



CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
September 25, 2017
7:00 PM

POST PRELIMINARY MINUTES

The Official Minutes of this meeting are tentative and have not been ratified, or approved, by the Mayor and City Council, and these Post Preliminary Minutes are not binding on the City or on any Officer thereof.

The Honorable Mayor Mario Avery

The Honorable Lydia Glaize
The Honorable Hattie Portis-Jones
The Honorable James Whitmore

The Honorable Alex Heath
The Honorable Pat Pallend

Stephen Hood
Shana T. Moss
Randy Turner

Interim City Administrator
Interim City Clerk
City Attorney

I. MEETING CALLED TO ORDER BY: The Honorable Mayor Mario B. Avery at 7:00 PM.

II. Roll Call: All member of Council were present, the city had a quorum and the official meeting proceeded.

III. INVOCATION: was rendered by Mayor Mario B. Avery.

IV. PLEDGE OF ALLEGIANCE: was recited in unison.

V. PRESENTATION:

1. City of Fairburn

GICH Team

City of Fairburn's GICH Team (Georgia Initiative for Community Housing) recently attended a Retreat in Athens, Georgia. City Planner Tarika Peeks and Councilwoman Glaize gave a comprehensive presentation about the program and the city's involvement. They presented their mission statement which is: As the City of Fairburn moves towards becoming a 21st century progressive city that is situated to succeed, we will evaluate, educate, engage and elevate (E4) our standard of living through our innovative community housing program. Our citizens will be situated to live, work and play in our great city. We believe that every citizen deserves to live a life of quality and it is our aim to provide such by evaluating our housing and wellness needs, educating our citizens about our program, engaging stakeholders from various sectors of our city and elevate our quality of living. As a member of the Georgia Initiative for Community Housing

Program, we are situated to change the narrative and write a new and great story for our city, expand our resources, secure our infrastructure and housing development leading to economic stability for generations to come.

The Target Areas for this program are:

Lightning Community

- Blight and dilapidated residential structures.

Summerwood Community

- Neighborhood Improvements and Clean-up.

The GICH Team learned a lot in Athens and are excited about the opportunity this program affords Fairburn. Several GICH Team Members were in the audience and were recognized with a standing ovation by Mayor and Council for the outstanding work they are doing.

2. City of Fairburn

Interim Administrator Stephen Hood

Chief Hood addressed Mayor and Council and requested this statement become a part of the official city records. Chief Hood addressed a concern that arose at the September 14, 2017 meeting; listed below is Chief's Statement in its entirety:

September 25, 2017

Mayor Avery and Council,

In my absence at the last Council meeting on Thursday, September 14th, allegations regarding my conduct were brought by the body and discussed amongst Councilmembers. After that discussion, Mayor Avery, you called me the next morning informing me that Council was in expectation of an answer based on these allegations. Tonight, I am here to provide those answers.

Since last June 2016 I have held the office of Interim City Administrator. At the inception of my oversight of this office, my promise and goal towards Council was one of transparency, clear communication, and answers to any and all questions. During my tenure, on more than one occasion, the point has been made by various Councilmembers that I was to wield the same authority, oversight and operational abilities of the office of City Administrator as my predecessor. With this authority, our team has managed and operated within the provided parameters of our job descriptions and City guidelines. Even with key positions being vacant for a variety of reasons amongst City staff, our team has continued to move the City of Fairburn forward. The City Administrator's authority that has been provided by the Council and the approved job description was brought into question at our last Council meeting. Over the last two weeks the office of the Administrator has been inundated with questions regarding the legality, ethical operations and adherence to policy. Reviewing the minutes of this meeting, the impression was given that the Administrator's actions were "unethical, illegal and outside of policy." These comments raised questions from staff members, department heads, and Councilmembers and Fairburn residents. These concerns were placed on the official record via the Council meeting minutes. Because of the above stated reasons, and more importantly the

name and business reputation that I have earned over 28 years in Public service, Mayor Avery, councilmembers, Fairburn residents, and myself are owed an accurate response.

Over the last budget year, certain employees were given pay adjustments. These adjustments were given abiding by City guidelines and motivated by their department heads. Additionally, since my acceptance of this position, City Council has impressed upon ALL department heads, including myself, that employees should be “rightfully compensated” for the work they perform. In all of these cases, adjustments were given employees who have for more than a calendar year performed duties outside of their job descriptions, and/or occupied positions that were expanded because of a shortage within the City and their departments.

Additionally, providing compensation adjustments has been a “day-to-day” or operational function of the City Administrator’s office. Mayor Avery, your directive to me upon my acceptance to help the City by being the Interim Administrator was as follows; “All things must be done decently and in order.” No State laws have been violated, City policy broken, or accounting practices disregarded. My review of operating within the provided parameters is that this was followed and adhered to. These allegations were unwarranted. It must be noted that I have remained in this position to my own personal and professional detriment. To have to address these allegations is disheartening.

Historically, individual compensation is not reviewed or approved by the governing body. If compensation is fitting and within the budget, these matters are within the City Administrator’s purview. This practice gives the Administrator the authority to make adjustments to salaries as long as it stays within the budgetary constraints. For example, Fire and Police attain certifications and or training that allows for salary adjustments. These adjustments have never been brought to Council for approval. If this practice is not what Council now desires, informing the Administrator’s office would be prudent. Nothing that has been done has deviated from this accepted City practice.

Moving forward as I vacate this office, an understanding of this may prove beneficial for my replacement. My desire is to end my tenure as it began, “decently and in order.” Normally for me such matters are discussed within the Administrator’s office, but that opportunity was not afforded me.

As always, I will be glad to entertain any questions and/or concerns in my office.

Respectfully,

Fire Chief Hood

VI. Approval of the Agenda: Motion to approve agenda as order of business and adding items 6 (Task Force for Planning and Zoning and item 7 (Resolution for extending the city’s budget) for the city was made by Councilman Pallend; motion, seconded by Councilwoman Glaize.

Vote (5-0)

Motion Carried.

VII. Approval of City Council Minutes: Motion to approve with corrections was made by Councilman Heath; motion, seconded by Councilwoman Glaize. Vote (5-0)
Motion Carried.

VIII. Public Comments:

1. Mr. Rufus Wells of 2057 Broadmoor Way, spoke regarding the Homeowners Association in Durham Lakes about the proposed Cluster Mailboxes set forth by the USPS. Mr. Wells stated the HOA has received numerous complaints of traffic problems and having cluster mailboxes would increase traffic. He stated, there are 65-70 residents in Brookhaven, that will be affected, and 255 additional lots are available and will only get worse with the erection of this mailbox style. He urged council to disapprove cluster mailboxes. Mayor and Council listened intently to Mr. Wells plea.
2. Mr. Green of 2047 Broadmoor Way addressed Mayor and Council about school buses traveling at an accelerated rate of speed, and with children standing up on school buses. He stated this is a dire safety problem. He asked about entrances at the fairways (John Rivers Road) and that buses are parking in turn lanes, mainly School Bus # 487, drives like a maniac and will eventually hurt some of the students. Mayor and Council stated they would look into it, and Police Chief Vernal Sutherland stated his department would be on more frequent patrol.

IX. Agenda Items:

1. Declair Vehicles Surplus and Offer for Sale, was presented by Utilities Director, Mr. Tom Ridgeway, to declare two bucket trucks surplus and offer for sales. These vehicles have been replaced with the purchase of new units and are no longer needed. Motion to approve was made by Councilman Whitmore, motion, seconded by Councilwoman Glaize. Vote (5-0) Motion Carried.
2. Task Order for Impaired Waters Monitoring and Reporting, was presented by Utilities Director, Mr. Tom Ridgeway for Mayor and Council to approve a Task Order with Integrated Science and Engineering in the amount of \$10,500 to perform impaired waters sampling for the 2017-2018 monitoring period and submit the required reports to the Environmental Protection Division. Motion to approve was made by Councilman Heath; motion, seconded by Councilwoman Glaize. Vote (5-0) Motion Carried.
3. Discussion and Approval of a Contract for the Police Department using Professional Probation Services Inc. Chief Vernal Sutherland presented to Mayor and Council to discuss/approve a contract with Professional Probation Services Inc. to handle the probationary cases through the City of Fairburn's Municipal Court. Chief Sutherland stated Professional Probation Services has handled probation since 1995, with a 2006 addendum, seeking a five year contract; this contract can be severed within 30 days.

Motion to approve was made by Councilman Pallend; motion, seconded by Councilman Heath.
Vote (5-0) Motion Carried.

4. Text Amendments 17T-003-Cluster Mailbox Units and Address Identification. This agenda item was initially presented to Mayor and Council at August 28, 2017 meeting and council members requested additional information. City Planner Ms. Tarika Peeks presented an ordinance to amend, by resolution, Chapter 71-Land Development, to add regulations for the installation of residential cluster mailbox units. The United States Postal Service (USPS) has initiated a centralized mail delivery policy for new residential subdivisions, most often referred to as cluster box units (CBU). Cluster mailboxes are now the USPS' preferred method for mail delivery for new residential development (subdivisions). These units are common features of apartment units. The USPS began a centralized delivery of these units in April 2012; this policy is now being enforced for new residential subdivisions. The USPS recognized the convenience of having a mailbox located at the end of a resident's driveway; however, there are advantages to CBU's, such as secure mail, and least expensive. Ms. Peeks stated Planning and Zoning recommended approval. Mayor Avery called for a motion and councilmembers did not say anything; therefore, the matter died from lack of motion, this was stated by City Attorney Randy Turner.
5. Update of Erosion Control Resolution. City Engineer Ms. Brendetta Walker presented to Mayor and Council a resolution to adopt an Updated Erosion Control Policy in the City of Fairburn. Ms. Walker stated the difference about this resolution was an addendum about Coastal Marshland was included in this resolution. Mayor Pro-Tem Portis-Jones, asked what are the updates? Ms. Walker stated Coastal Marshlands, Landscape Material(s), more defined certification for landscape material, and updates for state requirements. Mayor Avery identified and asked about," Page 97, Line 84 regarding exemptions from buffers, if permit was issued prior to 2014?" Ms. Walker stated this involved administrative and prior permits. Motion to approve was made by Mayor Pro-Tem Portis Jones; motion, seconded by Councilman Heath. Vote (5-0) Motion Carried.
6. Task Force for Planning and Zoning. Mayor Avery stated he received resignation from City Planner Tarika Peeks on September 25, 2017. He thanked Ms. Peeks for her years of service, dedication, and professionalism to the City of Fairburn. Ms. Peeks received accolades from council members and she addressed everyone about the difficult decision she had to make, to leave or stay, she said her decision was bittersweet, she enjoyed her tenure with the city, she enjoyed working with everyone, but this was a progressive move for her career. Mayor Avery stated with the important work of Planning and Zoning the city needed to obtain the services of a zoning task force, to keep P&Z operable and functional in the city. Motion to approve this request was made by Councilman Heath; motion, seconded by Councilman Pallend. Vote (5-0) Motion Carried.

7. City of Fairburn: Resolution to provide for the temporary continued funding of city operations for up to thirty days (30) pending the adoption of a Budget Resolution for

Fiscal Year 2017-2018. Interim City Administrator, Chief Hood presented this resolution to Mayor and Council for continued city funding for 30 days, pending the approval of the new budget. He stated the city's funding for the additional 30 days will not be interrupted and the city is in good financial standing. Motion to approve was made by Councilwoman Glaize; motion, seconded by Councilman Heath. Vote: (5-0) Motion Carried.

Chief Hood gave accolades to Ms. Tarika Peek, stated she helped him a lot in his interim position, he trusted her advice, and she made his job easier, she will be missed by the City of Fairburn and he wished her well in her future endeavors.

Council Comments:

Mayor Avery spoke about the purpose of the Fairburn Festival on October 7, 2017. He believes this will gel the city together, he addressed the college bands that are coming and the rationale behind bring the bands. He stated with the bands presence, this will enlighten the youth they can one day be participating in the band and in higher education, the drum major at Alabama A&M is a former resident of Fairburn and this student is excited to return to his hometown. He believes this is a phenomenal event for the entire city to come out and enjoy one another.

Councilwoman Glaze: encouraged everyone to keep storm ravaged areas and individuals in our prayers, and it is a pleasure to serve the citizens of Fairburn.

Mayor Pro-Tem Portis-Jones: Congratulated Ms. Tarika Peek, and stated she watched her grow and make contributions to the city and saw her professional elevation, and she has left a standard for the city. She spoke on the Festival and this is a community event, for all walks of life and she is happy to be a part of the governing body of Fairburn.

Councilman Heath: Thanked Ms. Tarika Peek for her work and he learned a lot from her about signage and she has definitely made an impact in the city. He announced the passing of Former Mayor H.B. Collins who served the city in 1971, under his leadership there were 6-8 officers, and a population of 2,500 citizens. Former Mayor Collins was an icon in the city; he was always pleasant and willing to listen. He is looking forward to the Festival, he's very excited and come and send Mayor Avery off in style.

Councilman Whitmore: Thanked everyone for their hard work. Also informed the city about the premier of the movie Released, this is a joint collaboration between Fulton County Solicitors Offices and the City of Fairburn. He thanked Mayor and Council for their support of this project.

At 8:19 PM motion to enter into executive session for personnel and litigation was made by Councilman Pallend; motion, seconded by Councilman Heath. Vote (5-0) Motion Carried.

At 8:55 PM motion to exit Executive Session was made by Councilman Whitmore, motion, seconded by Mayor Pro-Tem Portis-Jones.

At 8:56 PM, with no further business of the city, motion to adjourn meeting was made by Councilman Pallend; motion, seconded by Councilman Heath. Vote (5-0) Motion Carried.

Respectfully Submitted by:

Shana T. Moss
Interim City Clerk

I Attest:

Mayor Mario B. Avery

Shana T. Moss, Interim City Clerk