



**CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
October 10, 2016  
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-absent  
The Honorable Pat Pallend  
The Honorable James Whitmore

Stephen Hood  
Stephanie Tigner  
William Randy Turner

Interim City Administrator  
Interim City Clerk  
City Attorney

- I. MEETING CALLED TO ORDER: Honorable Mayor Mario Avery.**
- II. ROLL CALL:** Council Members Glaize, Hurst, Pallend, Portis-Jones and Whitmore were present. Council Member Heath was absent. There was a quorum.
- III. INVOCATION:** was provided by the Mayor Mario Avery.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:**
  1. Police Department Presentation

Interim Police Chief Sutherland said he wanted to present two Fairburn's police officers however one of the officers was unavailable.

Interim City Administrator Hood recognized Interim Police Chief Sutherland for his heroic efforts in diverting the one way driver.
  2. Fire Department Presentation

Deputy Chief Fire Marshall Pat McCarragher presented to Mayor and Council a presentation on Fire Safety.
- VI. PUBLIC COMMENTS:** There were no speakers.

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

Council Member Glaize made a motion to adopt the Council Agenda with Consent Agenda Items #1, 2, 3, 4, 5, 6, and 9 and to add Items #12 Interim Positions Salary and #13 To Authorize the EEO Officer with Council Member Whitmore providing the second. **The motion carried.**

## **VIII. CONSENT ITEMS:**

Council Member Glaize made a motion to approve Consent Agenda Items 1-6 and 9

1. Approval of Ordinance to Establish FY2016-2017 Budget
2. Approval of Forensic Audit Contract
3. Connect South Fulton
4. Approval of Task Order with Moreland Altobelli for 2016 LMIG Construction Management Services
5. Approval of Contract Award for Landscape Architectural Services with Moreland Altobelli Associates, Inc.
6. Approval of Construction Agreement for IFB #16-007, CDBG Aderhold Street Roadway Improvements
9. Approval of Phase One of the Landscape Design and Installation for City Hall

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

## **IX. APPROVAL OF CITY COUNCIL MINUTES:** City Council Minutes of September 26, 2016.

Council Member Portis-Jones made a motion to approve the City Council Meeting Minutes of September 26, 2016 with Council Member Hurst providing the second.

Council Member Whitmore stated there is a correction on page (3) of the minutes. The correction was noted. After further review, there were no corrections needed to page (3).

Council Member Glaize stated there are corrections to her comments on page (5) next to the last paragraph. The corrections were noted and have been corrected. **The motion carried.**

## **X. AGENDA ITEMS:**

### **7. Approval of the Purchase and Design of Plaques for Duncan Park Pool/Bath and Splash Pad**

Building and Property Manager Harvey Stokes provided a brief overview of the Duncan Park Pool/Bath and Splash Pad.

Council Member Glaize made a motion to approve the purchase and design of the dedication plaques for Duncan Park Pool/Bath and Splash Pad in an amount not to exceed \$1,941.00 with Council Member Whitmore providing the second.

Council Member Pallend suggested deleting “Mr.” before Tom Barber’s and Randy Turner’s name and “Mrs.” before Brenda B. James’s name on the City of Fairburn Downtown Plaza plaque. He then requested to place each name in alphabetical order.

Council Member Pallend then stated his recommended changes to the Duncan Park Pool/Bath and Splash Pad. He suggested rearranging the names in alphabetical order and deleting Mr. and Mrs.

Council Member Hurst addressed her concerns with the date on the plaque. She wanted to know how was the names selected for the plaque.

Building and Property Manager Harvey Stokes said he relied on the minutes and the opening day of Duncan Park Pool/Bath and Splash Pad.

Council Member Hurst said if we used the date of May 30, 2016 Mr. Pallend and Whitmore should be named on the plaque instead of Mr. Alderman and Mrs. Johnson; she requested Council discussion.

Council Member Pallend said this should reflect the people who made the decision to move forward with the pool and were involved in making the decision.

Council Member Whitmore said if you look at the protocol and the date it was opened it would generally be the current council; that is protocol.

Mayor Avery said I concur with Council Member Pallend. He said the people that are here are the individuals that helped with passing the legislation. He suggested adding the former and the new council. A lot of the leg work was done by the former council members and the execution was done by the current council.

Council Member Portis-Jones said I will agree with that. She said to list them as Former Council Member Ron Alderman and Former Council Member Marion



Johnson; it is proper to list them as former because of the date.

Council Member Hurst said to list Council Member Whitmore and Council Member Pallend as current.

Council Member Whitmore asked if Brenda B. James be placed with the former council members and mentioning the current Interim City Clerk, Stephanie Tigner.

Council Member Portis-Jones made a friendly amendment to the motion on the floor made by Council Member Glaize to approve the purchase and design of the dedication plaques for Duncan Park Pool/Bath and Splash Pad in an amount not to exceed \$1,941.00 and to add Council Member Pallend and Council Member Whitmore as current council; list Ron Alderman and Marion Johnson as Former council members; and to list Brenda B. James as Former City Clerk and to list Stephanie Tigner as current Interim City Clerk with Council Member Whitmore providing the second. **The motion carried.**

8. Approval of the Purchase and Design of Plaques for former Councilwoman Frankie Arnold and Former Mayor Betty Hannah

Council Member Portis-Jones made a motion to approve the purchase and design of plaques for Former Councilwoman Frankie Arnold and Former Mayor Betty Hannah with Council Member Glaize providing the second.

Council Member Pallend did not have any corrections to Former Council Member Frankie Arnold's plaque.

Council Member Whitmore suggested adding "Service on Fairburn City Council" and to include the dates of service.

Mayor Avery wanted to know if there was any objection on adding "Served on Fairburn City Council".

Council Member Whitmore wanted to know if Council would consider adding the date that Former Council Member Frankie Arnold served on City Council. He said the plaque does not display the time period in which she served; I think it is important to list dates. In this case, we can add the date elected to the end of service date.

Council Member Pallend suggested adding the verbiage "In honor a Mayor Betty Hannah who presided over the grand opening of the Fairburn Education Campus" with a quote "this is what can happen when you have a vision".

Mayor Avery wanted to know if Council would consider adding the date of service to

the plaque honoring Former Mayor Betty Hannah. All members of Council agreed to add the date of service.

Interim City Administrator Hood wanted to clarify the verbiage for Former Council Member Frankie Arnold. He asked if the plaque should read "12 years of dedicated service on Fairburn City Council." The Council agreed and **the motion carried.**

### 13. To Authorize the EEO Officer

City Attorney Randy Turner provided an overview of the request to Authorize Carmen Alexander as the Equal Employment Officer for the City of Fairburn.

Council Member Pallend made a motion to authorize Carmen R. Alexander to service as the City's temporary EEO Officer with Council Member Whitmore providing the second.

Council Member Glaize wanted to know if the officer would be identified for this one case.

City Attorney Randy Turner said my intention is for her to handle this one matter. If there are any other needs, I would not move forward to continue without coming back to council for authorization.

Council Member Glaize asked if it is non EEO matter would this individual follow through as an investigator.

City Attorney Randy Turner said if the initial decision from the EEO officer is that the complaint that he or she receives does not state a claim under the City's policy then that would be the decision of the EEO officer that would go back to the employee who filed the complaint; that is a decision of itself. If that is the decision an employee has a right to appeal that decision. If the EEO officer determines that it is valid complaint under our policy then it would be his/her responsibility to investigate.

City Attorney Randy Turner provided clarification on the EEOC and EEO. **The motion carried. 5-0**

*Council Member Glaize then left the meeting for a personal reason, but there continued to be a quorum present."*

### 10. Discussion of the SOP for the Use of Body Worn Cameras

Interim Police Chief Sutherland provided an overview of the SOP for the Use of Body Worn Cameras.

Council Member Hurst said on last Monday she noticed that some of the officers wore their cameras in different places on their uniform. She wanted to know if the placement of the camera would hinder camera's ability to capture images.

Interim Police Chief Sutherland stated the cameras can be worn in three or four places on the uniform to include the chest and duty belt area. He said wherever the camera is placed there will be pros and cons.

Council Member Hurst addressed her concerns with Section C item 4 in the procedures for the body worn camera use. She requested adding "to include any malfunction will be reported on a form".

Interim Police Chief Sutherland asked if the verbiage could be added in writing; we will use a standard memo form.

Council Member Hurst said "yes". She wanted to know if the officers are performing extra duties outside of the City of Fairburn. She said I am concerned about the cloud storage.

Interim Police Chief Sutherland said we do have some duties that may take us outside of the City.

Council Member Hurst wanted to know if the officer is required to sign for the SOP's.

Interim Police Chief Sutherland said "yes".

Council Member Hurst wanted an update of the body worn cameras since they were rolled out.

Interim Police Chief Sutherland said there has been one issue with a body worn cameras but it is being handled as we speak. He said we will be receiving the equipment for the vehicles starting next Monday and each vehicle will be outfitted and when the police officer turns on the blue lights the cameras would automatically start. We are working on the batteries to have the ability to turn the cameras on but I have since made contact with the company and the batteries are being sent. He then said the overall attitude of the officers is good. He said some officers in the beginning did have some concerns, but then they came back to say they do see the benefit of having them.

Council Member Portis-Jones asked about the location of the body worn cameras on the duty belt area. She wanted to know if there was any testing performed while the camera was placed on the duty belt. She said she is concerned about visibility since



the camera location is positioned low.

Interim Police Chief Sutherland said we did not test them on the duty belt. He said we are testing that, but we are allowing the officers to select a comfortable place for them to wear the camera. He said wherever they place the camera the camera will collect data. He said we are asking that the placement is worn in the front of the uniform.

Lieutenant Bazydlo then provided the Council with an overview of the testing results from the duty belt.

Council Member Portis-Jones said we discussed incorporating MOU for off duty assignment.

Interim Police Chief Sutherland said the MOU will not be included in the SOP but will be addressed.

Council Member Portis-Jones addressed her concerns with the liability of off duty officers. She requested that the MOU is brought back to the Council.

Interim Police Chief Sutherland said we will have officers sign for it.

Mayor Avery said it is standard practice that a form is signed off on by the police officer for the understanding of a release of liability.

Council Member Whitmore thanked Interim Police Chief Sutherland for his work on this project. He said it is important as we review the data that is being collected by the officers that we continue to update our SOP. He said he is also concerned about the position of the body worn camera. He requested that we review the SOP and come up with a standard placement of the body worn cameras for the officers.

Interim Police Chief Sutherland said what we have found with standardizing police equipment that your body does not operate like my body and that is the issue as to why we do not want to standardize the placement of equipment. He then explained the process.

## 11. Discussion and Possible Approval of Personnel Policies

Human Resources Director David Johnson provided an overview of the Personnel Policies.

Council Member Hurst reviewed Section 2-50.6-Complaint Procedure: Change all non-EEO related complaints and correspondence to be filed and directed to the

City Administrator or his or her designee.

\*If City Clerk at this time is not a “*designated EEO Officer*”, the Council will need to appoint an alternate person to hear complaints.

Council Member Hurst then addressed her concerns with Section 2-51.5- Attendance and Punctuality. She said we have something in our personnel policy that actually penalizes an employee for excused absences or tardiness. If an employee has a doctor’s appointment and they bring in an excuse from the doctor that is held against the employee after they receives so many. She requested to change the language to “excused absences or excused tardiness should not be held against an employee’s attendance. A written excuse by a doctor or an excuse by a supervisor is an acceptable documented form of an excused absence and not held against the employee’s attendance record. She requested to delete the following: three occasions of excused absences or tardiness in a three month period; six or more occasions of excused absence or tardiness within a twelve month period; an unacceptable pattern of absences and/or tardiness over an individual’s employment history.

Council Member Hurst then addressed her concerns with notifying their employer when an employee will be tardy. She said an employee cannot always get in touch with their supervisor. She suggested incorporating a “chain of command” to leave a message within the department. The employee may also leave a text or email to the department head or supervisor if the employee is unable to reach the “chain of command” before the employee is scheduled to work. However, the employee should report back later in the day to make sure the text or email was received by the department head or supervisor.

Council Member Hurst then reviewed Section 2-52.16- Notice of Resignation She requested adding that resigning employees will be asked to participate in a brief exit interview paperwork submitted to employees upon resignation or termination. This written exit interview form will remain as a permanent record in the employee’s personnel file and can be shared with Mayor and City Council if so requested by the Mayor or any Councilmember. Next, Council Member Hurst reviewed Section 2-52.18-RE-Employment. She said there was incident that occurred when an employee left and came back and was promoted with the same rank. She wanted the council to review this policy. She then reviewed “*Break in Service*” clause to the Personnel Policy as it relates to rehire status and promotion and requested to change to Employees who are terminated or resign will receive pay for any unused, accrued annual leave”.

Council Member Hurst made a motion to approve the following Personnel Policies and become effective on October 10, 2016 with Council Member



Whitmore providing the second.

Council Member Pallend requested a legal opinion on the suggestions. He requested the City Attorney to review before adoption.

City Attorney Randy Turner said I did not find anything in this request that may be a legal issue. Personnel Policies are in place at the will of the governing body.

Council Member Portis-Jones asked if there was a time limit as it relate to the break in service.

Human Resources Director David Johnson referred to the City Attorney comments. He then stated there are not any benefits that are retained; the summary plans dictate that. In terms of other benefits, if the employee is qualified and the best fit for the job; the issue that is driving this is that one particular department modified the SOP to fit a particular situation. Mr. Johnson said in both public safety departments employees are hired at the entry level and then they have to compete for vacancies. In this particular case, there were special considerations that had been given.

Council Member Hurst provided an example to address her concerns with a break in service.

Human Resources Director David Johnson said if an employee leaves today, the position is posted in the interim say that the job they applied for fell through. If that person interviews and found qualified for the job they would come back at the same range.

Interim Police Chief Sutherland said if the SOP had not been changed during that time, the individual would not have been promoted.

Council Member Hurst stated that we should include something about a break in service in the policy but we can discuss further at a later date. After some discussion, Council Member Hurst made a substitute motion for the City Attorney to come back at a later with a resolution with the changes with Council Member Portis-Jones providing the second.

Council Member Whitmore suggested adding a standard SOP to the resolution.

City Attorney Randy Turner said at staff level there should be some recommendations brought forth.

Council Member Whitmore requested Interim City Administrator Hood to review

developing a standard SOP. **The motion carried.**

## 12. Interim Positions Salary

Council Member Hurst said we have had five interim positions within the last 7-8 months. She said she asked the City Administrator if the salaries of the person who were holding interim positions were given the salaries of the persons' before. She was told yes; the ones that I asked about. I have since found out that was not true. Council Member Hurst went through the current salaries of the Interim City Administrator, Interim Finance Director, and Interim Police Chief. She said the Interim Police Chief's salary was not changed accordingly. She then addressed her concerns with the Interim City Clerk position. She said the Interim City Clerk's salary does not reflect that of the Former City Clerk. Council Member Hurst stated the supervisory responsibility can be corrected. She wanted to know why some of the employees received those salaries and some did not.

City Administrator Hood stated those position were already established before I became Interim City Administrator.

Council Member Hurst said we need to look at these positions and place these two employees in line with what the former employees were making. She said this is disturbing to me. She said due to us not paying them accordingly; I am asking that we pay them retroactively as the Former Police Chief and Former City Clerk. She said we have one employee that salary increased by \$25,000 and the Police Chief received a \$2,000 increase; this is not right. Council Member Hurst went on to say "I am not going to be comfortable with giving them the salary". I am only going to be comfortable with going back to the date they started in these positions; this could be a problem for us.

Human Resources Director David Johnson said there are some factors that we need to consider. He said I am not in disagreement with the situation with the Police Chief. In fact, it was my recommendation when Randy Mundy became Police Chief and the City Administrator made his decision at that time. He said the duties of the Interim Clerk are substantially different from those of the former Clerk. Mr. Johnson said from a H.R. standpoint if we are going to make a change and shift the duties to the Interim Clerk it makes since to compensate. However, to compensate any employee for duties that are not being performed, I do not know for sure if that is consistent with what we have done in the past.

Council Member Hurst said I know for a fact that Interim Finance Director is not performing all of the duties as the former Finance Director. She said the job description for the City Clerk/Treasurer; Mrs. Tigner is performing everything except the supervision and the Treasury duties. She said I do not understand why these two



duties negate her from receiving the full salary.

Council Member Portis-Jones said we need to correct this. She said we have the Interim Finance Director receiving the full salary of the former Finance Director and not performing the entire job; that's a problem. If we have the Interim City Clerk performing sounds like 80% of the duties, but for her not to receive the correct adjustment; it is a problem we need to discuss. These discrepancies show that we have a problem and we need to correct it.

Mayor Avery said the City Administrator will have the final say in the individuals pay.

Council Member Portis-Jones wanted to know if the process will be subjective or objective.

Council Member Whitmore said this is alarming. He asked Interim City Administrator Hood if there was any information brought forth on salaries for the two individuals that are not current.

City Administrator Hood said no.

Council Member Whitmore said the previous decisions were made by the previous City Administrator. He said it is incumbent of this body to ensure that we take care of our employees the correct way and make sure that they are getting compensated for their job responsibilities that is within their job description. If someone is not fulfilling all of those competencies for their job description; there should also be a consideration in reverse as well.

Mayor Avery said the salary of the person serving in an interim position should be given a salary commensurate of the previous hire or commensurate with A, B, C duties and not necessarily commensurate with one of two of the job duties.

Council Member Whitmore said I would ask our Interim City Clerk if she has performed in a supervisory duty in the past. He then asked the Interim City Clerk if she had performed any supervisory duties in the past.

Interim City Clerk Stephanie Tigner said yes sir.

Council Member Whitmore said therefore she should have been afforded the opportunity, but the City of Fairburn did not allow her. He said from what I am hearing there is only one area in which she is not performing and that is the Treasury; is this correct.



Interim City Clerk Stephanie Tigner replied that is correct.

Council Member Pallend said I am wondering if this bears any further scrutiny across the board before we make any final decisions. He said what I am hearing I think we need to take a harder look at all of this before we make any conclusions tonight. He said maybe we can find a way to bring together the parties involved for further examination.

Council Member Portis-Jones said when we made the decision to appoint, the discussion included salary adjustments. To hear those adjustments had not been made per our approval is alarming. The financial pay should be made immediately. She said we cannot afford to have this happen again in the City. We should be clear on what those requirements should be. She said what was presented and what I understood that was being voted on are those individuals to be placed in the positions and to receive the commensurate pay; nine months later and that has not happened.

Council Member Portis-Jones made a motion to pay the individuals and to make the pay adjustments effective immediately and to make the pay retroactive and to evaluate the process with Council Member Hurst providing the second.

Council Member Whitmore said we have a Police Chief running a police department he is handling officers, reviewing policies and procedures and brought forth the body worn cameras and not being paid; that is very sad. He then asked if Ms. Tigner was not supervising then who supervised.

Interim City Administrator Hood said prior to July Mr. Johnson was supervising and after July the department fell under the City Administrator's office. He said to his knowledge when the Former City Clerk left Mr. Johnson supervised the department.

Council Member Whitmore stated I agree with my colleagues. **The motion carried** with Council Member Pallend voting "No".

## **XI. COMMENTS FROM COUNCIL:**

Council Member Portis Jones recognized Ms. Chapin Payne for the work on the "Let's Move Initiative. She said the City of Fairburn has received another award from the Department of Health and Human Services. She congratulated Interim Police Chief Sutherland for his heroic efforts in diverting the one way driver. She thanked him for jumping into action and representing the City well. Council Member Portis-Jones thanked Lieutenant Bazydlo and the department for helping to bring the body worn cameras to the police department. She said she posted the information on her Facebook page and received many likes. Council Member Portis-Jones thanked Council Member Hurst for carrying the torch on the initiative. She recognized the

Fire Chief Hood and the Fire department. She said the fire department was engaged with the public at the Fall Festival about fire safety and fire alarms. She said she was impressed with the information and asked Fire Chief Hood to have his department present the information to the Council.

Council Member Pallend had no comments.

Council Member Hurst thanked Police Chief Sutherland and Lt. Bazydlo for their work in getting the body worn cameras rolled out. She said I wanted to see this for the City of Fairburn. She also thanked Chief Hood for his patience and being a professional.

Council Member Whitmore thanked Council Member Hurst for allowing him to work with her on this Body Worn Camera initiative. He thanked Lt. Bazydlo for his hard work. He acknowledged Police Chief Sutherland on "Coffee with a Cop". He said it was a great initiative and he is looking forward to more.

Mayor Avery announced the Christmas Tree Lighting will be held on Saturday, December 3, 2016. He will provide more information on a later date. He thanked the staff for hosting the Fulton County Principals. He said Interim City Administrator Hood and staff were recognized for their hospitality and we received compliments on the campus. He said Mayor and Council had a great time overall at the PPG tour. He also announced the City of Fairburn is a finalist for the GICH program. He thanked the entire staff for the Fairburn Fall Festival. He also recognized Ms. Payne and Dr. Parks for their efforts; the event was great. Mayor Avery acknowledged Council Member Hurst for her work on the Body Worn Cameras. He also acknowledged Former Police Chief McCarthy, Former Police Chief Mundy and Police Chief Sutherland for helping the City as we have been ranked as the 52<sup>nd</sup> safest city to live.

## **XII. ADJOURN:**

Council Member Whitmore made a motion to adjourn the meeting with Council Member Pallend providing the second. **The motion carried.** The meeting adjourned at 8:45pm.

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Interim City Clerk, Stephanie Tigner

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Mayor, Mario Avery