City of Fairburn Council Meeting- Zoom

July 26, 2021, at 7:00 pm

Dial (929) 205-6099
Meeting ID 770 964 2244

Electronic Device
https://zoom.us/j/7709642244

The Honorable Mayor Elizabeth Carr-Hurst, Presiding

The Honorable Mayor Pro-Tem Alex Heath
The Honorable Linda J. Davis
The Honorable Pat Pallend
The Honorable Hattie Portis-Jones
The Honorable Ulysses J. Smallwood
The Honorable James Whitmore

Mr. Randy Turner **City Attorney**

I. Meeting Called to Order: **The Honorable Mayor Carr-Hurst**

II. Roll Call: **Mrs. Deannia Ray, City Clerk**

III. Invocation: **Pastor Charles Ramsey, St. John AME Church**

IV. Adoption of City Council Minutes: **Councilmembers**
- June 28, 2021 - City Council Meeting Minutes (Zoom)

V. Adoption of the City Council Agenda: **Councilmembers**

VI. Presentation: **Mr. Rodrique Taylor**
- For Mayor and Council to Discuss the Financial Update on the City of Fairburn's Fiscal year 2019-2020 Financial Performance – Speaker, Mauldin & Jenkins

VII. Discussion **Office of the Mayor**
1. Juneteenth Holiday
2. Dates for Political Signs
3. Police & Fire Training
4. Reopening of City Hall – Week of August 16 – 18, 2021

VIII. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to City Administration for review. Responses will be provided at a later date.

IX. Agenda Items:

1. **Police Department** **Deputy Chief Anthony Bazydlo**
   For Mayor and Council to Approve the Sale of Surplus Vehicles

2. **Community Development** **Mr. Lester Thompson**
   For Mayor and Council to Approve an Amendment to the Intergovernmental Agreement (IGA) with the South Fulton CID to Provide Additional Supplemental Funding for the Oakley Industrial Boulevard Full-Depth Reclamation Project

3. **City Attorney** **Mr. Randy Turner**
   For Mayor and Council to approve and accept a Deed of Gift and Limited Warranty Deed with Reversionary Interest from The Bedford School, Inc. in favor of the City of Fairburn

X. Council Comments **Councilmembers**

XI. Executive Session **None**

XII. Adjournment **Councilmembers**

When an Executive Session is required, one will be called for the following issues:
(1) Personnel (2) Real Estate or (3) Litigation

CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Audit Presentation by the external auditors Mauldin and Jenkins, LLC for the period (October 1, 2019-September 30, 2020)

( ) AGREEMENT	( ) POLICY / DISCUSSION	( ) CONTRACT
( ) ORDINANCE	( ) RESOLUTION	(X) OTHER

Submitted: 07/16/2021 **Work Session: N/A** **Council Meeting: 07/26/2021**

DEPARTMENT: Finance Department: Mauldin and Jenkins, LLC

BUDGET IMPACT: Actual financial performance for the period (October 1, 2019, to September 30, 2020).

PUBLIC HEARING? (   ) Yes (X) No

PURPOSE: To provide a financial update to Mayor and Council on the City of Fairburn's Fiscal Year 2019-2020 financial performance.

HISTORY: N/A

FACTS AND ISSUES: N/A

RECOMMENDED ACTION: For the external auditors Mauldin and Jenkins, LLC to provide Mayor and Council with a financial update for the FY2019-20 financial performance ending 9-30-20.

Elizabeth Carr-Hurst

Elizabeth Carr-Hurst, Mayor

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Presentation of September 30, 2020 Auditor's Discussion and Analysis

City of Fairburn, Georgia

Mayor and Council Meeting

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City Council - James Whitmore | Alex Heath | Pat Pallend | Hattie Portis-Jones | Ulysses Smallwood

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Auditor's Discussion and Analysis

- Engagement Team
- Results of the 2020 Audit
- Comments, Recommendations, and Other Issues
- Questions & Comments

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Engagement Team

MAULDIN & JENKINS – GOVERNMENTAL PRACTICE

General Information:

- Founded in 1918, large regional firm serving the Southeastern United States.
- Offices located in Atlanta, Albany, Macon, Savannah, Birmingham, Chattanooga and Bradenton with firm governmental leadership positioned in the Atlanta (and Macon) offices.

Governmental Sector:

- Largest specific industry niche served by Firm representing 28% of Firm practice.
- Serve 115 municipalities throughout the Southeast.
- Serve more governmental entities in Georgia than any other certified public accounting firm requiring over 100,000 hours of service on an annual basis.
- Serves 115 governments receiving the GFOA's Certificate of Achievement for Excellence in Financial Reporting.
- Experience auditing a substantial part of the State of Georgia including: approximately 30% of the State's General Fund; 13 of the State of Georgia's component units.
- Approximately 90 professional staff persons with current governmental experience.
- Current auditor for over 400 total governments in the Southeast, including approximately:
  √ 115 Cities √ 55 Counties √ 55 School Systems √ 40 State entities
  √ 140 Special Purpose Entities (stand-alone business type entities, libraries, etc.)

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Engagement Team & Additional Firm Information

Engagement Team Leaders for the City of Fairburn, Georgia Include:

- Doug Moses, Engagement Partner – 22 years experience, 100% governmental
- Adam Fraley, Quality Assurance Review Partner – 25 years experience, 100% governmental
- Josh Carroll, Engagement Director/Manager – 14 years experience, 100% governmental

Mauldin & Jenkins – Additional Information

Other Industries & Services by Mauldin & Jenkins:

Each of Mauldin & Jenkins' offices provides a wide variety of services to a broad range of clientele. We have partners and managers who are responsible for specialized practice areas of auditing and accounting, taxes and management advisory services. Their purpose, as leaders in the particular practice area, is to establish policies with respect to technical matters in these specific areas and ensure that the quality of the Firm's practice is maintained.

Industries Served: Over the years our partners have developed expertise in certain industries representative of a cross section of the Georgia economy, including:

- Governmental Entities (state entities, cities, counties, school systems, business type operations, libraries, and other special purpose entities)
- Agri-Businesses
- Professional Services
- Financial Institutions (community banks, savings & loans, thrifts, credit unions, mortgage companies, and finance companies)
- Long-term Healthcare
- Individuals, Estates and Trusts
- Sec Registrants
- Wholesale Distribution
- Manufacturing
- Employee Benefit Plans
- Non-Profit Organizations
- Retail Businesses
- Construction & Development
- Real Estate Management

Results of 2020 Audit

- Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS)
  - We considered the internal control structure for the purpose of expressing our opinion on the City's basic financial statements and not providing assurance on the internal control structure.
  - Our audit was performed in accordance with GAAS.
  - Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.
  - The basic financial statements are the responsibility of the City's management.

- Report on 2020 Basic Financial Statements
  - Unmodified ("clean") opinion on basic financial statements.
  - Unmodified "(clean") opinion on compliance with major federal program (coronavirus relief funds).
  - Presented fairly in accordance with accounting principles generally accepted in the United States of America.
  - Our responsibility does not extend beyond financial information contained in our report.

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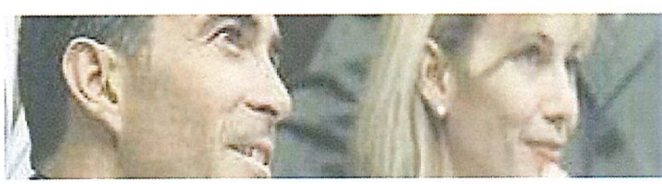

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Results of 2020 Audit (Continued)

Significant Accounting Policies

- The significant accounting policies used by the City are described in Note 1 to the basic financial statements.
- The policies used by the City are in accordance with generally accepted accounting principles and similar government organizations.
- In considering the qualitative aspects of its policies, the City is not involved in any controversial or emerging issues for which guidance is not available.

Management Judgment/Accounting Estimates

- The City uses various estimates as part of its financial reporting process – including valuation of accounts receivable, net pension liability, and depreciation expense for its capital assets.
- Management's estimates used in preparation of financial statements were deemed reasonable in relation to the financial statements taken as a whole. We considered this information and the qualitative aspects of management's calculations in evaluating the City's significant accounting estimates.

Financial Statement Disclosures

- The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part our audit.

