



City Council Meeting Minutes
October 13, 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 Linda J. Davis

The Honorable Samantha Hudson (Teams/Out of Town)

The Honorable Hattie Portis-Jones

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

Absent: The Honorable Ulysses Smallwood

- III. The invocation was provided by City Administrator Tony Phillips.
- IV. Pledge of Allegiance was in Unison.
- V. Presentations and Proclamations:

1. Fire Department Presentation for Lieutenant and Sergeant Promotions

Fire Chief Cornelius Robinson thanked Mayor, Council, and City Administration. He said we are here to honor our promoted Lieutenants and Sergeants. Each of these individuals have taken rigorous courses, a lot of training, and studying to fulfill their duties to get these promotions. He presented promotional helmets to the following employees.

- Promoted from the rank of Firefighter to Sergeant were the following:
 - Kamari Ray
 - Joseph Falco
 - Kyle Marshall
 - Jeden Watson
 - Ernest Ferguson
 - Rojuon Dukes
 - Terrance Carter
 - Paris Evans

- Promoted from the rank of Sergeant to Lieutenant:

➤ Reggie Pierre

Mayor Avery said Fairburn Fire Department has come a long way in just four years. Upon his arrival they had one truck working and he vowed they would acquire an ISO Rating other agencies could only dream of. Fairburn Fire Department has done it, they have a rating of 1. His father was an Atlanta Firefighter and was able to see how fire and police departments work from another perspective. Fire Departments are rated one of the toughest agencies in the world because they are expected to respond as fast as they can. He takes pride in both Fairburn Fire and Police departments as the Police Department was ranked as the tenth Safest City, ten months after his arrival. He congratulated the fire department and their staff that was promoted and said you are part of this agency and has made a mark on this city, which will never be erased.

Chief Robinson said they had an audit about two months ago, they audited everything including training records. The auditor said he had been doing this for sixteen years and had never seen a department with such excellent ratings. They received an ISO Rating of 1, and thanked the mayor, city council, city administration, and the citizens for their support.

2. Unity in the Community Award

Apostle J. Jones of the Committee of the National Day of Prayer presented the Unity in the Community Award to Mayor Mario Avery. Apostle Jones said it was twenty-six years ago when the late Honorable Mayor Betty Hannah asked their church Hands of Praise International House of Ministry to start the National Day of Prayer. It really blessed our city and this year they proudly recognized and presented the Unity Award to the Honorable Mayor Mario Avery.

VI. Adoption of the City Council Agenda

Council Member Davis made a motion to amend the agenda to expand Executive Session item # 9 to 9(a) and 9(b), as this is an emergency amendment to the Executive Session because a lawsuit was recently filed. Samantha Hudson vs. Ethics Board, Civil Action no. 25CV013958. Council Member Heath provided the second. **The motion carried unanimously.**

Council Member Portis-Jones made a motion to adopt the agenda. Council Member Davis provided the second. **The motion carried unanimously.**

VII. Public Comments:

Samuel Perry said he has been a resident of Fairburn for almost twenty-eight years and has attended several festivals and parades, but this last one was the best one yet.

He thanked the city staff and workers, seen and unseen, it was a safe event, and it was cleaned up after it was over. The positive reviews they received on national television, national media and social media was very overwhelming to see the growth that Fairburn continues to have.

James Whitmore said the Fire Department had a beautiful display to see. He said he received the Unity Award last year and to see it being presented in Fairburn again tonight was a beautiful thing. He discussed the Whistleblower Policy and thanked Mr. Phillips and City Attorney Rory Starkey for putting that in place. He said the festival was a great time and everyone that participated in his area enjoyed it.

Ernie Brooks talked about the Land Bank that was created by Economic Development and said the way the contract reads to acquire 25 West Broad Street has no third-party beneficiary. His concern was the Downtown Development Authority gets a kick back when they move revenue bonds. They create money and ask the city to pitch in and buy the bank and all these buildings have asbestos that could create a public and personal safety hazard.

Shirley Perry did not speak.

Joe Lowe did not speak.

Derriah Lowe did not speak.

Apostle J. Jones did not speak

Dr. Cristy Jones did not speak

Vera Raglin said she agrees that Fairburn has made a lot of progress and there is a good staff and a good team from every department. She said starting in June the Sir Charles and Pinehurst area came together with Planning and Zoning and corrected the rental property next to her. Everything has been done in terms of maintenance and safety but there is a vicious dog. There is an ordinance on vicious dogs. On October 2nd, while she was sitting on her porch, this same dog jumped on her porch and chased her inside the house. This is not the first incident. She asked the city to review their ordinances and make sure investigations are followed through.

Peggy Moore said she has been a resident for over forty years and wanted to compliment the Fire Department and EMT's with the city. She said all of our services to include utilities exceed everyone's around us. She said she witnessed one incident with Ms. Raglin and the dog where she was standing in her driveway with the dog crouched ready to spring on her. This dog is dangerous, and we need some assistance from the city.

Homer Knight did not speak.

Bretiya Wallace did not speak.

Antavia Benson discussed the proposed development at 101 Durham Lake Parkway. There were more people that opposed to this development and their attorneys have provided a letter that is available on the table at the entrance, on social media, and to include anataviabenson@gmail.com. She asked them to sign the letter and return it to them.

VIII. Approval of the Minutes:

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

Mayor Pro Tem Heath made a motion to approve September 22, 2025, minutes as written. Council Member Davis provided the second. **The motion carried unanimously.**

IX. Regular Agenda:

4. Curry Bend (Final Plat)

Planning and Zoning Director Denise Brookins presented this item and said this is the final plat for the Curry Bend Development. This is a phased development, and the applicant has sold portions of the project. The density and allowed uses have not changed. The applicant is asking for approval of the final plat so they can proceed. Their Land Disturbance Permit has been approved and there is still a lot of infrastructure and work that needs to be done before any homes are to be built.

Cameron Heath with DRB Group Georgia LLC said they are subdividing the residential portion away from the commercial portions in the assisted living, the PD zoned area. DRB bought the entire parcel, and they are here to subdivide. They have the Land Disturbance permit for the residential portion and the developer will pursue their Land Disturbance Permit separately.

Council Member Davis made a motion to approve the final plat for the Curry Bend Development. Mayor Pro Tem Heath provided the second.

Council Member Portis-Jones asked what is the acreage for the assisted living facility. Ms. Heath said 3.9 acres and residential is about 65 acres.

Council Member Portis-Jones asked about the green space and the amenities for the community and about the property the city owns in front of the Curry Bend project. Ms. Heath said all the amenities required are outlined in the zoning conditions. It is a cabana, pool, playground, walking trail, and a dog park in part of Phase I of the development. We have approval from the city to demolish the city building, in which the city will do that work. They have completed the initial demo requirements, and the next step will be for the city to schedule a community meeting.

Ms. Brookins said they just got confirmation from the Asbury Park community on a date that worked for them and that will be in about two weeks. We want to give sufficient notice to surrounding neighborhoods that may be impacted. We have had preliminary conversations with the HOA leadership and some of the residents, next we will plan a community meeting.

Council Member Portis-Jones asked when will that happen and asked if it would be a HOA or POA. Ms. Brookins said in the next two weeks. Ms. Heath said it would be an HOA to govern the open space and maintain everything.

Council Member Hudson asked staff if the Planning Commission verified that all conditions of preliminary approval have been satisfied. Ms. Brookins said yes, the Planning and Zoning Commission is a recommending body in this instance and at this stage of the development process to make sure they have completed all the requirements. There is a lot of work that still has to be done, but in this stage, they have done everything they are required to do.

Council Member Hudson asked if the infrastructure impact studies was completed specifically on traffic flow, utilities, and storm water management before the recommendation was advanced. Ms. Brookins said the applicant received the LDP approval and the Civil Plans have been addressed on a lot of those questions. When the infrastructure is in place and the city has an opportunity to go inspect and ensure that everything has been completed per codes, that item will be presented back to council. Council Member Hudson asked if the developer posted the required bond of performance guarantee to ensure completion of public improvements or will it happen later on. Ms. Brookins said the bonds are presented with the submittal of the as-builts and are not required at this stage.

Council Member Davis asked about the 6% rental restriction. Ms. Heath said they have the HOA document and that is in there, however that is done at the final plat process.

Mayor Pro Tem Heath wanted to know the expected price range. Ms. Heath said townhomes were mid \$300,000 to low \$400,000. Single family homes are low to mid \$400,000.

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

5. City of Fairburn Personnel Policy Update

Human Resources Director Talisha Champagne presented this item and said this is a newly created Whistleblower policy. The policy came up as a recommendation from one of the financial audits a year ago. The city recognizes the need to encourage and enable employees to raise concerns in good faith without fear of retaliation or adverse employment action which is in accordance with our Federal and State law provisions. She gave highlights of the policy that encourages employees to report potential wrongdoing

that would be fraud, waste, abuse, or illegal activities that might otherwise go undetected. It does help to continue to foster a safe and ethical work culture wherein our employees continue to feel heard and the most critical element of the policy, which is protection from any type of retaliation. It will also allow for procedures for receiving the investigating reports of resolving concerns confidentially.

Mayor Pro Tem Heath made a motion to approve the Ordinance authorizing the amendment of Chapter 2, Administration, Article III, Division 1, Section 2-57, of the Personnel Policy to authorize adoption of the City of Fairburn Georgia Whistleblower Policy. Council Member Portis-Jones provided the second.

Council Member Portis-Jones asked if this policy aligns with the state and federal law. Ms. Champagne said it does, it complies with the Georgia Whistleblower Act and was fully vetted by the city attorney's office.

Council Member Hudson asked who would serve as the neutral investigator or hearing officer when whistleblower complaints involve executive or council members. Ms. Champagne said the personnel policy and procedure in this particular whistleblower policy is covering our city employees. If a council person were to come forward with some type of allegation of fraud or misuse, she would refer it to the city attorney's office. Council Member Hudson asked if this policy applies retroactively to pending complaints or any prospectively. Ms. Champagne said any policy that is brought before mayor, and council is effective the effective date that policy is approved by mayor and council.

Council Member Hudson said adopting a policy is always a good thing as we move forward but wanted to know how the city will ensure that this policy applies equally to all employees. Meaning what is the process of implementation to include department heads and appointed officials. Ms. Champagne said as noted in the policy it indicates that my office will provide training to all levels from the department directors down to our city employees. Any newly elected officials receive training on the personnel policy prior to them being sworn in.

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

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

Mayor Avery read a document into the public record. The City of Fairburn 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 Samantha 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, Mayor Mario Avery

Mayor Avery read the Resolution into the record.

A RESOLUTION TO SET THE TIME AND DATE FOR THE IMPEACHMENT TRIAL OF COUNCILWOMAN SAMANTHA 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 Samantha 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 Samantha Hudson;
2. Directs that the same be spread upon the official minutes of this meeting; and
3. Sets the impeachment trial for Thursday, October 30, 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 13th day of October 2025.

Approved by Mayor Mario Avery.

Council Member Hudson said I rise today to formally state the action listed on this agenda as act on Board of Ethics recommendation to impeach or remove me as council is procedurally defective, legally unauthorized, and constitutionally impermissible. Neither the City Charter nor the Georgia Constitution grants this council authority to impeach an elected member under O.C.G.A 36-30-6. A municipal council has no power to discipline, suspend, or remove one of its own members except as expressly provided by state law or through judicial process. Further, the process utilized by the Ethics Board was fatally flawed, it failed to provide proper notice, service, and opportunity to be heard. All of which are protected under the 14th Amendment, due process clause. Proceeding with this matter, despite these deficiencies would expose each voting member and the City of Fairburn collectively to civil liability, including claims for violation of due process and abuse of authority. Constitutional law does not allow public officials to immunize themselves from accountability when acting outside the scope of their lawful authority. The attempt to convert an advisory ethics recommendation into an impeachment action is not only unlawful but also misuse of process that undermines the very principle of representative government. For the record, I stand firmly on the law on due process and on the oath, I took to uphold. Any further action taken in violation of these principles will be documented as evidence in ongoing and future legal proceedings. Furthermore, any action from this council to move forward with further actions against me will open the city up to future litigation.

Council Member Portis-Jones asked the city attorney to respond to the statements of Council Member Hudson. The proceedings that were implemented were guided by our

Charter, by our Ethics Ordinance, and by our State Charter as well. To make allegations that we have not done that is false, but we need to respond to those allegations in writing. Specifically, detail in our process because I believe Council Member Hudson has already filed the lawsuit against the city. The threat she just read to us that she is going to file a lawsuit, it's already filed. She asked the attorney to provide council with a response to the statements and allegations that she is alleging that we are violating.

Attorney Starkey said absolutely, you will be provided with a detailed written response, but I respectfully submit Councilwoman Hudson that every process has been followed, a duly trained, a significantly trained Ethics Board recommended impeachment. She is not impeached, impeachment has been recommended. This body consistent with the city ordinance, Section 2-60. The mayor has preferred charges tonight, this council will vote to continue the Preferral of Charges forward and an Impeachment Hearing, should they vote to accept the Preferral of Charges, it will happen on October 30th. I submit that all process has been consistent with Section 2-35 of the Ethics Policy and Section 2-60 of the Impeachment Policy. We will vigorously defend the very frivolous lawsuit that was just served. I just accepted service a few minutes ago, a young man wanted to serve the mayor while he was on the dais, but I took the lawsuit and we are going to defend it to the end, it is frivolous.

Council Member Portis-Jones said you are using the word preferral and asked him to explain what that word means, and if it was a legal term. Attorney Starkey said that is an official accusation of misconduct or wrongdoing and it is a legal term. It is codified in Section 2-60. The city ordinance requires that charges be preferred and that is in fact due process. You cannot just say she is impeached, you start this process, and she and her lawyer quite frankly were given appropriate notice. He did not show up, she did not show up. The Ethics Board did just what they decided as a body to do, they went forward with the case under all process.

Council Member Portis-Jones asked if it were true that all of the witnesses and participants of the hearing were legally subpoenaed. Attorney Starkey said yes, and I will also submit that the record reflects that it was a vote of 6-0 that she committed wrongdoing. Six members of the Ethics panel, one member was out sick and was in the hospital when this happened. There was a 5-1 vote that she be impeached. There will be no decision about impeachment tonight. The decision tonight is whether he preferred charges, there will be a hearing, and she will have ample due process and hopefully her and her lawyer will show up at the impeachment process, but it is going to happen.

Council Member Portis-Jones asked if subpoenas be issued for participation at that hearing. Attorney Starkey said subpoenas are not mandatory, but they could be issued by the impeachment council. Witnesses can voluntarily show up, or they can be subpoenaed. I think the safest thing would be to subpoena all the witnesses. Council Member Portis-Jones asked if the subpoena is a legal term, process and consequences

associated with it if you do not respond to the subpoena. Attorney Starkey said yes, I submit that I will be clear, a subpoena is not required by law but if and when a subpoena is issued, you have to comply with it because a witness can show up on his or her accord without a subpoena. If one receives a subpoena, he or she would need to show up and honor that subpoena.

Council Member Portis-Jones said for clarification, you just received on the mayor's behalf a lawsuit from Council Member Hudson and her attorney and could you state specifically against whom. Attorney Starkey said it is against the Ethics Board, Mayor Mario Avery, Jaworski Horne, Rodney Anderson, Vera Raglin, Thomas Cochran, Anthony Smith, and Danita Jones. It purports to sue these individuals who have shown up on their own accord, volunteering and her lawyer decided to sue them in their individual capacity.

Council Member Portis-Jones said for the record, Ms. Hudson just stated in her statement that she will sue mayor and council if we proceed with a decision. Attorney Starkey said if she follows through on that, it would be a third lawsuit. We have two lawsuits now, which is why we have Executive Session tonight. Council Member Portis-Jones asked what lawsuits do we have. Attorney Starkey said the first lawsuit was filed on September 22nd and that lawsuit is against the City of Fairburn, our mayor and city administrator, in both their official and their individual capacities. Suing someone in their individual capacity, I have been practicing law since 1993, I am very careful about deciding to sue someone in their individual capacity. But I submit to you respectfully, it too is a frivolous lawsuit and will vigorously defend it and we are going to counter suit if that's your pleasure.

Council Member Hudson said to the clerk to correct the record, Councilwoman Hudson never issued a threat about filing a lawsuit. Also, to the clerk, the statement that was made, could you please make sure it is written verbatim.

Mayor Avery said members of the public, this is a recommendation of the Board of Ethics, made up of the seven citizens selected by each one of us that sits on this dais. The recommendation was reviewed by the Ethics Board and overwhelming evidence of disrespect, failure to adhere to warnings by me as the mayor and the city attorney to cease and desist her harassment of the city clerk while placing confidential information on the internet. Ms. Hudson voluntarily refused to attend the hearing along with her attorney. She was granted three weeks via subpoena to prepare a defense that she did not think was worthy to attend, neither did her attorney. There will be an actual trial on Thursday, October 30, 2025, at 6:00 p.m. This date was changed from the 28th because of Mr. Smallwood's inability to attend. As such, a modification was made to address his conflict to the 30th. In summary, the City of Fairburn, the City Attorney's office, and board has gone beyond the call of duty as a result of trying to create an atmosphere of cooperation. Unfortunately, this Councilwoman was censored by this body a few months ago in our efforts to show the sincerity of our efforts to bring this council person

in compliance, she chose otherwise. After a council person has been censored and now recommended for impeachment, I have no way of knowing which way this body would vote but we are at this stage because of blatant disregard for authority. An opportunity was given for her and her attorney to defend themselves. He said I'm being served with a lawsuit. We are going to follow the rules and regulations whether you like it or not. That's the bottom line and I'll let the judicial system decide who's right.

Council Member Hudson said I am not aware or neither have I been provided or sit in a proceeding invited to subpoena with any censorship.

Council Member Davis made a motion to accept the Preferred Charges and the Resolution to set Trial for October 30, 2025, at 6 p.m. at City Hall. Council Member Portis-Jones provided the second. **The motion carried unanimously.**

X. Council Comments:

Council Member Hudson gave a huge shout out to our fire department for your service, your hard work and commitment. She highlighted the participation in our schools, fall festival and with the elementary students who participated. You always work hard, show up, and always presenting your best. To Fairburn, my work will continue. I am not dismayed, and neither am I discouraged. We know what this is, this is a high-level smear campaign that began January of 2024 when I took this dais to serve as your council woman. The biggest issue was I raised questions, I asked questions, and I asked for information and today the information that I've asked for has still not been provided. So, I thank you for your support, all of those who have reached out to me, let you know that I am standing and I am still Fairburn strong because I need you and you need me and together, we can move our city forward.

Mayor Pro Tem Heath had no comments.

Council Member Davis said to the citizens of Fairburn, I encourage you in the next couple of weeks to be as diligent astute, inquisitive, and engaged as you are, during a rezoning request coming before this council. Your efforts in this regard will have an enormous impact on our city.

Council Member Portis-Jones shouted out to staff and all of the residents of Fairburn who has continuously supported the Fairburn Fall Festival. Mayor, this is your last and you did it big and you did it right. I have heard nothing but overwhelming positive comments about it. People were asking me if it is going to continue. Because they heard conversations that it was going to be discontinued and I wanted to assure them whether I am on this dais or not as a resident of this city, Fairburn has become known for its Fall Festival, it is one of the biggest community wide events and that is one time of year where we do come together. It is all about supporting each other at that event. We will continue and sure it will need tweaking, and we need alternative additional resources to support it. She shouted out to the Fire Department, I am not surprised, they continue to do it.

This is how Fairburn does it, the training, the resources that we provide to all of the staff for them to be their best.

Mayor Avery said the Fairburn Festival is that I am the proudest of. Every age, every ethnicity, every religion affiliation was here in our city, and we put all that divide and conquer to the side. He invited all ten men and women that are running for Governor, five of the ten showed up. All they could talk about is the level of cohesion that they saw that day. Michael Thurman told me he watched every operation from the time he got here at 7:00 in the morning until he left. He thanked all elected officials from everywhere that came to the Fall Festival.

XI: Executive Session:

Mayor Pro Tem Heath made a motion to go into Executive Session to discuss Real Estate, Litigation, and Personnel matters at 8:26 p.m. Council Member Davis provided the second. **The motion carried unanimously.**

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 Nol. 25CV013228, Samantha Hudson vs. City of Fairburn

XII. Regular Agenda:

Council Member Davis made a motion to reconvene the regular meeting at 9:43 p.m. with Mayor Pro Tem Heath providing the second. **The motion carried unanimously.**

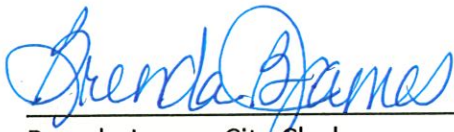
Council Member Heath made a motion to approve the Intergovernmental Agreement between the City of Fairburn and the Development Authority/Downtown Development Authority. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Portis-Jones made a motion to approve the Plan of Defense. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Davis made a motion to move to hire outside lawyers or law firms in an amount not to exceed \$700 per hour, to defend and counter sue both Samantha Hudson and/or Councilwoman Samantha Hudson's lawsuits, Civil Action # 25CV013228 and Civil Action # 25CV013958 and to hire forensic experts as may be needed on behalf of all parties. Mayor Pro Tem Heath provided the second. **The motion carried, with Council Member Hudson opposing.**

XIII. Adjournment:

Mayor Pro Tem Heath 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