



City Council Meeting Minutes

October 14, 2024

7:00 pm

- I. Roll Call by Deputy City Clerk, Deannia Ray found the following members present:

The Honorable Mayor Pro-Tem James Whitmore
The Honorable Samantha Hudson (virtual)
The Honorable Ulysses J. Smallwood

The Honorable Alex Heath
The Honorable Hattie Portis-Jones

- II. The meeting was called to order by the Honorable Mayor Avery.

Also present was City Administrator Tony Phillips, Assistant City Administrator Jamila Criss, City Attorney Rory Starkey, Assistant City Attorney Serena Nowell (virtual), City Attorney Valerie Ross, and Deputy City Clerk Deannia Ray.

- III. The invocation was provided by Dr. LaReese Howell of New Horizon in Faith Church.

- IV. Pledge of Allegiance was in Unison.

- V. Presentations and Proclamations: None

- VI. Adoption of the City Council Agenda

Council Member Smallwood made a motion to approve the agenda as presented. Council Member Heath provided the second. **The motion carried unanimously.**

- VII. Public Comments:

Ernie Brooks said he received a notification on his utility bill about the Love Thy Neighbor Program and witnessed you helping his neighbor, and he appreciates that and asked to show love to some of our corporate neighbors. He said CSX has railroad ties that have been there at 74 & 29 for over 10 years and going towards Palmetto, there is debris on the side of the tracks. Maybe we need to make an effort to help CSX pick up that trash. The dump is like a biohazard Biolab in Rockdale County, they were on fire, and we get it every day. He said show some love with the Department of Transportation and get the lights in sync at 29 & 92.

Honie Williams said she was here at the last city council meeting and thought people knew her. No one can put her up to talk, she speaks her mind and from her heart. She wants Fairburn to know the Mayor can't put her up to say anything, he can't pay me to

say anything and wants that known. If you know her, she will speak up when she has too. She doesn't agree with everything and everybody, but she's peaceful, outspoken, and talks a lot.

Theresa Garrett said she was speaking for those who cannot be here tonight. Every elected official in this country works for the pleasure of the taxpayers. Our mayor, city council, planning and zoning, and everyone that is on Fairburn payroll should always keep in mind, the taxpayers are the citizens in this community who are paying salaries and keeping this city running. Her overall passion and conviction this evening is to keep at the forefront of all your decisions of what's best for the citizens and the taxpayers.

Tom Tyson said he is here on behalf of Wendy's and currently is in the process of asking for consideration to relocate the freestanding monument sign due to the property being condemned by the Georgia Department of Transportation. The owner, Matt Van Papagan, is present, the restaurant opened in 2002 and would like to have a consideration or approval to relocate the sign.

VIII. Approval of the Minutes:

1. Approval of the minutes Regular Council Meeting Minutes of September 23, 2024

Mayor Pro Tem Whitmore made a motion to approve the minutes as written. Council Member Smallwood provided the second. Council Member Davis abstained due to her absence. **The motion carried.**

IX. Public Hearings:

2. Meadow Glen Village – Rezoning

Planning and Zoning Director Denise Brookins presented this item and said this is a rezoning request from PD to PD and is located along Highway 74, and the applicant is requesting a concurrent variance. They are requesting to rezone 23 acres and to rezone a portion of a Master Planned Development in lieu of the commercial development that was proposed and approved with the 1998 ordinance. The current proposal is to develop a mixed-use community on a portion of the property which would include a maximum of 12,000 sq ft of retail, office, institutional, and 364 multifamily units. The original ordinance was approved in 1998, and it included a single-family development, an industrial development, commercial, and multi-family development. Most of the development has already been constructed except for the commercial piece. The commercial piece specifically prohibits gas stations in the ordinance but does allow gas stations with convenience, that was the exact language in the 1998 ordinance. There are quite a few standards when we look at a rezoning request and it does align with our Comprehensive Plan. They had two neighborhood meetings, the applicant reached out to everyone within close proximity to the development and in those two meetings, we only had one (1) person to attend. The applicant reached out to the HOA, and we did not

receive any letters of opposition or letters of support for this request. Staff is recommending the following:

General Requirements:

A. To the owner's agreement to restrict the use of the subject property and abide by the following:

General Requirements:

1. Prior to any site disturbance or building permits being issued for the project, the staff comments listed in this report must be addressed and approved by each department.
2. Implement the development, traffic improvement and/or traffic control requirements from the Public Works and Community Development Department.
3. A fence and minimum 30-feet wide vegetative buffer will be required on the rear of any parcel adjacent to existing single family residential developments, all proposed landscaping and fencing materials must be approved by staff.
4. Under no circumstances shall any mechanical equipment or related elements such as air conditioning units, meter boxes and utility conduits, HVAC mechanical equipment systems, satellite dishes or any other similar mechanical equipment or related elements be attached or mounted to any exterior building elevation that is visible from pedestrian view from required sidewalks along adjacent private streets or sidewalks abutting a common area or community amenity. Any mechanical equipment or related elements located at finished grade shall be completely screened from view with dense, evergreen landscaping or an opaque wall veneered in brick, indigenous rock or natural stone, with an appearance that is complementary to the architecture of the dwelling unit. All roof mounted equipment shall be screened from the public right-of-way.
5. Parking shall be on a paved or concrete surface.
6. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
7. A minimum of eight alternative fuel vehicle charging stations shall be provided on the property by the developer prior to the issuance of any commercial certificate of occupancy.
8. Additional landscaping may be required alongside side elevation facing public roads.
9. Provide permanently anchored bicycle racks as part of the internal pedestrian pathway network for short-term use.

10. Appropriate landscape features and pedestrian amenities, such as shading, seating, lighting, public art, trash cans, and other street amenities shall be provided.

11. Site shall be developed substantially as depicted on the submitted site plan and elevations, labeled Exhibit B and Exhibit C, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.

B. To the owner's agreement to abide by the following:

Streetscape Standards:

Along Meadow Village Parkway, the development shall have street furniture, 5' pedestrian sidewalk on both sides, a green strip with trees buffer or planting and regularly placed streetlights, on street parking (on both sides), with 2 vehicular lanes, see Exhibit A. All other parking areas must have vehicular use area landscaping subject to city staff approval.

