



City of Fairburn City Council Agenda

January 12, 2026
10:00 AM

The Honorable Mayor Hattie Portis-Jones

The Honorable Anatavia Benson
The Honorable Fannie Mae Houser
The Honorable Samuel Perry

The Honorable Linda J. Davis
The Honorable Shanita Nichols
The Honorable Ulysses J. Smallwood

Mr. Tony Phillips
Mr. Rory Starkey
Ms. Deannia Ray

City Administrator
City Attorney
Deputy City Clerk

- I. Meeting Called to Order: Deannia Ray, Deputy City Clerk
- II. Swearing In of Elected Officials:
 1. **The Honorable Judge Ewing will swear in the newly elected officials. Mayor Hattie Portis-Jones, Council Member Anatavia M. Benson, Council Member Shanita Nichols, and Council Member Ulysses J. Smallwood.**
- III. Roll Call: Deputy City Clerk
- IV. Invocation: City Administrator Tony Phillips
- V. Pledge of Allegiance:
- VI. Adoption of the City Council Agenda:
- VII. Approval of the Minutes:
 2. **Approval of the Minutes: Council Meeting Minutes of December 8, 2025**
- VIII. Regular Agenda:
 3. **Appointment of the Mayor Pro Tem for 2026**
Recommendation: Mayor Portis-Jones would like to appoint Council Member Ulysses J. Smallwood as Mayor Pro Tem for 2026. **(Mayor)**
 4. **Appointment of the City Clerk**
Recommendation: Mayor Portis-Jones would like to appoint Deannia Ray as the City Clerk for the City of Fairburn for the year of 2026. **(Mayor)**

5. City of Fairburn 2026 Meeting Schedule Calendar

Recommendation: Request Mayor and Council approval of the City Council 2026 meeting calendar for regular Work Session and City Council Meetings. **(City Clerk)**

6. Selection of the Legal Organ for the City of Fairburn for 2026

Recommendation: Request Mayor and Council approval to select the South Fulton Neighbor as the legal organ for the City of Fairburn for 2026. **(City Clerk)**

IX. Council Comments:

X. Adjournment:

When an Executive Session is required, one will be called for the following Issues:
(1) Personnel (2) Real Estate or (3) Litigation



City Council Meeting Minutes December 8, 2025 7:00 pm

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

II. Roll Call by City Clerk, Brenda James found the following members present:

The Honorable Mayor Pro-Tem Alex Heath
The Honorable Fannie Mae Houser
The Honorable Samuel Perry

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

Also present was City Administrator Tony Phillips, City Attorney Rory Starkey, Deputy City Attorney Serena Nowell, and City Clerk Brenda James.

III. The invocation was provided by City Administrator Tony Phillips.

IV. Pledge of Allegiance was in Unison.

V. Presentations and Proclamations:

1. Georgia Municipal Associations Michael McPherson presented a GMA Lifetime Service Award to Brenda James. This award recognizes elected city officials, city managers, city clerks, city attorneys, and those leaving office or retiring who had completed 35 or more years of service. Mrs. James has provided invaluable leadership, professionalism, and sound guidance in navigating many significant challenges faced by the city during her tenure. Her defining focus has been the development of strong and cooperative relationships with Fulton County, the Chamber of Commerce, and various regional municipalities. She contributed to the progress and the reputation of the City of Fairburn.

VI. Adoption of the City Council Agenda

Mayor Avery requested to add item numbers 6, 9, 11, and 12 to the consent agenda.

Mayor Pro Tem Heath made a motion to approve the agenda adding items 6, 9, 11, and 12 to the consent agenda. Council Member Davis provided the second. **The motion carried unanimously.**

VII. Public Comments:

Ernie Brooks discussed the special tax and the recommendation from Ernst Law Group and asked Mayor and Council to consider tabling the bond referendum issue until they have the first and second public hearing so the taxpayers could be involved.

Kyla Lacey said she has lived in Fairburn for ten years. When she bought her house, it was not built to code but was signed off by Harvey Stokes of the city. She had an electrical box in her yard that she has asked to be removed and was not until 2024. A part of that is a testament to the lack of communication that residents receive.

Lee Walton said he understands there is a bid that has been put out for exterior improvements, repairs to the courthouse and he appreciates that. He spoke on item 10, a funding for a project that includes Bay Street pedestrian improvements. He thanked and commended Chief Cornelius Robinson for his hospitality. He has family in France who are in the Paris Fire Department visited this fall, he contacted Chief Robinson and he gave us the most behind-the-scenes tour that has ever been given, it was a great experience.

Anatavia Benson discussed the proposed development at 101 Durham Lake Parkway. She attended the Planning & Zoning meeting in September and spoke in opposition of the development. The applicants attorney proposed to table their application until January.

VIII. Approval of the Minutes:

1. Approval of the minutes: Council Meeting Minutes of November 10, 2025, and Special Called Meeting Minutes of November 17, 2025

Council Member Smallwood made a motion to approve the November 10, 2025, minutes as written. Council Member Perry provided the second. **The motion carried unanimously.**

Council Member Davis made a motion to approve the November 17, 2025, minutes as written. Council Member Portis-Jones provided the second. **The motion carried unanimously.**

IX. Public Hearings:

2. Development Impact Fees – 2nd and Final Required Public Hearing

Planning & Zoning Director Denise Brookins said the request is to hold the second public hearing for the impact fee. They are close to completion, and the development community know the fees are coming as surrounding communities already have impact fees. This fee is only required for new developments. The Department of Community Affairs said they have met all the requirements and could proceed with implementing the program in January 2026.

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

In Favor:

Ernie Brooks
Lee Walton

In Opposition: None

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

X. Consent Agenda:

Council Member Davis made a motion to approve the consent agenda items # 6, 9, 11, and 12. Council Member Perry provided the second. **The motion carried unanimously.**

6. City of Fairburn Personnel Policy Update

9. Final Plat for Trillium Reserve

11. Approval of a Contract Award with Pond & Company for On-Call Professional Engineering & Landscape Architectural Services

12. Approval of a Contract Award with Atlas Technical Consultants for On-Call Construction & Project Management Services

XI. Regular Agenda:

3. Acceptance of Certification of Election Results

City Clerk Brenda James said Fulton County certified the results and this is a request for Mayor and Council to accept the election results.

Mayor Pro Tem Heath made a motion to accept the certified election results for the General Election and Special Election held on November 4, 2025. Council Member Perry provided the second. **The motion carried unanimously.**

4. Call for Special Election

City Clerk Brenda James said this is a call for a special election in May 2026 to fill the vacancy left by Samantha Hudson's dismissal/removal per the Impeachment Council's 10.30.2025 Judgement of Impeachment. If the special election is held in March, the cost to the City of Fairburn will be approximately \$40,000. If the special election is held in conjunction with the primaries, there will be no cost to the City of Fairburn.

Council Member Portis-Jones made a motion to have the special election in May 2026. Council Member Davis provided the second. **The motion carried unanimously.**

5. Approval of the Creation of the City of Fairburn Special Service District (SSD)

Economic Development Director Sylvia Abernathy said the SSD is a tool for Fairburn and will create a local funding mechanism that allows downtowns to reinvest itself to support infrastructure services, businesses, and growth. They are formulating the district for the special services tax district and no houses have been identified for demolition.

Mr. John Ernst said we have direction to create a district that has no homesteaded properties in it, businesses only. The district would provide services and benefits to those businesses. This tool will further your goals on what you would like to do in the downtown area.

Mr. Bill De St. Aubin, CEO of the Seizemore Group spoke and said they are an architectural designing and planning firm and said this tool is an accelerator to achieve the vision of the community.

Council Member Portis-Jones made a motion to adopt the Ordinance for the creation of the Special Services District. Council Member Davis provided the second.

