



City of Fairburn
Mayor and Council Meeting Minutes
January 27, 2020
7:00 pm @ City Hall

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Carr-Hurst.
- II. Roll Call was taken by City Clerk, Arika Birdsong-Miller with the following members present:

Mayor Elizabeth Carr-Hurst

The Honorable Mayor Pro-Tem Ulysses J. Smallwood	The Honorable Linda J. Davis
The Honorable Alex Heath	The Honorable Pat Pallend
The Honorable Hattie Portis-Jones	The Honorable James Whitmore

The attendance of Council constituted a quorum and the meeting proceeded.

- III. The invocation was rendered by Apostle Danita Jones of In His Great Name Ministries.
- IV. The Pledge of Allegiance was recited in unison.
- V. Presentations:

Parks and Recreation Director, Chapin Payne, thanked Mayor, Council and the City of Fairburn for the opportunity to serve as Parks and Recreation Director. Ms. Payne resigned from her position effective January 31, 2020.

The family of the Late Mark Wade was honored for his length of service on the Planning and Zoning Board. Mr. Wade was an integral member of the committee and his relentless service to the City of Fairburn was acknowledged.

Lieutenant Toney William was lauded for his thirty-three years of service in law enforcement at the City of Fairburn Police Department. Police Chief Mathis, Deputy Chief Bazydlo, Mayor Carr-Hurst, and City Council expressed gratitude for his dedicated service to the City of Fairburn.

VI. Public Comments:

1. Mr. Darren Williams, 2020 Winding Crossing, stated that he has been food poisoned four times by the Food Depot. Mr. Williams asked for Mayor and Council to help in making Food Depot provide quality food to the residence of Fairburn.

Mayor Carr-Hurst informed Mr. Williams that she has been in contact with the corporate office of Food Depot as well as the Health Department about the poor quality of food being sold.

2. Ms. Carole McKenzie, 385 Elder Street, thanked the Police Department, Fire Department, Utilities Department, Planning and Zoning Department, Municipal Court, Park and Recreation Department, and the Finance Department for all the hard work they do to make the City of Fairburn great.

- VII. Adoption of the Council Agenda. Motion to approve the Council Agenda was made by Councilman Whitmore and the second was provided by Councilwoman Davis. Vote: 6-0: Motion Carried.
- VIII. Adoption of Consent Agenda Items: Agenda Items #2, #3, #4, and #8 were moved to the Consent Agenda. Motion to approve the Consent Agenda items was made by Mayor Pro-Tem Smallwood and the second was provided by Councilwoman Davis. Vote (6-0) Motion Carried.

The Consent Agenda items were:

1. **City Clerk** **Mrs. Arika Birdsong-Miller**
For Mayor and Council to approve the 2020 Council Meeting Schedule.
2. **Human Resources Department** **Mrs. Linda Johnson**
For Mayor and Council to approve the City of Fairburn's Employee of the Month Program, Guidelines and Nomination Form.
3. **Human Resources Department** **Mrs. Linda Johnson**
For Mayor and Council to approve revisions of the City of Fairburn Code of Ordinances Chapter 2-Administraion, Article III, Section 2-57 Personnel Policies Section 2-53.8 (Annual Leave) and Section 2-53.9 (Sick Leave).
4. **Utilities Department** **Mr. Steven Jackson**
For Mayor and Council to approve the purchase of a 2018 GMC Arcadia for Utilities Director, Steven Jackson.

- IX. Adoption of the City Council Meeting from January 13, 2020 was presented and approved with 1 correction noted by Councilman Whitmore. Motion to approve the Council Meeting Minutes was made by Councilwoman Davis and the second was provided by Mayor Pro-Tem Smallwood. Vote: 6-0: Motion Carried.

- X. Public Hearing:
Planning and Zoning: Rezoning 19RZ-003, Wendover Housing
For Mayor and Council to review a rezoning petition to allow the development of a multi-family development. Wendover Housing representative, Bo Johnston, seeks to rezone 6.449 acres from O & I (Office Institution District) to RM-36 (Multi-family Residential District) to allow a 78-unit multi-family residential development on Brooks Drive. Planning and Zoning Director, Ms. Tarika Peeks explained to Mayor and Council that the Planning and Zoning Commission met about the project on December 3, 2019 and together with staff recommends approval with conditions.

Rezoning Comments:

In Favor of Rezoning: None

In Opposition of Rezoning:

1. *Mr. Louie Deaton, 70 Malone Street, stated his concerns about the water pressure in the area that the apartment complex is proposing. Mr. Deaton also stated that traffic will be a problem if the rezoning is approved.*

2. *Ms. Vera Raglin, 593 Sir Charles Drive, stated that she is concerned that the apartment building will change the texture and tone of the community. Ms. Raglin is also concerned that the crime level will increase if approved.*
3. *Ms. Pamela Thomas, 141 Cemetery Street, stated that the entrance on Cemetery Street that is being used as a second entrance for the 78-unit apartment complex is too narrow and traffic will be an issue.*
4. *Mr. Samuel Knight, 770 Sir Charles Drive, stated his concerns about the sewer not being able to support a 78-unit apartment complex as well as Cemetery Street being too narrow to support traffic.*

Mayor and Council approved the Rezoning 19RZ-003 Wendover Housing with the following additional conditions:

1. Motion to approve Rezoning 19RZ-003, Wendover Housing with the additional condition that the City of Fairburn will determine if a sewer pump station is needed. If the City of Fairburn determines that a sewer pump station is needed, the developer shall install a sewer pump station and at the completion of construction, ownership of the sewer pump station shall be transferred to the City of Fairburn was made by Councilman Whitmore and the second was provided by Councilwoman Portis-Jones. Vote: 6-0: Motion Carried.
2. Motion to approve Rezoning 19RZ-003, Wendover Housing with the additional condition that the developer shall widen and make necessary roadway improvements to Cemetery Street from property line to property line at no cost to the City of Fairburn was made by Councilman Whitmore and the second was provided by Mayor Pro-Tem Smallwood. Vote: 6-0: Motion Carried.

XI. Agenda Items:

1. Office of the Mayor

Mayor Elizabeth Carr-Hurst

Motion to approve the re-appointment of Mr. P David Orr and Mr. Rufus Wells and appointment of Ms. Carolyn M. Hodges to the Downtown Development Authority for a term that expires January 31, 2024 made by Mayor Pro-Tem Smallwood and the second was made by Councilman Heath.

Vote: 6-0: Motion Carried.

Motion to approve the appointment of Ms. Brenda Cooper to the East Point-Fairburn Housing Authority for a term that expires January 31, 2024 made by Councilman Whitmore and the second was provided by Councilwoman Portis-Jones. Vote: 6-0: Motion Carried.

Motion to approve the re-appointment of Mr. Tony Smith and Mr. Jerry Williams to the Planning and Zoning Commission for a term that expires on January 31, 2024 made by Councilwoman Davis and the second was provided by Councilman Whitmore. Vote: 6-0: Motion Carried.

2. Planning and Zoning Department

Ms. Tarika Peeks

For Mayor and Council to approve the Text Amendment 20TA-001- Short-Term Rental Ordinance. Ms. Tarika Peeks explained to Mayor and Council that the proposed Short-Term Rental ordinance will regulate the location, establish a permit and a renewal process, standard operational requirements, and violation, penalties and enforcement procedures for short-term rental properties. Motion to approve the

approve Text Amendment 20TA-001- Short-Term Rental Ordinance was made by Councilman Pallend and the second was provided by Councilman Heath.

Vote: 5-0: Motion Carried.
Councilwoman Portis-Jones recused herself.

3. Planning and Zoning Department

Ms. Tarika Peeks

For Mayor and Council to approve amendment to the fee schedule. Ms. Tarika Peeks requested the Short-Term Rental Ordinance Permit be added to the City of Fairburn's fee schedule in the amount of \$125 per property. Motion to approve the amendment to the fee schedule was made by Mayor Pro-Tem Smallwood and the second was made by Councilman Heath.

Vote: 5-0: Motion Carried.
Councilwoman Portis-Jones recused herself.

4. Planning and Zoning Department

Ms. Tarika Peeks

For Mayor and Council to approve Service Agreement with Host Compliance for Short-Term Rentals. Ms. Tarika Peeks explained that the benefits of Host Compliance were that the company ensures short-term rentals are registered, monitored and in compliance with the short-term ordinance. Motion to approve the Service Agreement with Host Compliance for Short-Term Rentals was made by Councilman Whitmore and the second was provided by Councilwoman Davis.

Vote: 5-0: Motion Carried.
Councilwoman Portis-Jones recused herself.

XII. Council Comments:

Councilwoman Portis-Jones stated that she operates a short-term rental property that gives people from across the world an opportunity to visit the City of Fairburn. Councilwoman Portis-Jones also stated that she received an award from Georgia Municipal Association at the Cities United Summit.

Councilman Pallend had no comment.

Mayor Pro-Tem Smallwood proclaimed that we should cherish every day, and he was reminded of that after the passing of Kobe Bryant. Councilman Smallwood announced that he is turning 49-years old and is so grateful to be alive.

Councilwoman Davis encouraged everyone to join the City of Fairburn next year for the Martin Luther King Day of Service. Councilwoman Davis thanked Chapin Payne, the Parks and Recreation Department, and Ms. Vera Ragland for making the day successful.

Councilman Heath thanked the citizens for attending the Council Meeting and thanked staff for all their hard work. Councilman Heath congratulated Lieutenant Williams on his retirement and thanked him for his years of service with the City of Fairburn.

Councilman Whitmore recognized the Late Mr. Mark Wade's family for his many years of service on the Planning and Zoning Board.

Mayor Carr-Hurst wished everyone a blessed week and safe travels on their commutes home this evening.

XIII. Executive Session: At 9:01 p.m. a motion to enter executive session for real estate and pending litigation was made by Councilman Whitmore and the second was provided by Councilwoman Davis.
Vote: 6-0: Motion Carried.


At 9:41 p.m. a motion to reconvene the open regular meeting was made by Councilwoman Davis and the second was provided by Councilman Heath.
Vote: 6-0: Motion Carried.

Motion to approve Outside Counsel for Condemnation Cases was made by Councilman Heath stating Mayor Carr-Hurst be authorized to execute an engagement agreement with Attorney Jack Hancock with the Law Firm of Freeman Mathis & Gary, LLP to proceed with the immediately condemnation of Parcel 7, 9, and 10 for the Howell Avenue Extension Project, such work to be provided at the hourly rate of \$225/hour.
Vote: 6-0: Motion Carried.

Motion to approve Execution of Final Order and Resolution was made by Councilman Whitmore stating Mayor Carr-Hurst, City Clerk Arika Birdsong-Miller, City Attorney Randy Turner and such other City Officials, as required, be authorized to execute a Final Order and Resolution for condemnation of Parcels 7, 9 and 10 for the Howell Avenue Extension Project, finding further that said condemnations are for public purposed and are necessary in public interests and the second was provided by Mayor Pro-Tem Smallwood.
Vote: 6-0: Motion Carried.

XIV. Adjournment: At 9:45 p.m., with no further business of the City of Fairburn the Motion to adjourn was made by Councilman Pallend and the second was provided by Councilwoman Davis.


Arika Birdsong-Miller, City Clerk


Elizabeth Carr-Hurst, Mayor