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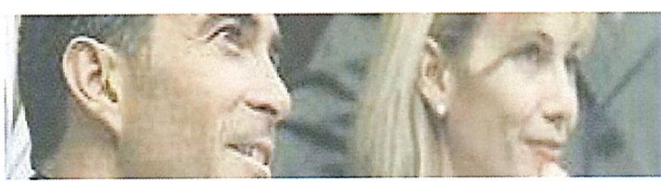
City Council - James Whitmore | Alex Heath | Pat Pallend | Hattie Portis-Jones | Ulysses Smallwood

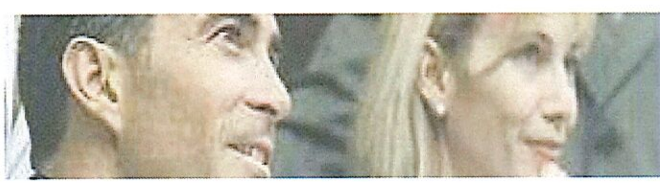
Results of 2020 Audit (Continued)

- Relationship with Management
  - We received full cooperation from the City's management, staff, and others.
  - There were no disagreements with management on accounting issues or financial reporting matters.
- Audit Adjustments
  - Adjustments were proposed to the records of the City and have been recorded in the City's financial statements. The City's finance director has copies of these audit entries and will have available with this presentation. There were no passed adjustments.
- Representation from Management
  - We requested written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us, during the audit. Management provided those written representations without a problem.

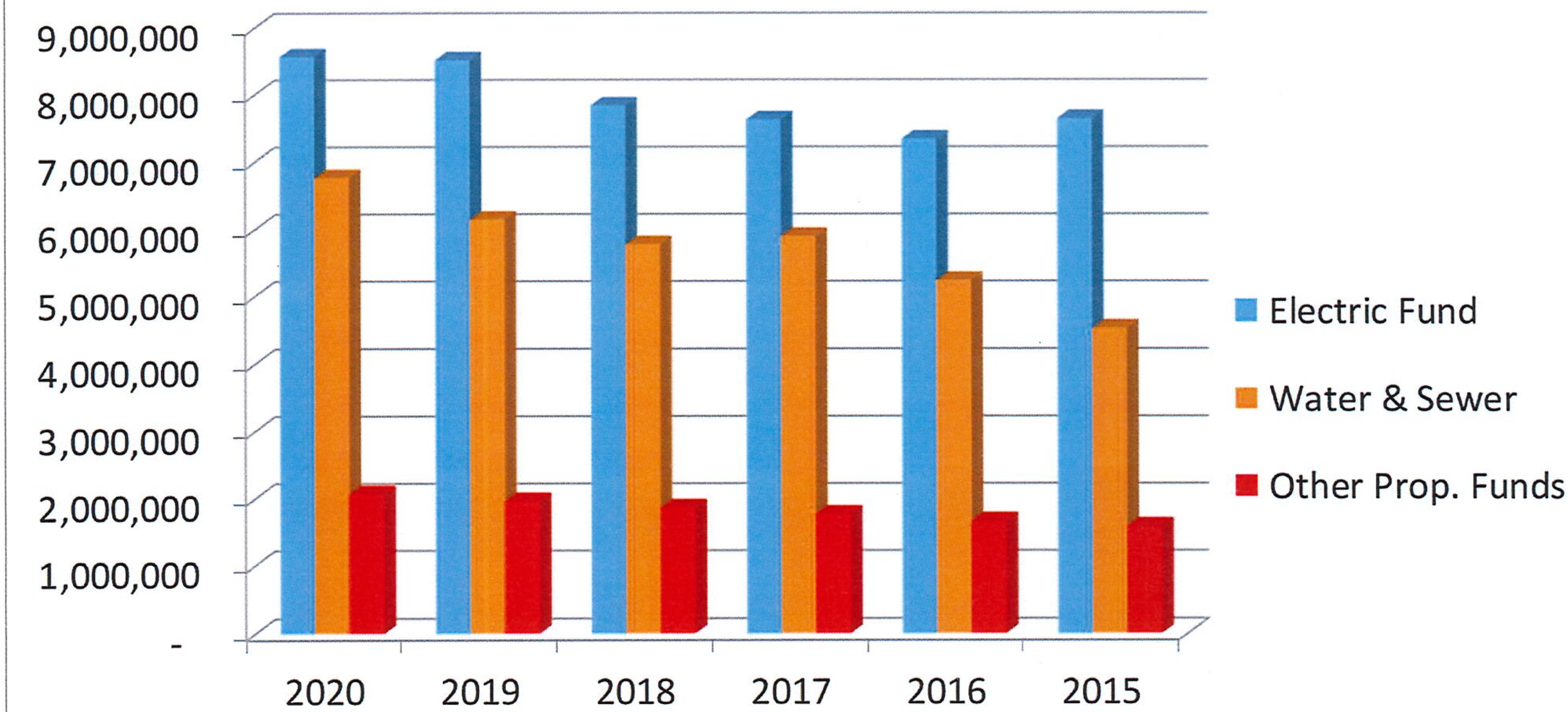


Results of 2020 Audit (Continued)

