



## Council Meeting- Zoom

April 12, 2021 at 7:00 pm

Dial (929) 205-6099  
Meeting ID 770 964 2244

Electronic Device  
<https://zoom.us/j/7709642244>

### *The Honorable Mayor Elizabeth Carr-Hurst, Presiding*

The Honorable Mayor Pro-Tem Alex Heath  
The Honorable Linda J. Davis  
The Honorable Pat Pallend

The Honorable Hattie Portis-Jones  
The Honorable Ulysses J. Smallwood  
The Honorable James Whitmore

Mr. Randy Turner

City Attorney

I. Meeting Called to Order:

The Honorable Mayor Carr-Hurst

II. Roll Call:

Arika Birdsong-Miller  
City Clerk

III. Invocation:

Pastor Gary Taylor  
City of Fairburn Chaplin  
Open Word Christian Ministries

IV. Adoption of City Council Minutes:

Councilmembers

- March 8, 2021 City Council Meeting Minutes (Zoom)

V. Presentation:

1. Dr. Mike Looney, Mrs. Franchesca Warren, Mr. Brian Noyes, and Ms. Julie Baldwin:  
Fulton County Schools COVID-19 Update and FOCUS Plan for Students

VI. Adoption of the City Council Agenda:

Councilmembers

VII. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to City Administration for review. Responses will be provided at a later date.

VIII. Agenda Items:

**1. Parks and Recreation**

**Mr. John Culbreth**

For Mayor and Council to Approve the Proposed Plan for the Partial Opening of Duncan Park on May 1, 2021.

**2. City Attorney**

**Attorney Randy Turner**

For Mayor and Council to Discuss and Consider Adoption of the City of Fairburn's 6<sup>th</sup> Emergency Ordinance.

IX. Council Comments

Councilmembers

X. Executive Session

Attorney Randy Turner

XI. Adjournment

Councilmembers

When an Executive Session is required, one will be called for the following issues:

(1) Personnel (2) Real Estate or **(3) Litigation.**

**There will be an Executive Session for Litigation.**





City of Fairburn  
Mayor and Council Meeting- Zoom  
March 8, 2021  
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 Alex Heath  
The Honorable Linda J. Davis  
The Honorable Pat Pallend

The Honorable Hattie Portis-Jones  
The Honorable Ulysses J. Smallwood  
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 Councilman James Whitmore.
- IV. Adoption of City Council Minutes:  
Motion to Approve February 8, 2021, Executive Session Minutes (Zoom) was made by Councilwoman Davis and the second was provided by Councilman Whitmore.  
Vote: 6-0: Motion Carried.

Motion to Approve February 22, 2021, Council Meeting Minutes (Zoom) was made by Mayor Pro Tem Heath and the second was provided by Councilman Smallwood.  
Vote: 6-0: Motion Carried.

- V. Adoption of the Council Agenda:  
Motion to Approve the Council Agenda was made by Councilman Smallwood and the second was provided by Mayor Pro Tem Heath.  
Vote: 6-0: Motion Carried.

- VI Public Comment: There was no public comment.

- VII. Public Hearing:  
1. 2035 Comprehensive Plan 5-year Update:  
Motion to Open the Public Hearing was made at 7:12 pm by Councilman Whitmore and the second was provided by Councilwoman Davis.  
Vote: 6-0: Motion Carried.

Planning and Zoning Director, Ms. Tarika Peeks stated that the purpose of the Public Hearing is to brief the community on the comprehensive plan's content, provide a forum for final suggestions, and notify the community of when the plan will be submitted to the Department of Community Affairs (DCA) for review. Ms. Peeks explained that in

1989, the Georgia General Assembly passed the Georgia Planning Act, which established a coordinated planning program for the State of Georgia. This program, administered by the Department of Community Affairs (DCA), provides local governments with a framework to create a long-term plan that will address their planning issues and opportunities. The DCA approved the City's 2035 Comprehensive Plan in April 2015, and the plan was adopted by the Mayor and City Council on May 14, 2015. The Comprehensive Plan acts as a guide for communities in achieving their goals and objectives and as a decision-making guide for City staff and local elected officials over a twenty-year period. A Comprehensive Plan update is required by DCA every five years. Staff began the plan update process in April 2020 with an announcement of the update on April 13, 2020, City Council meeting. A Steering Committee was established to provide ongoing input throughout the development of the plan to ensure its consistency with the City's vision. The Steering Committee met four times between February and October 2020. During the plan update an online survey was conducted, and a virtual community meeting was held on July 30, 2020, to gather input from citizens, business/property owners, and other stakeholders. The DCA requires a second Public Hearing to be held to ensure stakeholders and the public have an opportunity to review the plan and provide input before submitting the plan to DCA for review. After the Public Hearing, the plan will be submitted to DCA. Once DCA approves the plan, it will be presented to the Mayor and City Council for final approval and adoption by resolution. Ms. Peek introduced the Senior Planner at Atlanta Regional Commission, Ms. Rachel Will that served as the Project Manager for the Comprehensive Plan Update. Ms. Will summarized the Comprehensive Plan by explaining that The Georgia Department of Community Affairs has established the Standards and Procedures for Local Comprehensive Planning to provide a framework for local governments to create a long-term plan that will address their critical planning issues and opportunities. These standards and procedures reflect the state's interest in promoting healthy and economically vibrant communities. The Comprehensive Plan should act as a guide for communities in achieving their goals and objectives, and it should be used as a decision-making guide by local officials and community leaders for a twenty-year planning period. Fairburn's Comprehensive Plan includes the following required elements:

