



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 Peek 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. Peek 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 of 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.


Arika Birdsong-Miller, City Clerk


Elizabeth Carr-Hurst, Mayor