



City of Fairburn
Mayor and Council Meeting
May 23, 2022
7:00 pm

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Mario Avery.
- II. Roll call by Brenda B. James, City Clerk, found the following members present:

The Honorable Mayor Mario Avery

The Honorable James Whitmore (Zoom)
The Honorable Alex Heath
The Honorable Linda J. Davis

The Honorable Pat Pallend
Mayor Pro Tem Hattie Portis-Jones

Absent: Councilman Ulysses J. Smallwood

Also present was City Attorney, Rory Starkey, City Administrator, Tony Phillips, City Clerk, Brenda B. James, and Attorney, Valerie Ross.

- III. Pastor Donald Dorsey led the invocation, with Miller Grove Baptist Church.
- IV. The Pledge of Allegiance was said in unison.
- V. Presentations and Proclamations:

Mayor Avery acknowledged the Fire Department for handling a fire last night on Orchard Street and taking care of the family.

Mayor Avery commended a Fairburn Creekside graduate for getting on the roster of the Cleveland Browns.

- VI. Adoption of the Agenda: Councilwoman Davis made a motion to adopt the agenda as Presented, with the second provided by Councilman Heath. **The motion carried unanimously.**

- VII. Approval of the Minutes:

May 9, 2022, Regular Meeting Minutes – Mayor Pro Tem Portis-Jones made a motion to approve the May 9, 2022, minutes with the second provided by Councilman Pallend. **The motion carried unanimously.**

- VIII. Public Comments:

Honey Williams gave her three minutes to Ellen Stegall. Ms. Stegall stated she has lived in

Fairburn for 47 years and her family has been here over 100 years. She shared her concerns about the medians on Broad Street and asked they be removed. The traffic congestion is terrible, and she stated there is no handicap parking at Oz Pizza or Subway and stated we need the right turn back and the turn signals are not working with the traffic. She asked to get our own dispatchers, it's taking too long to get messages to officers.

IX. Agenda Items

1. Ordinance to Rezone 2021159 DRB Group Georgia LLC (Public Hearing)

For Mayor and Council to consider the rezoning of 18.226 acres from R-2 (Single-Family Residential) to R-4 (Single-Family Residential).

Planning and Zoning Director, Tarika Peek stated the applicate is requesting to rezone 18.226 acres from R-2 (Single-Family Residential) to R-4 (Single-Family Residential) to develop a 73-lot single-family residential subdivision with frontage on Elder Street and Strickland Street. The amenities for the development include greenspace, a picnic area, a pergola, benches, walking trails, and landscaping.

The Future Land Use Map has the subject property density category as Town Center Mixed-Use, and this character area is appropriate for the following uses: Mixed-use, civic/institutional/educational, residential (all types), specifically R-3 (Single-family Residential), R-4 (Single-family Residential), R-CT (Residential Condominium/Townhouse), RM-12 (Multi-family Residential), RM-36 (Multi-family Residential), and O&I (Office Institutional). According to the 2040 Comprehensive Plan (page 38), the goal for the Town Center Mixed-Use Character Area is to become the center of daily life in the city.

Spoke in Favor:

Michelle Battle

Inga Kennedy

Spoke in Opposition:

Derek Smart

Floyd McKenzie

Russell Hargrave

Penelope Ludlow

Sherrie Rivers

Councilwoman Davis made a motion to approve the rezoning of 18.226 acres from R-2 (Single Family-Residential) to R-4 (Single-family Residential) with the following conditions and the second was provided by Mayor Pro Tem Portis-Jones.

- To restrict the use of the subject property as follow: Single-family Residential Lots (a) A maximum of 73 single-family residential lots with a density of 4 units per acre whichever is less.
- To abide by the following: (1) The property shall be developed in conformity with the site plan prepared by Ashford Engineers south, LLC and attached as Exhibit B. Said site pan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to

approval of the City Engineer or designee. (2) Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance shall encompass all common areas that are not contained within the boundaries of individual lots. Such association shall be subject to approval by the City Administrator and shall be recorded with covenants that shall be subject to approval by the City Administrator. There shall be a 5% Rental Cap.

- To the following site development considerations: 1) Development standards for each single-family residential lot shall be as follows: Building setbacks: Front-15 feet, Side-10 feet, and Rear-25 feet. Minimum lot area: 5,000 square feet, Minimum Heated Floor, 1,400 square feet and Minimum lot width, 50 feet.
- Amenity package shall include open/greenspace (4,657 acres), picnic area, benches, pergola, walking trails and a mail kiosk.
- Facades of the homes shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick and or stone. The use of vinyl or EIFS (synthetic stucco) is strictly prohibited. At least 25% of the front facades shall consist of at least 25% brick or stone.
- Two-car garages shall be provided for each single-family house. Upgraded garage doors with architectural elements shall be utilized.
- Sidewalks on all street frontages shall be a minimum of five-foot and shall be constructed to comply with the requirements of the American with Disabilities Act (ADA) standards and the City of Fairburn development standard. Five-foot sidewalks shall be provided along both sides of internal street throughout the development and shall be designed to provide inner connectivity to amenities areas.
- Pedestrian scale street lighting shall be provided along both sides of internal streets throughout the development.
- All utilities shall be installed underground throughout the development area.
- Acceleration and deceleration lanes shall be provided at the proposed driveway connection unless a traffic study demonstrates that the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date).
- Turning lanes may be required to meet projected traffic demand and or safe operations, as determined by the City Engineer and or traffic study. When provided, turning lanes shall meet the following criteria: a) Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways. B) Provide taper lengths of not less than 100 feet. C) Longer storage and taper lengths may be required when traffic projections indicate they are justified.
- The Developer shall construct roadway improvements (pavement, signing, striping, curb, gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
- The Developer shall install a canopy or understory tree in the front yard of each single-family lot. The front and rear yards of the single-family lots shall be sodded.

The applicant had five minutes to deliver a rebuttal. Attorney Michelle Battle stated we understand the challenges the city has surrounding the traffic issues. Traffic congestion is something we will continue to fight in the metro Atlanta area and will continue until people change how they decide to move outside of the communities. She stated they did look at R-3 and R-4, and legally filed their application before changes were made to the R-4 district regulations, therefore, we are allowed to proceed under R-4.

We reduced the lots to 73 in an effort to address issues by the community, but we cannot have a viable product with 40 lots. \$350,000 is the initial price point but most people will upgrade and push the cost of their home to \$400,000 or more. We have to balance several things to stay in the \$350,000 range to include infrastructure cost, etc.

The city has shown interest in density for this area on the land use map and we are at the low end of that density. We are respectfully requesting approval of the application with the proposed conditions submitted by staff.

Councilman Whitmore first publicly thanked Ms. Battle for looking at the concerns of the residents and reducing the number of lots to 73 homes. He asked about the covenants and the percentage of rentals and if they plan to have a homeowner's association (HOA) with these restrictions. He stated looking at the 2040 Comprehensive Plan, you have met all the benchmarks as well as the future land use map, and thanked her for going back to the drawing board with the changes.

Ms. Battle stated they would include those requests if it had not been already, but they agree to the HOA along with a 5% rental cap.

Councilwoman Davis stated she appreciated the flexibility that has been shown to our citizens and council's request. She commended them for the desire to develop in the neighborhood with listening skills first along with the various changes that were made. There is a tension being a council member and making decisions such as development in neighborhoods and there's tension on what is best for our city and what's best for our citizens. We take this decision making very seriously and want the best for both our city and our citizens. Councilwoman Davis thanked the citizens for their engagement and attending various meetings and for their concerns on this development. She stated what the development is proposing, meets our 2040 Comprehensive Plan and asked Ms. Peaks what is meant when our R-4 zoning is compliant with the comprehensive plan and future land use.

Ms. Peaks stated every five years, the comprehensive plan goes through an update. R-4 is a zoning district that is appropriate for the town center mixed use character area. The town center is a mixed-use character area and is conducive to the core of downtown and surrounding neighborhoods, which calls for your dense zoning district. The City's goal is to have a revitalized, vibrant, walkable, pedestrian friendly, commercial friendly, business friendly, corridor, you want residential roof tops close to downtown to support businesses downtown as well as activities at the stage and courtyard. It is the City's approach on how you want to move the goals and visions for downtown Fairburn.

Councilman Heath asked the audience if they wanted to see more sit-down restaurants and a grocery store in our community. He has been a Council Member for thirteen years and has reached out in the past to many corporations and they keep coming back saying we do not have enough roof top count. Roof top count is the emphasis on supporting a business by the population we have in our City. If we had more nice sit-down places, we would have a lot of people coming from out of the area and he's tired of having to drive out of town to go to a good restaurant. Overall, we need roof top counts to give us opportunity for more businesses to come.

Councilman Pallend asked if the developer would reduce the number of properties in the subdivision.

Ms. Battle responded and stated that they have reduced the number of lots three times, 73 stands.

Mayor Pro Tem Portis-Jones asked about issues that the residents brought up on sidewalks. Ms. Battle confirmed they will do whatever they need to do for right of way dedication for the sidewalk installation and are required to put in sidewalks on Elder and Strickland. Mayor Avery asked Ms. Peeks to give City's prospective on sidewalks. Ms. Peek confirmed that 5-foot sidewalks are required and is part of the zoning conditions for both Elder and Strickland Streets.

Mayor Pro Tem Portis-Jones asked Ms. Peeks why the original design called for two entrances but was revised to one entrance. Ms. Peeks stated that the developer had two entrances, one on Strickland Street and one on Elder Street but the feedback from the community only wanted one entrance so the Strickland Street entrance was taken off. Mayor Pro Tem Portis-Jones asked if they took the Strickland Street entrance off for safety reasons. Ms. Battle stated the community was opposed and did not want the extra traffic on Strickland Street.

Mayor Pro Tem Portis-Jones asked what infrastructure would be needed for the development. Ms. Battle stated in addition to the right of way improvements, we will make sure to stay out of the steam buffer and put in a detention pond to address any water runoff. We are accessible to sewer, so we will hook to the existing sewer system. If approved, the city will advise us on what improvements we will need to make above and beyond on what we proposed.

Mayor Pro Tem Portis-Jones echoed on Councilmember Davis and Heath comments. We have tried to bring in businesses, we just do not have the density. She thanked the citizens for their presence and asked as we have community engagement sessions, planning, and talking about what can be done for our community, let their voices be heard.

Mayor Avery asked why R-3 zoning was not considered. Ms. Battle stated they did consider R-3 but because of the unit size, it would bring density too low, and it would significantly increase pricing of housing.

Mayor Avery stated the motion has been made and properly seconded. Councilmembers Heath, Whitmore, Smallwood, Portis-Jones, and Davis voted yes. Councilman Pallend voted no.
Motion Passed.

2. Request from Advanced Disposal DBA Waste Management for A Consumer Price Index Rate Increase

Mr. John Martin, Utilities Director stated that the City of Fairburn has been a customer of Waste Management since February 2006 for commercial solid waste collection and recycling services. Throughout the term of previous agreements, there were no major issues and customers have been satisfied with their service.

Mr. Alan Owens of Waste Management gave a brief report regarding the 4% increase. He stated this increase is for Commercial Accounts only and the increase is based on a Consumer Price Index which is at 8.3% but per the contract may not exceed a 4% increase.

