



**CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
August 8, 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  
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 Hurst, Portis-Jones, Heath, Pallend and Whitmore were present. Council Member Glaize was absent.
- III. INVOCATION:** was provided by Council Member Whitmore.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:**

1. Presentation by Waste Industries

Council Member Whitmore introduced Mr. Gibson of Waste Industries. Mr. Gibson said he is glad to work for a company that believes in giving back to the community. He said the company gives money to charities through their Full Circle Project. The Full Circle Project allows the communities to select the charity to receive the donation.

Mr. Gibson presented a check in the amount of \$3,000 to the S.T.E.A.M. program.

Council Member Whitmore said the \$3,000 that was presented by Waste Industries will be earmarked for Fairburn students for next summer S.T.E.A.M. program.

2. Presentation by Dr. Bev Browning, Grant Writing Training Institute

Interim City Administrator Stephen Hood introduced Dr. Bev Browning.

Dr. Bev Browning said it is an honor and privilege to be on board and a part of the team here in the City of Fairburn. She said the tour of the city facilities allowed us to see the areas on the priority list. We will be on board September 1<sup>st</sup> to do a needs assessment with each department. This will to help prioritize the projects that have a higher chance of being funded. She introduced her colleague Mr. Danny Blitch.

## **VI. PUBLIC COMMENTS:**

1. James Sumners, 112 Shannon Chase Court, said he was pleased with the new after-hours service. Mr. Sumners said instead of being transferred to emergency services you get the new service and they were very helpful. Mr. Sumners requested Mayor and Council to vote "No" on the proposed Charter amendment.
2. Rashad Wilson, 156 Durham Lakes Parkway said he represents DLGCC Management Corporation. He said the management company is currently management Durham Lakes Golf and Country Club. He said the company is in the process of greens Renovation. Mr. Wilson said the process may take up to 12 weeks to complete. The facility is under management. Mr. Wilson said all of the partners are certified PGA professionals and have the expertise to provide the needs of the community, patrons and the community. We would like to offer ourselves as a resource when we can be available to you. He invited everyone out to the practice facility on Friday, Saturday and Sunday. Mr. Wilson introduced Mr. Jabir Bilal, Director of Golf.
3. Jay Patel, 7920 Senoia Road, owner of Marco's Pizza. He said the community has been great since opening one month ago. Mr. Patel stated 35 of the Marco's employees are Fairburn residents. He then thanked Mayor and Council.
4. Dr. Allen, 27 West Campbellton, said the contract with South Fulton Little League is about to expire. He requested the council to consider extending the contract for (3) years. Dr. Allen requested the Council to consider a provision in the contract about the fields. Dr. Allen thanked the Council for allowing South Fulton Little League to operate within the City.

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

Council Member Whitmore made a motion to adopt the Council Agenda and to remove items #10 Recreation Department Cash Handling and Deposit Procedures and #11 Recreation Department Facility Reservation Policies and Procedures with Council Member Hurst providing the second. **The motion carried.**



*Council Member Lydia Glaize was absent therefore, she did not vote on any items at the August 8, 2016*

**VIII. APPROVAL OF CITY COUNCIL MINUTES:** City Council Minutes of July 25, 2016.

Council Member Portis-Jones made a motion to approve the City Council Minutes of July 25, 2016 with Council Member Hurst providing the second. **The motion carried.**

**IX. AGENDA ITEMS:**

1. First Approval of Ordinance to Amend the City Charter to Provide for the Annual Appointment of Various City Officials.

City Attorney Randy Turner provided Mayor and Council with an overview of the First Approval of the Ordinance to Amend the City Charter to Provide for the Annual Appointment of Various City Officials

Council Member Portis-Jones made a motion to approve the First Approval of Ordinance to Amend the City Charter to Provide for the Annual Appointment of Various City Officials with Council Member Whitmore providing the second.

Council Member Portis-Jones asked the City Attorney to state for the record, the difference in the recommendation and what is currently in the Charter.

City Attorney Randy Turner stated for the record, this ordinance provides the annual appointment of those positions I just enumerated. Of those positions currently the Municipal Court Judge and the City Clerk positions under our City Charter provided as annual appointments of Mayor and Council. The amendments being proposed would add to the annual appointment list City Administrator, City Attorney, City Police Chief and I failed to mention the City Treasurer is an annual appointment as well. He went on to explain under the current Charter, The City Treasurer is identified as being a member of the City Council that has not been the case in many years and should not be. It will be an annual appointment, but no longer from this body. We standardized the language in respect to those appointments in the 4 sections so that they will occur at the same time and the Mayor and Council will establish compensation on an annual basis as well. There are changes to make the Charter more modern reading document.

Council Member Heath asked is it customary to leave one department head out in any City or County you have ever worked with. I feel like it is a problem to get qualified people to be voted on at the end of year; you will not get too many people willing to do that. The Police Chief and everybody else except for the Fire Chief; I think the

Fire Chief should be included; if we are going to do everyone else the same way. He asked if this was a normal way to do this.

City Attorney Randy Turner said my experience is that it is unusual that a department head such as the Police Chief would be appointed by the Mayor and Council in the modern world. In our Charter the Police Chief is identified as an appointment. The ordinance before you does not change anything about that particular department head.

Council Member Heath stated for the record, I would like everyone to know that Fire Chief Hood is doing an excellent job, he has always done an excellent job; I never had a problem with him. It is just that when you address this and you are putting everyone else on a yearly contract basically and holding out one department head it just does not seem right to do that to me.

Council Member Hurst said our Charter also had the City Engineer as an annual appointment and the Building Inspector. There are three that were included in the Charter and not included in the ordinance.

City Attorney Randy Turner said the language eliminates certain positions that have been in the Charter for appointment by Mayor and Council for many years, but have not been appointed by Mayor and Council such as Superintendent of Construction, Tax Collector, City Physician and City Engineer.

Council Member Pallend said I will oppose the motion. I think it dilutes the talent pool and in the long term will not do us any good.

Council Member Whitmore said in his opinion I don't think it will dilute the talent pool. He said when an applicant applies they know what talents they would bring to the City. As long as they are performing in a professional manner it will ensure that as we move forth; it will make the City strong.

Mayor Avery said I am going to professionally disagree, I know three highly qualified females that choose not to apply for the job as a result of the (1) year appointment.

Council Member Portis-Jones said there are political appointments that are made all the time and is not unique to this City.

After some discussion, **the motion carried** with Council Members Pallend and Heath voting "No".

## 2. RFP for Police Department Audit



Interim Police Chief Sutherland provided an overview of the RFP for the Police Department Audit.

Council Member Portis-Jones made a motion to approve the RFP for Police Department Audit with Council Member Hurst providing the second.

Council Member Pallend said this is not a good way to spend taxpayer's money.

Council Member Portis-Jones said we looked at the documentation and every (3) years is a certification of the department that we meet certain minimum standards. A management audit was conducted in 2002. The request is to replicate some of the same issues and concerns.

Council Member Heath asked if we have ever been nationally accredited. He wanted to know if each officer goes through (20) hours of training and if we had the most up to date equipment.

Interim Police Chief Sutherland said we are compared to most.

Council Member Whitmore asked if there has been anyone within the Fairburn Police department failed or did not complete the training and since came back to the department.

Interim Police Chief Sutherland said "yes".

Mayor Avery said there is not a city government department that does not need to be upgraded. He said if you could not get hired anywhere else, you can get hired in Fairburn. He said our Police Department is still one of the most respected agencies in South Fulton; in the county.

Council Member Whitmore stated for the record, Chief in my questioning of you it had no bearing on your professionalism, your character or anything at the police department. I think what I was trying to bring forth is that we do have some administrative things that we can tighten up on.

After much discussion, **the motion carried** with Council Members Pallend and Heath voting "No".

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

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

Council Member Hurst referred to the SOP where it stated if an officer failed to activate the camera. She said under item 3, the same information is included which states the police officer would have to write a statement. She said she is having a problem with this. She requested more clarification.

Interim Police Chief Sutherland said if we are in docile situation that escalates as far as our actions, I may not have the time to stop, pause and activate the equipment. He said the police officers job is to now to defend themselves or someone else. He said that is the only reason that is written that way.

Council Member Hurst said when the officer is able to react; he will.

Interim Police Chief Sutherland said "yes".

Mayor Avery referred to Paragraph 3 Section B of the proposed SOP. He provided an example relating to an incident that occurred in the City of Atlanta with Catherine Johnson and discussed the situation in Dallas where the police officers were ambushed.

Interim Police Chief Sutherland said the mindset is "life over video". Before I do Anything, I have to save my life first.

Mayor Avery wanted to know if you have a domestic violence scenario and the parties are inappropriately dressed.

Interim Police Chief Sutherland said we will keep the video but we would have to blur.

Council Member Portis-Jones referred to Section B. She provided an example involving a police officer and the camera that was deactivated or turned off. She wanted to know what would happen the camera was deactivated or turned off.

Interim Police Chief Sutherland said I believed we captured it in Section B. Once we fail to use it, penalties will ensue.

Council Member Heath referred to page 2, B. He wanted to know if the police officer is attending a H.O.A. meeting would they be required to have the camera on.

Interim Police Chief Sutherland "yes".

Council Member Heath wanted to know if the officers would have be within a certain distance from the patrol car to operate the camera.

Interim Police Chief Sutherland said the camera will be on the uniform along with the charging battery ; not the vehicle.

Mayor Avery wanted to know in the case of the police officers patrolling at Duncan Park swimming pool would the camera be activated.

Interim Police Chief Sutherland said once we have a duty where the police officer must act is when we want the police officers to turn the camera on.

