



**CITY OF FAIRBURN**  
**City Council Meeting Minutes**  
**City Hall**  
**56 Malone Street**  
**Fairburn, GA 30213**  
**September 9, 2013**  
**7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Ron Alderman  
The Honorable Elizabeth Hurst  
The Honorable Jean Barkley Russell

The Honorable Alex Heath  
The Honorable Marian Johnson  
The Honorable Scott Vaughan

City Administrator:  
City Clerk:  
City Attorney:

Mr. Tom B. Barber  
Mrs. Brenda B. James  
Mr. Randy Turner

- I. MEETING CALLED TO ORDER: By Honorable Mario Avery.**
- II. ROLL CALL:** All Members of Council were present with the exception of Council Member Vaughan which constituted a quorum.
- III. PUBLIC COMMENTS:**
  1. Andrew Whitmore, 25 Somerset Hills, Fairburn, GA. 30213 President of the Durham Lakes Homeowners Associations spoke on the Fairburn Fall Festival. He said he has participated in all the meetings for the festival and there is a lot of excitement. He said this is going to be the best festival ever in Fairburn. He said as the Mayor so elegantly said the coordinators have gone out to local companies and asked for contributions and the contributions have come in. Mr. Whitmore said he hopes the City will move forward because they have an individual planning the parade who is getting paid less than the previous coordinator and he is doing 90% more work. He stated the City of Fairburn has issues with the potholes on Strandhill Court because the street has not been taken care of.

Brenda James, City Clerk gave a statement of clarity regarding the referendum that will be on the City's ballot. She said the question on the ballot will be " Shall the Act be approved which authorizes the City of Fairburn to exercise Redevelopment Powers under the Redevelopment Powers Law, as it may be amended from time to time." She also said the intent of this act is to permit, without requiring the City of Fairburn to undertake and carryout community redevelopment, to create Tax

Allocation Districts and to issue Tax Allocation Bonds.

**IV. ADOPTION OF THE COUNCIL AGENDA:**

Council Member Heath made a motion to approve the Agenda placing items 6, 7, 9 and 10 on Consent Agenda; remove items 8 and 11 from the agenda; and add items 12, Approval of Alabama State University Band for the Fairburn Festival and 13, Discussion of the Irish Bred Pub to the agenda. Council Member Russell provided the second. **The motion carried.**

**V. APPROVAL OF CONSENT ITEMS:**

Council Member Heath made a motion to approve Consent Items 6, 7, 9, and 10 with Council Member Hurst providing the second. **The motion carried.**

6. Approval of the Change Order #1 I-85 @SR-74 Interchange Concept Report and Bridge Evaluation in the amount of \$41,155.08 with \$21,155.08 to come from the South Fulton CID.
7. Approval of the Fairburn Educational - Campus - Classroom Building 3 Notice to Proceed and the authorization to purchase the steel for the building and issue Notice to Proceed for building construction upon verbal agreement on the lease between the City and the tenant.
9. Approval of the Ratification of Performance Agreement for Clinton Mason in the amount of \$900.00.
10. Approval of the Cancellation of Unifirst Flame Retardant Clothing Contract.

**VI. APPROVAL OF COUNCIL MINUTES:** August 26, 2013 Council Meeting and August 28, 2013 Special Called Meeting Minutes

Council Member Alderman made a motion to approve the Minutes of August 26, 2013. Council Member Hurst seconded the motion with one correction; on page 3 under Mayor's Comments change the word morning to mourning. **The motion carried.**

Council Member Johnson made a motion to approve the Minutes of August 28, 2013 Special Called Meeting with Council Member Russell providing the second. **The motion carried.**

**VII. PUBLIC HEARINGS:**

5. Zoning Text Amendment Z2013-18: Reduction of the Lighting Requirement in the Highway 29 Overlay District

Mayor Avery opened the Public Hearing and asked to hear from those who were in favor of the Zoning Text Amendment Z2013-18: Reduction of the Lighting Requirement in the Highway 29 Overlay District.

**Spoke in Favor:**

City Engineer Troy Besseche said the Planning and Zoning Commission had a number of concerns. They recommended the requested item be continued to October 28, 2013 City Council Meeting. Officer Larry Jacobs (SEPCAD) Sandy Springs Police Specialist on Crime and Lighting Environment Design spoke. Council Member Heath asked by dropping candle how much difference are you going to see. Officer Jacobs said crime could increase by dropping the lighting. He said reduced lighting is unfriendly to people and friendly to criminals. Council Member Russell asked if there were any specific studies done in any cities. She said Sandy Springs has added lighting; however, this is a matter of choice. Council Member Hurst said the bright lights make her feel safe. She asked how does excess lighting affects wildlife and humans. Council Member Johnson asked what level they use in the city. Mr. Besseche said 1.5 candles. He also said the lighting will only be in one part of the Downtown Plaza. Council Member Alderman asked if any of the other cities have been visited.

Mayor Avery asked to hear from those who were in opposition.

**Spoke Against:**

No one came forward.

Mayor Avery Closed the Public Hearing.

**This item was for discussion only, there was no action taken.**

1. Zoning Text Amendment Z2013-16: Reduction of Side Yard Setback in R-3 Zoning District from 20 to 10 Feet

Mayor Avery opened the Public Hearing and asked to hear from those who were in favor of the Zoning Text Amendment Z2013-16 for the Reduction of the Side Yard Setback in R-3 Zoning District from 20 to 10 Feet.

**Spoke in Favor:**

City Engineer Troy Besseche said Shannon Chase has problems with the

R-3 Zoning. He said they researched other areas and found other locations. He said there are 600 properties affected and are in need of the change in this zoning.