Council Member Portis-Jones said they have been well informed on the SSD and impact it can have and thanked them for the site visit to other cities to see what they have done with their special tax districts. Our downtown is still behind, and they have been trying to find revenue sources to work on the things they would like to see and said this will get us to the next level.

Mayor Avery thanked them and said they did a great job in Brookhaven and said prior planning prevents poor performance. This is a major step for the City of Fairburn and this is the last corridor that need to be addressed, and we are in the position to conquer it.

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

7. Capital Improvement Element (CIE) Approval

Planning and Zoning Director Denise Brookins presented this item and said the impact fee program has a few elements and one of the critical pieces is an extensive analysis of your levels of service and population growth. The impact fee program provides revenue to meet that growth and provide a level of service to the residents. The capital improvement element and the impact fee for any new development would be subject to the new amount.

Mayor Pro Tem Heath made a motion to approve the Resolution adopting the Capital Improvements Element (CEI). Council Member Houser provided the second.

Council Member Perry said on behalf of the taxpayers, this does not affect current homes. This is only for new construction. Ms. Brookins said yes.

Council Member Davis thanked staff for the hard work and effort that went into the research on the impact fees and the capital improvement element.

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

8. Ordinance to Development Impact Fees – Text Amendment

Planning and Zoning Director Denise Brookins presented this item and said this is the ordinance for the Impact Fee program and they made sure to collaborate with the folks that would be impacted by the fee. This program will help tremendously with Parks and Recreation and Public Safety.

Mayor Pro Tem Heath made a motion to adopt the ordinance to establish Development Impact Fees in the City of Fairburn. Council Member Davis provided the second. **The motion carried unanimously.**

10. Approval of a Resolution to Submit a 2026 and 202 CDBG Municipal Project Funding Application

Community Development Director Lester Thompson presented this item and said the city submitted the CDBG Municipal project applications for the 2026 and 2027 program years on November 10th. The proposed 2026 project is the West Hamilton Street pedestrian improvement project that extends from Margaret Street to Muller Street. The 2027 project is the Bay Street pedestrian improvement project that extends from Senoia Road to East Church Street. Both projects are budgeted for \$750,000.00 and have requested \$400,000 in funding for each. Fulton County has requested a resolution be approved in demonstrating the support for the proposed projects.

Council Member Portis-Jones made a motion to approve the Resolution to authorize the City of Fairburn to submit a municipal funding application request for the 2026 and 2027 CDBG program award years for the West Campbellton Street and Bay Street Pedestrian Improvements Project. Council Member Houser provided the second.

Council Member Portis-Jones asked if the request for the resolution and letter was normal and asked what does the acronym CDBG stand for and where does the money come from. Mr. Thompson said yes, it is the standard process, and it means Community Development Block Grant. Fulton County issues the grants because we are a small municipality and they distribute funds to municipalities that have under 100,000 residents. The funds are federal funds that come from Housing and Urban Development (HUD).

Council Member Davis asked if we need to be concerned on what is going on in Washington concerning these grants. Mr. Thompson said not that he is aware of, we had

some issues with the Raise Grant, but they have since reached out and started reviewing our agreement, it just slowed the process down.

Council Member Houser asked where the CDBG funds have been spent in Fairburn. Mr. Thompson said specifically in the Lightening neighborhood because it is for low to moderate income neighborhoods. The first project will be West Hamilton Street. On Golightly, we did two projects, the Golightly pedestrian improvement project, and the rain garden project. We did the Margaret and Dodge Streets pedestrian improvement project and the park expansion project at the Cora Robinson Park. We established a new park, the Pedestrian Plaza, and have spent an extensive amount of money over there.

Council Member Portis-Jones said housing continues to be an issue. Mr. Thompson said there is a map in the packet that shows the low to moderate income neighborhoods.

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

13. Approval of the Intergovernmental Agreement (IGA) with the Development Authority of Fairburn for Phase II of the Downtown Revitalization and Redevelopment Initiative

Economic Development Director Sylvia Abernathy presented this item and said the purpose of this initiative is to provide an intergovernmental agreement between the Development Authority and the City of Fairburn. This provides the framework for which the bond issuance will be governed and for revitalization and redevelopment projects. The jurisdictional district map is included in the packet.

Development Authority Attorney Dan McCrae said this is a thorough document that points out the properties selected from that district by the city and the Development Authority. The Development Authority is acting as a conduit for the city in raising the funds and would be the bond issuer. The Development Authority would carry out the property development program and generate revenues that would cover all the debt service. This is a good example of a public partnership between the Development Authority and the city.

Mayor Pro Tem Heath made a motion to approve the Intergovernmental Agreement (IGA) between the City of Fairburn and the Development Authority for Economic Development Project Management Services. Council Member Smallwood provided the second.

Council Member Perry asked if there was a frequency for the oversight. Ms. Abernathy said they are working with the legal department and administration to establish a project management document. That will specify in detail how those coordinating and collaboration processes will take place. There will be a board to review and identify property acquisitions, and a checklist from our buildings department to make sure that any property identified is fully vetted.

City Administrator Tony Phillips said there will be regular quarterly updates to council on the progress of this phase two revitalization. The IGA constructed contains framework so all acquisitions and disbursements must be approved by the city. That creates accountability and the reporting mechanism that will keep everyone transparent and informed.

Mayor Avery said the City of Fairburn is in one of the best positions it has been in years as it relates to the Downtown Development Authority (DDA).

Development Authority Chairman Attorney Crum said it is time to stop imagining, it is time to catapult to the next level. This is a real opportunity for us to develop the downtown area in a real way. The central piece between the citizenry and the elected officials and the staff has always been to redevelop the downtown area and its corridor. The issue was finding funding mechanisms to be able to do this. We have some key properties that we have identified that will be the center of this development.

Mayor Avery said we have some business owners on our Development Authority that has a vested interest in our downtown area and thanked all the council members that attended the Tour of the Cities.

Mayor Pro Tem Heath said parking is a problem in our downtown area and asked how would we accommodate and enhance our parking. Ms. Abernathy said one of the things we saw on the tour was some great examples of how we can enhance our parking situation. One of the recommendations we received is to do a parking study.

Council Member Portis-Jones thanked Mayor Avery for pulling together the fantastic members of the Development Authority. With this IGA we have the bonding and the debt service will be repaid via revenue bonds. The Development Authority is to generate revenue so they can pay back the \$7.5 million that we are going to go to the market for. We now have a good foundation in place to focus on and develop our downtown.

Mayor Pro Tem Heath amended his motion to approve the IGA between the City of Fairburn and the Development Authority for Economic Development Project Management Services to be executed in January 2026. Council Member Perry provided the second. **The motion carried unanimously.**

14. Approval of Revenue Bond Financing through the Development Authority of Fairburn for the Downtown Revitalization and Property Development Initiative

Economic Development Director Sylvia Abernathy presented this item and said they are requesting approval of the issuance of the Development Authority of Fairburn Taxable Revenue Bond, Downtown Project Series 2025, in a maximum principal amount of \$7,500,0000, to finance the acquisition, rehabilitation, and redevelopment of key downtown properties as part of the city's ongoing downtown revitalization and property development initiative.

Council Member Portis-Jones made a motion to approve the issuance of the Development Authority of Fairburn Taxable Revenue Bond , in a maximum principal amount of \$7,500,000, to finance the acquisition, rehabilitation, and redevelopment of key downtown properties on January 21, 2026. Council Member Davis provided the second. **The motion carried unanimously.**

XII. Council Comments:

Council Member Smallwood saluted Brenda James with her motherly presence and said she has done a great job, and it has been a pleasure working with you. He said it has been a pleasure serving with Mayor Avery and he has learned a lot about our organization and so much more from him and from Mr. Heath. We have not voted the same all the time but have remained civil and he respects you all. He shouted out to the Creekside Seminoles.

Council Member Perry shouted out for the great Christmas Tree lighting on Saturday and to the citizens that came out for that joyous event and to the city staff that took care of the planning. He thanked the Police and Fire Departments for keeping it safe and escorting Santa safely. He congratulated Langston Hughes and Creekside High Schools.

Mayor Pro Tem Heath said he has been on the council for 16 years and before that he worked with the police departments with Union City, Fairburn, and MARTA in downtown Atlanta for a total of 41 years. He loves the people of Fairburn, this has been home to him. The people that work for this city are wonderful and do a phenomenal job. He said he was glad to be retiring with Ms. James, she has helped him out so many times and appreciates her. The Mayor has been a brother in the Lord for many years and cannot give enough accolades to the love and honor he has for him and all council members. When he started in 1971 the population in Fairburn was 1,850 and now, we are at 19,000. God bless you all and thank you for your votes and giving me the opportunity to give back to this community.

Council Member Portis-Jones said Councilman Heath, your expression of love was not only in words but in your deeds over the years and can truly testify to that. She thanked Mayor Avery for everything, she has learned a lot from him and the city is where it is today because of you. She congratulated Creekside. She shouted out to Brenda James and said you have been my biggest supporter and appreciates your professionalism.

Council Member Houser said I have been in Fairburn for six years and call it my home. She thanked the mayor, council members, city administration, and Sylvia Abernathy for her open house three years ago, and for believing in her when she opened her restaurant. She is grateful to be on city council and is excited to learn as much as she can. She said she loves Ms. James' spunk and thanked her for her hospitality. She is hungry to lead and serve her community and thanked everyone for their votes.

Council Member Davis congratulated Mayor Pro Tem Heath on his retirement and for the number of years you dedicated to the City of Fairburn. She said Mayor Avery you have

made a difference in this city and most importantly your obedience to come back to your assignment. You saved the City of Fairburn. She congratulated Ms. Brenda James on her retirement and for keeping them on track with their reports. She enjoyed the Christmas Tree lighting.

Mayor Avery thanked the Lord for allowing him to come back and serve 17 years in total. He thanked his wife Diana of 20 plus years for all her support. He thanked the business owners, the residents, the HOA Presidents, Boards, and every council member that served with him. He personally thanked Attorney's Rory Starkey, Randy Turner, Serena Nowell, and Valerie Ross. He thanked the three city managers, Tom Barber, Stephan Hood, and Tony Phillips and he thanked all the department heads.

Attorney Rory Starkey said Brenda James is like his sister, I love you and since GMA gave you that award you cannot come back. He shouted out to Hapeville Charter, they are in the state game this weekend.

Tony Phillips said Councilman Heath, it has been an honor to work with you and appreciates the years of dedication and service to the city. He said to the Mayor, he has never come across an elected official with your level of integrity and core principle to do the right thing. You are the only elected official that has come in my office and prayed with me, thank you.

XIV: Executive Session:

Council Member Perry made a motion to go in Executive Session for litigation strategy and real estate. Council Member Davis provided the second at 8:45 p.m. **The motion carried unanimously.**

15. Litigation Strategy and Cost

16. Real Estate Discussion

Council Member Smallwood made a motion to close the Executive Session and reconvene into regular session. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Perry made a motion to approve the affidavit for Executive Session. Mayor Pro Tem Heath provided the second. **The motion carried unanimously.**

Council Member Perry made a motion to approve payment to Colom & Brandt in the amount of \$30,000 for Special Prosecutor. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Perry made a motion to increase the General Fund by \$564,360.00 for litigation, and real estate purposes. Council Member Smallwood provided the second. **The motion carried unanimously.**

XV. Adjournment:

Council Member Davis made a motion to adjourn the meeting at 9:25 p.m.
Mayor Pro Tem Heath provided the second. **The motion carried unanimously.**

Deannia Ray, Deputy City Clerk

Hattie Portis-Jones, Mayor

DRAFT



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Appointment of the Mayor Pro Tem for 2026

ITEM TYPE: Other

SUBMITTED: 01/06/2026 **WORK SESSION:** N/A **COUNCIL MEETING:** 01/12/2026

DEPARTMENT: Mayor

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

Per the Charter, at the first regular meeting of each year, the Mayor shall appoint a member of the City Council as Mayor Pro Tem.

HISTORY:

Per Article II, Section 9 of the Fairburn Charter and Section 2-103 of the City Code, at the first meeting of the year the Mayor shall appoint a member of Council as Mayor Pro Tem.

FACTS AND ISSUES:

N/A

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Mayor Portis-Jones would like to appoint Council Member Ulysses J. Smallwood as Mayor Pro Tem for 2026.

ATTACHMENTS:

None



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Appointment of the City Clerk

ITEM TYPE: Other

SUBMITTED: 01/06/2026 **WORK SESSION:** N/A **COUNCIL MEETING:** 01/12/2026

DEPARTMENT: Mayor

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

The City Charter says the Mayor and City Council shall appoint the City Clerk at their first meeting.

HISTORY:

The City Charter requires the City Clerk to be appointed each year.

FACTS AND ISSUES:

N/A

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Mayor Portis-Jones would like to appoint Deannia Ray as the City Clerk for the City of Fairburn for the year of 2026.

ATTACHMENTS:

None



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: City of Fairburn 2026 Meeting Schedule Calendar

ITEM TYPE: Other

SUBMITTED: 01/06/2026 **WORK SESSION:** N/A **COUNCIL MEETING:** 01/12/2026

DEPARTMENT: City Clerk

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

This calendar is for the regular Work Session and City Council Meetings for 2026.

HISTORY:

N/A

FACTS AND ISSUES:

N/A

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Request Mayor and Council approval of the City Council 2026 meeting calendar for regular Work Session and City Council Meetings.

ATTACHMENTS:

1. City Council Meeting Calendar 2026



City Council 2026 Meeting Schedule

The Mayor and Council meets the 2nd and 4th Monday of every month. The Workshops begin at 6:00 pm and the Council Meetings begin at 7:00 pm. Meeting dates and times are subject to change.

Please visit the City of Fairburn's website for up-to-date information at www.fairburn.com.

Date of Meeting	Meeting Status
January 12, 2026	As scheduled
January 26, 2026	As scheduled
February 9, 2026	As scheduled
February 23, 2026	As scheduled
March 9, 2026	Cancelled for NLC Conference in Washington DC
March 23, 2026	As scheduled
April 13, 2026	As scheduled
April 27, 2026	As scheduled
May 11, 2026	As scheduled
May 25, 2026	Memorial Day
June 8, 2026	As scheduled
June 22, 2026	As scheduled
July 13, 2026	As scheduled
July 27, 2026	As scheduled
August 10, 2026	As scheduled
August 24, 2026	As scheduled
September 14, 2026	As scheduled
September 28, 2026	As scheduled
October 12, 2026	Cancelled – Indigenous Day
October 26, 2026	As scheduled
November 9, 2026	As scheduled
November 23, 2026	Cancelled - Thanksgiving Holiday
December 14, 2026	As scheduled
December 28, 2026	Cancelled - Christmas Holiday



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Selection of the Legal Organ for the City of Fairburn for 2026

ITEM TYPE: Other

SUBMITTED: 01/06/2026 **WORK SESSION:** N/A **COUNCIL MEETING:** 01/12/2026

DEPARTMENT: City Clerk

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

For the Mayor and Council to select the South Fulton Neighbor as the legal organ of the city.

HISTORY:

The City of Fairburn selects an official legal organ for the city each year.

FACTS AND ISSUES:

N/A

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Request Mayor and Council approval to select the South Fulton Neighbor as the legal organ for the City of Fairburn for 2026.

ATTACHMENTS:

None