



City of Fairburn  
Mayor and Council Meeting- Zoom  
December 13, 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 Mayor Elizabeth Carr-Hurst, with the following members present:

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

*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 Bishop Aaron Lackey.
- IV. Adoption of City Council Minutes:  
Motion to approve the November 8, 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:  
Councilwoman Portis-Jones requested that the discussion regarding the moratorium be added to the agenda. A motion to add the moratorium discussion to the agenda was made by Councilman Pallend and the second was provided by Councilman Smallwood. A motion was made by Councilwoman Davis to approve the agenda and the second was provided by Councilman Smallwood.  
Vote: 6-0: Motion Carried.

- VI. **Discussion:** **Mr. Randy Turner**  
To discuss issues relating to the inspection of new home construction, use of private inspectors and the interaction between such services and private architectural and building covenants.

City Attorney, Randy Turner stated that he would reiterate the fact that private inspectors can be used in development projects and the city is not responsible for and cannot really enforce private subdivision covenants.

Councilwoman Portis Jones asked the City Attorney to provide the background of this discussion.

Mr. Turner stated that there were questions coming up regarding the use of private inspectors on development projects in Durham Lakes. He understood the homeowner's association had several objections to the architectural components that were being constructed and there were issues with the inspection of the houses. Mr. Harvey Stokes, Building Director for the City of Fairburn, had to eventually put a stop work order on two of the construction projects. Mayor Carr-Hurst stated that Mr. Stokes was not on the line to answer any questions, but he received credentials



from an inspector that was not valid, and he placed a stop work order. They got another inspector with credentials and Mr. Stokes withdrew the stop work order.

Councilwoman Davis asked if Mr. Stokes had inspected lot # 41 at any time prior to another inspector inspecting it. Mayor Carr-Hurst stated that she did not know, all she was aware of was why the stop work order was issued. Whether or not he had gone out and inspected it beforehand, she wasn't sure. She stated she did know when they started building, we were passed the pandemic and legislature had issued a state statute that clearly stated that because of the pandemic, at their desire not to put a hardship on builders they would allow cities to have an independent engineer and inspectors. Those developers chose to use that means for inspection for their properties instead of Mr. Stokes. I can't tell you if he had done any prior inspections or not. He's not on the line and I am not privy to any of his documentation.

Councilwoman Davis stated that we could not have an adequate discussion on this without everyone present and we needed to have Mr. Stokes, our attorney, and the HOA president together to discuss this issue and she wants to know how this issue will get resolved. She also stated from her limited information, we were inspecting the homes in Durham Lakes and that she was very concerned that Lot #41 was not getting inspected.

Mayor Carr-Hurst asked if Council wanted a zoom call, a special called meeting or to discuss this issue at the next council meeting in January.

After a brief discussion, Councilman Pallend made a motion that once more information is gathered and Council is updated, we can discuss this at the next council meeting. A second was provided by Councilwoman Linda J. Davis.

Vote: 6-0: Motion Carried.

## **VII. Public Comments:**

Mr. Warren Tillery represents Trinity Fairburn, LLC. He was here in October for a final plat approval and at that time the plat approval was tabled for the second time. It was tabled primarily because Council had questions. Both Mr. Tillery and his clients reached out to discuss this and did not get a response. Mr. Tillery reiterated the constitutional rights letter that was submitted in October and asked that the plat be approved. He stated that the plat meets all requirements under the ordinance and was recommended to be approved by staff and the planning and zoning commission. Mr. Tillery stated with regard to the moratorium added to the agenda, he is concerned about the further delay of the plat approval and his client not being able to receive permits. He would also object to a moratorium that would apply for the property that's being considered under the plat approval.

Ms. Ellen Samuels stated that the dollar store itself is not on the agenda tonight, but the subdividing of the land would open the door for it. She stated that you all received an email today with a petition and a list of 360 signatures. The petition clearly speaks out against another dollar store on Hwy 74. She asked Council to consider what is best, not only for Meadow Glen but for the image of the city and to do all you can to improve the gateway to our city.

## **VIII. Agenda Items**

### **1. City Clerk**

**Ms. Deannia Ray**

For Mayor and Council to accept the official certified results of the City of Fairburn's general municipal and runoff election. The general election was held on November 2, 2021, for the Mayor's seat and three City Council seats. The runoff election was held on November 30,



2021, for the Mayor's seat.

Hattie Portis-Jones captured 30.57% of the votes, receiving 1,370 votes; Ulysses Smallwood captured 20.22% of the votes, receiving 906 votes; Alex Heath captured 20.08% of the votes, receiving 900 votes. The City of Fairburn's Council Members for the 2022-2025 term is Hattie Portis-Jones, Ulysses Smallwood, and Alex Heath.

Elizabeth Carr-Hurst captured 35.16% of the votes, receiving 640 votes; Mario Avery captured 49.12% of the votes, receiving 894 votes; Samantha Hudson captured 15.71% of the votes, receiving 286 votes. There needs to be a win with 50:1%. There was a runoff on November 30, 2021, for the Mayor's seat.

Mario Avery captured 61.81% of the votes, receiving 856 votes; Elizabeth Carr-Hurst received 38.19% of the votes, receiving 529 votes. The City of Fairburn's Mayor for the 2022-2025 term is Mario Avery.

Motion to approve the official certified results of the City of Fairburn's general municipal and runoff election was made by Councilwoman Davis and seconded by Mayor Pro Tem Heath.

Vote: 6-0: Motion Carried.

## **2. Planning & Zoning**

**Ms. Tarika Peeks**

For Mayor and Council to approve the Highway 74 and Meadow Glen Parkway Final Plat.

The applicant, Foresite Group, is requesting to subdivide a 9.511-acre parcel at the intersection of Highway 74/Senoia Road and Meadow Glen Parkway into three (3) tracts. The parcel will be subdivided as follows: Tract 1 with 5.275 acres, Tract 2 with 2.953 acres and Tract 3 with 1.283 acres.

Ms. Peeks stated that the plat meets the city's subdivision regulations and code of ordinances, such as the minimum lot size, setbacks, and buffer standards. The Planning and Zoning Commission unanimously approved the plat on Tuesday, September 7, 2021.

Councilwoman Portis-Jones stated that the last time we met, we had a discussion about the property owner modifying the final plat to subdivide into two plats instead of three. We are very concerned of the size of the third plat.

Mark Reiner stated a year ago, Tractor Supply was looking at four different cities and they picked Fairburn. We got a zoning confirmation letter from the City of Fairburn that our land use was approved. We then spent money and went through the process. We got the site plan approved and moved forward with our civil engineering and building plans

After a long discussion, Councilman Whitmore made a motion to approve the Highway 74 and Meadow Glen Parkway Final Plat. The second was provided by Mayor Pro Tem Heath.

Vote: 2-4: Motion Denied.

## **3. Community Development**

**Mr. Lester Thompson**

For Mayor and Council to approve Task Order # 20 with Pond & Company for Professional Engineering & Landscape Architectural Services.

Mr. Thompson stated that the City of Fairburn entered into a Master Services Agreement

with Pond & Company on July 22, 2019, for on-call professional engineering and landscape architectural services. The agreement with Pond & Company was approved with the understanding that task orders associated with professional engineering and landscape architectural services would be issued on an as need basis. As such, Task Order # 20 for said services has been submitted for review and approval.

Councilwoman Davis made a motion to approve Task Order #20 with Pond & Company for professional engineering & landscape architectural services. 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 the purchase of a new vehicle for the Community Development Department.

Mr. Thompson explained that the community development department has been planning on hiring a new erosion control/site development inspector to assist with the inspection and enforcement of the new and existing commercial and residential site development projects. A new vehicle will be needed for this proposed new hire.

The current budget allocates \$30,000 for the purchase of a vehicle. Allen Vigil Ford has a statewide contract with the State Purchasing Division (SPD). The SPD oversees the procurement functions for the State of Georgia and manages all policies related to procurement. By leveraging the buying power of state entities, including cities, counties, and other local government entities. In addition to discounted prices, SPD saves state entities the time, labor and costs associated with managing the bidding process themselves.

Staff recommends that Mayor and Council approve the proposal from Allen Vigil Ford for the purchase of a 2022 Ford F150 for the purchase price of \$27,840.00.

Mayor Pro Tem Heath made a motion to approve the purchase of a 2022 Ford F150 for the purchase price of \$27,840.00. The second was provided by Councilman Whitmore.

Vote: 6-0: Motion Carried.

#### **5. Utilities**

**Mr. John Martin**

For Mayor and Council to approve the MEAG Power Sale of Excess Capacity and Excess Reserve Capacity to the City of Fairburn on behalf of the City of Griffin.

Mr. Martin stated that the City of Fairburn has allowed MEAG to conduct the purchase of its excess power and reserve power to adequately supply power that will be needed annually.

The agreement is to purchase 3,013 kW of excess capacity (\$24,104.00) at \$8.00 per kW-year and to purchase 3,033 kW of excess reserve capacity (\$18,198.00) at \$6.00 per kW-year for this year. This will also accommodate any extended wintry months as well as upcoming developments.

Staff recommends that Mayor and Council approve the MEAG power sale of excess capacity and excess reserve capacity to the City of Fairburn on behalf of the City of Griffin and authorizes the Mayor to sign the agreement for the City of Fairburn.

Mayor Pro Tem Heath made a motion to approve the MEAG power sale of excess capacity



and excess reserve capacity to the City of Fairburn on behalf of the City of Griffin and authorizes the Mayor to sign the agreement for the City of Fairburn. The second was provided by Councilman Smallwood. Vote: 6-0: Motion Carried.

