



**CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
September 22, 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 which constituted a quorum.
- III. INVOCATION:** Provided by Council Member Heath.
- IV. Proclamation:** Mayor Avery read the following Proclamation for Fire Prevention Week, October 5-11, 2014 into the Minutes.

City of Fairburn Mayor's Proclamation

WHEREAS, the City of Fairburn is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,300 people in the United States in 2012, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 365,000 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five of home fire deaths result from fires in

properties without working smoke alarms; and

WHEREAS, in one-fifth of all homes with smoke alarms, none were working; and

WHEREAS, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

WHEREAS, Fairburn's residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Fairburn's residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and
WHEREAS, Fairburn's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Fairburn's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Fairburn's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2014 Fire Prevention Week theme, "Working Smoke Alarms Save Lives: Test Yours Every Month!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely.

THEREFORE, I Mario Avery Mayor of Fairburn do hereby proclaim October 5-11, 2014, as Fire Prevention Week throughout this city, and I urge all the people of Fairburn to test their smoke alarms at least every month by pushing the test button, and to support the many public safety activities and efforts of Fairburn's fire and emergency services during Fire Prevention Week 2014.

V. PUBLIC COMMENTS:

1. Lavon Morris-Grant, 4889 Triger Lane, Fairburn GA. 30219, CEO of Macosh Healing Network for domestic violence, said October is Domestic Violence Month and they will be hosting a Walk-A-Thon at the City of Fairburn to learn the awareness and dynamics of domestic violence at Duncan Park on October 11, 2014 from 10:00am until 3:00pm. She said she would like for Mayor and Council to come and speak at the event. She announced they will be hosting a One Dollar Challenge Campaign to help raise funds for thirty days so they can help

the community receive more resources. Finally, Ms. Morris-Grant said they are hosting a Christmas Bazaar for three hundred children to assist those families and children who have free and reduced lunch services. She said they are asking for support in finding those families and children so they can add them to their list.

VI. APPROVAL OF THE AGENDA:

Council Member Heath made a motion to adopt the Agenda placing items 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12 on Consent Agenda and moving item #10 to a Public Hearing with Council Member Alderman providing the second. **The motion carried.**

VII. APPROVAL OF CONSENT ITEMS:

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

1. Approved the purchase of an Agricultural Tractor and Accessories from Wade Tractor & Equipment Sales in the amount of \$15, 286.33.
2. Approved the purchase of Six Motorola Portable Radios in the amount of \$18,217.50.
3. Approved the purchase of a Total Station Measure System for Accident and Crime Scene Mapping from Optical Engineering Company in the amount of \$11,394.97.
4. Approved the purchase of a Tag Reader System for the Police Department from Madden Associates in the amount of \$19,550.00.
5. Approved the purchase of a Nissan Frontier Utility Truck for the Electric Department from Nissan of Union City in the amount of \$20,734.75.
6. Approved the purchase of EMS Training Mannequin from Anthony Warehouse in the amount of \$5,211.60.
7. Approved the purchase of Lifepak 15 Cardiac Monitor from Physio Control in the amount of \$29,193.80.
8. Approved the Resolution to Accept Land and Water Conservation Fund Grant from Georgia Department of Natural Resources for improvements at Duncan Park.
9. Approved the Contract Award to Construction 57 Incorporated for construction of CDBG Orchard & Strickland Streetscape Improvements.

11. Approved the revisions to the City Personnel Policy, effective September 22, 2014.
12. Approved the Professional Services Agreement with Ms. Ellen Samuels for Assistance to the Event Coordinator for the Fall Festival in an amount up to \$840.00.

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

VIII. APPROVAL OF THE MINUTES: Council Minutes of September 8, 2014 and Special Called Meeting Minutes of September 16, 2014

Council Member Hurst made a motion to approve the Minutes of September 8, 2014 with one correction made by Council Member Portis-Jones. She said her question was written as a statement on page 3 in the third paragraph; under item 6: Revision of the City Personnel Policy. She said she asked Chief McCarthy if someone is being suspended and the department is short staffed could they delay the suspension. Council Member Portis-Jones provided the second. **The motion carried.**

Council Member Alderman made a motion to approve the Minutes of September 16, 2014 Special Called Meeting with Council Member Heath providing the second. **The motion carried.**

IX. Public Hearing:

10. Use Permit: St. John AME Church (2014-UP-01)

City Planner, Toussaint Kirk gave an overview of the Use Permit for St. John AME Church. He said the Use Permit is required to allow the church which is currently a non-conforming use, to come into compliance with the Zoning Ordinance and continue to operate within the existing R-2 Zoning.

Mayor Avery opened the Public Hearing and asked to hear from those who were in favor of the Use Permit for St. John AME Church.

Spoke in Favor:

No one came forward.

Mayor Avery asked to hear from those who were in opposition of the Use Permit for St. John AME Church.

Spoke Against:

No one came forward.

After hearing no comments, Mayor Avery closed the Public Hearing.

Council Member Hurst made a motion to approve the Use Permit for St. John A. M. E. Church with Council Member Portis-Jones providing the second.

Council Member Portis-Jones said she is a member of St. John AME Church, however she is not a Director or Trustee of the church. She asked how the church got in a non-conforming status and would this be an issue that other churches may or may not face if they want to expand. City Planner Toussaint Kirk said the church was built in 1993 and a church is allowed to be a R-2 Residential Zoning District, however; at that time a Use Permit may not have been required, so that is how it became a non-conforming use. He said the zoning changed in 2012 and the new zoning requires a Use Permit. Council Member Portis-Jones asked when we changed the zoning did that cause it to become non-conforming. Mr. Kirk said any non-conforming use must be brought into conforming use by a Use Permit. He said if a church wants to expand they must have a Use Permit. Council Member Portis-Jones asked what was the basis of requiring the Use Permit. City Attorney Randy Turner said the current ordinance was adopted in 2012. He said a subsequent adoption of a Zoning Ordinance that would render a use of a property that is not in compliance with the Zoning Ordinance, creates a legal non-conforming use. He said the use on the property is lawful but it does not conform with the Zoning Ordinance. He said a non-conforming use cannot be changed or expanded without coming into compliance with the Zoning Ordinance. He said they must first come into compliance and then make changes and other churches in the city could face the same requirements which would require them to get a Use Permit.

Council Member Hurst asked is there a cost for the Use Permit. Mr. Kirk said the cost is \$500.00.

Council Member Heath said prior to 2012 could it be grandfathered in. Mr. Kirk said it could be grandfathered in as long as they do not expand.

Council Member Hurst said most churches in Fairburn are in R-2 Zoning, so any church that is trying to do an expansion will have to pay the \$500.00 fee.

Council Member Portis-Jones asked if the \$500.00 fee was standard. Mr. Kirk said yes, it ranges from \$350.00 to \$500.00. **After discussion, the motion carried.**

X. MAYOR AND COUNCIL COMMENTS:

Council Member Portis-Jones congratulated Mr. Kirk on his new position and thanked him for the work he has done in Fairburn.

Council Member Johnson said she was sad to hear Mr. Kirk is leaving and wished him the best of luck on his new position.

Council Member Glaize thanked the Fire Chief Jody Weller for the work they do and Mr. Toussaint Kirk for the work he has done. She also commended the Recreation Committee for the work they have done.

Council Member Hurst thanked the Fire Department and the Police Department for their hard work. She thanked Mr. Toussaint Kirk for the work he has done for the City and congratulated him on his new job.

Council Member Heath said Jeff Couch and his son performed on Saturday night and they did an outstanding job. He said he grew up on Country Western Music and he commended Event Coordinator D'Avante' Parks for putting the event together. He said Police and Fire are two of the most unappreciated jobs. He said he appreciate the fact that we are having one of the greatest parades for October 4, 2014. He encouraged everyone to spread the word and to come out and attend the event. He thanked all the employees and said they are important to this City.

Council Member Alderman said he hates to see anyone leave but he wished Mr. Toussaint Kirk the best of luck. He said he appreciates the City Administrator Tom Barber and David Smith for the City Budget. He thanked all the employees for doing an outstanding job and said he appreciates each and every one of them.

Mayor Avery read a thank you card from the City Clerk Brenda James to the City Council and the Fairburn Family thanking them for their support during the passing of her mother. He spoke on the Fall Festival and commended the Fire and Police Department and especially the Street and Utility Departments. He said he always thanked Police but these two departments are great. He said he was excited about the City's 160th Birthday Year and encouraged everyone to come out and help us celebrate. He wished Toussaint Kirk Gods speed in his new position and thanked him for his time. He thanked Event Coordinator D'Avante' Parks for doing a great job on the Summer Series and commended him on the concert with Jeff Couch. He said all the concerts have been very good. He said he was happy to get a perspective balanced budget and thanked the staff for their hard work. He announced there will be a Public Hearing for the City's Budget on Thursday night.

XI. ADJOURN COUNCIL MEETING:

Council Member Alderman made a motion to adjourn the meeting at 7:30pm with Council Member Heath providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor