



CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
April 22, 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. PUBLIC COMMENTS:**
 1. Andrew Whitmore, 25 Somerset Hills, Fairburn, GA. representative of the Durham Lakes Homeowners Association spoke about the subdivision plats and overlaying the topcoat on the streets. He also expressed concerns about the trespassing in the Durham Lakes Subdivision. He said he did not get an official response from the City regarding plats. He thanked Police Chief Chip McCarthy and Sergeant Bazydlo for their assistance. He said he would like to meet with Mayor Avery regarding an email he sent in August 2012 concerning some of the streets left unfinished in the Durham Lakes Subdivision. He asked to receive a response from the City regarding the plats and the unfinished streets.
 2. Horace C. Cooper, 880 Buckingham Cove, Fairburn, GA. representative of the Parks at Durham Lakes Homeowners Association spoke on Herndon Woods and thanked Chief McCarthy and Sgt. Bazydlo for helping with the gang activity.
 3. Nell Smith, 204 Fayetteville Road, Fairburn, GA. spoke on the rental of the Annex Building. She asked what if Commissioner Bill Edwards wanted to use the Annex Building and how would this be handled. She

said last year in September or October she was asked by Ms. Thomas, who works for Fulton County about using the Annex Building for low energy recipients. She said the Homeowners Association is great; however, there are people who need to use the building who is not members of a Homeowners Association and those people need to be included in the use of the building.

4. Kamare Pierce-Arrington, 5489 Somer Mill Road, Douglasville, GA. representative of the Lighthouse Tutoring Company presented a presentation on education and enrichment; and gave handouts to the Mayor and Council.

IV. APPROVAL OF THE AGENDA:

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

V. APPROVAL OF CONSENT ITEMS:

Council Member Vaughan made a motion to approve Consent Items 7, 8, 9, 12 with Council Member Johnson providing the second. **The motion carried.**

7. Approval of the Agreement-CSX Preliminary Engineering for the Bohannon Road Project.
8. Approved the change of City Precinct Designation to make them synonymous with Fulton County.
9. Approval of the Resolution in support of Highway 74 Meadow Glen Parkway Intersection Improvements.
12. Approval of the Insurance Coverage for Property and Liability Coverage with Companion Insurance Company, effective May 1, 2013, for an estimated premium of \$209,909.00.

VI. APPROVAL OF COUNCIL MINUTES: City Council Meeting of April 8, 2013

Council Member Alderman made a motion to approve the Minutes of April 8, 2013 with Council Member Heath providing the second. **The motion carried.**

VII. AGENDA ITEM:

6. Veto by Mayor of Task Order TCF2013.02 ADA Transition Plan

Mayor Avery recommended upholding the Veto for the Task Order TCF2013.02 ADA Transition Plan.

There was no motion made so the veto was upheld.

VIII. PUBLIC HEARINGS:

1. Zoning Text Amendment Z2013-03: RM-36 Multi-Family Residential

Mayor Avery called the Public Hearing to order and asked to hear from those in favor of the Zoning Text Amendment Z2013-03, RM-36 Multi-Family Residential.

Spoke in Favor:

No one came forward.

Mayor Avery asked to hear from those in opposition of the Zoning Text Amendment Z2013-03, RM-36 Multi-Family Residential.

Spoke Against:

No one came forward.

Hearing no comments, Mayor Avery closed the Public Hearing.

Council Member Russell made a motion to approve the Zoning Text Amendment Z2013-03 for the creation of the RM-36 Multi-Family Residential Zoning District with Council Member Heath providing the second. **The motion carried.**

2. Zoning Text Amendment Z2013-04: RR Railroad

Mayor Avery called the Public Hearing to order and asked to hear from those in favor of the Zoning Text Amendment Z2013-04, RR Railroad.

Spoke in Favor:

No one came forward.

Mayor Avery asked to hear from those who were in opposition of the Zoning Text Amendment Z2013-04, RR Railroad.

Spoke Against: No one came forward.

Hearing no comments, Mayor Avery closed the Public Hearing.

Council Member Hurst made a motion to approve the Zoning Text

Amendment Z2013-04 for the creation of the RR Railroad with Council Member Johnson providing the second. **The motion carried.**

3. Zoning Text Amendment Z2013-05:Special Districts Watershed Protection

Mayor Avery called the Public Hearing to order and asked to hear from those in favor of the Zoning Text Amendment Z2013-05, Special Districts Watershed Protection.

Spoke in Favor: No one came forward.

Mayor Avery asked to hear from those in opposition of the Zoning Text Amendment Z2013-05, Special Districts Watershed Protection.

Spoke Against: No one came forward.

Hearing no comments, Mayor Avery closed the Public Hearing.

Council Member Russell made a motion to approve the Zoning Text Amendment Z2013-05 for the creation of the Special Districts Watershed Protection with Council Member Hurst providing the second. **The motion carried.**

4. Annexation AX2013-01 Oakley Land Partners 09.51 AC on Fayetteville Road

Mayor Avery said staff has recommended a continuance on this item and asked for a motion.

Council Member Alderman made a motion for a continuance of the Annexation AX2013-01 with Oakley Land Partners 09.51 AC on Fayetteville Road with Council Member Johnson providing the second. **The motion carried.**

5. Zoning Map Adoption

Mayor Avery said staff has recommended a continuance on this item and asked for a motion.

Council Member Russell made a motion for a continuance of the Zoning Map Adoption with Council Member Hurst providing the second. **The motion carried.**

IX. AGENDA ITEMS:

10. City of Fairburn Annex Facility Rental Agreement

Council Member Johnson made a motion to adopt the City of Fairburn Annex Facility Rental Agreement with Council Member Vaughan providing the second.

Council Member Russell expressed concerns about providing free space to only the Homeowners Associations. She said other organizations in the City need to be able to use this facility such as the Neighborhood Watch Group. City Administrator, Tom Barber said he offers the facility to various agencies such as the Energy Assistance Agency and the Fulton County Development Authority. He said he would like to have the authority to continue to offer the facility for those types of agencies and organizations. Council Member Alderman recommended this item be brought back with additional language for the groups and offered a substitute motion. Council Member Johnson withdrew her motion. Council Member Vaughan asked if the Annex Building will be utilized by specific groups or any City facility. City Attorney, Randy Turner suggested two ideas regarding the usage of the City's Annex Building. He said the language could expand organizations and any City facility. He said the City could give the City Administrator authority to offer the City facility to other government agencies as partners. Council Member Johnson asked if they could remove item number 12 and allow the City Attorney to assist with the proper wording to give Mr. Barber authorization to allow other people to use the facility. Council Member Vaughan withdrew his second motion. Mr. Barber recommended passing the item excluding item 12 and Attorney Turner include addition language for a City Wide Facility Policy.

Council Member Johnson made a motion to adopt the agreement for the rental of the Annex Building and remove item number 12; "any HOA registered with the City and state is allowed to hold one annual business meeting at the facility exempt from fees" and allow the City Attorney to include language for a City Wide Facility Policy giving the City Administrator certain authorizations with Council Member Vaughan providing the second.

Council Member Hurst announced she is no longer the president of St. Johns Crossing Homeowners Association. She said she now hold the title of CFO. She said she has no problem partnering with other municipalities. She said some of the Homeowners Associations do not have clubhouses. She said these Associations will start asking Durham Lakes, the Parks at Durham and other facilities to use their clubhouses. She said they pay taxes and it is not fair to the citizens if they have to pay \$150.00 and pay an employee \$30.00 per hour to run the facility when other municipalities are using the facility free of charge. She said she agrees with Council Member Russell that it should be fair to all citizens and we must have something in place.

Attorney Turner said they agreed to approve the Annex Rental Agreement omitting item number 12 pertaining to the Homeowners Association and work

on a Resolution with the City Administrator authorizing him to allow the usage of this facility and other facilities at no charge to groups that can be identified including Homeowners Association and government entities.

The much discussion, the motion passed to adopt City of Fairburn's Annex Facility Rental Agreement.

11. Group Health Insurance Deductible Reimbursement

Council Member Heath made a motion to approve the Group Health Insurance Deductible Reimbursement effectively March 1, 2013 with Council Member Vaughan providing the second.

Council Member Vaughan said the 33% reimbursement for those making over \$50,000 is too small and should be uniformed at 50% with the exception of those employees making under \$30,000.00 at 67%. Mr. Barber said he recommended 50% and showed the percentage option in the workshop.

Council Member Vaughan made a substitute motion for the Group Health Insurance Deductible Reimbursement for employees making under \$30,000.00 to receive a 67% reimbursement and those employees making over \$30,000.00 to receive a 50% reimbursement of the Health Insurance deductible applied to the purchase of tier 3 or tier 4 drugs with Council Member Johnson providing the second. **The substitute motion passed.**

X. COMMENTS FROM MAYOR AND COUNCIL:

Council Member Vaughan had no comments.

Council Member Russell had no comments.

Council Member Heath thanked everyone for coming to the meeting. He said the Home Safe Program is still being offered to those individuals who are behind in their mortgage that are under employed or laid off their jobs. He said this program will pay up to six months mortgage payments.

Council Member Hurst had no comments.

Council Member Alderman had no comments.

Mayor Avery spoke about the structure of the parks and Hwy 74. He asked if everyone would remember as they read about the Boston Bombing that Boston is a City Government. He said the Boston's Fire and Police Department had to deal with the incident. He asked if everyone would consider if this sort of incident happened in the City, our Fire Fighters and Police Officers would have to deal with this type of situation.

Mr. Barber introduced Dante Gibbs, Project Manager for Duncan Park who is with the Collaborative Firm. Mayor Avery introduced Richie Dearing, contractor for Duncan Park, who is with the Georgia Development Partners.

XI. ADJOURN COUNCIL MEETING

Council Member Alderman made a motion to adjourn the meeting at 7:50 p.m. with Council Member Heath providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor