



City of Fairburn  
Mayor and Council Meeting Minutes  
May 10<sup>th</sup>, 2021 @ 7:00 PM  
Zoom Meeting

- I. Call to Order: The meeting was called to order at 7:00 PM by Mayor Elizabeth Carr-Hurst
- II. Roll Call: The roll was taken by Mayor Elizabeth Carr-Hurst. *(Roll taken by the Mayor due to the City Clerk position being vacant).*

The following members were present:

Mayor Elizabeth Carr-Hurst	Mayor Pro Tem Alex Heath
Councilwoman Linda J. Davis	Councilman Pat Pallend
Councilwoman Hattie Portis-Jones	Councilman Ulysses J. Smallwood
Councilman James Whitmore	

City Attorney Randy Turner was in attendance.

*The attendance of Council constituted a quorum.*

- III. Invocation: The invocation was given by Bishop Aaron B. Lackey, Pastor of Temple of Prayer Family Worship Cathedral, UCOGIC.
- IV. Adoption of City Council Minutes for the April 26<sup>th</sup>, 2021 Regular and Executive Session Minutes.

Regular Minutes: The motion to approve was made by Mayor Pro Tem Heath and the second was provided by Councilwoman Davis. Councilwoman Davis identified two corrections that would be made. Vote: 6-0: Motion Carried.

Executive Session Minutes: The motion to approve was made by Councilman Smallwood and the second was provided by Mayor Pro Tem Heath. Vote: 6-0: Motion Carried.

- V. Adoption of the City Council Agenda: Mayor Carr-Hurst informed Council that City Attorney Turner would like to add Item 7 to the Agenda (The City of Fairburn's 7<sup>th</sup> Executive Order Relating the COVID-19 Pandemic). The motion to add Item 7 was made by Councilman Whitmore and the second was provided by Mayor Pro Tem Heath. Vote: 6-0: Motion Carried.

The motion to approve the regular meeting agenda was made by Councilman Whitmore and the second was provided by Councilman Smallwood.

Vote: 6-0: Motion Carried.

- VI. Discussion: **Mr. Rodrique Taylor, Interim Finance Director**  
To provide Mayor and Council an update on the American Rescue Plan Act. Mr. Taylor informed the Mayor and Council that the American Rescue Plan Act (ARP) became law on March 11<sup>th</sup>, 2021. For the first time all 19,000 municipal governments are entitled to a direct or non-competitive federal grant from the U.S. Treasury Department. The City of Fairburn is estimated to receive about 5.2 million dollars from the ARP. Funding will be paid to local governments in two payments with the first 50% arriving in May of 2021 and the second 50% in May of 2022. Local governments will have until December 31<sup>st</sup>, 2024 to use all funding. Mr. Taylor further stated that eligible expenditures include a response to the public health emergency with respect to the coronavirus to workers performing essential work doing the COVID-19 public health emergency, for the provisions of government services for essential workers and investments in water, sewer, or broadband infrastructure. He stated City Staff will be recommending eligible projects for the American Rescue funding by June 15<sup>th</sup>, 2021.

The ARP comprises cities as being identified as entitlement or non-entitlement cities. Entitlement cities have a population of 50,000 or more and will receive their benefits directly from the U.S. Treasury. Non-entitlement cities are described as populations with 50,000 or less and these cities will receive their funds from the State. The City of Fairburn is a non-entitlement city, and the funds will be disbursed by the State of Georgia. Mr. Taylor stated he and Mayor Carr-Hurst are awaiting more directives from the White House, the U.S. Treasury, and the State of Georgia. Councilwoman Davis asked if there were any impediments that would prevent the city from receiving the \$5.2 million dollars. Mr. Taylor stated, 'No, the only requirement is the city's Dun & Bradstreet number, and the city has an active number. Councilwoman Portis-Jones requested that the council be made aware of eligible projects.

- VII. Public Comments:  
No public comments. Ms. LaTrice McLendon was slated to speak. At the time that Mayor Carr-Hurst called for Public Comments she had exited the line.

- VIII. Agenda Items:

**1. Office of the Mayor**

**Mayor Elizabeth Carr-Hurst**

For the Mayor and Council to appoint Shana T. Moss as Interim City Clerk for the City of Fairburn. Mayor Carr-Hurst stated, Ms. Moss will be Interim Clerk until she brings a permanent Clerk before Council on May 24<sup>th</sup>. Ms. Moss will be working remotely, and work will be done electronically. Ms. Moss has been Interim City Clerk prior in the City. Councilwoman Portis-Jones inquired about the \$2,000 budget amount for the Interim Clerk. Mayor Carr-Hurst said she does not foresee that it will exceed that amount. Councilwoman Davis asked what Ms. Moss would be doing. Mayor Carr-Hurst stated the minutes, open

records request and executing documents. Mayor Carr-Hurst stated she would provide the councilmembers with the contact information of phone number and email for Ms. Moss and that Ms. Moss would be happy to assist them with their needs. The motion to approve was made by Councilman Smallwood and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

## **2. Office of the Mayor**

**Mayor Elizabeth Carr-Hurst**

For the Mayor and Council to proclaim the month of May 2021 as Mental Health Awareness Month in the City of Fairburn. Mental Health is essential to everyone's health and well-being. Since 1994 Mental Health America and other affiliates across the county have observed May as "Mental Health Month" by reaching out to millions of people through the media, local events, and screenings. Mayor Carr-Hurst read the city's Proclamation which will become a part of the official records of the City of Fairburn. Councilwoman Portis-Jones lauded the Mayor on acknowledging Mental Health. She stated mental illness is a critical issue and a disease that really has a huge impact on our community. Many of the issues that our police department encounter are mental health related. The motion to proclaim May as Mental Health Awareness Month in Fairburn was made by Mayor Pro Tem Heath and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

## **3. Community Development**

**Mr. Lester Thompson**

For the Mayor and Council to approve a contract extension with Pond & Company for Professional Engineering and Landscape Architectural Services. The City of Fairburn entered into a Master Services Agreement with Pond & Company on July 22<sup>nd</sup>, 2019 for On-Call Professional Engineering and Landscape Architectural Services. The agreement with Pond & Company is scheduled to expire on July 22<sup>nd</sup>, 2021. In order to close out some existing task orders and to maintain continuity in the plan review process, Mr. Thompson stated he would like to extend the contract by one year. If this request is approved the existing contract shall now remain in effect until July 22<sup>nd</sup>, 2022. The motion to approve was made by Councilwoman Davis and the second was provided by Mayor Pro Tem Heath.

Vote: 6-0: Motion Carried.

## **4. Parks & Recreation**

**Mr. John Culbreth**

For the Mayor and Council to approve the proposed plan for the opening of Duncan Park, Pavilions, the Youth Center, and the Frankie Arnold Stage on June 1<sup>st</sup>, 2021. Mr. Culbreth stated the city has been getting a number of requests for the use of the cities' recreational facilities. They were originally closed for COVID, but the numbers are going down and people are getting vaccinated, and he believes we are in a safer territory than we were months ago. A discussion ensued with Councilmembers. Mayor Pro Tem Heath stated he was in Judy's and a five-year-old boy asked him about opening the playground. He asked if this could be granted. Councilwoman Davis stated, "she would love to have had some written proposals from Parks and Recreation to outline how you're going to do it, what times the facilities will be open and how they are going to be ran." She further stated she is at a loss and cannot make a conscience decision without having some guidelines. Councilwoman Portis-Jones stated, "She would appreciate having a written process to ensure that they could

make an informed decision for opening the facilities on June 1<sup>st</sup>. She proposed delaying this decision until the May 24<sup>th</sup> meeting and in the interim if Mr. Culbreth could have a comprehensive written plan for the Mayor and Council by May 24<sup>th</sup>, 2021. Mayor Pro Tem Heath inquired about the Farmers Market and Mr. Culbreth stated it is in the planning phase. Mayor Carr-Hurst informed everyone that the City of Fairburn will have a Community Garden this year and that no one will be charged for produce from the garden.

## **5. Parks and Recreation**

**Mr. John Culbreth**

For the Mayor and Council to approve the Mental Fitness, 21<sup>st</sup> Century Learning, Inc. Usage Agreement. Mental Fitness, 21<sup>st</sup> Century Learning Inc., provides high quality after school and summer camp programming that offer students' academic/educational enrichment and recreational STEAM activities in the City of Fairburn. Mental Fitness activities will be conducted at both Fairburn Youth Center at 149 SW Broad Street and Georgia Military College at 310 NW Broad Street. Due to an adherence of caution in regard to the Coronavirus only 50 children will be allowed in the program. The Mental Fitness STEAM Academy has been closed due to COVID-19 since March 9<sup>th</sup>, 2020. Mental Fitness has provided free virtual STEAM workshops for students in Fairburn at a cost of \$ 31,050. Computer rentals for students have been provided on a limited basis as well as access to the teachers for mentoring and tutoring when requested. The program will be supervised and will be safe. Children and staff will have to wear a mask while participating in inside activities. Sanitizing and cleaning will be a priority. Mr. Culbreth stated the revenue outlined in the contract is different because the cost has increased. Mental Fitness Executive Director, Mr. John Childs was present (via zoom) for the discussion. Councilwoman Portis-Jones asked City Attorney Turner about the liability and co-liability that this program would pose for the city in regard to the coronavirus. Attorney Turner stated the city would not encounter liability as outlined in the agreement. Mr. Childs assured Mayor and Council that safety and cleanliness protocols will be strictly followed. Mental Fitness will clean and sanitize surfaces daily and they will have 3 feet multi-directional spaces for desks/tables and an electronic check in/out device. Each staff member will be fully vaccinated. HEPA Filters will be utilized. Students will engage in frequent hand washing/bathroom breaks and hand sanitizer will be prevalent throughout both facilities. The proposed hours of operation are Monday through Thursday from 8:00 AM-5:30 PM. The motion to approve was made by Councilwoman Davis and the second was provided by Councilwoman Portis-Jones.

Vote: 6-0: Motion Carried.

## **6. Parks and Recreation**

**Mr. John Culbreth**

For the Mayor and Council to approve the Agreement between the City of Fairburn, Georgia and 25 and Older, Inc. DBA Little Peaches Kickball League. 25 and Older Inc. DBA Little Peaches Kickball League provides organized sports programs for young girls that encourage each player to enhance their self-confidence, build healthy exercise habits, teach respect for others, provides positive role models, and encourage family and community involvement. Mr. Culbreth stated he met with the director of the program for Little Peaches to use 2 fields at Duncan Park. He stated safety protocols are intact and that kickball is a low impact sport. Councilwoman Davis asked if the size of the program has been reduced due to the pandemic. He stated yes, the program will consist of only 100 participants. Councilman Whitmore

asked if the players will be required to have a mask and how many players comprises a team? Mr. Jiggets stated the players will not wear a mask while on the field, the coaches and staff will be required to wear a mask and that 11 will be on the field with 17 members completing a team. Mayor Pro Tem Heath asked about the \$50,000 insurance liability and City Attorney Turner stated that is sufficient liability coverage for the city. The motion to approve was made by Mayor Pro Tem Heath and the second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

## **7. Office of the Mayor**

## **City Attorney Randy Turner**

For the Mayor and Council to consider adoption of the City's 7<sup>th</sup> Emergency Ordinance (5-10-2021). This updates the City's Emergency Ordinance that was first enacted in April of 2020 which addressed the continuing and evolving nature of the COVID-19 pandemic and the Governor's Executive Order regarding the same (April 23<sup>rd</sup>, 2021) and renewing the State's Public Health State of Emergency until May 30<sup>th</sup>, 2021. This ordinance provides for exceptions to be made by the Mayor and Council regarding public building and parks and does not alter requirements imposed by the City's existing mask ordinance adopted 7-8-20. Attorney Turner stated the Governor has extended the Emergency Ordinance through the end of May. He requested if the Mayor and Council wanted to make additions or modify the seventh ordinance? He stated safety protocols are already in effect in City Hall. Mayor Carr-Hurst stated everyone in City Hall is completely vaccinated with the exception of one person and that some employees wear a mask while some don't. Councilwoman Portis-Jones stated she thinks it is time for City Hall to reopen on June 1<sup>st</sup> when the city's recreational facilities reopen. Mayor Carr-Hurst stated she doesn't have a problem with reopening City Hall it has been closed for the safety and wellbeing of the city's employees. She stated that temperature checks are still being conducted (via the temperature machine) and that when meetings are conducted in City Hall such as in the Fishbowl there is a maximum number of 4 people that can be present, and the ceiling fan is always on. The room is sprayed and sanitized before entering and after the meeting concludes. She further stated that leadership (department heads) team meetings are held in the Council Chamber where everyone can spread out 6 feet per the CDC guidelines. Councilwoman Portis-Jones stated she would like to have the 6 feet markings placed on the floor (customer areas) and a shield around the reception area. A discussion ensued about HEPA Filters for the AC Ventilation systems and that HEPA filters be used. Facilities Director, Mr. Harvey Stokes stated this could be done. The Mayor and Council listed the following requirements for Attorney Turner to add to the City's 7<sup>th</sup> Executive Ordinance.

1. City Hall will reopen to the public on June 1<sup>st</sup>, 2021 at 8:00 AM.
2. Everyone must wear a mask to enter City Hall and there will be no exceptions.
3. Temperature checks will be conducted immediately when entering the building.
4. Cleaning and sanitizing will be done before, during and after the workday.
5. A shield will be erected around the reception area.
6. HEPA Filters will be installed to be used in the HVAC System.

The motion to approve was made by Mayor Pro Tem Heath and the second was provided by Councilwoman Davis.

Vote: 5-1: Motion Carried.


(Opposed: Councilman Pallend stated it is too early with the virus to open City Hall).

IX. Council Comments:

Councilmembers

- Councilwoman Davis had no comments.
- Councilman Smallwood had no comments.
- Councilwoman Portis-Jones had no comments.
- Mayor Pro Tem Heath had no comments.
- Councilman Pallend had no comments.
- Councilman Whitmore had no comments.
- Mayor Carr-Hurst had no comments.

- X. Executive Session: At 8:54 PM a motion to exit Regular Session (via Zoom) and to enter Executive Session for a personnel matter was made by Councilman Whitmore and the second was provided by Mayor Pro Tem Heath. Vote: 6-0: Motion Carried.
- At 9:02 PM a motion was made by Councilman Whitmore to engage an attorney at \$225.00 an hour to conduct an EEOC investigation and the second was provided by Mayor Pro Tem Heath. Vote: 6-0: Motion Carried.
- XI. Adjournment: At 9:03 PM a motion to adjourn the meeting was made by Councilwoman Davis and the second was provided by Mayor Pro Tem Heath. Vote: 6-0: Motion Carried.

  
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**Shana T. Moss, Interim City Clerk**

  
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**Elizabeth Carr-Hurst, Mayor**