- Vision, Needs, and Opportunities
- Community Goals
- Land Use
- Housing
- Economic Development
- Transportation
- Community Work Program
- Broadband Service

Fairburn's Vision Statement provides a general statement of what the City wants to become, and the development patterns it wants to encourage. The Fairburn Comprehensive Plan Steering Committee (i.e., stakeholders) provided direction on identifying the City's Needs and Opportunities that need to be addressed. Through the public input process, citizens, stakeholders, and leaders enumerated Community Goals to provide a road map for the future of Fairburn. High priority Needs and Opportunities as identified by the stakeholders are connected to implementation steps in the Community Work Program. The Community Work Program also includes activities which would help Fairburn achieve its identified Community Goals. The Land Use Element is a key element of the Comprehensive Plan. It includes the City's Future Development Map and accompanying Character Area descriptions. These

should be referenced as future decisions about land use and development are made, as well as in determining areas for infrastructure upgrades and additional services. It reflects the community's vision for growth and development, as determined through both the community participation process and a review of existing land uses and market conditions. Within each Character Area, there are several appropriate land uses listed, implementation strategies, and photos of the preferred types and style of development. While the Future Development Map is intended to guide development for the entire twenty-year planning period, it is important to review the Map on a regular basis, as market and demographic trends constantly shift, thereby changing the demands for development. It is also recommended that, should a rezoning of a parcel be granted which does not fit the designated Character Area of the parcel, an amendment to the Future Development Map should be considered to accurately reflect the use of the parcel.

The Housing Element examines the adequacy and suitability of existing housing to meet current and future needs. It includes data on types of housing and occupancy, housing tenure, housing age, cost of housing, and jobs-housing balance.

The Economic Development Element of the Comprehensive Plan addresses the vitality of Fairburn and considers factors such as economic diversity of the community, and quality of the local labor force.

The Transportation Element looks at the adequacy of the local transportation network in serving the community, including the following:

- Road Network
- Alternative Modes of Transportation
- Parking
- Railroads, Trucking, Port Facilities, and Airports
- Transportation and Land Use Connection.

The Community Work Program includes Fairburn's Short-Term Work Program, which will serve as a critical implementation tool for the City. While the Comprehensive Plan incorporates policies and strategies for a twenty-year planning period, the Short-Term Work Program outlines specific implementation activities in a more manageable, five-year timeframe. The Short-Term Work Program should be updated every five years, as required by the Georgia Department of Community Affairs.

The Broadband Service Element highlights broadband availability in Fairburn, including a map depicting the number of broadband providers across space. This element is required by the Georgia Department of Community Affairs in response to Senate Bill 402, also known as the ACE Act (Achieving Connectivity Everywhere) aimed to determine whether local communities are served by broadband service.

#### Public Comment:

##### Favor:

1. Ms. Lydia Glaize, 567 Handyman Court, spoke in favor of the 2035 Comprehensive Plan 5-year Update. Ms. Glaize explained that she worked on the Comprehensive Plan previously when she was a member of City Council and stated that she is excited about the 5-year update. Ms. Glaize shared her concerns about the proposed roundabout on Dodd Street that will cost \$2 million dollars. She stated that Dodd Street is not main traffic area and a roundabout would not increase the quality of life for citizens. Instead, Ms. Glaize suggested that having a recreation center in Duncan Park would be a better use of tax dollars. Ms. Glaize also mentioned that some of

the schools including Campbell Elementary and the new STEM school is not mentioned in the Comprehensive Plan.

Motion to Close the Public Hearing was made at 7:26 pm by Mayor Pro Tem Heath and the second was provided by Councilman Smallwood.

Vote: 6-0: Motion Carried.

2. Rezoning 2020201 Legend Creek Phase II:

Motion to Open the Public Hearing was made at 7:27 pm by Councilman Whitmore and the second was provided by Mayor Pro Tem Heath.

Vote: 6-0: Motion Carried.

Planning and Zoning Director, Ms. Tarika Peek stated that the applicant seeks to rezone 55.53 acres from R-1 (Single Family Residential) and R-2 Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 single family residential lots. Ms. Peek explained It is the opinion of staff that the rezoning request is in conformity with the current Future Land Use Map, which recommends low density residential for approximately 27.70 acres of the subject property and rural residential for 27.83 acres. The development is consistent with the existing subdivisions and surrounding residential uses. Also, the proposal is consistent with the Comprehensive Plan goals which are to: 1.) create stable, safe, well maintained neighborhoods that maintain their value over time, and 2.) allow for a variety of home styles, materials, and lot sizes. Therefore, based on these reasons, staff recommends APPROVAL CONDITIONAL of the rezoning petition.

Should the Mayor and City Council decide to approve the rezoning from R-1 (Single Family Residential) and R-2 (Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 single family residential lots, staff recommends the following conditions. The applicant's agreement to these conditions would not change staff's recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council:

A. To the owner's agreement to restrict the use of the subject property as follows:

1. Single-family Residential:

a. A maximum of 76 lots shall have a minimum square footage of 14,520 square feet (1/3 acre).

