



City of Fairburn
Mayor and Council Meeting- Zoom
January 11, 2021
7:00 pm

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Pro-Tem Ulysses J. Smallwood.
- II. Roll Call was taken by City Clerk Arika Birdsong-Miller with the following members present:
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|--|-----------------------------------|
| The Honorable Mayor Pro-Tem Ulysses J. Smallwood | The Honorable Pat Pallend |
| The Honorable Linda J. Davis | The Honorable Hattie Portis-Jones |
| The Honorable Alex Heath | The Honorable James Whitmore |

Mayor Elizabeth Carr-Hurst was absent.

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 Ministries.
- IV. Adoption of City Council Minutes:
Motion to Approve December 14, 2020, Council Meeting Minutes (Zoom) was made by Councilman Whitmore and the second was provided by Councilwoman Davis.
Vote: 6-0: Motion Carried.
- V. Adoption of the Council Agenda:
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. Agenda Items:

1. City Attorney

Attorney Randy Turner

For Mayor and Council to Approve the Ratification Settlement Agreement with Wiley & Howard Properties, LLC in the amount of \$12,442.97. Attorney Turner explained that in connection with the downtown improvement project, a certain area of sidewalk and packed earth in front of the Oz Pizza building was removed and replaced. The removed earth and sidewalk was immediately adjacent to the commercial structure which is owned Wiley & Howard Properties, LLC. Chris Wiley is the Managing Member and Owner of the LLC. During the construction activities, the structure experienced flooding. This flooding resulted in a loss to the owner in the amount of \$12,442.97 as follows: \$8,592.97 for repairs (which have been completed by the owner) and \$3,850.00 in lost rental income due to that portion of the structure not being available to the owner's lessee during the repair period. Councilman Heath asked why the contractor was not responsible for the damages. Attorney Turner stated that the contractor's insurance company denied the claim. Councilwoman Davis said that she thinks the City of Fairburn's staff made the right decision to settle the claim with Wiley &

Howard Properties, LLC. Motion to Approve the Ratification Settlement Agreement with Wiley & Howard Properties, LLC in the amount of \$12,442.97 was made by Councilman Pallend and the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

2. City Clerk

Mrs. Arika Birdsong-Miller

For Mayor and Council to Approve the Resolution to Establish Qualifying Dates and Fees for the 2021 Municipal General Election. Mrs. Birdsong-Miller explained that Pursuant to O.C.G.A 21-2-132 (d)(4) each municipality superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days and the days must be consecutive. The qualifying dates shall begin Monday, August 16, 2021 and end on Wednesday, August 18, 2021. Motion to Approve the Resolution to Establish Qualifying Dates and Fees for the 2021 Municipal General Election was made by Councilman Whitmore and the second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.

VII. Council Comments:

Councilwoman Portis-Jones expressed her condolences to Mayor Carr-Hurst and her family.

Councilman Pallend stated that he shared the same sentiment as Councilwoman Portis-Jones for Mayor Carr-Hurst's family.

Councilwoman Davis described what a great job Mayor Pro-Tem Smallwood did presiding over the Council Meeting. Councilwoman Davis offered her heartfelt condolences to Mayor Carr-Hurst on the loss of her daughter.

Councilman Heath asked everyone to pray for Mayor Carr-Hurst and her family during this difficult time.

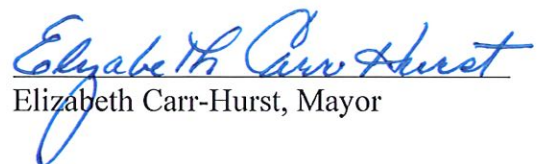
Councilman Whitmore asked for prayers for Mayor Carr-Hurst. Councilman Whitmore also declared that the Durham Lakes golf club is scheduled to open on July 4, 2021.

Mayor Pro-Tem Smallwood expressed his sympathy for the Carr-Hurst and said that he is praying for them during this difficult time.

VIII. Adjournment: At 7:22 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