



CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
May 13, 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.
- III. INVOCATION:** Provided by Pastor Taylor.
- IV. PLEDGE OF ALLEAGENCE:** Recited in unison.
- V. PUBLIC COMMENTS:**
 1. Andrew Whitmore, 25 Somerset Hills, Fairburn, GA. 30213 representative of the Parks at Durham Lakes Homeowners Association thanked the Council Members for calling him back regarding his concerns about the unfinished property. He said he was not speaking of a lawsuit. He said they have 18 lots on Black Diamond Drive and there is a builder who is interested in building at the Parks at Durham Lakes.
 2. Tamiko Jordan, 785 Jasperson Court, Fairburn, GA. 30213, spoke on behalf of her new business. She said she owns a Thrift Store on Ella Lane and she is offering a 10% discount on all purchases. She asked if everyone would support her business.
 3. Jimmy Jiles, 2265 Miller Academy Road, Bremen, GA. 30110, representative of J. J. House Movers & Demo, Inc. spoke about moving some houses on 160 Shaw Drive. He said Fulton County has allowed him

to move the houses and he was not aware he needed a moving permit. He said he is requesting to get a permit from the City.

4. Mildred R. Gunn, 3124 Harbor Lake Parkway, Fairburn GA. 30213, spoke on Harbor Lakes Apartments. She asked who would be a representative in the City; she could discuss her concerns with.

VI. ADOPTION OF THE COUNCIL AGENDA:

Council Member Heath made a motion to adopt the Agenda placing items # 1, 2, 3, 4, 5, 7, 8 and 9 on the Consent Agenda and Items # 6, 10, 11 and 12 to remain on Regular Agenda with Council Member Russell providing the second. **The motion carried.**

VII. APPROVAL OF CONSENT ITEMS:

Council Member Johnson made a motion to approve Consent Items # 1, 2, 3, 4, 5, 7, 8, and 9 with Council Member Russell providing the second. **The motion carried.**

1. Approved the change of the City Council Meeting from May 27, 2013 to May 20, 2013 at 6:30 p.m.
2. Approved the cancellation of the June 24, 2013 City Council Meeting.
3. Approved the Electric Cities Subscription for FY 2014 ECG Budget in an amount of \$119,628.00, which is down from last year by \$10,424.00.
4. Approved the Reclassification of some Commercial Electric Customers with an increase in revenue of approximately \$25,000.00.
5. Approved the Next Phase LED Project Street Lights upgrade in the amount of \$98,770.00, which was a budgeted item for the Fiscal Budget Year.
7. Approved the Academic Education Program School Affiliation Agreement with Piedmont Newnan Hospital.
8. Approved the Task Order #98 Water System Connection System Update.
9. Approved the Change Order #1 JB+A Downtown Plaza Stage Design with pre-construction expenses in the amount of \$35,744.59.

VIII. APPROVAL OF COUNCIL MINUTES: City Council Meeting of April 22, 2013

Council Member Alderman made a motion to approve the Council Minutes of April 22, 2013 with Council Member Russell providing the second.

Council Member Hurst made two corrections; page1, under Public Comments, change Whitemore to Whitmore and page 5, under Agenda Item 10, change us to use. **The motion passed.**

IX. AGENDA ITEMS:

6. Memorandum of Understanding with Absolute Success, Inc. for Construction and Lease of a Patio/Deck beside the future Irish Bred Pub

Council Member Russell made a motion to approve the Memorandum of Understanding with Absolute Success, Inc. for Construction and Lease of a Patio/Deck beside the future Irish Bred Pub with Council Member Vaughan providing the second.

Council Member Alderman said the personal grantor was not listed in the lease and he hopes the lease is signed by Mr. Marmol before the start of construction. He expressed concerns about two items in the agreement and asked if they could be noted. He said the language should be changed on page 3 under item number 8, under Casualty Restoration and item number 10, under the Tenant Indemnity. He said the two items are contradictory with each other. City Attorney, Randy Turner said both comments are noted and will be addressed.

Council Member Heath asked why they would start construction before the lease is signed by Mr. Marmol. City Administrator, Tom Barber said they need the Memorandum of Understanding by both parties before they can get financing. He said the language in the MOU requires him to execute the lease. He said they do not know the cost of the patio, so they cannot finalize that part of the lease. Attorney Turner said the patio and deck were going to be built anyway. Mr. Barber said the original plan for the patio and deck were 500 square ft. which would maximize the courtyard. However, once the tenant started seeking financing, he found he needs a 2200 square ft. facility with 1100 square ft. on bottom; and 1100 square ft. on top. He said there is a very little chance the tenant would use this for financing and cut out. Council Member Alderman asked if it was ok to sign the MOU and not start construction until they have a lease signed by the tenant. Attorney Turner said they could modify the MOU to do this. Council Member Russell said if they were a startup enterprise that did not have a great track record, she could see the concerns. However, this company has a great track record. She said this is an integral part of the courtyard that they need to get under construction because they promised the citizens of Fairburn they would have a

courtyard. She said they could continue to work on the lease. Council Member Johnson said she was comfortable with the motion. Mayor Avery asked that the motion be amended to include the language to not start construction until the lease is signed. Council Member Vaughan asked if the language was changed, would it slow down the process. Mr. Barber said he was not opposed to taking Council Member Alderman's suggestion. Mayor Avery suggested that the motion be amended to include the language as requested by Council Member Alderman. He said in the event there is further discussion with the tenant; they would bring the MOU back before Council and vote on the original motion. Council Member Russell asked about the timing, as it relates to the bid process and getting the contract signed. Mr. Barber said the bid process and signing of the contract could take several months.

Council Member Russell amended the motion to not start construction until the lease is signed and include the language requested by Council Member Alderman to add the personal grantor; and change the language under item 8 and 10 in the lease agreement. Council Member Vaughan provided the second. **After discussion, the motion passed.**

10. Discussion of Collection of Delinquent Taxes, fees and rents

This item was discussed in workshop.

11. Discussion of Summer Programs

This item was discussed in workshop.

12. Discussion of Possible Use of Outbuilding #2 at Educational Campus

This item was discussed in workshop.

X. COMMENTS FROM MAYOR AND COUNCIL

Council Member Vaughan announced that the Boys Creekside Track Team was the 1st team in the State of Georgia to win the 4 by 1 relay, 3 years in a row and best performance of all classifications. He said Evan Berry won the one hundred meter, which earned him the title as the fastest runner in the State of Georgia.

Council Member Johnson announced that her grandson graduated from Clemson University last week and already has a job as a civil engineer.

Council Member Russell had no comments.

Council Member Hurst had no comments.

Council Member Heath had no comments.

Council Member Alderman had no comments.

Mayor Avery thanked the members of City Council, Planning and Zoning Commission and the Downtown Development Authority for attending the May 4, 2013, Tour of the Senior Housing Project. He said the Senior Housing Projects they saw were really nice.

XI. ADJOURN COUNCIL MEETING

Council Member Russell made a motion to adjourn the meeting at 7:35 p.m. to go back into Council Workshop with Council Member Alderman providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor