



**CITY OF FAIRBURN**  
**City Council Special Called Meeting Minutes**  
**City Hall**  
**56 Malone Street**  
**Fairburn, GA 30213**  
**November 5, 2014**  
**6:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Ron Alderman  
The Honorable Alex Heath  
The Honorable Marian Johnson

The Honorable Lydia Glaize  
The Honorable Elizabeth Hurst  
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 which constituted a quorum.

**III. AGENDA ITEMS:**

- 1.** Approval of the Task Order #2 for Astra Group at the Fairburn Downtown Plaza, Stage and Restroom to add part 1 of Alley revisions per Rev. 1.0 dated 8-19-14

Council Member Glaize made a motion to approve the Task Order #2 for Astra Group at the Fairburn Downtown Plaza, Stage and Restroom to add part 1 of Alley revisions per Rev. 1.0 dated 8-19-14. Council Member Heath provided the second.

Council Member Heath asked if this is the piece of property behind the theatre. Mr. Ross said yes.

Council Member Portis-Jones said for clarification is this the area owned by the theatre. Mr. Ross said yes. She asked if there has been a pattern of water backup at the theatre because of the land elevation and has it happened before. Council Member Johnson said yes, the water flows down and there is a ditch between the two buildings but Mr. Ross said he could correct the issue. Mr. Ross said since they have been on site they have been called twice because water has gotten into the theatre, which

has made the issue worse. Council Member Portis-Jones asked if this is a result of us being there or has this happened before. Mr. Ross said it has happened prior to but they have exacerbated it by changing grades and removing the asphalt. Council Member Portis-Jones asked if it was because of the grading or the sewer pipes. Mr. Ross said because of the existing condition, the theatre property is lower than the City's property and hard down pours from the site causes the pipes to clog up.

Mayor Avery said after the next several down pours, who will be responsible once we make changes. Mr. Ross said what is being done will fix the problem. Council Member Portis-Jones asked when the problem gets addressed is it the City's responsibility. Mayor Avery said the City Attorney Randy Turner will provide information regarding who will be responsible.

Council Member Glaize asked if we could get a document from the theatre to not hold us liable and held harmless.

Mayor Avery asked Council Member Johnson to abstain from voting. He said she does not have to, however; this was recommended by the City Attorney Randy Turner in an effort to avoid the appearance of impropriety. Council Member Portis-Jones asked why she did not have to abstain because of the issue she has with St. John A. M. E. Church. Mayor Avery said she does not have to abstain because there is no financial interest.

Council Member Johnson said she is a Member of the Executive Board and she does not own the theatre but she certainly has an interest in it.

Council Member Alderman asked if the pipes will be taken out of the area behind the theatre. Mr. Ross said the pipes will be plugged and there will be a barrier installed wall to wall and no water will go in the building. Council Member Alderman asked would the water go over the barrier. He said they are creating a bridge and a massive flood is the only way there would be an issue.

Council Member Hurst said when they came out to the site on Monday there was a fence up, and asked if the location for the work that is being done start from the fence back to building. Mr. Ross said the work will be approximately 15-16 feet from the fence located at the corner. She asked if our spot is higher than the theatre. Mr. Ross said yes, but we will grade it and repair the issue. Council Member Hurst said for the record she had an issue spending the City's money until she visited the site because she does not want anyone coming to her and asking why we changed our minds and voted for this. She said she wanted to be sure of the space. She said she does not want to flood the theatre and if nothing is done, it will

look raggedy. She said she will be discussing some issues on Monday night regarding the theatre.

Council Member Portis-Jones said she agrees with the comments made by Council Member Hurst. She said the tree and tree stump could cause major problems.

City Clerk Brenda James asked would an easement be required. Mr. Ross said he is not sure if the easement is necessary. Mayor Avery said he would be contacting the City Attorney regarding the easement.

Council Member Glaize amended her motion to approve the Task Order #2 for Astra Group at the Fairburn Downtown Plaza, Stage and Restroom to add part 1 of Alley revisions per Rev. 1.0 dated 8-19-14 pending any required legal documents. Council Member Heath provided the second. **The motion carried.**

#### **IV. ADJOURN COUNCIL MEETING:**

Council Member Alderman made a motion to adjourn the meeting at 6:20 pm 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