2. The minimum heated floor area shall be a minimum of 1,600 square feet.

B. To the owner's agreement to abide by the following:

1. The property shall be developed in substantial conformity with the Conceptual [Zoning] Site Plan prepared by Land Engineering stamped received January 26, 2021 and attached as Exhibit B. Any determination as to "substantial conformity" and deviation from the site plan shall be approved by Department of Community Development staff. The site plan is conceptual only and must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit.

2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance shall encompass all

individual lots and all common areas that are not contained within the boundaries of individual lots. Such association by-laws shall be subject to approval by the City Administration and shall be recorded with covenants that shall be subject to approval by the City Administration.

- C. To the owner's agreement to the following site development considerations:
1. Building setbacks as follows:
    - a. Front: 35 feet
    - b. Side: 10 feet
    - c. Rear: 30 feet
  2. Facades of the homes shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick, and/or stone. The use of vinyl or EIFS (synthetic stucco) is strictly prohibited.
  3. Two car garages shall be provided for each single-family house.
  4. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to amenities areas.
  5. Pedestrian-scale street lightning shall be provided along both sides of internal streets throughout the development.
  6. All utilities shall be installed underground throughout the project area.
  7. The Developer shall install a canopy or understory tree in the front yard of each single-family lot. Both front and rear yards shall be sodded.
  8. The Developer shall conduct a traffic study and submit the study to the Community Development Department prior to the issuance of the land disturbance permit.

Ms. Peeks stated that the Planning and Zoning Commission reviewed the rezoning petition on Tuesday, February 2, 2021 and recommended DENIAL of the petition.

The petitioner and landowner Bowen LLC will have Attorney Joshua Scroggins speaking on their behalf. Attorney Scroggins explained that his client is seeking the rezoning of 55.53 acres from R-1 (Single Family Residential) and R-2 Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 single family residential detached lots. Attorney Scroggins went over a presentation showing the proposed rezoned area that will tie into the existing Legend Creek Phase I. Attorney Scroggins stated that all items on the list of conditional approval recommended by staff will all be completed by the owners.

#### Public Comments:

Favor: No citizens spoke in favor of Rezoning 2020201 Legend Creek Phase II.

#### Opposition:

1. Robert Surice, 6743 Rivertown Road, stated that the high-density proposal for Legend Creek Phase II does not fit the aesthetic of the community. Mr. Surice stated the schools are overcrowded and the traffic in that area is already bad without adding the new development. Mr. Surice stated that the \$45 million dollar development will not benefit Fairburn and the Situated to Succeed mission.

2. Ms. Lydia Glaize, 567 Handyman Court, stated that she is alarmed with the possibility of the rezoning to R-3. Ms. Glaize stated that the schools are already overcrowded in the area and White Mill Road can not support the traffic the development will create. Ms. Glaize asked that Mayor and Council do not consider approving the rezoning request.

3. Kosibee Constibly stated that there is traffic issues already on Rivertown Road and is in opposition of the rezoning request.

4. Lillie Richards stated that the during the Planning and Zoning Commission meeting that there were 9 or 10 citizens that spoke in opposition of the request and no one except the developer spoke in favor of the rezoning request. Ms. Richards stated that White Mill Road is already hazardous entering the area with a lack of traffic signage.

5. Katherine and Lucas Benkin, 6250 White Mill Road, stated that her property that is about 7 acres is touching the proposed rezone area. Ms. Benkin stated that White Mill Road is already overused and has a lot of potholes that need to be repaired. Ms. Benkin stated that she is concerned with the creeks water quality with adding that many new residents.

6. Thomas Cochran, 467 Fireleaf Way, thinks there is no benefit to adding the development.

7. Andre Anderson, 6605 Corico Way, stated that based on the information provided that wildlife will be affected by this development and he is in opposition of the rezoning request.

8. Benita Sanders-Mitchell, 6380 White Mill Road, stated that she has been a resident for 18 years and this development is a poor choice if approved. Ms. Sanders-Mitchell stated that White Mill Road is dangerous to cross and that the schools in the area are already overcrowded.

Attorney Scroggins stated that during development of the proposed project a traffic acceleration and deceleration lane will be added. The developer will also add sidewalks to White Mill Road during construction and the road will be resurfaced. Attorney Scroggins stated that the impact will be minimal to the schools and that the ratio in Fulton County school is 15:1. Attorney Scroggins further explained that Mayor and Council should also consider there will be a new school (Global Academy) added before the development concludes. He also stated TSPLOST money will increase for the City of Fairburn if this development is approved.

Councilwoman Davis stated that the Public Hearing that was held was at 6 pm which is not a good time for citizen who are employed. Councilwoman Davis also mentioned that most of the people in attendance was from the City of South Fulton. Councilwoman Davis stated there is a problem with traffic on White Mill Road and that there was no feedback from water and sewer on the impact this development will cause.



Councilman Smallwood stated that the provided 15:1 ratio from Attorney Scroggins appears too low and asked if the information they received from Fulton County Schools could be emailed. Councilman Smallwood said he is concerned about the quality of life for the residence if this rezoning request is approved.

Mayor Pro Tem Heath asked why the Planning and Zoning Commission denied the rezoning request. Ms. Peeks stated some of the concerns were the density of the development as well as the impact on White Mill Road.

Councilman Whitmore asked does the development require a new entrance and exit for the potential new residence. Ms. Peeks explained that there are no new entrance/exit requirements, and the proposed new development will use the existing entrance/exit at Phase I of the development.

Councilwoman Portis-Jones asked Ms. Peeks to explain the R-2 overlay. Ms. Peeks explained that R-2 overlay is the single-family residential district with zoning conditions.

Motion to Close the Public Hearing was made at 8:43 pm by Mayor Pro Tem Heath and the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

Motion to Deny Rezoning 2020201 Legend Creek Phase II was made by Councilwoman Portis-Jones and the second was provided by Councilwoman Davis.

Vote: 5-1: Motion Carried.

*Councilman Whitmore voted in Opposition of the Motion to Deny.*

#### VIII. Agenda Items

##### **1. Office of the Mayor**

##### **Mayor Elizabeth Carr-Hurst**

For Mayor and Council to Approve the Resolution and Signatory Certificate for MEAG Power. Mayor Carr-Hurst explained that MEAG Power conducts their annual election each year and each municipality is required to designate a voting delegate. Mayor Carr-Hurst will be the voting delegate and Mayor Pro Tem Alex Heath will be the alternate for the City of Fairburn. Motion to Approve the Resolution and Signatory Certificate for MEAG Power was made by Councilman Whitmore and the second was provided by Councilman Smallwood.

Vote: 6-0: Motion Carried.

IX. Executive Session: There was no Executive Session.

X. Council Comments:

Mayor Pro Tem Heath had no comment.

Councilwoman Davis asked did Casablanca Restaurant open on March 1, 2021. Mayor Carr-Hurst stated that it will open in the next two (2) weeks. Councilwoman Davis stated that she did

not receive Mr. Jeff Dickerson's (Public Relations Specialist) monthly report. Mayor Carr-Hurst indicated that Jessica Davis will send out the report tomorrow.

Councilman Pallend had no comment.

Councilman Whitmore had no comment.

Councilwoman Portis-Jones asked if there would be a barrier on the edge of the embankment at Casablanca Restaurant. Community Development Director, Mr. Lester Thompson stated that there will be concrete wheel stops installed at each parking spot and decorative fencing installed along the wall for fall protection.

Councilman Smallwood had no comment.

Mayor Carr-Hurst had no comment and reminded everyone that the State on the City Address will be March 22, 2021 virtually.

- XI. Adjournment: At 8:53 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 Smallwood. Vote: 6-0: Motion Carried.

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Arika Birdsong-Miller, City Clerk

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Elizabeth Carr-Hurst, Mayor



**CITY OF FAIRBURN**  
**CITY COUNCIL AGENDA ITEM**

**SUBJECT: FOR MAYOR AND COUNCIL TO APPROVE THE PROPOSED PLAN FOR THE PARTIAL OPENING OF DUNCAN PARK ON MAY 1, 2021**

( ) AGREEMENT                      ( ) POLICY / DISCUSSION                      ( ) CONTRACT  
( ) ORDINANCE                      ( ) RESOLUTION                      ( X ) OTHER

**Submitted: 04/05/2021**

**Work Session: N/A**

**Council Meeting: 04/12/2021**

**DEPARTMENT:** Parks and Recreation

**BUDGET IMPACT:** N/A

**PUBLIC HEARING?** ( ) Yes ( X ) No

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**PURPOSE:** For Mayor and Council to Approve the partial opening of Duncan Park for Berry Athletics Programs, Veterans of Foreign Wars (VFW) Facility, walking, and exercise.

**HISTORY:** Duncan Park has been closed due to the COVID-19 Global Pandemic since March 2020.

**FACTS AND ISSUES:** The partial opening will allow residents in Duncan Park to walk and exercise from 7am-7pm daily. Parking will be permitted at the tennis court parking lot only.

**RECOMMENDED ACTION:** For Mayor and Council to Approve the partial opening of Duncan Park for the residents of Fairburn while practicing COVID-19 guidelines provided by the Center for Disease Control (CDC).

  
Elizabeth Carr-Hurst, Mayor

## **Parks and Recreation Reopening Guidelines**

The Parks of the City of Fairburn have been closed for one year due to the pandemic. After considerable discussions during the various emergency mandates implemented by the State of Georgia, the City of Fairburn in acts of caution for its residents has chosen to keep the parks closed.

As some of the restrictions have been lifted and the institution of various vaccine programs designed to fight COVID-19 Fairburn is considering opening its major park (Duncan Park) on a special use and limited basis.

Operational procedures have been established to serve as a guide for all who use Duncan Park. The stakeholders who are primary users of the park are Berry Athletic Association, the VFW, and residents.

To help ensure that we continue to comply with health and safety regulations the following procedures for reopening Duncan Park have been established as follows: (see attachments).

### **Suggested phase for Fairburn Parks and Recreation to reopen**

	<b><u>Date</u></b>
1. Berry Athletics Programs	05/01/2021
2. VFW	05/01/2021
3. Walking and Exercise	05/01/2021

\*Pool closed for the season.

## Fairburn Parks and Recreation Action Plan for Partial Opening

Target Date: TBA

### Duncan Park/Common Areas

Duncan Park will be for exercise use only. No group fitness or team sports will be allowed. All fields, baseball, playgrounds, and courts will remain closed. Except football fields with planned programs.

- Walking path at Duncan Park:
  - Lake Trail- Loop around the lake all guests can only walk around the lake and not venture to other closed areas of the park.
  - Parking- In Tennis court parking lot
  - Football parking lot for Berry Athletic Association only
  - Signs will be posted outlining Park rules and CDC Guidelines (**see attached**)
  - Duncan will be monitored by Parks and Recreation Staff on a scheduled basis.
  
- Basketball courts closed.
- Playground closed/blocked off (lock)
- Pool and splash pad closed.
- Tennis courts closed.
- Football/Grass field closed.
- Baseball fields closed.
- Youth Center closed.
- Docks closed. No fishing allowed. Park will be used exclusively for exercise use only.
- Pavilions closed.
- Police monitoring park will be needed for the opening and closing time.
- Street Department will continue to provide ongoing maintenance services.

### Avery Park

- Avery Park is open
- Utilize park as a walking station for Citizens at The Manor at Broad Street.

### Cora Robinson Park

- Cora Robinson playground and Gazebo will remain closed due to renovations and equipment that requires constant cleaning and sanitizing.

\*These suggestions are centered around the CDC guidelines for reopening facilities and programming.  
\*Special programs are permitted (Berry Athletics Association and VFW) (see attached)



Mayor and Council  
Randy Turner  
John Culbreth

Per your request, Fairburn Athletic Association has put together an action plan for all coaches, athletes, parents, and spectators who plan on participating in this year's football program at Duncan Park. The following procedures will be put in place and strictly enforced.

- Parents will drop their kids off in the football field parking lot
- All athletes, coaches, parents, and spectators will be given a temperature check before entering the football/concession areas
- Parents will be encouraged to watch practice from outside the fence. Those who enter the football/concession areas are required to wear a mask and have their temperature checked.
- Social distancing signage will be posted throughout the football/concession areas.
- Bathrooms at the football/concession areas will be sanitized hourly or as needed.
- Practice schedules for teams will be staggered to prevent overcrowding on the fields. This is Not a problem because we have two fields to use and a limited number of teams.
- Fairburn Athletic Association will provide the following items for coaches and players to use;
- Heavy duty spray bottles with disinfectant and deodorizer
- Containers of disinfectant wipes to wipe down equipment and areas people commonly touch
- Bottles of hand sanitizer, latex gloves, face masks, and non-contact forehead thermometers.

Sincerely

James E Berry



VFW OLD Campbell County  
Post No 6449  
1669 Park Rd P. O. Box 575  
Fairburn, GA 30213

2 March 2021

Mayor and City Council of Fairburn:

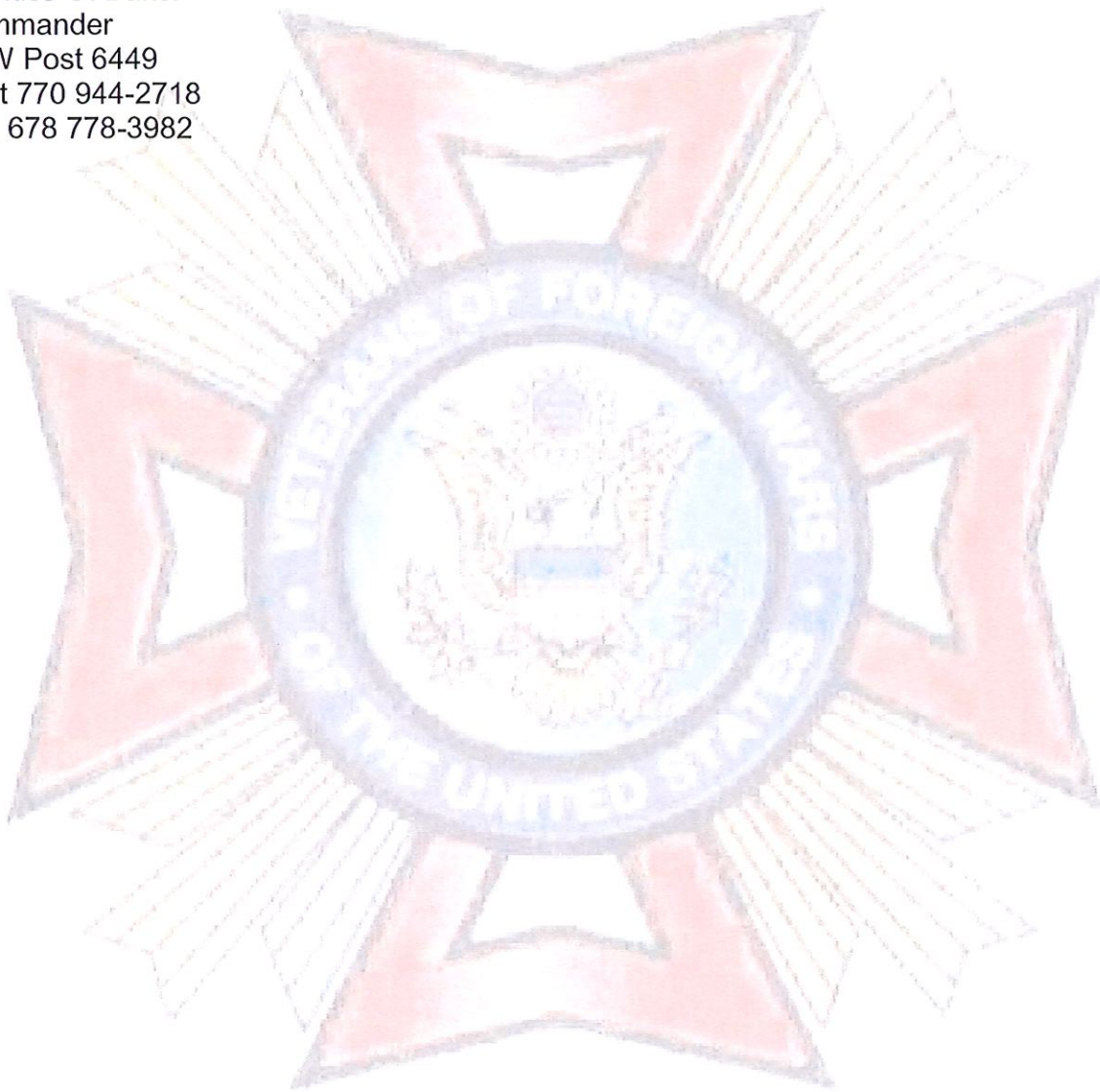
**Subj: VFW Post 6449 & Auxiliary COVID-19 Implementation Strategies**

1. The VFW post located within Duncan Park has implemented the following guidelines as directed by the Centers of Disease Control (CDC), the Georgia Department of Health, and the executive orders as outline by Governor Kemp for businesses reopening.
  - a. We have conducted a deep cleaning/sanitizing of the post
  - b. Masks are required to enter our facility. We have purchased disposable masks for those patrons not in possession of masks. Masks must be worn at all times by workers and patrons.
  - c. Plexiglas has been installed in those areas where our workers conduct business.
  - d. We have purchased required PPE (disinfectants, hand sanitizer, gloves, masks, wipes and an electrostatic fogger/mister) to ensure the cleanliness of our building and to protect members and guest.
  - e. Hand washing signs and 6-feet social distancing signs are in place to encourage maintaining distance between individuals.
  - f. Digital thermometers have been purchased to take patrons/workers temperature prior to entering the building and requirement for workers who exhibit sign of illness not to come to work.
  - g. Staggered work stations to avoid workers standing adjacent to one another and maintain social distancing at all times.
  - h. Requirement to wash your hands or utilize sanitizer prior to entering out buildings and after interaction with patrons.
  - i. Reduce the max occupancy of our building from 350 individuals to 75 individuals max.
  - j. Rearrange the seating in our establishment which promotes six feet distancing between all guests, patrons, members and enforces social distancing for non-cohabitating persons.
  - k. Established pathways within the building for patron's ingress and egress to ensure they are clear and unobstructed.
  - l. Checked the ventilation system within the building and increase circulation of outdoor air as much as possible.
  - m. A contracted janitorial team will clean/sanitize our rest rooms after daily use.

2. Over the past 10 months the VFW post has spent over \$50, 000 in renovations, modifications and purchasing of PPE to ensure our building is safe and prepared to resume operations. If there are any questions please don't hesitate to contact the undersigned.

*Prentiss O. Baker Sr.*

Prentiss O. Baker  
Commander  
VFW Post 6449  
Post 770 944-2718  
Cell 678 778-3982







## CITY OF FAIRBURN

### CITY COUNCIL AGENDA ITEM

**SUBJECT: CITY EMERGENCY OPERATING ORDINANCE**

☐ AGREEMENT  
☒ ORDINANCE

☐ POLICY / DISCUSSION  
☐ RESOLUTION

☐ CONTRACT  
☐ OTHER

**Submitted: 04/09/2021**

**Work Session: N/A**

**Council Meeting: 4/12/2021**

**DEPARTMENT:** Mayor / City Attorney

**BUDGET IMPACT:** N/A

**PUBLIC HEARING?** ☐ Yes ☒ No

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**PURPOSE:** For Mayor and Council to Discuss and Consider Adoption of the City of Fairburn's 6<sup>th</sup> Emergency Ordinance.

**HISTORY:** This update to the City's Emergency Ordinance, first enacted in April 2020, addresses the continuing and evolving nature of the COVID-19 pandemic as well as changes made by the Governor's Executive Order regarding same (April 7, 2021). This Ordinance (i) reflects that additional compensation for certain City employees ended with the April 2, 2021 payroll, (ii) provides for exceptions to be made by the Mayor and City Council regarding public buildings and parks, and (iii) does not alter requirements imposed by the City's existing Mask Ordinance, adopted 07/08/2020.

