

**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 or 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 that 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. He 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 for that team and the coaches and 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. There will be another retreat next year 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.

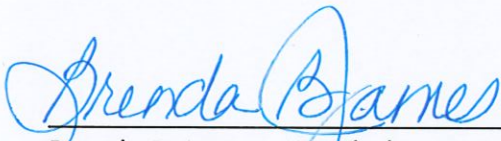
Mayor Pro Tem Portis-Jones thanked Mayor Avery for supporting her as she was nominated and elected to the Board of Directors of the National League of Cities. It is an advocacy organization at a national level and represents over 19,000 cities, towns, and villages all over the United States. She thanked 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.

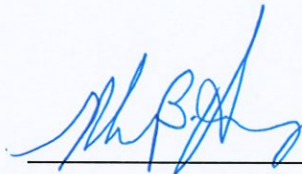
XIV. Executive Session:

A motion was made by Councilman Whitmore to go into Executive Session for Personnel 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