

City of Fairburn Special Called Meeting- Zoom March 28, 2022 5:00 pm

- I. The Honorable Mayor Mario Avery called the meeting to order at 5:00 pm.
- II. Roll Call by Brenda B. James, City Clerk, found the following members present:

The Honorable Mayor Mario Avery

The Honorable Mayor Pro Tem Hattie Portis Jones
The Honorable James Whitmore
The Honorable Pat Pallend
The Honorable Linda J. Davis

Councilman Alex Heath arrived at 5:20p.m. and Councilman Ulysses Smallwood arrived at 6:47p.m.

Also present was City Attorneys, Rory Starkey and Serene Nowell, City Administrator, Tony Phillips and City Clerk, Brenda B. James.

The City Clerk swore in all witnesses that were to make statements during the hearing.

III. Opening Statement:

Attorney Tony Covington of Bloom Parham Attorneys at Law presented the opening statements for the Appellant. He presented approximately seventeen exhibits. Attorney Starkey accepted all the exhibits. (To hear the entire Administrative Hearing; visit the City of Fairburn website, under agendas and minutes,)

Attorney Rory Starkey, representing Lester Thompson and the City of Fairburn presented for the City of Fairburn. (To hear the entire Administrative Hearing; visit the City of Fairburn website, under agendas and minutes,)

VI. Presentation of Case:

Attorney Troy Covington of Bloom Parham presented the case for the Appellant. His first witness was Mitch Paulk of Land Engineering Inc. Mr. Paulk spoke on the retention ponds, Inline detention plans, pre-construction meeting, and the stop work order on the project. Attorney Starkey objected to Attorney Covington leading the witness and said he cannot answer the question or Mr. Paulk. Attorney Starkey asked Mr. Paulk questions and he answered. (To hear the entire Administrative Hearing, visit the City of Fairburn website, under agendas and minutes,)

Attorney Rory Starkey presented the case for the City of Fairburn. His first witness was Lester Thompson, Community Development Director for the City of Fairburn. Mr. Thompson spoke on the plan review, pre-construction meeting and why he made his decision. Attorney Covington had several questions of Mr. Thompson. (To hear the entire Administrative Hearing, visit the City of Fairburn website, under agendas and minutes,)

Since there was a City Council Meeting at 7:00p.m. the meeting had to stop. Attorney Covington had more questions for Mr. Thompson. First, there was discussion regarding statement of facts by affidavit, but later Attorneys Covington and Starkey agreed any further interviews would be by zoom and Attorney Covington would have not less than 15 minutes more to question Lester Thompson. Attorney Starkey said he may call Danelle Murray and if so, Attorney Covington would be able to question her. They agreed to meet per zoom on Wednesday, March 30, 2022, at 9:00 a.m. There was also discussion on the briefings.

VII.. Adjournment:

Councilman Pat Pallend made a motion to adjourn the hearing subject to further interviews of witnesses by Attorneys Covington and Starkey and briefing due on April 1, 2022. Mayor Pro Tem Hattie Portis Jones provided the second. **The motion carried unanimously.**

Brenda B. James, City Clerk

Mario Avery, Mayor