



City of Fairburn
Mayor and Council Meeting- Zoom
January 24, 2022
7:00 pm

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

The Honorable Mayor Mario Avery
The Honorable Alex Heath
The Honorable Pat Pallend
The Honorable Mayor Pro Tem Hattie Portis-Jones

The Honorable Linda J. Davis
The Honorable James Whitmore
The Honorable Ulysses J. Smallwood

Also, in attendance was:

City Administrator, Tony Phillips

City Attorney, Rory Starkey

The attendance of Council constituted a quorum and the meeting proceeded.

- III. Prayer was led by Pastor Gary Taylor.

The Pledge of Allegiance was recited in unison.

- IV. Approval of City Council Minutes:

Mayor Pro Tem Portis-Jones asked for the January 10, 2022, City Council minutes be amended to reflect the correct spelling of her nephew's name. Motion to approve the January 10, 2022, City Council Minutes (Zoom) was made by Councilman Smallwood with the amendment as discussed. The second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.

- V. Adoption of the Council Agenda:

Mayor Avery discussed permanently moving the public comment section of the agenda after the adoption of the city council agenda and prior to the public hearing section.

A motion was made by Councilman Heath to approve the agenda as discussed, the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

- VI. Public Comments:

Mr. Warren Tillery announced himself and stated he is the lawyer representing the applicant, Trinity Fairburn, LLC. His comment is related to the plat approval on Hwy 74 and Meadow Glen Parkway. He stated that they've been before Mayor and Council a number of times over the past few months. The only feedback we received was from now Mayor Pro Tem Portis-Jones, which she asked for my client to consider subdividing the plat into two tracts rather than three. The applicant has revised the plat and with these changes, the Planning and Zoning Commission has recommended approval, and staff has verified that the plat meets requirements under the ordinance and he hopes that Mayor and Council will approve the plat when times comes for that.

VII. Public Hearing:

Planning & Zoning

Ms. Tarika Peeks

Rezoning – Lennar Georgia, LLC with concurrent variance.

For Mayor and Council to consider the rezoning of 26.665 acres on Vickers Road from C-1 (Neighborhood Commercial) to R-CT (Residential Condominium Townhouse). The applicant is requesting to rezone 26.665 acres from C-1 (Neighborhood Commercial) to R-CT (Residential Condominium Townhouse) to develop 50 single-family detached lots and 112 townhouses (single-family attached) units with a concurrent variance as follows:

- Concurrent Variance 2021178: A variance from Chapter 80 Zoning, Article II, Section 80-79(f) R-CT Residential Condominium Townhouse District to reduce the lot width of the townhouse (single-family attached) units from 30' to 20'.

Mr. Greg Hecht introduced himself and thanked Council for the opportunity to present this application to the City of Fairburn. He introduced Any Chandler and Wendy Gallagher and stated that they are all representing Lennar Homes on this project, which is a longstanding national home builder since 1954. They have sixty active communities across Atlanta. Their new project is near Hwy 138 and Vickers Road, which will have single family homes and attached townhomes. The property is located on five tax parcels on the south end of Hwy 138 and about .8 miles east of Roosevelt Highway. The Advisory Board gave unanimous support for approval of the project and community outreach. There were 180 letters that were sent out to the community twice and a community meeting was also held. Engineer, Bradley Dunkle is also assisting us in which he also did the design on this work.

We are asking for a request to be rezoned from its present zoning from C1 to RCT and we are also asking for a variance on the townhome's width down from 30 feet to 20 feet. The development amenities include walking trails, pocket parks, acres of open space, five-foot sidewalks along Vickers roadside. There are fifty (50) single-family housing detached two story homes that are basically between 1800 square feet to 2300 square feet, all with two car garages. There are one hundred and twelve (112) townhomes with 1670 square feet to 1780 square feet with two story, three bedroom and two and half baths. These are consistent with neighboring properties. There will be a mixture of brick, stone, and other cement materials. There will be no vinyl on these townhomes.

The single-family housing values starts around \$320,000 and up. The townhomes will start at \$270,000.

Mayor Pro Tem Portis-Jones asked if they could share with Council some of the comments that were made by the residents and how did you modify the project based on those comments?

