I think it is important we operate in such a fashion and only great things can happen. Council Member Whitmore congratulated Landmark Christian School and Drew McMurrain. He asked that he is kept informed about Drew McMurrain's progress. He thanked Randy Turner and Valerie Ross. He said you are doing a great job in the various areas you work here in the City. He thanked Mayor and Council for the willingness to take a second look at items we vote on. He said he has not had an opportunity to review the MOU, but I will. It is important for your firm in various areas that you represent this City and I look forward to you continuing to do the job you have over the years. He thanked Mayor and Council as we sit here we discuss various issues and then we vote on something and I appreciate everyone has a willingness to come back and take a second look and correct it, if it need to be corrected.

Council Member Hurst said at the last two meetings everyone has noticed I have remained quiet during the comment period. She said "I remained quiet during the comment period because we need to actually hear what our citizens are saying to us". She thanked the citizens who came forward either pro or con concerning the actions of the Council. She said this is democracy in action. The United States of Americas is a country that can always build on democracy. She said "I appreciate our citizens coming before us and telling us how they feel about the actions that were taken by the Council". Council Member Hurst said to the Mayor and Council that she truly appreciates everyone. We have to have processes; we have to have inclusion; we have to have equity realized in our day. She asked the citizens to call if there are any questions or concerns. She said Mayor Avery always says "One Fairburn, One Family". She said as she spends times with her family, family comes first. Council Member Hurst congratulated the students at Landmark Christian School. She thanked Mayor and Council and asked for prayers.

Mayor Avery urged everyone to visit the Black Museum at the Youth Center with Dr. Parks and volunteers. He thanked Mr. Wyatt and Council Member Glaize for recognizing Congressman Scott and Landmark Christian School.

XII. EXECUTIVE SESSION:

Council Member Glaize made a motion to adjourn into Executive Session for (1) Real Estate and (1) Personnel Matter with Council Member Heath providing the second. **The motion carried.** The meeting adjourned at 8:13pm.

Council Member Glaize made a motion to exit Executive Session with Council Member Heath providing the second. **The motion carried.** The meeting adjourned at 9:30pm.

Council Member Glaize made a motion to accept the City Attorney's (MOU) Memorandum of Understanding with the addendum of internal process for cost control with Council Member Whitmore providing the second. **The motion carried.**

XIII. ADJOURN:

Council Member Heath made a motion to adjourn the meeting with Council Member Whitmore providing the second. **The motion carried.** The meeting adjourned at 9:44pm.

Assistant City Clerk, Stephanie Tigner

Mayor, Mario Avery