Exhibit A

Development Standards:

Maximum Density	364
Maximum Building Height (Building 8)	1 to 3 stories
Maximum Building Height (Buildings 1, 2, 3, 4, 5, 6 & 7)	1 to 4 stories
Minimum Common Outdoor Area:	25%
Building Setbacks	
(1) Front:0'	
(2) Side:0'*	
*Required 10' minimum separation between structures	
(3) Rear:15'	

Residential Standards:

The total number of units shall not exceed (364) total dwelling units:

1. To ensure a mix of uses, for every 184 residential units there shall be 6,000 square feet of commercial, office, and/or institutional tenant space constructed. There shall be a certificate of completion for 6,000 square feet of commercial, office, and/or institutional tenant space.

2. The project shall include an amenity package for the residential units including a clubroom and pool.
3. Exterior materials on the residential units shall include a minimum of thirty percent (30%) brick or stone and forty percent (40%) stone or other cementitious materials. Vinyl siding and veneers are prohibited.
4. Along Meadow Village Parkway, each unit above the first floor will have at minimum one private balcony per unit. Balconies and decks shall consist of concrete or composite board decking materials and shall be supported by metal or wood brackets having an appropriate size and strength or with architectural columns or pillars also having an appropriate size and strength. The required brackets or architectural columns or pillars shall have an appearance that is complementary to the architecture of the overall structure.
5. The minimum heated floor area per residential unit shall be 600 square feet.
6. The number of three (3) bedroom multifamily units shall be limited to no more than ten percent (10%) of the total number of units.
7. Security bars on doors and or windows shall be prohibited.
8. All dumpsters shall be screened from public view on three sides by a masonry wall enclosure that is a minimum of eight feet in height. The fourth side shall provide access by an opaque steel gate.
9. Outdoor lighting shall incorporate shielding in their designs to reflect light away from adjacent properties and streets.
10. Garages are allowed and shall be integrated into the overall design of the site and shall be prohibited in the front and side yards. Garages shall be designed in a manner consistent with the architectural design of the multifamily residential buildings.

Standards for Non-Residential and Mixed-Use Buildings.

1. Building materials for facades of buildings oriented to public streets shall be constructed of brick, stone (natural or artificial), textured concrete masonry units, wood, stucco, cement-based siding, or glass. Polyvinyl chloride building products are prohibited.
2. The development shall include at least 12,000 sf of commercial, office, and/or institutional development.
3. The length of the facade without intervening fenestration, architectural detailing or entryway shall not exceed thirty (30) feet.
4. All building facades that contain a public entrance shall include fenestration into their design. All fenestration treatments shall be visually and architecturally consistent and compatible with each other. The director of planning and zoning may consider fenestration

amounts that differ from the standards above based upon the use, visibility from public areas, and other architectural treatments proposed on the structure.

5. The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage, or parking lot frontage shall be directly accessible and visible from the sidewalk adjacent to such street or parking lot.

6. The development must include a neighborhood park area with all the amenities and structures illustrated in the March 2024 Concept Rendering enclosed in the application.

Prohibited uses:

1. Drug rehabilitation center or other facility for treatment of drug dependency;
2. Halfway house;
3. Residential mental health facility;
4. Transitional housing facility;
5. Gas Stations
6. Drive Through Restaurants
7. Automotive repair and maintenance;
8. Home and garden equipment repair and maintenance;
9. Pawn shops;
10. Motor vehicle sales; and
11. Overnight commercial vehicle parking.

The applicant must submit an updated conceptual layout of site plan and the final building elevations subject to approval of the Planning Commission and in compliance with the enclosed development and design guidelines recommendations.

Section 2. That the concurrent variances to the rezoning are as follows:

1. A variance from Chapter 80, Zoning, Article II, Section 80-337(a) to reduce the required parking from 2 spaces per dwelling unit to 1.50 spaces per dwelling unit.
2. A variance from Chapter 80, Zoning, Article II, Section 80-337(b)(5) to reduce the required parking for restaurant use from 1 space per 100 square feet to 1 space per 150 square feet.
3. Text Amendment – Nonconforming Signs
4. Text Amendment – Future Land Use Amendment
5. Poplar Commons/Landmark – Rezoning

Council Member Portis-Jones made a motion to open the public hearing. Council Member Heath provided the second. **The motion carried unanimously.**

In Support:

Jessica Hill is representing the applicant Portman Holding, which has this property under contract. This property has been vacant since it was annexed into the City of Fairburn in 1998. The proposal would still include commercial use along the frontage of Highway 74 and

residential in the rear. She said the green space area will be behind the two 6,000 sq ft commercial buildings that are intended to be two sit down restaurants and a small component that will be an office or institutional use in there. There is a club house with a pool and nine separate residential buildings, most of them are four stories. She appreciates the help staff has been giving while they are trying to craft the recommendations and conditions and asked for support of the application.

In Opposition:

Ernie Brooks said if you go down Rivertown Road and Ono Road you will see the land that's been leveled for development. West Fayetteville Road has a big development coming and people are complaining and believe it will choke out the live, thrive, play that we have. We have a paradise here and we need to put a stop to all this development, a moratorium.

Theresa Garrett said the development looks really nice and could provide some outdoor space that we don't currently have but think about the citizens of the city and the communities that are here. The corridor on 74 is about to get a new Chick-fil-A is already packed with traffic. Our infrastructure is not good, we have utility problems, water, and sewer issues.

Bianica Huff said it looks like a beautiful development and likes to see growth and development but one of the reasons she moved to Fairburn was it still has a small-town feel. She fell in love with this area, and she sees her community changing. Her problem with the infrastructure is at the Third Friday events, her power goes out, she doesn't know if it's an electrical problem but that is something that needs to be addressed locally and we need to invest in our community.

Mayor Pro Tem Whitmore made a motion to close the public hearing. Council Member Heath provided the second. **The motion carried unanimously.**

Council Member Heath made a motion to approve the concurrent variance and the rezoning request with the aforementioned conditions listed in the proposed Ordinance. Council Member Portis-Jones provided the second.

Council Member Portis-Jones asked Ms. Brookins about the change in the zoning request from retail to commercial. Ms. Brookins said one of the challenges with the Planned Development is you must have three uses, the applicant had to update the application to make sure those three uses are incorporated as a part of the development. If you're speaking of commercial versus mixed-use development, one of their primary concerns is the existing ordinance that's in place now that does not have any conditions related to elevations and would allow a larger commercial piece which would be more harmful than what is being proposed. Council Member Porits-Jones asked how we define commercial. Ms. Brookins said the way the 1998 Ordinance was drafted, commercial is very open-ended and could include a gas station with a convenience store, a big box commercial development, and does not have any conditions tied to it outside of saying you can't have a gas station. Council Member Portis-Jones asked if we had anything to help us narrow what

commercial might be or would conflict with the overlay definition. Ms. Brookins said with the existing ordinance in place, with the changes to the Highway Overlay District which has allowed us to see some of the brick buildings and some commercial development, none of the language in the Highway 74 Overlay District is applicable to this development. Council Member Portis-Jones said very disappointing.

Council Member Smallwood asked, with the zoning now, does it allow for all of those homes. Ms. Brookins said no, the zoning now only allows for a commercial development with no conditions, it does not allow for a multi-family development. When she reviewed the 1998 ordinance, she couldn't understand why they would have such an open-ended language in there considering that you have an established residential community.

Mayor Pro Tem Whitmore said the 1998 ordinance was back when Meadow Glen was built, and therefore there was no forward thought process based on what you're reading to limit certain things. Ms. Brookins said my professional opinion, yes that's a correct assessment. Mayor Pro Tem Whitmore said we have a 30-year comp plan, we review and update it every five years. When the review process moves forward, we are looking to make sure that we have introduced and used what we were looking for when that plan was put in place. Mayor Pro Tem Whitmore said so staff put some conditions on this applicants presentation because we know this is outdated from 1998 and what we are trying to do is make sure we do what's in the best interest of the City of Fairburn, to get the things our citizens have been asking for. He's hearing more restaurants and more growth, no new taxes but he understands the constitutional right aspect and wants that articulated based on what's being presented here tonight. He asked Ms. Ross to explain constitutional rights. Attorney Valerie Ross said the constitutional piece, which she will keep broad in case there's anything that happens after this, in general, the developers, property owners, have the constitutional right to develop their properties, they have the right as zoned if they are in compliance with the city's codes and ordinances. They have the right to develop property as they see fit if it meets staff's requirements, otherwise you're looking at a potential taking claim because you are saying yes, you may have this property but we're not going to allow you to use it in the way you see fit because of whatever reason. This is what she talks to them about in relation to your legislative discretion to make these types of decisions while balancing the property owners right to use their property as they see fit as long as it is in compliance with the city's codes and ordinances. Mayor Pro Tem Whitmore asked staff if the city owns this property and Ms. Brookins said no. He said what you have done for the city, and the citizens is craft something that would be more palatable versus what could have happened based on the 1998 ordinance.

Council Member Heath said he has heard for the last 15 years that we want nice sit-down restaurants and believes this will give us an opportunity to get two sit-down restaurants. We have a lot of fast-food restaurants but have to travel outside of Fairburn for a sit-down restaurant. In the past, we couldn't get those nice sit-down restaurants because we didn't have rooftop counts, now we're getting the rooftop counts from the apartments and everything in the area and understands the traffic issues on 74, but DOT is supposed to start a half clover leaf there on 74 & I-85 which should help with the traffic. This is the opportunity, whether we take advantage of it or not.

Council Member Hudson asked when we talk about multi-family housing, are we talking about apartments. Ms. Brookins said yes, they are proposing 364 units. Council Member Hudson said that's a lot and this is a huge development, it is an opportunity to get some of the things that the citizens have been asking for. However, our infrastructure is weak, and she's asked how these types of developments will improve our infrastructure and what will the development be offering and said she heard there were several meetings where no one came to those meetings, that's important. We are under the five-year comp plan review and asked if the residents in attendance reviewed or completed the survey that is online. She asked Planning & Zoning what is expected to change in the five-year review that will impact this development in a positive way or if there are things they need to reconsider. When she hears that the developer had meetings and no citizens showed up, until the Public Hearing, this concerns her. She's glad you are here but we have to be more proactive than reactive because we have a legal obligation to vote and to respond in a manner that does not cause liability against the city.

Council Member Davis said it's almost as if they are in a catch 22 here. She agrees with a lot of things her colleagues have said. She went to look at these different developments and asked Ms. Brookins if there was any pushback with this development and she said no. The developer put together a good packet and saw where they had two opportunities to speak to the residents within 1,000 feet radius of this development, one meeting one person showed up and at the second meeting, one of the developers on the other side of 74 showed up. We are here for you, to be your voice and we want to do the right thing, but there is a collective part of this, and you can't have all the things without having some inconveniences. She wants grocery stores and nice restaurants and the small-town feel, but they count rooftops. We are in a quandary here because we care about what you want but our hands are tied. We are not the ones that do the comp plan and the future land use map, it's an engagement with the citizens and the city.

Council Member Smallwood said he heard what everyone has said but his comment is more for staff because at the last development, it seems we're constantly in this situation that we look at these projects in isolation, whereas we have like three or four different projects happening on Highway 74 alone. Every traffic study says it's not going to impact traffic, he drives it every day, we are going to build ourselves under the ground. He's heard rooftops for six years, we've put in about three apartment complexes on Highway 74 and nothing has come. No restaurants have come and when they do come, they will be so packed people won't be able to go in there. He's speaking from his heart because two hours just to navigate from the Southside to his home, our neighboring cities are building it's just not Fairburn. He is thoroughly against the portion of the 364 apartments going up and it seems like the ordinance is now where it's zoned where that part isn't included. Our hands are not tied, we have sight, but we also have to have vision for down the road, and this is not against anybody, but he drives these roads every day and at what cost of development for quality of life.

Mayor Avery said all the perspectives that he was going to cover have already been spoken. Mr. Whitmore brought up the constitutionality part of it which was a concern for

him. Landowners have rights, whether we like that or not. We've been sued a couple of years ago because of that. He thanked our Planning & Zoning Director, a lot of the boundaries, the guard rails that were put in place to address what the ordinance doesn't say was a combination of trying to honor to the landowners while addressing the needs and concerns that a lot of residents and council members would have mentioned. Housing is still an issue in metro Atlanta and in his last administration we lost four restaurants that we were pursuing because of the roof tops. There is still a demand for restaurants in our city, in this case Highway 74 corridor. Look at all the development in Peachtree City and Fayette County, the soccer games that's coming in a couple of years, business is coming, the question is will we take advantage of it. We are having to look at the demands, the good, the bad, and the ugly as it relates to what the residents want. We have to balance it all, but at the same time landowners have rights. We have to make sure we don't lose sight of the rights of both the residents and the landowners.

Council Member Hudson said she hasn't heard anyone mention a Feasibility Study, we have work to do, and she doesn't like to say our hands are tied. We now have a need in our city to catch up with business and said Mayor you are right. Not only do we have soccer coming, but we also have the World Cup coming to Atlanta and it's going to spill over into Fairburn. She asked staff and council having a renewed comp plan and antiquated ordinances is like oxymoron, we can't have a plan that's going to move us forward developmental wise, and our ordinances being outdated. She said staff now has an open-door opportunity to write, review, and rewrite these ordinances, it must change. We have to prioritize lives with water, sewer, and electricity and she knows the boil water orders are not all our fault but what we have to do in Fairburn is a responsibility of this council to make sure these ordinances are up to par, to make sure we are making the investment in our infrastructure as well as working with developers who want to develop in Fairburn. She asked if there is any idea if the review of the comp plan will change or altered in a way that will enhance or circumvent this development. Ms. Brookins said the comp plan has an update that has to be completed by the end of next year. The City of Fairburn has completed a Housing Market Study, a Parks Master Plan, and quite a few other items that will all be an update to the Comprehensive Plan, but the existing Comprehensive Plan that we have today does compliment this proposed development. One of the things that have come up recently for a number of reasons, is the Housing Market Study that will be presented at the next council meeting and all of the proposed developments that have been reviewed, that potential impact isn't any concern as it relates to the number of units, but the question of infrastructure is a valid one. Any developer who's coming to the city would be required to do the necessary upgrades at their expense to all our infrastructure to make sure it meets both our Fire, Building, and our Utility standards.

Council Member Portis-Jones said we are also working on our Economic Development Plan, to talk about the various businesses that might be the best fit for the City of Fairburn. We had the same discussion when the Oslo project along with other ones on 74, they were the exact issues. We will need to multi-task, bring in new development, figure out where we can get water, and pave the streets, all this needs to be done at the same time. We have tried to get public transportation in this area because of the traffic problems and the traffic is not Fairburnites, they are going to Fayette County who is bustling, the only way they can get there

is through Fairburn. Certain things will happen to us, and it is our responsibility to try and be smart about it. All of this is about our property tax base, it is about spreading the burden. We all live here and yes, we like it just the way it is, but the cost of doing business is escalating and the burden on us is escalating. We complain about the property taxes, but we don't want to do what is necessary to spread the burden. That's our reality check and we need to be smart about what's happening to us, things that are not in our control. The traffic is not us, the traffic is our neighbor to the East and North.

Mayor Pro Tem Whitmore said this government has done a good job in relationships with GDOT. On the I-85 & 74 exchange going south, those lanes will turn into four lanes and as it goes further south it's going to drop to three lanes then into two lanes. This will bring a little bit of relief for us and when you talk about infrastructure, whenever we have a new proposed development our utilities department looks at what's coming and establishes if we can absorb it or not. If you look at the budget that is proposed, we were looking at a 1.5 mil rate increase, that's not happening because we reduced our reserve. There is a lot of things that go into the equation of things that we're looking at and understanding the legal dynamics along with the respect of those property owners.

Mayor Avery said on the city's budget, the amount of money we acquire from commercial businesses keeps us afloat. The impact on the cost of living is continuously escalating, not just in the City of Fairburn, it's nationwide. Some businesses that recently came to Fairburn said it was difficult to deal with some of our neighboring governments because of legislative conflicts, we have to take up the holistic perspective. **The motion to approve carried with Council Member Smallwood and Council Member Hudson voting no. All others voted yes.**

3. Text Amendment – Nonconforming Signs

Planner, Chancellor Felton presented this item and said this is a text amendment to Chapter 80 (Zoning), Article XII (Sign Regulations), Section 435 (Grandfathered and Nonconforming Signs). The Georgia Department of Transportation (GDOT) will widen the right-of-way of Senoia Road (Highway 74), with construction slated to start next year. GDOT has condemned and acquired the land to do such. Several businesses have been affected, and the signage has to be relocated. However, due to our current regulations, legally nonconforming signs cannot be relocated or changed for any reason other than compliance. It is our duty as staff to mitigate any unnecessary hardships that property owners and our applicants may have due to circumstances that are out of their control. Therefore, it is the staff's recommendation to allow for the relocation of legally non-conforming signs affected by condemnations or acquisitions by lawful authorities specific conditions for doing so. The proposed new regulations read as follows:

Proposed New Regulations:

- (12) If the city or any other lawfully constituted state or federal governmental authority, agency or body or utility having the authority of eminent domain condemns or acquires property in the city, and, as the sole result of such condemnation or acquisition, an existing nonconforming sign that was legally erected must be removed, the existing nonconforming sign that was legally erected

was located. In the relocation of a legally erected nonconforming sign as the result of an act of eminent domain, any nonconformities with respect to height, shape, or signage area may not be increased or changed beyond those that exist as the date of taking unless the changes will bring the sign into compliance. However, the relocated sign may be relocated closer to the right-of-way than otherwise allowed by the current setback requirements provided it will not impact line of sign or otherwise constitute a safety concern.

City Administrator Tony Phillips said earlier a representative during public comment from Wendy's on 74, this was the issue he was speaking about. Their monument sign because of the project that is coming from GDOT and the expansion of the interchange, had to move because it was in the right-of-way that GDOT is going to be using. This particular proposed regulation would allow them to relocate it on the same property under the conditions which staff just shared.

Mayor Pro Tem Whitmore made a motion to open the public hearing. Council Member Davis provided the second.

In Favor: No one spoke

In Opposition: No one spoke

Mayor Pro Tem Whitmore made a motion to close the public hearing. Council Member Heath provided the second. **The motion carried unanimously.**

Mayor Pro Tem Whitmore made a motion to approve the ordinance to amend the regulations in Chapter 80 (Zoning), Article XII (Sign Regulations), Section 435 (Grandfathered and Nonconforming Signs). Council Member Davis provided the second.

Mayor Pro Tem Whitmore said he is aware of the condemnation that GDOT has imposed upon some of the properties within the city and by approving this text amendment change to help those individual businesses is a plus and wants to make sure their visibility is there and applauded Planning & Zoning for making this move. **The motion carried unanimously.**

4. Text Amendment – Future Land Use Amendment

Planning & Zoning Director Denise Brookins presented this item and said this is to establish a process so Mayor and Council can consider Comprehensive Plan amendments. As it currently stands, we have a process for rezoning, variances, and use permits but not a process if an applicant is requesting to amend the Comprehensive Plan. The next Comprehensive Plan is due to DCA October 25th and we are heavy into that process. In terms of outline public input engagement activities and making sure we can get a consultant on board. In the interim, most cities and counties have a process for Comprehensive Plan amendments, and we have drafted what we've seen in other communities and what we've heard from the general public and from members of council. The Comprehensive Plan amendment would require a public notice meaning the same as rezoning, no less than 15 days, no more than 45 days. Mayor

and Council, Planning & Zoning, or a property owner could submit the request. There is a requirement to notify surrounding property owners and a neighborhood meeting. The applicant would have to provide an application that discusses things like what extent there's a change in the economy land use opportunities, infrastructure, public health safety and welfare, and some of the items that are very similar to a rezoning decision but the language and the standards for review are a bit more comprehensive and aligned with a Comprehensive Plan update. Mayor and City Council would be the sole body to decide to approve a Comprehensive Plan amendment, it would go before the Planning Commission for recommendation. They've received a number of requests, the next item on the agenda the applicant asks to have this considered, and we did not have that process in place, and they've been working on it for quite a while.

Mayor Pro Tem Whitmore made a motion to open the public hearing. Council Member Portis-Jones provided the second. **The motion carried unanimously.**

In Favor: No one spoke

In Opposition: No one spoke

Council Member Smallwood made a motion to close the public hearing. Mayor Pro Tem Whitmore provided the second. **The motion carried unanimously.**

Council Member Portis-Jones made a motion to approve the ordinance to establish a process and review standards for future land use map amendments. Mayor Pro Tem Whitmore provided the second.

Council Member Portis-Jones asked how we define a sense of community under the Comprehensive Plan. Ms. Brookins said it can relate to a variety of things like your neighborhood character, streetscape, architectural design standards, public spaces where you can interact, all those things can be a part of the definition of a sense of community. The Comprehensive Plan requires the sense community and the vision of the community be implemented through goals, policies, and strategies through land use designations.

Council Member Portis-Jones asked Mr. Phillips to help define recreation and why there is a need for a city to provide recreation for its citizens, i.e. little league football, baseball, Third Fridays, and Fall Festivals. Mr. Phillips said the uses or recreational options that she just cited are a part of that definition but its more expansive than that. In the Parks Master Plan, which was developed over a year ago and approved by this council, it speaks to other recreational uses, one example would be what we refer to as Passive Parks. Passive Parks don't have athletic fields, don't have those active Recreations, they're more for enjoying nature, they have walking trails, opportunities for people to exercise, to experience nature, to preserve greenspace within our community. Parks have different uses, you have pocket parks that can be fitted into other areas of the city that can provide amenities like playgrounds, seating

areas, and outdoor grilling opportunities. All of that falls under the broad definition of recreation and ultimately those things add to quality of life. Studies have shown if you look

at the National Recreation and Parks Association website, that communities that invest in parks and the development of parks see increases in housing values. People want to live near parks or have those amenities in their communities, it connects to Economic Development and has other positive outcomes.

Council Member Portis-Jones asked Ms. Brooks if she agrees that is the goal or purpose of the Comprehensive Plan. Ms. Brookins said the goal of the Comprehensive Plan is to understand the vision and to articulate it in a document that then guides future development and that's why it includes so many different elements like transportation, parks, open space, housing, it discusses infrastructure, and all of those different elements come together in the Comprehensive Plan to make a statement about the vision for the future and what you want to see happen. Council Member Portis-Jones said the Comprehensive Plan is not a plan that's developed by Mayor, Council, and staff, but a plan that is developed by the citizens and residents of the City of Fairburn if they participate. Ms. Brookins said yes. Council Member Portis-Jones said echoing what Council Member Hudson stated earlier about participating in these various surveys, and programs. We have to hear from you, we go through these exercises, the plan gets put in place and that becomes our guiding document. If you haven't participated in that and not understanding what those documents are, that's when we have the conflicts that we're hearing tonight about the development on 74. She wants to lay the foundation for the upcoming Comprehensive Plan that is due October 25, 2025.

Mayor Avery dittoed what Council Member Hudson and Portis-Jones brought up, for those of you who've never taken the time to come out to the public meetings, we hire consultants that do this. We need your input and decisions because the consultants give us back the information they acquire from the residents. Please visit our website at Fairburn.com where we post these meetings.

Council Member Hudson asked Ms. Brookins if this is something we're enacting to utilize with the comp plan that is in place now and if this will be our guiding tool for the new comp plan once it's approved by council. Ms. Brookins said the item before you is a process to establish any amendments to the Future Land Use Plan, it would allow Mayor and Council, Planning & Zoning Commission, or a property owner to request amendment as it relates to the update. The update will happen as a part of an extensive community engagement process with a consultant and at the end of that process, we would present to Mayor and Council and residents so we will have as much feedback as possible. Council Member Hudson said she supports that and wants to clarify that industrial property owners are included. We have over 200 acres that is allocated to industrialization, so do we believe this process will help us with that. Ms. Brookins said the proposed text amendment is not necessarily wins or loses, it's simply establishing a process. Mayor and Council will decide what the Future Land Use Map looks like, if a development comes before you and you are fully in support of it, but it does not compliment the Comprehensive Plan, we don't currently have a process that would allow Mayor and Council to amend that.

Council Member Davis asked if this is being brought before us in reference to the Poplar Commons. Ms. Brookins said this is well before Poplar Commons development, we were drafting this because we realized that there was a missing piece in our process. We want to

make sure the process is in place, not just for Poplar Commons but for any future developer. After discussion, **the motion carried unanimously.**

5. Poplar Commons/Landmark – Rezoning

Planning and Zoning Director Denise Brookins presented this item and said in light of the recent text amendment that was just approved, the applicant is also requesting to have that considered now that we have the standards in place. Any applicant will have to go back before Planning & Zoning Commission so it will probably be in December because of the advertising requirements before it comes back to you again. The applicant also has to go back to the community and explain exactly what he's requesting and then all the public input will be brought before you when the item is properly advertised, and the applicant also has an opportunity to look at these current standards and explain why the request aligns with that or does not align with that and we will provide an analysis. Attorney Ross said since you've previously announced that you've will continue this for two weeks, you should go ahead and do that but what Ms. Brookins just explained is this comp plan process that you all just approved is not going to be before you until December, it has to be legally advertised and go to Planning Commission. The applicant needs to have these two items on the same agenda, it needs to be a comp plan amendment first and the rezoning second. If you approve the comp plan amendment, then you can approve the rezoning on the same agenda. You can continue it to the next regularly scheduled meeting, so those that heard you say that can come back and say what they need to say and after that you will need to table it if you want to be able to consider the applicant's comp plan amendment application because again, it needs to be on the same agenda.

Mayor Pro Tem Whitmore made a motion to continue this item to the next regularly scheduled meeting. Council Member Heath provided the second. **The motion carried unanimously.**

6. Ordinance to Amend Occupation Taxes and Regulatory Fees

Finance Director Tomeka Billingsley presented this item and said this ordinance is to amend the occupation taxes and regulatory fees. It is to update and modify the city's occupational tax limiting, the total amount of the tax that may be imposed and collected from a business to \$50,000. The city's current ordinance providing for the imposition, assessment, and collection of occupation tax and regulatory fees and related matters was adopted on December 9, 2013. The Mayor and Council have determined that it is necessary from time to time to update the City Code in order to align with current conditions, address existing needs, and comport with recent changes to state law. A survey of similarly situated local governments in the metropolitan areas surrounding the City revealed that the city's absolute dollar amount limitation of \$15,000 is significantly low.

Mayor Pro Tem Whitmore made a motion to open the public hearing. Council Member Heath provided the second. **The motion carried unanimously.**

In Favor:

Chris Greer said he is a small business owner, and his only concern is the standard of the occupational tax which he pays every year would be raised as a small business owner to compensate for cap that's being put on. He wishes to keep his occupational tax in the city where he lives, but if it's raised and puts a hindrance or a finance burden on his business, he would have to move his occupation somewhere else.

Ms. Billingsley said the occupational tax we're recommending here only affects about 19 businesses, the smaller businesses will not be affected by this. It's businesses that are bringing in multimillion dollars within the Fairburn area. Your taxes should not be affected.

In Opposition:

Ernie Brooks said hates anybody's taxes going up even big business. He talked about our corporate neighbors, and it was Portman Enterprises that was here last meeting where they proposed 74 apartment complexes with hundreds of units, and they were looking for the same tax break that the other builders get on 74.

City Administrator Tony Phillips replied and said the tax rate you speak of for developers is property taxes and the item that is before us now is for business license. That's typically based on the revenue generated by that business, so they're two different things and this one does not connect to property taxes. Generally, this would not affect smaller businesses because their revenues are nowhere near multimillion dollar corporate entities. The cap would affect about 19 businesses, none of which are making less than multiple million dollars of revenue each year.

Council Member Smallwood made a motion to close the public hearing. Council Member Portis-Jones provided the second. **The motion carried unanimously.**

Council Member Portis-Jones made a motion to approve an ordinance to amend Chapter 14 (Business Regulation and Taxation), Article II (Occupation Taxes) of the Code of Ordinances of Fairburn, Georgia. Mayor Pro Tem Whitmore provided the second. **The motion carried unanimously.**

X. Consent Agenda: N/A

XI. Regular Agenda Items:

7. Flock Safety – Real Time Crime Center

Police Chief Anthony Bazydlo presented this item and said he is here to seek approval to execute the contract with Flock Safety for a real-time crime center. We first brought this to you during the FY 2025 budgeting process during the hearings as one of the items to add to the budget. A real-time crime center is essentially somebody inside the police department whose sole function will be to monitor live camera feeds at key locations around the city

there's also a community aspect to this in that we can partner with local businesses and residents who will voluntarily choose whether or not they would like to share those cameras with the police department. In addition to this contract, it calls for six zoom cameras that are capable of 360°, and they will be able to move them around and this will include a long range license plate reader (LPR) camera. They already have a number of these stationed around the city which they use for enforcement efforts.

Council Member Smallwood made a motion to approve the Flock Safety contract for the implementation of a Real Time Crime Center in the amount of \$37,378 for FY 25. Council Member Davis provided the second.

Council Member Davis asked for a sample scenario of how this will work. Chief Bazydlo said what we currently have is a network of LPR cameras and if a stolen vehicle comes by one of these cameras, every Fairburn officer on duty around the city is going to get a real time live alert saying a stolen car just came Southbound on Main Street, so we can start moving in position. We are building the live monitoring component which is a base of what we would like to see in the future, we are asking for six cameras that an officer inside the Police Department will be monitoring in real time. If an officer is monitoring these cameras while listening to their radio, they may hear a call come on air and immediately be able to cut those cameras on live and say for example, there's a red car involved in a robbery at a business. They will be able to see that red car fleeing the scene of the crime and then can start jumping to different cameras to follow that red car to see where it's going. The long-term goal is to have cameras at every key location around the city and somebody monitoring those cameras 24/7.

Council Member Heath asked if it was necessary for an officer to monitor the cameras or can someone less expensive do it. Chief Bazydlo is asking for a Sergeant position to be in charge of this unit, it doesn't have to be all sworn personnel monitoring these cameras.

Council Member Hudson said she remembered discussing this during the FY25 budget hearings. She said we had 56 violent crimes and 225 property crimes and feels we need to address this. By establishing a real time crime center, how would we begin to address property crimes and what areas are targeted. Chief Bazydlo said with property crime, the real time crime center can help in that regard because vehicles are more often not used in the commission of a property crime. The offenders who are committing these property crimes are driving stolen vehicles or vehicles that have no license plates, vehicles that have altered license plates, and the cameras we have will be beneficial in identifying precrime. We are targeting heavily trafficked areas with the most vehicle traffic coming through the city and general areas where certain property crimes are more prevalent, entering auto which is a car break-in is the number one crime they try to address and deal with. Council Member Hudson asked him to consider a pilot program to bring back to council on reducing the number of property crimes versus violent crimes. After discussion, **the motion carried unanimously.**

8. Ratification of Professional Service Agreement with iParametrics, LLC for Grant Writing Services

Finance Director Tomeka Billingsley presented this item and said this is a request to ratify the Professional Services agreement with iParametrics, LLC for Grant Writing services for FY25 with a budget impact of \$75,000 that was approved in the FY25 budget. iParametrics has supported clients in all 50 states with grant management and grant writing services. Most recently in Georgia, iParametrics helped the City of Stone Mountain secure a \$200,000 LCI grant and assisted Newton County in securing over \$4 million via HUD to support the county's recreational facility along with over \$1 million in Department of Transportation funding for roadway expansion. iParametrics was chosen to be the Grant Writing Consultant after an extensive RFP process that was initiated on September 15, 2023. The initial term started December 2023, and they have successively applied for 11 grants totaling more than \$7 million in requests from January 2024 to April 2024. The city has received confirmation from the Congressional Project funding for the water supply project that we are on the list to be sent to the committee for consideration of an award in the amount of \$1.5 million. Additionally, the city was awarded the Fulton County Arts and Culture Grant in the amount of \$22,500. The city is still awaiting a number of applications to include the Georgia Energy Efficiency and Conservation Block Grant with a request amount of \$150,000; National Endowment for the Arts with a request amount of \$32,335; and SAFER grant to fund additional fire personnel.

Council Member Heath made a motion to ratify the Professional Services Agreement with iParametrics, LLC for Grant Writing Services in an amount not to exceed \$75,000 for FY25. Council Member Davis provided the second.

Council Member Smallwood said the original contract started December of last year and we are awaiting approval on a couple of grants but bottom line, how much grant money have we received during the contract that started in December. Assistant City Administrator Jamila Criss said she can get with the iParametrics team tomorrow and have them send that information to you. She does not have the complete list of the ones we've received, she knows they helped the Fire Department write another grant and thinks they have assisted the Police Department with some, but she wants to make sure they give an accurate total. Council Member Smallwood said so what we heard tonight was just \$22,500. Ms. Criss said yes, we did receive \$22,500 and we are on a short list for the Congressional one.

Mayor Pro Tem Whitmore said he understands we are on a list, there's no guarantee we are going to get that \$1.5 million. You also mentioned that Fire received something from them, is that correct. Ms. Criss said they assisted Fire applying for several grants, and the current one is a SAFER grant, which helps cities pay for the personnel services to acquire additional firefighters, we have not received an award on that one, it is still outstanding. Mayor Pro Tem Whitmore said so in essence, the only thing to our knowledge to this date that we have received since December 2023 is \$22,500. Ms. Criss said she did not want to say absolutely yes, that's the one she knows that we just got because that came before Council a few weeks ago, but will verify with iParametrics team. She said I will tell you in consultation with the previous Finance Director because this was a service the city didn't have previously, there was a race to get with iParametrics with the department heads to apply for grants. She said iParametrics met with every department head and the grants they

wrote were grants that they probably shouldn't have focused on. Some grants were \$8,000, when we started the pilot program, our goal was to go after those larger dollar numbers. She knows if this item is approved tonight, we've shared the grant that Councilwoman Portis-Jones talked about that is due October 31st, which is for Parks & Recreation infrastructure for a project with a \$500,000 award that requires a match and if approved tonight they will be prepared to work with the Parks & Recreation Director to ensure that we submit an application by the 31st. Mayor Pro Tem Whitmore asked if there was any reason why they are not here tonight to present this to council. Ms. Criss said nothing in particular, she knows the vendor came when we initially awarded it back in a work session last year, it wasn't an initial request but she's sure if that's the will of council, we can definitely contact them and ask them to come back. Mayor Pro Tem Whitmore said what he's hearing and what he's feeling is that if this is approved tonight, then they're going to do something by the end of this month. But to date, based on the information you currently have and how much did we pay them from December of last year to the 30th of September. Ms. Criss said the contract period was January to April, the dollars that were awarded were just under \$50,000. There are a number of projects, they've been working with us with ARC, we sent them to nine locations around the city for potential EV charging locations. Based on the funding the State of Georgia has received to put chargers within the region and they helped us with those communications and putting that information out there. So, there are several grants that are still outstanding, but she can make sure we provide council with a complete list. Mayor Pro Tem Whitmore said we are using the word ratification, which means what. Ms. Criss said when speaking with the city attorney, the contract date is to go back to October 1st through September 30th. We want it to run concurrent with our fiscal year and with the agreement that was in place, there were some language changes that were made, they were not substantive to the actual contract, but the request is to have it effective October 1st. Mayor Pro Tem Whitmore said he's feeling some kind of way and feels when someone is coming before this council and asking for \$75,000, they should be coming with information showing what we have received, what is pending and what those dollar amounts are, because we don't know if we're going to get anything at all except for the \$22,500 that you mentioned tonight. That does not weigh too favorably with him. Ms. Criss said received.

Council Member Davis said she needs some clarity under the facts and issues as it relates to the previous questions. You're saying during the initial contract term that they successfully applied for 11 grants totaling \$7million, but how much of that was actually granted. Were they successful in getting the grants? Ms. Criss said she doesn't want to take time for Mayor and Council but she will pull the information and get with iParametrics, and if it is the will of council tonight, if you want to hold this item, she will ask the vendor if they are available on October 28th for a work session so they can bring that information to you all prior to a vote on this item. Council Member Davis said yes, they need to be here, she's in agreement with her colleagues.

