



**CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
January 23, 2017  
7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Lydia Glaize  
The Honorable Elizabeth Hurst  
The Honorable Hattie Portis-Jones

The Honorable Alex Heath  
The Honorable Pat Pallend  
The Honorable James Whitmore

Stephen Hood  
Stephanie Tigner  
Valerie Ross

Interim City Administrator  
Interim City Clerk  
City Attorney

- I. MEETING CALLED TO ORDER: by Honorable Mayor Mario Avery at 7:03pm.**
- II. ROLL CALL:** All members were present which constituted a quorum.
- III. INVOCATION:** was provided by Mayor Avery.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:**

1. Swearing In Ceremony for Police Chief

**OATH OF OFFICE**

I, Vernal A. Sutherland III do solemnly swear or affirm that I will support and defend the Constitution of the United States of America and the Constitution of the State of Georgia; that I will faithfully perform all the duties of my office; that I will faithfully observe all the rules, orders and regulations of the Fairburn Police Department; and that I will faithfully enforce the laws of the State of Georgia and the ordinances of the City of Fairburn.

I do further swear or affirm that I am not the holder of any unaccounted public money due this state or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or foreign state which, by the laws of the State of Georgia, I am prohibited from holding; and that I am otherwise qualified to be a police officer according to the Constitution and the laws of

Georgia.

I do further swear or affirm that, as a police officer, I will faithfully serve and protect, to the best of my ability, all citizens regardless of race, color or creed.

I accept the Law Enforcement Code of Ethics of the International Association of Chiefs of Police as my standard of conduct while on and off duty and swear or affirm to faithfully abide and defend the same.

## **VI. PUBLIC COMMENTS:**

1. Mark Sandors, 250 Park Avenue, Atlanta, Georgia 30013 spoke in favor of the Park and Ride Phase I.
2. Joe Davis, 300 East Broad Street, spoke in reference to the code violation received in November 2016.
3. Larry Atkins, 163 Cole Street, thanked the Street and Public Safety departments for a job well done.
4. Lavon Grant, 4889 Triger Lane, Executive Director McKosh Healing Network, said the organization has secured a grant. She said with the grant there will be a focus on financial wellness for victims of crime with a special focus on victims of domestic violence. Ms. Grant is looking to host a forum in Fairburn on February 23, 2017 beginning at 7pm to 8pm. She is requesting assistance with securing a venue.
5. Earl Jones, 155 W. Broad Street, spoke on speeding on Lake Joyce Lane. He addressed concerns with unleashed dogs in the area. Mr. Jones described an encounter with a dog at his daughter's home. He said we should not fear playing in the yard or walking to the mailbox.

## **VII. ADOPTION OF THE COUNCIL AGENDA:**

Council Member Whitmore made a motion to adopt the City Council Agenda with item # 3 Ratification of Finance Director 90 Day Consulting Agreement to be placed on the Consent Agenda and to add items #15 Highway 74 Gateway Coalition and #16 Discussion on Travel Policy with Council Member Heath providing the second. **The motion carried.**

## **VIII. CONSENT AGENDA:**

Council Member Glaize made a motion to approve item #3 the Ratification of Finance Director 90 Day Consulting Agreement

3. Ratification of Finance Director 90 Day Consulting Agreement (Administration)

Council Member Heath providing the second. **The motion carried.**

**IX. APPROVAL OF CITY COUNCIL MINUTES:** City Council Minutes of January 9, 2017.

Council Member Hurst made a motion to approve the City Council Minutes of January 9, 2017 with Council Member Portis-Jones providing the second.

Council Member Portis Jones noted several corrections on page (7) of the minutes: Correction at the top of page (7); served should be serves; 3<sup>rd</sup> sentence down (with or in) community should be committee; through should be deleted; 4<sup>th</sup> sentence beginning with Tom Ridgway she said to review the audio. In the comment section 5<sup>th</sup> line down the sentence should read trained and mentored young adults. Council Member Portis-Jones said that she congratulated the City Attorney Randy Turner of Turner and Ross, LLC.

Council Member Heath page (8) there is an incomplete sentence.

Council Member Pallend fasten your seat belts it is going to be a bumpy night. The corrections were noted. **The motion carried.**

**X. PUBLIC HEARING**

1. Text Amendment 17TA-001 Distributed Generation Facility (Planning)

Mayor Avery opened the Public Hearing on Text Amendment 17TA-001 Distributed Generation Facility.

There were no speakers.

Mayor Avery closed the Public Hearing on Text Amendment 17TA-001 Distributed Generation Facility.

Council Member Glaize made a motion to hold with Council Member Whitmore providing the second. **The motion carried.**

2. Text Amendment 17TA-002 Signs-Large non-residential lots (Planning)

Mayor Avery opened the Public Hearing on Text Amendment 17TA-002 Signs-Large non-residential lots.

There were no speakers.

Mayor Avery closed the Public Hearing on Text Amendment 17TA-002 Signs-Large non-residential lots

Council Member Heath made a motion to approve Text Amendment 17TA-002 Signs-Large non-residential lots with Council Member Glaize providing the second. **The motion carried.**

## **XI. AGENDA ITEMS:**

### **15. Highway 74 Gateway Coalition Discussion**

Mayor Avery introduced Mayor Dial of the City of Tyrone. Mayor Dial said he is here to formally deliver the letter regarding the Highway 74 Gateway Coalition.

Mayor Avery said in summary the goal of the City of Fairburn to not submit to the request as it is, but to embrace the fact that the City of Fairburn cares about the aesthetics and standards of Highway 74.

Mayor Dial said I would not go as far as to say I am asking to not submit or to submit it. I trust that you all would like to continue with the coalition. I have the memorandum of understanding that we all signed.

Mayor Avery said for the record, the City of Fairburn has worked tirelessly with the land owners on Hwy 74 as it relates to the City Council efforts for the last 5 years to not turn Highway 74 into “*Burger King row or inaudible*”. As a result of the relationship between the City’s staff and the landowners with the support of the City Council the set back is one example where our government has gone beyond the call of duty of what the standard set back is and we refuse to lower. He said our great relationship with those land owners on Highway 74 has facilitated what we see on Highway 74.

Council Member Glaize thanked Mayor Dial for coming before the Council. She said we should stand by our Memorandum of Understanding and ask Fayette County to keep up their end of the bargain to pay for the study.

Council Member Portis-Jones thanked Mayor Dial for taking time to hand deliver the letter and explaining the background and context of the letter. She said I agree we should uphold the MOU. Council Member Portis-Jones said we absolutely want the best for our City that is truly our motivation. We are neighbors and we want to be good neighbors. She thanked Mayor Dial for opening the line of communication.

Council Member Heath asked if we were to go along with the coalition would Fayette County have any input in what goes in our City.

Mayor Dial said no sir. You are as much a member as Fayette County. This is not binding. If all parties cannot agree with the design study and it is not (inaudible) for you; you all will have the right to choose.

Mayor Avery expressed his gratitude to Council for their professionalism. He thanked Mayor Dial for his presentation.

4. Rules of Procedure (Council Member Hurst)

Council Member Hurst provided an overview of the Rules of Procedure. She said the rules were not voted on by the Council. Council Member Hurst requested that Mayor and Council Members forward to the Interim City Clerk any comments and additional suggestions concerning the procedures within two weeks.

5. Approval of Phase I Park and Ride Design and Construction (Engineering)

Council Member Glaize made a motion to approve Phase I Park and Ride Design and Construction with Council Member Heath providing the second. **The motion carried.**

6. Discussion on Screen Ordinance (Engineering)

Interim City Administrator Hood provided an overview of the four options presented to Mayor and Council.

- Businesses can voluntarily comply with existing ordinances;
- Businesses that cannot comply with existing ordinances may be able to file for hardship presented to the City which may result in relief of the businesses; non-compliance will result in citation and fines;
- City Council has the ability to change the existing screen ordinance to address the current city environment;
- Task Force to be assembled with local business representation and Council representation. The task force would discuss the screen ordinance in relation to ordinance within the City.

Council Member Heath made a suggestion to grandfathering in those businesses that have been in the City for some time and requiring all businesses afterwards to comply with the ordinance.

City Attorney Valerie Ross stated for the purposes of grandfathering it is not

typically applied to what is called a design standard; which is what you all are talking about. Grandfathering or legal non-conforming uses, apply to uses, but when you are talking about design standards for that particular use, the grandfathering would not apply.

Council Member Pallend said items #3 and #4 that was described would serve us all best by way of possibility of us changing the ordinance or at the very least put a group together to discuss and sort it out and find a way to compromise. Council Member Pallend said the businesses have been there for 30-40 years in some cases. For us to consider putting a study group together for the lack of a better term would this delay action in some cases; possibly. I think the more we spend time together talking about this; the more likely we are to come up with a solution that is satisfactory to everyone.

Council Member Whitmore asked the City Attorney Valerie Ross how long has the ordinance been on the books.

City Attorney Valerie Ross said it was a part of the 2012 update. It does not indicate this particular provision was a part of the 2012 update or if it was already in there or if it was carried over with the other 2012 rewrite; it could have been 2008.

Council Member Whitmore said it is important to continue to keep in mind what the objective of this City is with the uniformity and city appeal. As we continue to grow as a City, we need to really look at the uniformity across the board, not only with the businesses. He said we have seen the residential houses complying with the various ordinances that we have on the books. We need to look at enforcing the ordinances that deal with districts as well. Council Member Whitmore said we should keep in mind that as we move forward to new residences and businesses coming to the City we really need uniformity. He said we have the ordinance on file for fences (industrial standards). He said we should ensure to include standard colors. I would not like to see multi colors throughout the City that would take away from the City appeal. Council Member Whitmore went on to say what we have on the books is sufficient and we should uphold what we have.

Council Member Hurst said I am sure our screen ordinance is not unique. I have spoken with other cities and they also have screen ordinances. She said the ordinance is on the books and we have tasked our department heads to ensure these ordinances are adhered to. I am not prepared nor will I vote to change these ordinances; they are on the books. Council Member Hurst said I am more than willing to work with the businesses if they are having a hardship. We have to make sure we abide by what is on the books. She said I would like to have a 12ft fence down the side of my house, but I could only have a 7ft fence. So, what is stopping other businesses and home owners from having issues with what we have on the books? I think we would be

setting a bad precedence. I cannot in good conscience vote to change or make any concessions at this point.

Council Member Portis-Jones said I expressed that I am concerned with the fact that the ordinance has been on the books since 2008 or 2012. She wanted to know why it is an issue now. I would like to have an answer to the question. This body approved the ordinance and enforcement started. If this is the case, why is it now an issue? At the last meeting I asked if the business owners would be willing to work with us to develop a win win. There are ways that we can work together to create opportunity that works best for the both of us. The reason the ordinance was put in place was (*about*) the quality of life we want in the community; about the appearance and the aesthetics. If this is the goal, we need to find a way to figure out how to meet the objective that is less burdensome for the businesses and for the City. She proposed that a task force is developed and have a conversation.

Mayor Avery asked for the Council to bring a motion to the floor with an option.

Council Member Portis-Jones made a motion to develop a task force that includes business communities, staff and member(s) of Council with Council Member Heath providing the second.

Council Member Whitmore made a substitute motion to keep the current screen ordinance with Council Member Hurst providing the second. There was a 3-3 vote; Mayor Avery broke the tie vote in support of the motion. **The motion carried.**

#### 7. Discussion on Banking Service Automation (Finance)

Interim City Administrator Hood provided an overview of the banking service automation. United Community Bank has been the primary banking partner for the City of Fairburn for more than 30 years. It will be helpful to have open discussions with other banks to determine if United Community Bank is providing the City with the full array of services available in this market. Positive Pay is a service United Community Bank (UCB) offers the City to prevent fraudulent checks from being paid from any of the City's UCB checking accounts. In its current state, it does not work well with the City's accounts payable system. The process is cumbersome. It requires the City to manually upload all checks written. Plus, any checks the Bank does not recognize must be manually approved, by the City, on a daily basis. The City needs a banking partner who will help us to quickly automate Positive Pay. Additionally, the on-line banking support is slow and cumbersome. There is one customer support number for all customers. There is no dedicated line for business customers. Wait times on hold to speak to a support person can take more than 30 minutes. The City needs a dedicated contact person (a relationship manager) to help us resolve banking issues quickly. Finally, the City needs a



banking partner who will meet with the City regularly to discuss best practices. This will proactively allow the City to plan for future changes needed to keep our banking practices current. Interim City Administrator said the two options are: (1) Explore banking service offerings with other banks (2) Discuss customer service upgrades with United Community Bank.

Interim Finance Director Ed Holloway said we are in the infancy of the exploration. He said we have a listing of other banks to begin our discussions. I will go through the list of alternative banks first to see what is being offered then I will meet with United Community Bank representatives lastly. He said I look at Fairburn as being a \$35M dollar business and I do not feel that we should not have state of the art services.

Mayor Avery said we will bring this back to the body.

Council Member Glaize asked about the positive pay? She wanted to know if we should continue to use positive pay.

Interim Finance Director Ed Holloway said no. It is too cumbersome this should be automated; positive Pay works after the fact.

Council Member Glaize asked if you need direction from the Council to move forward.

Interim Finance Director Ed Holloway said we will assume the risk. He said several months ago we had the problem with fraudulent checks being written. He said for now we will assume the risk and move expeditiously to talk with the other banks. It is my hope that this will not keep us exposed for too long.

Interim City Administrator Hood said the process has started. We have suspended positive pay. We have issues that we should not have.

Council Member Portis-Jones wanted to know how many banks you will explore.

Interim Finance Director Ed Holloway said 8 or 9.

#### 8. Discussion on Systems Automation (Administration)

Interim City Administrator Hood provided an overview of the discussion of Systems Automation. He said currently, the City is reliant upon one dedicated employee to manage the help desk, system security and requests for system automation. One employee is not adequate to handle the system needs for help desk, security and automation of processes. Interim City Administrator Hood said a needs assessments



has been done in the past that clearly support the need for more dedicate IT resources to keep pace with the City's IT demands. In addition, to check signing, IT needs to assist in finding solutions to automating all manual interfaces to In-Code, i.e. the Utilities billing system (Harris), the upgrade of the Harris system, the upgrade of In-Code. The options are to: (1) Increase the size of the IT staff to handle the demand (2) Outsource the need for additional staff an IT consulting firm

Interim Finance Director Ed Holloway said we will bring them back tomorrow.

9. Lease Agreement with A-Knight's Traffic School for Outbuilding (Administration)

Council Member Glaize made a motion to approve a 90-day lease agreement with A-Knight's Traffic School for Outbuilding with Council Member Heath providing the second. **The motion carried.**

10. Legal Organ for the City of Fairburn (City Clerk)

Council Member Glaize made a motion to continue to utilize the South Fulton Neighbor News as the City's legal organ for the City of Fairburn with Council Member Hurst providing the second. **The motion carried.**

11. Board Appointments (City Clerk)

Council Member Glaize made a motion to approve the Planning & Zoning appointments with Council Member Portis-Jones providing the second. **The motion carried.**

12. Resolution Authorizing the Mayor and Council to Establish Qualification Fees for 2017 General Election (City Clerk)

Council Member Heath made a motion to approve the Resolution Authorizing the Mayor and Council to Establish Qualification Fees for 2017 General Election with Council Member Whitmore providing the second. **The motion carried.**

13. Levelized Billing (Utilities/Mayor Pro Tem Portis-Jones)

Utility Director Tom Ridgway provided an overview of the Levelized Billing program.

Council Member Portis-Jones made a motion to approve the Levelized Billing with Council Member Heath providing the second. **The motion carried.**

14. School Bus Photo Enforcement Program (Police)

Council Member Portis-Jones requested to hold the School Bus Photo Enforcement Program discussion item until further notice.

16. Discussion on Travel

Mayor Avery asked if the travel can be included in the Procedural Rules.

City Attorney Valerie Ross said the Council can create a separate document to address travel.

Council Member Portis-Jones asked if there is any information regarding travel in the purchasing policy.

**XII. COMMENTS FROM COUNCIL:**

Council Member Whitmore said he had a great time at Mayor's Day. He congratulated Council Members Portis-Jones and Glaize for receiving the Certificate of Excellence. He also recognized Mayor Avery for receiving the Certificate of Achievement.

Council Member Heath had no comment.

Council Member Hurst congratulated Council Members Portis-Jones, Glaize and Mayor Avery on their GMA achievements.

Council Member Glaize congratulated her colleagues by saying "ditto".

Council Member Pallend said congratulations.

Council Member Portis-Jones congratulated Police Chief Sutherland. She also congratulated all of her colleagues for all of the recognition they received. Council Member Portis-Jones said that she took a class and we talked about the roles and responsibilities of elected officials. She said the one thing she took away from the class was "our responsibility in a representative democracy is to refine and enlarge the ideas and expectations of the citizens we represent". She said that she thought that was a profound statement and that is what we are here to do.

Mayor Avery announced that Tim Cox will be leaving the City. He thanked Mr. Cox for his service to the City.

### **XIII. ADJOURN:**

Council Member Heath made a motion to adjourn the meeting with Council Member Hurst providing the second. **The motion carried.** The meeting adjourned at 9:33pm.

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Interim City Clerk, Stephanie Tigner

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Mayor, Mario Avery