



City of Fairburn Work Session Agenda

July 11, 2022

6:00 pm

The Honorable Mayor Mario Avery, Presiding

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

The Honorable Alex Heath
The Honorable Ulysses J. Smallwood
The Honorable James Whitmore

Mr. Rory Starkey
Mr. Tony Phillips
Brenda B. James

City Attorney
City Administrator
City Clerk

- I. Meeting Called to Order: The Honorable Mayor Avery
- II. Roll Call: City Clerk
- III. Agenda Items:
 - 1. Dedication Plaques for Duncan Park Pool and Splash Pad (**Parks and Recreation Department**)
 - 2. Update on Sanitation Services (**Utilities Department**)
- IV. Adjournment



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Dedication Plaques for Duncan Park Pool & Splash Pad

☐ AGREEMENT
☐ ORDINANCE

☐ POLICY / DISCUSSION
☐ RESOLUTION

☐ CONTRACT
☒ OTHER

Submitted: July 5, 2022 **Work Session:** July 11, 2022

Council Meeting: N/A

DEPARTMENT: Parks & Recreation

BUDGET IMPACT: \$4,984.74

PUBLIC HEARING? ☐ Yes ☒ No


PURPOSE: For Mayor and Council to review the replacement dedication plaque and new re-dedication plaque for the Duncan Park Pool & Splash Pad.

HISTORY: In 2020, the original dedication plaque for the Duncan Park Pool & Splash Pad was damaged while the park was closed. Duncan Park was closed due to the global pandemic. The re-dedication plaque will commemorate the re-opening of the Pool & Splash Pad after a 2-yr closer.

FACTS AND ISSUES: N/A

FUNDING SOURCE: Site Improvement: 100-6100-54-1203

RECOMMENDED ACTION: For Mayor and Council to review the replacement plaque and re-dedication plaque for the Duncan Park Pool & Splash Pad.

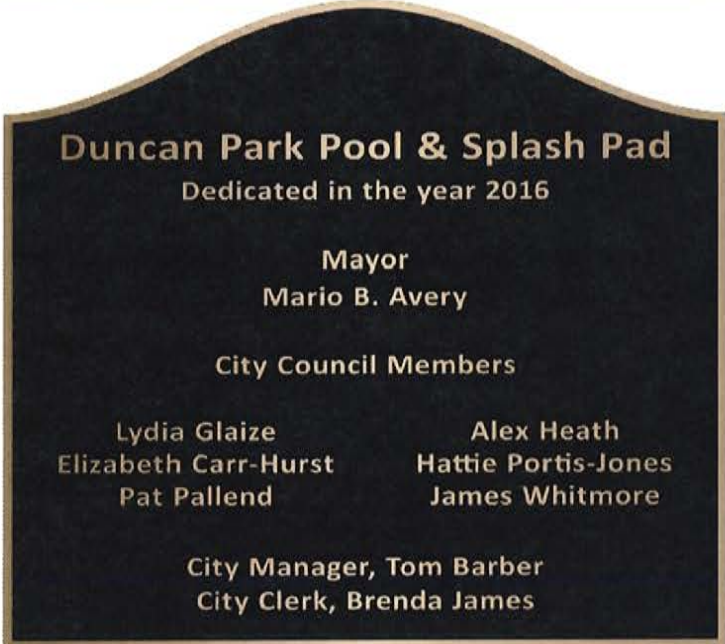


Tony M. Phillips, City Administrator

Duncan Park Pool & Splash Pad Plaques:

Vendor: American Sign Letters

ORDER #: 6132835	CUSTOMER PO #: FAIRBURN 061422	SALESPERSON: Dawn M. @ ext 1825	DATE: 6/15/2022	Page: 1/2
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Duncan Park Pool & Splash Pad
Dedicated in the year 2016

Mayor
Mario B. Avery



City Council Members

Lydia Glaize	Alex Heath
Elizabeth Carr-Hurst	Hattie Portis-Jones
Pat Pallend	James Whitmore


City Manager, Tom Barber
City Clerk, Brenda James

PRECISION TOOLED PLAQUE

MATERIAL	BRONZE
SIZE	20"W x 20"H
QTY	1
DEPTH	5/16" Thick: Painted Edges
SHAPE	Custom Shape
COPY	Raised Copy
FINISH	Leatherette-w/Polished Surface
BORDER	Single Line Border
COLOR	F63R Brown GLOSS
STYLE	Custom Style (CALIBRI BOLD)
CLEAR	Gloss
MOUNT	Blind:Standard Stud
ROSETTES	No Rosettes Required
PATTERN	Yes

RAISED  Bronze **RECESSED**  F63R Brown

ORDER #: 6132835	CUSTOMER PO #: FAIRBURN 061422	SALESPERSON: Dawn M. @ ext 1825	DATE: 6/15/2022	Page: 2/2
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Duncan Park Pool & Splash Pad
Re-dedicated in the year 2022 to commemorate the
Re-opening of the Duncan Park Pool & Splash Pad

Mayor
Mario B. Avery

Mayor Pro Tem
Hattie Portis-Jones



City Council Members

Linda J. Davis	Alex Heath
Pat Pallend	James Whitmore
Ulysses Smallwood	

City Manager, Tony Phillips
City Clerk, Brenda James

PRECISION TOOLED PLAQUE

MATERIAL	BRONZE
SIZE	20"W x 20"H
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BORDER	Single Line Border
COLOR	F63R Brown GLOSS
STYLE	Custom Style (CALIBRI BOLD)
CLEAR	Gloss
MOUNT	Blind:Standard Stud
ROSETTES	No Rosettes Required
PATTERN	Yes

RAISED  Bronze **RECESSED**  F63R Brown

Plaque Details:

- Bronze Plaque
- Precision Tooled
- 5/16" Thick painted Edges
- Raised Copy
- Leatherette with Polished Surface
- Single Line Board
- Brown Gloss background
- Blind Stud mount
- Quantity 2
- 20" x 20"
- Install Pattern

Shipping Information:

Lifetime guarantee against cracking, chipping, and fading.

Production time is 14-20 business days once the order is in



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: CITY OF FAIRBURN SANITATION CONCERNS & RECOMMENDATIONS

☐ AGREEMENT
☐ ORDINANCE

☐ POLICY / DISCUSSION
☐ RESOLUTION

☐ CONTRACT
☒ OTHER

Submitted: 07/05/2022

Work Session: 07/11/2022

Council Meeting: N/A

DEPARTMENT: Utilities

BUDGET IMPACT: N/A

PUBLIC HEARING: ☐ Yes ☒ No

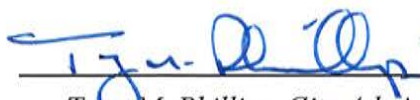
PURPOSE: Presentation to Mayor and Council regarding the City of Fairburn's sanitation services.

HISTORY: The City of Fairburn has been a customer of GFL since 2009 for residential solid waste collection, recycling, and bulk pickup services.

FACTS AND ISSUES: The new route system has not improved service and there has been significant staffing changes which have negatively impacted services to our constituents. Utility staff recommends issuing an RFP for residential collection of solid waste and recyclables.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: For Mayor and Council to review staff recommendation regarding citywide sanitation services.



Tony M. Phillips, City Administrator



Fairburn

Situated to Succeed

SANITATION CONCERNS AND RECOMMENDATIONS

Presented by:
John Martin, Utilities Director
July 11, 2022

History

- The City of Fairburn has been a customer of GFL since February 2009 for residential solid waste collection, recycling, and bulk pickup services.
- Before the renewal of the 2021 term, reports showed that there was a need for improvement of these services.
- At the Council meeting on May 24, 2021, Mayor and Council agreed to execute a renewal agreement with GFL for 1 year and 7 months which was probationary and is set to expire on December 31, 2022.
- In the fall of 2021, GFL's website EZ Waste was taken down due to a website virus. The Utilities Department was plagued with an abundance of resident calls regarding solid waste and bulk trash pickup issues.
- February 2, 2022, GFL's website EZ Waste was relaunched to track and service resident complaints and issues.

City Administrator's Office

Since the transition to the new administration, GFL's level of service has been in the forefront of the City Administrator's office. Based on the information gathered from residents and staff, there are still issues. The City Administrator's Office is in constant contact with GFL regarding concerns and deficiencies within their current operations.



Meetings with GFL

A meeting was held on February 15, 2022, with GFL to address the issues below.

- Customer Service
 - Citizen Complaints and how they are handled
- Bulk Pickup Scheduling Process
- Trash Bin Changeout Schedule
- Backdoor Trash Service
- Donations
- GFL Website
 - Customer dissatisfaction
- Robocall Process
- Missed Pickups and/or Schedule Changes
- Yard Debris
 - Acceptable bags



Issues pictured above were discussed in the meeting between GFL and the City of Fairburn on February 22, 2022. GFL representatives identified the issues below as contributing factors to service delivery concerns:

- Labor shortage
- Shortage of parts needed to repair and maintain vehicles

Notice

**YOUR NEW TRASH DAY
EFFECTIVE JUNE 7TH IS: TUESDAYS**



**SCAN FOR MORE
DETAILED
INFORMATION:**



TRASH SERVICE

- Carts must be at the curb anytime after 6PM the evening before but no later than 6AM on the service day.
- All garbage should be bagged and placed inside the cart.
- No trash or recycling will be collected outside the container.

RECYCLING SERVICE

- Starting June 7th, recycling is collected every other week on Tuesdays.
- Carts must be at the curb anytime after 6PM the evening before but no later than 6AM on the service day.
- All Recycling must be inside the cart and cardboard MUST be broken down.
- No household trash or glass will be accepted in the recycling cart.

BULK SERVICE

- **Must be called in to GFL before 12:00 pm on the Monday before service day. Residents can call 770-474-9273 or email Stockbridge-cs@gflenv.com.**
- Bulk is serviced on the 1st & 3rd Tuesday of each month. Items accepted are ones that do not fit in the 96-gallon trash cart.
- Examples: sofas, chairs, mattresses, other large furniture and appliances.

YARD WASTE

- **Must be called in to GFL before 12:00 pm on the Monday before service day. Residents can call 770-474-9273 or email Stockbridge-cs@gflenv.com.**
- Yard Waste is serviced once per week on Tuesdays in the area at the curb that is no greater than 4 ft high x 4 ft deep x 4 ft wide.
- Includes leaves, brush, grass clippings, shrubs, tree pruning, and Christmas trees etc. left over from non-commercial landscaping.
- All leaves and grass clippings **must be in a biodegradable paper bag.**

For questions, residents can email Stockbridge-cs@gflenv.com.
SEE REVERSE SIDE



770-474-9273



1280 Rum Creek Parkway, Stockbridge, GA 30281

Resolution from GFL Meetings

- The various meetings with GFL resulted in a new route system that went into effect on June 7, 2022.
- This new route system was to improve service outcomes by consolidating trash pickup to (1) day a week so that it could be managed efficiently.
- City of Fairburn residential trash pickup day would be changed to **TUESDAYS.**
- The City of Fairburn, in coordination with GFL, rolled out an extensive education campaign to inform our residents of the changes to sanitation services.



New Route - Issues & Concerns

Missed Pickups

Dates	Requests	Missed
6/07/22 - 6/10/22	52	22
6/13/22 - 6/17/22	89	29
6/20/22 - 6/24/22	78	31
6/27/22 - 7/01/22	93	23
	<u>312</u>	<u>105</u>

**Note: This data is based on pickups recorded by the Utilities Department and is not inclusive of the service requests called in directly to GFL.*

➤ The Utilities Department receives a vast number of calls, every month, regarding GFL services. Last month, staff input approximately 300-400 requests into the web portal. Each of our customer service staff averages about 7-10 calls regarding GFL per day.

New Route - Issues & Concerns (Cont'd)

Most Reported Customer Complaints

- GFL does not empty carts in a timely manner (missed pickups)
 - Missing streets within subdivisions and/or areas
- GFL not replacing damaged carts in a timely manner
- GFL damaging the carts
- GFL dropping trash in customer driveways or in front of their homes and leaving it
- GFL drivers being rude to customers
- GFL not answering the Customer Call Center phone number for bulk scheduling or other requests
- GFL not picking up yard waste in a timely manner resulting in citations from Code Enforcement and/or HOA

Facts and Recommendation

- The new route system has not improved service and there has been significant staffing changes that have negatively impacted services.
- The current contract ends on December 31, 2022.
- A 90-day Notice of Intent is required by September 30, 2022 should the City decide not to renew the contract.
- Continue dialogue with GFL to resolve ongoing service issues.
- Utility staff recommends issuing an RFP for residential collection of solid waste and recyclables.
- Utility staff has begun crafting a scope of work and corresponding documentation to have an RFP issued pending City Administrator's Office final approval.

Questions?





City of Fairburn Council Meeting

Agenda

July 11, 2022
7:00 pm

The Honorable Mayor Mario Avery, Presiding

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

Mr. Rory Starkey
Mr. Tony Phillips
Ms. Brenda B. James

The Honorable Alex Heath
The Honorable Ulysses J. Smallwood
The Honorable James Whitmore

City Attorney
City Administrator
City Clerk

- I. Meeting Called to Order: The Honorable Mayor Avery
- II. Roll Call: City Clerk
- III. Invocation: Pastor Carnett Frazier, Love Deliverance Outreach
- IV. Pledge of Allegiance:
- V. Presentations and Proclamations:
- VI. Adoption of the City Council Agenda:
- VII. Approval of the Minutes:
- VIII. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to City Administration for review. Responses will be provided later.
- IX. Agenda Items/Public Hearings:

1. Rezoning 2022044 Grind Capital Group

Recommendation: For Mayor and Council to consider the rezoning of 32.3 acres from AG (Agriculture) to M-1 (Light Industrial) to allow the development of a warehouse. The Planning and Zoning Commission reviewed and recommend Denial. The applicant

has requested for the rezoning consideration to be continued to the until August 8, 2022, City Council Meeting. **(Planning and Zoning Department)**

2. Rezoning 2022045 SCP Acquisitions, LLC with Concurrent Variance 2022046

Recommendation: Based on the proposed development's consistency with the 2040 Comprehensive Plan and Future Land Use Map, staff's recommendation is Approval with the conditions. Planning and Zoning Commission reviewed and recommend Approval with condition. **(Planning and Zoning Department)**

3. Ordinance to Amend Chapter 53 Article II Division 2 in the Code of Ordinance to revise the Homestead Exemption for the City of Fairburn

Recommendation: For Mayor and Council to approve the Ordinance to amend Chapter 53 Article II Division 2 to revise the qualifications for the Homestead Exemptions. **(Finance Department)**

4. Purchase and Installation of Electric and Water Meters by Kendall Supply, Inc.

Recommendation: For Mayor and Council to approve the purchase and installation of 416 electric meters and 1500 water meters from Kendall Meter Supply, Inc. in the amount of \$587,960.00 for the Meter Changeout Program. **(Utilities Department)**

5. Downtown Stage and Courtyard Sign Installation and Education Campus Dedication

Recommendation: For Mayor and Council to approve the installation of replacement plaques, and sign lettering for the dedication of the Betty Hannah Building. **(Economic Development Department)**

6. Ordinance to Amend Chapter 8, Article IV for Off Premises Special Event Permits

Recommendation: For Mayor and Council to approve the Ordinance to Amend Chapter 8, Article IV, of the Code of Ordinance to authorize the issuance of Off Premises Special Event Permits to provide local businesses in good standing the ability to sell alcoholic beverages off their normal premises during special events. **(Economic Development Department)**

7. Ordinance to Amend Chapter 8, Article VII for Issuance of Micro Distillery Licenses

Recommendation: For Mayor and Council to approve the Ordinance to Amend Chapter 8, Article VII, to provide legislative parameters for issuing Micro Distillery licenses within the city for manufacturing, sales, and distribution. **(Economic Development Department)**

8. Program Management Agreement with Atlas Technical Consultants for Program Management and Engineering Services

Recommendation: For Mayor and Council to approve the Task Order with Atlas Technical Consultants for various projects within the City of Fairburn in an amount not to exceed \$72,800 for FY22 and \$271,600 for FY23.

9. Public Safety Retention Bonus

Recommendation: Request Mayor and Council to approve a City of Fairburn Public Safety Retention Bonus Policy for Georgia Post Certified Police Officers and certified Georgia Firefighters to receive a one-time\$3,000 bonus with a commitment/signed agreement to remain employed with the City for one (1) additional year of service.
(City Administrator)

X. Council Comments

XI. Adjournment:

When an Executive Session is required, one will be called for the following issues:
(1) Personnel (2) Real Estate or (3) Litigation



City of Fairburn
Mayor and Council Meeting
Minutes
June 13, 2022
7:00 pm

I. The meeting was called to order at 7:00 pm by 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
The Honorable Alex Heath
The Honorable Linda J. Davis

The Honorable Pat Pallend
Mayor Pro Tem Hattie Portis-Jones (Zoom)
The Honorable Ulysses J. Smallwood

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

III. Pastor William O'Neal of Living Word Church Ministries led the invocation.

IV. The Pledge of Allegiance was said in unison.

V. Presentations and Proclamations: N/A

VI. Adoption of the Agenda:

Mayor Avery asked to add an item to the agenda, #7 to include a Resolution to negotiate Local Option Sales Tax (LOST).

Councilman Whitmore made a motion to approve the agenda and add item #7 to the agenda, with the second provided by Councilman Heath. **The motion carried unanimously.**

VII. Approval of Minutes:

May 23, 2022, Regular Meeting Minutes – Councilwoman Davis made a motion to approve the May 23, 2022, minutes as submitted with the second provided by Councilman Heath. **The motion carried unanimously.**

VIII. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to City Administration for review. Responses will be provided later.

Stephanie Pugh spoke on behalf of her mother, Diane Lee that resides at 8850 Gullatt Road and her uncle that also resides on Gullatt Road. She said she was against the Liberty Communities Rezoning.

D Thompson resides at 8735 Gullatt Road and said the rezoning for Liberty Communities would be the most conducive use of this property with quality homes and he wants to see them built in their community.

Lydia Glaze stated she has been a citizen of Fairburn for 33 years and is very excited about what she has seen online about refresh, rebrand and renew. There are some good things happening in our city and thanked Mayor and Council for everything they have done.

IX. Agenda Items/Public Hearings:

1. **Rezoning 20222030 Liberty Communities, LLC (Public Hearing)**

For Mayor and Council to consider the rezoning of 46.1 acres from AG (Agriculture) to R-4 (Single-Family Residential). Based on the proposed development's inconsistency with the 2040 Comprehensive Plan and Future Land Use Map, staff is recommending Denial.

Planning and Zoning Director, Tarika Peeks stated the applicant, Liberty Communities, is requesting to rezone 46.1 acres from AG (Agriculture) to R-4 (Single-Family Residential) to develop a 151-lot single-family residential subdivision with frontage on Johnson Road and Gullatt Road. The proposed minimum lot size is 6,200 square feet with an average lot size of 6,929 square feet. There are two proposed ingress and egress points to the subdivision on Gullatt Road. An amenity package includes a walking trail, passive recreational area, and playground with 12.6 acres designated for open space.

She said the Future Land Use Map has the subject property density category as *Rural Residential*, and the character area is appropriate for one acre or larger lots to preserve a rural feel.

There are two single-family residential subdivisions in the vicinity of the proposed development, Asbury Park and Creekwood Village. Lots in the Asbury Park subdivision are 3,800 square feet and Creekwood Village lots are ¼ acre (10,890 square feet), which are larger than the proposed development. Ms. Peeks said based on the proposed development's inconsistency with the 2040 Comprehensive Plan and Future Land Use Map, staff's recommendations along with the Planning & Zoning Commission is denial.

Spoke in Favor:

Greg Hecht – Attorney
Scott, Family Member of Tarene, LLC

Spoke in Opposition:

Joe Lowe
Darcy White
Lydia Glaze
John Phillips
Neal Nichols
Elizabeth Corcoran

Chelsey Jackson
Mike Reharti
Carrie Carl
Clay Currie

The applicant had five minutes to deliver a rebuttal. Marc R. Acampora, Traffic Engineer that performed the impact study for this project highlighted a few areas of concern. He stated the traffic study was based on actual counts and recognized a lot of growth coming to this area so they increased those volumes by 100% and then they added the traffic generated by this project. When they evaluated the intersections, they use a scale from A-F. The intersections are currently operating at a level of service A. After the 100% growth and the additional traffic generated by this project, the traffic generated by their project, the service level is an A to B. There's a lot of capacity out there so the roads are not jammed up. He discussed the truck issue and stated this residential subdivision does not generate truck traffic. This area is surrounded by industrial uses and maybe the City can look at ways of diverting truck traffic or enforce traffic issues and asked if anyone had any questions. No questions were asked.

