



**CITY OF FAIRBURN  
City Council Meeting Minutes  
City Hall  
56 Malone Street  
Fairburn, GA 30213  
December 8, 2014  
7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Ron Alderman  
The Honorable Elizabeth Hurst  
The Honorable Lydia Glaize

The Honorable Alex Heath  
The Honorable Marian Johnson  
The Honorable Hattie Portis-Jones

City Administrator:  
City Clerk:  
City Attorney:

Mr. Tom B. Barber  
Mrs. Brenda B. James  
Mr. Randy Turner

- I. MEETING CALLED TO ORDER: By Honorable Mario Avery.**
- II. ROLL CALL:** All Members of Council were present with the exception of Council Member Johnson which constituted a quorum.
- III. INVOCATION:** Provided by Mayor Mario Avery.
- IV. PRESENTATIONS AND AWARDS:**

Mayor Avery thanked everyone for coming out to the meeting. He thanked several staff members for the Breakfast with Santa. He commended Patrick McFadden, Melody Barnes, Barbara Brewster, D'Avante' Parks and a host of volunteers from Westlake High School for a job well done. He thanked the entire staff for the Fireworks Event on last Saturday. He presented a plaque to Commissioner William "Bill" Edwards for fourteen years of dedicated service with the South Fulton Region from the Mayor and City Council. He said we thought this would be fitting for a man who has done a great job for the City of Fairburn. He said when he became Mayor in 2010, there were major issues in the City and Commissioner Edwards created the Mayors Alliance which would meet once a month with the Mayors over South Fulton to discuss common ground issues. He said one of the things he learned to appreciate from Commissioner Edwards is to learn to disagree without being disagreeable. He said Commissioner Edwards has helped us with our vision for the City of Fairburn which has now created One Fairburn One family.

Commissioner Edwards said he was glad to have served Fairburn for fourteen

years. He said Fairburn is a great City with a great Mayor and Council and he thanked them for allowing him to assist the City. He said he and the Mayor have a great relationship and they will continue to have a good relationship. He said he will be available at any time to assist any Member of Council.

Mayor Avery spoke on the 160<sup>th</sup> Birthday for the City of Fairburn, October 1, 2014. He said the Fairburn Festival and Parade was phenomenal with the Alabama State Band and the Georgia Air Show. He thanked everyone from the President's Office to the State and Local Officials who celebrated the event with the City. He also recognized those individuals and companies who supported this event.

Mayor Avery presented the following Awards.

**Bronze Sponsors \$1000.00+**

Advance Disposal  
American Water  
Brenau University  
Falcon Design  
Gas South  
Green Oil  
Peagus Properties  
Radco  
Schneider  
S. J. Collins  
Strack Incorporated  
US Foods

**Silver Sponsors- 2000.00+**

Adesa Car Auction  
Owen Corning

**Gold Sponsors-\$3000.00+**

Nestle Purina

**Presenting Sponsors-\$5000.00+**

Preswick Companies

**Supporter Sponsorship of \$500+**

The Animal Clinic  
Georgia Military College

Metro Corp  
Norstar  
The Collaborative Firm LLC  
Turner and Ross  
Waste Industries

**Friends of the Festival \$300.00+**

GTS  
Holly Hills Funeral Home  
Smith, Gabriel and Russell, LLP  
Stevenson Incorporated

**In-kind Donations**

Great Georgia Airshow  
Eric Berry Foundation  
Your Special Events  
Fairburn Pawn Shop  
Atlanta Corvette Clubs

**Honorable Mentions**

Team Echols Foundation

Mayor Avery presented a plaque for the best float to the Parks of Durham Lakes who has won for the 4<sup>th</sup> year. He also presented a plaque to American Water Enterprise for having the most creative float. Mayor Avery thanked Atlanta Corvette Club for their in-kind donation in providing an escort service for all of the elected officials who attended the event.

Mayor Avery said on behalf of the six Members of Council he would like to extend his gratitude that we believe we have made a mark in this region that will be talked about for decades. He thanked everyone for their support.

**V. PUBLIC COMMENTS:**

1. Christine Martin, 350 Windsor Way, Fairburn, GA. 30213 thanked the City Council for all the work being done and said the downtown decorations looks great.
2. Michael Reynolds, 4 NW Broad Street, Fairburn, GA. 30213 said he is the owner of the Mia Furniture Store and welcomed everyone to his store. He thanked the Mayor and Council for all their support.

