



City of Fairburn
Mayor and Council Meeting- Zoom
August 23, 2021
7:00 pm

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Elizabeth Carr-Hurst.
- II. Roll Call was taken by City Clerk, Deannia Ray with the following members present:

The Honorable 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 in attendance.

- III. The invocation was led by Apostle Danita Jones with In His Great Name Worship Center.
- IV. Adoption of City Council Minutes:
Motion to approve the July 26, 2021, City Council 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 Whitmore and the second was provided by Mayor Pro Tem Heath.
Vote: 6-0: Motion Carried.
- VI. Public Hearing:
 1. **2040 Comprehensive Plan 5-Year Update**
Motion to open the public hearing was made by Councilwoman Davis and the second was provided by Mayor Pro Tem Heath.
Vote: 6-0: Motion Carried.

Planning and Zoning Director, Ms. Tarika Peeks stated in 1989, the General Assembly passed the Georgia Planning Act which established a coordinated planning program for the State of Georgia. The program administered by the Department of Community Affairs (DCA), provides local governments with a framework to create a long-term plan that addresses their planning issues and opportunities. The DCA approved the city's 2035 Comprehensive Plan in April of 2015 and adopted in May 2015. On April 13, 2020, the Planning and Zoning office announced the start of the planning process for the Comprehensive Plan five (5) year update.

Ms. Peeks stated that the Comprehensive Plan acts as a guide for communities in achieving their goals and objectives and a decision-making guide for city staff and local elected officials over twenty (20) years. A Comprehensive Plan update is required by DCA every five (5) years. Staff began the 5-year update process in April 2020. The planning process included three (3) steering committee meetings and two (2) public meetings. The plan was submitted

to DCA for review March 2021, approved by DCA in May 2021. Ms. Peeks recommended for the Mayor and Council to adopt by Resolution the 2040 Comprehensive Plan.

Mayor Carr-Hurst asked for any questions or comments. There were none.

Motion to close the public hearing was made by Mayor Pro Tem Heath and the second was provided by Councilwoman Davis. Vote: 6-0: Motion Carried.

Motion to adopt by Resolution the 2040 Comprehensive Plan was made by Councilman Smallwood and the second was provided by Councilwoman Portis-Jones.

Vote: 6-0: Motion Carried.

2. Rezoning 201103 DRB Group, LLC & Bartow Properties, LLC – Curry Bend Development Plan with Concurrent Use Permits 2021113 & 2021114 and Concurrent Variances 2021110 & 2021111

Motion to open the public hearing was made by Councilwoman Davis and the second was provided by Councilwoman Portis-Jones. Vote: 6-0: Motion Carried.

The Mayor advised everyone that each side (those that are in support of the rezoning and those that are in opposition of the rezoning) would receive thirty (30) minutes to comment or ask questions. The applicant will have an additional five (5) minutes for rebuttal at the end if desired.

Planning and Zoning Director, Ms. Tarika Peeks stated that the applicant seeks to rezone 70.07 acres from PD (Planned Development) to PD (Planned Development) with 99 single-family lots, 149 townhouses, commercial uses, and a convalescent center/nursing home/hospice and personal care home/assisted living/hospice facility, with two concurrent use permits and two concurrent variances as follows:

- Concurrent Use Permit 2021113: A request to allow a hospice facility (Chapter 80 Zoning, Article IV Section 80-206 Convalescent center/nursing home/hospice)
- Concurrent Use Permit: 2021114: A request to allow a personal care home/assisted living facility (Chapter 80 Zoning, Article IV Section 9-224 Personal care home/assisted living)
- Concurrent Variance 2021110: A request to allow parking in the minimum front yard setback (Chapter 80 Zoning, Article II, Section 80-206(5) – Convalescent center-nursing home/hospice; Section 8-224(3) Personal Care home/assisted living)
- Concurrent Variance 2021111: A request to reduce the size yard setback from 50' to 25' (Chapter 80-224(3) Personal care home/assisted living)

The subject properties were annexed from unincorporated Fulton County and rezoned to PD (Planned Development) in October 2006. A development plan was not included in the approval of the PD rezoning on the subject properties. Section 80-87 – PD (Planned Development) of the City's Code of Ordinances has specific requirements that must be met for the proposed rezoning to be considered by Mayor and City Council. Specifically, Section 80-87(e) states:

The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for PD rezoning requests. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the city differs in any way from what is

depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the planning and zoning department before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and the location on the ground shall be as shown on the development plan.