Mayor Avery asked to hear from those who were in opposition.

**Spoke Against:**

No one came forward.

Mayor Avery closed the Public Hearing.

Council Member Hurst made a motion to approve the Zoning Text Amendment Z2013-16: Reduction of Side Yard Setback in R-3 Zoning District from 20 to 10 Feet with Council Member Russell providing the second. **The motion carried.**

**2. Zoning Text Amendment Z2013-17: Reduction of Side Yard Setback in R-4 Zoning District From 15 to 10 Feet**

Mayor Avery opened the Public Hearing and asked to hear from those who were in favor of the Zoning Text Amendment Z2013-17: Reduction of Side Yard Setback in R-4 Zoning District from 15 to 10 Feet.

**Spoke in Favor:**

No one came forward.

Mayor Avery asked to hear from those who were in opposition.

**Spoke Against:**

No one came forward.

Mayor Avery closed the Public Hearing.

Council Member Heath made a made a motion to approve the Zoning Text Amendment Z2013-17: Reduction of Side Yard Setback in R-4 Zoning District from 15 to 10 Feet with Council Member Johnson providing the second. **The motion carried.**

**3. Zoning Text Amendment Z2013-15 Definitions**

Mayor Avery opened the Public Hearing an asked to hear from those who were in favor of the Zoning Text Amendment Z2013-15 Definitions

**Spoke in Favor:**

No one came forward.

Mayor Avery asked to hear from those who were in opposition.

**Spoke Against:**

No one came forward.

Mayor Avery closed the Public Hearing.

Council Member Russell made a motion to approve the Zoning Text Amendment Z2013-15 Definitions with Council Member Alderman providing the second. **The motion carried.**

4. Zoning Text Amendment Z2013-19: Increasing the Allowable Dimensions of a Mobile Food Truck

Mayor Avery opened the Public Hearing and asked to hear from those who were in favor of the Zoning Text Amendment Z2013-19: Increasing the Allowable Dimensions of a Mobile Food Truck.

**Spoke in Favor:**

No one came forward.

Mayor Avery asked to hear from those who were in opposition.

**Spoke Against:**

No one came forward.

Mayor Avery closed the Public Hearing.

Council Member Johnson made a motion to approve the Zoning Text Amendment Z2013-19: Increasing the Allowable Dimensions of a Mobile Food Truck with Council Member Russell providing the second. **The motion carried.**

**VIII. AGENDA ITEMS:**

12. Alabama State University Band for the Fall Parade

Council Member Hurst made a motion to approve the Mayor to authorize the participation of the Alabama State University Band in this year's Fall

Festival Parade and cover their travel expense in the amount of \$6,500.00 with Council Member Heath providing the second.

Council Member Russell said the fee is high and she has never paid for a band to come to a parade. She said she would have liked to have gone to some of the meetings held regarding the festival and parade, but she did not know about them. She said she would like to know exactly what was sent to the sponsors asking for donations. She asked what was being done to market this.

D'Avante Parks the Festival Coordinator said at first they were trying to get the Alumni Band of Alabama State University and now they are able to get the regular school band. He said they will have 5 buses which they were able to get at a discount and the band has a large following. He said he has spoken with Tom Regan of Channel 5 and they are also marketing through Social Media and Facebook.

Council Member Johnson said the problem with her was the \$6500.00

Council Member Hurst told Mr. Parks she felt he was doing a fantastic job. She said she did not remember the coordinator last year giving any update. She said she got paid a lot of money and it was the worst parade she had ever seen. She told Mr. Parks if he comes up short, she will write him a check.

Council Member Heath said Mr. Parks is doing a great job and this is a golden opportunity. He said he felt we did not get what we paid for last year.

Mayor Avery told Council Member Russell he respects her professional experience and understands she is just being a good steward, but he cannot overlook the residents and they have asked to take the parade and festival to another level. He said Alabama State University is not just another band. He said other high school bands will be there and this might be a way for some of our students to get recruited. He said the money has been raised for the festival.

**After much discussion the motion carried with Council Member Russell voting "No".**

13. Discussion on Irish Bred Pub

Mayor Avery said the city needs to decide what to do regarding the Irish Bred Pub. Council said this is a discussion for a workshop. There was no further discussion.

**IX. MAYOR AND COUNCIL COMMENTS:**

Council Member Johnson announced that Mr. Lawson Sayer was in the hospital with Lou Gehrig's disease.

Council Member Russell said she still has concerns approving the funds for the band.

Council Member Heath thanked everyone for coming to the Council Meeting and reminded them that the Home Safe Program is running out.

Council Member Alderman had no comments.

Council Member Hurst had no comments.

Mayor Avery said there will be a workshop on Obama Care at Stonewall Tell Tuesday, September 10<sup>th</sup> at 7:00 p.m. He also said the City of Fairburn currently has a Bond Rating of A- Stable and said that comes from being responsible. He thanked everyone for coming to the meeting.

**X. ADJOURN MEETING:**

Council Member Russell made a motion to recess into Executive Session for a personnel matter and pending litigation with Council Member Heath providing the second. **The motion carried at 8:00p.m.**

Council Member Alderman made a motion to reconvene into the regular meeting with Council Member Heath providing the second. **The motion carried.**

Council Member Russell made a motion to authorize the City Attorney to hire Attorney Anita Thomas to investigate a personnel matter with Council Member Heath providing the second. **The motion carried.**

Council Member Russell made a motion to adjourn the Council Meeting and return into Workshop with Council Member Heath providing the second. **The motion carried at 8:45p.m.**

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Brenda B. James City Clerk

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Mario Avery, Mayor