**V. ADOPTION OF THE AGENDA:**

Council Member Glaize made a motion to adopt the Agenda for December 8, 2014 placing items 1, 2, 4 and 5 on Consent Agenda and adding item #7 Submission of Application to join the Lets Move Initiative with NLC. Council Member Heath provided the second. **The motion carried.**

**VI. APPROVAL OF CONSENT ITEMS:**

Council Member Heath made a motion to approve the following Consent Items:

1. Approved the cancellation of the December 22, 2014 City Council and Workshop Meetings.
2. Approved the Resolution authorizing the Mayor and Council to establish Qualifying Fees for the 2015 General Election. Per O. C. G. A. 21-2-131 Qualifying Fees must be by February 1 of the Election Year.
4. Approved the Task Order FCD 2014.10-Walking Trail Plans for Rivertown Road in an amount not to exceed \$1000.00.
5. Approved the purchase of 2015 Ford Explorer for Assistant Fire Chief from Allan Vigil Ford Government sales in the amount of \$25,000.00.

Council Member Alderman provided the second. **The motion carried.**

**VII. APPROVAL OF THE MINUTES:** Council Minutes of November 10, 2014

Council Member Alderman made a motion to approve the Minutes of November 10, 2014 with Council Member Glaize providing the second. **The motion carried.**

**VIII. APPROVAL OF CONSENT ITEMS:**

3. Increase of the Pension Benefit of Elected Officials

Council Member Hurst made a motion to approve the General Addendum to the GMEBS Adoption Agreement and to also approve an ordinance to amend and restate the Retirement Plan for the Employees of the City of Fairburn, Georgia to increase the GMEBS monthly normal Retirement Benefits for Elected Officials from \$13 per month to \$48 per month per year of service, effective January 1, 2015. Council Member Heath provided the second.

Council Member Glaize asked if this is retroactive. City Administrator Tom Barber said everyone in service as of January 1, 2015 is eligible. He

said the people who have served before are not eligible, however; this will cover all of the years of service for those who are in service as of January 1, 2015. Council Member Glaize asked if there was any other clause added to this amendment. City Attorney Randy Turner said no.

Council Member Alderman said vesting time for this is 5 years. Mr. Barber said that has not changed and 5 years is the vesting time for employees. After speaking with David Johnson Human Resource Director, Mr. Barber said there is no vesting time for Elected Officials.

Council Member Hurst said this document not only includes Elected Officials it also includes City of Fairburn Employees. Mr. Barber said yes this is our Pension Plan. Council Member Hurst asked if there were any changes for our employees. Mr. Barber said no. Council Member Hurst said at one time there was a clause which said if an employee retire from the City of Fairburn and run for City Council, they would still be able to draw their retirement. Mr. Barber said yes.

Council Member Portis-Jones asked what research was done to show how the City of Fairburn falls as it relates to Pension Benefits to Elected Officials, both in terms of the amount as well as the retroactive. Mr. Barber said they polled the same cities used for the Elected Officials salary increase for Council. He said the Council picked from the range of benefits seen from other cities. He said we did not specify the language of what was retroactive and what wasn't retroactive. Council Member Portis-Jones asked did we discuss what was retroactive. Mayor Avery said yes.

Council Member Portis-Jones made a substitute motion that the Pension Benefits are \$48.00 per month effective January 1, 2015 but it is not retroactive from the initial years of service. The motion died for the lack of a second.

Council Member Glaize said it appears we do not have clarification of how the Pension Plan is calculated and when it starts.

Mr. Barber said each Elected Official will be paid \$48.00 per month for each year-of-service.

Council Member Glaize said she now understands what Council Member Portis-Jones is saying. She said the pension increase had everything to do with the increase in salary going forward and it should not be retroactive.

Council Member Glaize made a substitute motion to approve the \$48.00 per month to start at the year-of-service for January 1, 2015 and not retroactive. Council Member Portis-Jones provided the second.

Mayor Avery asked about the hours he has spent to now and said he believes he has earned the pension package.

Council Member Portis-Jones said she agrees with the Mayor and that is why the pay raise for Council was approved. She said she disagrees that it goes back and it should not be retroactive.

Mayor Avery asked for a vote on the substitute motion.

**After discussion, the substitute motion failed with Council Members Portis-Jones and Glaize voting “Yes” and Council Members Hurst, Heath and Alderman voting “No”.**

Mayor Avery asked for a vote on the original motion.

**The original motion passed to approve the General Addendum to the GMEBS Adoption Agreement and to also approve an Ordinance to amend and restate the Retirement Plan for the Employees of the City of Fairburn Georgia to increase the GMEBS monthly normal Retirement Benefits for Elected Officials from \$13 per month to \$48 per month per year of service, effective January 1, 2015. Council Members Hurst, Heath and Alderman voted “Yes” and Council Members Glaize and Jones voted “No”.**

**6. Variance Application for Landscaping Ordinance for Oakley Distribution Center**

City Planner, Tarika Peek gave a presentation of the Variance Application for Landscaping Ordinance for Oakley Distribution Center. She said the applicant is requesting a Variance for the Landscaping Ordinance and the development was considered a Development Regional Impact (DRI). She said it was reviewed by ARC and GRETA. She said the Variance was presented before the Planning and Zoning Commission and staff is recommending approval.

Council Member Heath made a motion to approve the Variance Application for Landscaping Ordinance for Oakley Distribution Center with Council Member Alderman providing the second.

Council Member Glaize spoke about the Landscape Architect and said if he made a recommendation for all the trees to be replaced, then we should listen to him. She asked who the architect was and if we have a copy of the recommendation saying this site could hold all the trees to be replaced.

Ms. Prince said the City’s Landscaping Architect is Rick Sewell and he is also the author of the Landscaping Ordinance. She said Mr. Sewell sent

his recommendation to them by email. Council Member Glaize said if the architect recommended putting the trees back on the property, why staff recommended the opposite. Ms. Prince said she asked them in the staff memo to list it as one of the conditions to meet the requirements of the Landscaping Ordinance. She said the Variance is up to the Council.

Council Member Hurst asked why Mr. Sewell's recommendation was not given to Council and how did the applicant come up with \$15,000.00. Ms. Prince said she does not know. Mr. Barber said he asked them that question and what happened is when we discussed the Treebank with Trammell Crow they were building a 317,000 square ft. building. So the applicant had a discussion with Trammell Crow regarding an amount of \$5,000.00 and they tripled the amount. He said there is nothing related as tree purchase per say. Council Member Hurst said she had a tree cut from her yard and one tree cost her \$180.00 and she is a little confused with the \$15,000.00 and she does not want anyone to come into our City thinking they can make an offer of a certain number of dollars and its ok. She asked if the Treebank is operational. Mr. Barber said no. She said we are initiating things that are not operational and she is not comfortable with the \$15,000.00. She said she would like for the landscape person to be present at the meeting.

Council Member Heath asked if the Variance was approved by the Planning and Zoning Commission. Mr. Barber said the Variance comes to Council. He said the Conceptual Site Plan is approved but one of the conditions is for Council to resolve this issue.

Council Member Portis-Jones asked about the Regional Review Findings from ARC. She asked if the findings could be shared with Mayor and Council.

City Engineer Jeff Winston said the comments are centered around the traffic and drainage spaces. He said ARC is concerned about in the DRI under the heading titled Regional Review Findings, ARC listed the following recommendations. They said the proposed Distribution Center is located in an area that is rapidly becoming dominating by industrial usage. Additionally questions have been raised regarding the spacing of the existing and purposed driveways as well as the conditions of the existing roadways and whether or not they can accommodate the existing and purposed driveways; and whether or not they can accommodate the additional traffic. He said ARC said the City of Fairburn should work with the developer, the neighboring jurisdictions, GDOT and other affected agencies to insure that the roadway network in this area can handle the existing and expected truck traffic. He said Fayette County was also concerned with the traffic congestion and one of the things he recommended was that the applicant provides a Geotechnical Report to

confirm that Fayetteville Road could support the additional traffic that it will be subjected to because of this development. In addition to the traffic concern, there was also a concern about the small water supply watershed. He said what that equates to is the Georgia Department of Natural Resources has an ordinance in affect when a small water supply is impacted because there is a development forthcoming. The White Water Creek supplies water to Fayette County so they can withdraw water anytime you are within a certain distance and with this instance it is within seven miles. He said these are the conditions recommended by ARC and City Staff.

Council Member Portis-Jones said the applicant is coming before Council today to get approval on the Tree Ordinance. Mr. Winston said yes. Council Member Portis-Jones asked about the process and is there more work that has to be approved. Mr. Winston said no, the process as it relates to traffic and water supply have been approved by the Planning and Zoning Commission. He said he would have to make sure the applicant follows all of the conditions as it relates to those items.

Council Member Portis-Jones asked about the average pricing of a tree that a governmental body would spend. Ms. Prince said we are looking at a 2inch Red Maple Tree which is the most common tree used for a Landscaping Plan and they are priced from \$150-\$250 per tree.

Council Member Hurst said she wanted to be clear that when the Planning and Zoning Commission met on December 2, 2014 they approved this contingent upon the Landscaping Plan of the City of Fairburn. Ms. Prince said it was approved based on the Landscaping Ordinance which could be done by submitting a Variance or a Landscaping Plan. She said at that time they knew a Landscaping Variance Application had been submitted to the City Council, so they made their recommendation with that in mind.

Mayor Avery asked about the conditions required to be met for a Variance regarding certain criteria's regardless of personal preference and if the person meets the standard guidelines established by the City. City Attorney Valerie Ross said yes, it is subject to criteria's laid out in the ordinance and if the applicant shows a hardship whether it is based on size or topography, then the Council would grant a Variance. Attorney Ross said the condition is whether it met the Landscape Ordinance but the issues were whether or not it can meet the Landscape Ordinance on its face or through the variance process. Mayor Avery asked if the Variance is denied, what happens with the project. Attorney Ross said the applicant would have to answer that question. She said Council would have to decide whether or not Council believes they meet the hardship.

Council Member Glaize said the Variance is before us and it is saying the



applicant cannot put back the seven hundred trees and are willing to put back ½ of the trees and pay \$15,000.00. She said we received a Variance from Trammell Crow and received nothing for the Treebank. She said another company follows and based their fact on that Trammell Crow told someone that they were giving the City \$5000.00. She said we heard this in the street and never received a document. So based on what happened they received a Variance and we received no trees. So this company is now coming in saying we want to follow the same precedence but we will give something. She said this is arbitrary and is not based on factual information. She said the Variance say 2 ½ in diameter not 2.0 for the trees that would be replaced, so there is a difference in price; and now we are talking about a difference in the size of trees for what is in the variance. She said this applicant is following the same pattern of another applicant. She said this is what happens when you do not stick with the intent of your Treebank and the size of the trees that we have suggested. She said our health and welfare is contingent upon how ecologically and environmentally we move business in our corridor in a safe manner so that we breathe good air twenty and forty years from now. She said she does not have enough information to grant a variance but she appreciates all the work that has been done by staff, the Legal Department and Jahnee Prince of the Collaborative Firm.

Council Member Hurst asked was a hardship posed to Planning and Zoning or was this the first time we are hearing about a hardship. Ms. Prince said no, the Tree Variance was not discussed at any length at the Planning and Zoning Meeting, it only comes to Council. She said she did mention to the Planning and Zoning Commission that an application for a variance was submitted to Council.

Council Member Portis-Jones asked why staff proposed a recommendation opposite from the landscape architecture. Mr. Barber said Rick Sewell's responsibility as the Landscape Architect is only to consider the Ordinance and the staffs responsibility is to recommend to Council whether it is either a demonstration of a hardship or not. He said the property owners and developers have demonstrated a hardship. Council Member Portis-Jones asked why there was no recommendation for the business to replace 326 trees or to add an equivalent amount of the trees in the Treebank. Mr. Barber said they did not require any contribution to the Treebank. He said the developer has hired a Landscape Architect who has worked with the landscape buffer that exist by spacing the trees to an eventual mature size and the numbers just came out the way they did. He said the actual requirement in the Landscape Plan was an actual 2,100 tree density units. He said the vast majority is being met and the difference was around 700 units. He said out of that they can plant 672 trees that would cover 400 of the 700 units. So there are 326 units that would not be met which would be the benefit of awarding the hardship. So staff is

recommending Council award the Ordinance based on a demonstrated hardship in the acres under power lines and the acres of the stream buffer.

Council Member Heath asked about the number of trees. Mr. Barber said there are 382 tree density units and 672 trees that they can plant and there is a tablet in the Ordinance that awards a tree density diameter.

City Attorney Valerie Ross said the only objective criteria's are listed on page 4 of the Landscaping Ordinance Variance Application which outlines what should be considered. **After much discussion, the motion failed with Council Members Hurst, Glaze, Portis-Jones, Heath and Alderman voting "No".**

#### 7. Submission of Application to join the Lets Move Initiative with NLC

Council Member Portis-Jones gave an overview presentation for the adoption of the Let's Move Initiative. She said she presented the initiative back in April of this year after learning the details of this initiative from the National League of Cities Meeting in March, in Washington D. C. She said she also followed up on a presentation from the Regional Human Service Office who further explained the pandemic obesity across the country. So she is asking the Mayor and Council to join in with numerous cities in the State of Georgia who are a part of this initiative. She said there are 5 goals that the initiative is asking us to strive for and many are some things that we are doing. She said it will elevate many of the things in the Comprehensive Plan from the community who spoke to us being an active and healthy community; and providing green space; and sidewalks. So this is a formalized way for us getting recognized for the work that we are already doing. She said it is an electronic submission to the NLC and the White House is stating that we want to join this initiative and once we are approved by the governing body, we must identify an Elected Official to take the lead on the initiative as well as a staff person to work on coordinating events.

Council Member Heath made a motion to approve for Council member Portis-Jones to serve as the Elected Official with Council Member Glaze providing the second. **The motion carried.**

Council Member Hurst made a motion for the City to prepare and submit an application to the NLC to become a Let's Move City Initiative and for Council Member Portis-Jones be designated to be the representative with Council Member Alderman providing the second. **The motion carried.**

#### **Discussion of the Fairburn Youth Leadership Academy**

Torri Martin Executive Assistant to the Mayor said he and the Events

Coordinator D'Avante' Parks have been working on a project requested by Mayor Avery to build relationships with the community with emphasis on the youths and the local schools. After consulting with the Fulton County Board of Education they were able to partner with Dr. Robert Avossa Superintendent for the Fulton County School System and Dr. Donald Fennoy II Area Superintendent for Fulton County School System. He said they have developed the Fairburn Youth Leadership Academy which will bring youths in 4 days out the course of the spring semester, 1 day of each month from January through May. He said they will focus on leadership and leadership development. They are sending out application packages to Langston Hughes, Creekside, Bear Creek and Renaissance Schools. He said they will select up to 5 students from each school who are participating in programs such as ROTC and Student Government Associations and in the future they will open up to more kids if this is well received. He said we are looking forward to this partnership with the Fulton County Board of Education. Council Member Glaize asked how was Landmark Christian School left out. She said do not leave out Landmark Christian School because they want to participate. Mr. Martin said he would see if they could be included.

Council Member Heath asked if there would be a cost to the City. Mr. Martin said the budget they have set is \$4000.00 which would include lunch supplies and transportation for the youths. The class will be on the 4<sup>th</sup> Tuesday of each month at GMC Campus.

#### **IX. MAYOR AND COUNCIL COMMENTS:**

Council Member Portis-Jones congratulated former Council Member Frankie Arnold for receiving an award for being Fairburn's first African American Council Member. She congratulated Commissioner "Bill" Edwards who received the same award and thanked him for all of the work he did for the citizens of the South Fulton Area; and particularly for the work he did for the City of Fairburn. She said this is the last meeting for 2014 and her first year of serving on the Council. She thanked staff and citizens who have made this transition for her an enjoyable and challenging one. She said this has allowed her to provide her skill set and foresight vision to be their voice in implementing what they want. She wished everyone a Merry Christmas and Happy New Year.

Council Member Glaize said this is the time of year for good news and glad tidings for those who are Christians and believes in the birth of Jesus Christ. She thanked D'Avante' Parks for starting the City off in celebrating the Lords holiday with the Tree Lighting Event. She said the decoration was excellent and thanked him for the work he has provided for the citizens in this great city. She said he cannot do it alone, so she thanked all those who work for the city. She commended the Mayor and Council for all the hard work they have done. She also thanked the legal staff who guides them. She said they are very

appreciative of the kindness and for the delicious meal prepared for them to celebrate the holiday. She thanked Gene Fritz for all the work he has done and wished everyone an enjoyable safe holiday. She thanked God for our new City Engineer Jeff Winston and said she was very glad to have him. She welcomed the new City Planner Tarika Peeks and thanked her for the work she has done tonight. She congratulated the Parks of Durham Lakes for being the winner for the Best Float Contest for 4 years and said she appreciates the hard work they put into the city. She said there are so many people present in the audience tonight and if they were not sitting where they are sitting and doing what they do for us we could not have this great city. She said she is honored to serve with the constituencies and all the 15,000 people in the City of Fairburn. She wished everyone good tidings, great joy, and said God bless you.

Council Member Hurst thanked Frankie Arnold who is the first African American Council Member in Fairburn. She said they honored her on Saturday and it was a very enlightening and humbling experience with her. She thanked Bill Edwards for his fourteen years of service. She thanked the employees for working with them and said she knows they are not always the most pleasant people but they try to be. She welcomed the City Planner Tarika Peeks onboard and said this was an initiation tonight but she knows she can do the job. She thanked the staff for the food and said it was fantastic. She said it is always humbling when someone thinks to do something nice for you. She said as she enters into her 8<sup>th</sup> year on the City Council, it has truly been an experience from day one until today and if she had the choice to do it again she would because she has learned so much and she hopes she has touched some lives. She said everyone who knows her knows that she is an employee person, she believes in the employees because they are our future. She said they are just like family and if we do not have good employees we cannot move forward as a city. She wished everyone a very Merry Christmas and a really prosperous New Year; and may everything you wish for in the New Year God so richly blesses you with it. She said among those things may you have good health and maybe some wealth.

Council Member Heath said because he was a former employee with the City he knows the employees are important. He said with all the things that have progressed in the City he can see the downtown area starting to blossom. He said we have added employees who have really added to the City like D'Avante Parks who has done so very much. He said through it all our employees are our backbone and our base; and without them we would get nothing accomplished. He said sometimes it seems that some of the people are forgotten but the holiday season seems to bring everyone together. He said he is so thankful to be on the Council. He said last year he thought he had seen the maximum but this year with the amphitheater and the way it was decorated surpassed anything he could ever imagine. He said we stress to our managers that our employees are the best. He said we hope and pray that we

convey this to our employees. He said our employees are not only important at Christmas time but throughout the year. He said there are many events that take place throughout the year and our Street, Fire and Police Departments makes sure everything is a success. He said it is really phenomenal to see an organization of over 100 employees work together to accomplish a task. He wished everyone a Merry Christmas and Happy New Year.

Council Member Alderman spoke about Frankie Arnold who was a former Council Member. He said they served together for 8 years and had some great times together going on different trips. He said he appreciates Mrs. Arnold and thinks the world of her. He said he has known Bill Edwards for many years and they worked together on commercial real estate. He said he appreciates him so much. He said Gene Fritz will be missed in his retirement and he wished him the best. He echoed everything that has been said about our city. He said the fireworks and decorations have added so much to our city. He said no one has better employees than our City and it is very rewarding to know that when you ask someone to do something they will do it. He thanked the City Attorneys and everyone who advise them. He said to remember Jesus is the reason for the season and if you do not know him he hopes you do get to know him. He wished everyone the greatest Christmas and a prosperous New Year.

Mayor Avery said we have a great staff and a lot of help from other departments. He welcomed Ms. Peeks to our city. He said we are “One Fairburn One Family” and one of the things he is so proud of is that we address our issues and move forward. He thanked our sponsors and everyone who worked with the festival. He said this City has made a mark in this region that will be talked about for decades. He welcomed our new District Commissioner Emma Darnell.

#### **X. ADJOURN COUNCIL MEETING:**

Council Member Alderman made a motion to adjourn the meeting at 8:45 pm to go into Executive Session for a personnel and legal matter with Council Member Heath providing the second. **The motion carried.**

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Brenda B. James City Clerk

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Mario Avery, Mayor