The PD zoning district is heavily based on the ability to, among other things, have creativity and flexibility in site planning. The development plan is to be the controlling zoning document for the proposed development. Since there is no related development plan and site plan that serves as the controlling zoning document for the subject properties, the rezoning process for a PD zoning with the required development plan is required in order to meet the standards of the City's zoning ordinance.

Ms. Peeks advised Mayor and Council that the Planning and Zoning Commission reviewed the rezoning petition on Tuesday, July 6, 2021, and recommended approval conditional.

Mayor Carr-Hurst introduced Attorney Doug Dillard and Stephen Moore as the applicant.

Mr. Dillard stated that they have presented to Ms. Peeks a list of names that are in support of this rezoning as well as three people from the neighborhood that would speak in favor of this rezone. We are here tonight for the property owner, Lacey Curry, together with the applicant DRB Group & Jay Knight. We are asking for approval of a PD site plan. This property was annexed into the City of Fairburn and rezoned to PD in 2006. At that time of annexation, no development plan was provided so that's what we are doing tonight. We are not asking for the property to be rezoned as PD, we are asking for approval on the development plan. The property owner, Mr. Curry ran sewer to this property twenty-four years ago at his own expense.

The PD includes 99 single family lots, 149 townhomes, neighborhood commercial uses, with personal care assisted living facility and hospice care. During the application process, we have had positive community meetings and positive meetings with the planning commission. We are requesting you to follow direction of your planning staff and recommendations of your planning commission to approve our rezoning application. I do want to highlight one modification on staff recommendations on condition A.3.B., related to allowable commercial use. The applicant does seek to construct a gas station. We ask you to strike the gasoline service station from conditions A.3.B. Mr. Dillard asked Mr. Steve Moore with Moore Bass Consulting to walk through the details of the application.

Mr. Steve Moore is with Moore Bass Consulting from McDonough, Georgia. They are civil engineers, surveyors and planners representing the DRB Group & Bartow Properties in the master plan process. This planned development consists of five land uses.

1. There are 99 lots that are single family detached residential homes. The lots are 50' wide with a minimum of 5,000 sq ft. The townhomes are at the minimum 1,700 heated sq ft.
2. There are 49 townhomes that are 20 ft wide on the interior units and 10% of the units would be large enough to accommodate a two-car garage. These townhomes are clustered in eight (8) units per building. Lot sizes are 2,000 sq ft and the minimum

floor size is 1,500 sq ft. We have also figured in some areas for surface parking throughout the community for guest parking.

3. Hospice care facility will consist of a 10-bed facility
4. Convalescent nursing home/assisted living will consist of a 24-bed facility. Three acres has been dedicated for this building to house hospice care and nursing home facility.
5. Neighborhood commercial proposed as a 4,000 sq ft convenience store. There is a demand and a desire for fuel sales at this location.

This development will have a lot of open space and amenities, multiple pocket parks and dog parks. There are two miles of walking trails throughout this community. There is a central amenity area that is proposed to have a clubhouse, a resort sized pool, a cabana area with changing rooms and restrooms, a parking lot that will access a mail kiosk area and will have trail connections to the sidewalks. We did go to the planning commission on July 6, 2021, and they have recommended conditional approval. Staff has recommended conditional approval of the development plan. I am happy to answer any questions.

Mayor Carr-Hurst asked staff how many people did she have in favor of this development? Ms. Peeks stated that she had three speakers that were in favor of the Curry Bend Development.

Public Comments:

Favor:

Sheila Staton – resides at 6676 Jules Trace. She was in support of the Curry Bend Development and believes the development will offer us in Asberry Park a lot of amenities we currently don't have access too, especially the gas station. It will keep us from having to go through the traffic to get to the stations on 74.

Sheila Taylor – resides at 8862 Seneca Road. She was in favor with this development and would rather have this development to include a personal care home, hospice and the service station as opposed to some warehouse or some trucking company. She hasn't heard of any dissenters from her neighborhood.

Cynthia Porter-Strozier – resides at 8770 Seneca Road. She hasn't seen any opposition in the community. There was only excitement because they haven't had any amenities. I've been in the subdivision for eleven years, the convenience of a gas station, and the walking trail would be a great asset for us and appreciates the opportunity for this development.

Catrina Singletary – resides at 8555 Creekwood Ridge Drive. She's not for either but does have a question for the developer. Do you have a design showing additional roads because it is very congested in the area?

Mr. Steve Moore stated that staff had recommended a traffic study as part of the approval and that would indicate if there were improvements required, those would be the responsibility of the developer and that would happen after its approved. We are not opposing any or aware of any based on our current research. If they are required, that would again be on the responsibility of the developer.

Opposition:

Joe G. Lowe – resides at 8515 Creekwood Road. He stated he was not against it but those are little houses that you're building and that creates a whole lot of traffic. He asked if they could build the houses bigger and make the lots bigger? The less houses we have is less traffic.

Crystal Brook Handley – resides at 6550 Bohannon Road. Ms. Handley stated she lives next door to this property and is against this development. Traffic has already been mentioned but we moved out here when it was pastoral and didn't choose to live in a subdivision. We wanted greenspace and are concerned about the environmental impact. There will be runoff water to the creeks which is a tributary to the Flint River. She is also concerned how long it would take to build the development, she doesn't want to live next door to a construction site.

Rita Parker – resides at 8995 Gullat Road. They live around the corner from the development and moved here 24 years ago for the serenity. This proposed neighborhood will impose a lot of traffic, chaos, and commotion. We've already got concerns about the roads being repaired, with the increased traffic. They do not want to see density added and would like for this neighborhood to stay quiet and serene.

Darcy White – Her main concerns were environmental; we are the first property down stream from this development. The Flint Riverkeepers have in the past raised concerns about pollution run off, especially knowing they plan on putting in a gas station. This development is inconsistent with the City of Fairburn's future land use map. If you look it is supposed to be rural residential not high density residential. The other two uses, the nursing home and hospice and commercial site for the gas station is a very small portion of this project. Developments such as this really need to be closer to town and closer to jobs and transportation not out in the middle of the country where it's going to cause a huge traffic headache. We think the City of Fairburn needs to keep this property as park land or very low density.

Marlene Cole – resides at 8560 Creekwood Ridge Drive. She showed concerns of traffic and Safety and turn lanes. She asked the developer if they plan to take property to build turn lanes. The roads are very narrow and difficult to get through and I am concerned with emergency vehicles having access to the hospice and convalescent center facilities. Will it be eminent domain to build wider roads? We also need additional lanes.

Neale & Courtney Nickels – resides at 6805 Mann Road. He and his wife own a beef cattle operation and have been in the business three years and appreciate the involvement of the community and neighbors. He echoed what was said by others in opposition tonight. They feel this plan deserves a second look and consideration. He's not opposed to development that supports the community but due to stresses on the roads, and the strain on schools, other municipal services, fire-rescue emergency services and the City's infrastructure that would be impacted by this. They would like to see those issues studied. They both have environmental concerns as owning property on Line Creek and they have cattle. He has read through the zoning code and comprehensive plan and feels that planned development is to build a vibrant mixed-use community with multiple different outlets that are available to the residents. One convenience store, one nursing home/hospice facility seems to me it's missing a mark of opportunity for the development to have multiple uses that can support the community.

Ben Pugh lives in Tyrone but is speaking on behalf of his mother-in-law that resides at 8850 Gullat Road. This property has been in the family for 50 years. He is an Advisor on development and investment to major corporations. He thinks this is a bad idea for the community, the City, and future residents and not a good idea for the investors. He feels that a traffic study should have been done first and that roads are a problem and will get worse. Putting new urbanist density with 8-9 single family residences on one acre is not what we need. You would put something like this in a dense place that has access to transit, walkable

access to stores, schools, and parks, not in a place that is agriculture land.

Josh & Roghelia Humphries – resides at 6800 Mann Road. We also live downstream on Line Creek and want to reiterate many of the concerns. The roads have recently been resurfaced and we are having problems already. There are current traffic enforcement issues like big trucks, people speeding and with 250 more families coming, it will only get worse. We have animals on the property, so we are very concerned with the environmental issue. The elementary schools are already at capacity, and this will be a burden on the educational system. Because of these reasons, we object to this development. Thank you for your time.

Stephanie Pugh – 8850 Gullat Road. She has spoken to many other residents in the last 48 hours, and they could not attend tonight because they could not navigate zoom. Trucks are an issue and we see up to twenty trucks a day. Putting in a gas station would equal this being a truck stop. I hope that you consider that this is not an appropriate project. Thank you for your time.

Mayor Carr-Hurst stated that we will now have a five-minute rebuttal by Attorney Dillard or Mr. Moore.

Mr. Dillard stated that this property has been zoned PD since 2006. The uses that Mr. Curry proposed as permitted under the PD classification has been satisfied. I will put Council on notice that failure to rezone this property is a constitutional taken of our variable property rights and any action that would deny the use of this property particularly since this has been rezoned since 2006 and undeveloped is a taken of our variable property rights and is unconstitutional in accordance with the 4th, 5th, and 14th Amendment right in Georgia and United States Constitution.

Regarding the traffic study, there's a long-term case that came out in the 60's that you cannot deny zoning based on increased traffic, that is a Georgia Supreme Court decision that you can't base it on traffic. We will do a traffic study and take in consideration of all the issues that have been raised here tonight. We will have EPD sign off on all the environmental issues, we will protect the streams and all other issues that might come up during the development process. We in all respect, look forward to developing a quality development in this neighborhood. I ask City Council to approve this as recommended by staff with the exception of the gas station.

Mr. Moore wanted to go back to Ms. Cole's statement about eminent domain. He stated that based on their surveys, there should be adequate right of ways to accommodate any turn lanes that are required as part of the traffic study. We have completed a wetland delineation protected stream study and water study. Those have more than adequate buffers and in addition, we will have full water quality and stormwater detention ponds that will treat and slow down all stormwater before it leaves the sight. It will absolutely improve the situation. There was a comment about this being a new urbanistic project and having like 8-10 units per acre. I want to be clear that if you factor in the Fayette County property, which I know it's not part of this rezoning request or development plan approval, but it is part of this project where 2.4 units per acre. This is not a very dense project and if you take into consideration with the City's property, it is 3.4 units per acre. This is a conservation subdivision and was designed to protect the natural resources for anybody who is down stream and is concerned about preservation of those critical areas. They could be larger lots and they could own all the way down to the creek and they could clear the property off all the

way down to the creek without any controls. This property is protected by a Home Owners Association (HOA) for those concerned about an environmental impact. This is the best development approach you can take to preserve those aspects. Thank you again for your time and consideration. I'll be happy to answer any questions.

Public Comment Form:

Carrie Klarl – resides at 203 Mann Road in Fayette County. My 17-acre property shares a property line with the parcel in question. Unlike others in the area, I did not receive proper notification of the June 14th meeting. She expressed her strong opposition to the rezoning request submitted and asked Council to deny the rezoning request and all requests for variances. According to the current land use posted on the City of Fairburn's website, the proposed development is not in alignment with the Fairburn 2035 Comprehensive Plan. On page 15 of this document, point 3 states to use the Line Creek developed land as park space. Point 5 states to preserve the green space in the southern area of the city. This development contradicts the goals stated in the plan. On page 17, point 2 states to keep rural agriculture in the southwest area of the City. This development will destroy the rural agriculture in this area. Page 18 of the plan states to build homes with larger lot sizes in areas outside the downtown. This development would also have a large volume of traffic as we've stated.

We are already seeing a drastic increase of the number of 18 wheelers in the last two years, and they are changing traffic conditions of the use and development of this property. I employ you to consider these conditions in your plan. On page 16, point 4, it states to bring mixed use development including townhomes to downtown Fairburn, this is where mixed development makes sense, not in an agriculture area that is 4.5 miles from downtown. We've talked about the negative impacts of Line Creek, the reason the applicant needs variances is because they are proposing to instruct too many residences and facilities on a parcel that obtains a creek and a great deal of land that is perpetually wet. She stated she was very grateful for Council's consideration of these concerns and effectively ask you to deny all rezoning and/or use applications including the approval of a gas station requested at this late hour.

Mayor Carr-Hurst will allow Mr. Dillard or Mr. Moore an additional two minutes of rebuttal since we have opened the floor for more speakers.

Mr. Dillard thanked the Mayor and stated in response to the last speaker, we are in compliance with the comprehensive plan and this is not rural, this is a plan development that the city recognized long ago. The only variances we requested is for parking and side yard setbacks, so the overall uses that are being proposed by the applicant are consistent with the comp plan. The only change we are asking is you eliminate the prohibition of the gas station and point out that we have support in this neighborhood.

Ms. Tarika Peeks stated the staff position on the gasoline service station prohibition still stands as stated in the condition that gasoline service station be a prohibited use for this location. The applicant and Ms. Peeks spoke several months ago about it and she had severe reservation about the commercial uses at this location and thought that the less intense more neighborhood commercial type of developments should be at this location. Staff drafted the conditions and added the gas station as a prohibited use and it should be prohibited for some of the reasons that the residents mentioned as environmental issues and nuisances that comes along with the gasoline service station. So again, staff recommendations still stand.

After Council discussion and questions, Mr. Dillard stated that we are agreeable with staff recommendations to eliminate the gas station.

A motion to close the public hearing was made by Councilman Whitmore and the second was provided by Mayor Pro Tem Heath. Vote: 6-0: Motion Carried.

Motion to deny rezoning of 2021103 DRG Group, LLC & Bartow Properties, LLC – Curry Bend Development Plan with Concurrent Use Permits 2021113 & 2021114 and Concurrent Variances 2021110 & 2021111 was made by Councilwoman Davis and the second was provided by Councilwoman Portis-Jones. Councilman Whitmore asked for a substitute motion to delay the vote to afford the applicant to review property size and 2 car garage options along with more public hearings. The motion died due to lack of a second. The original motion stood. Vote: 5-1: Motion Carried.

Councilman Whitmore voted in Opposition of the Motion to Deny.

Presentation:

Mayor Carr-Hurst introduced Ms. Janet Reed with Southside Theatre Guild.

Ms. Reed stated that in 1973, the Southside Theatre Guild was incorporated as a guild which is an organization formed by a group of people who come together with likeminded interest to learn about their craft and to perfect it. The theatre is a 501(c) nonprofit organization and we've always been open to the public. There are no requirements for anyone to audition or to come work with costumes or anything else at the theatre. We are open to be a mentorship program for people that maybe interested in theatre, just don't have the experience. We have been a big part of the Fairburn community for a long time. We will be celebrating our 50th year anniversary in 2023. We are the oldest operating community theatre in the State of Georgia.

In 2017, we almost had to close our doors. Our membership was down, ticket sales were bad, but we were blessed that the old owner donated the building to the theatre. With the ownership, comes a lot of responsibility. The building was built in the 1940's and went through various changes. In 1975, when we moved in, the building was in great need of repair. Our roof had deteriorated to the point there were leaks in every room. We patched and repaired best we could, and this is where I learned about grants. I wrote a grant and was so blessed that Fox theatre gave us a \$75,000 grant to repair the building.

Ms. Reed stated that she has partnered with Sylvia Abernathy and Tarika Peeks to use the theatre performing at different events throughout the City. COVID was the first time in almost 50 years that our stage has been in the dark. We have lost a good bit of revenue from the shows we could not perform. I am appealing to the City of Fairburn to please support our theatre. I feel that performing arts bring people together and would love to see the city be a supporter of the theatre. Mayor Carr-Hurst thanked Ms. Reed for her presentation.

VII. Discussions:

Middle Chattahoochee Regional Water & Sewer Authority Update

Mayor Carr-Hurst stated that the water authority has secured a permit to begin drawing from the Chattahoochee. She announced that consultants, Laura Benz and Andrea Gray were online to present the update.

Ms. Benz discussed the permit that allows the Authority to begin drawing water from the Chattahoochee River and introduced Mr. Jarrod Jackson of Krebs Engineering to give us an overview of the project. Also, Mr. David Gray and Town Owens of Raymond James will provide a financial aspect of the project.

Mr. Jackson stated that the Authority hired Krebs Engineering to complete the preliminary engineering work which was submitted to EPD in June of 2021. EPD reviewed the report while the Cities were researching their infrastructure that would allow them to connect to the authority's distribution system.

Ms. Andrea Gray discussed the project planning process. Ms. Laura Benz discussed the water and sewer projects that the Cares Act can fund. The Authority is submitting an application in August with the Federal Funds Relief Act Grant for \$25 million. In September, they are applying for a GEFA Drinking Water State Revolving Fund loan for \$25 million. We find out in October 2021, the decision from the Governor. In November 2021, the 2022 application will be due so we can secure some of the necessary future funds.

Mr. Jackson stated that the Middle Chattahoochee regional Water & Sewer Authority was established in 2000. The member cities are Fairburn, Palmetto and Union. City. He stated the proposed wholesale water systems improvements consisted of the following:

- Raw water intake and pump station on the Chattahoochee River
- Raw water transmission from the river to the treatment facilities
- 1 mg raw water storage tank
- 6 mgd water treatment facility
- Finished water piping to member cities
- 1 mg elevated water storage tank

After discussion of preliminary cost and schedules, the presentation was turned over to Mr. David Gray and Mr. Tom Owens with Raymond James. Raymond James is a Municipal Advisor for the Authority.

This project has been estimated to cost \$79,325 million in total. The Authority expects to raise funds from three sources.

- \$8 million from the sale of unneeded property
- Awarded \$10.5 million GEFA loan
- New \$25 million DWSRF GEFA loan
- \$25 million from Grant Funds, additional GEFA Loans, or revenue bonds.
- \$10,825 million from the sale of revenue bonds

After discussion how the Authority plans to pay for the system, they asked the City of Fairburn to consider approving a Resolution acknowledging the City's participation in and obligation to support efforts by the Water Authority to obtain additional financing through GEFA. The City of Palmetto adopted on August 2, 2021, and the City of Union City adopted on August 12, 2021.

VIII. Public Comment:

Jalen Uboh – The Juboh Companies International invited everyone to Community Presentation Day at Somerset Hills development. A set of luxury chateaus located at the Fairways of Durham Lakes on Tuesday, August 24th at 12 noon. We are proud to have been successfully awarded and have built for customers like the US Department of Defense and the Department of Homeland Security. Our vision for excellence has been our driving force with recent projects. Our real estate development division is inviting you to take part of a fifteen-minute tour of our

construction sites at our Somerset Hills development. It is our mission to build extraordinary homes in an extraordinary community. Come and explore with our teams at Juboh Companies International, we are located at 57 Somerset Hills, Fairburn and will begin tours tomorrow, August 24th at noon.

Mayor Carr-Hurst thanked Mr. Uboh for his comments.

IX. Agenda Items

1. City Attorney

Mr. Randy Turner

For Mayor and Council to discuss and approve a Resolution of the City of Fairburn acknowledging the City's participation in and obligation to support efforts by the Water Authority to obtain additional financing through the Georgia Environmental Finance Authority (GEFA).

Mr. Turner explained that in 2003, the Cities of Fairburn, Union City and Palmetto entered in a 50-year contract through which each City committed its assistance and full faith and credit to ensure financing for the Water Authority's mission, which was to obtain a permit to withdraw water from the Chattahoochee River and create infrastructure and a physical plant that will treat said water and make it available to the three (3) member cities as potable water. The Chattahoochee Regional Water & Sewer Authority (formerly known as the South Fulton Municipal Regional Water and Sewer Authority) has now obtained necessary permits and approvals to commence the withdrawal of approximately 8.55 mgd and is now taking steps through its member Cities to obtain financing through GEFA's revolving loan fund.

Motion to approve the Resolution of the City of Fairburn acknowledging the City's participation in and obligation to support efforts by the Water Authority to obtain additional financing through Georgia Environmental Finance Authority was made by Councilman Pallend and seconded by Councilwoman Davis.

Vote: 6-0: Motion Carried.

2. City Attorney

Mr. Randy Turner

For Mayor and Council to approve and accept a Deed of Gift and Limited Warranty Deed with Reversionary Interest from The Bedford School, Inc. in favor of the City of Fairburn.

Mr. Turner stated that pursuant to referendum approval and the issue of general obligation bonds, the City of Fairburn seeks to construct a new fire station on Milan Road in the immediate vicinity of The Bedford School. The fire station will be constructed on a three (3) acre tract presently owned by The Bedford School, Inc. and which has been identified, investigated and surveyed by the City as the most appropriate location to serve the surrounding community.

The Bedford School, Inc. has agreed to transfer the property by Deed of Gift and Limited Warranty Deed with Reversionary Interest. This item was held from 07/26/21 until 08/23/21 to obtain The Bedford School's express authorization to make some portion of the new fire station available for use by the Fairburn Police Department. The terms of the Gift and Reversionary Interest have been negotiated as follows:

Grantee shall construct upon property a fire station to be permanently equipped, staffed and operated for the benefit of the citizens of the City of Fairburn. Grantee shall construct upon the property no outbuildings or storage structures, but shall permanently use property for the aforementioned

fire station: which may include the use of office space by the Fairburn Police Department; provided, further, that if Grantee shall ever cease to use property exclusively for the location of a permanently equipped, staffed and operating fire station, which may include the use of office space by the Fairburn Police Department, title as conveyed herein shall revert back to Grantor and Grantee shall return property to Grantor in its natural condition free from any improvements made thereto.

A motion was made by Councilman Smallwood to approve and accept a Deed of Gift and Limited Warranty Deed with reversionary interest from The Bedford School, Inc.

The second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

3. Human Resources

Mrs. Linda Johnson

For Mayor and Council to approve the Proclamation observing Juneteenth as the City of Fairburn's 11th paid holiday, beginning fiscal year 2021-2022.

Mrs. Johnson stated that on June 14, 2021, the Mayor and City Council recognized a Proclamation to commemorate June 19th as Juneteenth in the City of Fairburn.

On June 17, 2021, President Joe Biden signed legislation to make Juneteenth a federal holiday, enshrining June 19th as the national day to commemorate the end of slavery in the United States.

The June 19th, Juneteenth, holiday will be observed in accordance with the City of Fairburn's Personnel Policy 2-53.17 HOLIDAYS: "Any holiday falling on Saturday normally will be observed on the preceding Friday. Any holiday falling on Sunday normally will be observed on the following Monday." Mrs. Johnson provided a holiday pay analysis by department and stated the cost of adding Juneteenth as our 11th holiday would be \$28,540.42. A motion was made by Councilwoman Portis-Jones to approve Juneteenth as the City of Fairburn's 11th paid holiday and the second was provided by Mayor Pro Tem Heath.