Council Member Whitmore wanted to know if the camera is buffering until the police officer activates it.

Interim Police Chief Sutherland said there are different settings as far as the camera. We can set it for 30 seconds or one minute buffering. He said it is recording up until the point that the officer turns it on; we will use the 30 second rule, 30 seconds prior, however the 30 seconds will only be video, no audio.

After some discussion, Council Member Hurst made a motion to approve the SOP for the Use of Body Worn Cameras with Council Member Portis-Jones providing the second. **The motion carried.**

#### 4. Approval to Purchase of Body Worn Cameras

Council Member Hurst made a motion to approve the Purchase of Body Worn Cameras in the amount of \$71,020 from Taser International with Council Member Portis-Jones providing the second.

Council Member Heath wanted to know if confiscated funds would be used.

Interim Police Chief Sutherland said confiscated funds will work for equipment, training, construction of building. He said it is his understanding that it will not work for reoccurring bills. The reoccurring bill is the \$99 per month/per officer.

Council Member Heath said we can use some of the money for the cameras.

Interim Police Chief Sutherland said yes and that would breakdown to approximately \$24,688; I am still doing research.

Mayor Avery asked if this was a budgeted item.

Interim Police Chief Sutherland said during the mid-year budget there was an increase to purchase the body camera.



Council Member Hurst said I wanted to ensure that we could use some of our confiscated funds for the cameras first. During the mid-year budget we allocated money for the body cameras, but we could use some of that money elsewhere. She wanted to know the delivery time of the camera.

Interim Police Chief Sutherland said between 8 to 10 weeks.

After some discussion, Council Member Portis-Jones wanted to know if there were any grants available to assist.

Interim Police Chief Sutherland said there were no grant dollars available. **The motion carried.**

5. Police Department Reserve Force

Council Member Heath made a motion to disband the Police Department Reserve Force with Council Member Hurst providing the second. **The motion carried.**

6. Police Equipment for New Patrol Vehicles

Council Member Heath made a motion to approve the Police Equipment for New Patrol Vehicles in the amount of \$16,650 from 144<sup>th</sup> Marketing Group with Council Member Pallend providing the second. **The motion carried.**

7. Proposal for AMI Meter Project Financing

Utility Director Tom Ridgway provided an overview of the AMI Meter Project Financing with United Community Bank of Fairburn. He said we received a quote from Government Capitol Corporation with a rate for 5 years was 2.965%. He said I investigated GEFA, but they would only fund water and sewer not electric.

Council Member Portis-Jones made a motion to approve the Proposal for AMI Meter Project Financing. **The motion died** for a lack of a second.

8. Contract with Tantalus for AMI Service

Council Member Portis-Jones made a motion to hold the contract with Tantalus for AMI Service and to come back before Council at the next meeting with Council Member Hurst providing the second. **The motion carried.** Council Member Heath voted "No"

9. Contract with Nexgen for AMI Meter Change-Out Service



Council Member Portis-Jones made a motion to hold the Contract with Nexgen for AMI Meter Change-Out Service and to come back before Council at the next meeting with Council Member Hurst providing the second. **The motion carried.** Council Member Heath voted "No".

12. Appointment to the Recreation Committee

Council Member Heath made a motion to appoint James Sumners to the Recreation Committee with Council Member Hurst providing the second. **The motion carried.**

**X. COMMENTS FROM COUNCIL:**

Council Member Portis-Jones congratulated John Childs and the STEAM program. She acknowledged Council Member James Whitmore for his efforts with the program. She also congratulated Dr. Bev Browning for the Life Time Achievement Award.

Council Member Pallend had no comment.

Council Member Hurst congratulated Dr. Bev Browning for being the new grant writer for the City of Fairburn. She acknowledged Waste Industries for the donation made to the S.T.E.A.M Program. She said we should look into our investors to do more for our City. She said Fulton County Heat Assistance Program is gearing up. She said the program brings income to the City and will help the citizens with their heating bills. She wished everyone a good week.

Council Member Heath had no comment.

Council Member Whitmore said he enjoyed the conversation with Dr. Bev Browning. He looks forward to collaborating with Dr. Browning along with the staff. He announced the afterschool program will begin next week. He said we are preparing for next summer's STEAM program here in the City of Fairburn.

Council Member Portis-Jones reminded residents of the last day for the Fairburn Farmers Market. She said the last day will be August 26, 2016. She encouraged everyone to come out. She thanked her colleagues and residents for their support.

Mayor Avery thanked Dr. Parks and Ms. Payne for the great Laser Show event. He thanked Waste Industries for the donation and thanked Mr. Childs for a great program for the City. Mayor Avery publically thanked Dr. Browning for a great meeting.

**XI. ADJOURN:**

Council Member Whitmore made a motion to adjourn with Council Member Heath providing the second. **The motion carried.** The meeting adjourned at 8:47pm.

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Interim City Clerk, Stephanie Tigner

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Mayor, Mario Avery