

City of Fairburn
Mayor and Council Meeting Minutes
March 25, 2019
7:00 PM

I. Call to Order: The meeting was called to order by Mayor Elizabeth Carr-Hurst at 7:01 pm.

II. Roll Call was taken by Interim City Clerk Shana T. Moss. Members present were:

Mayor Elizabeth Carr-Hurst	Mayor Pro-Tem Linda J. Davis
Councilmember Alex Heath	Councilmember Pat Pallend
Councilmember Hattie Portis-Jones	Councilmember James Whitmore

Member Absent: Councilmember Ulysses J. Smallwood

III. The invocation was given by Reverend Deris Coto, Pastor of Hispanic Ministries at First Baptist Church of Fairburn, Georgia.

IV. The Pledge of Allegiance was recited in unison.

V. There were no Presentations.

VI. Public Comments: Numerous citizens opted to speak during the public hearing.

VII. Adoption of Agenda: The motion to approve the agenda was made by Councilman Whitmore and the second was provided by Mayor Pro-Tem Davis. Vote: 5-0 Motion Carried.

VIII. Approval of Consent Agenda Items: The motion to approve consent agenda items was made by Councilman Whitmore and the second was provided by Councilman Heath. Vote: 5-0 Motion Carried.

IX. Adoption of City Council Minutes: The motion to approve February 25th, 2019 minutes was made by Mayor Pro-Tem Davis and the second was provided by Councilman Whitmore. Vote: 5-0 Motion Carried.

X. Public Hearing:
Mayor Elizabeth Carr-Hurst established protocol for public hearing supporters. She stated those in support and those opposing would be granted 30 minutes. The motion to open the public hearing was made by Councilman Heath and the second was provided by Mayor Pro-Tem Davis. Vote: 5-0 Motion Carried.

1. Lester Family Cemetery Relocation Permit [19CP-001]. Ms. Tarika Peeks
City Planner Ms. Peeks addressed Mayor and Council stating, "The Official Code of Georgia, Title 36, Chapter 72 Abandoned Cemeteries and Burial Grounds states that no cemetery or burial ground shall be disturbed by the owner for the purposes of developing or changing the use of the land unless a permit is first obtained from the governing authority where the cemetery or burial ground is located."

On January 31, 2019 Brockington and Associates officially submitted a cemetery relocation permit for the Lester Family Cemetery located at 7895 Senoia Road to the Office of Planning and Zoning.

The Code of Georgia requires the cemetery relocation permit to consist of the following:

1. Proof of Ownership
2. Archeologist Report stating the number of graves believed to be present and their location
3. A survey showing the location and boundaries of the cemetery
4. A plan prepared by a genealogist for identifying and notifying the descendants of those buried or believed to be buried in the cemetery and:
5. A Mitigation and Reinternment Plan with the approximate cost of the process.

The Lester Family Cemetery Relocation Permit application contained all of the required information.

Staff provided a copy of the permit applicant to Rachel Black, Deputy State Archeologist with the Georgia Department of Natural Resources, Historic Preservation Division for review. Ms. Black's review comments were:

1. To provide a more legible map detailing the location of the graves as well as the cemetery boundaries.
2. To provide information regarding the proposed disposition of the existing headstones and all above ground grave items.
3. Will an osteologist be on site during the fieldworks?
4. Will an eight-inch screen be used to screen all subadult excavations?

Brockington and Associates addressed all of the questions.

The applicant is proposing to relocate approximately 65 graves [approximately 35 adults and 30 children graves] to Holly Hill Memorial Park Cemetery located at 359 W. Broad Street in Fairburn.

The Planning and Zoning Office have received approximately 147 statements opposing the relocation of the Lester Family Cemetery. 27 of the 147 statements have been provided to you tonight.

Staff Recommendation is denial of the Lester Family Cemetery Relocation Permit.

The following individual spoke in Support:

1. Mr. Richard Lindsey, attorney for applicant Mohammad Khimani addressed Mayor and Council. He stated Mr. Khimani had completed and submitted a detailed archaeological report. Letters were sent to the families of the deceased who were buried at the Lester Family Cemetery. The remains would be relocated to Holly Hill Perpetual Care and would be given dignity and honor. He further stated there are Confederate graves at the cemetery and his client would place a monument at the location in remembrance of these soldiers. Mr. Lindsey stated there are 3 points of misinformation which are: (1) there will be one single grave for everyone at the cemetery, that is false every individual will have a separate grave. (2) this is being done to enlarge the liquor store and (3) his client prevented people from visiting the cemetery that is false. He stated the cemetery has been abandoned. The last person buried in the cemetery was in 1912.

The following individuals spoke in Opposition:

1. Mr. Gabe Mavis stated he was representing the youth of Fairburn. He is opposed to the relocation of his ancestors.

2. Mrs. Brenda Boyd Torbush stated she was the great, great, great, granddaughter of Dr. Lester to whom the cemetery is named for. She is in opposition to disturbing resting souls. There are families that are buried together, and they should remain together. She was refused the opportunity to place flowers in the cemetery by Mr. Khimani.

3. Mr. Paul H. Lester stated he was devastated when he received the certified letter regarding the relocation of his ancestors. He is in opposition.

4. Mr. Randy Boyd distributed maps and plans to Mayor and Council. He stated a cemetery is a sacred place it is a final resting place for loved ones. These individuals should not be disturbed.

5. Mr. Walter Brown stated he is a former Chief of the Fire Department. There was a fire at the location when he was chief. The applicant Mr. Khimani refused to allow firefighters to come on his property to combat the fire.

6. Mr. Allen Moye, stated he is a 4th generation descendant of Dr. Lester and is opposed to the relocation. He stated the family members in the cemetery were here before Fairburn was here.

At this time the 30 minutes granted to the Opposition was over.

5-minute Rebuttal from the Applicant:

Mr. Lindsey stated his client Mr. Khimani would take great care in the relocation of the remains. He has never refused anyone who wanted to come to the cemetery. For 30-40 years no one has taken interest in cleaning nor maintaining the cemetery. The last time the cemetery was cleaned the City of Fairburn employees cleaned it.

The motion to end the public hearing was made by Councilman Heath with the second provided by Councilman Whitmore. Vote: 5-0 Motion Carried.

The motion to deny the request was made by Councilman Whitmore with him stating:
“Madam Mayor, I make a motion to deny the applicant’s request for a permit to relocate the Lester Family Cemetery. Based on the application, the written comments received by the city, the comments received tonight from both the applicant and the individuals in opposition to the application and in light of the legal presumption that the graves should not be disturbed and after balancing the interest of the applicant, the community, the cultural significance of the cemetery and the many individuals interred there, I believe the application should be denied.” The second to deny was provided by Councilman Heath.

Vote: 5-0 Motion Carried.

XI. Agenda Items:

1. Office of the Mayor Mayor Elizabeth Carr-Hurst
To appoint Shana T. Moss as Interim City Clerk. Ms. Moss will be the Interim City Clerk until a permanent clerk is hired. Ms. Moss previously worked with the city in the interim clerk position. The motion to approve was made by Councilman Whitmore with the second provided by Councilman Heath.

Vote: 5-0 Motion Carried.

2. Utilities Stormwater Mayor Elizabeth Carr-Hurst
For Mayor and Council to approve a Task Order with Integrated Science and Engineering in the amount of \$5,100 to conduct Highly Visible Pollution Source (HVPS) and Industrial Inspections.

This was a consent agenda item. The motion to approve consent agenda was made by Councilman Whitmore and the second was provided by Councilman Heath. Vote: 5-0 Motion Carried.

3. Utilities

Mr. Eddie Powell

For Mayor and Council to approve the IPC (Inter-Participant Contract) Amendment with MEAG Power. This was a consent agenda item. The motion to approve consent agenda was made by Councilman Whitmore and the motion was seconded by Councilman Heath. Vote: 5-0 Motion Carried.

4. Police Department

Chief Stoney Mathis

For Mayor and Council to make an addition to Chapter 8 of the City Ordinance-Alcoholic Beverages (8-128). Chief Mathis stated, currently the city has an ordinance section addressing the issuance of and regulation of alcohol licensing. Currently there is not a section outlining the issuance of pouring permits. The police department proposed to begin issuing pouring permits to all employees to on-site consumption premises. Surrounding cities are presently issuing pouring permits to on-site consumption within their City limits. A background check is required for all applicants requesting a pouring permit and they must be 18 years or older. Additionally, surrounding cities are also offering Background Checks and Livescan fingerprinting services and charging a fee for accident. Chief Mathis asked council to approve adding the pouring permit section to the ordinance. The motion to approve was made by Mayor Pro-Tem Davis and the second was provided by Councilman Heath. Vote: 5-0 Motion Carried.

5. Parks and Recreation

Ms. Chapin Payne

For Mayor and Council to review and approve the rental agreement with G. Pat Green for use of 129 W. Broad Street for the City of Fairburn Youth Center daily and event parking. This was a consent agenda item. The motion to approve consent agenda was made by Councilman Whitmore and the second was provide by Councilman Heath. Vote: 5-0 Motion Carried.

XII. Council Comments:

Councilman Whitmore reported on March 14th, 2019 he attended an event honoring John Childs. He congratulated Mayor Carr- Hurst on her Woman of Courage award. He also referenced her upcoming Mayor of the Year Award she will be receiving on March 28, 2019.

Councilman Heath had no comment.

Mayor Pro-Tem Davis congratulated Councilman Whitmore regarding the relief project to Talbotton, Georgia. Also, she congratulated Mayor-Carr-Hurst for her award and that she was very proud of the Mayor.

Councilman Pallend had no comment.

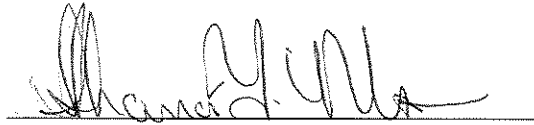
Councilwoman Portis-Jones congratulated Mayor Carr-Hurst on her Woman of Courage award. She thanked Councilman Whitmore for his role in the storm relief efforts. She stated she is a member of the National League of Cities (NLC) Board of Directors. She attended the Congressional Summit where she met with the staffs of Senator Isakson and Senator Perdue. Also, she is on the Board of Directors of the Energy of Natural Resources.

Mayor Carr-Hurst thanked everyone for their assistance and support of the storm relief donations. She congratulated Councilwoman Portis-Jones on being named to the NLC Board of Directors. She thanked

Mr. and Mrs. Brown for coming to the council meeting she stated it is always good to see them. She informed everyone about the relocation of Armondo's Restaurant.

XIII. Executive Session: there was none.

XIV. Adjournment: The motion to adjourn the March 25th, 2019 Mayor and Council Meeting was made by Councilman Whitmore with the second provided by Mayor Pro-Tem Davis. Vote: 5-0 Motion Carried.



Shana T. Moss, Interim City Clerk



Elizabeth Carr-Hurst, Mayor

Adopted on April 8, 2019 as the Official Minutes of the City of Fairburn.