



**CITY OF FAIRBURN
CITY COUNCIL MINUTES
City Hall
56 Malone Street
Fairburn, GA 30213
February 22, 2010
7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Ron Alderman
The Honorable Elizabeth Hurst
The Honorable Jean Barkley Russell

The Honorable Alex Heath
The Honorable Marian Johnson
The Honorable Scott Vaughan

City Administrator:
City Clerk:
City Attorney:

Mr. James B. Williams
Mrs. Brenda B. James
Mr. Randy Turner

- I. MEETING CALLED TO ORDER:** All members were present which constituted a quorum.
- II. INVOCATION:** Pastor Doug Thompson, Harvest Rain Church International
- III. PLEDGE TO THE FLAG:** was recited in unison
- IV. PUBLIC COMMENTS:**
 1. Lawrence Byrd, 626 Pinehurst Drive, spoke on the special events committee and asked for more volunteers. He said some events will take place during Georgia Cities Week, Memorial Day, 4th of July, Homecoming and Christmas. He urged citizens to get involved.
 2. Nell Smith, 204 Fayetteville Road, spoke on the fact that the Fire Chief thanked all the departments that worked during the recent fire, but she did not hear him mention the dispatchers. She also stated she feels the dispatchers were not given the proper recognition and she wanted them to know they were appreciated.
 3. Ernie Brooks, 33 Cole Street, spoke on the noise code in Fairburn and asked Mayor and Council to revisit that ordinance. He also spoke on dead trees in the city and fair treatment for all. He said there is a lot of tractor-trailer traffic on Hwy 92. There is a headstone from a World War II Veteran leaning up against the dumpster near Dr. Souza office. He said as

you enter into Fairburn on Hwy 29 in the morning there is an odor.

4. Troy L. Harrison, 91 Cole Street, Chairman of the Board of local Old Campbell County Historic Society, spoke on the downtown fire and offered their help to rebuild downtown. He spoke on the black history exhibit. He stated he would like to see all of the attached buildings brought up to code and install a monitored fire alarm system. He also said the buildings also burned in 1901.

V. PRESENTATION AND AWARDS:

Council Member Vaughan introduced two young men from Creekside High School who organized a program of a Symbolic Funeral. This program is where young people would bury the obstacles that are in their way. He said Bear Creek Middle and High Schools was also involved. Bishop Eddie Long presided. This program included different performers and at the end of the program, students would write what it is in their life that is preventing them from being what they are capable of being. One of the students, Cameron Leach stated he was a senior at Creekside with joint enrollment at Clayton State University and will be attending Howard University in the fall of 2010. Deon Jones said he is the Student Government President and he will be attending Yale University in the fall of 2010 and then to law school. Mayor Avery inquired about a DVD and said he would like to have one. He stated it was a great program and he urged everyone to try to see it. Council Member Vaughan recognized Deon Jones's mother. Deon stated that the program has really helped the atmosphere at the school and Savannah State has contacted them to do the program for the four high schools in Savannah.

VI. ADOPTION OF THE COUNCIL AGENDA:

Council Member Russell made a motion to adopt the agenda with the addition of the appointment to the Planning and Zoning Commission with Council Member Hurst providing the second. **The motion carried.**

VII. APPROVAL OF CITY COUNCIL MINUTES :

Council Member Johnson made a motion to approve the minutes of January 25, 2010 Council Meeting with Council Member Alderman providing the second. **The motion carried.**

Council Member Hurst made a motion to adopt the minutes of February 8, 2010 Council Meeting with Council Member Russell providing the second. **The motion carried.**

VIII. PUBLIC HEARINGS: There were no public hearings.

**IX. AGENDA ITEMS:
(Unfinished Business)**

1. Approval of a Proposed Forensic Audit

Mayor Avery gave an overview regarding the audit. He explained how the kind of audit that the city annually receives does not give in-depth information. He said the forensic audit would streamline the financial portfolio to see where the city can make changes to save money and manage funds. He said this audit would give a snapshot of where the city stands and that is why he is proposing it.

Council Member Hurst made a motion to request for proposals (RFP's) for a forensic audit with Council Member Heath providing the second. Mayor Avery explained the difference between a Bid and Request for Proposal. Council Member Vaughan said he was not sure of the process. He said the whole purpose is to save money and he thought the money would be better spent other ways. Council Member Russell asked if once the proposals come back and none of them meet the requirements, does the city have to keep one or can they reject them? The City Attorney, Randy Turner said once the proposals come back Council has the right to reject them. **The motion carried with Council Members Vaughan, Russell, Hurst, and Heath voting "Yes" and Council Members Alderman and Johnson voting "No."**

2. Appointments to the Development Authority/Downtown Development Authority

Council Member Johnson made a motion to appoint Jean Russell, Steve Thomas, John Carr and Dyan Matthews to the Development Authority/Downtown Development Authority. **The motion died for the lack of a second.**

Council Member Hurst made a motion to appoint Jean Russell, Steve Thomas, Dyan Matthews and Danita Jones to the Development Authority/Downtown Development Authority with Council Member Heath providing the second.

Council Member Russell asked the City Attorney to explain how she is allowed to vote in this matter. City Attorney, Randy Turner stated "fundamental black law applicable to a member of a body with respect to the question, do you have a conflict of interest that would prohibit you from voting in the matter would be whether or not the person has a personal financial interest in the outcome of the matter before the board. Voting on appointments to a board that you are a member of is certainly something you can do. There is no personal or financial interest and you can vote for yourself. This is stated in Roberts Rules of Order".

Council Member Johnson said the Development Authority/Downtown Development Authority has done a great job and she thought Danita Jones was already over extended and that is why she did not name her. **The motion carried to appoint members Russell, Thomas, Matthews and Jones.**

(New Business)

9. Appointment to the Planning and Zoning Commission

Council Member Vaughan made a motion to appoint Lawrence Byrd to the Planning & Zoning Commission with Council Member Alderman providing the second. Council Member Russell made a motion to amend the motion to include becoming effective Wednesday, March 3rd with Council Member Alderman providing the second. **The motion carried.**

3. Proposed Inter-governmental Agreement with the Development Authority for Economic Development Services

Council Member Russell made a motion to table the item to the next City Council Meeting with Council Member Johnson providing the second. **The motion carried.**

4. Georgia Power Easement Encroachment Agreement Concerning Southcreek V

City Engineer, Troy Besseche gave an overview of the agreement. He said this agreement is related to the Southcreek V project. He stated the Southcreek V project would like to acquire the property for the project and of a slope easement from the city. They would like the city to apply to Georgia Power as the applicant for the slope easement. The City Attorney, Randy Turner said the agreement is fine from a legal stand point; however, it should be a part of the motion that this is being approved with no expenditures of city funds and with any obligations in terms of risk or indemnification will be passed on by contract to the benefiting party. Council Member Heath made a motion to approve the Georgia Power Easement Encroachment Agreement for Southcreek V with no expenditures of city funds with Council Member Alderman providing the second. **The motion carried.**

5. Resolution Recognizing Georgia Cities Week

Council Member Russell made a motion to approve the Resolution Recognizing Georgia Cities Week April 18th through 24th with Council Member Vaughan providing the second. **The motion carried.**

6. Request to Declare Ten Vehicles Surplus and Authorize their

Disposal

Council Member Vaughan made a motion that the items were declared surplus and authorized their disposal by bid with Council Member Russell providing the second. **The motion carried.**

7. Proposed Georgia Department of Transportation Local Government Certification Agreement

Council Member Alderman made a motion to approve the Georgia Department of Transportation Local Government Certification Agreement with Council Member Russell providing the second.

8. Approve Proposed Community Choices Application for Implementation Assistance

Council Member Russell made a motion to submit the Proposed Community Choices Application for Implementation Assistance with Council Member Hurst providing the second. **The motion carried.**

X. COMMENTS FROM MAYOR AND COUNCIL:

1. Mayor Avery spoke regarding the fire and thanked all the departments that were involved in that incident. He said there are insurance issues that the owners have to work with before anything else can start. He thanked Pat Pallend for his research. He stated he wanted to make sure that most of the misinformation was corrected. He said he wanted to let the public know this is a private enterprise, what the city is trying to do and what the Mayor is trying to do and the response is on the Fairburn website. They have partnered with a group called In His Great Name Ministries who has come together to put together several functions to help to support financially the businesses that were renting. He commended Mayor Hannah for what she is doing to help. He announced on March 6, 2010, there will be a prayer vigil at the area of the fire and in Duncan Park in May. He said the city must come together as one city one Fairburn.
2. Council Member Vaughan had no comments
3. Council Member Johnson expressed her appreciation for everyone who has called and shown their concern. She said the owners are dealing with the insurance and this does not happen quickly. She said they do intend to rebuild.
4. Council Member Russell thanked Lawrence Byrd and John Carr for their service on the Development Authority/Downtown Development Authority and thanked Lawrence Byrd for agreeing to stay on the Special

Events Committee. She commended the students from Creekside High School. She announced Georgia Cities Week and asked citizens to get involved. She wished New Beginnings Happy Anniversary.

5. Council Member Hurst congratulated the appointees to the Development Authorities and the Planning & Zoning Commission. She recognized Camille Cunningham who was visiting the meeting.
6. Council Member Heath had no comments
7. Council Member Alderman said he commended the young men from Creekside High School.

XI. ADJOURN COUNCIL MEETING:

Council Member Alderman made a motion to adjourn with Council Member Russell providing the second. **The motion carried.**

Brenda B. James, City Clerk

Mario Avery, Mayor