Family representative, Scott stated he failed to mention that prior to meeting with Liberty Communities, they were contracting 1,500 head of hogs to be moved and slaughtered at this location and researched a chicken farm, buying 50,000 head of chickens.

Greg Hecht stated that the subdivision is a much lighter use than that and doesn't feel Mr. Eden wants to farm, he's tired and wants to sell his property. Mr. Hecht appreciates the comprehensive plan but it doesn't trump constitutional rights. If Mayor and Council is planning to deny this rezone request, he asked if they would table this item and talk further with the community to see if there is something they can agree upon.

Councilman Whitmore asked staff to discuss the inconsistencies.

Planning and Zoning Director, Tarika Peeks stated the comp plan has a designated area as rural residential. In the residential character area, there are three density categories, rural residential, low residential and medium density residential. This property is identified as rural residential in the 2040 Comprehensive Plan and in the Future Land Use Map. This particular density requires one acre lots or larger.

Councilman Whitmore stated that Mayor, Council, staff and Michael Hightower's firm reviewed the Comprehensive Plan and the Future Land Use Map and looked at Fairburn as a whole. We spent a lot of taxpayer's money, had input of our citizens and Mayor and Council approved it. Also, he heard the applicant mention constitutionality and equal protection of the law and confirmed with the attorney that we have done everything we are required to do. Also, based on the inconsistencies with the 2040 Comprehensive Plan and Future Land Use Map as presented, he cannot support this request.

Councilwoman Davis clarified that Asbury Park and Creekwood Village were both annexed from Fulton County and were permitted to stay the way they were. Our 2040 Comprehensive Plan is a plan that we put in place and feels we need to have a holistic approach. She is also against this development.

Mayor Avery stated he was in total agreement with both council members and stated that one of

the residents mentioned this was going on every year or two. He asked for clarification on updating the plan when the developers come in. Ms. Peeks stated at the will of the Mayor and Council, the Comprehensive Plan can be amended at any time and stated in areas where the visions or goals change, you would need to update the comprehensive plan.

Mayor Pro Tem Portis-Jones stated we all have worked very hard on the Comprehensive Plan and stated this governing body has heard you. She thanked the residents for coming out to voice their concerns.

Councilman Whitmore made a motion to deny the rezoning of 46.1 acres from AG (Agriculture) to R-4 (Single-family Residential) and the second was provided by Councilwoman Davis. **The motion carried unanimously.**

2. Rezoning 2022031 Hernan Creek (Public Hearing)

For Mayor and Council to consider the rezoning of 26.35 acres from AG (Agriculture) to R-4 (Single-Family Residential). Based on the proposed development's conformity to the 2040 Comprehensive Plan and Future Land Use Map, staff's recommendation is **APPROVAL CONDITIONAL**.

Planning and Zoning Director, Tarika Peeks stated the applicant, Hernan Creek, is requesting to rezone 26.35 acres from AG (Agriculture) to R-4 (Single-Family Residential) to develop a 57-lot single-family residential subdivision with frontage on Herndon Road. The proposed lot size is ¼ acre (10,890 square feet). The proposed ingress and egress points to the subdivision are on Herndon Road. An amenity package includes a playground and picnic area and 3.38 acres designated for open space.

She further said the Future Land Use Map has the subject property density category as *Medium Density Residential*, and this character map is appropriate for one-fourth acre or smaller lots.

The Durham Lakes Golf and Country Club planned community is located to the east of the subject property. Specifically, the Fairways at Durham Lakes subdivision is adjacent to the subject property. By comparison, the lots in the Fairways at Durham Lakes are of similar, if not smaller, size (between .18 to .25 acre lots).

Spoke in Favor:
William Diehl

Spoke in Opposition:
N/A

Ms. Peeks read the following conditions:

A. To restrict the use of the subject property as follows:

1. Single-family Residential

- a. A maximum of 57 single-family residential lots with a density of 2.16 units per acre, whichever is less.

B. To abide by the following:

1. The property shall be developed in conformity with the site plan prepared by Lowes Engineers and attached as Exhibit B. The site plan is conceptual only and must meet or exceed the requirements of the City's ordinance and zoning conditions prior to the approval of a Land Disturbance Permit. Any deviation from the site plan is subject to approval by the City's Department of Community Development.
2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Property maintenance for the lots shall be accomplished by the individual property owners with the exception of common areas to be maintained by a homeowner's association. A 5% rental cap shall be included in the association by-laws. Such association by-laws shall be subject to approval by the City Administrator or designee and shall be recorded with covenants that shall be subject to approval by the City Administrator or designee.

C. To the following site development standards:

1. Development standards for each single-family lot shall be as follows:
 - a. Building setbacks as follows:
 - i. Front: 25 feet, 25' from each street right-of-way for corner lots
 - ii. Side: 10 feet
 - iii. Rear: 25 feet
 - b. Minimum lot square footage: 10,890 square feet (0.25 acres)
 - c. Minimum heated floor area: 1,400 square feet
 - d. Minimum lot widths: 50 feet
2. A minimum of 3.38 acres of the total area shall be reserved for open space; an amenity package shall include a playground and picnic area.
3. 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 façades shall consist of at least 25% brick or stone.
4. Two-car garages shall be provided for each single-family unit. Upgraded garage doors with architectural elements shall be utilized.
5. Sidewalks on all street frontages shall be a minimum of five-foot and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and the City of Fairburn development standard. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to the amenities area and mail kiosk.
6. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.

7. The perimeter landscape area abutting the public right-of-way on Herndon Road shall contain mature trees to create a natural landscaped buffer between the roadway and the rear of the houses (facing Herndon Road). Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Eastern Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly.
8. All utilities shall be installed underground throughout the development area.
9. 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)
10. Turning lanes shall 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.
11. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
12. The Developer shall install a canopy or understory tree in the front yard of each single-family unit. The front and rear yards of the single-family family units shall be sodded.

Councilman Whitmore requested the applicant to add a cap of 5% to rental homes as a condition.

Councilwoman Davis stated she had concerns with developers building for investors and Atlanta is a targeted market for that. We do not want this in Fairburn because there is a difference between a homeowner and a renter. We are passionate about these renter limits and want a cap of 5%.

Councilman Smallwood agreed that 5% is our standard rental cap and wants to maintain quality of life in Fairburn.

Mayor Pro Tem Portis-Jones stated she was in total agreement with her colleagues on the rental cap and asked Ms. Peek to explain the recommendation from Agriculture to R4 Single-family residential.

Ms. Peek stated the comprehensive plan has this area designated as medium density residential. The density for that is ¼ acre or smaller. This property is adjacent to Durham Lakes which is also a medium density residential character area. She also stated on the first agenda item tonight, the comprehensive plan has this area designated as rural residential and

the density is one acre lot and larger, so that is the difference between the two rezoning requests. They are both zoned AG, but the comprehensive plan designates the density for all the land within the city.

Councilmember Heath made a motion to approve the rezoning with the conditions as read with the second provided by Councilman Whitmore. **The motion carried unanimously.**

3. Approval to use American Rescue Plan Act (ARPA) Funds

City Administrator, Tony Phillips stated this item is pursuant to the detailed discussion had by Mayor and Council at the retreat where we went through our Fairburn focus plan, Refresh, Rebrand, and Renew. Our ARPA plan allocations were a big part of that. This is the recommended methodology for GMA to cities receiving \$10 million or less, our allocation is \$6.2 million.

Councilwoman Davis asked what has been allocated for our citizens with the ARPA funds. Mr. Phillips stated there is \$550,000 in the plan to assist the residents of Fairburn that have utility bills in arrears and bring their account current.

Councilwoman Davis asked how much utility bills were in arrears. Mr. Phillips stated the rough approximate is \$850,000, we are offering payment plans and other options to help them come current. Councilwoman Davis said she would like to see all the arrears taken care of to help our citizens through this pandemic.

Councilman Smallwood asked what was the criteria for the small business grant program. Mr. Phillips stated we are developing this criteria now. There is a focus on our downtown development through our LCI Master Plan to developing those empty spaces. We've looked at many other allocations in other jurisdictions and one of the applications we've seen successful is the Façade Grants which allows businesses in the downtown corridor upgrade their façade and create a consistent look downtown which also helps generate new businesses downtown.

Councilman Heath asked about the lift station improvements. Utilities Director, John Martin stated there are new subdivisions coming in and with the amount of sewage, we must upgrade. We are looking at pipe sizes and security since we have had a couple of breaches. We are looking at a full complete makeover with security lighting and bigger pumps.

Mayor Avery discussed the importance of each item in the ARPA project plan and how staff worked to identify these issues. Preventative maintenance is a big issue with utilities. He is meeting with DDA to talk with owners about improvements downtown. He stated we need to address the sewer capacity issue; it is very expensive. He thanked staff for the collaboration effort in preparing the ARPA projects.

Councilman Whitmore asked Fire Chief, Cornelius Robinson if our fire hydrant pipes were upgraded to larger pipes in the downtown area before this list was compiled. Chief Robinson explained that the downtown area is where the smaller piping is, and they can tap into the 20" main that was installed for fire protection if needed. Councilman Whitmore asked Mr. Phillips to investigate this issue, it was his understanding while during the construction, upgrading the piping was being address and to hear it wasn't done is alarming since we are trying to build up our downtown area. Mr. Phillips stated he will get with Chief Robinson to discuss this in depth.

Councilwoman Davis made a motion to approve the use of ARPA funding in the amount of \$6,261,781.00 as revenue loss replacement and authorize the City Administrator to execute the proposed project plan and have the authority to adjust projects and funding allocations based on need and funding availability and the second was provided by Councilman Heath. **The motion carried unanimously.**

4. Award of Bid for Fire Hydrant Replacement Project to Shockley Plumbing, Inc.

Utilities Director, John Martin stated the City of Fairburn has fire hydrants that need to be upgraded to 8" pipelines and are 2-way instead of 3-way LDH (large diameter hose) connections. 18 fire hydrants were identified by the Fire Department and the new fire hydrants will increase water pressure for fire emergencies. He asked Mayor and Council approve the bid award to Shockley Plumbing, Inc. in the amount of \$403,200. Integrated Science & Engineering (ISE) assisted city staff during the competitive bidding process. The bid was closed on March 31, 2022, and on April 4, 2022, Shockley Plumbing, Inc. was awarded the bid award recommendation as the lowest bidder.

Councilman Heath made a motion to approve the bid award to Shockley Plumbing, Inc not to exceed \$403,200 for the fire hydrant replacement project. The second was provided by Councilwoman Davis. **The motion carried unanimously.**

Mayor Pro Tem Portis-Jones asked if this includes an evaluation of the piping under the hydrants and are they large enough to carry the highest water flow possible. Mr. Martin stated yes, that was included in the contract and to keep the water off for older fire hydrants that do not have an isolation valve, we have installed isolation valves which means if that fire hydrant gets broke, we can isolate and keep the water flow to citizens homes without interrupting the water flow.

5. Establish Human Resource Specialist Position in the Human Resources Department

Human Resource Director, TaLisha Champagne stated the City of Fairburn's Human Resources Department is transitioning in its service delivery, strategies, and programming to meet the needs of our employees. Due to the department not having a dedicated position to administer the benefits program and the wellness program, the initiatives have not been formalized. As we improve our retention strategies, employee engagement, and benefit initiatives, and streamlining our processes through technology, this position will effectively develop and manage the employee's wellness program, coordinate annual health fairs, and coordinate the citywide benefits open enrollment.

Councilwoman Davis made a motion to approve the Human Resources Specialist position for the current FY2022 budget year and the second was provided by Councilman Smallwood. **The motion carried unanimously.**

6. IHWAP Agreement Between the City of Fairburn and Georgia Department of Human Services

Utilities Director, John Martin stated the Georgia Low Income Home Energy Assistance Program (LIHEAP), is a Federally funded program that helps low-income households with their home energy bills. The Low-Income Household Water Assistance Program (LIHWAP) is a program

stemming from federal funding allocated by congress to provide emergency temporary relief to water and wastewater customers impacted by COVID. The program is locally managed by the Georgia Division of Family and Children Services (GA DFCS). The Home Water Supplier Agreement will ensure eligibility of benefits to public water utility customers in the City of Fairburn.

Councilman Heath made a motion to approve the (LIHWAP) Low Income Home Energy Assistance Program Agreement between the City of Fairburn and the Georgia Department of Human Services and authorize the Mayor to sign the agreement. The second was provided by Councilwoman Davis.

Mayor Pro Tem Portis-Jones asked how long this program would be in existence and who would be processing the applications. Mr. Martin stated once the agreement is signed and all information is submitted to the Department of Human Services, the program will start in July and will start again in October of each year. The Georgia Division of Family and Children Services will process the applications. Mayor Pro Tem Portis-Jones stated there is a similar program to help residents with water assistance through HUD and asked Mr. Phillips and staff to research the project to broaden the support of our residents.

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

7. Approval of Resolution to Appoint Special Counsel for Local Option Sales Tax (LOST) Negotiation

Mayor Avery stated all the Mayors in Fulton County except for the City of Atlanta agreed to hire Andrew Welch as legal counsel to represent the cities in the local option sales tax negotiations. This is the same individual that represented all the cities ten years ago, who did a phenomenal job. Without hesitation, all Mayors agreed to use him again and because we will not have another council meeting, it is imperative that we get this approved tonight.

Councilwoman Davis made a motion to approve the Resolution and appoint special counsel, Andrew Welch to handle LOST negotiations. The second was provided by Councilman Heath. **The motion carried unanimously.**

X. Council Comments – None

XI. City Administrator's Report

City Administrator, Mr. Tony Phillips stated Duncan Park pool and splashpad is as popular as it's ever been and are facing some capacity challenges. The pool fills up within two hours each day after it opens. The max capacity is 150 people. This is a good problem but not if you're the one standing in line waiting to get in. We have a few operational issues and Ms. Payne, Park & Recreation Director is working on this. We are looking at posting capacity notifications on the website and social media. We will no longer sell tickets in advance. We are looking at creating swim sessions on the weekend from 11 am to 2 pm and from 3 pm to 6 pm. By doing two sessions, you purchase a three-hour ticket, we allow the pool to clear out and the next group of citizens can come in. We are trying to accommodate as many swimmers as we can.

Assistant City Administrator, Jamila Criss gave an update on the stage and courtyard. She stated the stage lettering for the Frankie Mae Arnold stage and the weathered plaque have been completed. Staff is working with the vendor to finalize pricing for the dedication plaque and lettering for the GMC dedication building. We are also getting pricing for the Duncan Park plaques. These items were not budgeted so we are identifying funding with our Finance Director.

Mayor Avery reminded everyone that the Fire Department has a push scheduled for this Friday, June 16th which is a traditional event. On July 1st, we will have a pep rally in the courtyard for Creekside High School.

Mr. Phillips stated the third Friday on Main Street starts at 6 pm and invited everyone to come. This will be the Juneteenth concert. On Saturday, June 18th, we will have a yard sale in the GMC parking lot.

Mayor Avery reminded everyone on Monday, June 20th, the city will be closed for the Juneteenth holiday.

Councilwoman Davis gave kudos to Chapin Payne for what she has done with our Parks and Recreation.

XII. Executive Session:

Councilman Whitmore made a motion to go into Executive Session for litigation and the second was provided by Councilwoman Davis at 9:40 p.m. **The motion carried unanimously.**

After Executive Session, Councilwoman Davis made a motion to approve the settlement of Bartow Properties, LLC & DRB Group Georgia, LLC vs. City of Fairburn and Tarika Peeks, Civil Action File No. 2021CV354860. The second was provided by Councilman Whitmore. **The motion carried unanimously.**

XIII. Adjournment

Councilwoman Davis made a motion to adjourn with Councilman Heath providing the second. The meeting adjourned at 9:55 pm. **The motion carried unanimously.**

Brenda B. James, City Clerk

Mario Avery, Mayor



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: REZONING 2022044 GRIND CAPITAL GROUP

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 06/28/22

Work Session: N/A

City Council: 07/11/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to consider the rezoning of 32.3 acres from AG (Agriculture) to M-1 (Light Industrial) to allow the development of a warehouse.

HISTORY: N/A

FACTS AND ISSUES: The applicant, Grind Capital Group, is requesting to rezone 32.3 acres from AG (Agriculture) to M-1 (Light Industrial) to develop a 273,000 square foot warehouse, a future expansion totaling 401,000 square feet with frontage on Bohannon Drive/Bohannon Road. There are two proposed ingress and egress points to the site on Bohannon Road. The development includes truck and vehicle parking, landscaping, and an onsite stormwater management facility.

The Future Land Use Map has the subject property designated as Rural Residential, and this character area is appropriate for one acre or larger lots to preserve a rural feel.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: The applicant have requested for the rezoning consideration to be **CONTINUED** to the **August 8, 2022** City Council meeting.

The Planning and Zoning Commission reviewed the rezoning application on June 7, 2022, and their recommendation is Denial. [See the attached transmittal memo.]

APPLICATION INFORMATION

Rezoning 2022044 Grind Capital Group

APPLICANT/PETITIONER INFORMATION

Property Owner

Brian Dickson, Catherin Benton, and
Richard Benton

Petitioner

Grind Capital Group

PROPERTY INFORMATION

Addresses:

8125 Bohannon Drive (09F010000110654)
8145 Bohannon Road (09F010000110365)
0 Bohannon Road (09F010000110662)
8155 Bohannon Drive (09F010000114227 and
09F010000110100)

Land Lot and District:

Land Lot 11, District 7

Frontage:

Bohannon Drive/Bohannon Road

Area of Property:

32.3 acres

Existing Zoning and Use:

AG (Agriculture) and Single-family residential

Overlay District:

N/A

Prior Zoning Cases/History:

N/A

**2040 Comprehensive Plan and Future
Land Use Map Designation:**

Rural Residential/Residential Character Area

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting
Tuesday, June 7, 2022

City Council Public Hearing
Monday, July 11, 2022

INTENT

A request to rezone 32.3 acres from AG (Agriculture) to M-1 (Light Industrial) to develop a 273,000 square feet warehouse with a future expansion totaling 401,000 square feet.

SURROUNDING ZONING

North: M-1 (Light Industrial) and AG (Agriculture)

South: AG (Agriculture)

East: PD (Planned Development)

West: M-1 (Light Industrial)

ARIEL MAP



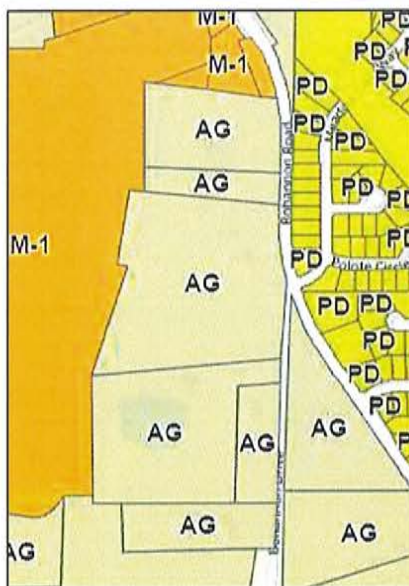
8125 Bohannon Drive
09F010000110654
4.20 acres

0 Bohannon Road
09F010000110662
1.78 acres

8145 Bohannon Road
09F010000110365
12.50 acres

8155 Bohannon Drive
09F010000114227 - 8.5 acres
09F010000110100 - 2 acres

ZONING AND FUTURE LAND USE MAPS



AG



Rural Residential

PUBLIC PARTICIPANTS

The applicant held two (2) community meetings on April 11th and May 23rd, at 6:00 p.m. via Zoom. Property owners within 500 feet of the subject property were notified of the meeting by letter. Based on the applicant's public participation report, the following issues and concerns were expressed:

1. Truck traffic on Bohannon Road
2. Access points to the development and conflicts with other driveways along Bohannon Road

STAFF COMMENTS

Engineering/Public Works

1. Please note that when property fronting on a city street is to be developed or when the property is to be accessed from a city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter and drainage) which are required along the existing road across the entire property frontage at no cost to the city. Required improvements shall not be less than provided in the regulations for the designated street classification. [Sec. 71-37 (a)]
2. On any existing street having a right-of-way less than the minimum which abuts a property being developed, a minimum of one-half of the required width of right-of-way shall be dedicated at no cost to the city along the entire property boundary abutting the existing street. [Sec. 71-36 (b)]
3. The developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the required street improvements. [Sec. 71-37 (c)]
4. Neither Bohannon Road (south of Oakley Industrial Boulevard) nor Bohannon Drive is a designated truck route. In order to accommodate the proposed development both roads would be required to be fully upgraded to support truck traffic. Upon completion, these roads or portions thereof, shall be required to be designated as truck routes to allow an industrial business entity to operate lawfully from the proposed location(s). [Sec. 56-92; Sec. 56-93; Sec. 56-94]
5. In the event that a development has access to a substandard street and if that substandard street provides the primary means of access to the development, the substandard street shall be fully upgraded, and the full width of the roadway overlaid with asphaltic concrete surface course along the entire property frontage and continuing to the nearest standard paved road along the route of primary access. [Sec. 71-39]
6. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. 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. [Sec. 71-38(4)]
7. Except as indicated, acceleration and deceleration lanes shall be provided for new street and driveway connections to existing streets. The lanes will not be required if 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). [Sec. 71-40]
8. Additional street right-of-way width may be required to be dedicated at intersections or other locations fronting the property where turning lanes, storage lanes, medians, islands, or realignments are required for traffic safety and minimum right-of-way standards would be inadequate to accommodate the improvements. [Sec. 71-36 (c)]
9. All new streets or street widening sections shall be provided with curb and gutter. [Sec. 71-45]
10. All of the materials, methods of construction, and workmanship for street construction shall conform to the latest edition of the state department of transportation Standard Specifications for Road and Bridge Construction, including all amendments. [Sec. 71-42]

11. Sidewalks are required along the entire project frontage from property line to property line and on both side of all internal streets. All sidewalks shall have a minimum width of five feet and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards. [Sec. 71-46]
12. Traffic control devices consisting of street name signs, traffic control signs, traffic markings and traffic signals shall be provided by the developer as appropriate to serve each development. All traffic control devices and installation thereof shall conform to the specifications of the Federal Highway Administration publication, Manual on Uniform Traffic Control Devices, current edition and ANSI D6.1e. The minimum traffic control devices for nonresidential developments shall include those devices for residential developments and lane and centerline markings, stop lines, and parking space markings. Additionally, appropriate other signs and signals shall be provided by the developer. [Sec. 71-47]
13. All stormwater runoff generated from a site shall be adequately treated before discharge. [Sec. 65-112]
14. If existing water mains and/or sanitary sewers must be extended to serve a development, the developer shall install or have installed the necessary extensions at no cost to the city under the existing city policy and procedures at plan approval time. [Sec. 71-74]

Fire

No comments at this time.

Water and Sewer

1. City of Atlanta water runs along Bohannon Road.
2. Fulton County sewer is located to the southwest of the parcels in consideration. The Fulton County GIS system shows this as a 15-inch line.

ZONING IMPACT ANALYSIS

A. Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

The applicant is requesting to rezone five (5) parcels from AG (Agriculture) to M-1 (Light Industrial) to develop a 273,000 square foot indoor modular home manufacturing facility on 32.3 acres. The future build-out totals, 401,000 square feet. The subject properties are located on the west side of Bohannon Drive and south of Oakley Industrial Blvd. The properties in the vicinity of the subject properties range from AG (Agriculture) to PD (Planned Development). Properties zoned AG (Agriculture) are predominately located south on Bohannon Drive, PD (Planned Development) zoned properties are located to the east, which is Meadow Glen subdivision, and M-1 (Light Industrial) zoned properties are located to the west of the subject properties.

There is a single-family residential development adjacent to the subject properties and along Bohannon Road, there are existing single-family residential used properties along Bohannon Drive and Bohannon Road. Based on the existing zoning and use of the surrounding properties, staff believes that the proposed use of the properties for a light industrial warehouse is not suitable for the use and development of adjacent and nearby properties.

B. Does the proposal adversely affect the existing use or usability of adjacent or nearby property?

Staff is of the opinion that the proposed industrial use is not compatible with the land uses and zoning in the vicinity of the subject properties. The surrounding area consists of the following zoning districts: AG-1 (Agricultural) to the north and south, PD (Planned Development) to the east, and M-1 (Light Industrial) to the west. The land uses in the area are predominately single-family and rural residential (agricultural).

C. Does the property have a reasonable economic use as currently zoned?

Staff is of the opinion that the subject properties have a reasonable economic use as currently zoned.

D. Will the proposal result in a use that could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Staff is of the opinion that the proposed use will significantly result in a use that could cause excessive or burdensome use of the existing streets and transportation facilities due to the narrow width of the road and limited weight capacity of Bohannon Drive and Bohannon Road, neither road is a designated truck route.

Traffic Impact & Improvements

The developer will be required to conduct a traffic study to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, and develop conclusions and recommendations to mitigate the project traffic impacts and ensure safe and efficient existing and future traffic conditions in the vicinity of the project. The installation of deceleration lanes and left-turn lanes will be required at the proposed entrances to accommodate access to and from the proposed development and to meet projected traffic demand and/or safe operations unless deemed unwarranted by a traffic study. The installation of 5-ft sidewalks along the street frontage (Bohannon Drive/Bohannon Road) will be required.

Impact on Schools

The proposed development is industrial therefore, an effect on the Fulton County School system is not anticipated.

E. Is the proposal in conformity with the policies and intent of the land use plan?

The subject property is designated as Rural Residential on the Future Land Use Map.

There are three (3) residential density categories in the 2040 Comprehensive Plan which are rural residential, low-density residential, and medium-density residential. The Rural Residential character area is meant to preserve a rural feel and transition to the very low-density uses in the rural areas surrounding the city. One acre or larger lots are appropriate in these areas.

The development strategies for the Residential character area are:

- Stable, safe, well-maintained neighborhoods that maintain their value over time
- Allow for a variety of home styles, materials, and lot sizes
- Accommodating to pedestrians and cyclists to allow for alternative access to Downtown

As stated in the 2040 Comprehensive Plan (page 39), during the Comprehensive Plan planning process the community expressed a desire to preserve larger lots in the southwest portion of the city. The appropriate character areas for industrial uses are Industrial and Office/ Industrial. Staff believes the proposed industrial use is not in conformity with the 2040 Comprehensive Plan and Future Land Use Map.

F. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the proposal?

Bohannon Road (south of Oakley Industrial Boulevard) nor Bohannon Drive is a designated truck route, therefore truck traffic is prohibited. To accommodate the proposed development both roads would be

required to be fully upgraded to support truck traffic. These roads or portions thereof would be required to be designated as truck routes to allow an industrial business entity to operate lawfully from the proposed location.

G. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn?

There is a pond located on the southwest portion of the subject property. The pond will be protected with a 75' buffer. Staff is of the opinion that the proposal would not permit a use that could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn.

STAFF RECOMMENDATION

Staff believes the proposed use of the subject property for a 273,000 square feet warehouse with a future expansion, totaling 401,000 square feet is not consistent with the Future Land Use Map, which designates the properties as Rural Residential. The most southern portion of the city is rural in character and the development of a warehouse along Bohannon Road is not consistent with the surrounding properties nor is it consistent with the Future Land Use Map and Comprehensive Plan.

Furthermore, the infrastructure constraints such as the narrow width of the roads (Bohannon Drive and Bohannon Road) and the limited weight capacity of the roads will not support the truck traffic that will be generated by the warehouse development. Therefore, based on these reasons, staff's recommendation is **DENIAL**. However, the applicant has requested for the rezoning consideration to be **CONTINUED** to the **August 8, 2022** City Council meeting.

Should the Mayor and Council decide to approve the rezoning request, the staff recommends the conditions listed below. The applicant's agreement to these conditions would not change staff's recommendations. These recommended conditions shall prevail unless otherwise stipulated by the Mayor and Council:

A. To the owner's agreement to restrict the use of the subject property as follows:

1. Permitted uses under M-1 (Light Industrial), no more than 401,000 square feet of warehouse space

B. To abide by the following:

The property shall be developed in substantial conformity with the Zoning Site Plan prepared by Barclift Consulting and attached as Exhibit B. Any determination as to "substantial conformity" and deviation from the site plan shall be approved by the Department of Community Development staff. The site plan is conceptual only and must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit.

C. To the following site development standards:

1. Development standards shall be as follows:

a. Building setbacks:

- | | |
|------------|---------|
| i. Front: | 35 feet |
| ii. Side: | 20 feet |
| iii. Rear: | 30 feet |

2. To restrict truck traffic south on Bohannon Road (Bohannon Road, south of Oakley Industrial Boulevard, nor Bohannon Drive is a designated truck route).
3. Building exterior shall be constructed predominately of stone, brick, concrete, glass, or metal. Building walls shall not be clad with vinyl siding.
4. Lighting on the exterior of the building on the subject property shall be directed downward and internal to the property lines. All perimeter lighting shall be directed to the interior of the subject property.
5. A 100-foot vegetated buffer shall be installed to provide a visual buffer between the industrial use and agriculture zoned property. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly. In addition to tree planting, a vegetated earthen berm shall be installed to screen the warehouse from view as much as reasonably possible from the agriculture zoned property (south of the building).
6. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. 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.
7. 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)
8. Sidewalks are required along the entire frontage on Bohannon Drive/Bohannon Road from property line to property line. All sidewalks shall have a minimum width of five feet and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards.
9. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.

ATTACHMENTS

Letter of Intent
Site Plan
Elevations



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: July 11, 2022
To: Mayor and Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Rezoning 2022044 Grind Capital Group

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, on June 7, 2022, the Planning and Zoning Commission reviewed Rezoning 2022044 Grind Capital Group and the recommendation to Mayor and Council is **DENIAL**.

STATEMENT OF INTENT

and

Other Material Required by
City of Fairburn Zoning Ordinance For
A Rezoning Application Pursuant to
City of Fairburn Zoning Ordinance

of

Justin Golshir

for

Property being Tax Parcel Nos.
09F010000114227, 09F010000110100, 09F010000110365,
09F010000110662, 09F010000110654
Fairburn, Georgia

Submitted by:

Justin Golshir
Grind Capital Group
950 W. Peachtree Street
Suite 504
Atlanta, GA 30309
(424) 346-4700 Phone
justin@grindcap.com

I. Statement of Intent

The Applicant, Justin Golshir, is seeking to rezone land located on the West side of Bohannon Road, South of Oakley Industrial Boulevard. The Applicant is seeking to rezone the Subject Property from AG-1 to M-1, and to amend the future land use from Rural Neighborhood to Industrial to permit the proposed zoning. The Subject Property is currently zoned AG-1 and is adjacent to M-1 zoned properties to the North and West. Industrial uses in the immediate vicinity include, but are not limited to SC Johnson & Son, XPO Logistics, Samsung Electronics, US Foods, Duracell, Georgia Pacific and Clorox, which are all part of the Oakley Industrial Boulevard Corridor in the City of Fairburn. The proposed light manufacturing modular construction facility would be appropriate given the use of surrounding properties.

The Subject Property is currently developed with single-family detached units and a detached garage which were built in the 1950s. On the Subject Property, the Applicant is seeking to develop a 273,000sf. modular-home, indoor-construction manufacturing facility to help scale the development of sustainable, affordable housing throughout the Atlanta Metropolitan Area.

This document is submitted as a Letter of Intent, Impact Analysis and notice of Applicant's preservation of their constitutional rights. A site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. Impact Analysis

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

- a. The zoning proposal does permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposal is for a modular construction manufacturing facility. The Subject Property borders similar industrial developments in the adjacent municipality, and the property to the North and West is zoned identically to what the Applicant is seeking.

2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

- a. The zoning proposal does not adversely affect the existing use or usability of adjacent or nearby property. The proposed future development is in line with what has already been developed in the area. It also borders rural and minimally populated parcels of land.

3. Does the property to be rezoned have a reasonable economic use as currently zoned?

- a. The property to be rezoned does not have a reasonable economic use as currently zoned. The current zoning of the Subject Property significantly limits its use. The area has already begun to transition into an industrial corridor alongside Oakley Industrial Boulevard.

4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- a. To the Applicant's knowledge, the zoning proposal will not result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. Is the zoning proposal in conformity with the policies and intent of the land use plan?

- a. The zoning proposal is not in conformity with the policies and intent of the land use plan. The Applicant is therefore requesting to amend the future land use to Industrial Character Zone.

6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?
 - a. To the Applicant's knowledge, there are no existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal.
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of City of Fairburn?
 - a. The zoning proposal does not permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn.

Environmental Site Analysis (ESA)

Bohannon Road (Tax Parcel Nos. 09F010000114227, 09F010000110100, 09F010000110365, 09F010000110662, 09F010000110654, Fairburn, GA

Conformance with Comprehensive Plan.

The Fairburn Comprehensive Land Use Map shows the Subject Property as having a land use designation of Rural Residential. Although the proposed rezoning to M-1 is not included as one of the compatible zoning classifications in the 2035 Fairburn Comprehensive Plan, the plan does encourage more industrial development around the 74/I-85 interchange. The Plan also encourages flexibility with use of property to accommodate trends and economic swings. The Applicant is seeking to amend the future land use to Industrial Character Area, which is compatible with surrounding uses.

1. **Wetlands.** According to the National Wetlands Inventory Wetlands Mapper, there is a fresh water pond on the Southwest portion of the Subject Property.
2. **Floodplain.** According to the FEMA National Flood Hazard interactive mapping system, there no floodplain on the property.
3. **Streams/stream buffers.** Based on fields observation, there are no streams and streambuffers within the Subject Property.
4. **Slopes exceeding 33 percent over a 10-foot rise in elevation.** There are no slopes exceeding 33 percent over a 10-foot rise in elevation on the Subject Property.
5. **Vegetation (including endangered species).** The Subject Property is a combination of cleared land and wooded, however, to the Applicant's knowledge there are no endangered species located on the Subject Property.
6. **Wildlife Species (including fish and endangered species).** To the Applicant's knowledge there are no endangered species located on the Subject Property
7. **Archeological/Historical Sites.** To the Applicant's knowledge there are no archeological or historical sites located on the Subject Property.

Project Implementation Measures.

1. **Protection of environmentally sensitive areas.** The Applicant will seek to protect the environmentally sensitive areas located on the Subject Property.
2. **Protection of water quality.** Water quality features will be integrated into the storm water facilities located on the Subject Property
3. **Minimization of negative impacts on existing infrastructure.** The existing infrastructure surrounding the Subject Property will not be negatively impacted by the development of the proposed project. It is the Applicant's intent to comply with all South

Fulton development regulations, and to connect into the existing utilities in the area to minimize disturbance.

4. **Minimization of negative impacts on archeological/historically significant area.** To the Applicant's knowledge, there are no archeological/historically significant areas located on or near the Subject Property.
5. **Minimization of negative impacts on environmentally stressed communities.** To the knowledge of the Applicant, the proposed project will not generate any measurable dust, vibrations, odor, glare, emissions, or noise beyond the Subject Property.
6. **Creation and preservation of green space and open space.** The proposed project will result in the removal of trees from the Subject Property in compliance with the City of Fairburn tree protection ordinance. Additionally, the proposed project contains both passive greenspace and various amenities.
7. **Protection of citizens from the negative impacts of noise and lighting.** All lighting on the Subject Property will comply with the City's rules and regulations, and there will be no negative impact from the noise generated by a typical residential subdivision.
8. **Protection of parks and recreational green space.** To the Applicant's knowledge, there are no parks or recreational green spaces in the area, or on the Subject Property.
9. **Minimization of impacts to wildlife habitats.** To the Applicant's knowledge, there are no wildlife habitats on the Subject Property.

NOTICE OF PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of Fairburn Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Fairburn's Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the City of Fairburn City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Fairburn City Council to rezone the Subject Property to the classification as requested or issue the special land use permit requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property or granting of a special land use permit subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A.

Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

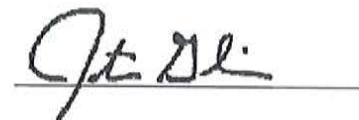
The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Fairburn so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 4th day of April 2022.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Justin Golshir", is written over a horizontal line.

Justin Golshir



BOHANNON ROAD INDUSTRIAL

REZONING SITE PLAN

Project

BOHANNON ROAD INDUSTRIAL

FAIRBURN, GA 30213 | FULTON COUNTY

LAND LOT 11 | 9th DISTRICT

Sheet

1

BOHANNON ROAD INDUSTRIAL

REZONING SITE PLAN

Project

BOHANNON ROAD INDUSTRIAL

FAIRBURN, GA 30213 | FULTON COUNTY

LAND LOT 11 | 9th DISTRICT

Sheet

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REZONING SITE PLAN

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FAIRBURN, GA 30213 | FULTON COUNTY

LAND LOT 11 | 9th DISTRICT

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LAND LOT 11 | 9th DISTRICT

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BOHANNON ROAD INDUSTRIAL

REZONING SITE PLAN

Project

BOHANNON ROAD INDUSTRIAL

FAIRBURN, GA 30213 | FULTON COUNTY

LAND LOT 11 | 9th DISTRICT

Sheet

1

DEVELOPMENT SUMMARY			
SITE AREA (TOTAL DEVELOPMENT)	± 32.3 ACRES		
EXISTING ZONING	AG		
PROPOSED ZONING	M-1		
PROPOSED USE	WAREHOUSING		
DENSITY	273,000 SF 401,000 SF		
FULL BUILDOUT	19 ACRES		
IMPERVIOUS SURFACE*			
SETBACKS	SEE PLAN		
MAX LOT COVERAGE	60%		
MAX BUILDING HEIGHT*	48'		
PARKING	REQ'D		
1 SPACE/2,500 SF UP TO 150,000 SF			
1 SPACE/7,500 SF BEYOND 150,000 SF			
PROPOSED	215 (1 SPACE/7,250 SF)		

PARCEL SUMMARY			
PIN	Address	Area	Zoning
09F01000014144*	0 BOHANNON RD	0.30	M-1
09F01000014151*	0 BOHANNON RD	0.29	M-1
09F01000014136*	0 BOHANNON RD	2.41	M-1
09F01000014128*	0 BOHANNON RD	0.34	M-1
09F01000014128*	8125 BOHANNON DR	4.20	AG
09F01000014128*	0 BOHANNON RD	1.78	AG
09F01000014128*	8155 BOHANNON DR	13.50	AG
09F01000014128*	8155 BOHANNON DR	8.51	AG
09F01000014128*	8155 BOHANNON DR	2.00	AG

1525 OAKLEY INDUSTRIAL BOULEVARD
N/F SOUTHCREEK IV ATLANTA LLC
ZONED: M-1

EXISTING ±550,000 LOGISTICS CENTER

GEORGIA
SURVEYING
INC.
1000 Peachtree Street, NE
Atlanta, GA 30309
404.771.0900
info@georgiasurveying.com

Re: REZONING ORDINANCE 2022044
Property of Brian Dickson, Catherin Benton and Richard Benton
8125 Bohannon Drive (Parcel ID No. 09F010000110654)
8145 Bohannon Road (Parcel ID No. 09F010000110365)
0 Bohannon Road (Parcel ID No. 09F010000110662)
8155 Bohannon Drive (Parcel ID No. 09F010000114227 and 09F010000110100)
32.3 acres; Land Lot 11, District 7

**STATE OF GEORGIA
COUNTY OF FULTON**

AN ORDINANCE TO REZONE CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF FAIRBURN FROM AG (AGRICULTURE) ZONING DISTRICT TO M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME:

Section 1. That the City of Fairburn Zoning Ordinance be amended, and the official maps established in connection therewith be changed so that the property located in the City of Fairburn as indicated on Exhibit "A" to this Ordinance be changed from AG (Agriculture) Zoning District to M-1 (Light Industrial) Zoning District, subject to the following conditions:

A. To the owner's agreement to restrict the use of the subject property as follows:

1. Permitted uses under M-1 (Light Industrial), no more than 401,000 square feet of warehouse space

B. To abide by the following:

The property shall be developed in substantial conformity with the Zoning Site Plan prepared by Barclift Consulting and attached as Exhibit B. Any determination as to "substantial conformity" and deviation from the site plan shall be approved by the Department of Community Development staff. The site plan is conceptual only and must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit.

C. To the following site development standards:

1. Development standards shall be as follows:
 - a. Building setbacks:

- i. Front: 35 feet
- ii. Side: 20 feet
- iii. Rear: 30 feet

2. To restrict truck traffic south on Bohannon Road (Bohannon Road, south of Oakley Industrial Boulevard, nor Bohannon Drive is a designated truck route).
3. Building exterior shall be constructed predominately of stone, brick, concrete, glass, or metal. Building walls shall not be clad with vinyl siding.
4. Lighting on the exterior of the building on the subject property shall be directed downward and internal to the property lines. All perimeter lighting shall be directed to the interior of the subject property.
5. A 100-foot vegetated buffer shall be installed to provide a visual buffer between the industrial use and agriculture zoned property. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly. In addition to tree planting, a vegetated earthen berm shall be installed to screen the warehouse from view as much as reasonably possible from the agriculture zoned property (south of the building).
6. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. 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.
7. 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)
8. Sidewalks are required along the entire frontage on Bohannon Drive/Bohannon Road from property line to property line. All sidewalks shall have a minimum width of five feet and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards.

9. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.

Section 2. That the property shall be developed in compliance with the conditions of approval as stated in this Ordinance. Any conditions hereby approved do not authorize the violation of any district regulations; and

Section 3. That the official maps referred to on file in the Office of the City Clerk, be changed to conform with the terms of this Ordinance; and

Section 4. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 5. Pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 11th day of July, 2022; and

Section 6. This Ordinance shall become effective on the 11th day of July, 2022.

Section 7. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed.

APPROVED this 11th day of July, 2022, by the Mayor and Council of the City of Fairburn, Georgia.

Mario Avery, Mayor

ATTEST:

Brenda James, City Clerk

APPROVED AS TO FORM:

Rory K. Starkey, City Attorney



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

**SUBJECT: REZONING 2022045 SCP ACQUISITIONS, LLC WITH CONCURRENT VARIANCE
2022046**

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 06/28/22

Work Session: N/A

City Council: 07/11/22

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to consider the rezoning of 14.98 acres from C-2 (General Commercial) to PD (Planned Development) to allow a planned development.

HISTORY: N/A

FACTS AND ISSUES: SCP Acquisitions, LLC is requesting to rezone 14.98 acres from C-2 (General Commercial District) to PD (Planned Development) to develop a planned community with 288 multi-family residential units, 4,000 square feet of commercial space, and 5.1 acres of conservation open space with a concurrent variance to reduce the number of parking spaces from 2 spaces per unit to 1.50 spaces. There are two access points to the proposed development from Meadow Glen Pkwy and Renaissance Pkwy.

The proposed development will consist of the following amenities fitness center, resort-style pool, and lounge area, fire pit, gaming areas, bocce ball court, walking/hiking trails, electric car charging stations, dog park, dog spa, package delivery system, outdoor grilling stations, and valet trash pick-up. The unit finishes consist of stainless appliances, granite countertops, washer/dryers, 9'ceilings, curated finishes, tile backsplash, upgraded lighting, and plumbing fixtures, walk-in closets, electronic door locks, and onsite staff during business hours.

The Future Land Use Map has the subject property designated as Highway Mixed-Use, and the proposed planned development is appropriate for this commercial character area.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Based on the proposed development's consistency with the 2040 Comprehensive Plan and Future Land Use Map, staff's recommendation is: **APPROVAL CONDITIONAL**
The Planning and Zoning Commission reviewed the rezoning application on June 7, 2022, and their recommendation is Approval Conditional. [See the attached transmittal memo.]

APPLICATION INFORMATION

Rezoning 2020045 SCP Acquisitions, LLC with Concurrent Variance 2020046

APPLICANT/PETITIONER INFORMATION

Property Owner CLG Fairburn	Petitioner SCP Acquisitions, LLC
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PROPERTY INFORMATION

Address:	0 Renaissance Pkwy [parcel # 09F020100121204]
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Land Lot and District:	Land Lot 12, 13, 26, 27, District 9F
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Frontage:	Renaissance Pkwy
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Area of Property:	14.98 acres
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Existing Zoning and Use:	C-2 (General Commercial) and Undeveloped
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Overlay District:	Highway 74 Overlay District
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Prior Zoning Cases/History:	SCP Acquisitions, LLC requested to rezone the subject property (0 Renaissance Pkwy [parcel # 09F020100121204]) from C-2 (General Commercial) to RM-36 (Multi-family residential) to develop a 287-unit multi-family residential development. The Planning and Zoning Commission made a recommendation of denial on August 4, 2020, and Mayor and Council denied the rezoning request on October 12, 2020.
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2040 Comprehensive Plan and Future Land Use Map Designation:	Highway Mixed-Use/Commercial Character Area
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MEETING AND HEARING DATES

Planning and Zoning Commission Meeting Tuesday, June 7, 2022	City Council Public Hearing Monday, July 11, 2022
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INTENT

A request to rezone 14.98 acres from C-2 (General Commercial) to PD (Planned Development) to develop 288 multi-family units, 4,000 square feet of commercial space, and 5.1 acres of conservation open space with a concurrent variance to reduce the number of parking spaces from 2 spaces per unit to 1.50 spaces.

SURROUNDING ZONING

North: RM-36 (Multi-family Residential) and C-2 (General Commercial)

South: C-2 (General Commercial)

East: RM-12 (Multi-family Residential), R-CT (Residential Condominium/Townhouse), and R-4 Overlay (Single-family Residential)

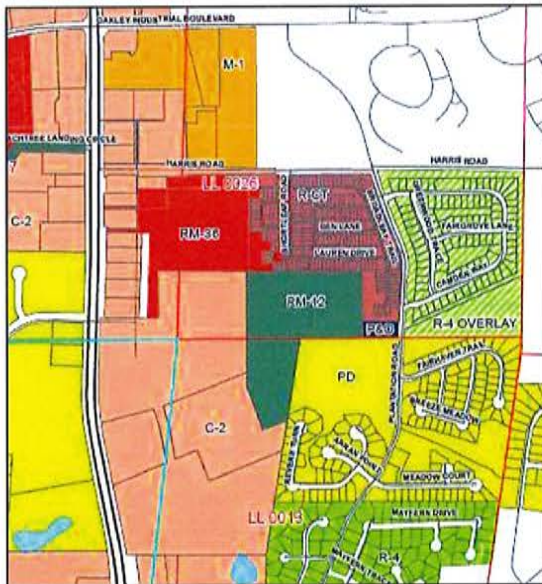
West: C-2 (General Commercial District and PD (Planned Development)

ARIEL MAP

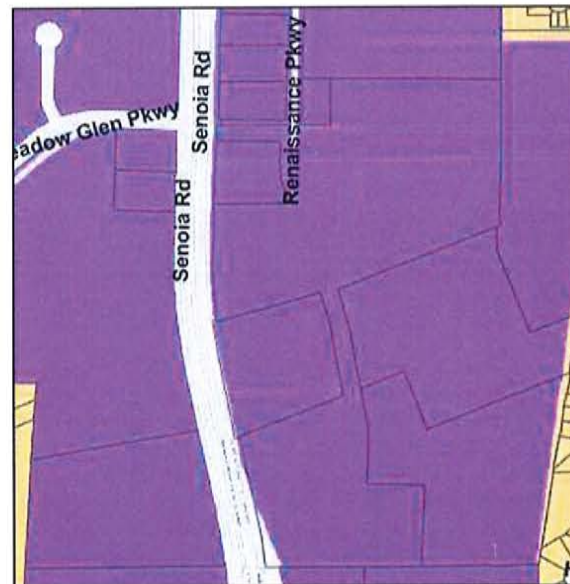


Renaissance Pkwy
09F020100121204
14.98 acres

ZONING AND FUTURE LAND USE MAPS



C-2



Highway Mixed Use

PUBLIC PARTICIPATION

The applicant held a community meeting on May 9, 2022, at 7:00 p.m. at Fairburn Holiday Inn Express conference room located at 7905 Senoia Road, Fairburn. Property owners within 750 feet of the subject property were notified of the meeting by letter. Based on the meeting attendance sheet, seven (7) property owners were present.

STAFF COMMENTS

Engineering/Public Works:

1. When property fronting on a city street is to be developed or when the property is to be accessed from a city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter and drainage) which are required along the existing road across the entire property frontage at no cost to the city. Required improvements shall not be less than provided in the regulations for the designated street classification. [Sec. 71-37 (a)]
2. On any existing street having a right-of-way less than the minimum which abuts a property being developed, a minimum of one-half of the required width of right-of-way shall be dedicated at no cost to the city along the entire property boundary abutting the existing street. [Sec. 71-36 (b)]
3. The developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the required street improvements. [Sec. 71-37 (c)]
4. In the event that a development has access to a substandard street and if that substandard street provides the primary means of access to the development, the substandard street shall be fully upgraded, and the full width of the roadway overlaid with asphaltic concrete surface course along the entire property frontage and continuing to the nearest standard paved road along the route of primary access. [Sec. 71-39]
5. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. 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. [Sec. 71-38(4)]
6. Except as indicated, acceleration and deceleration lanes shall be provided for new street and driveway connections to existing streets. The lanes will not be required if 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). [Sec. 71-40]
7. Additional street right-of-way width may be required to be dedicated at intersections or other locations fronting the property where turning lanes, storage lanes, medians, islands, or realignments are required for traffic safety and minimum right-of-way standards would be inadequate to accommodate the improvements. [Sec. 71-36 (c)]
8. All new streets or street widening sections shall be provided with curb and gutter. [Sec. 71-45]
9. All of the materials, methods of construction, and workmanship for street construction shall conform to the latest edition of the state department of transportation Standard Specifications for Road and Bridge Construction, including all amendments. [Sec. 71-42]
10. Sidewalks are required along the entire project frontage from property line to property line. All sidewalks shall have a minimum width of five feet and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards. [Sec. 71-46]
11. Traffic control devices consisting of street name signs, traffic control signs, traffic markings and traffic signals shall be provided by the developer as appropriate to serve each development. All traffic control devices and installation thereof shall conform to the specifications of the Federal Highway Administration publication, Manual on Uniform Traffic Control Devices, current edition and ANSI D6.1e.

The minimum traffic control devices for nonresidential developments shall include those devices for residential developments and lane and centerline markings, stop lines, and parking space markings. Additionally, appropriate other signs and signals shall be provided by the developer. [Sec. 71-47]

12. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback. [Sec. 65-233 (a)(1)(2)]

13. Article V of the City of Fairburn's Code of Ordinances is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence. [Sec. 65-234]

14. If the project is of a type that may result in a disturbance of wetlands and is located within 50 feet of a wetlands protection district boundary, a U.S. Army Corps of Engineers determination shall be required. If the Corps determine that wetlands are present on the proposed development site, the locate permit or permission will not be granted until a section 404 permit or letter of permission is issued. [Sec. 80.111(f)(4)]

15. All stormwater runoff generated from a site shall be adequately treated before discharge. [Sec. 65-112]

16. If existing water mains and/or sanitary sewers must be extended to serve a development, the developer shall install or have installed the necessary extensions at no cost to the city under the existing city policy and procedures at plan approval time. [Sec. 71-74]

Fire: No comments at this time.

Water and Sewer:

City of Fairburn sewer is available towards the rear of the property. This sewer ultimately goes to the Fulton County system. Capacity coordination with Fulton would be necessary. The City of Fairburn water is available at front of the property.

ZONING IMPACT ANALYSIS

A. Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

The applicant is requesting to rezone the subject property from C-2 (General Commercial) to PD (Planned Development) for a planned development consisting of 288 multi-family residential units, 4,000 square feet of commercial space, and 5.1 acres of conservation open space with a concurrent variance to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit. There is a multi-family complex adjacent to the proposed site and vacant land to the rear of the site is zoned RM-12 (Multi-family Residential).

Staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area consists of RM-36 (Multi-family Residential) and C-2 (General Commercial Residential) to the north, RM-12 (Multi-family Residential), R-CT (Residential Condominium/Townhouse), and R-4 Overlay (Single-family Residential) to the east, C-2 (General Commercial) to the south, and C-2 (General Commercial District), and PD (Planned Development) to the west.

B. Does the proposal adversely affect the existing use or usability of adjacent or nearby property?

Staff is of the opinion that the proposal if approved will not have an adverse impact on the use or usability of adjacent or nearby properties. The surrounding properties have a variety of uses, including multi-family to the north, single-family residential lots to the east, and commercial to the south and west of the property.

C. Does the property have a reasonable economic use as currently zoned?

Staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

D. Will the proposal result in a use that could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

Traffic Impact and Improvements

A traffic control light located at the intersection of Meadow Glen Pkwy and Senoia Road/Highway 74 will create easier and safer access for vehicles to travel onto Renaissance Pkwy and Senoia Road/Highway 74. Also, the forthcoming I-85 at SR 74/Senoia Road partial cloverleaf interchange project is expected to reduce congestion and provide capacity on the roadway. The project is currently in the right-of-way phase with an anticipated construction start date of Fall 2023.

The developer will be required to conduct a traffic study to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, and develop conclusions and recommendations to mitigate the project traffic impacts and ensure safe and efficient existing and future traffic conditions in the vicinity of the project. The installation of deceleration lanes and left-turn lanes will be required at the proposed entrances to accommodate access to and from the proposed development and to meet projected traffic demand and/or safe operations unless deemed unwarranted by a traffic study. The installation of 5-ft sidewalks along the street frontage (Renaissance Pkwy) will be required.

Impact on Schools

Based on the Fulton County Schools' rezoning impact statement, the home schools for the proposed development are Oakley Elementary, Bear Creek Middle, and Creekside High School. The forecasted data for the 2021-2022 school year and the proposed impact of the multi-family development are as follows:

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT	GADOE CAPACITY	EST. # NEW FCS STUDENTS GENERATED	PROJECTED UNDER/OVERCAPACITY	
				WITHOUT DEV	WITH DEV
Oakley Elementary	685 to 727	875	10 to 73	-190 to -148	-180 to -75
Bear Creek Middle	1,110 to 1,178	1,075	4 to 19	35 to 103	39 to 122
Creekside High	1,719 to 1825	1,900	4 to 49	-181 to -75	-177 to -26
TOTAL			18 to 141		

POSITIVE values indicate the number of students a facility is over the state capacity and **NEGATIVE** values indicate the number of students a facility is under state capacity. The capacity indicates space. However, due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

E. Is the proposal in conformity with the policies and intent of the land use plan?

The subject property is designated as Highway Mixed-Use on the Future Land Use Map.

The development strategies for the Highway Mixed-Use/Commercial Character Area, as referenced in the 2040 Comprehensive Plan are:

- Vibrant commercial corridors that provide a comprehensive array of goods and services to Fairburn residents as well as Coweta and Fayette County residents.
- Smaller scale, walkable retail centers with a variety of stores and shops.
- Developments that are accessible and safe for pedestrians and cyclists, as well as automobiles.
- To promote a variety of housing types in the area
- Limit multi-family densities to no more than 36 units acre.
- Building height should be limited to four (4) stories.
- Multi-family and townhomes should be used as a transition from intense commercial use to residential uses.

The appropriate land uses for the Highway Mixed-Use/Commercial Character Area are:

- Mixed-Use
- Retail Sales of Goods (Clothing, Shoes, Accessories, Gifts, Sporting Goods, etc.)
- Grocery Stores
- Restaurants/Cafés
- Drug Stores/Pharmacies
- Dry Cleaners
- Medical and professional offices/other service providers
- Theaters
- Multi-family housing
- Townhomes
- Lodging
- Transit-oriented development

The appropriate zoning districts in the Highway Mixed-Use/Commercial Character area include C-1 (Neighborhood Commercial), C-2 (General Commercial), O&I (Office Institutional), RM-12 (Multi-family Residential), RM-36 (Multi-family Residential), and PD (Planned Development). Staff believes the proposed planned development conforms with the 2040 Comprehensive Plan and Future Land Use Map.

F. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the proposal?

Staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

G. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn?

Staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn.

VARIANCE CONSIDERATIONS

Section 80-251 Variances Considerations:

- (1) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter; or
- (2) The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

The applicant is requesting a concurrent variance as outlined below.

1. Variance from section 80-337(b)(1) to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit. (2022046)

Findings:

Staff is of the opinion that the request to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit is in harmony with the intent of the Zoning Ordinance and would not be a detriment to adjacent properties. The proposed 288-unit multi-family residential development would require 576 parking spaces and the applicant is proposing 423 spaces and 30 garage spaces, a difference of 153 spaces. The off-street parking regulations do not provide separate standards for multi-family or single-family development. Both residential uses require 2 parking spaces per dwelling unit. The applicant is proposing 185 one-bedroom units, 93 two-bedroom units, and 12 three-bedroom units. The majority of the units are one and two-bedroom units; therefore, additional parking spaces will not be required to accommodate the number of proposed units. Additionally, the request is consistent with industry standards (1 to 1.5 spaces for 1 bedroom, 1.5 to 2 spaces for 2 bedrooms, and 1.75 to 2 spaces for 3 bedrooms). Therefore, based on these reasons, staff recommends **APPROVAL** of this variance request.

STAFF RECOMMENDATION

Staff believes the proposed use of the property for a planned development with 288 multi-family residential units, 4,000 square feet of commercial space, and 5.1 acres of conservation open space conforms with the 2040 Comprehensive Plan and Future Land Use Map, which designates the site as Highway Mixed-Use. The rezoning of the property from C-2 (General Commercial) to PD (Planned Development) will not adversely affect the surrounding properties. There are multi-family residential and commercial uses in the vicinity of the subject property.

One of the development strategies for the Highway Mixed Use/Commercial Character Area is for multi-family and townhouse developments to be transitional uses from intense commercial uses. The proposed planned development include a transitionl residential use from the commercial uses fronting Highway 74/Senoia Road. Also, an increase in residential density will provide a greater opportunity to attract quality retail and commercial development along the corridor. Therefore, based on these reasons staff's recommendation is **APPROVAL** **CONDITIONAL**.

Should the Mayor and City Council decide to approve the rezoning request, the staff recommends the conditions listed below. The applicant's agreement to these conditions would not change staff's recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council:

A. To the owner's agreement to restrict the use of the subject property as follows:

1. Multi-family residential units at a density no greater than 20 units per acre or 288 units, whichever is less.
2. Commercial use at 4,000 square feet (approx. 2,000 square feet per building)

- a. Permitted uses under C-2 (General Commercial) except liquor stores, car/truck rental or sale/leasing, auto repair/tire/body shop, auto supply store, parking lot/garage, recycling center, gasoline service station, and funeral services are specifically prohibited

B. To abide by the following:

The property shall be developed in substantial conformity with the Zoning Site Plan [Development Plan] prepared by b+c Studio and attached as Exhibit B. Any determination as to “substantial conformity” and deviation from the site plan shall be approved by the Department of Community Development staff. The site plan is conceptual only and must meet or exceed the requirements of the City’s regulations prior to the approval of a Land Disturbance Permit.

C. To the following site development standards:

1. Development standards shall be as follows:

a. Building setbacks:

- i. Front: 5-22 feet
- ii. Side: 15-23 feet
- iii. Rear: 15 feet

Multi-family residential Use

1. Minimum nine (9) foot ceilings. Excluding fur downs for HVAC and plumbing.
2. Full amenity package including recreation area, courtyards, swimming pool, fitness center, dog wash room, dog park, walking trail, and club room.
3. The number of three (3) bedroom units shall be limited to no more than ten percent (10%) of the total number of units.
4. Exterior materials shall be a minimum of thirty percent (30%) brick or stone and forty percent (40%) stone or other cementitious material.
5. All roof-mounted equipment shall be screened from the public right-of-way.
6. The property shall have an entry gate at all vehicular access points and a fence surrounding the residential portion of the property. Wood fencing material shall be prohibited. Stream buffers shall be excluded from this requirement.
7. Garages shall be provided for at least 10 -15 percent of the total number of units.
8. A multi-use wood chip/mulch trail (approx. 1,300 linear feet) shall be included in the development.
9. A minimum of two (2) alternative fuel vehicle charging stations shall be included in the development.
10. The developer shall in good faith establish a rental program for Fairburn public safety (i.e. Fire, Police, EMT) as well as other City of Fairburn personnel.

Commercial Use

1. Refuse areas (trash containers) shall be placed in the least visible location from the public streets and shall be enclosed on three sides with brick, stone, or other cementitious materials used on the façade of the buildings.
2. The front façade of the commercial uses shall be a combination of brick, stone, glass, and/or other cementitious sidings.
3. Burger bars, steel gates, metal awnings, and steel roll-down curtains are prohibited on the exterior and interior of all structures.

General

1. A master sign plan shall be created for the entire project. Internal sign lighting shall be prohibited. Exterior sign lighting for multi-family residential and commercial uses shall be of similar color, shape, material, and overall style.
2. Lighting fixture height, style, design, and illumination levels shall be compatible with the building design and height and shall consider safety, function, and aesthetics. Lighting fixtures installed along sidewalks shall be of a pedestrian scale and shall not exceed 20 feet in height.
3. All utilities shall be installed underground throughout the development area.
4. Pedestrian walkways (sidewalks) shall be designed and constructed to allow for connectivity between the multi-family, commercial, amenities, and open spaces throughout the development.
5. Parking located outside of the residential gated area shall be shared amongst the multi-family residential and commercial uses.
6. The following building façade materials are prohibited for the entire development:
 - a. Exterior Insulation Finishing Systems (EIFS)/Synthetic Stucco
 - b. Metal panel systems
 - c. Corrugated steel
 - d. Smooth concrete; masonry or plain
 - e. Cinderblock
 - f. Reinforced concrete slabs
 - g. Aluminum or vinyl siding
 - h. Plywood
 - i. Presswood
 - j. Mirrored (or use highly reflective) glass

ATTACHMENTS

Letter of Intent
Site Plan [Development Plan]
Elevations



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: July 11, 2022
To: Mayor and Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Rezoning 2022045, with Concurrent Variance 2022046 - SCP Acquisitions, LLC

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, on June 7, 2022, the Planning and Zoning Commission reviewed Rezoning 2022045 with concurrent variance 2022046 - SCP Acquisitions and the recommendation to Mayor and Council is **APPROVAL**
CONDITIONAL.

April 4th, 2022



Tarika Peeks

City of Fairburn Planning & Zoning Department

26 W. Campbellton St.

Fairburn, Ga 30213

Renaissance Pkwy Site

Parcel ID# 09F020100121204 & 09F070300270483

Dear Tarika Peeks,

As the potential owner of land lots 12, 13, 26 and 27 in district 9 of the City of Fairburn, we would like to propose a change from the current zoning of C-2 to the zoning of PD, with concurrent variance related to minimum parking spaces. The concurrent variance requested would reduce the minimum parking spaces from 2 spaces per unit to 1.50 spaces per unit. Under the zoning category of PD, the property will be used as a mixed-use development with multi-family residential, open space and retail/commercial. The site plan we have submitted utilizes densities of 20 units per acre, for a total of 288 apartment units. The apartment units will be accompanied by ground level retail, manicured park space, nature trails, extensive resort style amenities, as well as top-of-market unit finishes and design that will continue to improve on the quality of construction in the City of Fairburn.

From our experience in the Fairburn market, after developing and operating both Solstice and Croft House Fairburn (now known as The Dylan at Fairburn), we have found 1.50 parking spaces per unit provides ample parking for the entire community to operate effectively and efficiently.

The SR-74 corridor provides a unique opportunity for high density mixed use, as called for by the City of Fairburn Comprehensive Plan 2015-2035. The locational advantage of SR-74 to I-85 means that many corporate professionals can choose this location over neighboring communities such as Peachtree City, Fayetteville, Newnan and Tyrone. With an ongoing 6 billion-dollar Hartsfield-Jackson expansion, as well as expansions by Amazon, Pinewood Studios, Atlanta Metro Studios, Walmart, Procter and Gamble and many others, we believe there is opportunity to continue to cultivate new residents for the Fairburn market. We believe that many of these new Fairburn residents will be young working professionals, many with disposable income. By granting South City Partners PD zoning rights, The City of Fairburn will be able to continue growing its population, which, in turn, offers the opportunity to continue fostering the growth of restaurants, retail and other small businesses experiencing difficulties outlined in the Fairburn Urban Redevelopment Plan.

The team at South City Partners looks forward to hearing from you.

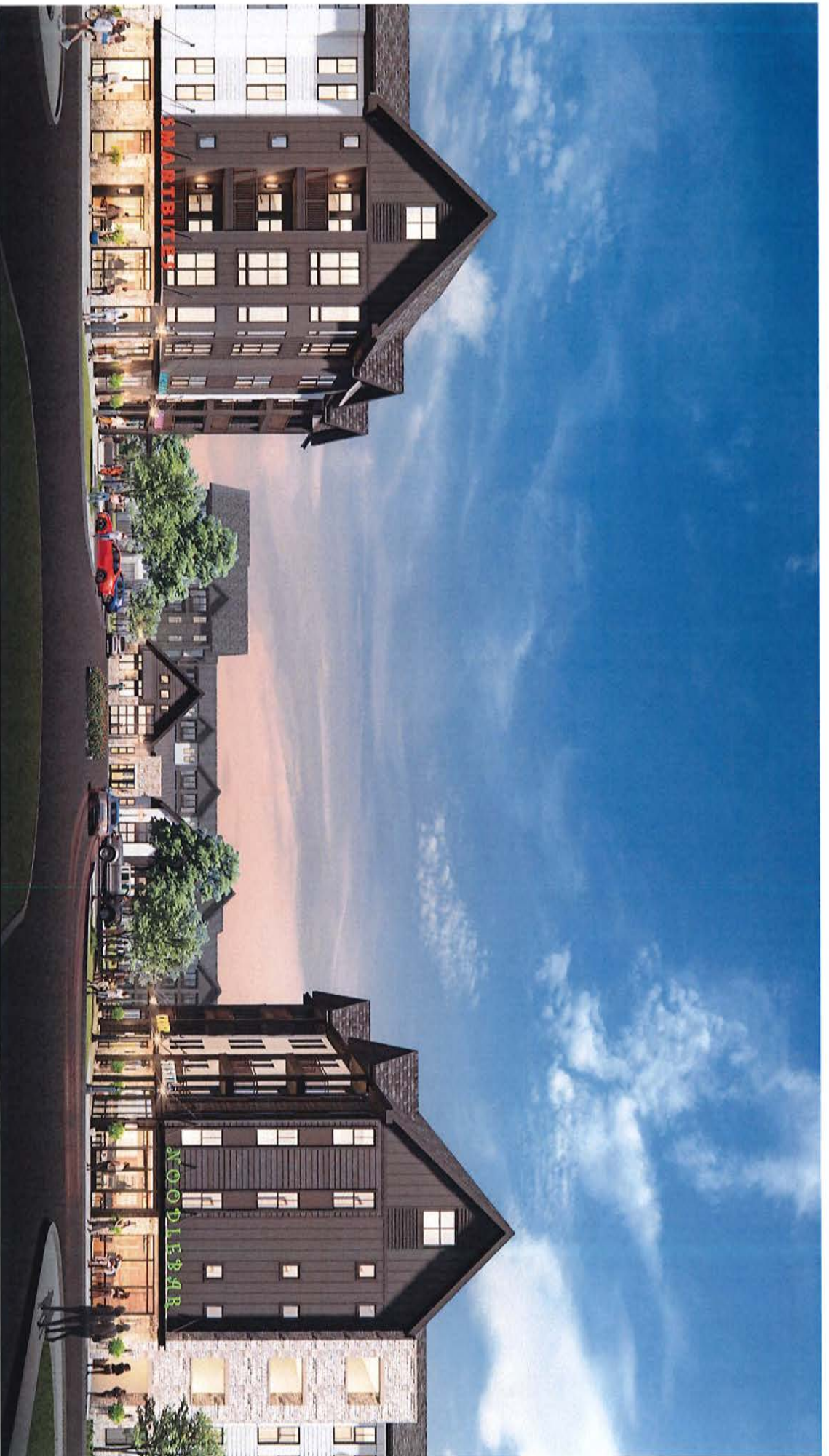
Sincerely,

South City Partners

A handwritten signature in blue ink, appearing to read "SAR", is written over the printed name of Sean A. Rosko.

Sean A. Rosko

Project Manager



RENAISSANCE PARKWAY
FAIRBURN, GEORGIA
RENDERING • 02-25-2022

SCP2020-02



© COPYRIGHT 2022 DYNAMIK DESIGN

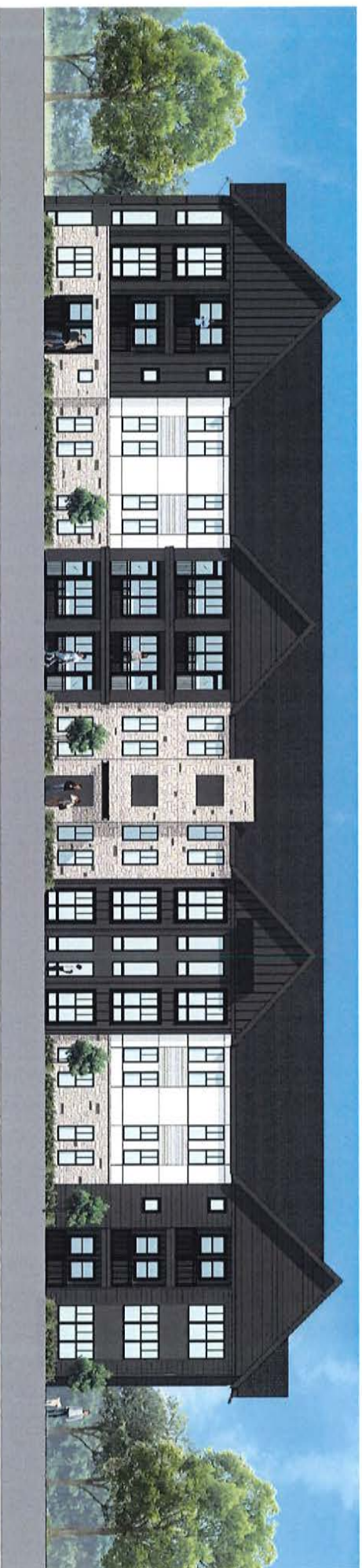


RENAISSANCE PARKWAY

FAIRBURN, GEORGIA
CONCEPTUAL DESIGN • 04-03-2020

SCP/2020-02





RENAISSANCE PARKWAY

FARBURN, GEORGIA
CONCEPTUAL DESIGN • 04-03-2020

SCP2020-02





ZONING DATA

DEVELOPER/OWNER:
South City Partners
3715 Norcross Parkway Suite 1-310
Atlanta, GA 30327 PH: 404-287-0083
WWW.SOUTHCITYPARTNERS.COM

PREPARED BY:
B+C Studio
1320 Elsworth Industrial Blvd.
Atlanta, GA 30327 PH: 404-560-7891

14.98 Acres Zoned: C-2

Proposed zoning/uses: PD (RM-36, C-2, Conservation Area)

1. Impervious surface including parking, drives, walks and buildings: +/- 325,000 SF
2. Wetland area .5 acres.
3. 5.1 acres conservation area provided (shaded area which is over 30% of site area).
4. Wood chip trail 1,300 linear feet.

Required residential parking: 2 spaces/unit
Provided residential parking: 1.5 spaces/unit 432 spaces including 30 garage spaces
Required retail parking: 1/200 s.f. 20 spaces. Provided retail parking: 20 spaces

SITE INFORMATION

LEGEND

- MULTIFAMILY**
- M1 4 STORY (TYPE VA) - 2 BUILDINGS
TOTAL: 132 UNITS (66 UNITS/BLDG)
 - M2 4 STORY (TYPE VA)
TOTAL: 84 UNITS
 - M3 3 STORY (TYPE VA) - 2 BUILDINGS
TOTAL: 72 UNITS (36 UNITS/BLDG)
 - TOTAL UNITS: 288
 - AVG HEATED AREA - MF: 875 SF per unit

AMENITIES

- C1 MULTIFAMILY CLUB / LEASING
TOTAL: 7,000 SF
- C2 MAINTENANCE / DOG WASH
TOTAL: 950 SF

GARAGES

- G 6 BAY GARAGES
NO. OF GARAGES: 5
- TOTAL GARAGE PARKING: 30 SPACES

RETAIL

- R RETAIL ON LEVEL ONE
TOTAL: 4,000 (2,000 PER BUILDING)

UNIT MIX:
64% one bedroom units
32% two bedroom units
4% three bedroom units

Conservation Area



South City Partners - Renaissance Park

Fairburn, Georgia

June 2, 2022



LANDSCAPE ARCHITECTURE | DESIGN + PLANNING

Re: REZONING ORDINANCE 2022045
Property of CLG Fairburn
0 Renaissance Pkwy (Parcel ID No.: 09F020100121204
14.98 acres; Land Lot 12, 13, 26 27
District 9F
CONCURRENT VARIANCE 2022046

**STATE OF GEORGIA
COUNTY OF FULTON**

**AN ORDINANCE TO REZONE CERTAIN PROPERTY WITHIN THE CITY
LIMITS OF THE CITY OF FAIRBURN FROM C-2 (GENERAL COMMERCIAL)
ZONING DISTRICT TO PD (PLANNED DEVELOPMENT) ZONING DISTRICT
WITH A CONCURRENT VARIANCE; TO PROVIDE FOR SEVERABILITY; TO
PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES;
AND FOR OTHER PURPOSES**

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY
OF THE SAME:

Section 1. That the City of Fairburn Zoning Ordinance be amended, and the official maps established in connection therewith be changed so that the property located in the City of Fairburn as indicated on Exhibit "A" to this Ordinance be changed from C-2 (General Commercial) Zoning District to PD (Planned Development) Zoning District with one (1) concurrent variance, 2022046, subject to the following conditions:

A. To the owner's agreement to restrict the use of the subject property as follows:

1. Multi-family residential units at a density no greater than 20 units per acre or 288 units, whichever is less.
2. Commercial use at 4,000 square feet (approx. 2,000 square feet per building)
 - a. Permitted uses under C-2 (General Commercial) except liquor stores, car/truck rental or sale/leasing, auto repair/tire/body shop, auto supply store, parking lot/garage, recycling center, gasoline service station, and funeral services are specifically prohibited

B. To abide by the following:

The property shall be developed in substantial conformity with the Zoning Site Plan [Development Plan] prepared by b+c Studio and attached as Exhibit B. Any determination as to "substantial conformity" and deviation from the site plan shall be approved by the Department of Community Development staff. The site plan is conceptual only and must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit.

C. To the following site development standards:

1. Development standards shall be as follows:

a. Building setbacks:

- i. Front: 5-22 feet
- ii. Side: 15-23 feet
- iii. Rear: 15 feet

Multi-family residential Use

1. Minimum nine (9) foot ceilings. Excluding fur downs for HVAC and plumbing.
2. Full amenity package including recreation area, courtyards, swimming pool, fitness center, dog wash room, dog park, walking trail, and club room.
3. The number of three (3) bedroom units shall be limited to no more than ten percent (10%) of the total number of units.
4. Exterior materials shall be a minimum of thirty percent (30%) brick or stone and forty percent (40%) stone or other cementitious material.
5. All roof-mounted equipment shall be screened from the public right-of-way.
6. The property shall have an entry gate at all vehicular access points and a fence surrounding the residential portion of the property. Wood fencing material shall be prohibited. Stream buffers shall be excluded from this requirement.
7. Garages shall be provided for at least 10 -15 percent of the total number of units.
8. A multi-use wood chip/mulch trail (approx. 1,300 linear feet) shall be included in the development.
9. A minimum of two (2) alternative fuel vehicle charging stations shall be included in the development.
10. The developer shall in good faith establish a rental program for Fairburn public safety (i.e. Fire, Police, EMT) as well as other City of Fairburn personnel.

Commercial Use

1. Refuse areas (trash containers) shall be placed in the least visible location from the public streets and shall be enclosed on three sides with brick, stone, or other cementitious materials used on the façade of the buildings.
2. The front façade of the commercial uses shall be a combination of brick, stone, glass, and/or other cementitious sidings.
3. Burger bars, steel gates, metal awnings, and steel roll-down curtains are prohibited on the exterior and interior of all structures.

General

1. A master sign plan shall be created for the entire project. Internal sign lighting shall be prohibited. Exterior sign lighting for multi-family residential and commercial uses shall be of similar color, shape, material, and overall style.
2. Lighting fixture height, style, design, and illumination levels shall be compatible with the building design and height and shall consider safety, function, and aesthetics. Lighting

Re: REZONING ORDINANCE 2022045
Property of CLG Fairburn
0 Renaissance Pkwy (Parcel ID No.: 09F020100121204
14.98 acres; Land Lot 12, 13, 26 27
District 9F
CONCURRENT VARIANCE 2022046

**STATE OF GEORGIA
COUNTY OF FULTON**

**AN ORDINANCE TO REZONE CERTAIN PROPERTY WITHIN THE CITY
LIMITS OF THE CITY OF FAIRBURN FROM C-2 (GENERAL COMMERCIAL)
ZONING DISTRICT TO PD (PLANNED DEVELOPMENT) ZONING DISTRICT
WITH A CONCURRENT VARIANCE; TO PROVIDE FOR SEVERABILITY; TO
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6. The following building façade materials are prohibited for the entire development:
 - a. Exterior Insulation Finishing Systems (EIFS)/Synthetic Stucco
 - b. Metal panel systems
 - c. Corrugated steel
 - d. Smooth concrete; masonry or plain
 - e. Cinderblock
 - f. Reinforced concrete slabs
 - g. Aluminum or vinyl siding
 - h. Plywood
 - i. Presswood
 - j. Mirrored (or use highly reflective) glass

Section 2. That the concurrent variance to the rezoning is as follows:

1. Variance 2022046 - A variance from Chapter 80, Zoning, Article II, Section 80-337(b)(1) to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit.

Section 3. That the property shall be developed in compliance with the conditions of approval as stated in this Ordinance. Any conditions hereby approved do not authorize the violation of any district regulations; and

Section 4. That the official maps referred to on file in the Office of the City Clerk, be changed to conform with the terms of this Ordinance; and

Section 5. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 6. Pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing was held not less than 15 nor more than 45

days from the date of publication of notice, and which public hearing was held on the 11th day of July, 2022; and

Section 7. This Ordinance shall become effective on the 11th day of July, 2022.

Section 8. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed.

APPROVED this 11th day of July, 2022, by the Mayor and Council of the City of Fairburn, Georgia.

Mario Avery, Mayor

ATTEST:

Brenda James, City Clerk

APPROVED AS TO FORM:

Rory K. Starkey, City Attorney

EXHIBIT A

Legal Description

All that tract or parcel of land lying and being in Land Lots 12, 13, 26 and 27 of the 9th District, City of Fairburn, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point being the southwest corner of Tract 1B per Plat Book 417, Page 68 of Fulton County records, said point lying at the southeast corner of the end of the dedicated R/W of Coventry Parkway (70' R/W) per Plat Book 408, Page 142, from point thus established and running along said easterly Right of Way of Coventry Parkway North $01^{\circ} 53' 38''$ East a distance of 205.16 feet to an iron pin set; thence leaving said Right of Way and running South $89^{\circ} 17' 27''$ East a distance of 865.70 feet to an iron pin set; thence South $00^{\circ} 26' 50''$ West a distance of 353.63 feet to an iron pin set on the Land Lot Line common to Land Lots 13 and 26; thence South $00^{\circ} 26' 50''$ West a distance of 278.33 feet to an iron pin set; thence South $69^{\circ} 07' 03''$ West a distance of 760.42 feet to an iron pin set on the easterly Proposed Right of Way of Coventry Parkway (80' R/W, said road does not lie centered or parallel with the Proposed Right of Way); thence running along said Right of Way the following courses: North $16^{\circ} 39' 55''$ West a distance of 141.70 feet to an iron pin set; thence North $17^{\circ} 46' 06''$ West a distance of 345.76 feet to an iron pin set; thence running along a curve to the right an arc length of 79.39 feet, (said curve having a radius of 235.00 feet, with a chord bearing of North $08^{\circ} 04' 49''$ West, and a chord length of 79.01 feet) to an iron pin set; thence North $01^{\circ} 51' 39''$ East a distance of 165.49 feet to an iron pin set; thence North $89^{\circ} 53' 27''$ West a distance of 5.12 feet to the TRUE POINT OF BEGINNING. Said tract contains 14.979 Acres (652,475 Square Feet).



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Homestead Exemption

☐ AGREEMENT
☒ ORDINANCE

☒ POLICY / DISCUSSION
☐ RESOLUTION

☐ CONTRACT
☐ OTHER

Submitted: 05/27/2022

Work Session: 06/13/2022

Council Meeting: 07/11/2022

DEPARTMENT: Finance

BUDGET IMPACT: Decrease revenues in Fiscal Year 2023-2024.

PUBLIC HEARING? ☐ Yes ☒ No

PURPOSE: For Mayor and Council to review, provide insight, and approve the proposed update to the Homestead Exemption.

HISTORY: The current Homestead Exemption for the City of Fairburn is over 20 years old; it was last updated in the year 2000.

FACTS AND ISSUES: These proposed changes consider the growth, demographics, and population of the City using the 2020 Census. This will provide a property tax break to the Citizens of the City of Fairburn.

FUNDING SOURCE: There are no budget impacts in Fiscal Year 2021-2022. This will decrease revenues in Fiscal Year 2023-2024.

RECOMMENDED ACTION: Staff recommends that Mayor and Council approve the proposed update to the Homestead Exemption.



Tony M. Phillips, City Administrator

CURRENT HOMESTEAD EXEMPTION

Exemption Names	Qualifications	Documentations Needed	Tax Break
Seniors	<ol style="list-style-type: none"> 1. Be 65 or older by April 1st and meet the income requirements of the year in which the exemption would apply. 2. Live in the home (primary residence) 3. Meet the income requirements more than \$15,800 in Social Security if single no more than \$31,600 if married 	<ol style="list-style-type: none"> 1. Present Federal and State Income Tax Return as proof of income. 2. Driver's License 3. All Vehicle Registrations 4. Social Security Award letter (if you do not file income tax) 	\$10,000 of assessed value
Disabled	<ol style="list-style-type: none"> 1. Be 65 or older or disabled by April 1st and meet the income requirements of the year in which the exemption would apply. 2. Live in the home (primary residence) 3. Meet the income requirements more than \$15,800 in Social Security if single no more than \$31,600 if married 	<ol style="list-style-type: none"> 1. Present Federal and State Income Tax Return as proof of income. 2. Driver's License 3. All Vehicle Registrations 4. Social Security Award letter (if you do not file income tax) 5. Up to three (3) physicians licensed to practice medicine in the state of Georgia must complete and sign a certificate provided by the Tax Assessors Office of Fulton County. 6. The signing physician must certify that one or more individuals listed on the deed are mentally or physically incapacitated to the extent that they are unable to be gainfully employed, and that such incapacity is likely to be permanent. 	\$10,000 of assessed value

PROPOSED HOMESTEAD EXEMPTION

Exemption Names	Qualifications	Documentations Needed	Tax Break
Seniors	<ol style="list-style-type: none"> 1. Be 65 or older by April 1st 2. Live in the home (primary residence) 	1. Driver's License/Identification Card	\$10,000 of assessed value
Disabled	<ol style="list-style-type: none"> 1. Who is disabled by April 1st 2. Live in the home (primary residence) 3. The signing physician must certify that one or more individuals listed on the deed are mentally or physically incapacitated to the extent that they are unable to be gainfully employed, and that such incapacity is likely to be permanent. 	<ol style="list-style-type: none"> 1. Driver's License/Identification Card 2. Up to three (3) physicians licensed to practice medicine in the state of Georgia must complete and sign a certificate provided by the Tax Assessors Office of Fulton County. 	\$10,000 of assessed value

FINANCIALS

Number of Seniors	Cost Per Senior	Forgone Revenues
174	\$81	\$14,094

CURRENT

DISABLED VETERAN/PEACE OFFICER/FIRE FIGHTER

Exemption Names	Qualifications	Documentations Needed	Tax Break
Full Value - \$50,000 of assessed value	You are the unmarried widow/widower of a peace officer or firefighter killed in the line of duty. You are a resident of Georgia.	<ul style="list-style-type: none"> • Copy of Death Certificate • Documentation of occurrence of death in line of duty. 	\$50,000 of assessed value
Disabled Veteran - Exemption up to \$50,000 of assessed value	You are certified by the Veterans Administration as having a 100% service - connected disability. This may be extended to un-remarried widow or minor children.	<ul style="list-style-type: none"> • Documentation from Veterans Administration. 	\$50,000 of assessed value
Veteran Surviving Spouse - Exemption up to \$50,000 of assessed value	You are the un-remarried spouse of a military member killed in combat.	<ul style="list-style-type: none"> • Copy of Death Certificate • Documentation of occurrence of death in line of duty. 	\$50,000 of assessed value

FINANCIALS

Number of Veterans	Cost Per Veteran	Forgone Revenues
77	\$405	\$31,185

FINANCIALS

Estimated Increase	Number of Seniors	Forgone Revenues
50%	261	\$21,141
75%	305	\$24,705
100%	348	\$28,188
125%	392	\$31,752
150%	435	\$35,235

PROPOSED

DISABLED VETERAN/PEACE OFFICER/FIRE FIGHTER

Exemption Names	Qualifications	Documentations Needed	Tax Break
Full Value - \$50,000 of assessed value	You are the unmarried widow/widower of a peace officer, firefighter, or military member killed in the line of duty. You are a resident of Georgia.	<ul style="list-style-type: none"> • Copy of Death Certificate • Documentation of occurrence of death in line of duty. 	\$50,000 of assessed value
Disabled Veteran - 100%	You are certified by the Veterans Administration as having a 100% service - connected disability. This may be extended to un-remarried widow or minor children.	<ul style="list-style-type: none"> • Documentation from Veterans Administration. 	100% Exempt
Disabled Veteran - Less than 100%	You are certified by the Veterans Administration as having a service - connected disability. This may be extended to un-remarried widow or minor children.	<ul style="list-style-type: none"> • Documentation from Veterans Administration. 	\$50,000 of assessed value

FINANCIALS

Exemption	Number of Veterans	Forgone Revenues
100%	77	\$48,220
Estimated Increase	Number of Veterans	Forgone Revenues
50%	39	\$15,795
75%	58	\$23,490
100%	154	\$62,370
125%	174	\$70,470
150%	193	\$78,165
		Grand Total
		\$64,015
		\$71,710
		\$110,590
		\$118,690
		\$126,385

1 STATE OF GEORGIA
2 COUNTY OF FULTON

ORDINANCE NO: _____

3
4 **AN ORDINANCE TO AMEND CHAPTER 53, ARTICLE II, DIVISION 2 OF THE CODE**
5 **OF ORDINANCES OF FAIRBURN, GEORGIA SO AS TO REVISE THE**
6 **QUALIFICATIONS FOR THE HOMESTEAD EXEMPTION; TO REPEAL**
7 **CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR**
8 **OTHER RELATED PURPOSES.**

9
10 **WHEREAS**, the City of Fairburn currently provides a homestead exemption of Ten Thousand
11 Dollars (\$10,000.00) of the assessed property value from all City ad valorem taxes to residents
12 who are sixty-five (65) years of age or over or who are disabled, if the property owner's adjusted
13 gross income does not exceed the sum of \$15,800.00 or if the property owner's adjusted gross
14 income, together with the adjusted gross income of the property owner's spouse, does not exceed
15 the sum of \$31,600.00; and

16
17 **WHEREAS**, the City of Fairburn also provides a homestead exemption of up to Fifty Thousand
18 Dollars (\$50,000.00) of the assessed property value from all City ad valorem taxes to residents
19 who are veterans with a 100% service-connected disability or widows of such veterans, unmarried
20 widows or widowers of peace officers or firefighters killed in the line of duty, or the un-remarried
21 spouse of a military member killed in combat; and

22
23 **WHEREAS**, the City Code currently requires the property owner seeking the homestead
24 exemption to provide either a certificate or affidavit, depending on the basis upon which the
25 property owner seeks to claim the exemption; and

26
27 **WHEREAS**, the City wishes to update the homestead exemption to account for overall population
28 growth and changing demographics; and

29
30 **WHEREAS**, the City, after due consideration, has determined that the amendment of Chapter 53
31 of the Code of Ordinances is in the best interest of the City.

32
33 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE**
34 **CITY OF FAIRBURN**, that Chapter 53 of the Code of Ordinances is amended as follows:

35
36 **Section 1.** *Section 53-40. Applicability; amount.* is hereby deleted in its entirety and is replaced
37 by the following new Section 53-40:

38
39 **Sec. 53.40. Applicability; amounts.**

40
41 The following homestead exemptions are herein provided:

- 42
43 (a) for each resident of the city who is 65 years of age or older by April 1st of the
44 applicable calendar year, or who is disabled, an exemption from all ad valorem
45 taxes in the amount of \$10,000.00 of the assessed value on a homestead owned
46 and occupied by such resident as their primary residence;

- (b) for each resident who is an unmarried widow or widower of a peace officer, firefighter or military service member who was killed in the line of duty or in combat, an exemption from all ad valorem taxes in the amount of \$50,000.00 of the assessed value on a homestead owned and occupied by such resident as their primary residence;
- (c) for each resident who is a disabled veteran of any branch of the United States military service, who is certified by the U.S. Department of Veterans Affairs as having a 100% service-connected disability, a total exemption from all ad valorem taxes on a homestead owned and occupied by such resident as their primary residence; provided, however, that this exemption may be extended to an un-remarried widow and/or minor children of such disabled veteran; and
- (d) for each resident who is a disabled veteran of any branch of the United States military service, who is certified by the U.S. Department of Veterans Affairs as having a service-connected disability that is less than 100%, an exemption from all ad valorem taxes in the amount of \$50,000.00 of the assessed value on a homestead owned and occupied by such resident as their primary residence; provided, however, that this exemption may be extended to an un-remarried widow and/or minor children of such disabled veteran.

The value of the residence in excess of the above-exempted amounts shall remain subject to taxation. The homestead exemptions provided for in this section shall not apply to any ad valorem taxes levied to pay interest on and retire bonded indebtedness.

(Code 1966, § 22.10; Ord. No. 91-08, § 1, 10-14-1991; Ord. No. 00-14, § 1, 9-11-2000; Ord. No. 2022-__)

Section 2. *Section 53-41. Definitions.* is hereby deleted in its entirety and is replaced by the following new Section 53-41:

Section 53-41. Definitions. Reserved.

Section 3. *Section 53-42. Certificate required.* is hereby deleted in its entirety and is replaced by the following new Section 53-40:

Sec. 53.42. Certification and identification required.

- (a) In order to qualify for the exemption provided for in this division as being "disabled" in Section 53-40(a), the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under O.C.G.A., Title 43, Chapter 34, relative to medical practitioners, as now or hereafter amended, certifying that in the opinion of the physician such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent.
- (b) In order to qualify for the exemption provided for in Section 53-40(b), the person claiming such exemption shall be required to provide a copy of the death certificate of the peace officer, firefighter or military service member killed in

the line of duty or in combat, and documentation of the occurrence of the death in the line of duty or in combat, in a form approved by the City Administrator.

(c) In order to qualify for the exemptions provided for in Sections 53-40(c) and 53-40(d), the person claiming such exemption shall be required to provide certification of the disability level of the veteran homeowner from the U.S. Department of Veterans Affairs.

(d) All applicants for homestead exemptions pursuant to this division shall be required to verify their identity by presenting a valid state-issued driver's license or identification card.

(Code 1966, § 22.10; Ord. No. 91-08, § 1, 10-14-1991; Ord. No. 00-14, § 1, 9-11-2000; Ord. No. 2022-__)

Section 4. *Section 53-43. Affidavit required.* is hereby deleted and is replaced by the following new Section 53-43:

Sec. 53-43. Affidavit required.

A person shall not receive the homestead exemption granted by this division unless the person or person's agent files an affidavit with the city clerk, or his or her designee, giving the person's age, or if disabled, the certification required in Section 53-42, above, and such additional information relative to receiving such exemption as will enable the city clerk, or his or her designee, to make a determination as to whether such homeowner is entitled to such exemption. The city clerk, or his or her designee, shall provide sufficient forms for this purpose.

(Code 1966, § 22.10; Ord. No. 91-08, § 1, 10-14-1991; Ord. No. 00-14, § 1, 9-11-2000; Ord. No. 2022-__)

Section 5. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 6. This ordinance shall become effective immediately upon signature by the Mayor.

Section 7. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

134 Adopted this ____ day of _____, 2022.

135

136

137

138

Mario B. Avery, Mayor

139

140

141 ATTEST:

APPROVED AS TO FORM:

142

143

144

145 _____
Brenda James, City Clerk

Rory K. Starkey, City Attorney



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: FOR MAYOR AND COUNCIL TO APPROVE THE PURCHASE AND INSTALLATION OF 416 ELECTRIC METERS AND 1500 WATER METERS BY KENDALL SUPPLY, INC. IN THE AMOUNT OF \$587,960.00 FOR THE METER CHANGEOUT PROGRAM

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 6/27/2022

Work Session: N/A

Council Meeting: 7/11/2022

DEPARTMENT: Utilities (Electric & Water)

BUDGET IMPACT: The budget impact of this task order will be \$587,960.00. The proposed expenditures will come out of the American Rescue Act Account (230-0000-54-1400).

PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and City Council to approve the purchase and installation of 416 electric meters and 1500 water meters from Kendall Meter Supply, Inc. in the amount of \$587,960.00 for the Meter Changeout Program.

HISTORY: The Utilities Department did a field audit which revealed that the remaining meters that were not collected needed to be replaced due to their service life had expired. These meters had to be manually read and/or estimated. In 2021, the Council approved this project as a necessity through the ARPA funds.

FACTS AND ISSUES: Kendall Meter Supply, Inc. is the sole manufacturer of the Sensus brand water meters, and automatic meter reading equipment in the State of Georgia. The electric meters and water meters will be installed by a Sensus meter contractor (Aqua Meter Consultants) as they are experienced in this type of meter conversion. The purpose of this meter changeout is to upgrade the City's electric and water distribution systems with an electronic reading capability and to replace meters that have served beyond their estimated useful lives.

FUNDING SOURCE: The proposed expenditures will come out of the American Rescue Act Account (230-0000-54-1400).

RECOMMENDED ACTION: Staff recommends that the Mayor and City Council approve the purchase and installation of 416 electric meters and 1500 water meters by Kendall Meter Supply, Inc. in the amount of \$587,960.00 for the Meter Changeout Program.


Tony M. Phillips, City Administrator

METER CHANGEOUT PROGRAM

This is a brief overview of the purpose for the meter changeout project and the gateway to Fairburn's future. Like many utilities throughout the United States, we are modernizing our metering system. This metering upgrade includes advanced meters, which wirelessly send readings and important service information to electric and water utilities.

HISTORY

Originally, the city had the Neptune Metering System which read approximately 3700-4100 electric and water meters for the billing cycle. The remaining meters had to be manually read and/or estimated. As you know with manual readings, there is the certainty of human error. Currently, we have the Kendall Metering system which incorporates Sensus meters as the most accurate meters on the present market. In the trial stage in October 2021, the Sensus system by Kendall Meter Supply, Inc. collected 7100 of the 8300 meters that needed to be read. The Utilities Department did a field audit which revealed that the remaining meters that were not collected needed to be replaced due to their service life had expired. It was discovered that there were different brand meters (Neptune, Badger, Zenner, and some unknown) that had 16 to 20 years of service life. In many cases, the old meters, which some may average 25+ years old, do not register at all. With every month that passed, these meters were becoming less efficient, and our revenue stream was not growing, as it should.

IMPORTANT FACTS

A comprehensive meter replacement project not only benefits the distribution system by creating a more efficient operation but allows a municipality to maintain the lowest possible rates for customers. This replacement will ensure the following results:

- **More accurate utility usage data:** Newer meters can provide accurate data to both the utilities department and customers.
- **More accurate billing process:** Hard water, debris, age, and deterioration can reduce the accuracy of meters over time, leading to lower measurements and the possibility of unbilled use. With more precise meter readings, the city can bill more accurately.
- **Reduced wear and tear:** As meters age, they tend to run slower and may not measure all the water or kilowatts (electricity) going thru them. The data received from this changeout can provide more proactive service in identifying and resolving issues and leaks.

FUTURE TECHNOLOGY PROJECTIONS

Majority of the water meter changeouts will be done in Routes 5, 28 and 32 which encompasses 2,550 meters. These are the 3 biggest water routes that were identified during field audits and data reviews. There are 600-700 water meters in these routes that will not read every month. Also, replacing the "manual direct read" electric meters with Radio Read Meters in Route 62. If approved, a timeline for meter installation and project completion can be presented. During the changeout, important inspections will also be conducted. First, staff will be inspecting the lines that run to and from the water meter to help the city comply with the new Lead and Copper Rule. These rules state that cities must verify the material of service lines and determine if they qualify to be replaced. Second, installers and

staff will collect and verify information for a cross connection/ backflow prevention control survey (residential properties only) as required by the State. A cross connection is any arrangement of pipes in a building's plumbing system that could result in backflow of contaminants into the public drinking water supply system. These are mandated EPD compliance issues that must be addressed immediately.

AMR (Automated Meter Reading) -The Utilities department currently uses the AMR system which requires meter readers to automatically collect readings from either walk-by or drive-by. The endpoint (antenna) captures meter readings from electric and water meters and transmits them to a data encoder (collector) when in proximity of the device.

Upon collection, the meter data is transferred to a database where Utilities can monitor and analyze usage, troubleshoot issues, and bill customers based on actual usage.

AMI (Advanced Metering Infrastructure) -is an integrated system of electric and water meters, communication networks and data management systems that enables two-way communication between meter endpoints and utilities. Unlike AMR, AMI doesn't require meter readers to collect the data. Instead, the system automatically transmits the data directly to a fixed network at predetermined intervals. This will free up the meter reader's time for other necessary and needed work such as disconnections, tampering, etc. This technology also provides more information to the customer to allow them to manage consumption and usage, cost, detect water leaks before a monthly reading, allow for the measuring of electricity and water usage on a daily, hourly, or on-demand basis, and other decisions concerning service and usage.



June 15, 2022

Mr. John Martin
City Fairburn
106 Howell Avenue
Fairburn, GA 30213

Subject SOLE SOURCE

Mr. Martin,

We are pleased to confirm that Sensus USA Inc. is the sole manufacture of all our water meters, automatic meter reading equipment and meter parts; and Kendall Supply is the sole authorized distributor for Sensus USA, Inc. for your area in the State of Georgia.

We hope to have the pleasure of continuing to serve your Utility with quality products, and superior customer service.

Sincerely,

Paul Lukacs

Paul Lukacs
Sr. Account Development Manager

Cc: Tyler Moore, Director of Sales, Southern Region

SENSUS ACCUSTREAM 5/8" X 3/4" E+ REGISTER WATER METER



Features

- Positive displacement measurement
- Sensus Electronic Register+ advanced electronic register
- Unique bonnet design and locking system prevent meter tampering
- Constructed of composite materials
- AMR/AMI compatible
- Hydrodynamically balanced piston
- Hermetically sealed, magnetic drive register
- Rate of flow indication
- Configurable LCD display
- Remote reading unit optional

Specifications

- 5/8" (DN 15mm), 3/4" (DN 20mm) and 1" (DN 25mm) sizes
- Exceeds requirements of The Safe Drinking Water Act (SDWA)
- ANSI/NSF Standard 61 Annex G/F compliant
- Complies with latest revision of AWWA Standard C710
- Sensus Electronic Register+ complies with latest revision of latest revision of ANSI/AWWA Encoder Standard C707

240V ESM-RD STRATUS IQ ELECTRIC METER



Features

- 6 energies, 6 demands
- 8 load profile channels
- Four quadrant metering
- Patented high-temperature detection
- Expanded LCD with multiple enunciators
- Tamper detection
- 20-year Time-of-Use calendar
- Persistent real-time clock maintains time for 24 hours following an outage
- Optical port
- Conservation voltage reduction
- Remote ZigBee, radio and metrology firmware download

Specifications

- UL 2735 listed
- kWh, kVAh, kVARh energy measurements
- 19 utility industry end device ANSI Tables
- 1 Wh internal and display resolution
- 256-bit AES encryption



1,500 Meter Replacement

Quotation # 20220419

Date: 05/09/22

Customer	City of Fairburn				
Address	58 Malone Street SW				
City	Fairburn	State	GA	Zip	30213
Phone		Attn	John Martin and Quakita		
Email	John Martin <jmartin@fairburn.com>				

Job Name	FAIRBRN
Contact	
FOB	DEST
Delivery	
Expires	06/09/22

[illegible]

SubTotal	\$468,000.00
Shipping & Handling	\$0.00
Taxes	\$0.00
TOTAL	\$468,000.00

Net 30

Tax %: 0%

Page 1 of 1

Quote good for days

Kendall Supply, Inc.

Kevin Purcell - kevinpurcell@kendallsupply.com

(706) 255-4273



For System Wide Budget

Quotation # 2021915

Date: 05/31/22

Customer	City of Fairburn		
Address	58 Malone Street SW		
City	Fairburn	State	GA Zip 30213
Phone	Attn: John Martin		
Attention:	jmartin@fairburn.com		

Job Name	FAIRBRN
Contact	
FOB	DEST
Delivery	
Expires	06/30/22

Qty	Item # / Description	Unit Price	TOTAL
280	FORM 2S CL200 240V ESM - RD StratusIQ ElecMeter Remote Disconnect Meter; 5 yr warranty; 112 per pallet	\$150.00	\$42,000.00
60	FORM 9S CL20 120-480V DT49 - Honeywell - 5yr warranty	\$405.00	\$24,300.00
32	FORM 12S CL200 120-480 DT49 - Honeywell - 5yr warranty	\$405.00	\$12,960.00
32	FORM 16S CL200 120-480 DT49 - Honeywell - 5yr warranty	\$405.00	\$12,960.00
12	Form 4S CL20 120-480V DT49 - Honeywell - 5yr warranty	\$405.00	\$4,860.00
416	Total Meters		
416	Labor to replace electric meter and activate	\$52.00	\$21,632.00
416	Data Management	\$3.00	\$1,248.00

SubTotal	\$119,960.00
Shipping & Handling	\$0.00
Taxes	\$0.00
TOTAL	\$119,960.00

Net 30 _____ Tax %: 0%
 Page 1 of 1
 Quote good for _____ days

Kendall Supply, Inc.
Kevin Purcell - kevinpurcell@kendallsupply.com
(706) 255 - 4273

5/17/2022 11:48 AM
DT PURCHASED: 0/00/0000 TO 99/99/9999
DT INSTALL: 0/00/0000 TO 99/99/9999
DT REPAIR: 0/00/0000 TO 99/99/9999
DT TESTED: 0/00/0000 TO 99/99/9999

Electric

METER REPORT

PAGE : 2
SEQ : METER
SIZE : All Sizes
MAKE : All Makes

AGE OF METERS BASED ON INSTALL DATE
MAKE YEARS OLD 1 TO 3 YEARS OLD 4 TO 6 YEARS OLD 7 TO 10 YEARS OLD 11 TO 15 YEARS OLD 16 TO 20 YEARS OLD OVER 20 YEARS OLD UNKNOWN YEARS OLD

METER GROUP: ELECTRIC											
DEFAULT	126	9	9	19	58	0	14				
ELSTER	11	0	0	0	0	0	0				
GE	4	0	0	1	106	0	0				
ITRON	203	4	222	96	579	0	0				
LANDIS	3	504	416	447	99	0	1				
NEPTUNE	0	4	14	66	740	0	0				
SIEMENS	0	0	0	0	12	0	0				
UNKNOWN	25	31	42	38	177	0	0				
GROUP TOTAL	372	552	703	667	1772	0	15				
TOTALS	372	552	703	667	1772	0	15				

AGE OF METERS BASED ON INSTALL DATE
SIZE YEARS OLD 1 TO 3 YEARS OLD 4 TO 6 YEARS OLD 7 TO 10 YEARS OLD 11 TO 15 YEARS OLD 16 TO 20 YEARS OLD OVER 20 YEARS OLD UNKNOWN YEARS OLD

METER GROUP: ELECTRIC											
12S FM	354	550	703	663	1764	0	15				
16S FM	2	0	0	0	1	0	0				
2S FM	0	0	0	3	2	0	0				
4S	10	1	0	1	2	0	0				
9S	0	0	0	0	3	0	0				
6	6	1	0	0	0	0	0				
GROUP TOTAL	372	552	703	667	1772	0	15				
TOTALS	372	552	703	667	1772	0	15				

ASSIGNED & UNASSIGNED TOTALS					
=====					
METER GROUP	ASSIGNED METERS	STAT ON	STAT OFF	UNASSIGNED METERS	TOTAL
ELECTRIC	3478	482	121	4081	
TOTAL	3478	482	121	4081	

5/17/2022 11:45 AM

M E T E R R E P O R T

DT PURCHASED: 0/00/0000 TO 99/99/9999
DT INSTALL: 0/00/0000 TO 99/99/9999
DT REPAIR: 0/00/0000 TO 99/99/9999
DT TESTED: 0/00/0000 TO 99/99/9999

Water

SEQ : METER
SIZE : All Sizes
MAKE : All Makes

MAKE	AGE OF METERS BASED ON INSTALL DATE					OVER 20 YEARS OLD	UNKNOWN YEARS OLD
	1 TO 3 YEARS OLD	4 TO 6 YEARS OLD	7 TO 10 YEARS OLD	11 TO 15 YEARS OLD	16 TO 20 YEARS OLD		

METER GROUP: **WATER**

BADGER	20	37	0	0	12	0	20
HYDRANT	243	209	1066	662	2552	0	0
NEPTUNE	0	0	0	3	7	0	0
UNKNOWN	499	51	1	1	0	0	1
ZENNER	1	1	4	1	150	0	0
	195	1128	0	0	0	0	0

GROUP TOTAL	958	1426	1071	667	2721	0	21
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TOTALS	958	1426	1071	667	2721	0	21
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SIZE	AGE OF METERS BASED ON INSTALL DATE					OVER 20 YEARS OLD	UNKNOWN YEARS OLD
	1 TO 3 YEARS OLD	4 TO 6 YEARS OLD	7 TO 10 YEARS OLD	11 TO 15 YEARS OLD	16 TO 20 YEARS OLD		

METER GROUP: **WATER**

1	633	1418	519	631	2656	0	21
2	324	0	0	3	1	0	0
3	1	6	550	29	55	0	0
4	0	0	0	0	7	0	0
8	0	2	2	0	2	0	0
	0	0	0	4	0	0	0

GROUP TOTAL	958	1426	1071	667	2721	0	21
-------------	-----	------	------	-----	------	---	----

TOTALS	958	1426	1071	667	2721	0	21
----------	-----	------	------	-----	------	---	----

METER GROUP	ASSIGNED METERS		ASSIGNED & UNASSIGNED TOTALS	
STAT ON STAT OFF	5510	1265	89	6864

TOTAL	5510	1265	89	6864
-------	------	------	----	------

City Routes (Billing Cycles)

Routes:

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30-31-33 (trash & storm water)

32

62, 63

Electric Only

Water Only Accounts

Commercial Accounts



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

**SUBJECT: DOWNTOWN STAGE AND COURTYARD SIGN
INSTALLATION, AND EDUCATION CAMPUS DEDICATION**

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 6/30/2022

Work Session: N/A Council Meeting: 7/11/2022

DEPARTMENT: ECONOMIC DEVELOPMENT

BUDGET IMPACT: NONE

PUBLIC HEARING? () Yes (X) No

PURPOSE: To update the existing Mayor Betty Hannah plaque located at the City of Fairburn Education campus damaged due to weathering, and to provide sign lettering, naming the administrative/classroom building located in the quad area of the campus, The Betty Hannah Building.

HISTORY: Former Mayor Betty Hannah dedicated more than 28 years to the City of Fairburn, having served on the City Council and as Mayor. She was instrumental in the development of Fairburn's Education Campus, in which a dedication plaque was installed on November 18, 2008.

FACTS AND ISSUES: On May 9th Mayor Mario Avery and City Council approved replacement plaques and sign lettering installations for the Frankie Arnold stage and Courtyard, honoring former Council Member Frankie Mae Arnold. Additionally, it was decided that similar efforts should take place replacing former Mayor Betty Hannah's plaques and naming one of the buildings in Ms. Hannah's honor. American Sign Company and Eagle Sign Group will provide the replacement plaques and installation in keeping with the standards and installation requirements from the Frankie Arnold Stage and Courtyard project.

FUNDING SOURCE:

Funding Source: TBD

Replacement Plaques and lettering: estimated \$12,662.75

Installation costs: \$1,500.00

Account: Mayor & Council – 100-1110-52-3900

RECOMMENDED ACTION:

For Mayor and City Council to approve the installation of replacement plaques, and sign lettering for the dedication of The Betty Hannah Building.



Tony M. Phillips, City Administrator



Downtown Beautification: Sign Installation

Economic Development Department
City Council Agenda Item
July 11, 2022

Frankie Arnold Dedication Plaque



PRECISION TOOLED PLAQUE

MATERIAL	- BRONZE
SIZE	- 18"Wx13"H
QTY	- 2 (1 of each)
DEPTH	- 5/16" Thick: Painted Edges
SHAPE	- Rectangle(or Square)
COPY	- Raised Copy
FINISH	- Leatherette-w/Polished Surface
BORDER	- Single Line Border
COLOR	- F63R Brown GLOSS
STYLE	- Custom Style (see notes)
CLEAR	- Gloss
MOUNT	- Blind:Standard Stud
ROSETTES	- No Rosettes Required
PATTERN	- Yes

Betty Hannah Dedication Plaque



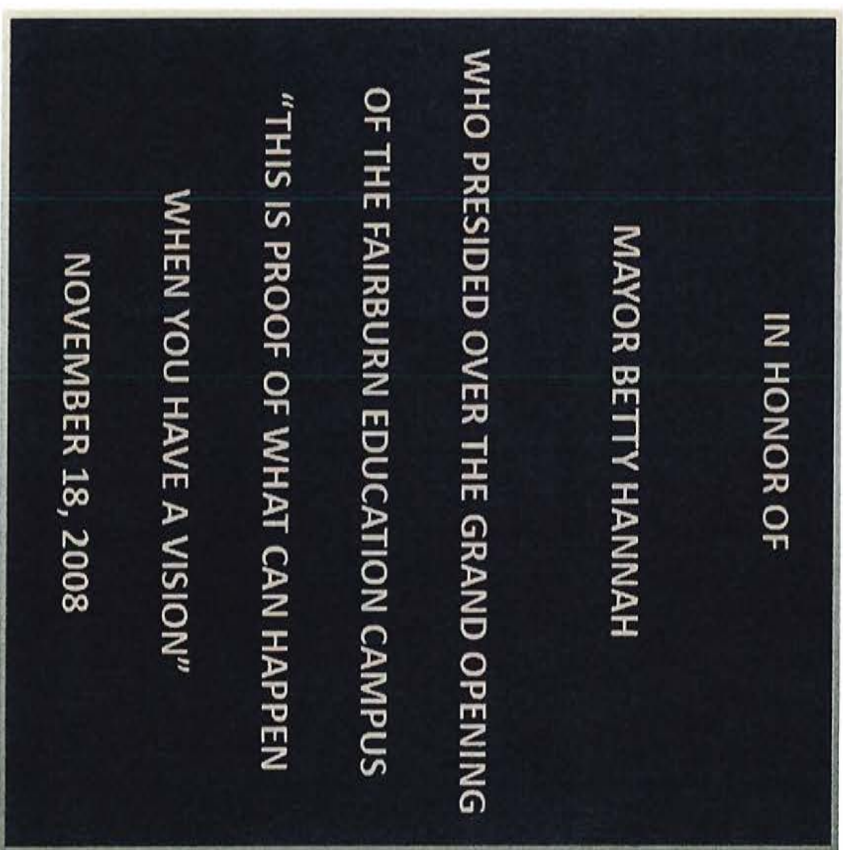
PRECISION TOOLED PLAQUE

MATERIAL	- BRONZE
SIZE	- 18"WX13"H
QTY	- 2 (1 of each)
DEPTH	- 5/16" Thick: Painted Edges
SHAPE	- Rectangle(for Square)
COPY	- Raised Copy
FINISH	- Leatherette-w/Polished Surface
BORDER	- Single Line Border
COLOR	- F63R Brown GLOSS
STYLE	- Custom Style (see notes)
CLEAR	- Gloss
MOUNT	- Blind:Standard Stud
ROSETTES	- No Rosettes Required
PATTERN	- Yes

New
City Council
Dedication Plaque

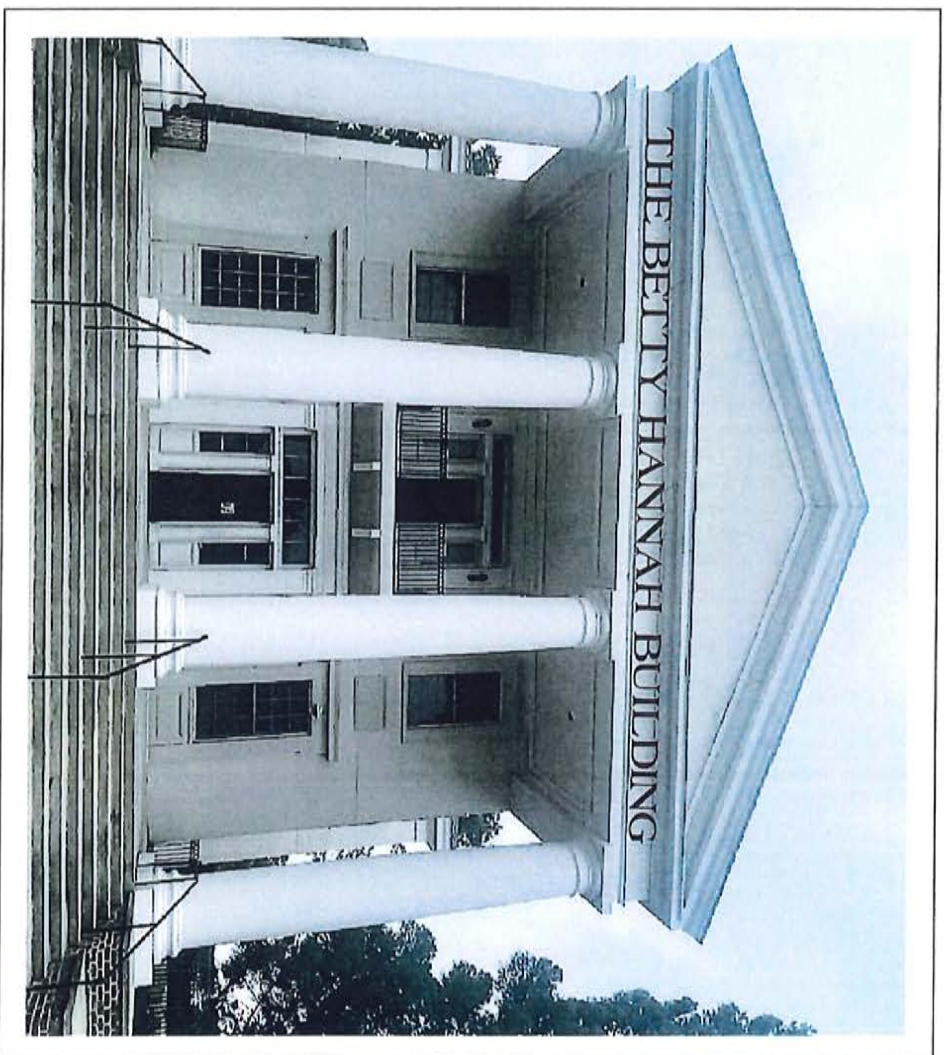


- Education Building – Mayor Betty Hannah Plaque
- (Current Condition)





THE BETTY¹²¹ HANNAH BUILDING] ¹³²
336.18



Estimated Costs:

- **Total of three Bronze Plaques, precision tooled, with 5/16" Thick Painted Edges**
 - Raised Copy
 - Leatherette with Polished Surface
 - Single Line Border
 - Brown Gloss
 - Blind Stud Mount
- **City of Fairburn Education Campus, Sign Lettering (42" x 24")**
- **Total estimate: \$12,662.75**

Q & A



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPROVAL OFF-PREMISES SPECIAL EVENT PERMIT

☐ AGREEMENT
☒ ORDINANCE

☐ POLICY / DISCUSSION
☐ RESOLUTION

☐ CONTRACT
☐ OTHER

Submitted: 5/31/2022

Work Session: N/A

Council Meeting: 7/11/2022

DEPARTMENT: ECONOMIC DEVELOPMENT

BUDGET IMPACT: N/A

PUBLIC HEARING: ☐ Yes ☒ No


PURPOSE: For Mayor and Council to authorize the issuance of Off-Premises Special Event Permits to provide local businesses in good standing the ability to sell alcoholic beverages off their normal premises during special events.

HISTORY: Promoting arts and entertainment within Fairburn's Downtown Historic Commercial District (HCD) is a part of the Main Street approach to grow existing creative initiatives, building upon the City of Fairburn's Creative Placemaking Strategy, to support special events and innovative projects. The City of Fairburn hosted approximately, 89 events in 2021, which was a considerable increase from previous years. These events bring visitors and residents to Fairburn's downtown after hours and support the local economy. Participating Fairburn businesses have not been allowed to sell wine and beers at these events. Instead, participants typically, bring alcoholic beverages from other sources to the event. The issuance of off-premises special event permits would allow a temporary alcoholic beverage to permit to Fairburn business to sell malt beverages and fortified wines off premises.

FACTS AND ISSUES: Special event permits provide local businesses which hold alcohol licenses in good standing the ability to sell alcoholic beverages off-premises during special events, for a limited duration. Off-premises special event permits are in the best interest of the city because they control the pouring of alcoholic beverages on premises during special events.

FUNDING SOURCE: There is no budget impact to the city.

RECOMMENDED ACTION: Staff recommends that the Mayor and City Council approve the ordinance to amend Chapter 8, Article IV of the Code of Ordinances to authorize the issuance of off-premises special event permits.


Tony M. Phillips, City Administrator

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3

ORDINANCE NO: _____

4 **AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE IV OF THE CODE OF ORDINANCES**
5 **OF THE CITY OF FAIRBURN TO AUTHORIZE THE ISSUANCE OF OFF-PREMISES**
6 **SPECIAL EVENT PERMITS; AND FOR OTHER RELATED PURPOSES.**
7

8 **WHEREAS**, the City desires to provide local businesses which hold alcohol licenses in good
9 standing the ability to sell alcoholic beverages off of their normal premises during special events;
10 and
11

12 **WHEREAS**, the City recognizes the need to provide legislative parameters for the issuance of
13 limited duration off-premises special event permits; and
14

15 **WHEREAS**, the City, after due consideration, has determined that the issuance of off-premises
16 special event permits is in the best interest of the City.
17

18 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY**
19 **OF FAIRBURN**, that Chapter 8, Article IV of the Code of Ordinances is amended as follows:
20

21 **Section 1.** The following new *Section 8-129. Off-premises special event permits.* is hereby added:
22

23 **Sec. 8-129. Off-premises special event permit.**

24 (a) For purposes of this section only, the term "*special event*" shall mean
25 any organized activity (1) sponsored by the City; (2) sanctioned by
26 the City as evidenced by issuance of an off-premises special event
27 permit under this Article; (3) occurring within the boundaries of the
28 downtown development area of the city and having as its purpose
29 entertainment, recreation and/or education which (i) takes place on
30 public property; or (ii) takes place on private property, but requires
31 special public services; and at which consumption or sale of
32 alcoholic beverages is to be allowed.

33 (b) Notwithstanding any other provision of this Code, the city may grant a
34 license to permit the off-premises pouring of malt beverages and
35 wine under the following terms and conditions:

36 (1) An off-premises special event permit may only be issued to
37 licensees who hold in good standing an alcohol license
38 issued by the city to dispense malt beverages and wine by
39 the drink at a fixed location within the city, and no such
40 licensee shall be permitted to pour any alcoholic beverage
41 off-premises which cannot be lawfully poured on the
42 licensee's premises.

43 (2) An application for an off-premises special event pouring
44 permit shall contain the following information:

45 a. Name of licensee.

- b. Address of licensee.
- c. Contact information of licensee
- c. Type of on-premises pouring license held by licensee.
- d. Name, date, address and time of the event.
- e. The quantity and type of alcoholic beverages to be dispensed at the event.

(c) Notwithstanding any other provision of this Code, it shall be unlawful for an on-premises licensee to pour any malt beverages and wine at any off-premises location without first obtaining an off-premises special event permit. Such permit may be issued by the city administrator for any period up to three (3) days. Any application for a permit for a period longer than three (3) days must be approved by the city council before such permit may be issued. An off-premises special event permit may be issued in accordance with the following:

- (1) The holder of an off-premises special event permit may only sell and/or otherwise dispense alcoholic beverages at an authorized special event.
- (2) Unless otherwise provided for in this section, all regulations of this code controlling the pouring of alcoholic beverages on premises shall govern the pouring of alcoholic beverages off premises.
- (3) The amount of sales sold off premises shall be included in the licensee's gross income figures for the purpose of establishing the amount of taxes due from the licensee to the city.

(d) The city may approve up to thirty-six (36) off-premises special event permits for an applicant in a single calendar year. In order to qualify to receive such permit, the applicant must comply with the following terms and conditions:

- (1) The applicant must be licensed to sell alcoholic beverages by the state;
- (2) The application must provide the information requested under subsection (a)(2), above;
- (3) All distances and hours of operation requirements set forth for on-premises consumption must be obeyed;
- (4) All identification badge requirements must be met; and
- (5) The license fee must be paid in full prior to issuance of an off-premises special event permit.

(e) Notwithstanding any other provision of this Code, Section 8-5 (Consumption prohibited; open containers), Section 8-111 (Sales outside of licensed premises) and Section 8-122 (Consumption on the premises only), shall not apply with respect to any off-premises

special event sales, pouring or consumption authorized pursuant to
this Section 8-129.

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 3. This ordinance shall become effective immediately upon signature by the Mayor.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

This ____ day of _____, 2022.

Mario B. Avery, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda James, City Clerk

Rory K. Starkey, City Attorney



Fairburn Police Department

Special Event Alcohol Permit



Any business applying for this permit MUST:

- Have a current, valid alcohol license on file with the City of Fairburn
- Have current, valid pouring permits for all employees designated to dispense alcohol by the drink at the designated special event
- Pay a \$25 permit fee

Permit is valid for rescheduled dates if the initial date is rescheduled due to unforeseen circumstances.