## **6. Moratorium**

### **City Council Members**

The discussion of the moratorium was added to the agenda by Councilwoman Hattie Portis-Jones.

Councilwoman Portis-Jones stated that the discussion regarding our moratorium on Highway 74 began at our last meeting and the purpose of requesting the moratorium was because of the conflicts that we have found in various economic development documents that guide the activity on Highway 74 and I'm referencing the Highway 74 overlay, the comprehensive plan and our overall development plan. The moratorium that I presented last time was too broad, and the City Attorney agreed to provide us with a more suitable moratorium. City Attorney, Randy Turner stated that this moratorium would prevent the acceptance of proposed site plans, development plans, rezoning applications, and applications for building permits along the Highway 74 corridor, including and not limited to those properties with the overlay district. The purpose of this moratorium is to address the concern that Councilwoman Portis-Jones raised that the development along the corridor is not consistent with the city's overall plan for economic development. This moratorium will not affect any applications that have been submitted. It will only affect applications filed after today, if the moratorium gets adopted. We have also added a termination date of February 28, 2022, which is the second meeting in February for City Council. This will hopefully provide the time to get the necessary people involved that need to discuss how we might make any changes that could cause a better alignment between development along the corridor and the city's overall economic development goals are for that corridor.

Councilwoman Portis-Jones wanted to include specific language, for the Mayor and Council as part of its planning, zoning and growth management that the City of Fairburn review the city's comprehensive plan, the zoning ordinance associated with Hwy 74 planned development, commercial and Hwy 74 overlay district, and future development on the Hwy 74 corridor. And whereas the Mayor and City Council deemed it important to develop a zoning ordinance which integrates all of these concerns.

It was agreed that City Attorney, Mr. Turner supply all members of Council with the moratorium document on Tuesday with requested changes. After a brief discussion, Councilwoman Portis-Jones made a motion to approve the moratorium as discussed with the additions. Councilwoman Davis seconded the motion.

Vote: 6-0: Motion Carried.

## **IX. Executive Session**

A motion to enter Executive Session for Real Estate and Litigation from the regular meeting was made by Mayor Pro Tem Heath with the second provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

Motion to exit and re-enter into open session was made by Councilwoman Davis and the second was provided by Mayor Pro Tem Heath.

Vote: 6-0: Motion Carried.

A motion was made by Mayor Pro Tem Heath to approve the Resolution and the sale of city-owned property to Georgia Department of Transportation for a permanent easement for construction and maintenance of slopes and utilities. Councilman Whitmore seconded the motion.

Vote: 6-0: Motion Carried.



**X. Council & Mayor Comments:**

Councilwoman Davis wished everyone a wonderful holiday and wished Mayor Carr-Hurst the best in her future endeavors.

Councilman Smallwood wished city staff, and all his colleagues' happy holidays. He also informed the Mayor that it has been a pleasure to serve the city with her and serving one year as Mayor Pro Tem. He stated that he learned a lot and knows whatever she does next, she would do it really, well.

Councilman Pallend stated that the world is a curious place. He wished Mayor Carr-Hurst the best of luck.

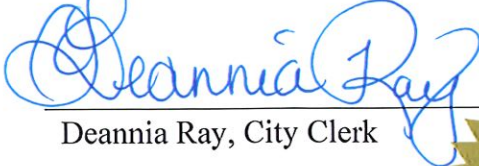
Councilwoman Portis-Jones stated that this year has been challenging for her and Mayor Carr-Hurst on a personal level and their relationship goes back much further so they would always have that kinship. She also stated that she has learned a lot from the Mayor and appreciates the efforts that she put in order to move us forward and wished her all the best. She also reminded everyone that we're still in the middle of a pandemic, so let's all get vaccinated to include the booster shots.

Councilman Whitmore wanted to remind everyone about COVID testing and that testing was available Monday through Friday at the Temple of Prayer from 9 – 5. He congratulated Hattie Portis-Jones, Ulysses Smallwood and Alex Heath on their elections and congratulated Mario Avery. He wanted Mayor Carr-Hurst to know that it was a pleasure serving in her administration and wished her the best of luck that life offered and for her to enjoy her family.


Mayor Pro Tem Heath advised Mayor Carr-Hurst that he has enjoyed her administration, working with her and seeing a lot of things being accomplished in the City of Fairburn. He appreciated her efforts in taking the city forward and most of all, praying that God guide her in her future endeavors.

Mayor Carr-Hurst stated that it's been fourteen years that she's been with the City of Fairburn. She came to the city and served on council for ten years and then served as Mayor for four years. She wished everyone a Merry Christmas and a prosperous New Year. She congratulated Mayor Pro Tem Heath, Councilman Smallwood and Councilwoman Hattie Portis-Jones on their re-election as well as Mayor elect Mario Avery.

- XI. Adjournment:** At 9:02 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



  
Mario Avery, Mayor