



City of Fairburn City Council Agenda

October 13, 2025
7:00 PM

The Honorable Mayor Mario Avery

The Honorable Mayor Pro-Tem Alex Heath
The Honorable Samantha Hudson
The Honorable Ulysses J. Smallwood

The Honorable Linda J. Davis
The Honorable Hattie Portis-Jones

Mr. Tony Phillips
Mr. Rory Starkey
Ms. Brenda B. James

City Administrator
City Attorney
City Clerk

I. Meeting Called to Order:

The Honorable Mayor Avery

II. Roll Call:

City Clerk

III. Invocation: Pastor Carnetta Frazier, Love Deliverance Outreach

IV. Pledge of Allegiance:

V. Presentations and Proclamations:

1. Fire Department Presentation for Lieutenant and Sergeant Promotions

2. Unity in the Community Award

VI. Adoption of the City Council Agenda:

VII. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes. However, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further, in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to the City Administrator for review. Responses will be provided later.

VIII. Approval of the Minutes:

3. Approval of the Minutes: Council Meeting Minutes of September 22, 2025

IX. Regular Agenda:

4. Curry Bend (Final Plat)

Recommendation: Request Mayor and Council approval of the requested final plat for the Curry Bend development. **(Planning & Zoning)**

5. City of Fairburn Personnel Policy Update

Recommendation: Request Mayor and Council approval of an ordinance authorizing the amendment of Chapter 2, Administration, Article III, Division 1, Section 2-57. Personnel Policy to authorize adoption of the City of Fairburn, Georgia Whistleblower Policy. **(Human Resources)**

6. Act on Board of Ethics Recommendation to Impeach | Remove Samantha Hudson from Office | By 5-1 Vote

Recommendation: (Ethics Board)

X. Council Comments:

XI. Executive Session:

7. Intergovernmental Agreement Between the City of Fairburn and the Development Authority/Downtown Development Authority

8. Discussion and Vote on the Plan of Defense

9. Case Strategy regarding Civil Action Case No. 25CVO13228, Samantha Hudson vs City of Fairburn

XII. Adjournment:

When an Executive Session is required, one will be called for the following Issues:

(1) Personnel (2) Real Estate or (3) Litigation



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Unity in the Community Award

ITEM TYPE: Presentation

SUBMITTED: 10/08/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** MM/DD/YYYY

DEPARTMENT: City Administrator's Office

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

ATTACHMENTS:

None



City Council Meeting Minutes
September 22, 2025
7:00 pm

- I. The meeting was called to order by the Honorable Mayor Avery.
- II. Roll Call by Deputy City Clerk, Deannia Ray found the following members present:

The Honorable Mayor Pro-Tem Alex Heath
The Honorable Samantha Hudson
The Honorable Ulysses J. Smallwood

The Honorable Linda J. Davis
The Honorable Hattie Portis-Jones

Also, present was City Administrator Tony Phillips, City Attorney Rory Starkey, and Deputy City Clerk Deannia Ray.

- III. The invocation was provided by Pastor Greta Fowler, St. Johns AME - Fairburn.
- IV. Pledge of Allegiance was in Unison.
- V. Presentations and Proclamations: None
- VI. Adoption of the City Council Agenda

Mayor Pro Tem Heath made a motion to adopt the agenda. Council Member Davis provided the second. **The motion carried unanimously.**

VII. Public Comments:

Ernie Brooks said he missed the bulletin that comes with his utility bill, the last two utility bills did not have it included.

James Whitmore said the past year of council meetings have been difficult and we have all witnessed an increase in negativity and conflict that has often overshadowed the important work we are here to do. While spirited debate is a natural part of our democratic process, the level of discord becomes counterproductive and does not serve our community's best interest. It has come to my attention that the integrity of this council has been called into question. I have been informed by multiple people in this community that they received an undisclosed defamatory email originating from this dais that has been launched against me. This act is nothing but a politically motivated strategy that highlights the desperation of those that see the strength of my supporters. My record and character speak for themselves

Lee Walton thanked Mayor and Council for the Fuego Fest that happened last Friday night. It was a positive, encouraging, and diverse event.

Anatavia Benson said on October 28, 2024, a proposal was formally submitted to the City of Fairburn for the development of a gas station at 101 Durham Lake Parkway. While a gas station use is permitted, numerous residents voiced their concerns and in response to the concerns, the developer's attorney consented to review alternative solutions. The Durham Lakes Board subsequently provided contact details and involved their legal team. We understand and share the residents questions and concerns about community health and safety.

Rian Trotter gave James Whitmore his time.

Laurence Bryant – was not present when his name was called.

VIII. Approval of the Minutes:

1. Approval of the minutes: City Council Budget Public Hearing Meeting Minutes of September 8, 2025

Council Member Portis-Jones Hudson made a motion to approve the September 8, 2025, minutes. Mayor Pro Tem Heath provided the second. **The motion carried unanimously.**

IX. Public Hearing:

2. Capital Improvement Element (Impact Fee) – Transmittal

Planning and Zoning Director Denise Brookins presented this item and said the Capital Improvement Element (CIE) is step one of us reviewing the possibility of establishing an Impact Fee program. The Parks Master Plan and the Comprehensive Plan that is currently under review help build toward this document. Impact Fees are fees collected for new development to fund public facilities needed because of growth. There are limitations you can only use for new capacity. They are reviewing two categories, Parks & Recreation and Public Safety.

Council Member Portis-Jones made a motion to open the Public Hearing. Council Member Davis provided the second. **The motion carried unanimously.**

In Favor:

Lee Walton
Ernie Brooks
James Whitmore
Anatavia Benson

In Opposition: No one spoke in opposition.

Council Member Hudson made a motion to close the Public Hearing. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Portis-Jones made a motion to approve a Resolution to transmit the draft Capital Improvements Element (CIE) to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) for mandatory review, as required under the Georgia Development Impact Fee Act. Council Member Davis provided the second.

Mayor Avery asked if there are limitations on what the Impact Fees can be used for.

Paige Hatley with Ross & Associates said regarding limitations, in the draft CIE, that is a project-based document. State law is very prescriptive in terms of how the funds can be spent. They can be collected for public facility categories and spent within those for capital projects. Brick and mortar projects, heavy vehicles that have a service life of at least ten years, and all sorts of Recreation components. It cannot pay to staff additional fire stations that may be needed, and it cannot pay for maintenance projects to replace an aging basketball court. The additional expenditures that are going to be needed to expand services to accommodate a growing population is where impact fees come in as a supplemental funding source.

After discussion, **the motion carried unanimously.**

X. Consent Agenda: None

XI. Regular Agenda:

3. Resolution to Adopt Procedures for the Transfer of Budgeted Funds

City Administrator Tony Phillips said this item is for review and approval of a Resolution establishing procedures for the transfer of education and training budgeted funds between elected officials. During the FY 25-26 proposed budget workshop presentation on August 6th, a request was made from council for staff to establish a process and procedures regarding the transfer of budgeted fund for education and training. This policy follows that directive we received from council.

Council Member Hudson made a motion to deny the Resolution. Council Member Smallwood provided the second.

Council Member Hudson said tonight's council meeting is more than procedure, it is about control. A resolution is being introduced to restrict how council members use their training and professional development budget. This is not about protecting taxpayer dollars, it is about restricting independence and targeting certain members of council. This type of policymaking sets a precedence rather than empowering elected officials to seek training that makes us stronger advocates. One, spoilation of public records by

Mario Avery, who encouraged staff, the Chief of Police, as well as the City Manager to destroy public records during discovery of open litigation. Removal of dedication plaques without council action, misuse of executive session, delayed and withheld documents, retaliation against council members by using procedural rules, unresolved ethics, and misuse of funds by hiring outside attorneys to investigate elected officials without council approval.

Mayor Avery said point of order. Council Member Hudson said you are out of order, I am still within my debate time, you are trying to restrict my voice. No, I have the right to state my position. Mayor Avery asked the city attorney about his point of order. Attorney Rory Starkey said let her finish.

Council Member Hudson said we are not focusing on the business at hand, we are focusing on restricting elected officials. Council Member Smallwood provided me with money to go to a utility conference because you wanted answers about your utility bills. I am embarrassed to sit up here with this council because you look at things that do not matter.

Mayor Avery asked Attorney Starkey to rule on my point of order. Attorney Starkey said yes, there was a motion and second, she had the floor and finished her conversation.

Council Member Davis said in reference to this resolution, during budget season each council member had an increase to \$15,000 in their training and education budget. One of our council members has more money because they are on a national board which calls for additional travel and training. That addition was brought back to council for approval. What I find inappropriate is a council member to go to another council member and increase their budget to almost \$19,000. If you need additional funding, it should come back to council for approval so they can determine if it is beneficial, and I am not saying you may not need additional funds but if you do, it needs to come back to council.

Council Member Smallwood said the City Administrator asked what the funds would be used for, and they submitted an itemized report. Anybody on this dais could have asked him for the money because he works a full-time job and cannot get off to attend training like the other council members, this should not have to come back before council. This should be between the council members.

Council Member Hudson talked about the council member that gets extra funds and said you have not gotten one report from the progress of the council member receiving \$22,000 for the NLC. You are not going to tell me how to use my training budget because it is tracked and traced by our Finance Department. We use Ramp that guides us to upload the receipts and the transaction between Council Member Smallwood, and I was guided through the city administrator's office. Documentation to verify flight, hotel, and per diem was provided per the travel policy.

After much discussion, Council Member Hudson and Council Member Smallwood voted in favor to deny. Mayor Pro Tem Heath, Council Member Davis, and Council Member Portis-Jones voted against denying the Resolution. **The motion to deny failed.**

Council Member Davis made a motion to approve the Resolution for the transfer of budgeted items in Education and Training for Mayor and Council. Council Member Portis-Jones provided the second.

Attorney Starkey said privilege was allowed during the last discussion. There was talk about spoilation of a case that has been settled some time now. I submit respectfully, Council Member Hudson, keep your discussion germane to the motion. I gave you privilege, I allowed it.

Council Member Hudson said duly noted, can we move on.

Attorney Starkey said I am not done, and make sure you follow decorum and do not accuse people of stuff. Council Member Hudson said I did not accuse anyone. Council Members Davis, Portis-Jones said yes you did.

Council Member Hudson said I want the public to see how this council prioritized legislation. Since I have been on council, you have made me the focus and have not worked constructively to pass any policies to improve operations or have conversations that are productive.

Council Member Portis-Jones said she respectfully disagrees with Council Member Hudson's statement and assertion that we have spent the last two years doing nothing. The evidence and facts prove otherwise, there is a lot of positive activity and projects that we have approved happening in this city. We spent two days in a retreat to do a strategic plan for the city. Persons present was Mayor Avery, Council Member Davis, Mayor Pro Tem Heath, and myself. While the other three council members did not see it worth their while to participate, nor did they call out of respect to say they would not be present. They were elected to be a part of this team and the decision-making process. We spent one day to midnight discussing the FY 25-26 budget, six and eight hours, another day for a colleague to say we passed the budget without any questions. We discussed it and posed all the questions, and staff responded. Tonight, we talked about the City of Fairburn's communication plan, is that positive? I think so. We talked about the city's capital improvement element, bringing in another source of revenue, called impact fees. Is that positive, I think so. We are going to hear the City Administrator's report and the Financial Report, is that positive? I think so. To say we do not do nothing, that we are irrelevant is a total misstatement. And my colleague is well known for that.

Council Member Hudson said when it comes down to being productive, you do not sit on the dais for two years and hear your colleague asking for key financial information and do nothing. You do not get to dictate what people do with their time or how they serve in the community. I do not owe you an explanation for where I was and why I was not there because my work is proven in this community. This conversation is about budget

transmittal, everything has been followed with receipts. I do not trust the colleagues on this dais and am embarrassed to be among you because you have allowed so much to go unaddressed.

Mayor Avery said may the work that I have done speak for me and this government as a whole. Other mayors and representatives talk about the positivity that the City of Fairburn has and its employees. I made it clear in the budget discussion that the members of council would decide to allow more than \$15,000. I do not think it is a problem, I was waiting on Council Member Hudson to ask council for extra money if needed but we have not got that request yet. All council members should get the same unless you have circumstances that would allocate additional funding based on the need.

After much discussion, Mayor Pro Tem Heath, Council Member Davis, and Council Member Portis-Jones voted in favor of the Resolution. Council Member Hudson and Council Member Smallwood opposed. **The motion carried.**

4. Water & Sewer – Emergency Repair Ratifications

Utilities Director Derek Hampton presented this item and said we have had four different emergency repairs that required the utilization of a contractor to successfully repair them. Most of the repairs were substantial leaks that had to be repaired by cutting and repairing the streets, and the total for the four locations was \$95,000.

Mayor Pro Tem Heath made a motion to approve to pay GS Construction for emergency repair work in an amount not to exceed \$95,000. Council Member Davis provided the second.

Council Member Hudson said she wanted to know about the capital improvement plan for utilities. Mr. Hampton said he submitted a list of water projects and a separate list of electric capital projects. Council Member Hudson said she requested a copy of the rate analysis and still has not gotten it. Mr. Phillips said it was on the website. When we look at the rate analysis, I want to know where that increase should have started. Mr. Phillips said he would email the rate analysis directly to you, which was approved by council. Mr. Phillips said on the capital improvement discussion, in the budget as approved by council includes fifteen separate capital projects for electricity and four capital projects for water and will email the document to the entire council. ECG did the rate analysis for electricity, and an outside engineering firm did a rate analysis for water.

Council Member Hudson asked where they were with replacing the meters.

Mr. Hampton said they are installing 500 meters this week, which puts them over 50% in electric and water is around 70%. Council Member Hudson asked if there would be a decrease in utility bills with new meters. Mr. Hampton said the new meters are more accurate and they have magnetic field which measures the water going through the meter. Once the system is in place, we will be able to get real-time information.

Council Member Hudson asked for a phase project report as this project rolls out.

Mr. Hampton said this will be included in Mr. Phillips monthly reports. Mr. Phillips said every city administrator's report moving forward each month will have an update on the meter replacement project.

After discussion, **the motion carried unanimously.**

5. Resolution Authorizing the Execution of a Lease Agreement between the City of Fairburn and Buttermilk Biscuit Fairburn LLC for the Train Depot

City Administrator Tony Phillips presented this item and said council previously approved the selection of Buttermilk Biscuit as the vendor for the Train Depot. He said the lease agreement has been reviewed by legal, and it includes paying the rent, property taxes, and maintenance and repairs. The tenant bears much of the maintenance of the property.

Council Member Hudson made a motion to approve the Resolution authorizing the mayor to execute the Commercial Lease Agreement with Buttermilk Biscuit for the Train Depot located at 7 SW Broad Street. Mayor Pro Hem Heath provided the second. **The motion carried unanimously.**

XII. Reports

6. Finance Director Monthly Report

Finance Director Kenneth Abbide presented this item and said revenues exceeded expenditures by \$6.1 million. Year to date the General Fund revenues received \$33.3 million and disbursed \$27.2 million in expenditures. As of August 2025, the city collected 87% of budgeted revenues and spent 71.1% of budgeted expenditures.

The City of Fairburn Enterprise funds for August 2025, the revenues exceeded expenditures by \$1.1 million. Year to date the Enterprise Funds revenues received total \$23.6 million and disbursed \$22.5 million in expenditures. The city collected 79% of budgeted revenues and spent 75% if budgeted expenditures.

Mayor Avery asked what the city's current credit rating was.

Mr. Abbide said the city's credit rating is AA-. Mr. Phillips said when we went through the bond process earlier this year, the bond rating agencies gave us the AA- rating. The concern was the city had gone twelve years without raising its utility rates and they saw that as not being fiscally appropriate. They did not downrate it significantly because by the time they got to the bond process this council implemented a rate increase in December 2023. They noted the process by saying the city is addressing that issue. When he arrived, the Enterprise Fund was in a deficit and was spending more money than it was

making. Largely because the rates had not been adjusted in over a decade and has since then been rectified.

7. City Administrator's Monthly Report

City Administrator Tony Phillips presented a brief summary of the August reports. This report contains a report from every operating department in the city and is posted on the city's website every month. He highlighted a few areas:

- Completed installation of a generator at 102 Howell Avenue
- Communications Department finalized the marketing of the Fall Festival, launched vendor recruitment, expanded social media promotion, and coordinated internal/external outreach
- Economic Development partnered with Airport District Alliance to establish the City of Fairburn's Destination Marketing Organization (DMO)
- Fire Department received a flawless Georgia Firefighter Standards and Training Council audit
- Parks & Recreation continued their forward-leaning programming specifically for seniors and youth and the Pickle Ball team kicked off on August 14th

Council Member Portis-Jones likes the new format and did not see the extensive time and effort of the staff to prepare the FY25-26 budget, which cannot be overstated. Mr. Phillips said departments begin preparing for the budget in May of every year. There are months of work that goes into that before it gets to council. We meet with thirteen departments and go through the budget line by line, staff does the hard work of preparing the budget. He will make a point to ensure that behind the scenes effort is publicly acknowledged because it is significant and it takes a lot of hard work and number crunching. Council Member Portis-Jones asked Mr. Phillips to let staff know how much we appreciate their effort.

XIII. Council Comments:

Mayor Pro Tem Heath said he appreciates to have served sixteen years on council, twenty-five years as a police officer totaling a number of forty-one years of public service. He thanked the residents for giving him the opportunity to serve on city council and announced he was not running for office again.

Council Member Davis congratulated the Fire Department and said we are so proud of you and to keep up the good work.

Council Member Smallwood had no comments.

Council Member Hudson said what we have heard tonight is defense, not accountability. Defense in the face of spoliation is an admission all its own. When records disappear or are destroyed, the law is clear, that is spoliation. When it is excused or explained away instead of corrected is not just bias, it is obstruction. When government chooses to defend itself rather than answer to the public, it proves exactly why trust has been

broken. History will not remember the excuses, it will remember the silence, the missing records, and the refusal to stand in light of accountability. She gave a shout out to Mr. Phillips for his quick response about the serious issue at Magnolia and asked he keep in touch with that resident.

Council Member Portis-Jones congratulated the Fire Department and said they are being consistent with the outstanding service they provide and that is why they receive awards like they did. It is consistent with our ISO rating that our Fire Department has and because of that rating, our homeowners insurance is evaluated to be less costly because of the services they provide.

Mayor Avery reminded the public about the Fall Festival/Parade on October 4th. He congratulated VFW that had a health fair this past weekend at Duncan Park, it was awesome. They had a great Hispanic Heritage concert and thanked staff for the preparation of getting the venue ready, it was a great event. He thanked staff for preparation of the budget, it is not a small feat in the midst of light between inflation and the federal and state guidelines and bills that are being passed.

Attorney Starkey said as a City Attorney, I would remiss if I allow the record to remain as it is. I want to be abundantly clear to each member on this dais as well as to the members of the public. There is no active or closed litigation where the Mayor, the City Administrator, the Police Chief spoiled evidence. There is no record of that. No judge has ever ruled or found, it is a mere allegation. That is what the record shows.

XII: Executive Session:

Council Member Davis made a motion to go into Executive Session to discuss litigation matters. Mayor Pro Tem Heath provided the second. **The motion carried unanimously.**

Council Member Smallwood made the motion to adjourn the Executive Session and reconvene to the regular meeting. Mayor Pro Tem Heath provided the second. **The motion carried unanimously.**

8. Discussion and Vote on Investigation report by outside Law Firm of the verbal outburst during the May 12, 2025, Executive Session

Council Member Davis made a motion to waive attorney/client privilege and release the investigative report of the verbal outburst during the May 12, 2025, Executive Session. Council Member Smallwood provided the second.

Council Member Hudson said for the record, the report that is being made public with the third-party investigator firm by Mullins, this investigation was conducted without approval or vote from council. Which means taxpayer dollars were used and we did not vote on them.

Council Member Hudson opposed, all other council members voted yes. **The motion carried.**

9. Discussion and Vote on the Plan of Defense

Council Member Hudson made a motion to table the Plan of Defense until the October 13th regular scheduled council meeting. Council Member Davis provided the second. **The motion carried unanimously.**

XII. Adjournment:

Council Member Hudson made a motion to adjourn the meeting at 9:50 p.m. Council Member Davis provided the second. **The motion carried unanimously.**

Brenda James, City Clerk

Mario Avery, Mayor



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Curry Bend (Final Plat)

ITEM TYPE: Other

SUBMITTED: 10/02/2025 **WORK SESSION:** N/A **COUNCIL MEETING:** 10/13/2025

DEPARTMENT: Planning & Zoning

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

For the Mayor and City Council to review the final plat for the Curry Bend development.

HISTORY:

The property at 0 Bohannon Road is located adjacent to the Asbury Park Subdivision at Johnson Road and Bohannon Road. It originally encompassed approximately 654.50 acres, which included rural accessory structures, undeveloped woodlands, and wetlands. The parcel at 6560 Bohannon Road also lies within the Bohannon Road corridor and has direct access to Bohannon Road. The subject site totals approximately 3.77 acres and contains a house, a pool, and undeveloped woodlands.

The entire development is zoned PD (Planned Development).

FACTS AND ISSUES:

This requested plat is designed to ensure that each tract corresponds to a designated land use. The total site area for the development is 70.17 acres. Once the required infrastructure is installed, inspected, and approved, the plat will be resubmitted for final approval by the City Council. At that point, the applicant will be authorized to proceed with home construction.

The **Curry Bend subdivision** is planned to include:

- **114 single-family detached homes** (minimum lot size: 4,200 square feet, typical layout provided).
- **125 single-family attached townhomes** (minimum lot size: 2,500 square feet, typical layout

provided).

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Request Mayor and Council approval of the requested final plat for the Curry Bend development.

ATTACHMENTS:

1. Curry Bend Final Plat Staff Report Package_MCC

SITE PICTURES



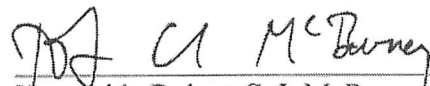
0 Bohanon Road, at the entrance to
Asbury Park, at the intersection of
Johnson Road and Seneca Road



The entrance to 6560
Bohannon Road

City of Fairburn for reconsideration and the City is ordered to rezone the Subject Property, with its two (2) concurrent use permits and its two (2) concurrent variances and approve the Development Plan as referenced in the General Mutual Release and Settlement Agreement attached as Exhibit A to this Order, within sixty (60) days of the entry of this Final Consent Judgment and Order.

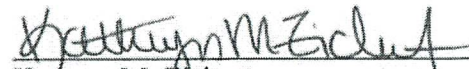
SO ORDERED, this 6th day of JULY, 2022.


Honorable Robert C. I. McBurney
Fulton County Superior Court
Atlanta Judicial Circuit

Prepared by and Consented to:


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GENERAL MUTUAL RELEASE AND SETTLEMENT AGREEMENT

This General Mutual Release and Settlement Agreement (hereinafter the "Agreement") is made and entered into this 13th day of June, 2022, by and among Bartow Properties, LLC, DRB Group Georgia, LLC (hereinafter collectively referred to as "Plaintiffs") and the City of Fairburn, Georgia and Tarika Peeks, Director of Planning and Zoning in her official capacity (hereinafter collectively referred to as "Defendants").

WHEREAS, Plaintiff Bartow Properties, LLC owns 70.17 acres of land (hereinafter "Subject Property") that is zoned to the PD (Planned Development) zoning district within the City of Fairburn, Georgia, as described in the legal description attached as Exhibit A;

WHEREAS, on May 7, 2021, and at the direction of the City, Plaintiff DRB Group Georgia, LLC, the potential purchaser of part of the Subject Property, filed a rezoning application as Rezoning Number 2021103 with Concurrent Use Permit Numbers 2021113 and 2021114 and Concurrent Variances 2021110 and 2021111, along with the Development Plan, pursuant to City of Fairburn Zoning Ordinance, Section 80-87(e) seeking to rezone the Subject Property to the PD (Planned Development) zoning district, as per Exhibit B attached and incorporated by reference;

WHEREAS, on August 23, 2021, the governing body of the City of Fairburn, in its legislative discretion, denied the rezoning application, along with the concurrent use permits and concurrent variances, as well as the Development Plan required for PUD developments;

WHEREAS, on September 21, 2021, Bartow Properties, LLC and DRB Group Georgia, LLC, filed a lawsuit in the Superior Court of Fulton County, Georgia styled as Civil Action No. 2021CV354860 (hereinafter the "Action") asserting certain claims at both law and equity concerning the City's final zoning decision regarding the Subject Property;

WHEREAS, pursuant to O.C.G.A. § 9-11-4(d)(3) and O.C.G.A. § 9-11-4(d)(5), on November 24, 2021, Defendants filed an Answer in the Action;

WHEREAS, the Plaintiffs and the Defendants herein mutually desire and agree to settle, without further court intervention, any and all claims, allegations, demands, disputes, damages, rights or causes of action, and lawsuit(s), whether known or unknown, now existing or that might arise in the future, directly or indirectly, of whatever kind or nature, against each other both jointly and severally concerning the Action and the factual circumstances set forth therein and anything relating, directly or indirectly, expressly or impliedly, thereto;

WHEREAS, the parties herein mutually agree that this settlement fully and finally satisfies any and all claims and counts asserted in the Action;

NOW, THEREFORE, in consideration of the mutual promises and releases set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Conditions of Approval

Should the City exercise its authority to approve the Development Plan, then the City of Fairburn Zoning Ordinance and the official zoning maps established in connection therewith shall be changed so that the property located in the City of Fairburn as indicated on Exhibit "A" to this

Ordinance be changed from PD (Planned Development) Zoning District to PD (Planned Development) Zoning District with two concurrent use permits, 2021113 and 2021114 and two concurrent variances, 2021110 and 2021111, subject to the following conditions:

A. To restrict the use of the Subject Property as follows:

1. Single-family detached lots:

- a. Up to 114 lots shall have a minimum lot square footage of 4,200 square feet.
- b. The minimum heated floor area of each home shall be a minimum of 1,700 square feet.

2. Townhouse units:

- a. 126 units shall have a minimum lot size of 2,500 square feet and no building shall contain more than eight (8) units.
- b. The minimum heated floor area of each townhouse shall be a minimum of 1,500 square feet.

3. Commercial:

- a. Permitted uses under C-1 (Neighborhood Commercial)
- b. Permitted uses under C-2 (General Commercial) except liquor stores, car/truck rental or sale/leasing, auto repair/tire/body shop, auto supply store, parking lot/garage, recycling center, gasoline service stations, and funeral services are specifically prohibited.

4. Convalescent center/nursing home/hospice and personal care home/assisted living/hospice facility.

- a. Not to exceed seventy (70) bedrooms or 210 beds in the facility.
- b. Provide applicable local, state and federal regulations and permits to the Community Development/Building Department prior to the issuance of certificate of occupancy.

B. To abide by the following:

1. The Subject Property shall be developed in conformity with the Development Plan prepared by Moore Bass and as approved by City Council on June 13, 2022. The Development Plan, attached as Exhibit B, shall become the zoning control document for features and development standards depicted on the plan as it relates to the Subject Property described in Exhibit A. Any deviation from the Development Plan shall be approved by the Director of Planning and Zoning.
2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance (exterior and yard)* shall encompass all individual townhome units and all common areas that are contained within the boundaries of the townhome area. Property maintenance for the single-family detached units shall be accomplished by the individual property owners with the exception of common areas to be maintained by a homeowner's association. A 6% rental cap shall be included in the detached units' by laws and a 6% rental cap shall be included in the attached units' by-laws. Such association by-laws shall be subject to review by the City Administrator and shall be recorded with covenants that also shall be subject to review by the City Administrator.

* de
6-29-22
LC
HME

C. To the following site development considerations:

1. Building setbacks for the single-family lots are as follows:
 - a. Front: 20 feet
 - b. Side: 5 feet
 - c. Rear: 25 feet
2. Building setbacks for the townhouse units are as follows:
 - a. Front: 20 feet
 - b. Side: 0 feet
 - c. Rear: 18 feet
 - d. Separation between buildings: 15 feet
3. Building setbacks for the commercial use are as follows:
 - a. Front: 30 feet
 - b. Side: 25 feet
 - c. Rear: 25 feet
4. Building setbacks for the personal care/assisted living/hospice use are as follows:
 - a. Front: 30 feet
 - b. Side: 25 feet
 - c. Rear: 25 feet
5. Minimum lot widths as follows:
 - a. Single-family lot width shall be forty-two (42) feet
 - b. Townhouse lot width shall be twenty-five (25) feet
 - c. Commercial lot width shall be eighty (80) feet
 - d. Convalescent center/nursing home/hospice/ Personal care/assisted living/hospice lot width shall be eight (80) feet.
6. Amenity package to include a pool with cabana, passive recreation parks, dog park(s), walking trail system, greenspace, playground, and mail kiosk (CBU).
7. Facades of the detached units and attached units shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick, and/or stone. The use of vinyl, stucco or EIFS (synthetic stucco) is strictly prohibited. At least 25% of the front façades shall consist of brick or stone. No lot shall contain a single-family unit that is identical to that of an adjacent lot.
8. Two-car garages shall be provided for each single-family house and townhouse unit. Upgraded garage doors with architectural elements shall be utilized.
9. Sidewalks on all street frontages shall be a minimum of five-feet in width and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and the City of Fairburn development standards. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to amenity areas.

10. Pedestrian scale street lighting shall be provided along both sides of internal streets throughout the development.
11. All utilities shall be installed underground throughout the development area.
12. The Developer shall conduct a traffic study and submit the study to the Community Development Department prior to the issuance of the land disturbance permit.
13. Turning lanes may be required to meet projected traffic demand and/or safe operations, as determined by the City Engineer and/or traffic study. When provided, turning lanes shall meet the following criteria:
 - a. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified.
14. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
15. The Developer shall install a canopy or understory tree in the front yard of each single-family lot. The front and rear yards of the single-family lots and townhouse units shall be sodded.
16. Fencing of at least six (6) feet shall be installed along the outer perimeter of the tracts designated for commercial and institutional uses adjacent to residentially used properties to maximize screening and sound remediation.
17. A 50-foot undisturbed vegetated buffer shall be installed to provide a visual buffer between the commercial use and residentially used properties. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Eastern Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly. In addition to tree planting, a vegetated earthen berm shall be installed to screen the commercial use from the view of adjacent residents as much as reasonably possible.
18. A 25-foot undisturbed vegetated buffer shall be installed to provide a visual buffer between the adjacent property and personal care home/assisted living/hospice facility. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Eastern Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly, depending upon availability. If unavailable comparable trees of like size will be planted. In addition, a berm shall be installed to screen the facility from the view of the adjacent lot as much as reasonably possible.

19. Lighting on the exterior of the commercial and institutional used properties shall be directed downward and internal to the subject property.
20. Roof-mounted equipment of the commercial and institutional used properties shall be located and/or screened to minimize visibility from public streets and surrounding residentially used properties.
21. The front façade of the commercial and institutional used buildings shall be all brick material. The use of stucco or EIFS (synthetic stucco) is prohibited. Burglar bars, steel gates, metal awnings, and steel roll-down curtains are prohibited.
22. Refuse areas (dumpsters) shall be placed in the least visible location from the public streets and shall be enclosed on three (3) sides with brick similar to the brick used on the front façade of the building.
23. A standard sign package shall be created for the entire project. Internal sign lighting shall be prohibited.

2. Concurrent Use Permits

That the granted concurrent use permits shown as 2021113 & 2021114 are subject to the following conditions:

1. Convalescent center/nursing home/hospice and personal care home/assisted living/hospice facility.
 - a. Not to exceed seventy (70) units or 210 beds in the facility, whichever is greater.
 - b. Provide applicable local, state, and federal regulations and permits to the Community Development/Building Department prior to the issuance of a certificate of occupancy.

3. Concurrent Variances

That the granted concurrent variances shown as 2021110 and 2021111 are subject to the following conditions:

1. Variance 2021110 - A variance from Section 80-206(5) to allow parking in the minimum front yard setback [Chapter 80 Zoning, Article, Article II, Section 80-206(5) – Convalescent center/nursing home/hospice; Section 80-224(4) – Personal care home/assisted living].
2. Variance 2021111 - A variance from Section 80—224(3) to reduce the side yard setback from 50' to 25' [Personal care home/assisted living].

4. Resolution of Action

For and in exchange for the promises, agreements and obligations of Defendants under this agreement, Plaintiffs agree to the entry of a consent judgment in a form attached hereto as Exhibit C in the Action.

5. Mutual Release by the Parties

Release by Plaintiffs

For and in consideration of the mutual promises and agreements contained herein, Plaintiffs hereby release, acquit and forever discharge the City of Fairburn, Georgia and Tarika Peeks, Director of Planning and Zoning, in her official capacity, and their agents, servants, employees, executors, administrators, personal representatives, heirs, successors, insurers, members, shareholders, equity owners and attorneys from any and all past or present claims, demands, obligations, actions, causes of action, rights, damages, costs, losses of service and any other claims arising from or involved in the Action, whether sounding in tort, contract, civil rights, or other theory of recovery, which Plaintiffs now have or had, or which may accrue up through and including the date upon which this Agreement is executed by Plaintiffs, including, but not limited to, those claims on account of or related to the allegations involved in the Action, which have resulted, or may result, from any alleged acts or omissions of Plaintiffs prior to the date of the execution of this Agreement, including but not limited to, any claims for delay or other damages as a result of Plaintiffs being unable to begin work on the Subject Property as a result of the Action or otherwise. This General Mutual Release and Settlement Agreement shall be binding upon Plaintiffs and their heirs, administrators, executors, assigns and successors.

Release by Defendants

For and in consideration of the mutual promises and agreements contained herein, Defendants hereby release, acquit and forever discharge Plaintiffs Bartow Properties, LLC and DRB Group Georgia, LLC and their agents, servants, employees, executors, administrators, personal representatives, heirs, successors, insurers, members, shareholders, equity owners and attorneys from any and all past or present claims, demands, obligations, actions, causes of action, rights, damages, costs, losses of service and any other claims arising from or involved in the Action, whether sounding in tort, contract, civil rights, or other theory of recovery, which Defendants now have or had, or which may accrue up through and including the date upon which this Agreement is executed by Defendants, including, but not limited to, those claims on account of or related to the allegations involved in the Action, which have resulted, or may result, from any alleged acts or omissions of Defendants prior to the date of the execution of this Agreement. This General Mutual Release and Settlement Agreement shall be binding upon Defendants and their heirs, administrators, executors, assigns and successors.

6. Denial of Liability

This General Mutual Release and Settlement Agreement shall not be deemed to be an admission of liability by any party to this Agreement. Rather, this Agreement is being executed in good faith to end the legal differences between the parties.

7. Complete Agreement

This Agreement contains the entire agreement of the parties in regard hereto, and no waiver, modification, or amendment of this Agreement shall be valid unless it is in writing and signed by the parties hereto. All prior and contemporaneous representations, promises and inducements are merged herein.

8. Enforceability of this Agreement

Notwithstanding anything herein to the contrary, each party shall have the right to enforce this Agreement, and each of its terms or conditions. Such right of enforcement shall include the

right to seek an injunction for specific performance and or damages resulting from the breach of this Agreement. The parties further acknowledge that the City of Fairburn may enforce all terms of this Agreement through its development review and permitting process.

9. Full Accord, Satisfaction and Final Compromise and Settlement

This Agreement shall constitute a full accord, satisfaction and final compromise and settlement of the disputes between the parties contained in or related to the Action.

10. Severability

The parties intend for this Agreement to be severable, and if any provision shall be construed to be illegal or invalid for any reason, such illegal or invalid part of this Agreement shall not affect the legality or validity of the other provisions.

11. Capacity and No Reliance

The parties and the signatories hereto hereby represent and warrant that they have full capacity to execute this agreement and to bind the entities for which they are executing this agreement (where applicable). The parties further represent and acknowledge that in executing this Agreement, they do not rely upon, and have not relied upon any representations or statements made by any other party or by any other parties' agents, representatives or attorneys with regard to the subject matter, basis or effect of this Agreement except as may be specifically contained herein. The parties further represent and warrant that they have not heretofore assigned or transferred or purported to assign or transfer to any person or entity any claim or any portion thereof of interest therein any claim related to the Action or this Agreement.

12. Headings

All captions, headings, sections and subsection numbers and similar reference items contained herein are solely for the purpose for facilitating reference to this Agreement and shall not supplement, limit or otherwise vary in any respect, the text of this Agreement.

13. Governing Law

This Agreement is made and entered into in the State of Georgia and shall in all respects be interpreted, enforced and governed in accordance with the laws of the State of Georgia.

14. Notices

Any notices required or permitted to be given hereunder shall be sufficient if in writing and sent by personal delivery, overnight mail, such as Federal Express, or by First Class United States Mail, postage prepaid, to the party being given such notice, with copies where designated, at the following address:

If to Plaintiffs:

Kathryn M. Zickert, Esq.
Dennis J. Webb Jr., Esq.
SMITH GAMBRELL & RUSSELL, LLP
1105 West Peachtree Street, NE

Suite. 1000
Atlanta, GA. 30309

If to Defendant:

Rory K. Starkey, Esq.
Hilliard Starkey Law
561 Thornton Road
Suite G
Lithia Springs, GA. 30122

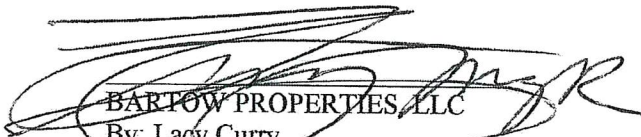
15. Counterparts

This Agreement may be executed in one or more counterpart, each of which shall be deemed an original, but all shall constitute one and the same Agreement, provided, however, this Agreement shall not be effected until executed by all parties.

WHEREFORE, this General Mutual Release and Settlement Agreement is hereby agreed to by all parties, and such parties consent to this agreement being affirmed by their signatures being placed heretofore.

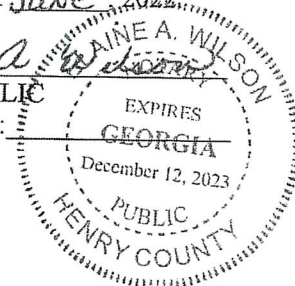
IN WITNESS WHEREOF, the undersigned have affixed their respective hands and seals this 22 day of June, 2022.

Affirmed and Agreed to by this 22 day of JUNE, 2022:

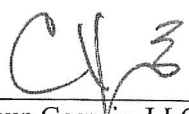

BARTOW PROPERTIES, LLC
By: Lacy Curry
Title: Manager

Sworn to and subscribed before me,
this 22 day of June, 2022.

Elaine A. Wilson
NOTARY PUBLIC
My seal expires:

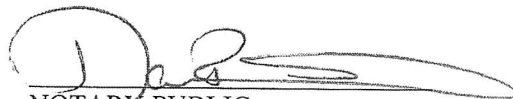


Affirmed and Agreed to by this 29 day of June, 2022:



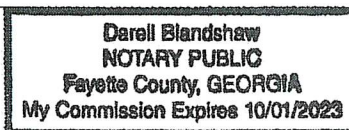
DRB Group Georgia, LLC
By: Christopher Knight
Title: Vp

Sworn to and subscribed before me,
this 29 day of June, 2022.



NOTARY PUBLIC

My seal expires: _____



Affirmed and Agreed to by this 11 day of July, 2022:

MARIO AVERY
CITY OF FAIRBURN
BY: MARIO AVERY
TITLE: MAYOR

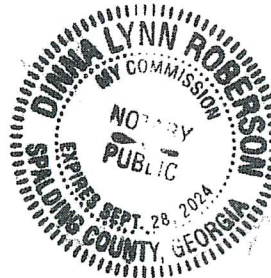
Sworn to and subscribed before me,
this 11th day of July, 2022.

Dinna Lynn Roberson
NOTARY PUBLIC
My seal expires: 9-28-24

ATTESTED TO BY:

Kathryn M. Zickert
Kathryn M. Zickert, Esq.
Ga Bar No. 785040
Attorney for Plaintiffs

Rory K. Starkey
Rory K. Starkey, Esq.
Ga Bar No. 676450
Attorney for Defendants





CITY OF FAIRBURN

Planning & Zoning Department

Subdivision Plat/ Plan Review- Submittal Form

Submittal Date: July 24, 2025

Deadline: August 4, 2025

(Minimum 5 weeks prior to P & Z Commission meeting)

PROJECT INFORMATION

Project Name: Curry Bend

Address/Location of Project: Bohannon Road & 6560 Bohannon Rd., Palmetto, GA 30268

Access to Property: Bohannon Road & Seneca Rd

Tax Parcel ID #: 07400001632170 & 07400001800462 Size of Project: 70.77 AC

Zoning: PD No. of Lots (if applicable): 5?

Zoning & Use of Adjacent Properties: _____

Narrative/ Description for use of property/project (attach additional pages as necessary to provide greater detail):

Per the approved zoning conditions and preliminary plat for this project, there are 3 uses for this development. 1) Residential (TH & SF development to be sold to and constructed by DRB Group Georgia, LLC), 2) Commercial (Future use restricted to C-1 or C-2 and to retain ownership and be constructed by Bartow Properties LLC), 3) Assisted Living Facility (to retain ownership and be constructed by Bartow Properties LLC). As such, this application is to subdivide the property so that each use can be tied to its own parcel.

CONTACT INFORMATION

Company Name: DRB Group Georgia, LLC & Bartow Properties LLC

Contact Person: Cameron Heath

Mailing Address: 55 Ivan Allen Jr. Blvd. Ste 400., Atlanta, GA 30308

Phone: 770-471-4751 ext. 6589

Fax: _____

Email Address: cheath@drbgroup.com

UTILITY SERVICE PROVIDERS

Water: City of Atlanta Sewer: Fulton County

Electric: Greystone Power

Gas: Atlanta Gas Light Cable: AT&T

Other: _____

<u>Concept Plat</u>	<u>Preliminary Plat</u>	<u>Construction Plans</u>	<u>Final Plat</u>	<u>If Applicable-Landscape Plan</u>
☐ 1 st Submittal \$440 + \$3/lot ☐ Resubmittal*	☐ 1 st Submittal \$460 + \$4/lot ☐ Resubmittal*	☐ 1 st Submittal \$600 + \$8/lot ☐ Resubmittal*	☒ 1 st Submittal \$300 + \$3/lot ☐ Resubmittal*	☐ 1 st Submittal \$400 + \$5/lot ☐ Resubmittal*
7 Copies- Staff Routes to: ____ Building/Prop. Manager ____ Engineer ____ Landscape Architect ____ Comm. Dev. Director ____ Fire Marshal ____ Planning & Zoning ____ Water & Sewer	7 Copies- Staff Routes to: ____ Building/Prop. Manager ____ Engineer ____ Landscape Architect ____ Comm. Dev. Director ____ Fire Marshal ____ Planning & Zoning ____ Water & Sewer	7 Copies- Staff Routes to: ____ Building/Prop. Manager ____ Engineer ____ Landscape Architect ____ Comm. Dev. Director ____ Fire Marshal ____ Planning & Zoning ____ Water & Sewer	7 Copies- Staff Routes to: ____ Building/ Prop. Manager ____ Engineer ____ Landscape Architect ____ Comm. Dev. Director ____ Fire Marshal ____ Planning & Zoning ____ Water & Sewer	2 Copies- Staff Routes to: ____ Engineer ____ Landscape Architect

** Resubmittals- Each subsequent resubmittal will incur a fee of \$200.*

Q:\A010.0053\Survey\Record\Part\A010.0053-MNR-SD.dwg (CP3) .dwg Sep 19, 2025 - 11:23:58am

THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT
RECORDING INFORMATION.

DEVELOPMENT SUMMARY (FROM PRELIMINARY PLAT)

PERMIT NUMBER:	2022153PP
SITE SUMMARY:	
PARCELS:	07 40001632170 07 40001800462
ZONING:	PD
SITE AREA:	70.17 ACRES
PROPOSED LAND USES:	
SINGLE FAMILY	
DETACHED RESIDENTIAL:	114 UNITS
MIN. LOT SIZE:	4200 SQ. FT.
SETBACKS:	
FRONT:	20 FT.
REAR:	25 FT.
SIDE:	5 FT.
RESIDENTIAL TOWNHOMES:	125 UNITS
MIN. LOT SIZE:	2600 SQ. FT.
SETBACKS:	
FRONT:	20 FT.
REAR:	18 FT.
SIDE:	0 FT.
BUILDING SEPARATION:	15 FT.
COMMERCIAL:	+/- 1 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
REAR:	25 FT.
SIDE:	25 FT.
ASSISTED LIVING:	+/- 3 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
REAR:	25 FT.
SIDE:	25 FT.
PARKING SUMMARY:	
TOTAL PARKING PROVIDED:	525 SPACES
SINGLE-FAMILY:	228 SPACES
TN:	250 SPACES
GUEST:	27 SPACES
AMENITY:	20 SPACES
INTERNAL STREETSCAPE:	MIN. 50' ROW
- 28' ROADWAY BOC TO BOC	
- 5' LANDSCAPE STRIP	+/- 22.13 AC.
- 5' SIDEWALK	+/- 8.23 AC.
- 1' GRASS STRIP BEHIND SIDEWALK	+/- 1.54 AC.
IMPERVIOUS AREA:	
TOTAL VEHICULAR AREA:	
TOTAL VEHICULAR LANDSCAPED AREA:	
UTILITIES:	
WATER:	CITY OF FAIRBURN
SEWER:	FULTON COUNTY
POWER:	GEORGIA POWER

SURVEY NOTES

NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.

ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1" REBAR PLACED W/CAP L5F 001179 UNLESS OTHERWISE NOTED.

MOORE BASS CONSULTING AND/OR ROBERT J. DEBIEN DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT WAS BEING PROPERLY SEALED, SIGNED, AND DATED BY ROBERT J. DEBIEN IN CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.

THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.

THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983(1984 ADJUSTMENT) FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DISTANCES AND BASED ON THE POSITIONAL VALUES FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY EGCS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID A12.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 66,384 FEET, AND AN ANGULAR ERROR OF 01" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

TRACT 1:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 113,137 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 2:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 121,628 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 3:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 375,828 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 4:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,340,672 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 5:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,445,738 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

ALL LOTS OR PARCELS SHOWN ON LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE S6 ROBOTIC TOTAL STATION & CHAMPION TKO ROVER GPS UNIT. THE FIELDWORK WAS COMPLETED NOVEMBER 1ST, 2023 ON THIS PROJECT.

MINOR SUBDIVISION PLAT: BOHANNON ROAD TRACTS LAND LOTS 163 & 180 ~ 7TH DISTRICT FULTON COUNTY, GEORGIA LAND LOT 145 ~ 7TH DISTRICT FAYETTE COUNTY, GEORGIA

REFERENCES

- CERTIFICATE TITLE BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT DATE MARCH 26TH, 2021, FULTON COUNTY RECORDS & MARCH 19TH, 2021, FAYETTE COUNTY RECORDS.
- LEGAL DESCRIPTIONS OF TRACT OR PARCEL OF LAND, DEED BOOK 2245, PAGE 865-668, FAYETTE COUNTY RECORDS, DATED: JULY 9TH 2003
- LEGAL DESCRIPTIONS OF TRACT OR PARCEL OF LAND, DEED BOOK 57335, PAGE 567-569, FULTON COUNTY RECORDS, DATED: MARCH 26TH, 2021

FLOOD NOTE

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA COMMUNITY PANEL NUMBER: 131210463F EFFECTIVE DATE SEPTEMBER 18TH, 2013, THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD ZONE.

SURVEY CERTIFICATE

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

ROBERT J. DEBIEN
REGISTERED LAND SURVEYOR #2964 (rdebien@moorebass.com)

9/19/25
DATE:

SURVEY CERTIFICATE

TO DRB GROUP GEORGIA, LLC, A DELEWARE LIMITED LIABILITY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6 (a), 8, 10, 11, 13, 14, 16, 18 and 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON NOVEMBER 1ST, 2023.

ROBERT J. DEBIEN
REGISTERED LAND SURVEYOR #2964

9/19/25
DATE:

CITY OF FAIRBURN APPROVAL

THIS FINAL PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE APPROVED CONCEPT PLAT, THE APPROVED PRELIMINARY PLAT, THE APPROVED CONSTRUCTION PLANS, AND THE OTHER DEVELOPMENT CODES AND ORDINANCES OF THE CITY, AND HAS BEEN APPROVED BY THE CITY FOR RECORDING IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FULTON COUNTY.

CITY ENGINEER:

DATE:

CITY CLERK:

DATE:

MAYOR/CITY ADMINISTRATOR:

DATE:

LEGAL DESCRIPTIONS (TRACT 1, 2 & 3)

TRACT 1:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 163 OF THE 7TH DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 0.61 ACRES (26,434 SQ. FT.), AS SHOWN ON MINOR SUBDIVISION PLAT OF BOHANNON ROAD TRACTS FOR DRB GROUP GEORGIA, LLC, PREPARED BY MOORE BASS CONSULTING, INC., DATED FEBRUARY 1ST, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR SET AT INTERSECTING RIGHT-OF-WAY WESTERN CREEKWOOD ROAD (60' RIGHT-OF-WAY) AND NORTHERN JOHNSON ROAD (60' RIGHT-OF-WAY), SAID REBAR BEING THE **POINT OF BEGINNING**.

THENCE LEAVING RIGHT-OF-WAY OF CREEKWOOD ROAD (60' RIGHT-OF-WAY) THENCE ALONG JOHNSON ROAD (60' RIGHT-OF-WAY) ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 398.36 FEET (SAID ARC HAVING A RADIUS OF 847.31 FEET AND BEING SUBTENDED BY A CHORD BEARING N60°17'00"W, WITH A CHORD DISTANCE OF 385.67 FEET) TO A 1/2" REBAR SET; THENCE LEAVING SAID RIGHT-OF-WAY S88°39'05"E, A DISTANCE OF 347.11 FEET TO A 1/2" ROD FOUND ON WESTERN RIGHT-OF-WAY OF CREEKWOOD ROAD (60' RIGHT-OF-WAY), THENCE ALONG SAID RIGHT-OF-WAY S01°01'39"W, A DISTANCE OF 188.00 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

TRACT 2:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 163 OF THE 7TH DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 1.01 ACRES (43,897 SQ. FT.), AS SHOWN ON MINOR SUBDIVISION PLAT OF BOHANNON ROAD TRACTS FOR DRB GROUP GEORGIA, LLC, PREPARED BY MOORE BASS CONSULTING, INC., DATED FEBRUARY 1ST, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

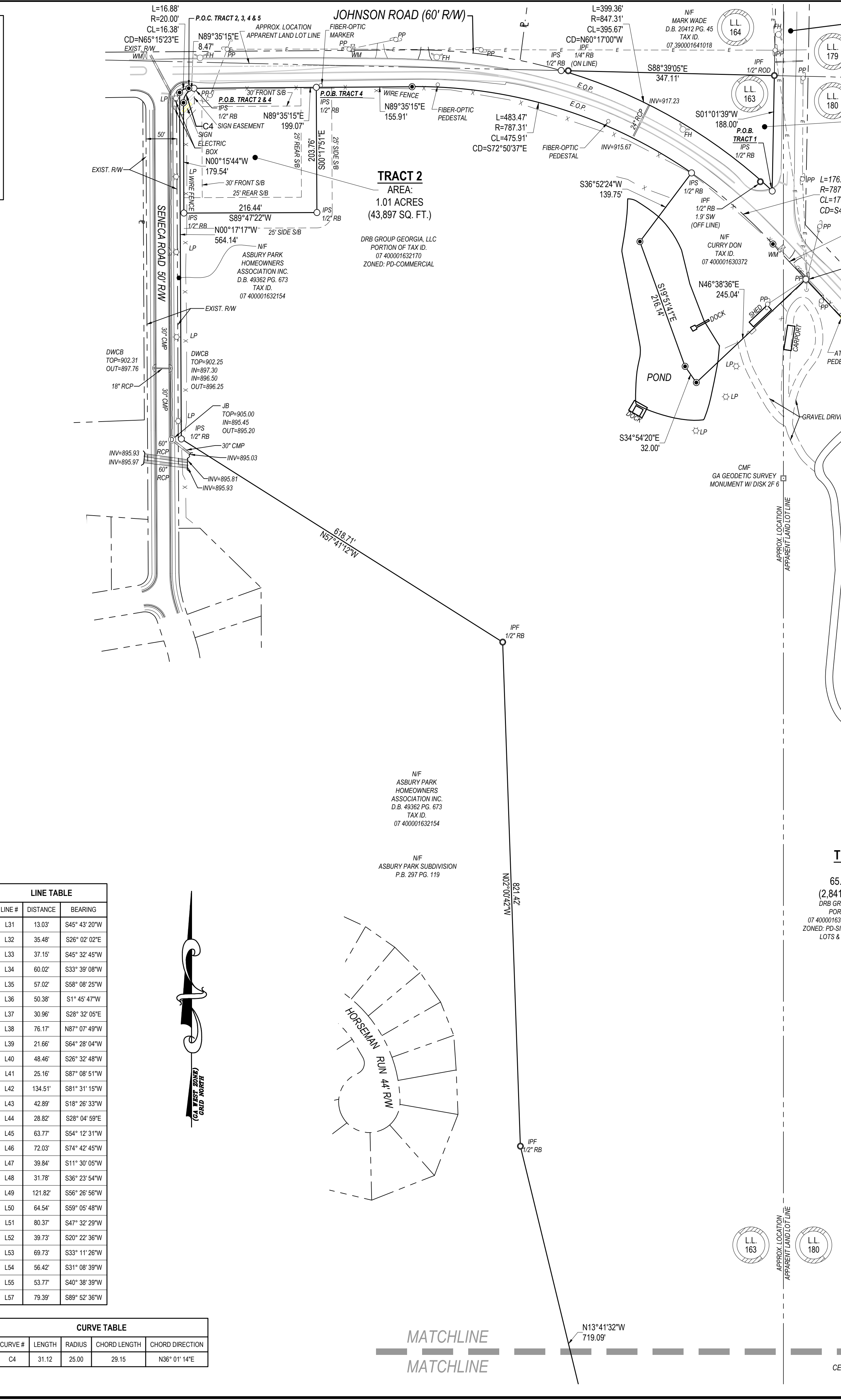
COMMENCING AT A POINT ON INTERSECTING RIGHT-OF-WAYS OF EASTERN RIGHT-OF-WAY OF SENECA ROAD (60' RIGHT-OF-WAY) & SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) THENCE LEAVING SENECA ROAD (60' RIGHT-OF-WAY) AND ALONG SAID SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' R/W) N89°35'15"E, A DISTANCE OF 8.47 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **POINT OF BEGINNING**.

THENCE LEAVING RIGHT-OF-WAY OF SENECA ROAD (60' RIGHT-OF-WAY) AND ALONG SAID SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' R/W) N89°35'15"E, A DISTANCE OF 199.07 FEET TO A 1/2" REBAR SET; THENCE LEAVING SAID RIGHT-OF-WAY S00°17'51"E, A DISTANCE OF 203.76 FEET TO A 1/2" REBAR SET; THENCE S89°47'22"W, A DISTANCE OF 216.44 FEET TO A 1/2" REBAR SET; THENCE N00°15'44"W, A DISTANCE OF 178.34 FEET TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 31.12 FEET (SAID ARC HAVING A RADIUS OF 26.00 FEET AND BEING SUBTENDED BY A CHORD BEARING S38°01'14"W, WITH A CHORD DISTANCE OF 29.15 FEET) TO A 1/2" REBAR SET ON EASTERN RIGHT-OF-WAY OF SENECA ROAD (60' R/W) & SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY), SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

TRACT 3:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 180 OF THE 7TH DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 3.91 ACRES (170,309 SQ. FT.), AS SHOWN ON MINOR SUBDIVISION PLAT OF BOHANNON ROAD TRACTS FOR DRB GROUP GEORGIA, LLC, PREPARED BY MOORE BASS CONSULTING, INC., DATED FEBRUARY 1ST, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON INTERSECTING RIGHT-OF-WAYS OF EASTERN RIGHT-OF-WAY OF SENECA ROAD (60' RIGHT-OF-WAY) & SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) THENCE LEAVING SENECA ROAD (60' RIGHT-OF-WAY) AND ALONG SAID SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES N89°35'15"E, A DISTANCE OF 8.47 FEET TO A 1/2" REBAR SET; THENCE N89°35'15"E, A DISTANCE OF 199.07 FEET TO A POINT, THENCE N89°35'15"E, A DISTANCE OF 155.81 FEET TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 483.47 FEET (SAID ARC HAVING A RADIUS OF 787.31 FEET AND BEING SUBTENDED BY A CHORD BEARING S72°50'37"E, WITH A CHORD DISTANCE OF 176.04 FEET) TO A 1/2" REBAR SET; THENCE S89°47'22"W, A DISTANCE OF 216.44 FEET TO A 1/2" REBAR SET; THENCE N00°15'44"W, A DISTANCE OF 178.34 FEET TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 31.12 FEET (SAID ARC HAVING A RADIUS OF 26.00 FEET AND BEING SUBTENDED BY A CHORD BEARING S38°01'14"W, WITH A CHORD DISTANCE OF 29.15 FEET) TO A 1/2" REBAR SET ON EASTERN RIGHT-OF-WAY OF SENECA ROAD (60' R/W) & SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY), THENCE LEAVING SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) AND ALONG SAID RIGHT-OF-WAY OF SOUTHERN BOHANNON ROAD (60' RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 78.35 FEET (SAID ARC HAVING A RADIUS OF 30,636.61 FEET AND BEING SUBTENDED BY A CHORD BEARING S43°05'52"E, WITH A CHORD DISTANCE OF 78.35 FEET) TO A 1/2" REBAR SET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 233.64 FEET (SAID ARC HAVING A RADIUS OF 30,636.61 FEET AND BEING SUBTENDED BY A CHORD BEARING S42°46'22"E, WITH A CHORD DISTANCE OF 233.64 FEET) TO A POINT, THENCE S42°46'22"E, A DISTANCE OF 130.20 FEET TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 181.45 FEET (SAID ARC HAVING A RADIUS OF 1,434.33 FEET AND BEING SUBTENDED BY A CHORD BEARING S48°23'11"E, WITH A CHORD DISTANCE OF 181.33 FEET) TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 144.32 FEET (SAID ARC HAVING A RADIUS OF 1,045.84 FEET AND BEING SUBTENDED BY A CHORD BEARING S59°33'02"E, WITH A CHORD DISTANCE OF 144.21 FEET) TO A 3/4" OPEN TOP PIPE SET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 261.61 FEET (SAID ARC HAVING A RADIUS OF 1,045.84 FEET AND BEING SUBTENDED BY A CHORD BEARING S70°40'12"E, WITH A CHORD DISTANCE OF 260.93 FEET) TO A 1/2" REBAR SET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 104.49 FEET (SAID ARC HAVING A RADIUS OF 1,045.84 FEET AND BEING SUBTENDED BY A CHORD BEARING S89°41'54"E, WITH A CHORD DISTANCE OF 104.44 FEET) TO A POINT, THENCE S89°33'38"E, A DISTANCE OF 50.41 FEET TO A POINT, THENCE LEAVING SAID RIGHT-OF-WAY S00°07'24"E, A DISTANCE OF 538.91 FEET TO A POINT ON THE CENTERLINE OF A CREEK, THENCE ALONG SAID CENTERLINE OF CREEK THE FOLLOWING COURSES AND DISTANCES S33°15'22"W, A DISTANCE OF 60.72 FEET TO A POINT, THENCE S70°19'57"W, A DISTANCE OF 140.91 FEET TO A POINT, THENCE S85°08'51"E, A DISTANCE OF 51.18 FEET TO A POINT, THENCE N32°20'34"W, A DISTANCE OF 19.48 FEET TO A POINT, THENCE N37°07'08"E, A DISTANCE OF 28.17 FEET TO A POINT, THENCE N42°35'37"W, A DISTANCE OF 51.37 FEET TO A POINT, THENCE S79°19'22"W, A DISTANCE OF 72.40 FEET TO A POINT, THENCE N88°12'22"W, A DISTANCE OF 68.73 FEET TO A POINT, THENCE S89°52'38"W, A DISTANCE OF 78.39 FEET TO A POINT, THENCE S02°39'04"E, A DISTANCE OF 52.51 FEET TO A POINT, THENCE S25°59'20"W, A DISTANCE OF 64.95 FEET TO A POINT, THENCE N81°58'03"W, A DISTANCE OF 46.86 FEET TO A POINT, THENCE S56°44'49"W, A DISTANCE OF 60.56 FEET TO A POINT, THENCE S41°08'24"W, A DISTANCE OF 91.45 FEET TO A POINT, THENCE N07°10'30"W, A DISTANCE OF 27.40 FEET TO A POINT, THENCE S24°08'22"W, A DISTANCE OF 97.85 FEET TO A POINT, THENCE S85°39'05"W, A DISTANCE OF 21.22 FEET TO A POINT, THENCE S26°24'44"W, A DISTANCE OF 53.19 FEET TO A POINT, THENCE S77°30'57"W, A DISTANCE OF 103.82 FEET TO A POINT, THENCE S37°18'08"W, A DISTANCE OF 91.82 FEET TO A POINT, THENCE S87°10'50"W, A DISTANCE OF 80.10 FEET TO A POINT, THENCE S20°10'57"E, A DISTANCE OF 101.81 FEET TO A POINT, THENCE S01°18'11"W, A DISTANCE OF 28.33 FEET TO A POINT, THENCE S39°47'03"W, A DISTANCE OF 36.02 FEET TO A POINT, THENCE S30°41'07"W, A DISTANCE OF 123.15 FEET TO A POINT, THENCE N87°42'44"W, A DISTANCE OF 43.41 FEET TO A POINT, THENCE N81°24'36"W, A DISTANCE OF 80.10 FEET TO A POINT, THENCE S07°13'07"W, A DISTANCE OF 91.82 FEET TO A POINT, THENCE S88°16'51"W, A DISTANCE OF 86.79 FEET TO A POINT, THENCE S01°18'11"W, A DISTANCE OF 28.33 FEET TO A POINT, THENCE S39°47'03"W, A DISTANCE OF 36.02 FEET TO A POINT, THENCE S30°41'07"W, A DISTANCE OF 123.15 FEET TO A POINT, THENCE N87°42'44"W, A DISTANCE OF 43.41 FEET TO A POINT, THENCE N81°24'36"W, A DISTANCE OF 80.10 FEET TO A POINT, THENCE S07°13'07"W, A DISTANCE OF 91.82 FEET TO A POINT, 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DISTANCE OF 123.15 FEET TO A POINT, THENCE N87°42'44"W, A DISTANCE OF



2 OF 3

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD LENGTH	CHORD DIRECTION
C4	31.12	25.00	29.15	N36° 01' 14"E

A diagram of a horse race track. The track is an oval shape with a dashed line indicating the racing path. Inside the track, there are 14 numbered stalls, numbered 1 through 14, arranged in a semi-circle. A central area is labeled "HORSEMAN RUN 44 RW".

N13°41'32"W

(IN FEET)
1 inch = 100 ft.

Q:\A0910.0053\Survey\Record Plat\A0910.0053-MNR-SD.dwg, 30°F3, 11/14/24am

©Moore Bass Consulting

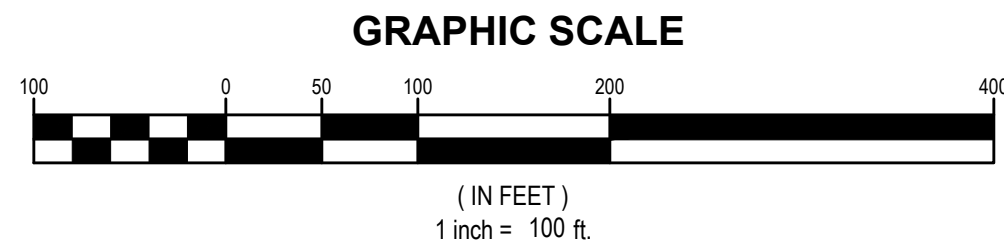
THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT
RECORDING INFORMATION.

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	60.72	S33° 57' 22"W
L2	140.91'	S70° 16' 57"W
L3	51.18'	S85° 08' 51"W
L4	19.48'	N32° 20' 34"W
L5	28.17'	N37° 07' 08"E
L6	51.37'	N24° 35' 37"W
L7	72.40'	S79° 13' 22"W
L8	85.73'	N68° 15' 22"W
L9	52.51'	S2° 39' 04"E
L10	64.95'	S25° 59' 20"W
L11	46.95'	S81° 58' 03"W
L12	60.56'	S56° 44' 49"W
L13	41.75'	S41° 08' 24"W
L14	27.40'	N71° 09' 30"W
L15	97.66'	S24° 06' 32"W
L16	21.22'	S85° 39' 05"W
L17	53.19'	S26° 24' 44"W
L18	103.82'	S77° 36' 03"W
L19	17.34'	S57° 08' 08"W
L20	100.27'	S20° 07' 55"E
L21	28.33'	S6° 19' 11"W
L22	36.02'	S39° 47' 03"E
L23	123.15'	S30° 41' 07"W
L24	43.41'	N67° 42' 44"W
L25	80.10'	S81° 24' 36"W
L26	91.82'	S67° 51' 30"W
L27	86.79'	S88° 56' 51"W
L28	67.49'	S60° 18' 33"W
L29	127.25'	S73° 12' 29"W
L30	45.09'	N72° 30' 20"W

LINE TABLE		
LINE #	DISTANCE	BEARING
L31	13.03	S45° 43' 20"W
L32	35.48'	S26° 02' 02"E
L33	37.15'	S45° 32' 45"W
L34	60.02'	S33° 39' 08"W
L35	57.02'	S58° 08' 25"W
L36	50.38'	S1° 45' 47"W
L37	30.96'	S28° 32' 05"E
L38	76.17'	N87° 07' 49"W
L39	21.66'	S84° 28' 04"W
L40	48.46'	S26° 32' 48"W
L41	25.16'	S81° 08' 51"W
L42	134.51'	S81° 31' 15"W
L43	42.89'	S18° 26' 33"W
L44	28.82'	S28° 04' 59"E
L45	63.77'	S54° 12' 31"W
L46	72.03'	S74° 42' 45"W
L47	39.84'	S11° 30' 05"W
L48	31.78'	S36° 23' 54"W
L49	121.82'	S56° 29' 56"W
L50	64.54'	S59° 09' 48"W
L51	80.37'	S47° 32' 29"W
L52	39.73'	S20° 22' 36"W
L53	69.73'	S33° 11' 26"W
L54	56.42'	S37° 08' 39"W
L55	53.77'	S40° 38' 39"W
L56	79.39'	S89° 52' 36"W

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD LENGTH	CHORD DIRECTION
C4	31.12	25.00	29.15	N36° 01' 14"E

MINOR SUBDIVISION PLAT:
BOHANNON ROAD TRACTS
LAND LOTS 163 & 180 ~ 7TH DISTRICT
FULTON COUNTY, GEORGIA
LAND LOT 145 ~ 7TH DISTRICT
FAYETTE COUNTY, GEORGIA



DEVELOPMENT SUMMARY
(FROM PRELIMINARY PLAT)

PERMIT NUMBER:	2022133PP
SITE SUMMARY:	
PARCELS:	07 400001632170 07 400001800462 PD 70.17 ACRES
ZONING:	
SITE AREA:	70.17 ACRES
PROPOSED LAND USES:	
SINGLE-FAMILY DETACHED RESIDENTIAL:	114 UNITS
MIN. LOT SIZE:	4,200 SQ. FT.
SETBACKS:	
ZONING:	20 FT.
REAR:	25 FT.
SIDE:	5 FT.
RESIDENTIAL TOWNHOMES:	126 UNITS
MIN. LOT SIZE:	2,500 SQ. FT.
SETBACKS:	
FRONT:	20 FT.
REAR:	18 FT.
SIDE:	0 FT.
BUILDING SEPARATION:	15 FT.
COMMERCIAL:	+/- 1 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
REAR:	25 FT.
SIDE:	25 FT.
REAR:	25 FT.
ASSISTED LIVING:	+/- 3 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
SIDE:	25 FT.
REAR:	25 FT.
PARKING SUMMARY:	
TOTAL PARKING PROVIDED:	525 SPACES
SINGLE-FAMILY:	228 SPACES
TH:	250 SPACES
GUEST:	27 SPACES
AMENITY:	20 SPACES
INTERNAL STREETSCAPE:	
- 28' ROADWAY BOC TO BOC	
- 5' LANDSCAPE STRIP	
- 5' SIDEWALK	
IMPERVIOUS AREA:	+/- 22.13 AC.
TOTAL VEHICULAR AREA:	+/- 8.23 AC.
TOTAL VEHICULAR LANDSCAPED AREA:	+/- 1.54 AC.
UTILITIES:	
WATER:	CITY OF FAIRBURN
SEWER:	FULTON COUNTY
POWER:	GEORGIA POWER

LEGEND

DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
LL	LAND LOT
OTF	OPEN TOP PIPE
REAR	REBAR
IPF	IRON PIN FOUND
IPS	1/2" REBAR W/ C SF 001179
CTP	CRIMP TOP PIPE
C&G	CURB & GUTTER
RW	RIGHT OF WAY
NF	NOW OR FORMERLY
E-M	OVERHEAD POWER LINE
SWMF	CORRUGATED METAL PIPE
SWMF	STORMWATER MANAGEMENT FACILITY
TBM	TEMPORARY BENCHMARK
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
PL	PROPERTY LINE
C	CENTERLINE
ID	IDENTIFICATION
B.S.L	BUILDING SETBACK LINE
BOC	BACK OF CURB
C	CURB LABEL
CI	CURB INLET
DE	DRAINAGE EASEMENT
EDP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
L	LINE LABEL
NF	NOW OR FORMERLY
PKS	PK NAIL SET
SSE	SANITARY SEWER EASEMENT
UE	UTILITY EASEMENT
REF	REFERENCE
C/O	SEWER CLEAN OUT
SQ.	SQUARE FOOT
FEET	FEET
IPF	IRON PIN FOUND
IPF	IRON PIN SET
IPF	CALCULATED POINT
IPF	POWER POLE (PP)
IPF	WATER VALVE (WV)
IPF	WATER METER (WM)
IPF	JUNCTION BOX (JB)
IPF	SANITARY SEWER MANHOLE (SSMH)
IPF	DROP INLET (DI)
IPF	R/W MONUMENT
IPF	SINGLE WING CATCH BASIN
IPF	DOUBLE WING CATCH BASIN
IPF	CURB INLET
IPF	HEADWALL (HW)
IPF	FLARED END SECTION
IPF	LIGHT POST (LP)
IPF	SEWER CLEAN OUT
IPF	FORCE MAIN AIR RELEASE VALVE



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McDonough, GA 30253
770.914.9394

BOHANNON ROAD TRACTS
FULTON & FAYETTE COUNTY

PROJECT NAME

CLIENT NAME
DRB GROUP GEORGIA, LLC, A DELEWARE LIMITED LIABILITY COMPANY
55 IVAN ALLEN JR. BLVD. STE 400
ATLANTA, GA 30308

REVISIONS	
1. REVISED VICINITY MAP: 3-22-2024	
2. REVISED: 7-31-2025 ADDED SETBACKS	
3. REVISED: 5-15-2025 PER COUNTY COMMENTS	

A0910.0053-MNR-SD

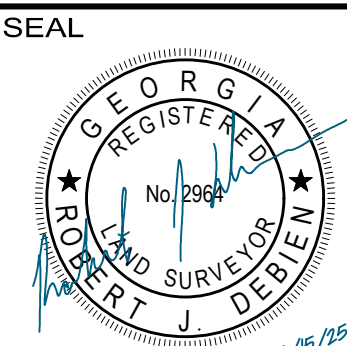
DATE 2-1-2024

CONTRACT # A0910.0053

DRAWN BY RJD, DC

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

1350 KEYS FERRY COURT
McDONOUGH, GA 30253
770.914.9394



SHEET TITLE

MINOR SUBDIVISION PLAT

SHEET

3 OF 3



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: City of Fairburn Personnel Policy Update

ITEM TYPE: Ordinance

SUBMITTED: 10/08/2025 **WORK SESSION:** N/A **COUNCIL MEETING:** 10/13/2025

DEPARTMENT: Human Resources

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

The City recognizes the need to encourage and enable employees to raise concerns in good faith without fear of retaliation or adverse employment action in accordance with federal and state law provisions.

HISTORY:

The City's current Policies & Procedures does not include a formal standalone whistleblower protection provision. Such policy helps to ensure transparency and ethical governance.

FACTS AND ISSUES:

The proposed policy establishes more clear and confidential procedures for employees to report concerns of illegal or unethical conduct, fraud, waste, and abuse of public resources in good faith without fear of retaliation.

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Request Mayor and Council approval of an ordinance authorizing the amendment of Chapter 2, Administration, Article III, Division 1, Section 2-57. Personnel Policy to authorize adoption of the City of Fairburn, Georgia Whistleblower Policy.

ATTACHMENTS:

1. Ordinance Authorizing the Amendment of Personnel Policy to add Whistleblower Policy_Oct 2025
2. COF Whistleblower Policy_Oct 2025

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE NO: _____

AN ORDINANCE AUTHORIZING THE AMENDMENT OF CHAPTER 2, ADMINISTRATION, ARTICLE III, DIVISION 1, SECTION 2-57. PERSONNEL POLICY TO AUTHORIZE ADOPTION OF THE CITY OF FAIRBURN, GEORGIA WHISTLEBLOWER POLICY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Fairburn (the “City”) has promulgated a Personnel Policy, which has been adopted by reference in Section 2-57 of the City Code of Ordinances; and

WHEREAS, the City is committed to affording certain protections to employees who in good faith report violations of the City’s Code of Ethics or other instances of potential wrongdoing within the City; and

WHEREAS, the City desires to encourage and enable employees to raise concerns in good faith and without fear of retaliation or adverse employment action, as codified under the Georgia Whistleblower Act, O.C.G.A. Section 45-1-4 and in accordance with the federal Whistleblower Protection Act of 1989, as amended, administered by the U.S. Department of Labor; and

WHEREAS, the City is committed to developing a work culture and environment that supports transparency and accountability regarding City resources; and

WHEREAS, the public interest is served when employees report fraud, gross misuse or waste of public resources, violations of law, and substantial and specific threats to public health, safety, or security, without fear of actual or threatened retaliation or reprisal; and

WHEREAS, the Mayor and City Council in the exercise of their sound judgment and discretion, and in consultation with staff, after giving thorough thought to all implications involved, have determined it to be in the best interest of the citizens of the City that the City of Fairburn amend the Personnel Policy by adding the Whistleblower Policy, attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FAIRBURN, as follows:

Section 1. A new Section 2-54.1.1 – Whistleblower Policy, as set forth in **Exhibit “A”** in substantially the form attached hereto and incorporated by this reference, is hereby added to the Personnel Policy.

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance

39 or retained the previously existing Ordinance if it had known that such part or parts hereof would
40 be declared or adjudicated invalid or unconstitutional.

41 **Section 3.** This Ordinance shall become effective immediately upon signature of the Mayor.

42 **Section 4.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to
43 the extent of the conflict.

44 Adopted this ____ day of _____, 2025.

45 _____
46 Mario B. Avery, Mayor

47 ATTEST: APPROVED AS TO FORM:

48 _____
49 Brenda B. James, City Clerk

Rory K. Starkey, City Attorney

EXHIBIT “A”

SECTION 2-54.1.1 – WHISTLEBLOWER POLICY

WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Created: July 28, 2025	Page 1

PURPOSE

It is the policy of the City of Fairburn (the “City”) to afford certain protections to employees who in good faith report violations of the City’s Code of Ethics or other instances of potential wrongdoing within the City. The Whistleblower Policy and Procedures set forth below are intended to encourage and enable employees to raise concerns in good faith and without fear of retaliation or adverse employment action, as codified under the Georgia Whistleblower Act (GWA) formally known as O.C.G.A. Section 45-1-4 and in accordance with the federal Whistleblower Protection Act, as administered by the U.S. Department of Labor.

The City is committed to developing a work culture and environment that supports transparency and accountability regarding City resources. The public interest is served when employees report fraud, gross misuse or waste of public resources, violations of law, and substantial and specific threats to public health, safety, or security, without fear of actual or threatened retaliation or reprisal.

I. POLICY

A whistleblower is defined by this policy as an employee of the City who reports an activity that the employee considers to be dishonest, unethical, or otherwise improper to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures.

This policy outlines the process for employees to report suspected wrongdoing, misconduct, or unethical violations within the City while ensuring protection against retaliation for good-faith reporting. This policy also details the process for reporting suspected misconduct, types of concerns to be reported and how to report them, and the investigation process.

II. GENERAL PROVISIONS

Whistleblower protections are provided in two important areas: (1) confidentiality of the complaint, including the identity of the whistleblower; and (2) prohibition against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and the provisions of this policy.

The City strictly prohibits retaliation against whistleblowers. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action, including but not limited to termination, compensation decreases, poor work assignments or threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the Human Resources Director immediately.

Wrongdoing

Refers collectively to any serious act (or failure to act) that is covered by this policy and which:

- Constitutes fraud or waste as defined under this policy.

WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Created: July 28, 2025	Page 2

- Risks the health or safety of residents, employees, or visitors to our sites.
- Is unlawful under any local, state, or federal law.
- Knowingly directs or counsels another person to engage in such acts.
- Is designed or intended to conceal conduct prohibited under this policy.

A. Fraud

Defined as a dishonest act that results in actual loss or risk of loss, deception, misappropriation of resources, or the manipulation of data to the advantage or disadvantage of a person or entity.

- Fraud includes any misuse of or attempt to misuse one's position in the City and/or a misuse the City's assets for personal gain or purposes unrelated to City business.
- Fraud includes corruption, which is defined as the offering, giving, soliciting, or accepting of an inducement or reward that may improperly influence the action of a City employee.

B. Reprisal/Retaliation

Defined as actions taken against another person as a direct result of, or in retaliation for making a report under this policy, being suspected of making a report under this policy, or participating in an investigation under this policy.

Reprisal may include harassment, discrimination, intimidation, dismissal, suspension, demotion, discipline, termination, coercion, or any other action which adversely affects an employee's working conditions. Reprisal may also include a threat to take any such actions and knowingly directing or counselling another person to engage in reprisal.

C. Waste

Refers to any other gross mismanagement, theft, falsification, misappropriation, or misuse of City facilities, resources, and/or assets, either deliberate or by negligence.

III. RESPONSIBILITIES & REPORTING

If an employee has knowledge of or a concern of misconduct, dishonest, or fraudulent activity, the employee is to contact their immediate supervisor or the Director of Human Resources. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action up to and including termination.

All reports on such activities should be promptly submitted to the Director of Human Resources, who is responsible for investigating and coordinating corrective action.

A. Acting in Good Faith

Reports of misconduct and unethical activities are a serious matter. Employees reporting alleged serious misconduct or are to act in good faith and have reasonable

WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Created: July 28, 2025	Page 3

grounds for believing the report to be true.

Where employees come forward to report their own serious misconduct under this policy, they will not be exempt from discipline appropriate to the misconduct; however, such reporting will be given appropriate consideration as a mitigating factor and in those instances will be dealt with on an individual basis in accordance with this policy and applicable City policy.

B. False or Frivolous Reports

Knowingly making false allegations or making allegations in a malicious manner will be viewed as serious misconduct. Reports that are found to be frivolous, false, malicious or not made in good faith may be subject to disciplinary action in accordance with City policy.

C. Process for Reporting Serious Misconduct:

Employees who are aware of serious misconduct have a responsibility to report it either to their supervisor, manager, director and to the Human Resources Director.

Employees are to report serious misconduct in writing. Where an employee reports serious misconduct to his or her supervisor/manager verbally, the supervisor/manager receiving the report must document the discussion, confirm its accuracy with the employee and promptly forward the report in an impartial and strictly confidential manner to the Human Resources Director.

Reports will be assessed to determine if the whistleblower policy is applicable to the complaint and if further investigation is warranted. If deemed appropriate, an investigation will be commenced, involving information gathering and interviews of potential witnesses. The investigative report will outline the nature of the complaint, the findings, and recommendations, which may also include corrective actions in accordance with City policy. The employee who filed the complaint should be informed of the progress and the outcome of the investigation.

IV. CONFIDENTIALITY

The Human Resources Director will make every reasonable effort to provide confidentiality to those reporting serious misconduct. Employees making a report under this policy are encouraged to provide their name in confidence when doing so, which facilitates follow-up questions and clarification if necessary. Investigations may not be possible unless the source of the information is identifiable.

The Human Resources Director may investigate a report made on an anonymous basis and will determine whether to do so in light of all of the circumstances, including the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

Investigations will be carried out in a manner that limits disclosure of the report and allegations on a “need to know” basis. Information about a report of serious misconduct will only be disclosed to those responsible for investigating and/or addressing the report.

WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Created: July 28, 2025	Page 4

Confidentiality extends to all records relating to reports, including but not limited to meetings, interviews and investigation results. Individuals making a report, investigators, witnesses and individuals against whom a report has been made are expected to maintain confidentiality. Breaches of confidentiality may be regarded as serious misconduct and will be treated accordingly.

The Georgia Whistleblower Act explicitly prohibits the disclosure of a whistleblower's identity without their consent, unless deemed necessary and unavoidable during the investigation, in which case the whistleblower must be notified in writing at least seven (7) before such disclosure is made.

V. COMPLAINT PROCEDURE

The Human Resources Director has the responsibility, obligation, and authority to administer, interpret, and apply the City's Whistleblower Policy. The Human Resources Director is also responsible for training managers and employees to ensure awareness and City compliance.

If an employee believes that he or she has been harassed, retaliated, or otherwise discriminated against because the employee engaged in protected activity under this policy, and/or if such adverse action dissuades a reasonable employee from raising a concern about a possible violation of this policy, the employee may file a complaint pursuant to the City's Complaint Procedure (see *Section 2-50.6*).

WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Approved: MM/DD/Year	Page 1

PURPOSE

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WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Approved: MM/DD/Year	Page 2

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WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Approved: MM/DD/Year	Page 3

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WHISTLEBLOWER POLICY		
SECTION 2-54.1.1	Approved: MM/DD/Year	Page 4

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CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Act on Board of Ethics Recommendation to Impeach| Remove Samantha Hudson from Office| By 5-1 Vote

ITEM TYPE: Other

SUBMITTED: 10/08/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** MM/DD/YYYY

DEPARTMENT: Ethics Board

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

ATTACHMENTS:

1. Verdict Form & Written Findings
2. Transcript & Exhibits A-C
3. Report ex parte
4. Preferral of Charges
5. Resolution to set date and time for impeachment trial



City of Fairburn Ethics Board

VERDICT FORM

Ethics Complaint No.: 2025-04

Complainant: Mayor Mario B. Avery

Respondent: Councilwoman Samantha Hudson

Date of Filing: August 11, 2025

Date of Referral: August 27, 2025

We, a majority of members of the City of Fairburn Ethics Board ("Board"), having heard the evidence and having deliberated in the above matter on 9/30/2025, do hereby make the following determination(s) based upon a preponderance of the evidence pursuant to Section 2-35, et seq., of the City Code of Ordinances:

1. Board Determination:

A. ☒ YES – A violation of the Code of Ethics was established. The allegations in the Complaint are SUSTAINED in ☒ Whole OR ☐ In part.

Specify the Section(s) of the Ethics Code violated:

Sections 2-35(c) 3, 11

B. ☐ NO – The allegations in the Complaint are not sustained in ☐ Whole OR ☐ In part

Specify the Section(s) of the Ethics Code to be DISMISSED:

Written findings in support of this determination shall be attached to this form and submitted to the governing authority within seven (7) business days of this decision.



2. Board Recommended Sanction (only as to sustained violations): *See*, Section 235 (k)(1)

☐ Public Reprimand

☐ Written Censure

☒ Referral for Removal | Impeachment Proceedings

☐ Other: _____

3. Additional Special Findings by Board (only if applicable):

We, a majority of members of the City of Fairburn Ethics Board, do hereby make the additional Special Finding that the Complaint was:

☐ Based on patently false assertions; OR

☐ Otherwise filed for malicious reasons.

Written findings in support of this special finding shall be attached to this form and also submitted to the governing authority within seven (7) business days of this decision.

☐ Based on this additional finding, the Board recommends that the governing authority take such action against the Complainant within its authority, including public reprimand, censure, removal from office, or referral of the matter to other authorities. *See*, Section 235 (k)(4)

So Resolved and Entered this 7th day of October, 2025 .

Maya Osun

Chair, Ethics Board

ATTEST:

Deannia Ray
Deputy City Clerk

**Written Findings by the Fairburn Board of Ethics
from September 30, 2025 Evidentiary Hearing**

In the Matter of *Avery v. Hudson*, Ethics Complaint No. 2025-04 (“Complaint”)

Complainant Mayor Mario Avery

Respondent Councilwoman Samantha Hudson

This matter came before the City of Fairburn Ethics Board (“Board”) at City of Fairburn City Hall for a properly noticed evidentiary hearing at 6 pm on September 30, 2025 (“Hearing”).

Minutes before the Hearing was scheduled to commence, counsel for the Board received an email from Respondent’s counsel stating that Respondent was out of the country and that Respondent’s counsel was both previously unaware of the hearing date and unavailable on September 30th. Accordingly, Respondent’s counsel requested that the Hearing be postponed until October 24th. Counsel for the Board promptly informed the Board of this request, as well as counsel’s multiple prior communications with Respondent’s counsel regarding the Hearing. Upon convening the Hearing, the Board voted unanimously to proceed with the Hearing.

During the Hearing, Complainant’s counsel presented two witnesses - first, Fairburn City Clerk Brenda James, and then Mayor Mario Avery, the Complainant. A transcript of the Hearing, including their testimony, is attached to these Findings as Exhibit 1. Both James and Avery testified regarding their recent experiences and communications with Respondent. The Board independently questioned James and Avery as well, and found their testimony credible.

Three exhibits were properly authenticated and admitted by the Board during the testimony. First, Hearing Exhibit A was the August 6, 2025 letter from Avery to Hudson informing Hudson of James’ Equal Employment Opportunity complaint against Hudson and instructing Hudson not to publicly discuss or disclose the complaint. Second, Hearing Exhibit B was an email chain starting with an August 6 email from Avery to Hudson containing Hearing Exhibit A. Hearing Exhibit B concluded with an August 8 email from Hudson responding to an August 7 email from Fairburn City Attorney Rory Starkey, who had reiterated

that Avery's guidance that James' complaint was not to be discussed outside of executive session was legally correct. Finally, Hearing Exhibit C was Avery's August 11 Complaint in this matter, including a copy of the website on which Hudson publicly disclosed and discussed both James' complaint and Hearing Exhibit A. All three Hearing Exhibits are included in Exhibit 1.

In light of James' and Avery's testimony and the evidence presented, the Board finds that Respondent was aware that she should not publicly disclose or discuss James' confidential complaint against her. The Board further finds that Respondent's decision to do so was intentional and intended to harm James, and likely Avery as well. Accordingly, the Board unanimously finds that the preponderance of the evidence amply supports the Complaint's allegations that Respondent intentionally violated Sections 2-35(C)(3) and (11) of the Fairburn Code of Ethics.

In light of the severity and intentional nature of the conduct, the Board voted 5-1 at the Hearing to recommend Hudson's removal from office as set out in the Fairburn Charter as the sanction for her conduct.

FAIRBURN ETHICS BOARD

MARIO AVERY,

Complainant,

v.

SAMANTHA HUDSON,

Respondent.

COMPLAINT

NO. 2025-04

~~~~~

ETHICS COMPLAINT HEARING BEFORE  
THE FAIRBURN ETHICS BOARD

September 30, 2025

6:00 p.m.

56 Southwest Malone Street  
Fairburn, Georgia

Prepared through electronic media by:

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20 Also present:

21 MAYA OSUN, Fairburn Ethics Board Chairperson  
22 DANITA JONES, Fairburn Ethics Board Member  
23 VERA RAGLIN, Fairburn Ethics Board Member  
24 RODNEY ANDERSON, Fairburn Ethics Board Member  
25 THOMAS COCHRAN, Fairburn Ethics Board Member  
26 TONY SMITH, Fairburn Ethics Board Member  
27 DEANNIA RAY, Deputy City Clerk  
28 MICHAEL SMITH, A/V Technician  
29 SAFAA SAMMANDER, Court Recorder

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1 Ethics Complaint Hearing Before  
2 The Fairburn Ethics Board  
3 September 30, 2025

4 MS. OSUN: Good evening.

5 VARIOUS: Good evening.

6 MS. OSUN: My name is Maya Osun, and I'm the Chair  
7 of the Fairburn Ethics Board. We will call this  
8 meeting to order. Madam Clerk, will you please call  
9 the roll?

10 THE CLERK: Rodney Anderson.

11 MR. ANDERSON: Present.

12 THE CLERK: Vera Raglin.

13 MS. RAGLIN: Present.

14 THE CLERK: Thomas Cochran.

15 MR. COCHRAN: Present.

16 THE CLERK: Tony Smith.

17 MR. SMITH: Present.

18 THE CLERK: Danita Jones.

19 MS. JONES: Present.

20 THE CLERK: And Kenneth Williams is absent. You  
21 have a quorum.

22 MS. OSUN: Thank you, Madam Clerk. May I please  
23 have a motion to approve the -- tonight's agenda?

24 VARIOUS: So move.

25 MS. OSUN: Is there a second?



1 MS. JONES: Second.

2 MS. RAGLIN: Second.

3 MS. OSUN: All in favor?

4 VARIOUS: Aye.

5 MS. OSUN: Any opposed?

6 THE CLERK: Who provided the second?

7 MS. RAGLIN: There were two people. I was one,  
8 Raglin.

9 MS. JONES: Jones.

10 MS. OSUN: And none opposed. We will now move on  
11 to the agenda. We will -- which will be the  
12 evidentiary hearing of Complaint Number 25-04. The  
13 complainant is the Honorable Mario Avery, and the  
14 respondent is the Honorable Samantha Hudson.

15 At the offset, let me caution everyone. We're  
16 going to maintain decorum and professionalism this  
17 evening. We have a court reporter present who will be  
18 transcribing this hearing, so it's important that we  
19 only have one person speaking at a time.

20 Our agenda sets forth the process and order of the  
21 proceedings we'll be using tonight. Our hearing will  
22 be governed by the Board's duly adopted  
23 parliamentary rules and hearing procedures. In  
24 terms of the burden of proof for tonight's hearing,  
25 that is set forth in Hearing Rule 8.5, which states

1 that, quote, "The standard of proof for proving an  
2 alleged violation of the Code of Ethics shall be a  
3 preponderance of the evidence."

4 With that, we will now entertain opening  
5 statements. Opening statements have been set at 10  
6 minutes. We will hear from the complainant first, and  
7 then it is now my understanding a few moments ago that  
8 her respondent and her attorney are not available  
9 tonight. The Board has voted to continue. With that,  
10 opening statements.

11 MR. BRANT: May I proceed?

12 MS. OSUN: Yes, please.

13 MR. BRANT: Good evening, everyone.

14 MR. ASHE: Madam -- Madam Chair, before you  
15 proceed, I would suggest you have a motion and a  
16 second to proceed with the hearing in spite of the  
17 respondent's absence.

18 MS. OSUN: Board, is there a motion to proceed  
19 given that our respondent and her attorney are  
20 unavailable this evening?

21 MR. COCHRAN: So move.

22 MR. ANDERSON: Second.

23 MS. OSUN: Second. Who gave the second?

24 MR. ANDERSON: Second.

25 MS. OSUN: Okay. Anderson, second.

1 THE CLERK: Anderson, second.

2 MS. OSUN: All in favor?

3 VARIOUS: Aye.

4 MS. OSUN: Any opposed? That carries. And you may  
5 proceed. Thank you.

6 OPENING STATEMENT

7 MR. BRANT: Good evening, everyone. My name is  
8 Charles Brant, and I represent Mayor -- Mayor Mario  
9 Avery in -- in these proceedings. We appreciate the  
10 opportunity to appear before this board and address  
11 the series of allegations made by Councilmember  
12 Hudson.

13 Let me state at the onset, the mayor and the city  
14 clerk have acted at all times within the boundaries of  
15 the law, in accordance with the City Charter, Georgia  
16 Open Records Request, and the meeting -- and Open  
17 Meetings Act, and ethical obligations that govern the  
18 public service. All the allegations presented here  
19 are not only legally unsupported; they are a part of a  
20 long and troubling pattern of harassment,  
21 mischaracterization, and personal targeting of City  
22 Clerk, and by extension, the mayor and members of the  
23 city administrative team.

24 Since late 2024, Councilmember Hudson has engaged  
25 in a sustained campaign of -- of antagonism against



1 the clerk, beginning with complaints over routine  
2 agenda placement and escalating into formal  
3 accusations of ethical and legal violations. The  
4 record is extensive: 1) multiple emails demanding  
5 documents that are explicitly protected by statute; 2)  
6 repeated threats of legal action; 3) false public  
7 accusations of impropriety; 4) a persistent refusal to  
8 accept legal interpretations provided by the city  
9 attorney.

10 Councilmember Hudson has claimed violations of the  
11 Georgia Open Records Act, specifically concerning  
12 access to executive session materials. Yet the law is  
13 clear. Executive sessions minutes are not public  
14 records. They are confidential and may only be  
15 disclosed under court order and not at any -- not at  
16 the unilateral demand of an individual council member.

17 The clerk provided everything she was legally  
18 permitted to provide, and the City Attorney repeatedly  
19 clarified the position of the -- Councilmember Hudson.  
20 When her demands were not met, not because of -- of  
21 obstruction but because of legal constraints,  
22 Councilmember Hudson proceeded to file formal  
23 complaints, including the Georgia attorney's general  
24 -- including with the Georgia Attorney General's  
25 Office. The complaint was fully reviewed and



1 ultimately dismissed without finding of any  
2 wrongdoing.

3 Instead of accepting those findings, Councilmember  
4 Hudson pivoted to accusations of defamation,  
5 retaliation, and the creation of a hostile work  
6 environment. She has alleged misconduct against the  
7 clerk, demanded that the clerk's assistant be  
8 reassigned, and implied that routine administrative  
9 behavior is part of a broader conspiracy against her  
10 and her office.

11 Her conduct alone has gone far beyond a legitimate  
12 oversight. It has created a toxic and destabilizing  
13 atmosphere in the City Hall, one that has interfered  
14 with the city's ability to perform its duties and  
15 placed under -- undue pressure on staff members. As a  
16 result, the clerk has forced -- has been forced to  
17 file an EEOC complaint in July 2025 citing harassment,  
18 retaliation, and discrimination.

19 Mayor Avery has also been drawn into the matter  
20 unnecessarily, accused of withholding information and  
21 -- and embattling misconduct, claims that are  
22 unsupported, inflammatory, and categorically false.  
23 The mayor has constantly advocated for transparency  
24 and lawful governance. When he saw the clerk being  
25 publicly maligned, despite legal compliance, he

1 stepped in to de-escalate the situation and affirm the  
2 professionalism of his staff.

3 The hearing should not serve as a platform  
4 political grievance or weaponizing ethics procedures  
5 [sic]. The board -- the Ethics Board's role is to  
6 uphold integrity, not to facilitate character attacks  
7 or distort law personal potential advantages [sic].  
8 Either Councilwoman Hudson doesn't understand the Code  
9 of Ethics the city and the council members have to  
10 uphold, or she just purposefully does not care for the  
11 ethic code and the laws governing the City of Fairburn  
12 Code of Ordinances and is persistent in her actions  
13 not to follow the rules.

14 We ask that the review -- that -- that you review  
15 the timeline, the correspondence, and the legal  
16 standards at issue. When you do, the facts will be  
17 clear. The city followed the law, the mayor acted  
18 appropriately, and that the council -- councilwoman  
19 ethically acted outside of the scope of her position.  
20 We believe you'll find that after you hear everything,  
21 and we appreciate your attention and look forward to  
22 proceeding with all that you have to present before  
23 this panel this evening.

24 MS. OSUN: Thank you very much. Can we move  
25 forward with the complainant's case?

1 MR. BRANT: Yes, we can. I think at this time --  
2 okay. I think we're going to go -- we're going to  
3 jump for all -- so at this time, I think I would like  
4 to call...

5 MS. OSUN: Madam Clerk, is someone keeping time? I  
6 think we wanted to keep this portion down to 20  
7 minutes.

8 THE CLERK: It's on the clock.

9 MS. OSUN: Okay.

10 THE CLERK: I mean, it's on the screen.

11 MS. OSUN: Thank you.

12 MR. BRANT: At this time, we'd like to call Ms.  
13 James. Ms. James, Brenda James.

14 MS. OSUN: Ms. James, the podium is fine. Or  
15 where...

16 THE CLERK: And when you speak, if you will, speak  
17 in the microphone.

18 MR. BRANT: Good evening, Ms. James.

19 MR. ASHE: Why don't we swear the witness in first?

20 THE CLERK: Ma'am -- okay. Would you state your  
21 full name for the record, please?

22 MS. JAMES: Brenda B. James.

23 BREND A B. JAMES,  
24 after having been first duly sworn, was examined and  
25 testified under oath as follows:



1 MR. BRANT: Okay. And you've already stated your  
2 full name for the record, correct?

3 MS. JAMES: Yes.

4 MR. BRANT: Okay. So, Ms. James, I want to talk to  
5 you about your relationship with the councilmember  
6 that has you here this evening. Are you familiar with  
7 -- do you have experiences with Councilmember Hudson?

8 MS. JAMES: Experiences, yes.

9 MR. BRANT: Well, have you had antagonistic  
10 experiences with her while on your job?

11 MS. JAMES: Yes, I would say so.

12 MR. BRANT: Would you describe for the panel these  
13 coincidence -- well, when did the conflicts or the  
14 coincidence that has brought trouble to your job and  
15 to the city that you believe are meaningful, that you  
16 could present to this panel [sic]? Would you go  
17 through those things that you have?

18 MS. JAMES: Well, I -- I would say it started 2024.  
19 I put something on the agenda, and I was accused of  
20 targeting Councilmember Hudson. And then --

21 MR. BRANT: Okay. Hold on. Before you go on,  
22 could you explain? Do you know exactly what you put  
23 on? So they can have clarity and understanding.

24 MS. JAMES: I put an item that Councilmember Hudson  
25 asked to go on the agenda. And when I do, I tried to



1 list what councilperson asked for that, and she said  
2 that I didn't do it for someone else. Well, no one  
3 else had asked for anything to be on the agenda.

4 MR. BRANT: Okay. So I want to be clear so they  
5 can understand. What you said -- what you're telling  
6 the panel is that Ms. Hudson asked you to put  
7 something on?

8 MS. JAMES: She requested something beyond the  
9 agenda --

10 MR. BRANT: You put it on the agenda.

11 MS. JAMES: I did.

12 MR. BRANT: And then she attacked you for doing it.

13 MS. JAMES: She said that she felt if I put her  
14 name, it was targeting her.

15 MR. BRANT: Okay.

16 MS. JAMES: So I removed it from the agenda.

17 MR. BRANT: And whatever came of that?

18 MS. JAMES: Nothing.

19 MR. BRANT: Okay. Go on. You may go on.

20 MS. JAMES: There was an ethics complaint filed in  
21 -- I believe in March. Councilwoman Hudson filed an  
22 ethics complaint against another councilperson. And  
23 after that complaint was filed, I started getting  
24 questions about executive session protocol. There  
25 should not have been an executive session. What was

1 the consistency of handling a ethics complaint?

2 Access to the meeting minutes, records, potential  
3 violations of Open Meeting Act.

4 And I responded to everything that I could respond  
5 to as the clerk. Some of those questions, actually, I  
6 feel should have been sent to the city attorney, but  
7 everything was addressed to the clerk. I received  
8 another email that -- that was on the 17th. That was  
9 the 18th. I received another email right after that  
10 requesting the minutes, the transcripts, the video  
11 footage. I sent the video footage where you could get  
12 the link. I sent all of the minutes. But no matter  
13 what I sent, it was not what she felt she should have  
14 received. Then I was asked for the --

15 MR. BRANT: Sorry, I don't mean -- I just want to  
16 -- I just want to make sure you answered the question  
17 that you presented.

18 MS. JAMES: Okay.

19 MR. BRANT: You sent her what you had that was  
20 available to send to her. You did respond by sending  
21 her what she requested?

22 MS. JAMES: Yes, I did.

23 MR. BRANT: I want to make sure that's clear. So  
24 is that -- is that correct?

25 MS. JAMES: I responded. I sent a copy of the

1 minutes, the action minutes, the affidavit, and the  
2 letter of dismissal that the board had done.

3 MR. BRANT: Okay. And what came out of that?

4 MS. JAMES: And -- well, and I sent a link where  
5 you can go and find the video. After that, it was --  
6 I received another email. And the email said that the  
7 affidavit was not correct, that she deserved to get  
8 the -- the executive session minutes, and that I  
9 didn't need to talk to the attorney. So what I did, I  
10 turned around and I sent the law that states that you  
11 cannot get executive session minutes, that the  
12 executive session minutes -- she was not in executive  
13 session; therefore, she was not privy to executive  
14 session minutes. So then I received another email  
15 that said that I was bound by ethical standards to do  
16 principles of transparency -- be honest. And after I  
17 sent that, I'm trying to --

18 MR. BRANT: Excuse me. Before you go. So -- so  
19 you got that -- when your response to her was that you  
20 could not comply with her about this request she made,  
21 she sent you an email telling you something about  
22 transparency or something to that nature?

23 MS. JAMES: Yes.

24 MR. BRANT: As if you weren't being transparent and  
25 that you didn't give her the information to answer her



1 question, correct?

2 MS. JAMES: Correct.

3 MR. BRANT: Okay. So I guess so we can be clear,  
4 you answered the question, and she continues to look  
5 for things and try to elevate things that are not  
6 there. Am I correct?

7 MS. JAMES: Yes. Anything that I send, there was  
8 another email that came that I didn't do -- she said  
9 she had issues with the copy of the affidavit that was  
10 sent.

11 MR. BRANT: What was the issues?

12 MS. JAMES: It wasn't proper. I don't know what  
13 the issues were, because the affidavit came exactly --  
14 it came from the attorney as to how it was supposed to  
15 be signed. She said I was neglecting to follow the  
16 law and that --

17 MR. BRANT: Did she give you the law that you were  
18 neglecting to follow?

19 MS. JAMES: No.

20 MR. BRANT: Did she raise a point -- a point to you  
21 any place where the law was saying that you should do  
22 something different other than what you were doing?

23 MS. JAMES: No. She said my actions suggested that  
24 I was attempting to evade transparency.

25 MR. BRANT: Okay. And she didn't quote or point



1 you to anywhere where something had been established  
2 where your pattern fit that pattern of doing what she  
3 accused you of?

4 MS. JAMES: No.

5 MR. BRANT: Okay. You can proceed.

6 MS. JAMES: Then on March the 29th, the city  
7 attorney answered everything again that I had sent and  
8 told him that -- gave his legal opinion on what had  
9 been sent.

10 MR. BRANT: What was that opinion, if you --

11 MS. JAMES: His opinion was the same thing that I  
12 had sent, the law where the executive sessions could  
13 not be given out and that I had done all that I could  
14 do legally.

15 MR. BRANT: Okay. Go ahead.

16 MS. JAMES: I was threatened with further legal  
17 action. And --

18 MR. BRANT: Specifically, what?

19 MS. JAMES: She said, "Failure to comply with the  
20 law will not be tolerated, and I reserve the right to  
21 take further legal action if required against you."

22 MR. BRANT: Okay. Go ahead.

23 MS. JAMES: So on March the 31st, I sent an email  
24 to the city attorney and the mayor stating that I was  
25 aware of my duties and responsibilities and that I was

1 being harassed with the further emails because those  
2 emails were Councilwoman Hudson's opinion. They were  
3 not facts. As the clerk, I have a right to deal with  
4 the attorney. I have to, because the attorney is the  
5 one that tells us the laws. And I didn't -- I didn't  
6 go to the attorney. I just quoted what the open  
7 records law was regarding the executive session.

8 I told them that I was further reviewing the  
9 podcast because my name had been called out on the  
10 podcast several times for violating Open Meetings Act  
11 and not being transparent, that I had not violated any  
12 Open Meetings Act and I had not invaded any  
13 transparency, that I was continued to be threatened  
14 with further legal action. And I asked them if they  
15 could stop this.

16 So on April the 1st, the mayor sent a letter to  
17 Councilwoman Hudson, asking her -- telling her that  
18 she kept falsely accusing the clerk and asked her to  
19 stop. And of course, she responded back to the mayor  
20 that she was an elected official and would be not  
21 [sic]. Then April the 2nd, I got another email where  
22 she asked me to provide her an update on her filing,  
23 where she had filed a complaint against everybody that  
24 was on the ethics -- that heard the ethics complaint  
25 against her.

1       Then I got one, another one on April the 2nd,  
2       asking me to send a list of the Investigative  
3       Committee. Then I received another one asking me to  
4       send the emails for all of the Ethics Board members.  
5       And then again, the email that I received on March  
6       31st with all the threats in was sent again on April  
7       the 4th.

8       MR. BRANT: Excuse me, Councilmember, I want to ask  
9       you, so we can clear -- how much of this information  
10      she is asking for does she have the ability to go  
11      retrieve herself?

12      MS. JAMES: Well, she knew who the Investigative  
13      Committee was because I had sent out an email. I sent  
14      out an email with the list of the people who were on  
15      the Investigative Committee, but this was for -- an  
16      email -- this was for a case that had been filed  
17      against somebody else, not -- this case was against  
18      her and Mr. Heath.

19      She thought that the case was against -- the one  
20      that she had filed against the Investigative Committee  
21      because I had them listed on it, which was incorrect.  
22      It was -- it went to the Investigative Committee,  
23      which consisted of every other person on the council  
24      except for Councilmember Heath and Councilmember  
25      Hudson. She thought I was sending it to the people



1 that she had filed the ethics complaint against, which  
2 was the current Investigating Committee.

3 MR. BRANT: She was wrong in her assumption.

4 MS. JAMES: Yes.

5 MR. BRANT: You explained that to her?

6 MS. JAMES: No, sir.

7 MR. BRANT: But --

8 MS. JAMES: Because I had sent it to her, I didn't  
9 say anything else.

10 MR. BRANT: Okay. Do you know if the -- if the  
11 city attorney talked to her about --

12 MS. JAMES: The city attorney responded on April  
13 the 14th on all the complaints dealing with all of  
14 that.

15 MR. BRANT: And what did -- how did he respond?

16 MS. JAMES: He just explained everything that had  
17 been going on and what was happening.

18 MR. BRANT: That -- at any point in his  
19 explanation, did he say you were doing anything wrong  
20 or you were hindering the process of the -- of the  
21 city government moving forward in -- in what it was  
22 doing?

23 MS. JAMES: No.

24 MR. BRANT: Go ahead, ma'am.

25 MS. JAMES: So on May the 1st, Councilmember Hudson



1 submitted a formal complaint against me with the  
2 Georgia Attorney General's Office that I had violated  
3 Open Meetings Act, obstruction of elected official  
4 rights, and unethical conduct, that I unlawfully  
5 refused to provide executive session minutes and --  
6 despite her entitlement to it, and that I obstructed  
7 transparency by assisting the mayor in concealing  
8 information, which were all not true.

9 MR. BRANT: So did that go before the panel? Did  
10 they make a -- did they rule on it?

11 MS. JAMES: Yes, they did.

12 MR. BRANT: And what was the ruling that they made  
13 on that?

14 MS. JAMES: They dismissed the case because they  
15 didn't find anything that I had done wrong.

16 MR. BRANT: Okay. So up to that point, she had a  
17 -- she had a number of complaints, correct? She  
18 formalized those complaints. She sent them up. And  
19 some independent body, other than anybody here in  
20 Fairburn, looked at it, correct?

21 MS. JAMES: Yes.

22 MR. BRANT: And they concluded that she had no  
23 basis for her complaints. Am I correct?

24 MS. JAMES: Correct.

25 MR. BRANT: Okay. So what happened after that?

1 MS. JAMES: Then on July the 23rd, Councilmember  
2 Hudson asked that I no longer do any of her travel and  
3 training, that my assistant would do her travel and  
4 training. And the mayor explained to her that that  
5 was not the way it worked. And she accused me of  
6 making disparaging remarks and having -- creating a  
7 hostile work environment and that --

8 MR. BRANT: I apologize to you. Did she say what  
9 the comments of what it was you were supposed to have  
10 said?

11 MS. JAMES: She said I said I was tired of her.

12 MR. BRANT: Did you ever say that?

13 MS. JAMES: Nope. I said I was tired of what was  
14 happening at -- at the council meeting. I did say  
15 that.

16 MR. BRANT: Okay. Go ahead.

17 MS. JAMES: She said that -- she further said that  
18 any member of the mayor's administration who engages  
19 in speech and conduct that aims to portray her as the  
20 problem, she would file a formal complaint or take  
21 legal action against. So on July the 24th, I filed  
22 the EEO complaint with the City of Fairburn Personnel  
23 Office.

24 And I asked them if they would -- I filed it  
25 because of all the emails that I was getting, the

1 constant harassment because every email that I got, I  
2 answered. The constant lies and defamation of my  
3 character that was being sent to Mayor and Council,  
4 that was being on Facebook, that was being sent to the  
5 Attorney General's Office. Discrimination of my age.  
6 She said several times that "I'm sick of dealing with  
7 you old people." I am 70 years old. And creating a  
8 hostile work environment. I never knew what I was  
9 going to be up against when I came in here the next  
10 morning. So I filed that, and I felt that I was  
11 getting retaliated against because the Attorney  
12 General's Office said that I had not done anything  
13 wrong.

14 So after that, I received from someone a copy in  
15 August -- and I'm not sure of the date because I have  
16 it on my phone -- a copy of the letter that the mayor  
17 had sent to Councilmember Hudson in executive session,  
18 asking her to -- informing her that I had filed an EEO  
19 complaint against her. That was on the Facebook page,  
20 which I thought was supposed to have been with  
21 Personnel. Now that -- therefore all of the employees  
22 know that I had filed an EEO against a council member.

23 MR. BRANT: Excuse me. I want to be very clear  
24 about this. Is it protocol that you publish that  
25 stuff for other people to see?



1 MS. JAMES: No, sir. That was in executive  
2 session. It's a personnel matter.

3 MR. BRANT: Okay. So -- so I want to be clear what  
4 you're stating in front of the -- the -- this body,  
5 that she published something that was not supposed to  
6 be published. That was very private information.

7 MS. JAMES: Yes, sir.

8 MR. BRANT: And who did she publish it to?

9 MS. JAMES: It was on the Facebook page.

10 MR. BRANT: Okay. So it's to anybody who wanted to  
11 go to the Facebook page. And this is despite the fact  
12 that she's accusing you of doing something of the  
13 same. She's literally doing this. And I think she  
14 makes a comment that she's not going to listen to the  
15 board or something to that effect, right?

16 MS. JAMES: Right.

17 MR. BRANT: And she's very clear about that, right?

18 MS. JAMES: Yes, sir.

19 MR. BRANT: Okay. Go ahead.

20 MS. JAMES: That was the last thing I received  
21 that. And that was when the complaint was filed for  
22 filing personnel information out on the Facebook page.

23 MR. BRANT: All right. Thank you. I -- I don't  
24 know how the board wants to do this, but that's all I  
25 have for her. If you want to ask her a question, I



1 would -- I do have 20 minutes, so I'd like to call the  
2 mayor so he can state his portion.

3 MS. OSUN: Board members, are there any questions  
4 at this time for Ms. James?

5 MR. ANDERSON: Yeah, I have a question. You  
6 mentioned that there was a podcast that some  
7 disparaging remarks were made. Which podcast was  
8 that? Who's the administrator for that podcast?

9 MS. JAMES: It says Fairburn Voters Matter Council  
10 -- and Councilmember Hudson.

11 MR. ANDERSON: Okay. And you also mentioned that  
12 she asked for the name of -- the names for the  
13 Investigative Committee.

14 MS. JAMES: Right.

15 MR. ANDERSON: Did she ever say why she wanted  
16 that?

17 MS. JAMES: No.

18 MR. ANDERSON: You also mentioned that --

19 MS. JAMES: Well, she -- she filed a letter back to  
20 me stating that I couldn't put those people on the  
21 Investigative Committee. But I was saying those  
22 people were not the people for that particular ethics  
23 complaint. The people that I sent the email to were  
24 for the complaint between Hudson and Heath, not  
25 between -- she filed against, I think, Davis, Hudson

1 -- I mean, Hattie, and one other.

2 MR. ANDERSON: Okay. And to your knowledge,  
3 referring to the Investigative Committee, did you or  
4 anyone else explain to her that the Investigative  
5 Committee is already set? It's nothing that anybody  
6 puts in place at any -- to your knowledge, did anybody  
7 explain that to her?

8 MS. JAMES: Well, the Investigative -- I didn't  
9 explain to her then. The Investigative Committee is  
10 always the remaining council members who are not  
11 included in the case.

12 MR. ANDERSON: I just want to make sure that the  
13 public knows that.

14 MS. JAMES: Yes.

15 MR. ANDERSON: And, now, you mentioned the podcast.  
16 You also mentioned a Facebook page. What is the  
17 particular name of that Facebook page? And who's the  
18 administrator, if you know?

19 MS. JAMES: The same. Councilwoman Hudson. It  
20 could be Fairburn Voters Matter or Fairburn Forward.  
21 But a lot of it is -- and the -- the communications  
22 person and some of the others will get it -- when we  
23 come out the council meeting, Councilwoman Hudson  
24 would go out and the -- sit in the -- outside and have  
25 her podcast about what went on in the council meeting.

1 MR. ANDERSON: Thank you.

2 MS. JONES: I have a question. With the filing of  
3 -- not filing, but placing on Facebook and the  
4 podcast, was there any retaliation from you -- from  
5 the residents of the City of Fairburn, from that?

6 MS. JAMES: For the -- from the residents?

7 MS. JONES: Yes.

8 MS. JAMES: Not to me, but it -- it could -- if I  
9 was trying to get another job, it could hurt me. It  
10 could mean that I'm violating the Open Meetings Act,  
11 or I'm doing something that I should not do, and  
12 that's not true.

13 MS. JONES: I just want to -- I want to know  
14 whether you was feeling threatened from some of the  
15 comments. Any retaliation from her Facebook posting  
16 and her iPod [sic]?

17 MS. JAMES: I felt that it was defamation of my  
18 character. I've been a clerk since 1999, and I've  
19 never been to the attorney general or never had anyone  
20 to say that I'm violating Open Meetings or Open  
21 Records or that I'm doing something because you and  
22 the mayor have an issue and therefore it's put on.

23 MS. JONES: Okay. So you just had -- it -- it  
24 really brought defamation to your character.

25 MS. JAMES: Yes, ma'am.



1 MS. JONES: But you didn't have any result from the  
2 citizens of the City of Fairburn?

3 MS. JAMES: No, ma'am. A lot of citizens came to  
4 me and said, "I'm praying for you" or I -- you know, I  
5 mean, I don't know what it was for, but they would say  
6 that to me.

7 MS. JONES: Okay. Thank you.

8 MS. RAGLIN: I want to ask: After the state  
9 offices turned her down, did she in any way try to  
10 appeal that decision from the state?

11 MS. JAMES: I don't know, because it goes to --

12 MS. RAGLIN: I'm sorry.

13 MS. JAMES: I don't -- I don't know. I mean, she  
14 always says, "I'm taking you all to the attorney  
15 general, or I'm -- I'm doing this." So you don't know  
16 until they send it to you. When they sent it, they  
17 sent the -- they called and asked for the attorney's  
18 address, the attorney's information, and they sent it  
19 to the attorney, and the attorney had to respond to  
20 the complaint.

21 MS. RAGLIN: Okay.

22 MS. JONES: I have one more question. With all  
23 that has taken place during this time, this duration,  
24 has it been anyone that have tried to sit down with  
25 you and her to explain the procedure of how it works



1 as a city councilperson with the city clerk?

2 MS. JAMES: I don't think anybody would sit down  
3 with us. Right now, we don't have any correspondence  
4 at all. I mean, when I send out stuff, if it goes to  
5 the entire council, I do, but we don't have straight  
6 communications because I feel that I don't need to  
7 have communications with her.

8 MS. JONES: I was talking about in the beginning,  
9 when it first started.

10 MS. JAMES: Oh, we -- we spoke long time ago when  
11 it first started, and it was -- you know, "I -- I  
12 heard things, but I have no hard feelings towards you.  
13 You know, we work together." And I said, you know  
14 what? I'm a professional. I treat everybody the  
15 same. And I always used to joke and say I like the  
16 mayor, but I only wear orange for Brenda James, not  
17 for Mayor Avery, so.

18 MS. RAGLIN: Do you think that the city made  
19 available to her all the training she would have  
20 needed to understand the materials that she was  
21 sending out concerning laws and procedures?

22 MS. JAMES: Oh, yes.

23 MS. RAGLIN: She at any time take advantage of the  
24 trainings that the city set up?

25 MS. JAMES: All council members go to -- go to

1 training. They go -- they go to office --

2 MS. RAGLIN: She takes advantage of it.

3 MS. JAMES: Yes. She's been to -- been to  
4 training.

5 MS. OSUN: I have a question, Ms. James. Can you  
6 expound on the age discrimination comment? What  
7 context, what phrase, what form was that used?

8 MS. JAMES: "I'm not going to fool with you old  
9 folk no more. I'm tired of being up here with all you  
10 old folk."

11 MS. OSUN: And she told you that directly?

12 MS. JAMES: She -- not to me. But she would say  
13 it.

14 MS. OSUN: To whom?

15 MS. JAMES: Just on the mic. It could be me. It  
16 could be Councilmember -- any council member. It's  
17 just the fact. "I'm sick of fooling with you old  
18 folk."

19 MS. OSUN: And is that --

20 MS. JAMES: Not directly at me, but I'm sitting  
21 here when it's said.

22 MS. OSUN: Can -- do you recall the context it was  
23 used in? Was it at a recorded City Council meeting?

24 MS. JAMES: It should be recorded. Now, if -- for  
25 me to go find it, I don't know, but it's been said a

1 couple of times.

2 MS. OSUN: Okay. Do you remember what -- the  
3 discussion?

4 MS. JAMES: It wasn't a discussion. I mean, it  
5 could have been her and the mayor going at it.

6 MS. OSUN: Okay.

7 MS. JAMES: And then get -- you know, at the end of  
8 it, "I'm just sick of fooling with you old folk." Or  
9 her and Councilwoman Hattie Portis-Jones. "I'm sick  
10 of fooling with you old folk." And it could have been  
11 meant to her, but, you know, for me, I'm an old folk.

12 MS. OSUN: So you -- you took offense to it, but  
13 you're not for sure if it was directly --

14 MS. JAMES: Yeah, directed for me --

15 MS. OSUN: -- for you.

16 MS. JAMES: -- but I took offense to it, yes.

17 MS. OSUN: Okay. And is -- your EEOC complaint's  
18 pending investigation still?

19 MS. JAMES: Yes.

20 MS. OSUN: Okay. Thank you. Are there any other  
21 questions?

22 MR. SMITH: I have one question. I want to be  
23 clear about something, Ms. James. You stated -- you  
24 stated a few minutes ago that if a council member is  
25 not present in the executive session, they don't have



1 privilege to the information?

2 MS. JAMES: No. Well, see, in executive session,  
3 when you go in to executive session, we don't really  
4 have to record the minutes, but what we do have to  
5 record is what was discussed. If there is a big  
6 discussion in executive session -- say, for instance,  
7 it's about property or whatever -- those minutes are  
8 sealed after that. And when you come out and vote,  
9 you come out and vote, and anybody can get that.

10 But all of the discussion in an executive session  
11 is sealed, and they are opened by law. You go to  
12 court, and when you go to court, the judge, they omit  
13 to take pictures of it, of what's handwritten and  
14 what's that. And this particular executive session  
15 was an -- the -- the board between Hudson and Heath,  
16 and neither one of them were in there and neither one  
17 of them needed to know that you said what you said,  
18 so.

19 MR. SMITH: All right. Thank you.

20 MS. OSUN: Thank you. Any other questions, Board  
21 members? Council -- Mr. Cochran?

22 MR. COCHRAN: Good afternoon, everybody. My  
23 question is back to the sequences on the codes, not  
24 directly with -- with her. I don't know if it's the  
25 proper time to ask.



1 THE CLERK: Sir, can you speak in your mic?

2 MR. COCHRAN: I -- the question I need to ask is --  
3 to ask is about sequence events that happen with the  
4 letters and the sequences that -- that the code is  
5 addressing now, not directly with her and the clerk.  
6 So do I need to answer that to the --

7 MS. OSUN: To counsel?

8 MR. COCHRAN: -- to the attorney now, at this time?

9 MR. ASHE: My suggestion would be that if you have  
10 a question for me or a question of the complainant in  
11 general, but not of the clerk, that we conclude the  
12 clerk's testimony, let her step down off the stand, or  
13 off the -- off the table, as it were, and then you  
14 move on to ask the -- whatever question it is.

15 (Ms. James dismissed from witness stand.)

16 MR. COCHRAN: Okay. What I need to do is get the  
17 sequence of events. The sequence of events, as I have  
18 it, is that the filing of the ECC -- EEO complaint,  
19 and that got in to the mayor, who filed for the  
20 complaint to go to -- to the Ethics, which went to  
21 the, at that time, not the Ethics but to the City  
22 Council for us to -- the City Council for us to deal  
23 with the -- the complaints. Okay. During that time,  
24 some things happened, at that time, if I'm not  
25 mistaken, and that Ms. Hudson did some things before

1 that happened. What was the first thing she did?

2 MR. BRANT: Are you asking me?

3 MR. COCHRAN: I'm asking you.

4 MR. BRANT: Well, the first thing -- I understand  
5 there was a problem with her and another one of the  
6 council members prior to this escalating with the --  
7 with the secretary. I -- then it turned -- turned  
8 after she was in a prior altercation with another  
9 council member. Then when they had a council meeting,  
10 and then there was an issue came up as to whether or  
11 not the meeting should be open or closed. They  
12 indicated to her that the -- that the meeting -- that  
13 they had the people there for the meeting, and it did  
14 not have to go to the public. And -- and I think that  
15 became an issue.

16 That's when the bigger part of this broke off into  
17 something big. I think her and the secretary had  
18 already had some issues going on prior to it spinning  
19 around till it got to the mayor. So when -- when this  
20 whole issue came up about whether or not the meeting  
21 could be open or public, they -- they went on and had  
22 the meeting. From that, another complaint came out  
23 from Ms. Hudson, which has us here now. Because after  
24 that, she goes and she starts attacking the secretary.  
25 And then the mayor steps in on her behalf and says

1     cease and desist. And she basically makes it clear  
2     she's not going to do any of that.

3           MR. COCHRAN: Okay. Okay. Okay. Let's -- let's  
4     back up a little bit. So the first thing happened is  
5     we -- we -- we got a problem with her. We filed a  
6     complaint first -- the first --

7           MR. BRANT: [Crosstalk] -- filed the complaint.

8           MR. COCHRAN: Okay. We threw the complaint with  
9     her there. Okay. Then the next action was taken by  
10    the mayor, right? Just said --

11          MR. BRANT: It was her filing -- well --

12          MR. COCHRAN: The action on her complaint was going  
13    to go to the City Council, right?

14          MR. BRANT: Right.

15          MR. COCHRAN: Right. So she rejected that going to  
16    the City Council. The next thing that happened was  
17    she made a comment, and the mayor made the comment  
18    that she could not talk about this to other people  
19    because it's going to the City Council because -- had  
20    set up to have the meeting and everything done in  
21    closed sessions at City Council at this time, right?

22          MR. BRANT: Correct.

23          MR. COCHRAN: Okay. The next thing, after he gave  
24    her the letter not to do it, she said she was going to  
25    do it for transparency. Is that correct?



1 MR. BRANT: Yes, that's her explanation.

2 MR. COCHRAN: Okay. Next thing, the attorney sent  
3 a letter saying, "You can't do that. The mayor's  
4 correct, saying that you can't do this." Right?

5 MR. BRANT: Right.

6 MR. COCHRAN: The next thing that happened after  
7 that was she did the public thing.

8 MR. BRANT: She posted.

9 MR. COCHRAN: Posted public thing.

10 MR. BRANT: Right.

11 MR. COCHRAN: Is that the correct sequence?

12 MR. BRANT: That was correct.

13 MS. OSUN: Counsel, I have a question. Going back  
14 to the executive session meeting -- and my  
15 understanding is this is kind of where this all kind  
16 of had a domino effect and spiraled. Is that correct?

17 MR. BRANT: I think for this portion, yes.

18 MS. OSUN: Okay. For purposes of this hearing, is  
19 that correct?

20 MR. BRANT: Yes, yes.

21 MS. OSUN: Are there allegations that you're aware  
22 of by the respondent that that meeting was not  
23 properly held?

24 MR. BRANT: I think --

25 MS. OSUN: What is the issue surrounding that



1 executive session, and is that why she was so adamant  
2 to get the -- I need a better understanding on this  
3 executive session that was held. And was it held in a  
4 proper manner? Were --

5 MR. BRANT: I can call Ms. -- I can call back the  
6 witness I just called. Can we call --

7 MS. OSUN: Absolutely. Please.

8 MR. BRANT: Ma'am, would you come up, please?

9 (Ms. James returns as a witness.)

10 MR. BRANT: You've -- you've previously been sworn  
11 in, and so I want to follow up and just ask you  
12 something. Are you familiar with the meeting that the  
13 question has been presented me to about [sic]?

14 MS. JAMES: Okay. Are you talking about the first  
15 executive session, or are you talking about the  
16 meeting that they had where the mayor is now filing  
17 the complaint?

18 MS. OSUN: The executive session that created the  
19 spiral of emails in April --

20 MR. BRANT: If I may --

21 MS. OSUN: -- demanding records that she was  
22 informed she wasn't privy to because she was not in  
23 that executive session. Why was she not in that  
24 executive session?

25 MS. JAMES: Okay. She was not there because she

1 filed a complaint against Councilmember Heath. When  
2 you file the complaint, the Investigative Committee  
3 hears the complaint. The Investigating Committee is  
4 all remaining mayor and council members and the city  
5 attorney. So neither of them were in that meeting.  
6 What happened, we talked, just like you're talking  
7 now, and then when they got ready to deliberate, they  
8 went into executive session to deliberate so that they  
9 can talk about what can't be talked about in the  
10 public. Once they decided what they wanted to do,  
11 they came back out in regular meeting to vote on what  
12 they wanted to vote on, the same as you would do if  
13 you wanted to deliberate. You would go into executive  
14 session and then come out and vote.

15 MS. OSUN: I see. And so the records she was --  
16 the respondent was requesting were all pertaining to  
17 the executive session, the -- pertaining to the  
18 complaint that she was pursuing against Councilmember  
19 Heath.

20 MS. JAMES: Right.

21 MS. OSUN: Thank you. That's all I have.

22 MR. BRANT: Any further questions?

23 MR. ANDERSON: I think I have one. So --

24 MS. JAMES: For me?

25 MR. ANDERSON: Yes. As far as -- far as the

1 executive sessions, were there any other executive  
2 sessions that were missed by Ms. Hudson? Like, did  
3 she miss any other executive session?

4 MS. JAMES: Well, I -- I -- I can't answer that  
5 without going back to check and see whether she was at  
6 the meeting or not. But the executive session is  
7 called by the attorney. If he says we need to have an  
8 executive session or -- and then they vote -- they  
9 vote to go into an executive session, so a vote is  
10 taken to go there. You cannot sit in an executive  
11 session if you are part of the issue.

12 MR. ANDERSON: Got you.

13 MS. JAMES: Now, I'm sure there probably has been  
14 another executive session because there was another  
15 complaint or something that was filed. There -- there  
16 was an executive session to discuss my EEO, and  
17 neither one of us could go in it. She couldn't go in  
18 it, and I couldn't go in it.

19 MR. ANDERSON: Got you.

20 MS. RAGLIN: So do you think this -- the labels and  
21 the procedures that go with the labels for all these  
22 meetings, councils, does that seem to be what's  
23 missing? It's a matter of reading and understanding  
24 material before making accusations. Do you think that  
25 this is what has happened? That there was limited



1 understanding or investment before making the  
2 accusations?

3 MS. JAMES: No, ma'am. The attorney explains  
4 everything. The attorney has put everything in  
5 writing. He has put in writing about the executive  
6 session. He has put in writing why we can go in  
7 executive session. The attorney general ruled that  
8 the executive session was legal to go in there. And,  
9 you know, Mr. Starkey gives papers and papers laying  
10 out what the law is, where you can find this and  
11 everything. But he doesn't know what he's talking  
12 about as far as some people are concerned.

13 MS. RAGLIN: Thank you.

14 MS. OSUN: Thank you. That's all I have for Ms.  
15 James. Any other questions for Ms. James?

16 MR. ANDERSON: I'm good.

17 MR. SMITH: Nothing.

18 MS. OSUN: Counsel, you may proceed.

19 MR. BRANT: At this time, I'd like to swear in  
20 Mayor Avery and ask him some questions.

21 MARIO AVERY,  
22 after having been first duly sworn, was examined and  
23 testified under oath as follows:

24 MR. BRANT: State your full -- full name for the  
25 record, sir.



1 MR. AVERY: Mayor Mario Avery. Mayor of the City  
2 of Fairburn.

3 MR. BRANT: Okay. Mr. Avery, what do you know  
4 about this situation, and when did you get involved  
5 with it, and what -- explain to the panel, what did  
6 you do?

7 MR. AVERY: I was actually apprised of an issue. I  
8 want to say it was around early August. And basically  
9 in this case, prior to that, actually Ms. James had  
10 mentioned to me, you know, that, you know, "Mayor, I'm  
11 -- I'm getting harassed and, you know, I may have to  
12 ask the council, you know, to do something about it or  
13 I'm about to take it into my own hands." And so, long  
14 story short, I received on August the 6th a notice, a  
15 notice of complaint. And so August the 6th, I was  
16 told a notice of complaint was filed by the city  
17 clerk, an EEO complaint.

18 And then at which time, I actually composed a -- I  
19 composed a letter to basically ensure that it was --  
20 well, you know, not me, the city attorney, if I'm  
21 correct -- the city clerk's office properly informed  
22 council as a whole that a notice of EEO complaint has  
23 been filed. Then, at which time, on August the 7th,  
24 my -- my records is Ms. Hudson pretty much made it  
25 clear that she would not comply with any of the -- any

1 information that I'd given her as it relates to a  
2 cease and desist.

3 I sent the letter to cease and desist in my -- in  
4 my efforts to protect the government for what -- I'm  
5 in the compliance business. And so I fully understand  
6 in this case what I believe was creating a legal  
7 exposure for the city. Because at this point, Ms.  
8 James had never said she would sue anybody, and had  
9 never alleged that, but having been in this business  
10 long as I have, in the compliance business, if the  
11 city did not take some type of affirmative action to  
12 request her to stop harassing this woman, at which  
13 point -- which is when I sent a cease and desist. At  
14 which time, on August the 7th -- excuse me, at which  
15 time, Ms. Hudson indicated in a letter, August 11th,  
16 that she would not comply.

17 MR. BRANT: Let me ask you a question. Is it your  
18 understanding that as a whole the city could be sued  
19 and brought into this through a civil action by, I  
20 guess, the secretary or anybody else who had a problem  
21 with what she was doing?

22 MR. AVERY: That's correct.

23 MR. BRANT: And could have created exposure for the  
24 city to be financially harmed or even sought after.  
25 You would have to pay to defend yourself and otherwise

1 to even try to recoup from her. Is that correct?

2 MR. AVERY: That's correct.

3 MR. BRANT: With that being said, you informed her  
4 of these things, and she did not slow down or -- or  
5 even consider the onset of burden that she was putting  
6 on the city and everybody involved in this process.  
7 Am I correct?

8 MR. AVERY: That's correct.

9 MR. BRANT: Okay. You can go.

10 MR. AVERY: It will be -- and then also one of the  
11 things that really concerned me was that in this case,  
12 Ms. Hudson's actions are comprised -- you know, in  
13 this case, created potential legal exposure for the  
14 City of Fairburn. And it undermines the rights of our  
15 employees, both federal, state, and municipal,  
16 according to municipal law. So my major concern as  
17 mayor was not only that you were exposing the city  
18 clerk's personal information, but you were actually  
19 exposing the government as a whole to legal liability  
20 that we would -- that citizens' taxpayer money would  
21 have to pay for.

22 At which time the city attorney came -- came behind  
23 me on August the 7th and sent basically a verification  
24 letter that the email that I sent to Ms. Hudson was  
25 legally sound. In summary, that's what he was



1 indicating. Everything that I -- I stated to Ms.  
2 Hudson asking her to cease and desist was legally  
3 sound.

4 MR. BRANT: Was there a response to your letter to  
5 cease and desist?

6 MR. AVERY: Yes.

7 MR. BRANT: What was her response?

8 MR. AVERY: Her response, in summary, was that "you  
9 have no authority over me and I will not -- I will  
10 not" -- and I'm trying to --

11 MR. BRANT: Comply?

12 MR. AVERY: "I will not comply to what you have  
13 mentioned." Okay. So then at which point, a  
14 disclosure violation in -- of confidentiality on  
15 August the 9th, basically, in this case, we were --  
16 information was conveyed that we -- I apologize. I  
17 got my notes mixed up. A public disclosure violation  
18 of confidentiality. In this case, in summary, Ms.  
19 Hudson was clearly made aware of the City Code clearly  
20 says you cannot share confidential information, and so  
21 she made that real clear that she was not going to  
22 comply.

23 MR. BRANT: So let me ask you: I think it's come  
24 out twice, sitting in front of this panel, they go  
25 through a training process before they're brought in



1 to start working, correct?

2 MR. AVERY: That's correct.

3 MR. BRANT: Was that information given to her at  
4 that training session? Are you aware of -- that she  
5 -- what kind of information they could reveal to the  
6 public and to their constituents?

7 MR. AVERY: GM -- yes. GMA does extensive training  
8 as it relates to do's and don'ts. They actually, in  
9 this case -- because I left off and came back, one of  
10 the things that's very commendable for GMA, they  
11 actually do a mock council meeting to show things that  
12 can be done and things that cannot be done. So again,  
13 as it relates to Ms. Hudson not being aware of what  
14 was actually authorized, that's -- that's almost  
15 virtually impossible. The other part, Ms. Hudson  
16 brags about having a -- I believe, a doctorate degree  
17 now recently in policy. There's no way in the world  
18 if you got a background in that kind of policy -- I  
19 have a MBA in business administration. There's no way  
20 in the world that that type of information -- you  
21 didn't read this policy. I've read through it six,  
22 seven times.

23 MR. ASHE: Madam Chair, the 20 minutes for the  
24 complainant's time has expired. If the Board would  
25 like to hear additional information from the

1 complainant, I would recommend a motion to extend the  
2 time limit to do so. I do have a few questions for  
3 the complainant or for his counsel at -- at the  
4 appropriate moment.

5 MS. OSUN: Thank you. Board, is there a motion to  
6 extend the time to hear additional information from  
7 the complainant?

8 MS. JONES: So moved.

9 MS. OSUN: Is there a second?

10 MR. ROBINSON: Second.

11 MS. OSUN: All in favor?

12 VARIOUS: Aye.

13 MS. OSUN: That carries.

14 MR. ASHE: How much additional time do you want to  
15 give?

16 MS. OSUN: 10 minutes.

17 MR. SMITH: Motion to --

18 MS. OSUN: Is there a motion to extend by 10  
19 minutes?

20 MR. ROBINSON: Make a motion to extend the time by  
21 10 minutes.

22 MS. JONES: Second. 10 minutes.

23 MS. OSUN: All in favor?

24 VARIOUS: Aye.

25 MS. OSUN: That carries. Thank you.

1 MR. BRANT: I appreciate it, Counsel. I don't know  
2 if we're going to need the 10 --

3 MR. AVERY: Yeah, yeah, I'm finished.

4 MR. BRANT: I think the mayor was finished  
5 explaining everything that the -- [indiscernible]  
6 filed in violation and what he experienced. So I  
7 think we're done with that. I may have a few -- well,  
8 I think I did that.

9 MS. OSUN: You do have closing remarks remaining.

10 MR. BRANT: Do I -- do I -- Counsel, want me to get  
11 into that now you want me to go --

12 MR. ASHE: Madam Chair, if you'll permit me, I --  
13 there are a few things I'd like to ask before...

14 MS. OSUN: Absolutely. And I -- I do -- and I'm  
15 sorry if I missed this. I do have a question as well,  
16 Mr. Ashe, before you proceed, if that's okay.  
17 Counsel, can you confirm -- I'm sorry if I missed this  
18 -- the date where -- of the formal filing of the EEOC  
19 complaint and whom was it -- which departments was it  
20 filed with?

21 MR. BRANT: One second. Yeah. Notice of the EEOC  
22 Cease and Desist Directive, August the 6th, 2025. On  
23 Wednesday, August the 6th, '25, Council Hudson  
24 formally notified by letter copied to the entire City  
25 Council that the city clerk, Brenda James, had filed a



1 written Equal Employment Opportunity Complaint with  
2 the Human Resources Director, naming Ms. Hudson as the  
3 subject.

4 The letter confirmed the complaint was proper and  
5 actionable under the Section 2-5.6(A) of the City  
6 Personnel Policy and Procedure Manual. Ms. Hudson was  
7 advised that the retaliation, direct or indirect,  
8 against Ms. James was strictly prohibited under  
9 Section 2-50.6(B) and could result in additional  
10 consequences, including formal council action or  
11 referral to ethics and legal authorities. She  
12 explicitly -- she was explicitly instructed that  
13 because this is pending personal matter, any  
14 discussions must be conducted only in a duly convened  
15 executive session, not in public meetings. Despite  
16 all that, she --

17 MS. OSUN: And council members are bound by that  
18 procedural manual. Is that correct?

19 MR. BRANT: That is correct.

20 MS. OSUN: Okay. And so the EEOC complaint was  
21 filed with the City of Fairburn. Was it filed with  
22 any federal agency or any other entity?

23 MR. BRANT: My understanding was it was not filed  
24 by federal -- with -- not with any other agency.

25 MS. OSUN: Okay. But council members are bound by



1 that Employee Procedural Manual.

2 MR. BRANT: Correct. Correct.

3 MS. OSUN: And they are aware of that in training.

4 MR. BRANT: Yes.

5 MS. OSUN: Okay. Thank you.

6 MR. BRANT: Everything we derived, she is aware.

7 It was explained to her, and she had more than enough

8 time. If she had it -- in her dealings with the city

9 attorney, she could have gotten anything clarified.

10 It is my understanding, although we haven't asked

11 questions to it, that she not only was aware of the

12 city attorney. She's asking many questions, and she

13 sort of cherry-picks what she really wants to know and

14 what she doesn't want to know.

15 MS. OSUN: Understood. Thank you. Mr. Ashe?

16 MR. ANDERSON: I have one more question. So as far

17 as -- you issued the cease and desist, correct?

18 MR. AVERY: Yes, sir.

19 MR. ANDERSON: And then she -- she responded by

20 saying she would just refuse to comply.

21 MR. AVERY: Yes.

22 MR. ANDERSON: Did she give any particular reason

23 as far as why she decided?

24 MR. BRANT: I think the word -- if I may, I think

25 the word that she continually used throughout is a

1 catchphrase, catch-all. She says "transparency."  
2 That's what she means. That's the replete and  
3 everything -- when she's approached about these things  
4 and told that she's wrong for doing them, she goes  
5 back to "free speech" and "transparency."

6 MR. ANDERSON: So in this case, the reason that she  
7 gave for --

8 MR. BRANT: Transparency. That is literally the  
9 reason she gave.

10 MR. ANDERSON: You said free speech too.

11 MR. BRANT: In this -- for that particular -- the  
12 last she said, in an effort to be transparent, she's  
13 going to let her council members know things that she  
14 knows specifically as -- as her membership to this  
15 body that she's not supposed to give out to the  
16 public. But that's her rationale for giving it out.

17 MR. ANDERSON: So when you -- when she's using the  
18 word "transparency," is she saying transparency  
19 between herself and other council members, or is she  
20 saying transparency between herself and the general  
21 public? Or does she not make that clear?

22 MR. BRANT: Let me -- let me speculate, because I  
23 don't know how she's -- how she's putting this  
24 together. What my reading of what she's saying is  
25 transparency with her public, her constituents, and

1 with this body, even though this body doesn't agree  
2 with her definition and interpretation of what  
3 transparency is and has instructed and informed her  
4 that that's not transparent. That is you giving out  
5 information that is not supposed to be shared with the  
6 public.

7 MR. ANDERSON: That's what I'm trying to get  
8 clarity on, so. Okay. Thank you.

9 MR. BRANT: Yeah. She keeps calling that being  
10 transparent.

11 MR. ANDERSON: Okay. Gotcha.

12 MS. JONES: Okay. I have a question before you --  
13 Mayor Avery, you said Ms. Hudson -- on August the 9th,  
14 she broke the confidentiality. Was that with the  
15 posting on Facebook and the iPod [sic] that she did,  
16 or was it something else?

17 MR. AVERY: There's actually a posting -- give me  
18 one second. I actually want to make sure. It was  
19 actually a posting that she posted of this, and it's  
20 called the -- in this case, "When Transparency is  
21 Relaxed With -- With Silence." That was the title, I  
22 believe, of it. And then in this case --

23 MR. BRANT: Do you have --

24 MR. AVERY: Yeah, I believe actually that's it.

25 MR. BRANT: Question. Can we mark this as Exhibit



1 1 and [indiscernible]?

2 MR. ASHE: So this is what I was suggesting. I  
3 distributed both sides, Council, prior to the meeting,  
4 three proposed consent exhibits. They are in your  
5 notebooks as tabs 5, 6, and 7. If the Board will  
6 permit me, I think I can authenticate them with the --  
7 with the complainant and recommend their admission. I  
8 did not receive a response or objection to -- to doing  
9 so prior to the hearing but would suggest that it  
10 would be helpful to have them as -- as part of the  
11 record right now. And I think that the contents of  
12 those may well answer some of the questions.

13 MR. BRANT: And I have no objection, Counsel.  
14 [Indiscernible]

15 MS. OSUN: Is there a motion to --

16 MR. ASHE: May I -- Madam Chair, if I may --

17 MS. OSUN: Yes, sir.

18 MR. ASHE: -- go through the exercise of getting  
19 them admitted.

20 MS. OSUN: Absolutely.

21 MR. ASHE: Thank you. Mayor Avery, would you  
22 please take a look at what I've marked in the top  
23 corner as Exhibit A? And this is, I believe, tab 6.  
24 Excuse me. It's tab 6.

25 MS. OSUN: Okay.

1 MR. ASHE: Mayor, do you recognize that document?

2 MR. AVERY: I do.

3 MR. ASHE: Is this a copy of the cease and -- of  
4 what you referred to as the cease and desist letter  
5 earlier?

6 MR. AVERY: Yes, sir.

7 MR. ASHE: Okay. At this point, Madam Chair, I  
8 would recommend that the Board admit this as Exhibit  
9 A. But -- and that's a decision you can make subject  
10 to being overruled by a majority vote of your Board.  
11 But it is, by the rules of the -- of the Board, a  
12 decision for you to make. But I would -- my role is  
13 to recommend its admission to you, which I do.

14 MS. OSUN: Yes, I would -- there's no objection on  
15 my end to this being admitted as Exhibit A.

16 (Exhibit A was admitted into evidence.)

17 MR. ASHE: All right. Next, I will give the  
18 complainant what I've marked as Exhibit B. This, for  
19 the Board's benefit, is tab 7 in your books. Mayor  
20 Avery, do you recognize this document?

21 MR. AVERY: I do.

22 MR. ASHE: Is it a copy of an -- of the email chain  
23 in which Councilmember Hudson responds to your cease  
24 and desist letter, and then discusses the basis for  
25 which she -- her opinions about said letter?

1 MR. AVERY: That's correct.

2 MR. ASHE: And this is what you were referring to  
3 earlier when you said that she said she would not  
4 comply with your letter, is that correct?

5 MR. AVERY: That's correct.

6 MR. ASHE: Okay. But you're familiar with this,  
7 and it appears to be a true and correct copy of that  
8 email exchange?

9 MR. AVERY: It is.

10 MR. ASHE: Madam Chair, I would recommend the Board  
11 admit this as Exhibit B.

12 MS. OSUN: I have no objection to admitting Exhibit  
13 B into evidence.

14 (Exhibit B was admitted into evidence.)

15 MR. ASHE: Last, I'll hand you what I've marked as  
16 Exhibit C. Mr. Mayor, do you recognize this document?

17 MR. AVERY: I do.

18 MR. ASHE: Is this a copy of the ethics complaint  
19 you submitted giving rise to this proceeding?

20 MR. AVERY: Yes, sir.

21 MR. ASHE: And is the attachment to the complaint  
22 itself a copy of the posting you were referring to  
23 earlier?

24 MR. AVERY: Yes, sir, it is.

25 MR. ASHE: On that basis, I recommend to the Board



1 it admit this document, which is tab 5 in your  
2 notebooks, as Exhibit C.

3 MS. OSUN: No objection in admitting Exhibit C.

4 (Exhibit C was admitted into evidence.)

5 MR. ASHE: That is the sum total of my questions  
6 for the witness.

7 MS. OSUN: Okay.

8 MR. SMITH: I have a question. Mayor, I wanted to  
9 kind of make something clear and reiterate something  
10 you said about as the CEO of this city, and it was  
11 your duty to send out a stop and desist letter?

12 MR. AVERY: Yes, sir. It -- it is my duty to  
13 ensure that -- ensure that all employees, and even  
14 council members, are dealt with respectfully and free  
15 of harassment.

16 MR. SMITH: Okay. And that was based on the fact  
17 that, you know, the city could have been held liable  
18 for Ms. Hudson's action?

19 MR. AVERY: That's correct.

20 MR. SMITH: Okay. Thank you.

21 MS. OSUN: Board members, are there any other  
22 questions for counsel or the complainant? Counsel, do  
23 you have any closing remarks at this time?

24 MR. BRANT: Yes, and I'll be brief.

25 MS. OSUN: Absolutely.

CLOSING STATEMENT

1

2 MR. BRANT: Ladies and gentlemen of the -- of this  
3 panel --

4 MR. ASHE: Would you move the microphone over?

5 MR. BRANT: I really just want to say thank you all  
6 for your patience and everything that you've gone  
7 through this evening. But what I want to say in  
8 closing is this. I think the facts of this have been  
9 rehashed at least several times in front of this panel  
10 here this evening. I've struggled with -- I think  
11 what's in front of this panel is making a decision on  
12 what to do with an elected official who, first, we  
13 have to decide, is making decisions not to follow  
14 rules on her own and willfully.

15 I think the City of Fairburn, to be successful and  
16 to succeed, I think this panel has to decide whether  
17 this individual is a hindrance to what is trying to be  
18 accomplished here for city purposes and the  
19 constituents, or if this is really a violation of  
20 somebody who's really trying to do work for its  
21 constituents.

22 I think when you have a city attorney who's being  
23 -- who's been selected and being paid to represent the  
24 city, who's knowledgeable of the law governing the  
25 city and the rules of this council, and that they give

1 the information to the council member that is needed  
2 to help clarify her concerns, which has been stated  
3 what has occurred in this particular case. And she  
4 continues, despite being informed of the information,  
5 to go out and do things against the law, against  
6 procedure and code, and to put this city in jeopardy  
7 of being exposed to civil litigation.

8 I don't know. I mean, I think for me, my first  
9 concern, like the panel has gotten into earlier, is:  
10 Is there a problem with her mental capacity in  
11 understanding what she's being told and how she's  
12 being trained? Does she have a capacity limit of  
13 understanding what's being told to her? Because if  
14 she doesn't, then we get to the clear disregard for  
15 rules and following law. And that's kind of where we  
16 are.

17 I don't envy the panel in the decision it has to  
18 make. I think that that -- I think what is upon you  
19 is really considering how you want this City Council  
20 to work. I mean, I've never seen a clearer example of  
21 it. You have a clear example of an individual who  
22 doesn't want to hear anything the mayor has to say,  
23 the city attorney. It's not like we have one person  
24 on her side here saying, yeah, "I kind of agree with  
25 her. She might be right. Let's look into the law."



1 Everybody has told her she's wrong and despite her  
2 knowing that she's wrong, she keeps doing what she  
3 does.

4 So I think that this body has to decide whether or  
5 not she's prohibiting the function and the growth of  
6 this body. Is she allowing for work to be done for  
7 its constituents or is she single-handedly obstructing  
8 and upholding progress here? I would answer that with  
9 the response in the -- in the email exchanges I've  
10 read, yes, she is. That's what I would argue. I  
11 would ask the panel to go back and look at this and  
12 then if you come up with a different verdict or  
13 opinion, then I guess that's what you will come up  
14 with.

15 But I -- I cannot -- even to find out that she has  
16 a doctorate degree. We're not talking about a  
17 comprehension issue here. We're talking about a  
18 refusal to accept what is being told to you by an  
19 attorney for the city, who has liability if he's -- I  
20 mean, if he's telling her something wrong, she has a  
21 right to go after him. She hasn't gone after anybody,  
22 but she yet continues to do the same thing, hindering  
23 the progress of this city to move forward with the  
24 business of the city. We just -- I would ask that the  
25 city -- that however you all rule, that you rule with

1 yourselves in mind and the city in mind and how you  
2 want to move this city, and is she being a part of  
3 your ability to do that? That's all I have to say to  
4 you.

5 MS. OSUN: Thank you. Board, is there a motion to  
6 go into executive session at this time?

7 MS. JONES: So moved.

8 MR. ASHE: For the purposes of deliberation.

9 MS. OSUN: For the purposes of deliberation.

10 MR. SMITH: Second.

11 THE CLERK: Who made that motion?

12 MS. OSUN: Who --

13 MS. JONES: I did.

14 THE CLERK: And who seconded it?

15 MR. SMITH: I did.

16 MS. OSUN: All in favor?

17 VARIOUS: Aye.

18 MS. OSUN: Any opposed? Thank you.

19 MR. BRANT: Ma'am, I do want to say one -- I -- I  
20 forgot to say one last thing.

21 MS. OSUN: Okay.

22 MR. BRANT: And I do need to say this in this -- in  
23 this hearing. I think the other thing I would -- I  
24 would point out to the panel before you go back and  
25 make your decision. Today, I mean, I -- we come in

1 here today for this hearing. The information about  
2 this hearing has been known for at least two, three  
3 weeks, a month, minimum. The fact that she is not  
4 here and on the day of the hearing, this -- her  
5 reaction to this hearing is exactly what they're  
6 dealing with on the council panel in meeting.

7 She knows she has a hearing. Half an hour before  
8 we start the hearing, she -- there's an email sent out  
9 saying, "I'm out of town." Despite the fact that you  
10 know. And every arrangement that could have been made  
11 legally and procedurally that you could have filed to  
12 protect yourself, she just didn't do. So I guess the  
13 panel also has to decide whether this is not knowing  
14 the rules, not caring about the rules, or just not  
15 doing anything.

16 I mean, I don't know how you decide that, but it's  
17 evident that she's not here. She knew to be here. We  
18 only found out about her being out of town today. I  
19 don't know why, when we knew this was already  
20 scheduled, it wasn't sent out: "Hey, I won't be  
21 there. I'll be out of town." But this is the mindset  
22 of the individual that you are dealing with. So I  
23 guess it's not incumbent on me to tell you what to do.  
24 It's incumbent on you for the protection of the city  
25 and how it proceeds and how you want it to grow or not



1 grow, what you want out of the city to decide whether  
2 or not she's a functioning, contributing, positive --  
3 positive contributing member of this -- of this body.  
4 And if not, then y'all need to decide what y'all want  
5 to do about it. That's all I have. Thank you.

6 MS. OSUN: Thank you, sir. Mr. Ashe, will we be  
7 deliberating and...

8 MR. ASHE: At this point, we'll move into executive  
9 session and ask that the mics be turned off, the  
10 cameras be turned off.

11 (Discussion continued off the record.)

12 MS. OSUN: Good evening. Tonight, we were tasked  
13 with determining, by the preponderance of the evidence  
14 and testimony presented tonight, if a violation has  
15 occurred. Is there a motion tonight in that regard?

16 MR. SMITH: I make a motion that a violation has  
17 occurred.

18 MS. OSUN: Is there a second?

19 MR. ANDERSON: Second.

20 MS. RAGLIN: Second.

21 THE CLERK: Who seconded?

22 MR. ANDERSON: Anderson.

23 MS. OSUN: All in favor?

24 VARIOUS: Aye.

25 MS. OSUN: Any opposed? That -- that motion

1 carries. We were also tasked with recommending a  
2 sanction for any violations that have occurred. All  
3 right. Is there a motion or recommendation in that  
4 regard as to what that sanction should be?

5 MR. SMITH: I make -- I make a motion that the  
6 sanction would be removal -- impeachment procedure.

7 THE RAGLIN: A second.

8 MS. OSUN: All in -- all in favor?

9 VARIOUS: Aye.

10 MS. RAGLIN: Second.

11 THE CLERK: Who seconded that?

12 MS. OSUN: Who seconded that motion?

13 MR. SMITH: Ms. Jones.

14 VARIOUS: Raglin. Raglin.

15 MS. OSUN: All in favor?

16 VARIOUS: Aye.

17 MS. OSUN: Any opposed? And I -- I do oppose that  
18 recommendation.

19 MR. ASHE: It's a 5:1 vote.

20 MS. OSUN: Yes, that is correct. Five to one. And  
21 that -- that motion carries. Is there a motion to  
22 adjourn tonight's meeting?

23 MR. COCHRAN: So move.

24 MR. SMITH: Second.

25 MR. ROBINSON: Second.

1 MS. OSUN: Okay. Meeting adjourned.

2 (Proceeding concluded at 7:57 p.m.)

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CERTIFICATE

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STATE OF GEORGIA:  
COUNTY OF CLARKE:

I hereby certify that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This, the 5th day of October 2025.



Cert #: 6028-2453-8691-9936

Vivian R. Adams, CER, CET, CCR



(A)

Mayor Mario B. Avery | Mayor Pro Tem Alex Heath  
Councilmembers | Linda J. Davis | Samantha Hudson |  
| Hattie Portis-Jones | Ulysses Smallwood | James Whitmore |

August 6, 2025

Councilwoman Samantha Hudson  
City of Fairburn  
56 Malone Street  
Fairburn, Georgia 30213

**RE: Notice of EEO Complaint and Cease and Desist Directive**

Dear Councilwoman Hudson,

This letter is to formally inform you that on July 24, 2025, City Clerk Brenda James submitted a written Equal Employment Opportunity (EEO) complaint to the Human Resources Director, naming you as the subject of the complaint.

In her complaint, Ms. James alleges the following conduct against you:

- Constant harassment through email communications directed to the Mayor and Council;
- False and defamatory statements disseminated to third parties, including the Georgia Attorney General and via Facebook;
- Age-based discriminatory remarks, including references to “old folk”;
- Creation of a hostile work environment through unpredictable and distressing communications;
- Retaliation based on her association with the Mayor and her involvement in a matter you referred to the Attorney General.

Ms. James’ Complaint Is Proper and Actionable.

Pursuant to Section 2-50.4 of the City’s Personnel Policy and Procedures Manual (rev. 04.08.24), Ms. James’ complaint is procedurally and substantively proper. The policy defines prohibited harassment and retaliation broadly and explicitly states that such conduct may originate from “anyone...” Furthermore, Section 2-50.6 (A) confirms that the City is obligated to “conduct an objective and appropriate review of all such complaints and will take any action deemed necessary and appropriate under the circumstances.”

The allegations in the complaint have triggered the City’s obligation to investigate this matter with appropriate dispatch. Although elected officials such as yourself are expressly excluded from policy coverage under Section 2-50.3, the policy nonetheless protects all employees—including Ms. James—from unlawful harassment, discrimination, and retaliation in the workplace.

The City’s Personnel and Procedures Manual Section 2-50.6 (B) additionally assures Ms. James’ right to a workplace free of threats and intimidation because of the filing of an EEO complaint: “Retaliation against anyone who makes a good faith complaint or participates in the complaint process is strictly prohibited.”

Accordingly, during the pendency of this investigation, and effective immediately, you are directed to cease and desist from all direct contact with Ms. James in any format, including email, phone, text, in-person communication, or social media references. Any necessary communication to the City Clerk and/or the Deputy Clerk of any nature should be routed through me. I will ensure that appropriate *legislative queries* posed by you are timely presented to the Clerk and/or Deputy Clerk for response.

Please be advised that any retaliation—direct or indirect—against Ms. James in connection with her complaint, or any violation of this cease and desist directive, will be treated as a serious matter and may lead to additional consequences, including formal action by the City Council or referral to the appropriate ethics or legal authorities.

Failure to abide by this directive—or any act of retaliation, directly or indirectly, will result in appropriate remedial action, which may include referral to the City Council for formal censure, reprimand, ethics complaints or other lawful remedies.

Please be advised that because this is a pending personnel matter, the appropriate forum for any discussion of this issue is a duly convened, closed executive session. As a matter of precedent and practice, personnel matters and any issues related thereto are not discussed in public meetings.

The City is committed to ensuring that all employees work in an environment that is respectful, nondiscriminatory, and free from harassment and retaliation.

I trust that you will fully comply with this directive and cooperate with the City's efforts to investigate this matter appropriately.

Thank you for your attention to this matter.

Sincerely,

*Mario B. Every*

Mayor, City of Fairburn

cc: City Councilmembers  
City Administrator  
Human Resources Director  
City Attorney

CITY OF FAIRBURN

314 N.W. Broad Street, Fairburn, GA 30213-1341 | (770)964-2244 | [www.fairburn.com](http://www.fairburn.com)





Rory Starkey &lt;rkstarkeygovtlaw@starkeylawgroup.com&gt;

## Notice of EEO Complaint from Mayor Avery to Councilwoman Hudson

4 messages

**Mario Avery** <mayoravery@fairburn.com>

Wed, Aug 6, 2025 at 2:00 PM

To: Alex Heath <alex-heath@hotmail.com>, "Linda J. Davis" <ljdavis@fairburn.com>, Samantha Hudson <shudson@fairburn.com>, Hattie Portis-Jones <hportisjones@fairburn.com>, Ulysses Smallwood <usmallwood@fairburn.com>, James Whitmore <jwhitmore@fairburn.com>  
Cc: Tony Phillips <tphillips@fairburn.com>, Talisha Champagne <tchampagne@fairburn.com>, LaTonya Wiley <lwiley@starkeylawgroup.com>, Rory Starkey <rkstarkeygovtlaw@starkeylawgroup.com>, Rory Starkey <rkstarkeygovtlaw@hstarlaw.com>

Please see attached Notice.



**MARIO B. AVERY**

*Mayor*

Office of the Mayor

✉ mayoravery@fairburn.com

☎ 770-964-2244 ext. 135

☎ 470-493-2182

📍 314 NW Broad Street,  
Fairburn, Georgia 30213

📎 Notice of EEO Complaint.Mayor Avery to Hudson.8.6.25 FINAL.pdf  
244K

**Samantha Hudson** <shudson@fairburn.com>

Thu, Aug 7, 2025 at 12:16 PM

To: Mario Avery <mayoravery@fairburn.com>, Alex Heath <alex-heath@hotmail.com>, "Linda J. Davis" <ljdavis@fairburn.com>, Hattie Portis-Jones <hportisjones@fairburn.com>, Ulysses Smallwood <usmallwood@fairburn.com>, James Whitmore <jwhitmore@fairburn.com>  
Cc: Tony Phillips <tphillips@fairburn.com>, Talisha Champagne <tchampagne@fairburn.com>, LaTonya Wiley <lwiley@starkeylawgroup.com>, Samantha Hudson <fairburnforward@gmail.com>, Rory Starkey <rkstarkeygovtlaw@starkeylawgroup.com>, Rory Starkey <rkstarkeygovtlaw@hstarlaw.com>

Mayor Avery,

I am in receipt of your correspondence dated August 6, 2025, regarding an Equal Employment Opportunity (EEO) complaint filed by City Clerk Brenda James and your attempt to issue a "cease and desist" directive against me in my official capacity as a duly elected member of the Fairburn City Council.

Let me be abundantly clear: your letter is not only procedurally flawed, but it constitutes yet another instance of **retaliation, intimidation, and abuse of executive authority**—a pattern of conduct for which you



and Ms. James have already been subject to **multiple complaints** filed with the Georgia Attorney General and other oversight agencies.

### 1. Legal Overreach and Improper Use of Authority

Your directive seeks to silence and restrict the constitutionally protected duties of an elected official. I was elected by the people of Fairburn to ask questions, request accountability, and ensure transparency in government. Your attempt to reroute all communications through yourself—an individual who is a subject of ongoing complaints and investigations—amounts to **unlawful interference** in the legislative process and is a **clear conflict of interest**.

Let's not pretend: You do not have the authority to unilaterally impose communication restrictions on a Councilmember acting within their scope of office. **O.C.G.A. § 45-10-3**, the Georgia Open Meetings Act, and Georgia's Anti-Retaliation laws protect whistleblowers and public officials from this very sort of executive obstruction.

Furthermore, your actions infringe upon **my rights under the First Amendment**, which protect public officials in the execution of their duties, including freedom of speech, petitioning the government, and public disclosure of concerns regarding public administration.

### 2. Weaponization of EEO Procedures

It is deeply concerning that Ms. James, who has herself been the subject of formal complaints for misconduct and interference with Council duties, now seeks refuge under the same policies she has disregarded when confronted with legitimate legislative inquiries. You assert that Ms. James is protected under the City's Personnel Manual—yet conveniently ignore that the manual **excludes elected officials** from coverage under these procedures (Section 2-50.3).

While you cite Sections 2-50.4 and 2-50.6 as justification for a full investigation, your application of these sections is selective and intended to chill oversight and prevent legitimate public scrutiny. This misuse of policy in defense of your political ally is a transparent effort to evade accountability.

### 3. Pattern of Retaliation and Harassment

This is not the first time you have retaliated against me for raising issues related to misconduct, lack of transparency, and fiscal mismanagement. Your efforts to silence me, both publicly and behind the scenes, have included:

- Attempting to block my agenda items;
- Undermining my communications with city staff;
- Publicly disparaging my character and motives;
- Supporting Ms. James despite clear evidence of unethical conduct and procedural manipulation;
- Ignoring my request that Ms. James be recused from handling any of my official correspondence or administrative support.

Let the record reflect: Your **refusal to adhere to my documented requests**, your repeated interference with my official duties, and your failure to remain neutral as Mayor are all part of an escalating pattern of retaliation in violation of state and federal law.



#### 4. No Authority to Issue Cease and Desist Orders Against Councilmembers

You do not possess unilateral disciplinary authority over members of the Council. The City Charter does not grant the Mayor policing power over elected officials. Attempts to enforce such an order **without or due process** represent an abuse of power and will be treated as such.

Let me be absolutely clear: I will not comply with any directive that unlawfully restricts my ability to perform my duties as an elected official. If further attempts are made to censor, intimidate, or retaliate against me, I will pursue all appropriate **legal remedies, including court intervention, ethics complaints, and additional filings with the Attorney General and GBI.**

#### 5. Conclusion

Your letter is legally defective, politically motivated, and ethically inappropriate. It serves as further documentation of your inability to perform your role in a neutral and professional manner. The people of Fairburn deserve better than a Mayor who weaponizes process and policy to obstruct accountability and silence dissent.

I remain committed to my oath of office, the laws of this state, and to the residents of Fairburn. You will not intimidate me into silence.

Respectfully,

**Councilwoman Dr. Samantha Hudson**

City of Fairburn

---

**From:** Mario Avery <[mayoravery@fairburn.com](mailto:mayoravery@fairburn.com)>

**Sent:** Wednesday, August 6, 2025 2:00 PM

**To:** Alex Heath <[alex-heath@hotmail.com](mailto:alex-heath@hotmail.com)>; Linda J. Davis <[ljdavis@fairburn.com](mailto:ljdavis@fairburn.com)>; Samantha Hudson <[shudson@fairburn.com](mailto:shudson@fairburn.com)>; Hattie Portis-Jones <[hportisjones@fairburn.com](mailto:hportisjones@fairburn.com)>; Ulysses Smallwood <[usmallwood@fairburn.com](mailto:usmallwood@fairburn.com)>; James Whitmore <[jwhitmore@fairburn.com](mailto:jwhitmore@fairburn.com)>

**Cc:** Tony Phillips <[tphillips@fairburn.com](mailto:tphillips@fairburn.com)>; Talisha Champagne <[tchampagne@fairburn.com](mailto:tchampagne@fairburn.com)>; LaTonya Wiley <[lwiley@starkeylawgroup.com](mailto:lwiley@starkeylawgroup.com)>; Rory Starkey <[rkstarkeygovtlaw@starkeylawgroup.com](mailto:rkstarkeygovtlaw@starkeylawgroup.com)>; Rory Starkey <[rkstarkeygovtlaw@hstarlaw.com](mailto:rkstarkeygovtlaw@hstarlaw.com)>

**Subject:** Notice of EEO Complaint from Mayor Avery to Councilwoman Hudson

[Quoted text hidden]

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**Rory Starkey** <[rkstarkeygovtlaw@starkeylawgroup.com](mailto:rkstarkeygovtlaw@starkeylawgroup.com)>

Thu, Aug 7, 2025 at 4:37 PM

To: Samantha Hudson <[shudson@fairburn.com](mailto:shudson@fairburn.com)>

Cc: Mario Avery <[mayoravery@fairburn.com](mailto:mayoravery@fairburn.com)>, Alex Heath <[alex-heath@hotmail.com](mailto:alex-heath@hotmail.com)>, "Linda J. Davis" <[ljdavis@fairburn.com](mailto:ljdavis@fairburn.com)>, Hattie Portis-Jones <[hportisjones@fairburn.com](mailto:hportisjones@fairburn.com)>, Ulysses Smallwood <[usmallwood@fairburn.com](mailto:usmallwood@fairburn.com)>, James Whitmore <[jwhitmore@fairburn.com](mailto:jwhitmore@fairburn.com)>, Tony Phillips <[tphillips@fairburn.com](mailto:tphillips@fairburn.com)>, Talisha Champagne <[tchampagne@fairburn.com](mailto:tchampagne@fairburn.com)>, LaTonya Wiley <[lwiley@starkeylawgroup.com](mailto:lwiley@starkeylawgroup.com)>, Samantha Hudson <[fairburnforward@gmail.com](mailto:fairburnforward@gmail.com)>, Rory Starkey <[rkstarkeygovtlaw@hstarlaw.com](mailto:rkstarkeygovtlaw@hstarlaw.com)>

**Madam Councilwoman:** The Mayor's August 6th EEO directive was legally appropriate and aligned with the City's Personnel Policy and Procedures Manual and applicable employment laws. The directive is not disciplinary and does not limit your legislative authority. It is a necessary step to protect employee rights during an active



EEO investigation and to prevent potential retaliation, ensuring that neither you nor Ms. James are placed in a position that could lead to further allegations. Failure to act promptly could expose the City to legal liability. This action safeguards the investigation and affirms the City's legal and ethical obligations.

As a reminder, all personnel matters are to be discussed in executive session. This personnel item will be discussed during August 11, 2025, executive session and will not be addressed publicly.



*R. Starkey*

Local Government Lawyer

**THE STARKEY LAW GROUP**

561 Thornton Rd. Suite G

Lithia Springs, GA 30122

O: (678) 909-2096 | F: (678) 559-1988

rkstarkeygovtlaw@starkeylawgroup.com | www.starkeylawgroup.com

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[Quoted text hidden]

Samantha Hudson <shudson@fairburn.com>

Fri, Aug 8, 2025 at 1:18 PM

To: Rory Starkey <rkstarkeygovtlaw@starkeylawgroup.com>

Cc: Mario Avery <mayoravery@fairburn.com>, Alex Heath <alex-heath@hotmail.com>, "Linda J. Davis" <ljdavis@fairburn.com>, Hattie Portis-Jones <hportisjones@fairburn.com>, Ulysses Smallwood <usmallwood@fairburn.com>, James Whitmore <jwhitmore@fairburn.com>, Tony Phillips <tphillips@fairburn.com>, Talisha Champagne <tchampagne@fairburn.com>, LaTonya Wiley <lwiley@starkeylawgroup.com>, Rory Starkey <rkstarkeygovtlaw@hstarlaw.com>

Your August 7 communication contains both legal and procedural misstatements that must be addressed for the record.

Under **O.C.G.A. § 36-35-3** and the City of Fairburn Charter, I am an independently elected official, not a subordinate employee. Neither the Mayor nor the City Attorney has unilateral authority to impose directives that restrict my legislative duties without a formal vote of the full Council. The City's Personnel Policy applies to employees, not to members of the governing body.

Issuing a directive of this nature—absent substantiated findings and without due process—creates the appearance of retaliation, especially in light of my documented history of protected activity under the Georgia Whistleblower Act (**O.C.G.A. § 45-1-4**) and applicable federal provisions.

Your continued alignment with and defense of the Mayor's unilateral actions, without providing an independent legal analysis, supports the perception of bias and undermines confidence in the City Attorney's neutrality. If this bias persists, it may itself become a relevant issue in future legal proceedings.

While **O.C.G.A. § 50-14-3(b)(2)** permits certain personnel matters to be discussed in executive session, it does not prohibit public statements where governance or ethical concerns are implicated. The Open

9/20/25, 1:02 PM

Starkey Law Group Mail - Notice of EEO Complaint from Mayor Avery to Councilwoman Hudson

Meetings Act is not intended to be used to silence elected officials or avoid accountability.

I will continue to fulfill my legislative duties consistent with the City Charter, state law, and my oath of office.

Councilwoman Samantha Hudson

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**From:** Rory Starkey <[rkstarkeygovtlaw@starkeylawgroup.com](mailto:rkstarkeygovtlaw@starkeylawgroup.com)>

**Sent:** Thursday, August 7, 2025 4:37 PM

**To:** Samantha Hudson <[shudson@fairburn.com](mailto:shudson@fairburn.com)>

**Cc:** Mario Avery <[mayoravery@fairburn.com](mailto:mayoravery@fairburn.com)>; Alex Heath <[alex-heath@hotmail.com](mailto:alex-heath@hotmail.com)>; Linda J. Davis <[ljdavis@fairburn.com](mailto:ljdavis@fairburn.com)>; Hattie Portis-Jones <[hportisjones@fairburn.com](mailto:hportisjones@fairburn.com)>; Ulysses Smallwood <[usmallwood@fairburn.com](mailto:usmallwood@fairburn.com)>; James Whitmore <[jwhitmore@fairburn.com](mailto:jwhitmore@fairburn.com)>; Tony Phillips <[tphillips@fairburn.com](mailto:tphillips@fairburn.com)>; Talisha Champagne <[tchampagne@fairburn.com](mailto:tchampagne@fairburn.com)>; LaTonya Wiley <[lwiley@starkeylawgroup.com](mailto:lwiley@starkeylawgroup.com)>; Samantha Hudson <[fairburnforward@gmail.com](mailto:fairburnforward@gmail.com)>; Rory Starkey <[rkstarkeygovtlaw@hstarlaw.com](mailto:rkstarkeygovtlaw@hstarlaw.com)>

**Subject:** Re: Notice of EEO Complaint from Mayor Avery to Councilwoman Hudson

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**CAUTION:** This email originated from outside of the organization. Do not click any of its links or open any of its attachments unless you recognize the sender and know the contents are safe.

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0161125-012120

**OFFICIAL ETHICS COMPLAINT\*\***

Filed Pursuant to Section 2-35, \*Code of Ethics\*, City of Fairburn Code of Ordinances

**Complainant:** Mario B. Avery, Mayor, City of Fairburn, Georgia

**Respondent:** Councilwoman Samatha Hudson

**I. Basis of Complaint**

This complaint is submitted in accordance with Section 2-35, Code of Ethics, of the City of Fairburn Code of Ordinances. I allege that Councilwoman Samatha Hudson has committed multiple, willful violations of Section 2-35(C), Prohibited Conduct, specifically:

- Section 2-35(C)(3) – No city official shall disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person's private gain.
- Section 2-35(C)(11) – No city official shall make any disclosure of confidential information without the approval of the body on which the city official serves...

**II. Summary of Events**

**1. Notice of EEO Complaint – August 6, 2025**

On Wednesday, August 6, 2025, Councilwoman Hudson was formally notified by letter (copied to the entire City Council) that City Clerk Brenda James had filed a written Equal Employment Opportunity (EEO) complaint with the Human Resources Director, naming Ms. Hudson as the subject.

- The letter confirmed the complaint was *proper and actionable* under Section 2-50.6(A) of the City's Personnel Policy and Procedures Manual.
- Ms. Hudson was advised that retaliation—direct or indirect—against Ms. James was strictly prohibited under Section 2-50.6(B) and could result in additional consequences, including formal Council action or referral to ethics or legal authorities.
- She was explicitly instructed that, *because this is a pending personnel matter, any discussion must be conducted only in a duly convened executive session, not in public meetings.*

**2. Refusal to Comply – August 7, 2025**

In a rebuttal letter sent at 12:16 p.m. on August 7, 2025, Ms. Hudson wrote:

- "Let me be clear: I will not comply with any directives that unlawfully restrict my ability to perform my duties as an elected official."

This statement is a clear rejection of the confidentiality directives issued on August 6th.

**3. Legal Clarification by City Attorney – August 7, 2025**

Later that day, the City Attorney, in an email to Ms. Hudson and the full Council, confirmed that:

- The Mayor's August 6<sup>th</sup> directive was legally appropriate and fully aligned with City policy, procedure, and applicable employment laws.
- Compliance was necessary to protect employee rights, prevent retaliation, and reduce legal liability.
- The EEO matter would be discussed in the August 11, 2025, executive session and would not be addressed publicly.

**4. Public Disclosure in Violation of Confidentiality – August 9, 2025**

CITY OF FAIRBURN

314 N.W. Broad Street, Fairburn, GA 30213-1341 | (770)964-2244 | [www.fairburn.com](http://www.fairburn.com)



Despite these clear directives, on August 9, 2025, Ms. Hudson posted an article on the public forum \*FairburnForward.com titled "When Transparency is Replaced with Silencing Tactics."

This post made direct public reference to the pending EEO complaint—information she had been specifically instructed was confidential and to be discussed solely in executive session.

### III. Applicable Ordinance Violations

1. Section 2-35(C)(3) – Prohibits disclosure of confidential information acquired by virtue of official position.
2. Section 2-35(C)(11) – Prohibits disclosure of confidential information without approval of the governing body, including:
  - a. Information not subject to public disclosure under Georgia law; and/or
  - b. Information obtained in a duly closed meeting under Georgia's Open Meetings Act.

### IV. Harm and Risk to the City

#### Ms. Hudson's actions have:

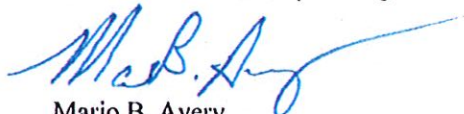
- Compromised the confidentiality of a pending personnel matter.
- Disregarded multiple lawful directives from the Mayor and City Attorney.
- Created potential legal exposure and liability for the City.
- Undermined the rights of a City employee under federal, state, and municipal law.

### V. Relief Requested

#### I submit this complaint to:

1. Prevent further harassment\*\* of any City employee or official.
2. Protect the City from further legal and financial liability arising from unauthorized disclosures.
3. Request that the matter be investigated in accordance with the City's ethics procedures\*\* and that appropriate corrective or disciplinary action be taken as provided under the City's Code of Ordinances.

Submitted this 11th day of August 2025

  
Mario B. Avery  
Mayor, City of Fairburn, Georgia



  
August 11, 2025

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Samantha Hudson · 3 days ago · 2 min read

## When Transparency is Replaced with Silencing Tactics

Updated: 2 days ago

By Councilwoman Samantha L. Hudson

On August 6, 2025, I received a letter from Mayor Mario Avery notifying me of an Equal Employment Opportunity (EEO) complaint filed by the City Clerk, Brenda James. The complaint included allegations such as "constant harassment" through emails, "false and defamatory statements" to the Georgia Attorney General and on social media, "age-based remarks," and "creating a hostile work environment."

The letter went further — it issued me a **Cease and Desist Directive** ordering that I have *no direct contact* with the City Clerk in any form, including email, phone, text, in-person conversation, or even social media references. All my communications to the Clerk's office must now be routed through the Mayor himself.

Here's the problem:

- Under Georgia law (O.C.G.A. § 36-35-3) and the City Charter, I am an elected official — not a City employee.
- The Mayor's letter even admits that elected officials are *expressly excluded* from the City's Personnel Policy coverage.
- Yet, he still used that policy as the justification for restricting my access to the Clerk — a key part of my ability to do legislative work for you, the residents.

This isn't about protecting employees — it's about controlling information and isolating an elected representative from the people and processes I'm sworn to serve. It's also important to note that I have a documented history of raising concerns about government transparency, ethics, and legal compliance. Restricting my access to information, and placing all my communication under the Mayor's control, raises serious concerns about retaliation under O.C.G.A. § 45-1-4 (Georgia Whistleblower Act).

The Mayor's letter also warns that breaking his directive could lead to censure, reprimand, ethics complaints, or other "lawful remedies." In plain language: comply or be punished.

Why should this matter to you?

Because this is not just about me. If a sitting Councilmember can be silenced, isolated, and stripped of direct access to the Mayor's office, then anyone can. If a sitting Councilmember can be denied due process, anyone who challenges the status quo could be next — whether they are an elected official, a city employee, or a resident speaking out.

Let's Chat!

Government works best when it is open, transparent, and accountable. This kind of conduct sends the opposite message: Speak up, and we will find a way to silence you.

I will continue to carry out my duties under the law, represent the interests of the residents of Fairburn, and fight for transparency — both inside and outside the Council chambers.

Your voice matters. If you care about fairness, due process, and open government, now is the time to pay attention.

— Councilwoman Samantha Hudson



Notice of EEO Complaint.Mayor Avery to Hudson.8.6.25 FINAL.pdf  
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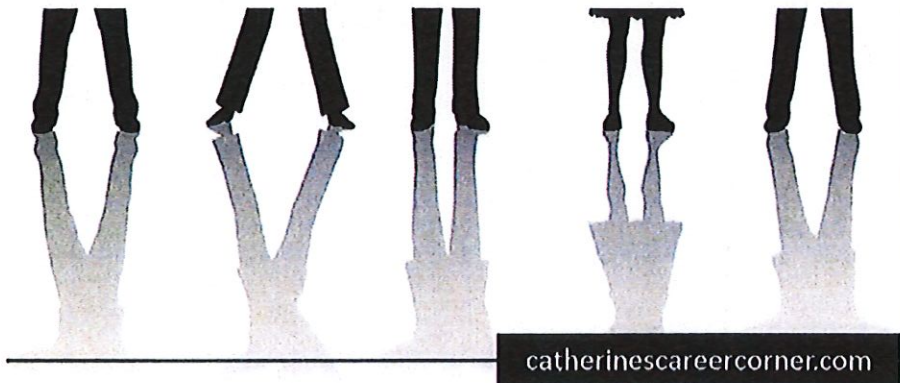
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# BONDURANT

ROBERT L. ASHE III

Writer's Direct Dial  
(404) 881-4169  
ashe@bmelaw.com

October 7, 2025

Fairburn City Attorney Rory Starkey  
City of Fairburn  
314 NW Broad Street  
Fairburn, GA 30213

Re: Report of potential *ex parte* contact during pendency of *Hudson v. Avery*,  
Complaint No. 2025-04

To Whom It May Concern:

I serve as outside counsel for the City of Fairburn Board of Ethics ("Ethics Board") in the matter of *Hudson v. Avery*, Complaint No. 2025-04. On Wednesday, October 1, 2025, I was informed by Ethics Board Chairwoman Maya Osun that she had received a phone call from Respondent Samantha Hudson's counsel during the September 30, 2025 hearing in this matter. According to the voicemail left by Hudson's counsel, he wished to discuss the hearing with Chairwoman Osun. Chairwoman Osun did not answer the call, nor return the call, but instead reported it in writing to me and the other members of the Ethics Board.

I advised Chairwoman Osun that the call appeared to at least risk violating Rule 6 of the Ethics Board's Complaint Disposition and Hearing Procedures, and that she should not return the call. Rule 6 generally prohibits *ex parte* communication regarding pending complaints between members of the Ethics Board and representatives of the parties (or the parties themselves). No other such contact has been reported to me as of the date of this letter.

As Rule 6 requires disclosure of any such prohibited contacts, I submit this report on behalf of Chairwoman Osun in the abundance of caution, recognizing some ambiguity in the nature of the contact.

Respectfully –

Robert Ashe

cc: Chairwoman Maya Osun

# **CITY OF FAIRBURN, GEORGIA**

## **PREFERRAL OF CHARGES AND RESOLUTION**

### **PREFERRAL OF CHARGES**

Pursuant to the authority vested in the Mayor by the Charter of the City of Fairburn, Georgia, and consistent with Section 2-35 of the City's Code of Ethics, I, Mayor Mario B. Avery, hereby prefer charges of impeachment against Councilwoman Samatha Hudson for violations of the City's Code of Ethics, as follows:

#### **1. Violations Cited:**

- **Section 2-35(C)(3) – Prohibited Conduct:** No city official shall disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person's private gain.
- **Section 2-35(C)(11) – Prohibited Conduct:** No city official shall make any disclosure of confidential information without the approval of the body on which the city official serves.

#### **2. Summary of Findings:**

The City of Fairburn Ethics Board, duly appointed and convened under Section 2-35 of the Code of Ordinances, has conducted a hearing regarding an ethics complaint filed by the Mayor on August 11, 2025. Following review and deliberation, the Board has referred a charge of impeachment to the City Council, finding sufficient cause to warrant further action pursuant to the City Charter and Ethics Code.

#### **3. Action Required:**

In accordance with the Ethics Board's referral, the City Council is requested to formally receive this preferral of charges, spread the same upon the minutes of the Council, and adopt a resolution setting the time, date, and place for the impeachment trial as required by law.

Respectfully submitted,



Mario B. Avery, Mayor  
City of Fairburn, Georgia



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO SET THE TIME AND DATE FOR THE IMPEACHMENT TRIAL OF COUNCILWOMAN SAMATHA HUDSON; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 2-35 of the City of Fairburn Code of Ordinances establishes ethical standards and procedures for elected officials; and

**WHEREAS**, the Mayor has formally preferred charges of impeachment against Councilwoman Samatha Hudson for alleged violations of Section 2-35(C)(3) and Section 2-35(C)(11), as detailed in the official complaint filed August 11, 2025; and

**WHEREAS**, the appointed Ethics Board of the City of Fairburn has duly met, heard testimony, and referred a charge of impeachment to the City Council for consideration; and

**WHEREAS**, the City Charter requires the City Council to set the time and date for the impeachment trial upon receipt of the preferral of charges, and to ensure that due process is afforded to the respondent elected official;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fairburn hereby:

1. Acknowledges receipt of the Mayor's preferral of charges against Councilwoman Samatha Hudson;
2. Directs that the same be spread upon the official minutes of this meeting; and
3. Sets the impeachment trial for Tuesday, October 28, 2025 at 6:00pm to be held in the Fairburn City Council Chambers, 56 Malone Street, Fairburn, Georgia, or such other location as may be designated by the City Council.

**BE IT FURTHER RESOLVED**, that notice of said impeachment trial shall be served upon Councilwoman Hudson in accordance with the Charter and Code of Ordinances, and that the City Attorney shall prepare and issue such notices as required.

**SO RESOLVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**Attest:**

\_\_\_\_\_  
Brenda James, City Clerk

**Approved:**

\_\_\_\_\_  
Mario B. Avery, Mayor

**Adopted by the City Council of Fairburn, Georgia this \_\_\_\_\_ day of \_\_\_\_\_, 2025.**