

City of Fairburn
Mayor and Council Meeting Minutes
October 25th, 2021 via Zoom

- I. Call to Order: The meeting was called to order at 7:00 PM by the Honorable Mayor Carr-Hurst.
- II. Roll Call: The roll was called by Mayor Elizabeth Carr-Hurst with the following members present: (The roll was called by Mayor Carr-Hurst due to the medical absence of City Clerk, Mrs. Deannia Ray and the council had not approved a temporary clerk.)

Mayor Elizabeth Carr-Hurst
Councilwoman Linda J. Davis
Councilwoman Hattie Portis-Jones

Mayor Pro Tem Alex Heath
Councilman Pat Pallend
Councilman James Whitmore

Member Absence: Councilman Ulysses J. Smallwood

The attendance of Council constituted a quorum.

- III. Invocation: The invocation was given by Apostle Danita Jones of In His Great Name Ministries.
- IV. Adoption of Mayor and Council Meeting Minutes from the October 11th, 2021 meeting. The motion to approve was made by Mayor Pro Tem Heath and the second was provided by Councilwoman Davis.
Vote: 5-0: Motion Carried.
- V. Adoption of the Mayor and Council Meeting Agenda: The motion to approve was made by Councilman Whitmore and the second was provided by Mayor Pro Tem Heath.
Vote: 5-0: Motion Carried.
- VI. Discussions: None
- VII. Public Comments:

1. Ms. Ciamaruel Fears located at 6063 Autumn Green Drive, Fairburn, Georgia. Ms. Fears stated, "I'm asking that the City Council vote no in the subdividing of the plat for the three tracks." She also expressed concerns about the large utility poles located off exit 61 and she would like to have them removed. She has spoken with both DOT and the City of Fairburn.
2. Mr. Warren Tillery located at 2200 Ferry Court, McDonough, Georgia and representing the Trinity Fairburn, LLC. Mr. Tillery stated he is an attorney with Smith, Welch and White. He represents the applicant of the subdivision plat that the council will be voting on. This is for the Highway 74 and Meadow Glen Parkway. He stated the plat approval process was basically a device that would allow his client to buy one of the three tracks and there is a separate process for land determination and for specifically site development for the other two tracks. He further stated it cannot be divided off and his client does not have any ties to the remaining two lots. He stated the planning and zoning commission had recommended approval. He informed Mayor and Council there would be an engineer on the call if they had further questions.

VIII. Agenda Items:

1. Office of the Mayor

Mayor Elizabeth Carr-Hurst

Appointment of Temporary City Clerk. For the Mayor and Council to approve the appointment of Ms. Shana Moss as the temporary City Clerk for the City of Fairburn from October 13th, 2021-November 13th, 2021. Mayor Hurst stated City Clerk, Mrs. Deannia Ray went on sick leave on October 13th, 2021 and the city had to have documents executed. Mayor Hurst stated November 13th was an approximate date and she sent a prior email to all members of council to contact her if they had questions prior to the meeting. She did not receive an email from any member of the council. She stated Mrs. Ray could possibly be back this week or next week from the information that she had received from Mrs. Ray. Councilwoman Davis stated she had concerns the appointment stated October 13th and today was October 25th and November 13th, 2021 was on a Saturday.” How can we do an appointment with a backdate date of October the 13th?” Mayor Hurst stated she had a conversation with City Attorney Turner about the clerk and he suggested it was permissible to proceed. The council went back and forth about the dates of October 13th-November 13th, a month of working for Fairburn. Mayor Hurst stated she only stated a month, but it could end sooner. Councilwoman Davis stated the city was in the middle of an election and initially the city had some issues, and she was concerned about who (Clerk) would be monitoring the polls. Mayor Hurst stated Ms. Moss was solely working virtually and that the city paid Fulton County to monitor the election and any activities associated with the election. Councilwoman Davis stated she had spoken to Mrs. Deannia Ray on October 25th and Mrs. Ray stated she would return to work on Wednesday October 27th, 2021. Councilwoman Davis further asked, “if Mrs. Ray was given an opportunity to work from home.” Mayor Hurst stated she was on sick leave and was not in any condition to be working from home and no one can be on sick leave and working from home. Councilwoman Portis-Jones stated this has happened twice in the last 6 months when Ms. Moss has had to step in. She wants to revisit the budget and hire an assistant clerk. The city needs those skills and expertise, the position is too critical in the operation of the city. The clerk has many legal responsibilities and Fairburn cannot continue to afford not having a clerk. Mayor Hurst stated she was in total agreement, and no one plans sickness it just happens, and they needed someone to step in while/when the clerk is sick. Councilwoman Davis asked how does Ms. Moss work virtually? Mayor Carr Hurst states documents are sent electronically, and Ms. Moss is familiar with JustFOIA the city’s open records software, and she is familiar with the department and who to route them too. Councilman Pallend stated if Mrs. Ray is coming back in a few days, we are glad. In the interim we need someone to take care of what the city needs. Let’s modify the dates and proceed. The Council modified the dates as October 13th-November 5th. The motion to approve was made by Councilman Pallend and the second was provided by Mayor Pro Tem Heath.

Vote: 5-0: Motion Carried.

2. Planning and Zoning

Ms. Tarika Peek

For Mayor and Council to approve the Highway 74 and Meadow Glen Parkway Final Plat. Ms. Peek stated you have before you the Highway 74 Meadow Glen Parkway Final plat. The applicant Forsyth Group is requesting to subdivide a 9.511-acre parcel at the intersection of Hwy 74, Senoia Road and Meadow Glen Parkway into 3 tracks. The tracks are subdivided as follows. Track number one 5.275 acres, Track number two .953 acres and Track number 3 1.283 acres. The plat meets the city’s subdivision regulations and code of ordinances, such as the minimum lot size and lot frontage setbacks and buffer standards. The Planning and Zoning Commission unanimously approved the plat. On Tuesday September 5th the staff recommended approval. The planning and Zoning Commission unanimously approved the plat which will allow the applicant to record the plat with Fulton County Superior Court. Councilman Pallend stated that

perhaps some additional time be given and to table this item to allow for further discussions. Attorney Meredith Germain was present and Mayor Hurst asked was it acceptable to accommodate Councilman Pallends's request? Attorney Germain stated the last time it was tabled was in September. She stated it would require a motion and second. Councilman Pallend made a motion to extend to 30 days and the second was provided by Councilwoman Davis.

Vote: 5-0: Motion Carried.

3. Utilities Department

Mr. John Martin

For Mayor and Council to approve Task Order # 144 with Integrated Science and Engineering, Inc. (ISE) for the 2021-2022 Impaired Waters Sampling of Whitewater Creek and Trickum Creek in the amount of \$ 13, 100. The agreement with ISE was approved with the understanding that task orders associated with civil engineering, water, wastewater and water resourced engineering would be needed on an as needed basis. All results will be provided in an Annual Water Quality Monitoring Report and included in the City's 2021-2022 Phase I NPDES MS4 Annual Report. The city entered into agreement with integrated Science in August 14, 2017 for professional services. The motion to approve was made by Councilwoman Portis-Jones and the second was made by Mayor Pro Tem Heath.

Vote: 5-0: Motion Carried.

4. Utilities Department

Mr. John Martin

For Mayor and Council to approve Task Order#145 with Integrated Science & Engineering, Inc (ISE) for the 2021-2022 NPDES Phase I Compliance Activities in the amount of \$ 22, 870. Mr. Martin stated that this order was entered into a master service agreement with ISE on the same approximate date of August 14th, 2017. This task order is to conduct Phase I MS4 inspections of storm drain structures in the Deep Creek watershed to inspect 20% of industrial facilities and to document conditions and produce the required reports for the City's 2021-2022 Phase I NPDES MS4 Annual Report. The motion to approve was made by Mayor Pro Tem Heath and the second was provided by Councilman Whitmore.

Vote: 5-0: Motion Carried.

5. Community Development

Mr. Lester Thompson

For Mayor and Council to approve the Change Order #4 Downtown LCI Streetscape Project for an amount of \$ 12,972.00. Mr. Thompson stated during construction activities, the Contractor (P2K) for Downtown LCI Streetscape Project discovered a conflict with an existing drainage system and proposed drainage structure A1,2., and the wall footing of proposed Wall E located at the proposed steps to be installed at the former Smith Street Underpass. The design consultant (Santec) instructed the Contractor to demolish the existing blind junction box and replace it with a section of similar pipe using concrete collars to connect the remaining pipes. The Contractor's response to those instructions resulted in the submission of Change Order Proposal # 4 for an amount of \$ 12, 972.00 to resolve this conflict. The motion to approve was made by Mayor Pro Tem Heath and the second was provided by Councilman Whitmore.

Vote: 5-0: Motion Carried.

6. Community Development

Mr. Lester Thompson

For Mayor and Council to approve the Change Order # 5 Downtown LCI Streetscape Project for an amount of \$ 47,600.00. The Downtown LCI Streetscape project includes the rehabilitation of the former Smith Street underpass into a pedestrian walkway and plaza space. This will include a brick staircase, ADA ramp and aesthetic improvement to the underpass including painting. Mr. Thompson stated the city has received several complaints about the appearance of the CSX Railroad underpasses located at SR 92 (E. Campbellton Street) and Cole Street. The painting of the former Smith Street underpass is already included in the Downtown LCI Project Scope, the

staff thought it would be feasible to address this issue. To resolve the project, a Change Order Proposal to paint the underpass for an amount of \$ 47,600 and this price is based on the existing unit price of (\$23,800) in the contract. The motion to approve was made by Councilman Whitmore and the second was provided by Councilwoman Davis.

Vote: 5-0: Motion Carried.

7. Community Development

Mr. Lester Thompson

For Mayor and Council to approve Change Order # 6 on the Downtown LCI Streetscape Project for an amount of \$ 148,987. 45. The downtown LCI streetscape scope includes the modification of the intersection of West Broad Street onto West Campbellton Street from West Broad Street to accommodate the installation of pedestrian plazas and the removal of the southbound right turn lane from W. Broad Street onto W. Campbellton. This would reduce the 35-foot radii at W. Campbellton Street to 25 feet and would reduce the width of the travel lanes on W. Campbellton Street from 12 feet to 11 feet. Mr. Thompson stated that since the project began the city has received numerous complaints regarding the change in access onto W. Campbellton Street from W. Broad Street. The design consultant was asked to revise the plans to increase the turning radii at the intersection from 25 feet to 35 feet. The primary items that would be adjusted would be the curb, grass strip, concrete sidewalk/banding, handicapped ramps, exterior benches and limits of the interior pavers. There will be adjustments to the utility lines to place them in relation to the grass and concrete. After completion of the plan revision the Contractor (P2K) was asked to provide a change order proposal to implement the plan revisions. To continue this project a change order request is needed in the amount of \$148,987.45. Mayor Hurst stated the city has received more than 15 claims of people hitting the curve and scratching up their tires or damaging their tire. The motion to approve was made by Councilwoman Davis the second was provided by Councilwoman Portis-Jones.

Vote: 5-0: Motion Carried.

8. Office of Turner Ross and Germain

Attorney Meredith Germain

Attorney Germain stated on July 8, 2020, the Mayor and Council adopted an ordinance in response to the COVID-19 health emergency. The Mayor and Council imposed a requirement with various exceptions that individuals entering the business establishments within the City of Fairburn be required to wear a mask to mitigate the spread of COVID-19. This Ordinance was originally designed to remain intact as long as there was a State of Emergency in Georgia regarding the COVID-19 health threat. As of today (10-25-2019), 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. On August 23, 2021, the Mayor and Council voted to continue the City's mask mandate ordinance until further review on October 11, 2021. The issue was not discussed on October 11, 2021 and it expired. According to the CDC for the time period between Tuesday October 12, 2021, and Monday October 18, 2021 the transmission rate of COVID 19 in Fulton County including variants is considered, "Substantial", which is the next rate down from "High," which was the case in August of 2021. The CDC advises, that "Everyone in Fulton County, Georgia should wear a mask in public, indoor settings." Currently mask requirements are varied from place to place. Mayor Hurst stated she spoke with Police Chief Stoney Mathis and Fire Chief Cornelius Robinson and several of the police officer and firefighters are not vaccinated, and they don't intend to get vaccinated. She further stated that there are employees in City Hall that have not been vaccinated and they also don't intend to get vaccinated. She feels that mask should be a priority and with flu season approaching those illnesses will get worse. Councilwoman Portis-Jones agreed with Mayor Hurst that employees who have not been vaccinated should be required to always wear a mask. Councilwoman Portis-Jones requested at

the next meeting could the governing body discuss mandatory vaccines. The city's legal team was asked to review the option and update the council. Mayor Hurst stated 60% of the city's employees are vaccinated and 40% are not and the unvaccinated percentage does not have plan to have the vaccine. The motion to approve to continue the city's mask mandate was made by Councilwoman Portis-Jones and the second was provided by Councilwoman Davis.

Vote: 5-0: Motion Carried.

IX. Council Comments

Councilmembers

Councilman Pat Pallend had no comment.

Councilwoman Davis had comments in the form of two questions. She asked when the property tax exemptions were going to be discussed in the meeting? Secondly, when was the federal funded weather program going to be discussed. This program will benefit anyone that meets the income requirement and this will also be beneficial for Senior Citizens.

Mayor Pro Tem Heath had no comment.

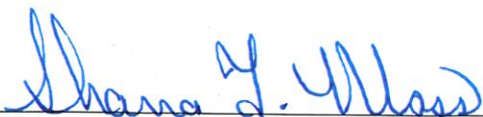
Councilwoman Portis-Jones had no comment. However, she requested when the Mayor and Council would discuss the economic development plan strategies for Highway 74 that was tabled tonight. She further requested information on the number of planned developments and housing developments that are underway and are on the docket for location in Fairburn.

Councilman James Whitmore commented that he had gotten several phone calls from business owners inquiring about beer and wine Sunday Sales in Fairburn. The businesses are losing money because patrons will leave their establishments and go to Union City or Palmetto. He said the city is missing out on an opportunity to sell those items which would also increase tax revenue for the city. He would like to have this item discussed in the future. The Art and Jazz Festival that was held on October 22nd was extraordinarily great and he Thanked all city staff for their hard work.

Mayor Carr-Hurst had no comments.

X. Executive Session there was none.

XI. Adjournment: At 9:00 PM a motion to adjourn was made by Councilwoman Davis and the second was provided by Councilwoman Portis-Jones.


Shana T. Moss, Temporary Clerk


Elizabeth Carr-Hurst, Mayor