**RECOMMENDED ACTION:** Discussion and consideration of amendments and/or adoption.

  
Elizabeth Carr-Hurst, Mayor

1 **SIXTH (6TH) EMERGENCY ORDINANCE (4-12-2021) OF THE CITY OF FAIRBURN,**  
2 **GEORGIA, TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE**  
3 **GENERAL PUBLIC; TO ADDRESS THE GLOBAL COVID-19 PANDEMIC; TO**  
4 **PROVIDE FOR THE CLOSURE OF LOCATIONS OF PUBLIC GATHERINGS; TO**  
5 **REQUIRE CERTAIN BEST PRACTICES IN RESPONSE TO THE THREAT; TO**  
6 **ENCOURAGE THE IMPLEMENTATION OF BEST PRACTICES FOR INDIVIDUALS**  
7 **AND BUSINESSES; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR A**  
8 **FUTURE REEVALUATION OF SUCH PRACTICES IN THE FUTURE; AND FOR**  
9 **OTHER PURPOSES**

10  
11 **Whereas,** the global COVID-19 pandemic is continuing across the world and across the United  
12 States, including the State of Georgia, Fulton County and the City of Fairburn; and

13 **Whereas,** the number of life threatening COVID-19 cases are dramatically increasing all across  
14 the United States and the State of Georgia; and

15 **Whereas,** the novel coronavirus which causes the COVID-19 disease has been recognized by the  
16 World Health Organization and the United States Centers of Disease Control as an extremely  
17 contagious virus that poses a global health risk unlike any other confronted in the last hundred  
18 years of human history; and

19 **Whereas,** the President of the United States has declared the spread of COVID-19 a national  
20 emergency; and

21 **Whereas,** the Governor of Georgia has declared the spread of COVID-19 a public health  
22 emergency in the state; and

23 **Whereas,** the health, safety, and welfare of residents, businesses, employees, and visitors are the  
24 top priority of the Mayor and City Council of the City of Fairburn; and

25 **Whereas,** the Mayor and City Council have been closely monitoring the spread of COVID-19,  
26 as well as the guidance from medical professionals across the United States and State of Georgia,  
27 which guidance and recommendations are calculated to slow the spread of the disease and  
28 prevent a potential breakdown of the nation's health care system as it struggles to address and  
29 control not only the spread of the coronavirus, but the deadly consequences of the infection and  
30 resulting COVID-19 disease; and

31 **Whereas,** the Mayor and City Council believes it is necessary to provide guidance and  
32 requirements for the near-term operation of public facilities and businesses within the territorial  
33 limits of the City of Fairburn in order to assist in the slowing the progression of the infection and



1 its consequences for both individuals and the long-term health of both individuals and local  
2 businesses; and,

3 **Whereas**, this Emergency Ordinance of the City of Fairburn, Georgia is enacted pursuant to the  
4 authority contained in Title 38, Chapter 3 of the Official Code of Georgia, Annotated and  
5 Section 26-54 et seq. of the City of Fairburn Code of Ordinances and, generally, pursuant to the  
6 Constitution of the State of Georgia and such statutes of the State of Georgia authorizing the City  
7 of Fairburn to enact and enforce such local ordinances as are necessary and appropriate to protect  
8 the health, safety and welfare of residents and visitors in the City of Fairburn.

9 **Now, Therefore, be it Ordained by the Mayor and City Council of the City of Fairburn,**  
10 **Georgia, and it is hereby Ordained by the authority of same as follows:**

11 **Section 1. Declaration of Public Health Emergency.**

12 It is hereby declared that the spread of the coronavirus and the resulting COVID-19 disease  
13 constitutes a public health emergency within the territorial limits of the City of Fairburn.

14 **Section 2. Effective Dates.**

15 This Emergency Ordinance and the requirements set forth herein, unless more specifically  
16 provided for herein, shall be in force and effect until 11:59 P.M., Monday, May 10, 2021, unless  
17 sooner repealed, modified, or extended by the Mayor and City Council.

18 **Section 3. Access to Public Facilities.**

19 Except as may be otherwise permitted and approved by the Mayor and City Council, activity  
20 within City of Fairburn parks, and the City Municipal Court, parks and municipal facilities are  
21 hereby closed to members of the general public. Such parks and municipal facilities, including  
22 City Hall, shall be open to essential City employees who shall be identified by the Mayor acting  
23 in the Mayor's authority as the City's Chief Executive Officer. Members of the general public  
24 having necessary business to conduct in municipal facilities (not including municipal parks) shall  
25 be permitted to conduct such business with city officials and employees by telephonic and  
26 electronic means, and by in-person appointments arranged in advance through the office of the  
27 Director of Human Services. Such in-person appointments, when required and permitted, shall  
28 be conducted in accordance with best practices then in place and recommended by public health  
29 officials, including, without being limited to, the maintenance of a not less than six (6) foot space  
30 between individuals present and, in no event, shall more than ten (10) individuals be allowed at  
31 any such gathering. The City's Director of Recreation is directed to continue work with the

governing authority and applicable City departments to permit reasonable, safe use of park facilities.

**Section 4. Restaurants, Bars, Nightclubs and Fast-Food Establishments.**

Restaurants, bars, nightclubs, fast-food establishments and any other businesses which sell food and/or beverages for consumption on the premises of shall comply with the requirements applicable to same as set forth in the applicable State of Georgia Executive Orders, which can be viewed at the following:

<https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders>

**Section 5. Temporary Sale of Alcoholic Beverages for Take-Out.**

No longer applicable.

**Section 6. Maintenance of Individual Space and Best Health Care Practices.**

All businesses within the territorial limits of the City of Fairburn shall establish and enforce within their premises, to the greatest extent possible, rules, procedures and systems to promote best practices then in place and recommended by public health officials.

**Section 7. Essential Businesses.**

No longer applicable.

**Section 8. Closure of Non-Essential Businesses.**

No longer applicable.

**Section 9. Non-Business, Social Gatherings.**

All non-business and social gatherings in locations open to members of the general public, including facilities for worship, funerals, and for the conducting of the business of private social organizations, including fraternal organizations and private membership clubs, are strongly encouraged to conduct such gatherings through electronic and virtual means and shall, to the greatest extent possible, follow rules, procedures and systems to promote best practices then in place and recommended by public health officials. At all such gatherings, attendees shall be provided the means for the washing of hands with warm water and soap and/or with hand sanitizer containing at least sixty percent (60%) alcohol.

**Section 10. General Requirements; Sheltering in Place When Applicable.**

All residents of the City of Fairburn are strongly encouraged to implement the best practices recommended by public health officials to control the spread of the coronavirus and the COVID-19 disease. Residents are strongly encouraged to frequently review such recommendations and

shall comply with the requirements applicable to same as set forth in the applicable State of Georgia Executive Orders, which can be viewed at the following:

<a href="http://www.who.int">www.who.int</a>	World Health Organization
<a href="http://www.cdc.gov">www.cdc.gov</a>	U.S. Centers for Disease Control and Prevention
<a href="http://www.hhs.gov">www.hhs.gov</a>	U.S. Department of Health and Human Services
<a href="http://www.nih.gov">www.nih.gov</a>	U.S. National Institute of Health
<a href="http://www.dph.georgia.gov">www.dph.georgia.gov</a>	Georgia Department of Health
<a href="http://www.fultoncountyboh.org">www.fultoncountyboh.org</a>	Fulton County Board of Health
<a href="https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders">https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders</a>	

**Section 11. Evolving Nature of the Pandemic; Non-Substantial Ordinance Changes.**

The Mayor and City Council recognize that the provisions of this Ordinance may be burdensome to individuals and businesses; and that all Fairburn residents and city visitors may be required to make certain financial and individual sacrifices. The Mayor and City Council further recognize, however, that these burdens, sacrifices and inconveniences are necessary and appropriate to help manage the potentially devastating effects of the global coronavirus pandemic. In the event, due to the continually evolving nature of the pandemic, it becomes necessary and appropriate to make changes to this Ordinance, the Mayor, acting in the Mayor's authority as the City's Chief Executive Officer, after consultation with the City Attorney and notice to members of the City Council, is authorized to make and publish changes to this Ordinance.

**Section 12. Municipal Purchasing; Permitting and Licensing.**

No longer Applicable.

**Section 13. City Government Meetings.**

During the term of this Emergency Ordinance, pursuant to Section 50-14-1(g) of the Georgia Open Meetings Act, all scheduled meetings of the Mayor and City Council, as approved by same for year 2021, and other boards, commissions and authorities of the City, unless otherwise canceled or rescheduled, will be conducted by electronic means, either telephonically or by electronic means providing voice and live-streaming video.

**Section 14. Posting.**

The Mayor's designee is authorized and directed to post this Ordinance at City facilities, including, without being limited to, City Hall; other City business locations; and entrances to City parks.

1   **Section 15.   Governor’s Executive Order.**

2   The Governor's current Executive Order, unless further extended is set to expire at 11:59 P.M. on  
3   April 30, 2021.

4   **Section 16.   Effect of City's Emergency Ordinance.**

5   This Emergency Ordinance shall remain in place until such time as it terminates or is otherwise  
6   terminated or modified by the Mayor and City Council. More specifically, all provisions of the  
7   City's Emergency Ordinance regarding City operations and access to and use of City facilities,  
8   including buildings and parks, shall remain in effect.

9   **Section 17.   Additional Compensation For Identified Essential City Employees.**

10   No longer applicable. Additional compensation pursuant to this Emergency Ordinance ended  
11   with the April 2, 2021 pay period.

12   **Section 18.   Wearing of a Face Covering or Mask Required in Commercial**  
13   **Establishments.**

14   Businesses and patrons of commercial businesses within the City of Fairburn shall comply with  
15   the requirements of the City's Ordinance requiring the wearing of a face covering or mask, as set  
16   forth in same, adopted July 8, 2020, the requirements and particularities of which are hereby  
17   incorporated herein by reference.

18   **Be It Ordained by the Mayor and City Council of the City of Fairburn,** this 12th day of  
19   April, 2021.

20  
21  
22   \_\_\_\_\_  
23   **Elizabeth Carr-Hurst, Mayor**

24   **Attest:**

25  
26   \_\_\_\_\_  
27   **Arika Birdsong-Miller, City Clerk**

28  
29   **Approved as to Form:**

30  
31   \_\_\_\_\_  
32   **William R. Turner, City Attorney**  
33  
34  
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