Council Member Hudson said she agrees with Councilwoman Davis and Mayor Pro Tem Whitmore. Additionally, when we're bringing forth this type of item, you are receiving monthly invoices for billing, that should be a part of this. In not having a list of the grants, she remembers when they went to the National League of Cities, she communicated

with staff, Mr. Phillips about an Infrastructure Grant. She doesn't know if it's the same one Councilwoman Portis-Jones had, but there was communication and email about making sure a deadline was in place to get that grant. We don't want the same information to be presented in a work session again, and she believes every member of the council is aware of what we expect about this grant writing. Presenting this item on the agenda is missing a lot of information, we have to know what the benchmarks are in place in the contract. She said the contract is confusing because on the agenda it says ratification, but the contract came to us as a renewal, so which is it. She wants to know how we were billed and what work was billed every month. She wants the lists of grants they applied for along with whatever barriers and challenges that they foresee in Fairburn to be awarded those grants. She wants to see any applications for grants to ARC.

After discussion, Council Member Portis-Jones made a motion to hold this item. Council Member Heath provided the second. **The motion carried unanimously.**

9. Trimming/Clearing Contract with Trees Unlimited

Utilities Director Derek Hampton presented this item and said this item is for Trees Unlimited who have been working to trim our right-of-ways for several years. They were vetted through the process with Electric Cities of Georgia. The completion of this service will prevent numerous power outages due to overgrowth of vegetation near power lines.

Council Member Smallwood made a motion to approve the agreement with Trees Unlimited to clear the right-of-way of tree limbs and heavy vegetation for the protection of the overhead electric distribution infrastructure in an amount not to exceed \$175,000. Council Member Davis provided the second.

Mayor Pro Tem Whitmore asked if they have identified all the trimming that needs to take place throughout the city. Utility Manager Tom Banks said he has done a study of where they need to concentrate on. Rivertown Road, Cemetery and Lane Drive, Malone Street, and the Highway 92 corridor. Trees Unlimited will be bringing a giraffe with a reach of 75 feet, to be able to cut all the way up the base of the trees so there won't be any tree limbs near the lines. Mayor Pro Tem Whitmore asked if he has the list prioritized so we can hit the ground running. Mr. Banks said yes sir, and with approval they will start tomorrow morning.

Council Member Davis said the last time we did this, they had a list of areas to be completed along with the request, that is what she was looking for. The maps that are included are not clear and requested a list of areas that will get trimmed. Mr. Banks said yes, he can provide a list for everyone. Mr. Hampton said the plan this year is to trim all the streets.

Council Member Portis-Jones said the last time we had this conversation, we ran out of money because of the emergencies that occurred. The unpredictability of the weather, unplanned areas where trees limbs fell that wasn't part of the original schedule and asked how we would accommodate emergencies this year as well set aside monies for those

emergencies. Mr. Hampton said as far as the trees falling, that does not fall under the agreement. The agreement is for clearing and trimming, but in that regard if they are on our system working, we can call them to go take care of any trees that fall. Our guys have chainsaws, if it's a smaller issue. Trees Unlimited would be going down the roadways. After discussion, **the motion carried unanimously.**

XII. Council Comments

Council Member Hudson said we have to be diligent in making sure the public is participating in these public opportunities. She asked for an update on the Water Authority because she has some concerns, in March they were told the City Attorney will be looking through and to provide them with information about the contractual agreement and the Water Authority's minutes have not been updated yet and told Mr. Phillips, she needed that update. Meter readings have come forward and thanked the Utility Director for reaching out to her about those concerns. We have utility bills being posted on social media, so we want to address this. If citizens have qualified for the budget billing and for some reason they were not renewed, we need to track and make sure those citizens are back on those budget billings. She thanked those who came out to speak tonight, let's be proactive and not reactive. We urge the citizens to go to the Fairburn website and participate in the comp plan survey. We need to hear from you and make sure you complete that. It is important that you all get out to vote, early voting has begun and let your voice be known.

Mayor Pro Tem Whitmore said he received a couple of concerns in reference to the fire at the landfill that happened on Friday. He didn't have answers to some of the questions on whether there were any air quality concerns. He has not received any information about it, but we have a PR person, and this is one of the avenues that could have been used when we have that type of fire. Especially with what happened years ago with the indwell fire within the City of South Fulton. This is an opportunity to use the PR person to put the word out, in particular because if we start having people with breathing issues or rashes, everyone may not know about it. He is urging the command staff to utilize it for not just boiling water but also other areas of concern of health.

Council Member Smallwood echoed the sentiment behind the citizens showing up and taking part in the process. He came at 6 and saw a lot of people showing up, which is wonderful but there were two proposals, one community did come out and the other one not so much. He asked that everybody in Fairburn come and take part in the process and attend those community meetings. Go out and vote.

Council Member Hattie Portis-Jones had no comments.

Council Member Heath thanked everyone for coming out tonight and said get out and vote. Early voting starts tomorrow.

Council Member Davis said she was absent at the last council meeting and there are two things she would like to say. She asked Mr. Phillips to introduce her to the new Finance

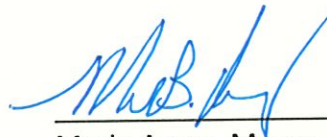
Director. Mr. Phillips said our new Finance Director was introduced at the last meeting, Ms. Tomeka Billingsley, who brings to our team here at Fairburn over 30 years of experience in Finance. Most recently with Fulton County School Board, she has hit the ground running and has already started productive work with the team. Council Member Davis said the other thing she wasn't able to do was congratulate Ms. Deannia Roberson-Ray as Georgia Certified Clerk and said you are so deserving, and we are so happy you are here with the City of Fairburn. She reminded everybody to go vote.

Mayor Avery congratulated Ms. Hudson on getting married in the next few days. He thanked all the different people, Mayors and County Commissioners that came to our Fairburn Fall Festival. He thanked our staff for the phenomenal job from top to bottom. He's heard comments from every level of government on how clean this event was. He asked Bow Wow's security team what clean event meant, and they indicated in this industry, it means you can bring your children. He thanked God for our Public Safety, the volume of police presence was beyond belief from all the other agencies. Our employees came to work early in the morning and made it a very successful event. With the volume of people that was stretched over 10 blocks, not a single police incident. He was interviewed the Wednesday prior to the festival on Good Day Atlanta and they asked about his security plan, he was blessed.

XII. Adjournment:

Council Member Davis made a motion to adjourn the meeting at 9:45 p.m. Council Member Heath provided the second. **The motion carried unanimously.**


Brenda James, City Clerk


Mario Avery, Mayor