Engineer, Wendy Gallagher introduced herself and stated that they received more questions than concerns. They wanted to know about the buffers, questions on material being used, and road improvements. They did send out letters to the public answering all of those questions and provided that list to Ms. Peeks. Ms. Peeks stated that the questions were not really in opposition but the questions consisted of how many bedrooms, how many floors, is there a basement, price points, sizes of homes, what is current zoning, what is the zoning requested, is there retention and detention ponds, etc. Mayor Pro Tem Portis-Jones asked Ms. Peeks to make sure that these conditional items be posted on the website for public review since it's quite extensive.

Councilwoman Davis asked if there were any concerns about restricting rentals in the HOA covenants for both the homes and townhomes. Ms. Peek stated not that she was aware of. Mr. Andy Chandler with Lennar stated that they would not typically restrict rentals in the HOA's. He also stated that they have approached this deal as a for sale community, so we would defer that to Council to decide on.

Mayor Avery asked Councilman Whitmore to speak on this issue since he has been the president of one of the most prominent subdivisions in the city. Councilman Whitmore stated that it would be advisable to limit the number of rentals. If you want to have an active community, they would like to have it less than 5%. He also stated if you do not have that threshold in there, you will end up getting people that will rent and some homeowners that may decide to move out. You will have no control of who comes into rent the properties and those rentals can have a major impact on that community. Once the builder is gone and they no longer are the declarant, it will get turned over to the homeowner's association.

Mayor Pro Tem Portis-Jones agreed about the 5% total because the one thing we want to encourage in this community is home ownership. We want stability in our communities.

Councilman Whitmore commented on the additional parking for the townhomes. He stated traditionally, when residents have friends and family over to visit and they only have a one car garage, there is nowhere to park. In his community, there is no on street parking. If we can't get four or five cars in our driveway, we must get permission for them to park on the street overnight, or they will get a ticket, or their vehicle towed away. I see this potentially happening with this Community.

Councilman Whitmore discussed the amenities offered for the townhomes and stated that he did not see a space for slides, swings and gathering places and feels they are offering "bare bones" for the price of a \$330,000 home. He would like to see a playground and a dog park. There was a brief discussion about added amenities, the walking trail, some park benches, a pocket park and added parking. Councilman Whitmore recommended the townhouses have a two-car garage but was advised that they could not offer a two-car garage on this product. Councilman Whitmore recommended Lennar to find some parking somewhere because, with their current proposal, the city will run into issues where our police department is going to be called all the time and this can be avoided if we address this in the planning stages.

Mayor Avery asked Councilman Whitmore for a recap on his recommendations to Lennar on this development other than what they were offering. They are as follows:

- Set the rental cap at 2% for single family homes and 3% for the townhouses-max 5% total
- Add a playground
- Add a dog park
- Add 20 – 25 additional parking spaces

Mayor Avery asked for a motion to approve rezoning and variance for Lennar Georgia, LLC.

Motion was made by Mayor Pro Tem Portis-Jones and the second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

VIII. Agenda Items

1. Office of the Mayor

Mayor Mario Avery

For Mayor and Council to consider and appoint LaVone Deavers to the Planning and Zoning Commission. Motion to appoint LaVone Deavers to the Planning and Zoning Commission was made by Mayor Pro Tem Portis-Jones and seconded by Councilman Whitmore.

Vote: 6-0: Motion Carried.

2. Office of the Mayor

Mayor Mario Avery

For Mayor and Council to consider and appoint the South Fulton Neighbor Newspaper as the legal organ of the City. Motion to appoint the South Fulton Neighbor Newspaper as the legal organ of the City for 2022 was made by Councilwoman Davis. Seconded by Councilman Smallwood.

Vote: 6-0: Motion Carried.

3. Office of the Mayor

Mayor Mario Avery

For Mayor and Council to approve a budget amendment to establish the Executive Assistant to the Mayor position. A motion was made by Councilwoman Davis to approve the budget amendment to establish the Executive Assistant to the Mayor position. The second was provided by Councilman Smallwood.

Vote: 6-0: Motion Carried.

4. Planning & Zoning

Ms. Tarika Peeks

For Mayor and Council to review the Highway 74 and Meadow Glen Parkway Final Plat. Ms. Peeks stated that the final plat was approved by the Planning and Zoning Commission on September 7, 2021, and the mayor and Council tabled the final plat on October 25th and November 8th and denied the final plat on December 13th. The applicant revised the final plat by reducing the subdivision from three (3) to two (2) tracts which require the plat to be reviewed again by the Planning and Zoning Commission and then forwarded to the Mayor and Council for final review and consideration. The Planning and Zoning Commission reviewed the final plat on January 11, 2022, and recommended approval.

After a brief discussion, a motion was made by Mayor Pro Tem Portis-Jones to approve the Highway 74 and Meadow Glen Parkway Final Plat as presented. The second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

5. City Administrator

Mr. Tony Phillips

For Mayor and Council to approve the Telework Policy.

Mr. Phillips stated that the City of Fairburn Teleworking Policy is designed to allow eligible employees to work from home or from another fixed location under appropriate circumstances. The overall goal is to increase employee productivity, provide a healthy environment, support employees, and provide continuity of day-to-day operations. This arrangement is intended to be a mutual benefit for the City, employee and the department. Teleworking may not be suitable for all departmental positions as some positions require in-person or on-site attendance. Teleworking is not guaranteed and will be reviewed on a case-by-case basis. Telework arrangements may be terminated by the supervisor without notice.

After review and discussion on the Telework Policy, Councilwoman Davis approved the Telework Policy as presented. The second was provided by Mayor Pro Tem Portis-Jones.

Vote: 6-0: Motion Carried.

6. City Administrator

Mr. Tony Phillips

For Mayor and Council to approve the budget amendment to establish the Assistant City Manager position. Mr. Phillips stated in order to effectively manage operations, productivity, and efficiency across all operational departments, inclusive of established policies, while ensuring sound fiscal stewardship, the Assistant City manager position is a necessity. The budget amendment presented for Mayor and Council consideration identifies a viable funding plan to establish the position and will provide definitive and measurable benefits to citizens.

After a brief discussion, Councilmember Heath made a motion to approve the budget amendment to establish the Assistant City Manager position. The second was provided by Councilman Smallwood. Vote: 6-0: Motion Carried.

IX. City Administrator Update

Mr. Phillips discussed the memorandum he prepared to provide a summary update on current operational and policy matters. He stated that he would be available to provide additional insights and detailed information as may be requested. He discussed his current updates to include: Inclement weather plans, Fire Station 21 update, Assistant City Administrator, health insurance update, telework policy, reestablish Council work sessions, operational efficiency, and the City Administrators monthly report.

X. Mayor and Council Comments:

Mayor Pro Tem Portis-Jones welcomed City Attorney Rory Starkey and stated that she looks forward to working with him in the future. She also congratulated Ms. LaVone Deavers to the Planning and Zoning Commission.

Councilman Smallwood stated it was a wonderful meeting.

Councilman Whitmore echoed Mayor Pro Tem Portis-Jones on welcoming Attorney Starkey and Ms. Deavers.

Councilman Heath stated that he appreciated the fact we have a City Manager and appreciated what he has done for the City so far and welcomed City Attorney Starkey.

Councilwoman Davis also welcomed Attorney Starkey and the new appointee to the planning and zoning committee, Ms. LaVone Deavers.

Councilman Pallend stated there was nothing left to say. He was in agreement with his colleagues, that they have touched upon all the appropriate bases and said great things.

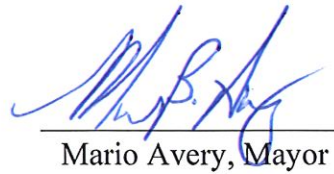
Mayor Mario Avery mentioned that he will bring to Council the amendment to fund the Assistant City Clerk position at which time that job will be advertised. Also, he will recommend the amendment to the City Administrators credit card limit. We had reduced the spending authority for the City Administrator however, the City Administrator needs to purchase items and financially support the needs for any unexpected emergencies, especially right now, with COVID as well as the inclement weather we are experiencing. He will also bring back a contract for the City Administrator. We will discuss and schedule a City Council

retreat around the end of April, beginning of May

XI. Executive Session: N/A

XII. Adjournment: At 8:44pm, 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 Portis-Jones. Vote: 6-0: Motion Carried.


Deannia Ray, City Clerk


Mario Avery, Mayor