Special Event: _____ Date(s) & Times of Event: _____

Address of Event: _____

Business Name: _____ Phone: _____

Bus. Address: _____ Bus. Email: _____

Applicant Name: _____

Quantity & Type of Bev. To be sold: _____

Employees Dispensing Alcohol at Event: _____

City of Fairburn Use Only

Alcohol License Verified: Yes ☐ No ☐ Type of License Held: _____

Employee Pouring Permits Verified: Yes ☐ No ☐

Notes: _____

APPROVED by:

DENIED by:

Signature

Date

Signature

Date



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPROVAL OF MICRODISTILLERY LICENSES

☐ AGREEMENT
☒ ORDINANCE

☐ POLICY / DISCUSSION
☐ RESOLUTION

☐ CONTRACT
☐ OTHER

Submitted: 5/31/2022

Work Session: N/A

Council Meeting: 7/11/2022

DEPARTMENT: ECONOMIC DEVELOPMENT

BUDGET IMPACT: N/A

PUBLIC HEARING: ☐ Yes ☒ No


PURPOSE: For Mayor and Council to provide legislative parameters for issuing Microdistillery Licenses within the city for manufacturing, sales, and distribution.

HISTORY: Fairburn is home to Cochran Mill Brewing Company, a microbrewery that manufactures, sales, and distributes craft beer. They seek a Distilled Spirits Permit (DSP) with the State of Georgia for distribution under state and federal distilling laws. Approval of the Microdistillery Licenses would benefit the City of Fairburn by an expansion of the brewing company adding value, creating jobs, and furthering promotional/branding efforts of Fairburn's only brewery across the state of Georgia.

FACTS AND ISSUES: The brewing company seeks to expand its business through the distilling of spirits for manufacturing, sales, and distribution as allowed by state and federal laws. Currently, there are 17 breweries in Georgia with similar distilling ordinances and growing. To apply for such a permit, they require a local ordinance allowing the issuance of a Microdistillery license. The license will enable them to purchase the distillery equipment required by state and federal distilling laws.

FUNDING SOURCE: There is no budget impact on the city.

RECOMMENDED ACTION: Staff recommends that the Mayor and City Council approve the ordinance to amend Chapter 8, Article VII of the Code of Ordinances of the City of Fairburn to authorize the issuance of Microdistillery Licenses.


Tony M. Phillips, City Administrator

1 STATE OF GEORGIA
2 COUNTY OF FULTON

ORDINANCE NO: _____

3
4 **AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE VII OF THE CODE OF**
5 **ORDINANCES OF THE CITY OF FAIRBURN TO AUTHORIZE THE ISSUANCE OF**
6 **MICRODISTILLERY LICENSES; AND FOR OTHER RELATED PURPOSES.**

7
8 **WHEREAS**, the City desires to provide for the licensing of microdistilleries within the City; and

9
10 **WHEREAS**, the City recognizes the need to provide legislative parameters for the issuance of
11 microdistillery licenses; and

12
13 **WHEREAS**, the City, after due consideration, has determined that the issuance of microdistillery
14 licenses is in the best interest of the City.

15
16 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE**
17 **CITY OF FAIRBURN**, that Chapter 8, Article VII of the Code of Ordinances is amended as
18 follows:

19
20 **Section 1.** The heading of Chapter 65, Article III of the City Code is hereby amended to read as
21 follows:

22
23 ***ARTICLE VII. MICROBREWERIES, BREW PUBS AND MICRODISTILLERIES***

24
25 **Section 2.** *Section 8-231. Definitions.* is hereby amended to add the following language:

26 *Microdistillery* means an establishment in which not more than 10,000
27 barrels of distilled spirits are manufactured on the licensed premises in a
28 calendar year and in which such manufactured distilled spirits may be sold
29 for consumption on the premises and consumption off premises, subject to
30 the limitations prescribed in O.C.G.A. § 3-5-24.2. As used in this definition,
31 the term "barrel" shall be defined as set forth in O.C.G.A. § 3-4-1.

32 **Section 3.** *Section 8-232. Provisions applicable to microbreweries only.* is hereby deleted in its
33 entirety and is replaced with the following new Section 8-232:

34 **Sec. 8-232. Provisions applicable to microbreweries and microdistilleries only.**

35 The following regulations shall apply to licensed microbrewery and microdistillery
36 establishments:

- 37 (1) No individual shall be permitted to own or operate a microbrewery
38 or microdistillery without first obtaining a proper license from the City of
39 Fairburn, Georgia, and each microbrewery or microdistillery license holder
40 shall comply with all other applicable state and local license requirements.

(2) a. A limited exception to the provisions of state law (O.C.G.A. § 3-5-24.1) providing a three-tier system for the distribution and sale of malt beverages shall exist to the extent that the license to manufacture malt beverages shall include the right of a microbrewery to sell up to 3,000 barrels of malt beverages per year produced at the microbrewer's licensed premises to individuals who are on such premises for:

i. Consumption on the premises; and

ii. Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.

b. A limited exception to the provisions of this chapter providing for the distribution and sale of distilled spirits shall exist to the extent that the license to manufacture distilled spirits in this city shall include the right to sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are on such premises for:

i. Consumption on the premises; and

ii. Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 2,250 milliliters of distilled spirits per consumer per day.

(3) A microbrewery or microdistillery licensee, or employee thereof, shall be permitted a limited exception under this article to taste draft beer, wine and distilled spirits at the licensed premises for quality control or educational purposes only. At no time however, shall a microbrewery or microdistillery employee become intoxicated at the licensed premises during such employees working hours.

(4) All applicable manufacturing operations by a microbrewery or microdistillery shall be conducted within an enclosed building.

(5) The state regulations relating to the manufacture, sale, and distribution of beer and distilled spirits, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this article as if fully set out in this section.

(6) The City Code regulations relating to the manufacture, sale, and distribution of beer and distilled spirits, as revised from time to time, promulgated by the City of Fairburn, are hereby incorporated into and made a part of this article as if fully set out in this section.

(7) No sales, pouring, or tasting of beer, malt beverages or distilled spirits by a microbrewery or microdistillery shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. No sales, pouring, or tasting of beer, malt beverages or distilled spirits by a microbrewery or microdistillery shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a microbrewery or microdistillery facility shall also only be permitted within these allowed timeframes.

(8) All malt beverages, beer and distilled spirits provided at the microbrewery or microdistillery shall be served by the licensee or an employee of licensee and shall be malt beverages, beer or distilled spirits brewed on-site by said microbrewery or microdistillery.

(9) No person may bring alcoholic beverages obtained off the premises of the licensed microbrewery or microdistillery to said microbrewery or microdistillery under any circumstances.

(10) All alcoholic beverages sold by the drink for consumption on the premises shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person so removes any alcoholic beverages from the premises in any type of container.

(11) An individual applying for a microbrewery or microdistillery license shall indicate on their application whether he or she intends to open and operate a brewpub.

(12) All licensed premises shall be kept clean and in proper sanitary condition, and shall not allow improper conduct or nudity on the licensed premises, in compliance with section 8-114, maintenance of premises; improper conduct; and nudity. All of the regulations in section 8-114 are wholly incorporated herein by this reference.

Section 4. The following new *Section 8-232.1. Provisions applicable to microdistilleries only.* is hereby added:

Section 8-232.1. Provisions applicable to microdistilleries only.

(a) A distiller shall be permitted to manufacture distilled spirits with the right to sell the product of the distiller for resale within and outside of the limits of the State of Georgia.

(b) Applications for a microdistillery license shall include such information, and shall follow the requirements of, the application for all alcoholic beverages licenses as are contained within article I of the alcoholic beverages code. Microdistilleries shall be subject to the same regulation and requirements as for a class B spirituous liquor license,

including but not limited to hours of operation and distance requirements, as established in article III of chapter 30-5. Microdistilleries may offer such other sales as may be allowed by the laws of the State of Georgia.

(c) A licensed distiller may sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are present on such premises for consumption on the premises.

(d) A licensed distiller shall submit excise taxes to the city on a monthly basis in accordance with O.C.G.A. §§3-4-24.2 and Section 8-40 of this chapter.

(e) A licensed distiller shall abide by all federal, state, and local laws, regulations, or rules. The failure to comport with such laws, regulations or rules may serve as a basis for revocation by the city.

Section 5. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 6. This ordinance shall become effective immediately upon signature by the Mayor.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

This ____ day of _____, 2022.

Mario B. Avery, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda James, City Clerk

Rory K. Starkey, City Attorney

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE NO: _____

AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF FAIRBURN TO PROVIDE AN ANNUAL LICENSE FEE FOR MICRODISTILLERY LICENSES; AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City desires to provide for an annual license fee for the licensing of microdistilleries within the City; and

WHEREAS, the City, after due consideration, has determined that the issuance of microdistillery licenses is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FAIRBURN, that Chapter 8, Article II of the Code of Ordinances is amended as follows:

Section 1. *Section 8-40. License required for sales.* is hereby amended to read as follows:

Sec. 8-40. License required for sales.

- (a) Licenses for the sale of alcoholic beverages shall be issued by the city administrator upon payment of an annual license fee as established by the city council.

<i>Type of License</i>	<i>Fee</i>
Retail package license for distilled spirits	\$5,000.00
Retail package license for malt beverage and wine	1,000.00
Retail consumption license for distilled spirits, malt beverage and wine	2,500.00
Retail consumption license for malt beverage and wine only	1,500.00
Wholesale dealer of distilled spirits	500.00
Wholesale dealer of malt beverage	500.00
Wholesale dealer of wine	500.00
Microbrewery/brew pub/microdistillery	1,600.00 300.00 (Each site inspection conducted after the first site inspection performed upon completion of a construction project)
Off-premises special event permit	25.00

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 3. This Ordinance shall become effective immediately upon signature by the Mayor.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

This ____ day of _____, 2022.

Mario B. Avery, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda James, City Clerk

Rory K. Starkey, City Attorney

Sec. 8-232. Provisions applicable to microbreweries and microdistilleries only.

The following regulations shall apply to licensed microbrewery and microdistillery establishments:

(1) No individual shall be permitted to own or operate a microbrewery or microdistillery without first obtaining a proper license from the City of Fairburn, Georgia, and each microbrewery or microdistillery license holder shall comply with all other applicable state and local license requirements.

(2) a. A limited exception to the provisions of state law (O.C.G.A. § 3-5-24.1) providing a three-tier system for the distribution and sale of malt beverages shall exist to the extent that the license to manufacture malt beverages shall include the right of a microbrewery to sell up to 3,000 barrels of malt beverages per year produced at the microbrewer's licensed premises to individuals who are on such premises for:

i. Consumption on the premises; and

ii. Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.

b. A limited exception to the provisions of this chapter providing for the distribution and sale of distilled spirits shall exist to the extent that the license to manufacture distilled spirits in this city shall include the right to sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are on such premises for:

i. Consumption on the premises; and

ii. Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 2,250 milliliters of distilled spirits per consumer per day.

(3) A microbrewery or microdistillery licensee, or employee thereof, shall be permitted a limited exception under this article to taste draft beer, wine, and distilled spirits at the licensed premises for quality control or educational purposes only. At no time however, shall a microbrewery or microdistillery employee become intoxicated at the licensed premises during such employees working hours.

(4) All applicable manufacturing operations by a microbrewery or microdistillery shall be conducted within an enclosed building.

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(5) The state regulations relating to the manufacture, sale, and distribution of beer and distilled spirits, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this article as if fully set out in this section.

(6) The City Code regulations relating to the manufacture, sale, and distribution of beer and distilled spirits, as revised from time to time, promulgated by the City of Fairburn, are hereby incorporated into and made a part of this article as if fully set out in this section.

(7) No sales, pouring, or tasting of beer, malt beverages or distilled spirits by a microbrewery or microdistillery shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. No sales, pouring, or tasting of beer, malt beverages or distilled spirits by a microbrewery or microdistillery, shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a microbrewery or microdistillery facility shall also only be permitted within these allowed timeframes.

(8) All malt beverages, beer and distilled spirits provided at the microbrewery or microdistillery shall be served by the licensee or an employee of licensee and shall be malt beverages, beer or distilled spirits brewed on-site by said microbrewery or microdistillery.

(9) No person may bring alcoholic beverages obtained off the premises of the licensed microbrewery or microdistillery to said microbrewery or microdistillery under any circumstances.

(10) All alcoholic beverages sold by the drink for consumption on the premises shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person so removes any alcoholic beverages from the premises in any type of container.

(11) An individual applying for a microbrewery or microdistillery license shall indicate on their application whether he or she intends to open and operate a brewpub.

(12) All licensed premises shall be kept clean and in proper sanitary condition, and shall not allow improper conduct or nudity on the licensed premises, in compliance with section 8-114, maintenance of premises; improper conduct; and nudity. All of the regulations in section 8-114 are wholly incorporated herein by this reference.

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{Supp. No. 21, Update 1} ¶

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Page 2 of 2



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Program Management Task Order with Atlas Technical Consultants for Program Management and Engineering Services

☐ AGREEMENT ☐ POLICY / DISCUSSION ☒ CONTRACT
☐ ORDINANCE ☐ RESOLUTION ☐ OTHER

Submitted: 7/5/2022

Work Session: N/A

Council Meeting: 7/11/2022

DEPARTMENT: City Administrator's Office

BUDGET IMPACT: \$72,800 (FY22); \$271,600 (FY23)

PUBLIC HEARING? ☐ Yes ☒ No

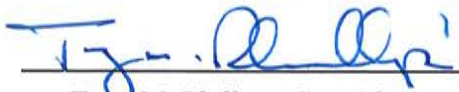
PURPOSE: Request Mayor and Council to approve the Task Order with Atlas Technical Consultants for program management and engineering services for various projects within the City of Fairburn in an amount not to exceed \$72,800 for FY22 and \$271,600 for FY23.

HISTORY: In March 2011, the City of Fairburn began collecting revenue to build Fire Station 23 on Milam Road and as of May 30, 2022, has collected approximately \$3.2M. On June 13, 2022, City Council approved the City Administrator's plan to use the American Rescue Plan Act (ARPA) funding allocation as revenue loss replacement which included an allocation of \$3.1M for Facility Renovations and Upgrades.

FACTS AND ISSUES: The program management services proposed by Atlas Technical Consultants will provided the technical expertise needed to move the projects outlined above forward to ensure we are providing the appropriate level of fire services to our constituents and making needed investments in our facilities.

FUNDING SOURCE: ARPA Project Plan: \$72,800, FY22 (230-0000-52-3900); \$271,600, FY23 (230-0000-52-3900)

RECOMMENDED ACTION: Request Mayor and Council to approve the Task Order with Atlas Technical Consultants for program management and engineering services for various projects within the City of Fairburn in an amount not to exceed \$72,800 for FY22 and \$271,600 for FY23.



Tony M. Phillips, City Administrator



2450 Commerce Avenue | Suite 100
Duluth, GA 30096-8910
770.263.5945 | F 770.263.0166
oneatlas.com

July 1, 2022

Mr. Tony Phillips
City Administrator
City of Fairburn
56 Malone Street SW
Fairburn, Georgia 30213

**RE: City of Fairburn
REVISED Program Management Proposal
Atlas Proposal No. 22-05377**

Dear Mr. Phillips,

Atlas Technical Consultants is pleased to offer for your consideration the following proposal covering engineering services for various projects within the city. Atlas will provide services on a per hour basis for projects assigned by the city of Fairburn. It is anticipated that Atlas will supply several engineers as needed to support the effort for a period of one year.

Program Management services to be provided by Atlas under this Task Order shall be as described below. All requests for Proposals, Plans and Invitations to Bid shall be prepared and reviewed for each project.

1. Prepare requests for Proposals, Invitation to Bid and Scope of Work for solicitation of professional services
2. Prepare project scope of work and cost estimates
3. Prepare project schedules to identify and coordinate project tasks and establish project timelines
4. Review proposals for professional services and construction bids
5. Assist with procurement procedures related to selection of technical consultants and bidding of contracted work
6. Manage the preparation of plans and specifications for demolition, public improvement and building construction projects
7. Prepare professional services agreements for consultants
8. Organize and implement public information programs relative to public improvement projects
9. Attend public meeting as necessary during the planning, design and construction of projects
10. Perform other duties as assigned and serve as point of contact for Atlas at the City.

The estimated fee for the proposed scope of work and deliverables is as follows:

Year	Position	Hours	Rate/Hour	Total
FY 2022 (July 18 start thru end of September 2022)	Project Director	520	\$140.00	\$72,800
FY 2023	Project Director	1940	140.00	\$271,600

Includes some hours for support as needed.

Any additional work requested can be performed at agreed upon hourly rates. If you have questions, please do not hesitate to call me at 770.263.5945. Thank you for this opportunity.

Sincerely,



Todd I. Long, P.E., PTOE
Georgia Division Lead



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Public Safety Retention Bonus

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 7/5/2022 Work Session: N/A Council Meeting: 7/11/2022

DEPARTMENT: City Administrator's Office

BUDGET IMPACT: \$305,359.94

PUBLIC HEARING? () Yes (X) No

PURPOSE: Request Mayor and Council to approve a City of Fairburn Public Safety Retention Bonus Policy for certified Police and Firefighter personnel to receive a one-time \$3,000 bonus.

HISTORY: Public Safety has and remains a top priority for communities around the country. Over the last year, police departments within the metropolitan Atlanta area have experienced retention challenges which have led agencies to reevaluate the salaries, benefits, and incentives they offer public safety personnel.

FACTS AND ISSUES: The City of Fairburn is currently undergoing a Classification and Compensation Study which has not been done in several years. It is anticipated that the results of this study will address citywide pay and class to ensure Fairburn is optimally positioned to attract and retain qualified staff. However, the purpose of this retention bonus is to ensure that we retain quality and experienced public safety personnel who are dedicated to keeping our communities safe.

FUNDING SOURCE: Fire - \$149,432 (100-3500-51-2905); Police - \$155,929 (100-3200-51-2905)

RECOMMENDED ACTION: Request Mayor and Council to approve a City of Fairburn Public Safety Retention Bonus Policy for Georgia Post Certified Police Officers and certified Georgia Firefighters to receive a one-time \$3,000 bonus with a commitment/signed agreement to remain employed with the City for one (1) additional year of service.


Tony M. Phillips, City Administrator

Retention Bonus Analysis

Payout	3,000.00
Fringes	248.51
Total Amount needed	3,248.51

Departments	# of Employees	Cost
Fire	46	149,431.46
Police	48	155,928.48
Total	94	305,359.94

*Analysis based on number of certified Police and Firefighter positions within each department.

City of Fairburn Public Safety Retention Bonus Policy

Purpose and Objective

The purpose of the retention bonus policy is to outline the eligibility requirements, the implementation of the retention bonus, the responsibilities of the employee, and the payment requirements. This policy does not operate on a fiscal-year basis. The retention bonus is a non-recurring and non-accumulating lump sum payment to the employee with the sole objective of incentivizing the employee receiving the bonus to remain employed with the City.

Eligibility Requirements

The payment of the retention bonus to the employee from the City is contingent upon the following eligibility factors:

- 1) Must be a Georgia POST certified Police Officer **[Police]**
- 2) Must be certified through Georgia Firefighter Standards Training Council **[Fire]**
- 3) Must agree to a minimum of an additional one (1) year of service with the City of Fairburn Police Department or Fire Department through September 30, 2023.
- 4) Must be employed as an active, full-time Police Officer and Firefighter. [Contract, Part-time, or Reservist are not eligible].
- 5) Must be employed with the City by September 3, 2022.

Responsibilities of the Employee

Upon determination of the retention bonus and of eligible employees, the employee is responsible for the following:

- 1) Agreeing to and signing this written agreement between the City and the employee acknowledging understanding of the agreement and the stipulations therein:
 - a. Employee must maintain employment with the City for a minimum of one (1) year through September 30, 2023.
 - b. If an employee fails to remain employed with the City for a period of one (1) year for reasons such as voluntary resignation or termination for cause, the employee is responsible for repayment of pro-rated portion of the bonus. For example, if an employee remains with the City nine (9) months after the bonus payment, the employee must repay 25% of the retention bonus paid [the remaining three (3) months of the year for which the employee did not remain with the City].
 - c. If an employee fails to remain employed by the City for one (1) year for reasons beyond his/her control (e.g. illness, disability, death), the assigned Department Head may request in writing a waiver of all or part of the

repayment owed. Any such waiver must be approved in writing by the City Administrator.

Implementation

Determination of the amount to be paid to eligible employees by the City is based on the following:

- 1) The retention bonus payment will be in the amount not to exceed \$3,000.00.
- 2) The Retention bonus payment will be distributed on August 1, 2022 and/or after successful review of the employee eligibility
- 3) The City of Fairburn will cover the FICA, Federal, and State taxes.
- 4) No bonus payment will be made by the City after September 30, 2023.

By signing and dating below, the employee certifies that he/she, accept the terms stated above.

Employee Name (Print)

Employee Signature

Date: _____

WITNESS:

Department Head Signature

Date: _____