Vote: 6-0: Motion Carried.

4. Community Development

Mr. Lester Thompson

For Mayor and Council to approve task order #9 with Atlas Technical Consultants (Moreland Altobelli) for Construction Engineering and Inspection (CEI) Services on the roadway improvements on various city roads project (21-004).

Mr. Thompson stated that the City of Fairburn entered into a master services agreement with Moreland Altobelli Associates, LLC on July 22, 2019, for on-call construction management services. The firm subsequently changed its name to Atlas Technical Consultants, LLC on January 1, 2020. The agreement with Moreland Altobelli (Atlas) was approved with the understanding that task orders associated with Construction Management Services would be issued on an as need basis. As such, Task Order #9 for said services has been submitted for review and approval.

Mayor Pro Tem Heath made a motion to approve task order #9 with Atlas Technical Consultants (Moreland Altobelli) for Construction Engineering and Inspection (CEI) Services on the roadway improvements on various city road projects. The second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

5. Community Development**Mr. Lester Thompson**

For Mayor and Council to approve the Margaret Street pedestrian improvements project contract award to The Corbett Group for an amount of \$303,836.00.

Mr. Thompson stated that the invitation for bid (IFB #21-005, Margaret Street pedestrian improvement project) was advertised on June 9, 2021. The work included the removal of existing curb and gutter and header curb, and the installation of new header curb and sidewalk on Margaret Street from W. Campbellton Street to Orchard Street. The scope of Add Alternate #1 includes pedestrian crosswalks to the north (W. Campbellton Street) and south (Orchard Street) of Margaret Street. Add Alternate # 2 includes milling, asphalt paving, the installation of traffic-print textured paving crosswalks, manhole adjustments and associated tasks. The bid opening date was July 14, 2021, at 3:00 pm at which time the four (4) bids received were opened and read aloud. After the bid evaluation, The Corbett Group was the lowest responsive and responsible bidder with a price of \$303,836.00.

Mr. Thompson recommended to Mayor and Council to approve the contract award to The Corbett Group for the Margaret Street pedestrian improvements project, (21-005).

Councilman Smallwood made a motion to award the Margaret Street pedestrian improvements project contract to The Corbett Group for an amount of \$303,836.00.

The second was provided by Councilwoman Portis-Jones. Vote: 6-0: Motion Carried.

6. Community Development**Mr. Lester Thompson**

For Mayor and Council to approve the 2021 roadway improvements on various city roads project contract award to Blount Construction Company for an amount of \$1,649,113.11.

Mr. Thompson stated that the invitation for bid (IFB # 21-004, roadway improvements on various city roads project) was advertised on June 9, 2021. The bid opening date was July 14, 2021, at 3:00 pm at which time the six (6) bids received were opened and read aloud. After the bid evaluation, it was determined that Blount Construction Company was the lowest responsive and responsible bidder with a bid price of \$1,649,113.11.

Mr. Thompson recommended to Mayor and Council to approve the contract award to Blount Construction Company for the roadway improvements on various city roads project, (21-004).

Councilwoman Davis made a motion to award the contract to Blount Construction Company for the roadway improvements on various city roads in the amount of \$1,649,113.11. The second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

7. Community Development**Mr. Lester Thompson**

For Mayor and Council to approve the Cora Robinson Park improvements project contract award to Frontier Design Build for an amount of \$427,637.00.

Mr. Thompson stated that the invitation for bid (IFB #21-003, Cora Robinson Park improvements project) was advertised on May 26, 2021. The work included the installation of a pavilion with brick piers on a concrete pad, decorative fencing, and an asphalt parking lot. The bid also contained an add alternate, the Dodd Street Community Plaza project. Across the street from the Cora Robinson Park, there is a triangular shaped, city owned

parcel that is envisioned to be a small plaza. The proposed improvements include pedestrian walkways a plaza area with a fountain, a small pavilion with brick piers on a concrete pad, seat walls and benches, hardscaping, new trees, and landscaping. The bid opening was June 30, 2021, at 3:00 pm at which time the six (6) bids received were opened and read aloud. After the bid evaluation, it was determined that Frontier Design Build was the lowest responsive and responsible bidder with a bid price of \$427,637.00.

Mr. Thompson recommended to Mayor and Council to approve the contract award to Frontier Design Build for the Cora Robinson Park improvements project, (21-003).

Mayor Pro Tem Heath made a motion to award the contract to Frontier Design Build for the Cora Robinson Park Improvements project, (21-003). The second was provided by Councilwoman Davis. Vote: 6-0: Motion Carried.

8. Community Development

Mr. Lester Thompson

For Mayor and Council to approve the Rivertown Road pedestrian improvements project contract award to The Corbett Group, LLC for an amount of \$760,532.520.

Mr. Thompson stated that the invitation for bid (IFB #21-002, Rivertown Road pedestrian improvements project) was advertised on May 19, 2021. The project is for installation of five-foot sidewalk and curb and gutter along the north side of Rivertown Road from the bridge just south of Magnolia Lane to Vogue Circle (approximately 3,100 linear feet). An add alternate to extend sidewalk along Rivertown Road from Vogue Circle to Virlyn B. Smith Road was included in the plans (approximately 1,600 linear feet). A second add alternate to add a rectangular rapid flashing beacon (RRFB) or a HAWK (high intensity activated crosswalk) and high visibility crosswalk at the existing ADA ramps near the bridge by Magnolia Lane was also included in the plans. The bid opening date was June 23, 2021, at 3:00 pm at which time the seven (7) bids received were opened and read aloud. After the bid evaluation, The Corbett Group was the lowest responsive and responsible bidder with a price of \$760,532.50

Mr. Thompson recommended to Mayor and Council to award the contract to The Corbett Group for the Rivertown Road pedestrian improvements project, (21-002).

Councilman Smallwood made a motion to award the contract to The Corbett Group for an amount of \$303,836.00, for the Rivertown Road pedestrian improvements project. The second was provided by Councilwoman Portis-Jones. Vote: 6-0: Motion Carried.

9. City Attorney

Mr. Randy Turner

For Mayor and Council to discuss and consider amendments to and/or repeal of City's mask mandate in response to COVID-19 transmission data. Mr. Turner stated that on July 8, 2020, the Mayor and City Council adopted an ordinance which in response to the COVID-19 health emergency, imposed a requirement with various exceptions that individuals entering business establishments within the City of Fairburn be required to wear a mask to slow the spread of COVID-19.

The Ordinance was programmed to remain in place so long as there was a state of emergency in place in Georgia regarding the COVID-19 health threat. As of August 13, 2021, there is no longer in place in Georgia by Executive Order of the Governor any declaration of an

emergency regarding the COVID-19 health threat, other than an Executive Order which continues an emergency period until August 29, 2021, as it relates to economic recovery from the effects of the pandemic. In this regard, the Mayor and City Council will need to decide whether to amend and renew the mask mandate ordinance or repeal same in the absence of a declared statewide emergency. Further consideration may be given to CDC guidelines which recommend masks in areas where there is a high transmission rate.

Mr. Turner recommended to Mayor and Council to discuss and consider amendments to and/or repeal of City's mask mandate in response to COVID-19 transmission data.

After discussion to amend the City's mask mandate, Councilman Whitmore made a motion to extend the mask mandate to the October 11, 2021, City Council meeting at which the Mayor and City Council will revisit this item. The second was provided by Mayor Pro Tem Heath.
Vote: 6-0: Motion Carried.

X. Council Comments:

Councilman Whitmore had no comment.

Councilman Smallwood had no comment.

Councilwoman Portis-Jones had no comment.

Mayor Pro Tem Heath had no comment.

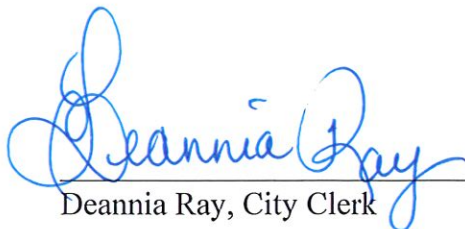
Councilwoman Davis had no comment.

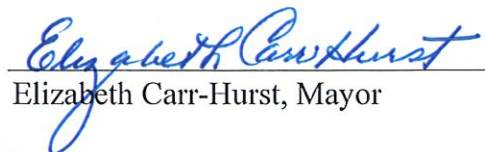
Councilman Pallend had no comment.

Mayor Carr-Hurst congratulated both Chapin Payne and Jada Berry on opening the pool. The pool will be open past Labor Day so people can enjoy being out and away from home.

XI. Executive Session – N/A

- XII. Adjournment:** At 11:03 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 Mayor Pro Tem Heath.
Vote: 6-0: Motion Carried.


Deannia Ray, City Clerk


Elizabeth Carr-Hurst, Mayor