Mayor Pro Tem Portis-Jones made a motion to approve the increase of 4%. The second was provided by Councilman Heath. **The motion carried unanimously.**

3. Downtown Stage and Courtyard Sign Installation

Councilman Heath made a motion to approve the installation of the replacement plaque and stage sign spelling out the name of Frankie Mae Arnold Stage. The second was provided by Councilwoman Davis. **The motion carried unanimously.**

There was a discussion regarding the new plaque with the current Mayor and Council's names on it and the City Administrator said they will bring that back to the next meeting. Councilman Whitmore and Mayor Pro Tem Hattie Portis Jones would like also to have Betty Hannah's name on the Administration Building. City Administrator will bring that to another meeting, and they are currently researching the process to rename the Administration building with the City Attorney.

Mayor Avery stated he is proud to honor Ms. Frankie Mae Arnold, first African American to serve as an elected official as well as Ms. Betty Hannah as the longest serving Mayor for the City of Fairburn.

4. Ordinance to Approve the Proposed FY 2020 - 2022 Budget Amendment

Councilwoman Davis made a motion to approve the Ordinance for the proposed FY 2021- 2022 Budget Amendment. The second was provided by Councilman Heath.

Finance Director, Peterson David gave an overview of the proposed budget amendment. He stated the budget amendment addresses city staffing issues – creating positions and realigning positions, establish funding for the Youth Center HVAC system, Fairburn Fall Festival, court cost, consultant fees, and to cover cost of merchant and legal fees. The LMIG funding will also carry forward. The budget amendment will increase the general fund by \$398,626, other funds by \$194,308, for a total of \$592,934.

Councilwoman Davis inquired about the increase in the Court Department. Mr. David said it was mainly for technology.

Councilman Whitmore asked if the courts were finally catching up. He also inquired about Economic Development. Mr. David stated the position was moved to the Mayor's budget and that was the only reduction. The City Administrator stated the consultant fees for Mr. Christopher Pike had been included in this budget amendment.

Council Member Heath asked about the ARPA Funds, and the Finance Director said the city should get the next one in July 2022. The allocations are twelve months apart.

Mayor Avery stated the motion has been made and properly seconded. **The motion carried unanimously.**

5. Ordinance to Amend Chapter 65 of the Code of Ordinance for Post – Construction Stormwater Management for New Development and Redevelopment

Utilities Director, John Martin stated the Georgia Environmental Protection Division (EPD)

requires local jurisdictions with Municipal Separate Storm Sewer System permits to adopt ordinances, or update existing ordinances, when necessary, for compliance with their MS4 permit, in order to address development and redevelopment, and enforce post-construction controls. Recent updates to the MS4 permit now require the stormwater management system to be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable, and has prompted an update to existing ordinances. The proposed amendments are those mandated by EPD, therefore the adoption of the amendments to Article III of Chapter 65 of the Code is in the best interest of the City.

Mayor Pro Tem Portis-Jones made a motion to approve the Ordinance to amend Chapter 65 of the Code of Ordinances in compliance with the mandate by the Georgia Environmental Protection Division. The second was provided by Council Member Davis. **The motion carried unanimously.**

6. Ordinance to Amend Article XII of Chapter 65 of the Code of Ordinance

Mr. John Martin stated EPD conducted an audit of the City of Fairburn to determine compliance with the Metropolitan North Georgia Water Planning District's Water Resource Management Plan. In May 2020, the EPD certified that the City is making a good faith effort to comply with the plan. The Model Litter Control Ordinance drafted by the Metropolitan North Georgia Water Planning District is modeled on the Georgia Litter Control Law, codified at O.C.G.A. § 16-7-48. The City desires to enhance its existing Littering Ordinance, codified at Fairburn Code of Ordinances Chapter 65, Article XII by adopting certain provisions of the Model Litter Control Ordinance.

Council Member Heath made a motion to approve the Ordinance to amend Article XII of Chapter 65 of the Code of Ordinances to adopt certain provisions of the Model Litter Control Ordinance as recommended by the Georgia Environmental Protection Agency. The second was provided by Council Member Davis. **The motion carried unanimously.**

7. Appointment to the Development Authority and Downtown Development Authority of the City of Fairburn

Council Member Pallend made a motion to appoint Mr. David Stephenson to the Development Authority and the Downtown Development Authority. The second was provided by Council Member Davis. **The motion carried unanimously.**

X. Finance Director Monthly Report:

Peterson David, Finance Director presented the financial standings of the City of Fairburn as of April 30, 2022. He stated as of April 30th, the City has collected 75% of it's year to date revenues which is a 5% increase from last month. We have expensed 42% of its budget but anticipates this to increase because of filling vacant positions, upcoming events and festivals, community activities and seasonal expenditures. We have collected 95% of property taxes. The City of Fairburn's Enterprise Fund concludes its seventh month of 2022 operation with \$1.9 million in net cash flow. The Enterprise Fund has generated \$11.1 million in revenue with \$9.2 million in expenditures. To date the City has expensed 45% of its budget.

XI. City Administrator Monthly Report:

City Administrator, Mr. Tony Phillips presented a summary of the City's monthly administrative activities. He stated how honored he was to work with Fairburn staff and stated we are in the process each day in building one of the best staffs in the State of Georgia. He thanked both the department directors and their staff for the work they do every day.

Mr. Phillips stated the Class & Comp Study will be a major initiative for us. In May, we met our ARPA deadline and thanked the Finance team. We have hired nine new employees across seven departments and are actively recruiting. A lack of staff is a significant service issue for us. Our street department has been understaffed for an extended period of time. We have a career fair scheduled for this Wednesday and we've been advertising the career fair through radio, social media, and we have created some hiring incentives as well.

The 3rd Fridays on Main Street are going well. A staff retreat is scheduled for Thursday and the purpose of that is to take all the visionary and hard work from the Mayor and Council retreat and plan the work as discussed.

Mayor Pro Tem Portis-Jones stated garbage cans are needed at the dog fountain and near the playground equipment in Duncan Park. She also stated new flowers need to be planted around the dog park. Mr. Phillip stated we have landscaping issues downtown and you will see improvements forthcoming.

XII. Council Comments:

Mayor Pro-Tem Portis Jones congratulated staff for the 3rd Friday event. She received great feedback from various people and the guests loved the opportunity to sit at the white linen tablecloth in front of the stage. Everybody had fun and she encouraged everyone to continue the good work.

Councilman Pallend said on we go.

Councilwoman Davis stated she had a great time at the 3rd Friday event, and staff did a fantastic job. She is very excited about the future of the City and words cannot express the feeling she has, she's very proud to be a part of Fairburn.

Councilman Heath congratulated staff on a job well done; he's heard nothing but compliments from employees and our citizens. He thanked the city attorney for taking care of Fairburn.

Councilman Whitmore stated he has been communicating a lot with the City Administrator, he takes his phone calls and sometimes can be up to four times a day. He always answers his questions with good information and he publicly wants to let him know he appreciates that. Citizens have asked for sit down white tablecloth restaurants, and a grocery store. He stated the plaques are beautiful and thanked all staff involved.

Councilman Smallwood – absent.


Mayor Avery discussed the upcoming GMA conference and stated they will be dining with the City Attorney on Friday night. Council should receive a formal invitation from Atlas, they will be hosting an event on Saturday night. He thanked Council for the vision they came up with at their retreat. He discussed ARPA funds and stated a project list will be sent out that we discussed in the retreat. From attending a Mayor's meeting, he found out there maybe a risk of funding be snatched back from Cities if there is no plan. He commended staff for the work they have done with the ARPA fund planning. The job fair has been advertised and we've got to hire more employees to fill the vacant positions.


XIII. Executive Session:

A motion was made by Councilman Heath to go into Executive Session at 9:05 pm to discuss litigation matters. The second was provided by Councilwoman Davis. **The motion carried unanimously.**

XIV. Adjournment:

Councilwoman Davis made a motion to adjourn with Councilman Heath providing the second. The meeting adjourned at 9:31 pm. **The motion carried unanimously.**


Brenda B. James, City Clerk


Mario Avery, Mayor