



**CITY OF FAIRBURN  
CITY HALL  
56 Malone Street  
Fairburn, GA 30213  
March 28, 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

Tom Barber  
Stephanie Tigner  
William Randy Turner

City Administrator  
Interim City Clerk  
City Attorney

**I. MEETING CALLED TO ORDER: Honorable Mayor Mario Avery**

**II. ROLL CALL:** All members were present which constituted a quorum.

**III. INVOCATION:** was provided by Mayor Pro Tempore Lydia Glaize

**IV. PLEDGE OF ALLEGIANCE:** was recited in unison.

**V. PRESENTATION:** David Knott, Fulton County Schools-Capital Program

**VI. PUBLIC COMMENTS:**

1. Marian Johnson, 363 Spence Road, said the facilities person at the theatre went to check on the power at the cookie shop. She said some of the electrical outlets were working and some were not. After looking outside, the roof had been blown off and the legs that went inside the building were severed. She said they called the Fire Department came out and contacted the Utility department and the utility department was able to repair the wiring. She thanked the Fire and Utility Departments for coming out.
2. Carol Berry, 113 Shannon Chase, said there has been an increase of foot traffic on Fayetteville Road. She asked the Council to look into placing sidewalks in the area and thanked the Council for their work.

3. Melvin Glaize, 567 Handyman Court, passed out handouts for Mayor and Council to review. He thanked Council for placing the request for the Car, Bike & Enthusiast Show on the agenda. He said “we are Engines for Emanuel” and last year we formed a volunteer group that wanted to do something good for the families of Mother Emanuel A.M.E. Church in South Carolina. He said we put together a charity ride with (26) motorcycles and (6) cars and rode up to Mother Emanuel A.M.E. Church in Charleston, South Carolina and presented them with a \$15,000 donation to show our love and concern for the tragedies that the nine families suffered. He said we wanted to continue to keep the effort going to reach families in crisis in the South Metro area. Mr. Glaize said we formed a ministry named “Engines for Emmanuel”. Mr. Glaize explained that the car show will promote good community unity and how much we care for the people. He said we are looking to do it 3-4 times this year at the Georgia Military College campus. Mr. Glaize said we are not attempting to bring motorcycle clubs to the area. He reiterated it is a Car, Bike & Enthusiast event and urged everyone to participate. Mr. Glaize urged anyone with model “T”s, special trucks, or motorcycles to come out and let’s do something wholesome for the community.
4. Derek A. Jones, 6707 Jules Trace, President Asbury Park HOA said we have been working really hard to improve our community. He said there have been some great improvements going on financially and some are new home construction. Mr. Jones said hopefully new homeowners will come in and eventually make our community larger. He wanted to know if we are going to move forward with the property near the entrance way of the community.

Mayor Avery said the Council would need to have a conversation about the request.

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

Council Member Whitmore made a motion to adopt the Council Agenda and to place items #3, #4, #5, #6, #7, and #8 on the Consent Agenda with Council Member Glaize providing the second. **The motion carried.**

## **VIII. APPROVAL OF CONSENT ITEMS:**

Council Member Pallend made a motion to approve the Consent Agenda items #3, #4, #5, #6, #7 and #8

3. Resolution to Adopt Fiscal Year 2015 Final Budget Adjustments
4. Task Order FDC 2016.16-Renovation Plans and Construction Oversight of Baseball Field at Duncan Park

5. Approval of 2016 LMIG Road Improvements Project List
6. Approve MAAI Task Order 15-Design, Bidding, CEI and Testing Services for the widening & Reconstruction of Bohannon Road Project
7. Approval of a Change Order with G. P.'s Enterprises, Inc. on the Johnson Road Over Line Creek Bridge Replacement Project
8. Approval of a Preliminary Engineering Agreement with CSX Transportation, Inc.

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

**IX. APPROVAL OF CITY COUNCIL MINUTES:** City Council Minutes of March 14, 2016.

Council Member Heath made a motion to approve the City Council Minutes of March 14, 2016 with Council Member Glaize providing the second.

Council Member Glaize stated on page (11) Item 7-Discussion of City Letterhead. She said there was discussion in the workshop and action to be taken. Council Member Glaize wanted to know if we should strike "no action" from the minutes.

Interim City Clerk Stephanie Tigner said I would defer to the City Attorney, but there was no vote taken in the workshop.

City Attorney Randy Turner said there could not have been a vote in the workshop. If there was no action taken during the meeting there would be not be anything to report in the minutes.

Mayor Avery said there were several recommendations made to the letterhead that will still commence, but because there was no official action brought to the body on the floor to vote on it is assumed. He said that is why the minutes represent no action. The action will still move forward.

Council Member Whitmore indicated there was a correction to his comments on page (11). The correction was noted. **The motion carried.**

**X. AGENDA ITEMS:**

1. Veto of Management Audit of Police Department

Mayor Avery read the Veto of the Management Audit of the Police Department into



the record.

I am going to utilize my veto right for the agenda item number 23 added on Monday's agenda titled "Management Audit of Police Department".

Outreach efforts were made to reach out to Council, telephonically, to reconcile my concerns with minimal results, to ask if this item could possibly be reconsidered. The reason for this action in summary, in my professional opinion, this can be viewed as a duplication of service and unnecessary cost. It is my intent to request the new Police Chief, upon approval by Council, to conduct a thorough audit of resources, personnel, and agency rating/standing. The time required to compose an RFP, properly advertise, selecting a committee to evaluate and approval by the Council could possibly exceed the date of hire of the new Police Chief. The selected applicant for Police Chief requires Council approval, thus this request can be made by the governing body at that time. Again, my only objection to this item is that I believe it constitutes a duplication of service. I purposely waited for the state required 72 hours to avoid this legislative method in my effort to seek a possible reconsideration motion, thus granting professional courtesy to Council.

City Attorney Randy Turner said right now the item stands vetoed. If anyone wants to make a motion to override the veto with (4) votes, the veto will be overridden. If there is no action taken the item is vetoed pursuant to your action. Mr. Turner said in order for there to be a discussion there would need to be a motion and a second to the motion that is what permits you under rules of procedures to bring that item to the body for discussion. At this point in time, if there is no motion made then the item is done.

Council Member Portis-Jones made a motion to override the Mayor's Veto of the Management Audit of Police Department with Council Member Hurst providing the second.

Council Member Portis-Jones said "I put forth the legislation requesting an outside/independent audit of the police department. She said as I stated "I thought this would be a great opportunity for us to get an assessment of the department so we are informed of what the good things that are happening in the department, where the strengths and weaknesses are and what needs to be improved". I thought this would aid us in asking intelligent questions of the candidates and ensure that we hire the appropriate candidate for the needs of the department. Every department has a season; a different season requires different equipment, skills etc. She said I wanted us to be equipped with the knowledge of what is going on in the department so we can appropriately interview individuals and can ensure that we are bringing in what the department needs and the City needs. She said I am asking for an independent audit

because with all due respect “You are the individual who is interviewing the candidates and you are the one that will be making recommendations to Council for hire”.

Council Member Heath said I was here during the last audit. The Chief’s Association came down and the two recommendations after we paid them an undisclosed amount of money was to get rid of the officers or get rid of the Chief. Council Member Heath said it was a total waste, but at the end they did get rid of the Chief. He said we have men and women in our police department that are ions above what we had at that time. He said for me to sit here and question someone’s ability as what we had in the previous Chief and the Interim Chief, I just think it is a waste of money. Once a new Chief gets in, he may do an audit of his own. He said the morale is up, crime rate is down. I will be against having an audit done at this time.

Council Member Pallend said the Chiefs of Police Association conducts an audit every three years.

Interim Chief Randy Mundy said “yes”

Council Member Pallend wanted to know the last time an audit was done.

Interim Chief Randy Mundy said the last onsite assessment was done in January 2015. The next one is January 2018.

Council Member Pallend said indeed that information is available for us to look at?

Interim Chief Randy Mundy said “of course”. He said there are about 130 standards it’s gone up every time. I believe there about 130 standards they evaluate us on from fiscal responsibility, service delivery, evidence/property, personnel.

Council Member Pallend asked if that would suffice by way of the information you need to ask questions when it comes to selecting a Chief.

Council Member Portis-Jones said “I am not going to say it will suffice, but it will definitely allow me an opportunity to review the material. She said she is glad you brought this up because this is the first I have heard that we do have an audit from the association every three years. She said I am glad to know that it has taken place. I would like to review the material and I am willing to postpone the final vote, but I am not willing to say it will suffice”.

Council Member Glaize said “I heard differently about the department from Mr. Barber and several others that the morale is down. She said there are people looking



for jobs in other cities. She said this is a grave concern. I want to know where the weaknesses are and to see if we could strengthen the department to ensure that Fairburn is still a great place to work. I want to support a response from within on what changes that will need to occur”.

Council Member Whitmore said based on what he’s hearing today there is differences of opinion about the great and poor morale. He said the City Administrator is stating that the morale is poor which raises concerns. Council Member Whitmore stated for the record “we almost rehired somebody that should not have come back to this department for reasons that will be discussed in executive session”. He said that is an indication to me that we need an independent audit to come in to see what is going on within the police department. He said the Chief of Police just retired and as soon as he left, we had a situation where we almost hired someone that should not be hired. Council Member Whitmore said in his communications with other police departments they said there is a tool that would be used by the incoming Chief to evaluate how the department has been running in the past and what changes need to be implemented. He said we are having this discussion now and based on what we’ve heard one is good and one is bad. If we just had an audit last year we are going from one of the best police departments in Georgia to one of the worst because the police officers want to leave because of the morale; why is the morale down. He said that is the question? Is it management, leadership? This is what a management review will provide to this Mayor and Council; I support it. He said “I don’t know what they did last year, but obviously something went wrong between last year and now”.

Council Member Hurst said Chief McCarthy was here about eight years. She said when she came on as an elected official in 2008 Chief Long was the Police Chief. She said there are some issues with the police department; there were issues when Chief McCarthy was here. Council Member Hurst said now recently there are some rehiring issues that need to be worked out. We have competent employees in the City and I believe that we have two competent Chiefs and they are Deputy Chief Mundy and Deputy Chief Sutherland. I am not concerned about the time of the management audit as it relates to the hiring of a new Chief. I have talked to several Chief’s around the state. Most recently, I spoke to the former Police Chief of East Point and asked how did he feel about management audits? He said “the new Chief is coming in and that is what he is going to want. He can start the ball rolling; he can start working immediately and know exactly where the skeletons are; where the issues are and what he needs to concentrate on”. We talk about transparency; we need to know what we have. She said if a management audit is going to show this, I don’t see why we can’t. Council Member Hurst said a Council Member spoke on how far a police officer can take a car. She said a police car parked in Newnan or Henry County is not deterring crime in Fairburn. I never knew that 90% of the police officers took their car home. I

was not familiar with those rules. She said I am told that it's a perk, so we need to know the other perks we have in the police department. She said I am not going to change my vote tonight. My vote is that we have this management audit and we have it before we hire the new Police Chief. Council Member Hurst said if we have to lean on the acting Chief until we get the audit done, I think he is more than capable of doing his job.

Mayor Avery said many of you are familiar with the credible Chief of Police from College Park that made a reputation for himself by turning an agency around almost overnight. Mayor Avery said he coordinated with a Council Member to have a meeting with him. I extended courtesy to Council Member Portis-Jones. He said Chief Meadows met with both Deputies and the Human Resources Director and they will convene a board to discuss the methodology. I wanted to ensure that whatever the Chief of Police, the two Deputies and H.R. Director come up with a grading scale on how you deemed the candidate 1, 2, and 3 as it relates to when I interview them. I explained to the H.R. Director unlike the City Clerk or other positions the expert in the case that have come in and turned the agency around in 180 days in an adjoining City. I ask Chief Meadows when I did an information interview two weeks ago I said "I am looking for a person that will come in as my City Council is looking for a new direction and authentic transparency as how the agency is run". Mayor Avery said the primary objective is to have two deputies on the inside and Chief Meadows that will have the full picture of what is going on in the department. After much discussion, Mayor Avery said the goal is to make sure the candidate is qualified and prepared to take an inventory of personnel, equipment and resources as it relates to what needs to be accomplished especially what Council expects. He said the top (3) candidates will be brought to Council to be interviewed. Mayor Avery said some of the candidates came highly qualified but the Chief of Police will conduct an audit anyway. My position to the Police Chief is regardless or not at some point I am going to request you to come back before the Council with your findings. Mayor Avery said that he asked Chief Meadows about 21<sup>st</sup> Century Policing a program introduced by the Obama administration. Police Chief Meadows said "yes". He wanted to know if the candidate would be able to execute in the manner described in the manual.

Council Member Pallend said the new C.O. will conduct his own audit. He said for us to presume that we need to know what he or she would need to do to determine what questions and what the answers need to be; and how to move forward. It is a duplication of effort. Council Member Pallend said "it is an expenditure of money which we do not need". I think we need to leave it to the new Chief of Police to conduct what investigation they feel necessary to move forward.

Council Member Hurst wanted to know if the audit was going to be done before or after.



Mayor Avery stated the City Council has already approved the hiring process two weeks ago when the item was added. He said we were in the midst advertising. Mayor Avery said in discussions with the Council, I wanted to determine what position to start with and it was determine that we had the now Interim Clerk and I moved forward with the Police Chief.

Council Member Hurst reiterated that she is not questioning the process of the hiring of the Police Chief. I was referring to the audit. She asked the Mayor if the audit would take place after the new Chief comes on.

Mayor Avery said the hiring of the Police Chief is in motion. He said the audit by the time you write the RFP, advertise and assess this will commence at the earliest in about (5) weeks. , I risk losing the best qualified candidate. He said since there was audit January 2015 and if the Council decides to move forward with the audit would you have a problem with the Chiefs' of Police to conduct another audit within the three year period.

Council Member Whitmore said you have on one side morale is low and it comes from the higher level and on the other side morale is high; we are really somewhere in between. He said that really indicates there is a problem. He said also what you are saying is officers are leaving; they are getting out of here. Why is that, that should be identified. Council Member Whitmore said when an I.G. comes in especially when he hears things within command the I.G. will go in and do a thorough investigation and make recommendations when the new C.O. comes on board and then the C.O. will work with his officers to ensure things are turned around. So, even if we had an audit performed and you still continue with your process identifying the new Chief of Police that new Chief does not have to come aboard until the audit is completed. He said you are going through your process and deciding what you want, you inform that man or woman that we want them as the Chief of Police starting on "x" date.

Council Member Portis-Jones stated for the record "I never received that telephone call". She said we are talking about two different issues. The request for the management audit was to help this council that will ultimately approve the individual. She said at this point, I don't know the answers to those questions. She said we talked about we had both Interim Police Chief and Interim City Clerk there was no discussion about you proceeding with opening up the interview process. It is expected that the Council approve your nomination, but this Council has not been involved in doing that; we need information. You proceeded to bring the Chief of College Park here to do what sounds like a preliminary audit. We have had no conversation about the process or and that was your intent. Council Member Portis-Jones said calling for a management audit prior to a Chief coming on is to avoid any conflict of interest or bias.



Council Member Glaize said that both have said the same thing, there will be an audit. She said the issue is when; does it happen now or do you wait until you select the Police Chief. She said we need to move forward. She said I will be honest I met with the Mayor and said we need to move forward. You have to get things in place and candidates before us. Council Member Glaize said she had already met with the Police Chief of College Park and he said he is willing to help our Mayor. There have been some steps towards moving forward to get additional outside help, but I don't see anything wrong with the management audit.

Mayor Avery said to Council Member Jones-Portis in an effort to be transparent and forth coming I have a text where I tried to reach you three times. I showed you the text. I didn't know if you had an emergency. He said everything I have done was an attempt to create an environment of inclusion. I agreed to bring three candidates to the Council. After much discussion, **the motion carried.** Council Member Heath and Pallend voted "No".

2. Lease Agreement with Mental Fitness 21<sup>st</sup> Century Learning and John Childs for the 2016 Summer Camp

Council Member Whitmore provided an overview of the Lease Agreement with Mental Fitness 21<sup>st</sup> Century Learning and John Childs for the 2016 Summer Camp. He said there was an item of concern on the second and last pages where it states "John Childs as Personal Guarantor". He said 21<sup>st</sup> Century Learning Inc. is incorporated and has a Board of Directors and therefore Mr. Childs should not sign as a guarantor. He requested that Mr. Childs be able to sign as the Program Director.

City Attorney Randy Turner explained the process for corporate entities. He said the last five years the City started to require corporate entities that enter into lease agreements with the City to have a personal guarantor on the agreements. He said it is very common in real estate transactions. City Attorney Randy Turner said if you are going to lease property most landlords will require a corporate entity not only execute the lease agreement, but it is executed by an officer of that company in a personal capacity. He said we have followed that process within the last five years. City Attorney Randy Turner said this particular contract is not a revenue generator; we have had revenue generating contracts where we have insisted on personal guarantees. He said I do not have a problem with the contract if you decide to remove the provision.

Council Member Glaize made a motion to approve the (5) week Lease Agreement with Mental Fitness 21<sup>st</sup> Century Learning and John Childs for the 2016 Summer Camp ending July 8, 2016 in the amount of \$375.00 and to remove the personal guarantor from the agreement with Council Member Portis-Jones providing the

second. **The motion carried.**

9. Approval of the Local Government Lighting Project Agreement with the Georgia Department of Transportation

Lester Thompson provided an overview of the Local Government Lighting Project Agreement with the Georgia Department of Transportation.

Council Member Portis-Jones made a motion to approve the Local Government Lighting Project Agreement with the Georgia Department of Transportation for a cost to be determined at a later date with Council Member Pallend providing the second.

Council Member Heath wanted to know if other cities are taking over the maintenance of these lights.

Lester Thompson “yes”. He said G.D.O.T is willing to fund for the design, material and installation.

City Administrator Tom Barber stated “it is a trade-off” better product, but we are paying for the maintenance.

Council Member Heath asked if they are the tall lights.

Utilities Director Tom Ridgway said they will be high managed lighting on the ramps and standard on the roadway.

Council Member Whitmore asked the City Attorney if it is customary to leave an open blank check for an undetermined amount of money.

City Attorney Randy Turner said you are going to come back to get authorization for funding.

City Administrator Tom Barber said it’s just maintenance. If someone steals the cooper; we will replace. We are going to own it and take care of it.

Council Member Whitmore asked if we are looking at safe guards for keeping people from the base and taking the cooper.

Utilities Directors Tom Ridgway said there is no proven way to prevent someone from getting into the base, but the traffic in the area will help deter those types of things.



Council Member Glaize asked if we could place cameras in the area. I believe that would be a win for us.

Lester Thompson said anything going on interstate will have to go through G.D.O.T. After much discussion, **the motion carried.**

#### 10. Purchase of a Powermaster 3302 Meter Test Kit

Council Member Pallend made a motion to purchase a Powermaster 3302 Meter Test Kit in the amount of \$16,500 with Council Member Glaize providing the second.

Council Member Hurst asked if this is the same type of equipment that has been used in the past to test meters when there were issues with the high utility bills.

Utility Director Tom Ridgway said we do not have any test equipment. He said on an annual basis we bring in a company to do meter testing and test 25 high revenue meters.

Council Member Hurst asked do you replaced the meters at the houses you test.

Utility Director Tom Ridgway said we installed a power quality monitor between the meter and the service. He said that can be used to verify the accuracy of the meter, but it has to be left there for a certain period of time. He said with the meter test kit we can get an instantaneous test on the meter without a week of investigation. He said we can also identify when the energy is being used.

Council Member Hurst asked if we will be charging the customer a fee.

Utility Director Tom Ridgway said right now there is no test fee. He said that is something that we could look at. He said in Griffin customers would get one test in a (12) month period and if they wanted a second test then they would be charged for the test. If the meter tested accurate they are charged if the meter read inaccurate there would be an adjustment to the bill.

Council Member Hurst asked if there any records of high utility bills complaints. She asked if one meter would be enough and if there are any S.O.P's for the utility department.

Utility Director Tom Ridgway said "one meter is enough".

Council Member Hurst said if there is going to be a fee she wanted that discussion

to come back before the Council.

Council Member Portis-Jones asked if those are the same customers being tested annually.

Utility Director Tom Ridgway said “some of them are”.

Council Member Portis-Jones asked how much the City pays the vendor.

Utility Director Tom Ridgway said about \$2,500.

Council Member Portis-Jones asked would the device have to be updated. She also asked if skilled personnel would be required to operate the device.

Utility Director Tom Ridgway said there is no device updates and there will be one day of training for personnel. **The motion carried.**

11. Allocation of the 2015 MEAG Telecom Year End Settlement Funds

Council Member Heath made a motion to approve the Allocation of the 2015 MEAG Telecom Year End Settlement Funds with Council Member Glaize providing the second. **The motion carried.**

12. Allocation of the 2015 MEAG Power Projects Year End Settlement Funds

Council Member Heath made a motion to approve the Allocation of the 2015 MEAG Power Projects Year End Settlement Funds with Council Member Pallend providing the second. **The motion carried.**

13. Upgrade Street Lighting for Asbury Park Community

Council Member Heath made a motion to Upgrade Street Lighting for Asbury Park Community in the amount of \$22,379.39 from Greystone Power with Council Member Portis-Jones providing the second.

Council Member Whitmore said he spoke to the President of Asbury Park about his concern. He said it was more of a safety concern. He thanked Mr. Ridgway for looking out for the residents in Asbury Park.

Council Member Portis-Jones asked if the City will be paying \$4.50 per light on behalf of the community to Greystone. She wanted to know about the maintenance of the lights.



Utility Director Tom Ridgway said the cost includes maintenance. He said we do not service they area. **The motion carried.**

#### 14. Request to Use Campus Parking Lot

Council Member Glaize recused herself from the vote on this item.

City Administrator Tom Barber provided an overview of the Request to Use the Campus Parking Lot.

Council Member Portis-Jones wanted to know who is responsible for cleanup.

City Administrator Tom Barber said the City would be responsible.

Council Member Portis-Jones asked about the restroom facilities for the event.

Mr. Glaize said we do not provide restroom services. He said we will be responsible for the cleanup.

Council Member Whitmore made a motion to approve the Request to Use Campus Parking Lot with Council Member Heath providing the second. **The motion carried** with Council Member Glaize as abstained.

#### 15. Farmer's Market Budget for 2016

Council Member Portis-Jones provided an overview of the 2016 Farmer's Market.

Council Member Portis-Jones made a motion to accept the Personal Service Contract for Angela Bean with Council Member Glaize providing the second.

Linda Abaray provided Mayor and Council with an overview of the Angela Bean's work history. She said Ms. Bean has worked at the Peachtree City Farmer's Market and been a vendor and a farmer at markets for six years. She said Ms. Bean has strong graphic design and marketing skills.

Council Member Portis-Jones said because of her skills and expertise Ms. Bean is requesting \$22.00 an hour which is reflected in the budget. The contract will begin March 29th through May 31st in the amount of \$450.00 for the period. She said when the season begins it will be about (12) hours per week at \$22.00 beginning June 1<sup>st</sup> through August 31st in the amount of \$3,168.00. She said support from the maintenance department would be required from 3pm to 5pm at a rate of \$43.53 an hour from 5pm to 8pm at a rate of \$46.56 an hour for a (12) week

period. Council Member Portis-Jones said the total personnel expenses are \$6,328.00. She then explained the promotional package that included a weekly newsletter and advertising in the South Fulton Neighbor. She said entertainment will be provided twice a month and requested money for supplies and cleanup. Council Member Portis-Jones thanked Linda Abaray for finding the grant for AG South in the amount of \$1,000 to assist with the market. She requested to have monies spent on training at the Georgia's Organic conference and membership to be reimbursed and added to the 2016 Farmer's Market budget. The total amount of the 2016 Farmer's Market budget is \$10,813.88.

Mayor Avery asked about the location of the Farmer's Market. He said if we have someone that wanted to use the courtyard for their wedding are you open using an alternate site.

Council Member Portis-Jones said I have spoken with Dr. Parks and as of now the schedule is open. There has not been anything scheduled. We will work around the concert series and if there is a wedding; we are flexible.

Mayor Avery wanted to know if the market dates conflicted with the concert series.

Council Member Portis-Jones said "yes". They actually complement each other.

Council Member Hurst asked if members of the Council who purchased banners last year would be able to use them again.

Council Member Portis-Jones said yes, but if you want to use them they would have to be purchased at a substantial discount.

Council Member Glaize said we support you and are excited to see the proposal for the Farmer's Market. We expect that Ms. Bean will bring an expanded market this year. She thanked Council Member Portis-Jones for getting the market together this year.

Council Member Portis-Jones thanked everyone for their support.

Council Member Hurst made a motion to approve the 2016 Farmer's Market Budget with Council Member Whitmore providing the second.

Council Member Glaize said there was \$12,000 identified for the GICH program for training that we will not use. She wanted to know if \$6,000 could be transferred to the Farmer's Market.



City Administrator Tom Barber said this would have to be done during the mid-year budget. **The motion carried.**

16. Personal Services Contract with Angela Bean

Council Member Portis-Jones made a motion to accept the Personal Service Contract for Angela Bean beginning March 28, 2016 with Council Member Glaize providing the second. **The motion carried.**

17. Discussion on House Bill 216

Council Member Hurst introduced Fire Chief Hood to provide an overview of House Bill 216.

Council Member Hurst said there have been many bills before the legislature pertaining to municipalities. She said at some point she would like to have someone from the City of Fairburn follow and track these bills and report back to us as to how it will affect our City.

Fire Chief Hood provided an overview of House Bill 216. He said the bill has passed and awaiting the Governor's signature. House Bill 216 will give a firefighter an opportunity to lobby Workman's Compensation if they possibly could have acquired cancer from being on the job; it gives them access to Workman's Compensation benefits. He said anything that will benefit the firefighters, I will support. He said this highlights for me the things we are doing to protect our employees. Fire Chief Hood said the fire stations are safe and equipped with diesel exhaust system. We added an extra layer of protection to make the firefighters safer. He said moving forward we will have an exhaust system installed in our new fire stations. Fire Chief Hood read an excerpt from the bill.

City Administrator Tom Barber said the change is in the evidentiary language. He said it used to be stricter; now it is preponderance.

Council Member Pallend asked if it was retroactive.

City Administrator Tom Barber said "no".

City Attorney Randy Turner said one of the key changes of the statute is that cancer was considered to be an ordinary disease of life under Worker's Compensation law. He said that means that it is very difficult for a person to prove the nexus of the job and the development of the cancer. He said the legislation carved out a privilege for firefighters that states "if you develop a cancer you have the right to go before the Worker's Compensation Board or Administrative Law judge. If you can demonstrate

by a preponderance of the evidence that as a result of working conditions as a firefighter that you may be eligible for Worker's Compensation benefit as a result of that injury or that debilitating condition. He said the preponderance of the evidence in law means that is more likely than not.

Fire Chief Hood said this bill has been trending for a while. We have been watching for the results. He said as it relates to Fairburn, "I am confident we are doing what we are supposed to do.

Council Member Glaize asked City Administrator Tom Barber when are the new fire stations are going to be built.

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

Council Member Whitmore publically acknowledged Utilities Director Tom Ridgway, Harvey Stokes and Fire Chief Hood for resolving a situation on Mullis Street. He said the work has begun on Mullis Street and publically thanked the City Administrator and staff. He thanked the Mayor, Council and Mr. Barber for approving the S.T.E.A.M. program. He said we have communicated with a few schools and homeowners and have generated some interest. He said he is excited about the program. Council Member Whitmore said he is excited about the Car, Bike and Enthusiast event and the 2016 Farmer's Market.

Mayor Avery said we are trying to ensure in the contract we establish a notice to proceed.

Council Member Heath thanked everyone for coming out to the meeting. He announced the citywide Annual Spring Cleanup Event beginning on May 6-8, 2016. The City will provide a staffed drop off center set up at 102 Howell Avenue adjacent to the Public Works complex for this event. Fairburn residents **only** may bring the following items for proper disposal: Furniture, Appliances (no refrigerants, please), paint, tires and batteries. Personnel will be there to assist. He urged everyone to participate. Council Member Heath said he went on his first cruise and for the money there was a lot of entertainment and food.

Council Member Hurst thanked everyone for coming out. She announced the City of Fairburn Police Department will be wearing Body Worn Cameras; the citizens are excited. She said the Eric Berry signs will go up. She said Mrs. Berry should be as proud of her son as he has done a lot for the City of Fairburn. She said Engines for Emanuel did a great job last year. She said the bikes are not only for riding, but there is a purpose behind them. Council Member Hurst acknowledged Council Member Portis-Jones for the Farmer's Market and said she would like to have her banner



displayed. She said we do not always agree, but we try to do the best things for the citizens of Fairburn. She said her number is public and citizens can always call her. She said you can stop her if she is at Oz or Food Depot; if I can assist you, I am happy to do so. She said I work with great people and look forward to continue the relationship doing the business of Fairburn. She said she hopes everyone enjoyed the Easter holiday.

Council Member Glaize said she would be leaving the meeting after her comments. She said it is good to see everyone this evening. Council Member Glaize asked everyone to keep Meredith Germain, Turner & Ross in our prayers. She acknowledged the Fairburn police officer that lost everything to a fire and a 28 year old man that lost his life after he ran into a street sweeper. She thanked everyone for the opportunity to serve in the City.

Council Member Pallend had no comments.

Council Member Portis-Jones thanked everyone for supporting the Farmer's Market. She said this has been a passion and want to give the citizens access to good quality foods. She sent prayers up for Meredith Germain of Turner & Ross and her family. She requested a special prayer for Aaron Watson who lost his daughter to gun violence. She thanked the residents for their presence and support.

Mayor Avery thanked the city staff, every employee from the Street Department and the Eric Berry Foundation for the Easter Egg Drop from a helicopter. He said the night event with the flashlight was a great Easter Week. He said there were more teenagers than expected. He acknowledged City of Fairburn employee Johnnie Larry who lost his fiancée, Meredith Germain and the Fairburn Police Officer that lost everything to a fire. He thanked Chief Meadows for his time and his help. He acknowledged Mr. Glaize for the Car, Bike and Enthusiast Show. Mayor Avery asked for Council's support to name the courtyard in honor of Former Council Member Frankie Arnold. He thanked Council Members Hurst and Heath for recognizing Eric Berry for his work in the City and giving honor where honor is due. He announced Georgia Cities Week will be recognized on April 18th-22nd. Information will be going out soon.

## **XII. ADJOURN:**

Council Member Whitmore made a motion to adjourn into Executive Session for a Personnel Matter with Council Member Heath providing the second. **The motion carried.** The meeting adjourned into Executive Session at 9:24pm.

Council Member Heath made a motion to exit Executive Session with Council

Member Hurst providing the second. **The motion carried.**

Council Member Pallend made a motion to adjourn the meeting with Council Member Heath providing the second. **The motion carried. The meeting adjourned at 9:41pm.**

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Interim City Clerk, Stephanie Tigner

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Mayor, Mario Avery