



**City of Fairburn Council Meeting
Agenda
January 9, 2023
7:00 pm**

The Honorable Mayor Mario Avery, Presiding

The Honorable Mayor Pro-Tem Hattie Portis-Jones
The Honorable Alex Heath
The Honorable Ulysses J. Smallwood

The Honorable Linda J. Davis
The Honorable Pat Pallend
The Honorable James Whitmore

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

City Attorney
City Administrator
City Clerk

- I. Meeting Called to Order: The Honorable Mayor Avery
- II. Roll Call: City Clerk
- III. Invocation: Dr. LaReese Howell, New Horizons in Faith Church
- IV. Pledge of Allegiance:
- V. Presentations and Proclamations:
- VI. Adoption of the City Council Agenda:
- VII. Approval of the Minutes: Regular Council Meeting Minutes of December 12, 2022
- 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:**
 1. Appointment of Mayor Pro Tem for the City of Fairburn

Recommendation: Per the Charter and City code at the first meeting of the year the Mayor shall appoint a member of Council as Mayor Pro Tem. Mayor Avery would like to appoint Council Member Linda J. Davis as the Mayor Pro Tem for 2023. **(Office of the Mayor)**

2. Appointment of the Legal Organ for the City of Fairburn

Recommendation: For Mayor and Council to appoint the South Fulton Neighbor Newspaper as the official legal organ for the City of Fairburn for 2023. **(Office of the Mayor)**

3. Appointment of the City Attorney for the City of Fairburn

Recommendation: For Mayor and Council to appoint Rory Starkey, City Attorney for the City of Fairburn. **(Office of the Mayor)**

4. Appointment of the City Clerk for the City of Fairburn

Recommendation: For Mayor and Council to appoint Brenda James, City Clerk for the City of Fairburn. **(Office of the Mayor)**

5. Appointment of the Chief of Police for the City of Fairburn

Recommendation: For Mayor and Council to appoint Anthony Bazydlo Chief of Police for the City of Fairburn. **(Office of the Mayor)**

6. Appointment of Chief Judge for Municipal Court of the City of Fairburn

Recommendation: For Mayor and Council to appoint Judge Monica Ewing as Chief Judge of the Municipal Court for the City of Fairburn. **(Office of the Mayor)**

7. Appointment to Planning and Zoning Commission

Recommendation: Mayor and Council to appoint LaVonne Deavers to the Planning and Zoning Commission for a four (4) year term beginning January 31, 2023, and expiring January 31, 2027. **(Office of the Mayor)**

8. City Council 2023 Meeting Schedule Calendar

Recommendation: Mayor and Council to approve the 2023 meeting schedule. **(Office of the Mayor)**

9. Final Plat 2022146FP Andy Anderson Jr. Residential Subdivision

Recommendation: The proposed residential development consists of three (3) detached single-family lots. Lot 1 has frontage on East Campbellton Road and Milo

Fisher Street and lots 2 and 3 have frontage on East Campbellton Road. Based on the criteria outlined in Chapter 77, Article VII and the analysis of those provisions outlined herein staff recommends Approval of the Final Plat for the Andy Anderson, Jr. Residential Subdivision. **(Planning & Zoning Department)**

10. Final Plat 2022161FP Habitat For Humanity Residential Subdivision

Recommendation: The proposed residential development consists of two detached single-family lots. Lot 1 has frontage on Orchard Street and consists of 0.37 acres and lot two has frontage on Orchard Street and Aderhold Street and consists of 0.25 acres. Based on the criteria outlined in Chapter 77, Article VII and the analysis of those provisions outlined herein staff recommends Approval of the Habitat for Humanity Residential Final Plat. **(Planning & Zoning Department).**

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
Council Meeting Minutes
December 12, 2022
7:00 pm**

I. The meeting was called to order by the Honorable Mayor Avery.

II. Roll Call by City Clerk, Brenda B. James found the following members present:

Mayor Pro Tem Hattie Portis-Jones
The Honorable Alex Heath
The Honorable James Whitmore

The Honorable Linda J. Davis
The Honorable Ulysses J. Smallwood

Members Absent: The Honorable Pat Pallend

Also present was City Administrator Tony Phillips, Assistant City Administrator Jamila Criss, City Attorney Mr. Rory Starkey, Assistant City Attorney Serena Nowell, Attorney Amber Qualls, Attorney Valerie Ross, and City Clerk Brenda James.

III. The invocation was provided by Mayor Mario Avery.

IV. Pledge of Allegiance was in Unison.

V. Presentations and Proclamations: N/A

VI. Adoption of the City Council Agenda:

Mayor Pro Tem Portis-Jones made a motion to adopt the agenda as presented and add item # 15 – to the consent agenda which is a Resolution Authorizing the City of Fairburn to Enter into a Contract for Probation Supervision and Rehabilitation Services with Professional Probation Services Inc.; to Establish an Effective Date; and for Other Related Purposes. Councilwoman Davis provided the second. **The motion carried unanimously.**

VII. Approval of the Minutes: Regular Council Meeting Minutes of November 14, 2022.

Councilman Heath made a motion to approve the minutes as presented with Councilman Smallwood providing the second. **The motion carried unanimously.**

VIII. Public Comments: N/A

IX. **AGENDA ITEMS/PUBLIC HEARINGS:**

1. Ordinance for Use Permit 2022125 Logistics Acquisitions, LLC

Recommendation: Based on the criteria outlined in Section 80-172 and the analysis of each provision outlined herein staff recommends approval of the Ordinance granting Logistics Acquisitions, LLC a use permit for a truck terminal at 8105 Cleckler Road.

Councilwoman Davis made a motion to open the public hearing and the second was provided by Councilman Heath. **The motion carried unanimously.**

In Favor:

Stephen Ruddell spoke in favor of this project on behalf of Logistics Acquisitions, LLC. Mr. Ruddell discussed the application for a use permit for truck terminal parking that is a use that's in place already on site and wanted to go through the proper civil process to make sure that was in place before they continue to use the site for that manner.

In Opposition: N/A

Planning and Zoning Interim Director, Rebecca Keefer presented this item and stated this is a use permit request 2022125 for 8105 Cleckler Road and it is to reinstate truck terminal use on the property. The property has not been used for a truck terminal for a period greater than six months, so they were not able to apply the non-conforming use criteria to that to allow it to continue as is and so in the M2 District, a truck terminal requires a use permit from City Council to get reinstated.

The property is zoned M2 and in the Comprehensive Plan, is designated an industrial character area in the Future Land Use Map. The appropriate uses are identified in the Comprehensive Plan as manufacturing, processing, warehousing storage and various truck and maintenance and sales uses. The application does meet and is consistent with the 2040 Comprehensive Plan as it's similar to character to the adjacent uses. Staff recommended approval and stated there are regulations in the code about no overnight sleeping, and on-site security, so they recommended a straight approval since these items were identified in the ordinance and they will have to comply with those. The Planning and Zoning Commission recommended approval on the November 1, 2022, meeting.

Councilman Whitmore made a motion to close the Public Hearing with the second provided by Councilman Smallwood. **The motion carried unanimously.**

Councilman Heath made a motion to approve the ordinance and grant the applicant, Logistics Acquisitions, LLC., a use permit to allow for a truck terminal located at 8105 Cleckler Road, with Councilwoman Davis providing the second.

Mayor Pro Tem Portis-Jones asked staff to explain the six-month window. Ms. Keefer stated previously there was a truck terminal operating on this property and this use is

not allowed in the M2 zoning district. It is identified as a use that is allowed under certain circumstances. Council gets to consider the facts of adjacent properties and to identify if it's appropriate for this property, it is not allowed in all M2 zoning. Even though they were already operating there, the discontinued use did not have an occupational tax certificate for 2022 so they are required to request the use permit to operate. **The motion carried unanimously.**

2. Use Permit Ordinance (2022117) Fairburn 55 Senior Housing/Bohannon Road (Public Hearing)

Councilwoman Davis made a motion to open the public hearing with the second provided by Councilman Smallwood. **The motion carried unanimously.**

In Favor: N/A

In Opposition:

Ben Rivers
Penelope Ludlow
Gail Jackson
Ben Hopkins
Diane Hopkins
Felicia Newman
Russell Hargraves

Planning and Zoning Interim Director, Rebecca Keefer presented this item and stated this use permit request is for a group home/shelter for six (6) adult males and will be located at 98 Orchard Street. The property is zoned R3 (Single Family Residence), and it allows an applicant to make a request for consideration for a use permit. Based on the criteria outlined in Section 80-172 and the analysis of each provision outline, staff recommends approval with conditions. The Planning and Zoning Commission recommended Denial.

Councilman Heath made a motion to close the public hearing, with the second provided by Councilman Whitmore. **The motion carried unanimously.**

Councilwoman Davis made a motion to deny the use permit for a group home/shelter, with the second provided by Councilman Smallwood.

Mayor Pro Tem Portis-Jones stated they are required to state the reason for denial, and she supports denying this request because of the manner of operation. **The motion carried unanimously.**

X. CONSENT AGENDA ITEMS:

Councilman Heath made a motion to approve the Consent Agenda Items numbers

3-10 and item number 15, with Councilwoman Davis providing the second. The motion carried unanimously.

3. Acceptance of the Certified Official Election Votes for the 2022 Special Election
4. Resolution to Set the Qualifying Fees for the 2023 General Election
5. Resolution for the City of Fairburn to enter into a Memorandum of Understanding with Soccer in the Streets, Inc.
6. Resolution Authorizing an Amendment of the Emergency Cleaning Services
7. Resolution Authorizing the City of Fairburn to enter into a Consulting Services Agreement with Ashley Nicole Communications
8. Resolution Authorizing the City of Fairburn to Execute an Engagement Letter with Urban Pulse Universal, LLC for Economic Development Consulting Services
9. Resolution Authorizing Land Lease Agreement with Strack, Incorporation for use of land at the Fairburn Public Safety Training Center
10. Resolution Authorizing the MEAG Power Sale of Excess Capacity and Excess Reserve Capacity to the City of Fairburn on behalf of the City of Cairo
15. Resolution Authorizing the City of Fairburn to enter into a Contract for Probation Supervision and Rehabilitation Services with Professional Probation Services, Inc.; to Establish an Effective Date; and for Other Related Purposes

XI. REGULAR AGENDA ITEMS:

11. Resolution Authorizing the City of Fairburn to enter into an Intergovernmental Agreement for the Provision of 800 MHz Radio System Access with Fulton County

Assistant City Administrator, Jamila Criss presented this item and stated the current agreement which was executed in 2018 is set to expire December 31, 2022. There is an increase from \$371 to \$417, which will be \$74,643.00 for years 2023 and 2024, and \$79,118.00 for years 2025 and 2026.

Councilman Whitmore made a motion to approve the Resolution authorizing the execution of an Intergovernmental Agreement (IGA) between Fulton County, GA, and the City of Fairburn for the provision of 800 MHz Radio System Access, with the second provided by Councilwoman Davis.

Mayor Pro Tem Portis-Jones asked if the radios would be upgraded each year or every two years. Ms. Criss stated no, however, she understood that Fulton County

is upgrading their system and it would affect the radios, but it is not an upgrade for us.

Interim Chief Anthony Bazydlo stated this contract is for access of the 179 existing radios we use on the network that Fulton County operates. It is not about the physical radios themselves. **The motion carried unanimously.**

12. Resolution Authorizing the City of Fairburn to enter into an Intergovernmental Agreement with Fulton County for 911 Emergency Communication Services

Assistant City Administrator, Jamila Criss presented this item and stated the current contract for E911 Services will terminate on December 31, 2022. This contract cost is \$400,000 annually with terms from January 1, 2023, to December 31, 2023, with three (3) automatic renewals.

Mayor Pro Tem Portis-Jones made a motion to approve a Resolution authorizing the execution of an Intergovernmental Agreement (IGA) between Fulton County, GA, and the City of Fairburn for the provision of 911 Emergency Communication Services in the amount of \$400,000 annually, with the second provided by Councilwoman Davis. **The motion carried unanimously.**

13. Resolution Authorizing the City of Fairburn to enter into an Intergovernmental Agreement with Fulton County for Animal Control Services

Assistant City Administrator, Jamila Criss presented this item and stated the Agreement is set to expire on December 31, 2022, with Fulton County. This agreement is for one year and Fulton County is in the process of building and opening a new animal shelter. Their intent based on correspondence we received is to put the animal services contract out for an RFP, not knowing what that cost is. They are locking cities into a one-year agreement and anticipates an increase in 2024, leaving this contract to run from January 1, 2023, to December 31, 2023.

Councilwoman Davis made a motion to approve a Resolution authorizing execution of the first extension of the Intergovernmental Agreement (IGA) between Fulton County, GA, and the City of Fairburn for Animal Control Services in the amount of \$115,224.45 from January 1, 2023, to December 31, 2023, with the second provided by Councilman Whitmore.

Mayor Avery asked if they have projected a cost. Ms. Criss stated no and they kept the cost for the city's level as it has been in previous years.

Mr. Tony Phillips stated they are expecting a significant increase for animal control services. There has not been a projected number, but the projected cost is \$33 million to build the facility and all those animal control expenses are shared across the fifteen cities in Fulton County based on their percentage of use.

Mayor Avery stated several of the mayors have talked about coming together and building their own facility, and decided it wasn't as simple to do because of the regulations and oversight. Despite the projected major increase, we would have to come up with a location, a building which was \$32 million plus a contingency of \$3 million. Mr. Phillips stated typically you see animal shelters at the county level, notwithstanding all the regulatory and advocacy issues that go along with animal services.

Councilman Whitmore asked what percentage of use does the City of Fairburn use animal control. Ms. Criss stated our cost is based on call volume.

Councilman Whitmore asked what our call volume was, and Mr. Phillips stated they did not have that information but would provide it by tomorrow.

Mayor Pro Tem Portis-Jones stated there are certain businesses we don't want to be in, and animal control is one of them because it is very cost prohibitive, not to mention the regulatory requirements that are associated with it. Unfortunately, we will be at the mercy of the county, and we must negotiate costs. **The motion carried unanimously.**

14. Reclassification and Position Allocation

Mr. Tony Phillips presented this item and stated the reclassification of the Property Manager position to the classification of Building Operation Director will allow for the development of facility improvements and renovations, will enhance oversight of property management, building operations, information technology program management, capital projects, and asset management. There is a need for support personnel to fulfill the administrative functions of the department and to improve operational efficiency. Responsibilities would include billing, invoicing, managing work order requests, and supply orders. The Building Operation Director's position is a very significant area of need for the city. We will be undertaking a full comprehensive assessment of all city facilities which will be after the new year. That will bring a lot of findings that will need addressing as a city.

Councilman Heath made a motion to approve reclassifying the Property Manager position to Building Operations Director and approval to add an Administrative Assistant position to the Department of Property Management, with the second provided by Councilman Smallwood.

Councilwoman Davis asked if the reclassification and the position allocation is a result of the HR study. Mr. Phillips stated the HR study did help to inform this, but it is an assessment of our operational needs. We had a previous Property Management position that did not encompass all the tasks that are necessary for us to efficiently manage City facilities. We have got to get in front of all these

roofing issues and several other issues that we've talked about and it's important to have someone at this level to manage all of our assets

Mayor Avery stated this was an assessment during his State of City Address or Inauguration to have an assessment of almost every area of our government and this was an area of our infrastructure that is falling apart. Some of the money that we've spent this year alone in patching issues is because we did not have the professional expertise in place. This position is critical. **The motion carried unanimously.**

XII. City Administrator's Report:

Mr. Tony Phillips presented a summary of the City's monthly administrative activities for October & November 2022. He highlighted a few activities:

- 2022 Fairburn Fall Festival & Parade which was beyond our expectations and was a great success and thanked all our staff and community partners
- Inaugural Taste of Fairburn with ten participating restaurants which there were over 1,500 free samples distributed
- Completion of Phase I - Creative Crosswalk Project Installation
 - 91 Elder Street – Campbell Elementary School
 - Malone & SE Broad – Landmark Christian School
- Installation of Smart Soofa Systems within Downtown Historic Commercial District at Frankie Arnold Stage & Courtyard and the Pedestrian Bridge
- Art Advisory Council facilitated completion of Phase II of Creative Crosswalk Mural Installation at Duncan Park and Youth Center
- Old Campbell Courthouse post fire investigation by Fire Investigators and the insurance company was completed. The pot fire building stabilization and mitigation is ongoing
- Municipal Court Failure to Appear Amnesty Program completed
- Diabetes Awareness Month recognized city-wide for November 2022
- Parks & Recreation hosted Holiday Break Camp – 17 youth participants
- New Teen Music Program
- Thanksgiving Food Drive & Giveaway
- Downtown Commercial District Christmas decorations and installation for Main Street and business promotions with department teams
- We are continuing to actively recruit, and we are making consistent progress in filling open positions in the city to help elevate departmental service delivery. Three new Department Director hires were completed (Planning & Zoning, Finance, and Information Technology Manager)

XIII. Council Comments

Mayor Pro Tem Portis-Jones congratulated the new hires and is looking forward to the new ideas that they will bring to the table. She thanked staff for the outstanding

Christmas tree lighting event. She said it was fantastic and heard nothing but positive comments. She thanked everyone for the uplifting and heartwarming spirit and wished everyone happy holidays.

Councilman Whitmore said that Ms. Valerie Ross, City Attorney has been with Fairburn assisting in Planning & Zoning for over ten years and congratulated her on her engagement. He also discussed how important the new hires were. He said he is looking forward to Thursday with staff, the Boards, Mayor, and Council to celebrate Christmas with all our employees and wished Merry Christmas and Happy New Year to each and every one of our citizens, our employees and to Mayor and Council.

Councilman Smallwood said it looked like wedding bells are in the air and it's his favorite time of year. It's been a good year, he's excited to do the will of the people, he thanked Mayor and Council; he's learned so much over the last five years. Excitement is in the air as we continue to staff great people.

Councilman Heath said it was an honor to serve the citizens of Fairburn. When he looks back at the programs, we have had and our parade back in the early fall, everybody came together and appeared at ease getting out of COVID 19. It was a giant celebration. He wished everyone a Merry Christmas and Happy New Year. This is the time we celebrate the birth of our Lord and Savior, Jesus Christ. Bless you all and good night.

Councilwoman Davis congratulated all the new hires and City Administration for their diligence for going out and bringing top-notch individuals to the city. Fairburn is on the map, and it is because of the people that work here. It is a tremendous difference, and she is proud of being a part of, to be a citizen and to serve the citizens of Fairburn. She is encouraged about the citizens being engaged, that is so critical. You are the eyes of our community, and we may agree or disagree, but you will know the whys when we don't agree. Our hearts are always with you because we live in the city as well and we cannot do this without you and thanked everyone. She congratulated Ms. Valerie Ross on her engagement. Happy Holidays, Merry Christmas, Hanukkah to everyone.

Mayor Avery thanked members of this body and thanked Council for approving his appointments to run our city in particular Mr. Phillips and Ms. Criss. We've had an amazing year; we'll talk about all the successes during the State of the City Address in February. He thanked the residents that come and serve on our boards and asked them to be advocates and invite people to attend our events. He wants to provide an area for seniors to enjoy the Fairburn festival and parade. He thanked staff for the Christmas Tree lighting, and the fireworks. He said he was proud of a champion in our neighborhood, Langston Hughes High School won the 6A Football Championship. He said City Clerk, Brenda James' son is the assistant head coach and the team, the coaches and the players did a phenomenal job. Everything you saw that manifest this year came out of the retreat that took place early this year where Mayor and Council came in agreement and moved forward on two-thirds of the agenda. We will be attending another retreat to refine the plan.

Councilman Whitmore congratulated Michael Smith, our audio/video technician on expecting his first child. Mayor Avery congratulated Mr. Smith on his news and asked for continued prayers for Dr. Parks, who normally performs those duties, while he is battling stage four cancer.

Mayor Pro Tem Portis-Jones thanked Mayor Avery for supporting her as she was nominated and elected to the Board of Directors of the National League of Cities. It is an advocacy organization at a national level and represents over 19,000 cities, towns, and villages all over the United States. She thanked the mayor for the endorsement. She will be serving a two-year term and will advocate to all the federal agencies on behalf of Fairburn specifically.

XIV. Executive Session:

A motion was made by Councilman Whitmore to go into Executive Session for a Personnel matter, with the second provided by Councilwoman Davis. **The motion carried unanimously.**

XV. Adjournment:

Councilwoman Davis made a motion to adjourn the meeting with Councilman Smallwood providing the second. The meeting adjourned at 9:41 pm. **The motion carried unanimously.**

Brenda B. James, City Clerk

Mario Avery, Mayor



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT OF MAYOR PRO TEM FOR THE CITY OF FAIRBURN

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

Submitted: 12/29/2022

Work Session: N/A

Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:

PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and Council to appoint a member of Council to Mayor Pro Tem for the City of Fairburn for 2023.

HISTORY: Per Article II, Section 9 of the Fairburn Charter and Section 2-103 of the City Code at the first meeting of the year the Mayor shall appoint a member of Council as Mayor Pro Tem. The position shall rotate each year.

FACTS AND ISSUES: The Mayor Pro Tem shall preside over the meetings of the City Council and perform all duties as Mayor in the absence or disqualification of the Mayor.

Recommendation: For the Mayor to appoint Councilwoman Linda J. Davis Mayor Pro Tem for the City of Fairburn for 2023.


Tony M. Phillips, City Administrator



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT OF THE LEGAL ORGAN FOR THE CITY OF FAIRBURN

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

Submitted: 12/29/2022

Work Session: N/A

Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:

PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and Council to appoint the South Fulton Neighbor Newspaper as the legal organ of the city.

HISTORY: The City of Fairburn appoints an official legal organ for the City of Fairburn each year.

FACTS AND ISSUES:

Recommendation: For Mayor and Council to appoint the South Fulton Neighbor Newspaper as the official legal organ for the City of Fairburn for 2023.


Tony M. Phillips, City Administrator



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT OF CITY ATTORNEY FOR THE CITY OF FAIRBURN

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

Submitted: 12/29/2022

Work Session: N/A

Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:

PUBLIC HEARING: ☐ Yes ☒ No

PURPOSE: For Mayor and Council to appoint the City Attorney for the City of Fairburn.

HISTORY: Per Article IV, Section 30 of the Fairburn City Charter and Section 2-145 of the City Code, the Mayor and Council shall appoint a City Attorney.

FACTS AND ISSUES: The Mayor and Council makes annual appointments of the City Attorney who shall be the legal advisor for Mayor and Council for management and operation of the business of the City of Fairburn.

Recommendation: For Mayor and Council to appoint Rory Starkey as City Attorney for the City of Fairburn for 2023.


Tony M. Phillips, City Administrator



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT OF CITY CLERK FOR THE CITY OF FAIRBURN

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

Submitted: 12/29/2022

Work Session: N/A

Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:

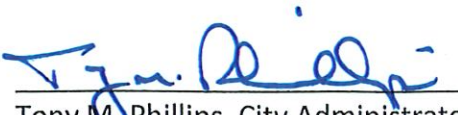
PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and Council to appoint the City Clerk for the City of Fairburn.

HISTORY: Per Article IV, Section 28 of the Fairburn City Charter and Section 2-122 of the City Code, the Mayor and Council at their first meeting shall appoint a City Clerk.

FACTS AND ISSUES: The Mayor and Council makes annual appointments each year for the City Clerk whose duties shall be to keep minutes of all meetings and perform all duties prescribed for by the Mayor and Council of the City.

Recommendation: For Mayor and Council to appoint Brenda James City Clerk for the City of Fairburn for 2023.


Tony M. Phillips, City Administrator



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT OF CHIEF OF POLICE FOR THE CITY OF FAIRBURN

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

Submitted: 12/29/2022

Work Session: N/A

Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:

PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and Council to appoint the Chief of Police for the City of Fairburn.

HISTORY: Per Section 35-46 of the City Code, the Mayor and Council shall appoint the Chief of Police for the City of Fairburn.

FACTS AND ISSUES: The Chief of Police shall have jurisdiction over the operation of the department. He or she shall be responsible for the performance by the police department of all its functions and all persons who are members of the department.

Recommendation: For Mayor and Council to appoint Anthony Bazydlo Chief of Police the City of Fairburn for 2023.

Tony M. Phillips, City Administrator



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT OF MUNICIPAL JUDGE FOR THE CITY OF FAIRBURN

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

Submitted: 12/29/2022 Work Session: N/A Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:


PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and Council to appoint the Municipal Judge for the City of Fairburn.

HISTORY: Per Section 20-27 of the City Code, the Mayor and Council shall appoint a Chief Judge for the Municipal Court.

FACTS AND ISSUES: To qualify for appointment as Chief Judge of the Municipal Court, a person shall be at least twenty-five (25) years of age and member of the State Bar of Georgia in good standing, a practicing attorney with a minimum of ten (10) years' experience and a resident of Fulton County at the time of and during the appointment.

Recommendation: For Mayor and Council to appoint Judge Monica Ewing as Chief Judge of the Municipal Court for the City of Fairburn for 2023.


Tony M. Phillips, City Administrator



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

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

Submitted: 12/29/2022 Work Session: N/A Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:

PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and Council to reappoint LaVone Deavers to the Planning and Zoning Commission.

HISTORY: Elise Stoney resigned from the Planning and Zoning Commission and LaVone Deavers was appointed January 2022 to complete the remainder of her term which ends January 31, 2023.

FACTS AND ISSUES:

Recommendation: For Mayor and Council to appoint LaVonne Deavers to the Planning and Zoning Commission for a four (4) year term beginning January 31, 2023. The term will expire January 31, 2027.


Tony M. Phillips, City Administrator



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: CITY COUNCIL 2023 MEETING SCHEDULE CALENDAR

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

Submitted: 12/29/2022 Work Session: N/A Council Meeting: 01/09/2023

DEPARTMENT: OFFICE OF THE MAYOR

BUDGET IMPACT:

PUBLIC HEARING: () Yes (X) No

PURPOSE: For Mayor and Council to approve the meeting schedule for council meetings for 2023.

HISTORY: Mayor and Council approves the schedule for all council meetings and cancellations to include all government conferences and holidays.

FACTS AND ISSUES:

Recommendation: For Mayor and Council to approve the meeting schedules for 2023.



Tony M. Phillips, City Administrator



City Council 2023 Meeting Schedule

The Mayor and Council meet the 2nd and 4th Monday of every month. The Workshops begin at 6:00 pm and the Council Meetings begin at 7:00 pm. Meeting dates and times are subject to change. Please visit the City of Fairburn's website for up to date information at www.fairburn.com.

Date of Meeting	Meeting Status
January 9, 2023	As scheduled
January 23, 2023	As scheduled
February 13, 2023	As scheduled
February 27, 2023	As scheduled
March 13, 2023	As scheduled
March 27, 2023	Cancelled for NLC Conference in Washington DC
April 10, 2023	As scheduled
April 24, 2023	As scheduled
May 8, 2023	As scheduled
May 22, 2023	As scheduled
June 12, 2023	As scheduled
June 26, 2023	Cancelled for GMA Conference in Savannah
July 10, 2023	As scheduled
July 24, 2023	As scheduled
August 14, 2023	As Scheduled
August 28, 2023	As scheduled
September 11, 2023	As scheduled
September 25, 2023	As scheduled
October 9, 2023	As scheduled
October 23, 2023	As scheduled
November 13, 2023	As scheduled
November 27, 2023	Cancelled - Thanksgiving Holiday
December 11, 2023	As scheduled
December 25, 2023	Cancelled - Christmas Holiday



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: FINAL PLAT 2022146FP ANDY ANDERSON, JR. RESIDENTIAL SUBDIVISION

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

Submitted: 11/01/22

Planning Commission: 12/06/22

City Council: 01/09/23

DEPARTMENT: Planning and Zoning Office

BUDGET IMPACT: N/A

PUBLIC HEARING: () Yes () No

PURPOSE: For the Mayor and City Council to review the final plat for the Andy Anderson, Jr. residential subdivision.

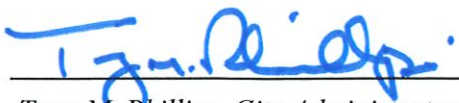
HISTORY: This parcel is a vacant lot that consist of 1.36 acres of land zoned R-3.

FACTS AND ISSUES: The proposed residential development consists of 3 detached single-family lots. Lot 1 has frontage on East Campbellton Road and Milo Fisher Street and lots 2 and 3 have frontage on East Campbellton Road.

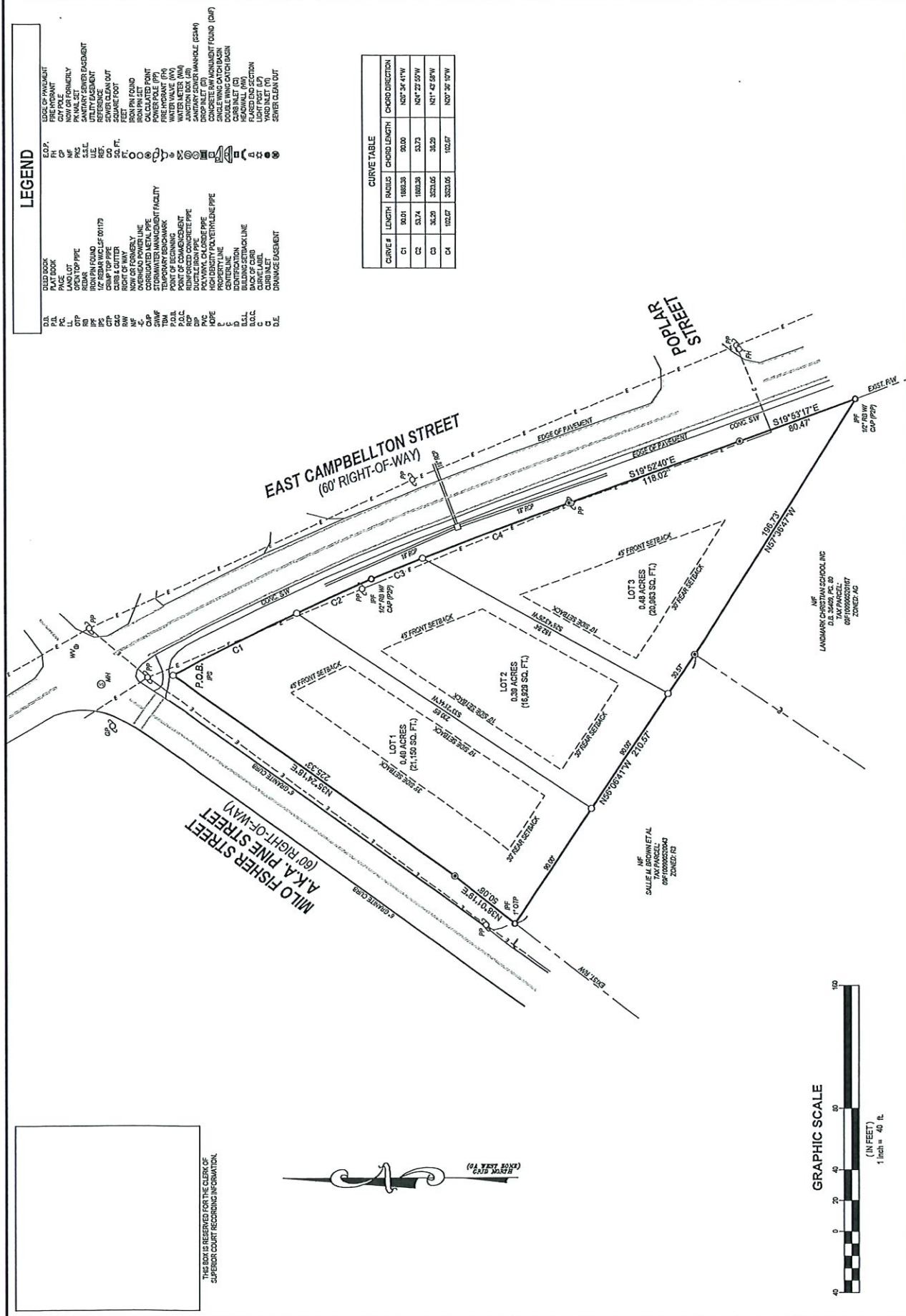
Staff has reviewed the final plat and finds that the plat meets the final plat subdivision regulations and code of ordinances, such as the minimum lot size, setbacks, and buffer standards.



RECOMMENDED ACTION: Based on the criteria outlined in Chapter 77, Article VII and the analysis of those provisions outlined herein staff recommends **APPROVAL** of the Final Plat for the Andy Anderson, Jr. Residential Subdivision.

The Planning and Zoning Commission recommended **APPROVAL** of the 2022146FP – Andy Anderson Jr. Subdivision Final Plat at their regularly scheduled meeting on December 6, 2022.



Tony M. Phillips, City Administrator



DATE	7/21/2022	REVISIONS		SHEET TITLE	SEAL	PROJECT			www.moorebass.com TALLAHASSEE • ATLANTA	Cell Engineering Surveying Design Services Consulting Landscape Architecture Environmental Planning
FILE #	A363.0001	1. REV. PER COMMENTS: 10/1/2022	The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this Project are the property of Moore Bass Consulting, Inc. (MBC) and are not to be used for any other project without the written consent of Moore Bass Consulting, Inc. (MBC). If these documents are used without the written consent of Moore Bass Consulting, Inc. (MBC), the user agrees to indemnify and hold harmless Moore Bass Consulting, Inc. (MBC) from all claims, damages, costs and expenses, including the cost of defense, attorneys' fees and other costs, arising out of or from the use of these documents and the use of the information contained therein.	FINAL PLAN	ANDY ANDERSON, JR. FAIRBURN, GEORGIA	1350 Kays Ferry Court Atlanta, GA 30325 770.254.2794				
CONTRACT #					ANDY ANDERSON, JR. 450 RIVERTOWN ROAD FAIRBURN, GEORGIA 30213					
DRAWN BY	JRW									
CHECKED BY	RUD									
② Moore Bass Consulting										



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: FINAL PLAT 2022161FP HABITAT FOR HUMANITY RESIDENTIAL SUBDIVISION

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

Submitted: 11/30/22

Planning Commission: 12/06/22

City Council: 01/09/23

DEPARTMENT: Planning and Zoning Office

BUDGET IMPACT: N/A

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Mayor and City Council to review the final plat for the Habitat for Humanity residential subdivision.

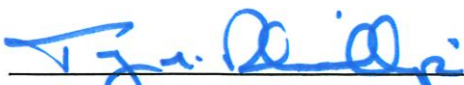
HISTORY: This plat consists of three residentially zoned lots that are being combined into two residential lots. Currently, the lots are 0.48 acres, 0.11 acres, and 0.14 acres. The R-4 zoning district requires a minimum lot area of 0.25 acres (10,890 square feet). The applicant is wishing to combine the three lots and have two lots that conform to the existing code.

FACTS AND ISSUES: The proposed residential development consists of 2 detached single-family lots. Lot 1 has frontage on Orchard Street and consists of 0.37 acres (16,103 square feet). Lot 2 has frontage on Orchard Street and Aderhold Street and consists of 0.25 acres (10,974 square feet).

Staff has reviewed the final plat and finds that the plat meets the final plat subdivision regulations and code of ordinances, such as the minimum lot size, setbacks, and buffer standards.

RECOMMENDED ACTION: Based on the criteria outlined in Chapter 77, Article VII and the analysis of those provisions outlined herein staff recommends **APPROVAL** OF the Habitat for Humanity Residential Final Plat.

The Planning and Zoning Commission voted to recommend **APPROVAL** of 2022161FP – Habitat for Humanity Residential Subdivision at their regularly scheduled meeting on December 6, 2022.


Tony M. Phillips, City Administrator



THE PURPOSE OF THIS PLAT IS TO
CREATE TWO LOTS

OWNER/DEVELOPER:

HABITAT FOR HUMANITY IN ATLANTA, INC
824 MEMORIAL DR. SE
ATLANTA, GA 30316

CAUTION

THE UTILITIES SHOWN ON THIS PLAT ARE THE PROPERTY OF THE UTILITIES PROVIDER. THE UTILITIES PROVIDER'S LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON IS LIMITED TO THE INFORMATION PROVIDED HEREON. THE UTILITIES PROVIDER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

REFERENCE MATERIAL:

1. HANBURY DEED IN BOOK OF
HANBURY FOR HANBURY IN ATLANTA, INC
DEED BOOK 5874 PAGE 317-328
FULTON COUNTY, GEORGIA RECORDS
(LOTS 1, 2 AND 3 ADJACENT SUBDIVISION)
2. LIMITED WARRANTY DEED IN BOOK OF
AT CAPITAL CHURCH, INC.
DEED BOOK 5874 PAGE 317-328
FULTON COUNTY, GEORGIA RECORDS
(LOTS 1, 2 AND 3 ADJACENT SUBDIVISION)

MINIMUM BUILDING SETBACK REQUIREMENTS:

CURRENT ZONING - R-4
FRONT BUILDING LINE - 20'
SIDE BUILDING LINE - 20'
REAR BUILDING LINE - 20'
MINIMUM LOT AREA - 10,000 SQ. FT.

NO WATERS OF THE STATE ARE WITHIN
200' OF THE SITE

AREA THIS TRACT:

0.622 ACRES

State of Georgia
County of Fulton

The owner of the land shown on this plat acknowledges that this plat was made from a natural survey and for value received, the owner of the land shown on this plat declares to the said public for all records and purposes, that the owner of the land shown on this plat is the owner of the land shown on this plat and that the owner of the land shown on this plat is the owner of the land shown on this plat.

In consideration of the above and of the other valuable considerations, the owner of the land shown on this plat agrees to hold the City of Fulton, Georgia, harmless for the period specified in the plat, to include but not limited to, the roads, streets, etc., and to defend the City of Fulton, Georgia, from all claims, damages, costs, and expenses, including reasonable attorney's fees, that may be asserted against the City of Fulton, Georgia, by any third party, arising out of or from the use of the land shown on this plat.

And after the owner of the land shown on this plat has been fully advised of the nature and extent of the obligations and liabilities that he or she is assuming by executing this plat, the owner of the land shown on this plat agrees to hold the City of Fulton, Georgia, harmless for the period specified in the plat, to include but not limited to, the roads, streets, etc., and to defend the City of Fulton, Georgia, from all claims, damages, costs, and expenses, including reasonable attorney's fees, that may be asserted against the City of Fulton, Georgia, by any third party, arising out of or from the use of the land shown on this plat.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this day of _____, 2013.

Owner/Developer	Title	Date
_____ (Seal)	_____ (Seal)	_____ (Seal)
_____ (Seal)	_____ (Seal)	_____ (Seal)

FLOOD HAZARD STATEMENT

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.A. OFFICIAL FLOOD HAZARD MAPS. EFFECTIVE DATE: SEPTEMBER 18, 2013. FULTON COUNTY, GEORGIA

NOTES:
DISTANCES ARE MARKED WITH 1/2" BEAR UNLESS OTHERWISE SHOWN.
DISTANCES SHOWN ON THE PLAT SHALL BE HORIZONTAL

WATER SERVICE BY CITY OF ATLANTA
SEWER SERVICE BY CITY OF ATLANTA

LOCATION MAP NTS

COPYRIGHT 2013 AERO SURVEYS OF GA, INC.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by an applicable local jurisdiction for recording as required by the Georgia Surveyors Act. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Minimum guarantee. In succession and actions, hereby warrants and guarantees to the City of Fulton, Georgia, the full and complete maintenance of a certain improvement known as _____ and more particularly shown in plat book _____ page(s) _____ of the Fulton County Records.

This warranty and guarantee is made in accordance with the City of Fulton Land Subdivision Regulations. The City of Fulton, Georgia, shall not be liable for any damages, costs, and expenses, including reasonable attorney's fees, that may be asserted against the City of Fulton, Georgia, by any third party, arising out of or from the use of the land shown on this plat.

The developer shall correct and repair or cause to be corrected and repaired all damages to said improvements resulting from any cause whatsoever. In the event the developer fails to correct any damages to said improvements, the City of Fulton, Georgia, shall be entitled to recover the cost of such repairs and damages from the developer. This remedy shall not limit the City of Fulton, Georgia, and it shall have any remedies available to it as approved by law.

This warranty and guarantee shall be as specified in subsection (d) of O.C.G.A. Section 15-6-67. After the termination of the warranty and guarantee, the City of Fulton, Georgia, shall be entitled to recover the cost of such repairs and damages from the developer. This remedy shall not limit the City of Fulton, Georgia, and it shall have any remedies available to it as approved by law.

IN WITNESS WHEREOF, the developer has caused this Agreement to be executed by its duly authorized officer, this _____ day of _____, 2013.

Owner/Developer	Title	Date
_____ (Seal)	_____ (Seal)	_____ (Seal)
_____ (Seal)	_____ (Seal)	_____ (Seal)

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the land shown on this plat. The owner of the land shown on this plat warrants and guarantees that all monuments shown hereon actually exist or are marked as "future" and their location, size, type, and material are correctly shown. This plat conforms to all requirements of the Georgia Plat Act. By:

Registered Georgia Land Surveyor
Name (Printed) _____
No. _____ (Seal)

PRECISION OF SURVEY

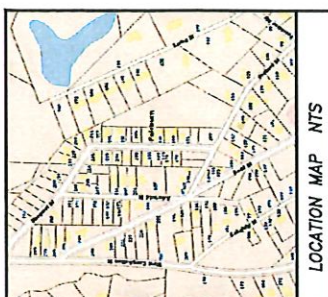
THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 154,297 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA. A TOPCON GR-5 WAS USED IN THE COLLECTION OF GPS OBSERVATIONS.

Tel. 770-988-6763

COVER SHEET

ENGINEERS, INC

126 HEMLOCK CIRCLE
LAVONIA, GA 30053



COPYRIGHT 2013 AERO SURVEYS OF GA, INC.



Tel. 770-888-5763
FINAL PLAT
128 HALEWOOD CIRCLE
LAVONIA, GA. 30053

LCE
ENGINEERS, INC

DRAWN	LCE
CHECKED	LCE
DATE	10/29/22
SCALE	1" = 30'
ORCHARDWAY	

SUBDIVISION PLAT FOR:
ORCHARD STREET SUBDIVISION
LAND LOT 67 9F TH DISTRICT CITY OF FAIRBURN FULTON COUNTY, GEORGIA

REV.	DATE	DESCRIPTION
#1	11/29/22	revised per city comments

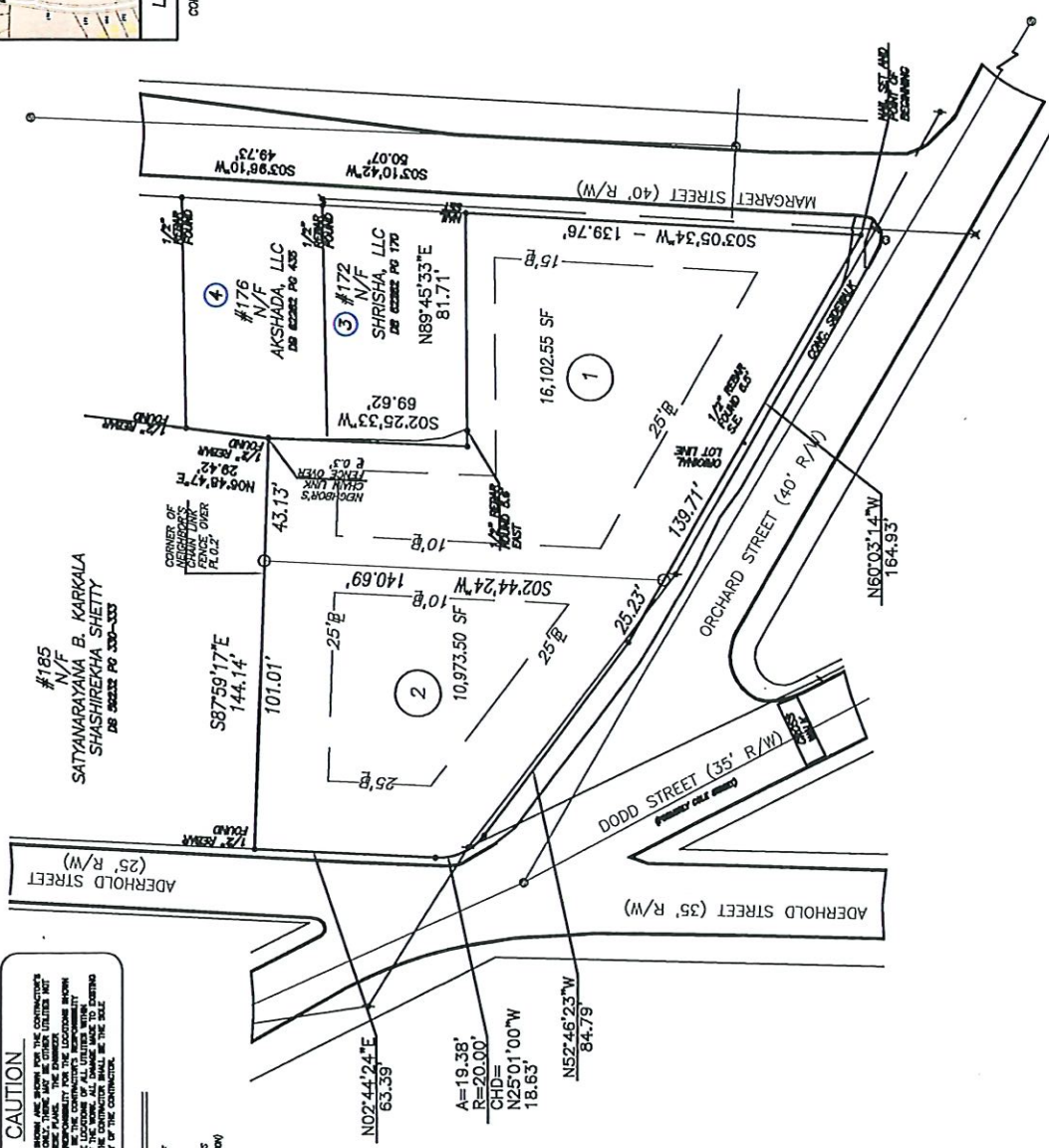
OWNER/DEVELOPER:
HABITAT FOR HUMANITY IN ATLANTA, INC
824 MEMORIAL DR. SE
ATLANTA, GA 30316

UTILITIES PROTECTION CENTER
CALL FREE
IN METRO ATLANTA
770-225-4244
THROUGHOUT GEORGIA
1-800-282-7411
THREE WORKING DAYS BEFORE YOU DIG

CAUTION
THE UTILITIES SHOWN ARE BASED ON THE CONTRACTOR'S
OWNERS' RECORDS AND FIELD SURVEY. THE CONTRACTOR
WARRANTS NO RESPONSIBILITY FOR THE LOCATION, DEPTH,
OR CONDITION OF ANY UTILITIES NOT SHOWN ON THE
PLAT. TO AVOID THE LOCATION OF ALL UTILITIES WITHIN
THE PLAT, THE CONTRACTOR SHALL BE THE SOLE
RESPONSIBILITY OF THE CONTRACTOR.

REFERENCE MATERIAL:
1. INWARRANT DEED IN FAVOR OF
HABITAT FOR HUMANITY IN ATLANTA, INC.
DEED BOOK 30674 PAGE 11-14
FULTON COUNTY, GEORGIA RECORDS
(LOTS 1, 2 AND 3 ADJACENT SUBDIVISION)
2. LIMITED INWARRANT DEED IN FAVOR OF
ATLANTA CAPITAL COMPANY, INC.
DEED BOOK 30674 PAGE 11-14
FULTON COUNTY, GEORGIA RECORDS
(LOTS 1 AND 2 ADJACENT SUBDIVISION)

MINIMUM BUILDING SETBACK REQUIREMENTS:
CURRENT ZONING - R-4
FRONT BUILDING LINE - 25'
SIDE BUILDING LINE - 25'
REAR BUILDING LINE - 25'
MINIMUM LOT WIDTH - 30'
MINIMUM LOT DEPTH - 30'
MINIMUM LOT AREA - 10,000 SF



#185
N/F
SATYANARAYANA B. KARKALA
SHASHIREKHA SHETTY
DB 30233 PG 300-303

#176
N/F
AKSHADA, LLC
DB 30232 PG 435

#172
N/F
SHRISHA, LLC
DB 30232 PG 170