



CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
May 20, 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 which constituted a quorum. Council Member Vaughan arrived late.
- III. INVOCATION:** Provided by Council Member Alderman.
- IV. PLEDGE OF ALLEAGENCE:** Recited in unison.
- V. PUBLIC COMMENTS:**
 1. Pat Pallend, 61 Poplar Street, Fairburn, GA. 30213 announced Monday, May 27, 2013 is the Memorial Day Commencement, which is a celebration to honor those men and women who paid the ultimate sacrifice in defense of the Nation. He said the Memorial Day event will start at 10:00 a. m. at the Freight Depot and invited everyone to attend.
- VI. ADOPTION OF THE AGENDA:**

Council Member Johnson made a motion to adopt the Agenda with Council Member Hurst providing the second. **The motion carried.**
- VII. APPROVAL OF CITY COUNCIL MINUTES:** City Council Meeting of May 13, 2013.

Council Member Alderman made a motion to approve the Minutes of May 13,

2013, with Council Member Heath providing the second. **The motion carried.**

VIII. PUBLIC HEARING:

1. Use Permit Z2013-09: Personal Care Home at 123 East Broad Street

Mayor Avery opened the Public Hearing and asked to hear from those who were in favor of the Use Permit Z2013-09, Personal Care Home located at 123 East Broad Street.

Spoke in Favor:

No one came forward.

Mayor Avery asked to hear from those who were in opposition of the Use Permit Z2013-09, Personal Care Home located at 123 East Broad Street.

Spoke in Opposition:

No one came forward.

After hearing no comments, Mayor Avery closed the Public Hearing.

Council Member Vaughan made a motion to approve the Use Permit Z2013-09, Personal Care Home located at 123 East Broad Street with Council Member Russell providing the second. **The motion carried.**

Council Member Hurst said the Planning and Zoning Ordinance allows a maximum of 15 residents and there are five bedrooms for the Personal Care Home. She said the State of Georgia requires Personal Care Homes to be 80 square feet per resident. She asked if all the residents are going to be downstairs.

City Engineer, Troy Besseche said they do not know any details about the facility, however; what they are asking for is an action for the land use associated with the specific location including the 3 conditions. He said these conditions should meet any conditional use associated with the facility including life safety codes. He said the limited amount of individuals under care in the facility will be a maximum of 15. Mayor Avery said the facility exceeded the conditions required by the City and has met the guidelines required by the State of Georgia. Council Member Hurst said she would like the record to show that she has questions, however; she is not against the Use Permit for the Personal Care Home.

Council Member Vaughan made a motion to approve the Use Permit Z2013-09, Personal Care Home located at 123 East Broad Street with the following 3 conditions:

- 1). The Applicant shall address all Fire Marshall comments prior to occupancy.
- 2). The Applicant shall obtain all required State of Georgia inspections and approvals prior to occupancy.
- 3). The Applicant is limited to the number of persons under care to those specified in the application (15).

Council Member Russell provided the second. **The motion carried.**

2. Rezoning & Concurrent Variances: 164 Washington Street

Mayor Avery opened the Public Hearing and asked to hear from those who were in favor of the Rezoning & Concurrent Variances located at 164 Washington Street.

Spoke in Favor:

Jody Tucker, representative of Prestwick Development gave an overview of the 88 Unit, Senior Housing Project, which will be located on Washington, Broad and Church Street. He said the property is 2.47 acres and they will have 88 Units of Senior Housing for ages 55 and older, with a property mixed of 1 and 2 bedrooms units. He said the average size for the 1 bedroom is 750 square feet and the 2 bedrooms are 830 square feet. He said the rent for 2 bedrooms will be \$975.00 and \$1042.00. He said this will be an Earth-Craft Sustainable Community and the development will be Earth-Craft Certified. He said the facility will be 4 stories facing Washington Street and 3 stories facing Broad Street. He said the facility will consist of a community room, kitchen, library, fitness center and business center. He said there will be a security system inside the facility and they will have high efficiency appliances. He said the energy cost is very low and the residents should see a drastic change in their utility bill. He said there will be outdoor activities. He also said there will be a total of 108 parking spaces, which consist of 88 spaces onsite and 20 spaces located on the exterior street.

Nell Smith, 204 Fayetteville Road, Fairburn GA. asked if the owners are buying or leasing the property with an option to renew the lease. She also asked if the item was for zoning. She said this would determine if an individual is in favor or against the item.

City Administrator, Tom Barber said the Developer will purchase the property at the appraised value.

Spoke in Opposition:

No one came forward.

Hearing no further comments, Mayor Avery closed the Public Hearing.

Council Member Russell made a motion to approve the Rezoning & Concurrent Variances located at 164 Washington Street as recommended with the following concurrent variances under the provisions of Section 80-256:

- a) A reduction from the parking requirement of 2 spaces per unit to 1 space per unit
- b) A reduction from the 75% fenestration requirement to 23% fenestration for the building.

Council Member Heath provided the second. **The motion passed.**

II. AGENDA ITEMS:

3. Task Order #97 - Storm Water Annual Report

Council Member Vaughan made a motion to approve Task Order #97- Storm Water Annual Report in the amount of \$4700.00 with Council Member Heath providing the second. **The motion carried.**

Council Member Hurst asked where is the Storm Water Annual Report kept. City Engineer, Troy Besseche said the report is kept in his office.

4. Change Order #1- Project #13-007 Duncan Park Utilities

Council Member Hurst made a motion to approve Change Order #1- Project #13-007 for Duncan Park Utilities with a contract priced at an additional \$8,640.00, which will change the contract price to a total of \$71,290.00 with Council Member Vaughan providing the second. **The motion carried.**

5. Ordinance Authorizing the City of Fairburn to enter into an Agreement with Fulton County to conduct the General Election

Council Member Russell made a motion to approve an Ordinance Authorizing the City of Fairburn to enter into an Agreement with Fulton County to conduct the General Election on November 5, 2013 in the amount of \$17,244.15 with Council Member Heath providing the second. **The motion carried.**

6. Approval of an Intergovernmental Agreement between the City of Fairburn

and the Downtown Development Authority

Council Member Heath made a motion to approve an Intergovernmental Agreement between the City of Fairburn and the Downtown Development Authority with Council Member Alderman providing the second.

Council Member Hurst asked if Prestwick is unsuccessful with the tax credits, would the Intergovernmental Agreement be null and void. Attorney Turner said no, the Intergovernmental Agreement would continue and the City would regain title of the property. He said if they cannot get credit, the project would be over. He said the Downtown Development Authority will hold the property at an appraised value and the funds would go back to the City.

Council Member Heath asked if it was a 10 year period. Attorney Turner said yes.

After discussion, the motion passed for the approval of the Intergovernmental Agreement between the City of Fairburn and the Downtown Development Authority.

7. Approval of Limited Warranty Deed transferring property to the Downtown Development Authority

Council Member Johnson made a motion to approve the Limited Warranty Deed transferring property to the Downtown Development Authority with Council Member Vaughan providing the second. **The motion carried.**

8. Approval of Purchase and Sale Agreement with Downtown Development Authority, City of Fairburn and Prestwick land Holdings, LLC

Council Member Vaughan made a motion to approve the Purchase and Sale Agreement with Downtown Development Authority, City of Fairburn and Prestwick Land Holdings, LLC with Council Member Russell providing the second. **The motion carried.**

9. Approval of Authorizing Resolution

Council Member Vaughan made a motion to approve the Authorizing Resolution with Council Member Russell providing the second. **The motion carried.**

Council Member Hurst asked if the Authorizing Resolution is giving permission to prepare and execute all documents without coming to Council. Attorney Turner said no, only the documents that are approved.

10. Resolution Endorsing an Application by Prestwick Development to the Georgia Department of Community Affairs

Council Member Vaughan made a motion to approve the Resolution Endorsing an Application by Prestwick Development to the Georgia Department of Community Affairs with Council Member Alderman providing the second. **The motion carried.**

IX. COMMENTS FROM MAYOR AND COUNCIL:

Council Member Alderman had no comments.

Council Member Heath thanked everyone who participated in the Prayer Walk from City Hall to the Lightnin Community. He said since Pastor Danita Jones organized the Prayer Walk, he has seen a great improvement in the Lightnin Community. He thanked Pastor Jones and said this helps the Police Department and the citizens who live in the Community.

Council Member Hurst wished everyone a safe Memorial Day and asked everyone to remember our Veterans and those who have given their lives for our country.

Council Member Russell said she agrees with Council Member Hurst regarding Memorial Day. She said she has family members who served in the military. She said she will keep positive thoughts about the Senior Housing Project and hope to have it in the community.

Council Member Johnson had no comments.

Council Member Vaughan had no comments.

Mayor Avery wished everyone a Happy Memorial Day and asked everyone to remember the Memorial Day Program in the City of Fairburn at the Freight Depot at 10:00 a.m. He also announced that Monday is his Birthday.

Council Member Vaughan made a motion to go into Workshop at 7:10 p.m. with Council Member Alderman providing the second. **The motion carried.**

James Berry gave a presentation for a Summer Youth Program at the Youth Center. After much discussion, Council Member Vaughan made a motion to adopt the Summer Youth Program presented by James Berry with Council Member Hurst providing the second. **The motion carried.**

X. ADJOURN COUNCIL MEETING:

Council Member Alderman made a motion to adjourn the Council Meeting at 8:05 p.m. with Council Member Russell providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor