



**CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
November 9, 2015
7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Ron Alderman
The Honorable Alex Heath
The Honorable Marian Johnson

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

Tom Barber
Brenda B. James
William Randy Turner

City Administrator
City Clerk
City Attorney

- I. MEETING CALLED TO ORDER: by Honorable Mayor Mario Avery.**
- II. ROLL CALL:** All were present which constituted a quorum.
- III. INVOCATION:** was provided by Mayor Mario Avery.
- IV. PLEDGE OF ALLEGIANCE:** was recited in unison.
- V. PRESENTATION:** Mayor Avery said most of the council members are returning from the National League of Cities Convention. He said the Council attends the National League of Cities Conference and in the summer members attend Georgia Municipal Association in Savannah. Mayor Avery said he attends the African American Mayor's Association and U.S. Conference of Mayors. He announced the National League of Cities University awarded Council Members Lydia Glaize and Hattie Portis-Jones the Bronze Award; Council Members Alex Heath received the Diamond Award; Council Member Ron Alderman and Elizabeth Hurst received the Diamond Cum Laude Award.

Mayor Avery also acknowledged Council Member Ron Alderman for 14 years of service to the City of Fairburn and Council Member Marian Johnson for 13 years of service. He said many members will be attending the upcoming Mayor's Day Conference in January. He announced Council Member Alderman will serve as an instructor with Georgia Municipal Association.

VI. PUBLIC COMMENTS:

1. Larry Atkins, 163 Cole Street, said he has been a resident for over 40 years. He addressed his concerns with a curve near his home. He said there are no street lights or signs at the corner. He said there once was a sign off of Cole Street but there is no sign indicating there is a curve. He requested council to consider placing a street light at the intersection before someone gets hurt. He addressed his concerns with a number of tractor trailers near the bridge and Cole Street. He said there once was a "No Four Axle Vehicles Allowed" sign. He also mentioned that his neighbor has had a lot of problems with trucks in his yard.
2. Ernie Brooks, 33 Cole Street, passed out photos of tractor trailers near E. Broad Street and Highway 92. He said on page (2) of the handout the city replaced a telephone pole on E. Broad Street and Highway 92 because of the tractor trailer trucks. He said all the wheels of the truck were on top of the newly cemented sidewalk and the tractor trailer was against the pole. He addressed his concerns with trucks backing up in his yard and requested Mayor & Council to consider placing signs on E. Broad, Cole and Bay Streets.
3. Sue Lyons, 69 East Broad Street, addressed her concerns with the tractor trailers in the area. She said the trucks have ripped down power lines, knocked down poles and trees near her home.
4. Mr. V. Green, 2047 Broadmoor Way, addressed his concerns with the maintenance of John Rivers Road. He said John Rivers Rd. is a visual problem. He said there are no littering or curve signs on the road. He said branches and trees are over extended across the road and that is an issue when school is in because kids walk the road. He said there is a major problem with John Rivers Rd. and would like to know who is responsible for maintaining the street.

VII. ADOPTION OF THE COUNCIL AGENDA:

Council Member Hurst made a motion to adopt the Council Agenda and add items #19 and #20 with Council Member Alderman providing the second. **The motion carried.**

VIII. CONSENT AGENDA:

Council Member Glaize made a motion to adopt the Consent Agenda Items

1. Cancellation of the November 23, 2015 City Council and Workshop Meetings
2. Acceptance of the Certified Official Election Results from Fulton County for the General Election held November 3, 2015

4. Installation of Surveillance System at Fueling Station
5. Approve Supplemental Agreement to MAAI Task Order 1- CM/PM Services for the Johnson Road Over line Creek Bridge Replacement Project
6. Approve Change in Contract amount- Project 15-001 LMIG Roadway Improvements with HEH Paving
7. Approve Service Agreement with Physio Control for On-Site Comprehensive Coverage and On-Site Preventative Maintenance for Life Pack Cardiac Monitors
8. Approve Proposal for Service of Fire Department Apparatus with Fireline, Inc.
9. Approve a Right of Substitution Authorization with the Bank of Georgia
10. Power Sales Contract between MEAG Power, the City of Fairburn and the City of Griffin
11. Right-of-Way Easement with DCT on Bohannon Road
12. MEAG Scada Emulation Program
13. ECG Year End Settlement
14. Proposed Modification to Christmas Eve Holiday Schedule for 2015
16. Ordinance to Amend Article 1 of Chapter 2 by Adding Section 2-1 Records Management and Records Retention
17. GMA Model Ordinance Regarding Use of City Issued Purchasing Cards

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

IX. APPROVAL OF CITY COUNCIL MINUTES: Council Minutes of October 26, 2015

Council Member Glaize made a motion to approve the City Council Minutes of October 26, 2015 with Council Member Portis-Jones providing the second. **The motion carried.**

X. AGENDA ITEMS:

3. Memorandum of Understanding with Fulton-Atlanta Community Action Authority for in-take space for the Energy Assistance Program

Council Member Hurst made a motion to approve the MOU with Fulton-Atlanta Community Action Authority for in-take space for the Energy Assistance on Mondays and Wednesdays from December 2015 to February 29, 2016 or sooner if all funds are expended with Council Member Johnson providing the second. **The motion carried.**

15. Amendment to City Personnel Policy

Human Resources Director David Johnson provided an overview of the revised City Personnel Policy.

Council Member Heath made a motion to approve the Amendment to City Personnel Policy 2-53.17 to convert the Christmas Eve holiday from a (½) day to a full day with Council Member Portis-Jones providing the second.

Council Member Glaize addressed her concerns with the personnel policy Section 2-50.32-Compensation as it relates to the second paragraph in the section that states "The City Administrator has the authority to adjust employees' salaries according to prevailing market standards, qualifications and other extenuating circumstances." She wanted to know why the phrase was added to the personnel policy when the pay scale was recently changed and any changes to the pay scales should come back before the council.

Human Resources Director David Johnson said the language is not intended to change the process. He said this language was added to address a personnel issue and in trying to address the personnel issue it lacked the language in the previous policy. He said the language was tailored from the previous personnel policy to give the authority to the City Administrator in these very rare situations in terms of approval of any types of raises; those would have to come back before Council.

Council Member Glaize wanted to know why we have the language if any raises would have to come back before the Council. She asked why we can't keep the same policy as we have now.

Human Resources Director David Johnson said we had a particular employment practice concern that needed to be addressed. The particular issue was an exception. He said we did not have the language in the personnel policy so the department head took the advice of the City Attorney and to ensure that we do not encounter the problem in the future, I am proposing the language be added.

Council Member Glaize said the language is too broad and subverts the standard operating procedure, but I do understand why you placed it in the policy.

City Attorney Randy Turner said he understands why the statement was added to the personnel policy. He also understands why the language was developed and suggested adding that the "City Administrator will first report to Mayor & Council before implementing. He said the City Administrator would have to report any salary changes to Mayor and Council before the salary is adjusted.

Council Member Glaize said the language is too broad. She said even in the context you have it in, it is still too broad. She suggested tailoring the entire phrase so that it is limited in scope.

City Attorney Randy Turner proposed giving the language more thought to bringing new language back to the Council for consideration.

Council Member Hurst said she is not comfortable with the language. She said each of us has a fiduciary responsibility and because of that I am not willing to allow the City Administrator to change salaries of any employee. She said before any authority of such is given, the Council should know who the employee is, the reason for the change in salary and how much the change in salary is. She said most of the Council was out of town except for one. She addressed her concerns with receiving the information too late. She said for me to get this last night and take effect today is discerning to me. In the future, when things such as this come before the Council we need to get a heads up; the timing of the amendment is off.

Council Member Portis-Jones reiterated that there was a single incident that precipitated this language. She said we spent an unlimited amount of time vetting the personnel manual. To propose this because of a situation that we have no clue is very troubling. She said I am glad that the City Attorney proposed tabling this matter.

Council Member Glaize made a substitute motion to approve the items and strike the last sentence in Section 2-50.32 and consider all other policy changes and updates with Council Member Johnson providing the second.

Council Member Hurst asked for clarification of Section 2-54.4 *Use of Technology Resources*. She read the following sentence "*Employee approved for personal cell phone use and reimbursement allowance will submit an annual request to the Human Resources Department for reimbursement*". She said there is a strikethrough of the word monthly. She wanted to know if an employee use their personal cell phone would only be reimbursed on a yearly basis for the use of the phone.

Human Resources Director David Johnson said an employee will receive \$23.04 once every other pay period.

Council Member Portis-Jones asked if the form can be added with other paperwork employees have to sign annually such as health insurance.

Human Resources Director David Johnson said my plan is to do it during the time Council make their annual election. He said it is best practices for an employee to recertify annually ensure that I comply with the audit needs.

Council Member Portis-Jones asked if the Council can receive further understanding of what is behind the proposed policy change on pages 34 and 35-Standards of Conduct; one "*Failure Cooperate with the City Internal Investigation or Formal Inquiry*" and "*Failure to Failure to comply with Wellness Rules and Responsibilities*." She said the language surrounding these violations can result in discipline up to discharge. She wanted to know why these two items were not brought up when the policy was vetted. Council Member Portis-Jones wanted to know what precipitated these items and requested an explanation.

Human Resources Director David Johnson said we have a Wellness program and center. We wanted to ensure that everyone is aware of the rules in order for us to try to mitigate any incidents in the center we had to give it some teeth. In regards to cooperation with the investigation that came from a personnel issue. He said I did not realize personnel issues came before the council, but, if so, please let me know. At the request of the department head who was involved, he requested the change be added to the personnel policy.

Council Member Portis-Jones said there has not been a policy change in that regard and I am not proposing personnel issues come before Mayor and Council. She said I thought we did an outstanding job discussing the major issues that went into the personnel policy.

Human Resources David Johnson said when I came aboard one of the initial task was to replace the personnel policy. He said one of the reasons was no one was monitoring the policy or proposing policy changes when there were concerns identified. He said there were no changes being made to the policy. He said I have worked with my colleagues to address short falls in our policy and in order to keep in compliance with the law, we must make modifications.

Council Member Portis-Jones said Human Resources David Johnson did an excellent job in bringing Mayor & Council the standard practice regarding the personnel policy. She wanted to know why now the process has changed. We had an opportunity to discuss in detail the propose policy you were making and you explained why these changes were necessary.

Council Member Glaize made a motion to amend the substitute motion to strike the last sentence relating to the City Administrator in Section 2-50.32-*Compensation* as it relates to the second paragraph in the section that states “The City Administrator has the authority to adjust employees’ salaries according to prevailing market standards, qualifications and other extenuating circumstances and to remove the two additional standards *Failure Cooperate with the City Internal Investigation or Formal Inquiry*” and “*Failure to comply with Wellness Rules and Responsibilities*) with Council Member Jones providing the second.

After further discussion, Council Member Glaize made a motion to amend the substitute motion to restore the standard (*Failure to comply with Wellness Rules and Responsibilities*) and strike the last sentence relating to the City Administrator in Section 2-50.32-*Compensation* as it relates to the second paragraph in the section that states “The City Administrator has the authority to adjust employees’ salaries according to prevailing market standards, qualifications and other extenuating circumstances and to remove *Failure Cooperate with the City Internal Investigation or Formal Inquiry*” with Council Member Jones providing the second. **The motion carried.**

19. Cancellation of December 28th, 2015 Meeting

Council Member Heath made a motion to approve the cancellation of the December 28, 2015 with Council Member Glaize providing the second. **The motion carried.**

20. Grant Resolution to Support Application for REBC Grant

Council Member Johnson made a motion to approve Resolution in support of the REBC Grant with Council Member Glaize providing the second. **The motion carried.**

XI. COMMENTS FROM COUNCIL:

Council Member Portis-Jones congratulated the candidates who won the election. She said it was wonderful to see so many people that wanted to run for office. She announced St. John will hold the 2015 Women Day Celebration, Revival and Dance on November 15, 2015.

Council Member Glaize thanked Council Members Ron Alderman and Marian Johnson for their service to the City of Fairburn. She wished a Happy Thanksgiving to those who celebrate the holiday. She gave kudos to Ron Alderman and Elizabeth Hurst on the final level of NLC’s training. She said Mr. Heath has done a great job at the Diamond level. She thanked those who ran for election; they worked hard. She announced on

November 12, 2015 we will know if the city will be selected as a State of Georgia GICH award recipient.

Council Member Hurst congratulated Mr. James Whitmore and Pat Pallend on their win. She acknowledged Mr. Willis Ray who sat in the audience and wished everyone a Happy Thanksgiving Holiday.

Council Member Heath thanked everyone for coming out to the meeting. He said the National League of Cities is very exciting. He said the courses provide instruction on how to obtain grants. He acknowledged James Whitmore, Pat Pallend and Liz Hurst and wished everyone a Happy Thanksgiving.

Council Member Alderman said he has been through the election process three times. He congratulated Elizabeth Hurst, Pat Pallend and James Whitmore on the election. He spoke about the awards members of the council received and said there were only five people in the U.S. who received the Diamond Cum Laude Award and they are located in (1) Savannah, (2) Fairburn, (3) Arizona and (4) Marietta. He said education is important.

Council Member Johnson had no comment.

Mayor Avery said he attended GMA with eight other Mayors. He said Mr. Norton is trying something different. The City of Fairburn covers two major things. He said other cities wanted to know how our city succeeded in the senior housing area. He congratulated Councilwoman Elizabeth Hurst and newly elected Council Members James Whitmore and Pat Pallend. Mayor Avery announced the Christmas Tree Lighting and Fireworks Show will be held on December 5, 2015. He also reminded everyone that the December 28, 2015 Council Meeting has been cancelled. He thanked Council Members Alderman and Johnson for their service. Mayor Avery said the announcement will be made on November 12, 2015 if the City of Fairburn will be selected as a GICH finalist. He said there is unanimous support and thanked all that are involved.

XII. ADJOURN:

Council Member Heath made a motion to adjourn Executive Session for a Pending Litigation Matter with Council Member Alderman providing the second. **The motion carried.** The meeting adjourned at 9:00pm.

Brenda B. James City Clerk

Mario Avery, Mayor



Dear City of Fairburn Employees,

With 2016 starting off there is a lot of talk these days about the importance of good nutrition, physical activity, and stress reduction. In an effort to promote health and well-being among the City of Fairburn employees, your Wellness Committee would like to launch a Biggest Loser Competition open to all City of Fairburn employees.

The Wellness Committee needs your input to further develop this Challenge. Below, you will find a link to a short survey that should take just a few minutes of your time. *All survey responses are completely anonymous.* Your ideas and opinions are important to us. It is important that we hear from everyone in the organization in order to make this Challenge a success. We look forward to incorporating your ideas and suggestions for our new Challenge.

Please click the below link and complete your survey no later than February 1, 2016:

<https://www.surveymonkey.com/r/BIGGEST>

Sincerely,

Jessica McNeal

Wellness Committee Chair Member

City of Fairburn

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