- Consultation with Other Accountants
  - To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the fiscal year, nor did we face any issues requiring outside consultation.
- Significant Issues Discussed with Management
  - There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.
- Information in Documents Containing Audited Financial Statements
  - Our responsibility for other information in documents containing the City's basic financial statements and our report thereon does not extend beyond the information identified in our report. If the City intends to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. The City must also provide us with a copy of the final reproduced material for our approval before it is distributed.
- Auditor Independence
  - In accordance with AICPA professional standards, M&J is independent with regard to the City and its financial reporting process.
  - There were no fees paid to M&J for management advisory services during fiscal year 2020 that might effect our independence as auditors.



Financial Trends –Revenues (Operating Revenue) 6 Year Comparison



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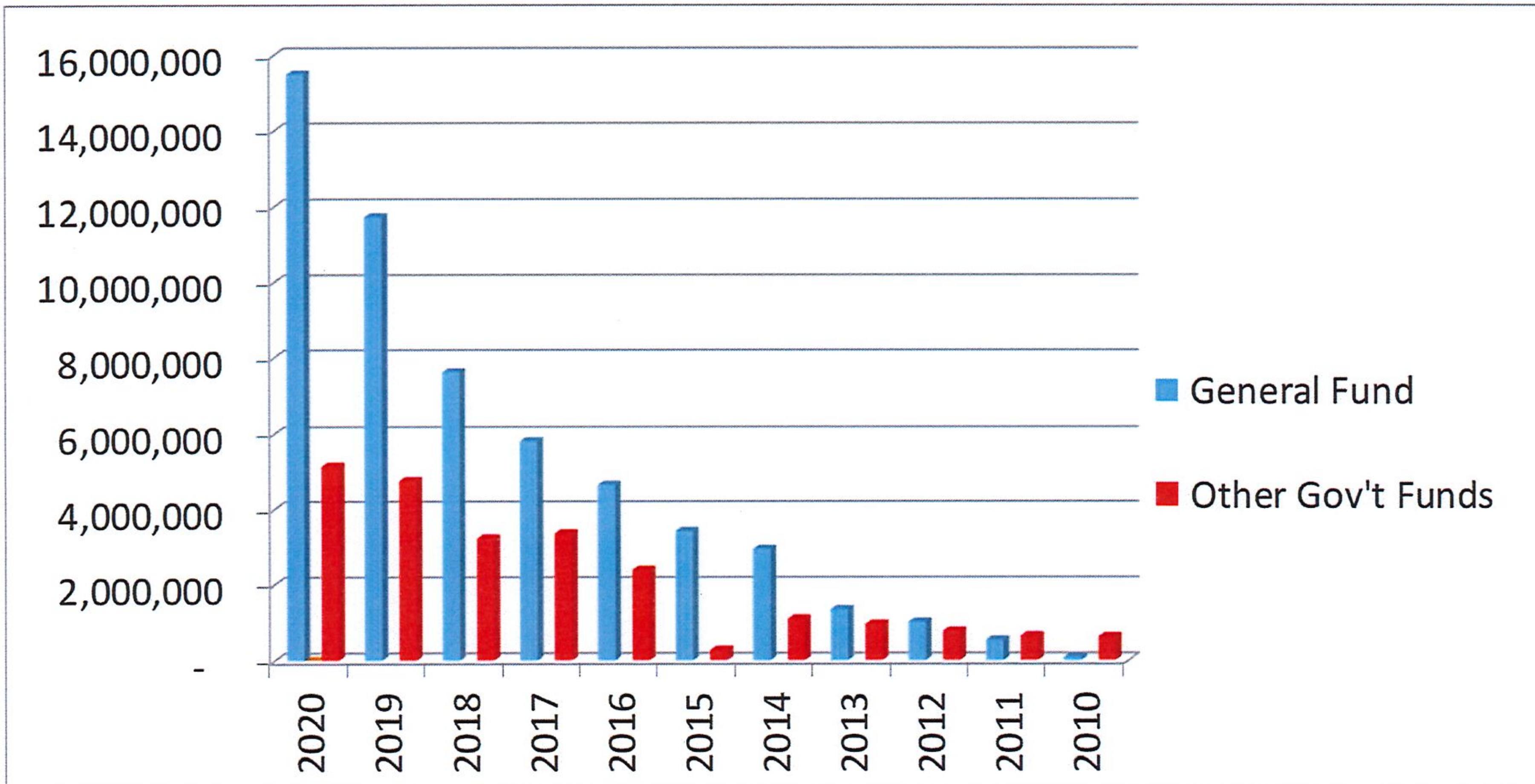
Financial Trends – Fund Balances of General Fund and Other Governmental Funds (11 Year Comparison)



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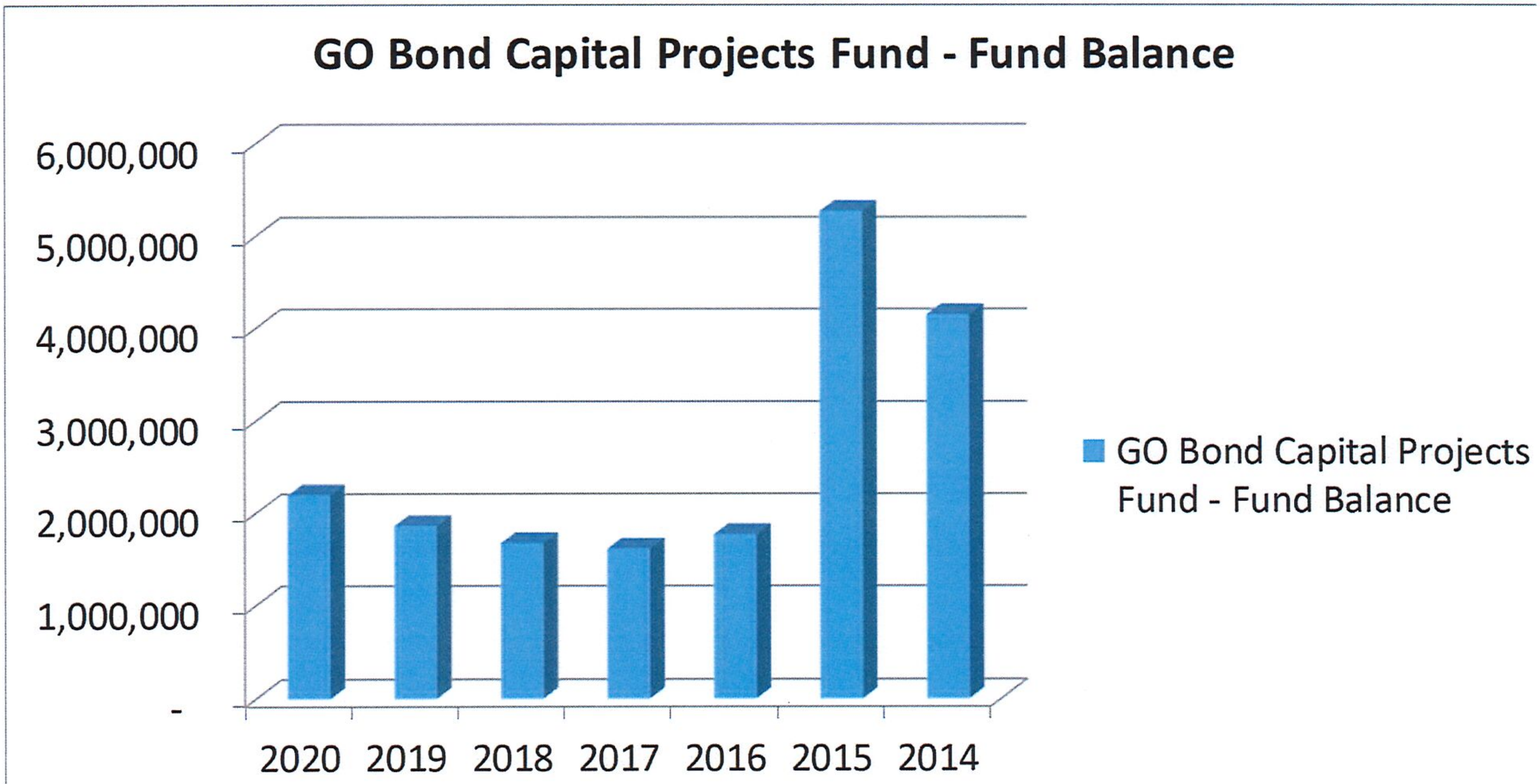
Financial Trends – Fund Balances (7 Year Comparison) – GO Bond Capital Projects Fund



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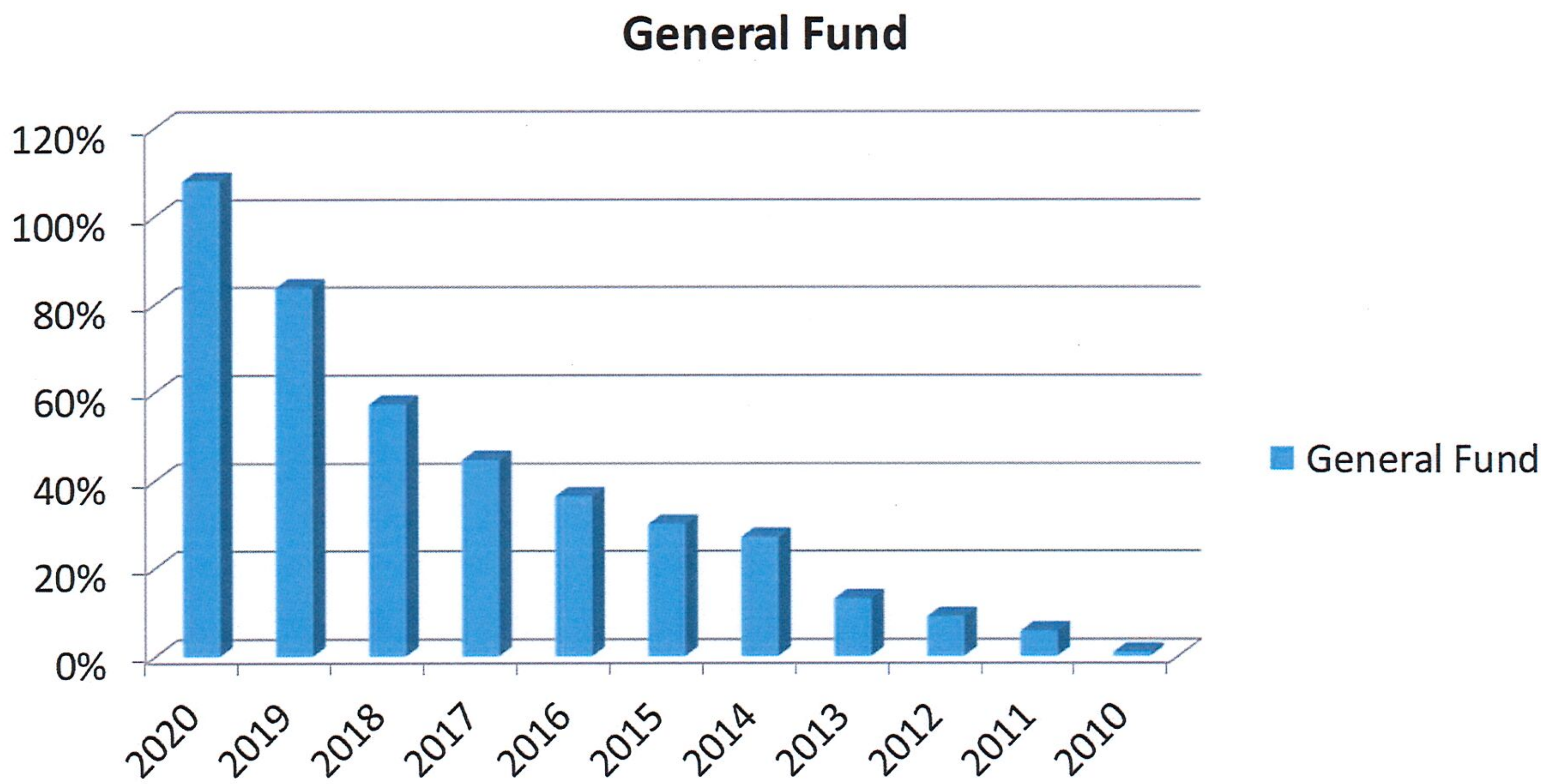
Fund Balance as a Percentage of Total Expenditures – 11 Year Comparison – General Fund



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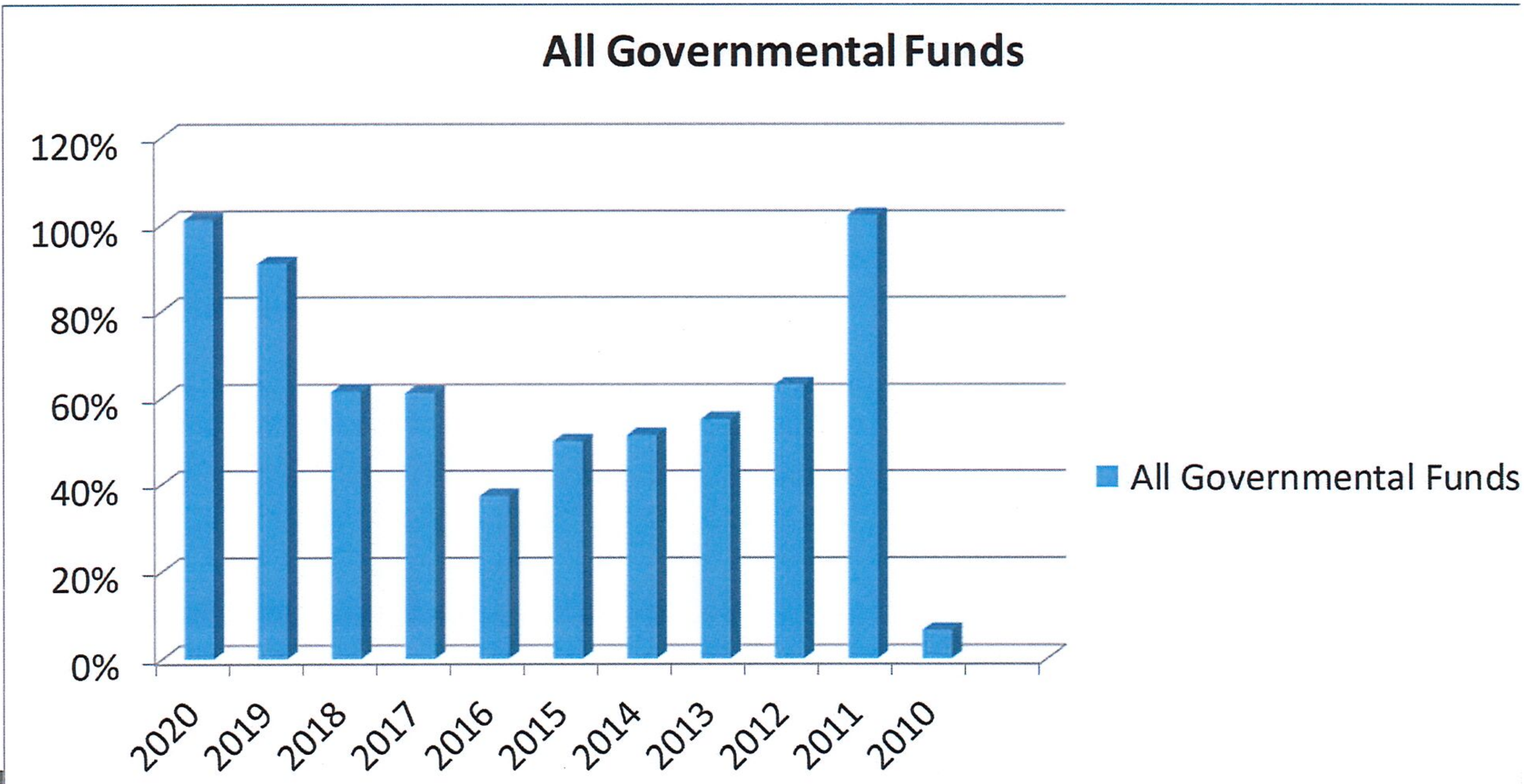
Fund Balance as a Percentage of Total Expenditures – 11 Year Comparison - All Governmental Funds



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Transfers in to General Fund from Enterprise Funds – 11 Year Comparison

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Financial Trends –Governmental Activities - Net Position
11 Year Comparison

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Comments, Recommendations, & Other Issues

- <u>**Items Cited As Material Weaknesses in the GAS “Yellow Book” Audit Report and Uniform Guidance Single Audit.**</u>

None Reported in 2020.

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Comments, Recommendations, & Other Issues (Continued)

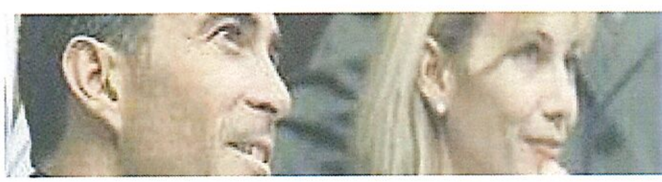
Management Recommendations for Improvement

1. Cash Internal Controls (Repeat)

During our testing of the cash reconciling items, we noted the City was continuing to carry old outstanding checks which were over five (5) years outstanding. We identified 239 checks totaling $45,770 which were outstanding for over five (5) years. We recommend the City evaluate the current status of these checks and ensure any outstanding amounts are remitted to the Georgia Department of Revenue in accordance with the State's Escheat laws.

2. Capital Assets

During our testing of capital assets, we noted one (1) invoice for $60,000 for a capital asset purchase that was not recorded as a capital asset addition by the City. Although the amount is not material, we recommend the City review all invoices to ensure proper accounting and recording of capital assets.



Comments, Recommendations, & Other Issues (Continued)

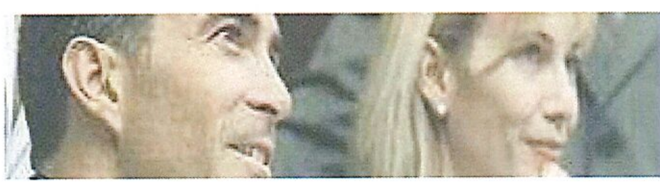
New GASB Pronouncements

- GASB Statement No. 84, *Fiduciary Activities*, This statement establishes criteria for identifying fiduciary activities with a focus on: 1) whether a government is controlling the assets of the fiduciary activity; and, 2) the beneficiaries with whom a fiduciary relationship exists. Implementation was deferred by the City per GASB 95.
- GASB Statement No. 87, *Leases,* will require all lease agreements to be recorded as a liability under full accrual accounting. Many of these leases were previously considered operating leases and payments were expensed as incurred with no liability accrued. Applicable for fiscal year 2022.
- GASB Statement No. 89, *Capitalized Interest,* requires that construction period interest no longer be capitalized for proprietary funds. This statements is only applied prospectively in the year implemented. Applicable for fiscal year 2022.
- GASB Statement No. 90, *Majority Equity Interests,* will change the accounting for a government's investment in another entity in which it acquires a majority equity interest in that entity. Certain investments will be measured using the equity method, some at fair value, and some will result in the acquired entity be reported as a component unit. Applicable for fiscal year, 2021.
- GASB Statement No. 91, *Conduit Debt Obligations,* provides a single method for reporting conduit debt obligations by issuers and eliminates diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. Applicable for fiscal year 2023.
- GASB Statement No. 92, *Omnibus 2020*, The objectives of this statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements.

Comments, Recommendations, & Other Issues (Continued)

New GASB Pronouncements (Continued)

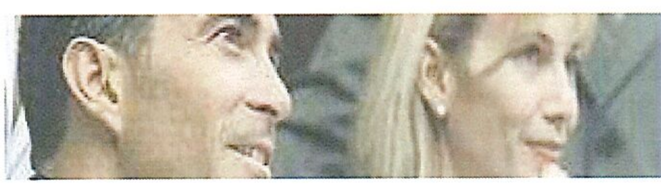
- GASB Statement No. 93, *Replacement of Interbank Offered Rates,* as a result of global reference rate reform, the London Interbank Offered Rate ("LIBOR") is expected to cease to exist in its current form at the end of 2021, prompting governments to amend or replace financial instruments for the purpose of replacing LIBOR with other reference rates, by either changing the reference rate or adding or changing fallback provisions related to the reference rate. Applicable for fiscal year 2023.
- GASB Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements,* requires that Public-Private Partnerships and Public-Public Partnerships ("PPPs") that meet the definition of a lease apply the guidance in Statement No. 87, *Leases* if (a) existing assets of the transferor are the only underlying PPP assets, (b) improvements are not required to be made by the operator to those existing assets as part of the PPP arrangement, and (c) the PPP does not meet the definition of an SCA. Applicable for fiscal year 2023.
- GASB Statement No. 95, *Postponement of Effective Dates of Certain Authoritative Guidance,* was issued as temporary relief to governments in light of the COVID-19 pandemic. Statement No. 95 delays the implementation of certain standards by 12 months (83,84,88,89,90,91,92,93) and GASB 87 by 18 months.
- GASB Statement No. 96, *Subscription Based IT Arrangements,* provides a single method for reporting conduit debt obligations by issuers and eliminates diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. Applicable for fiscal year 2023.



Comments, Recommendations, & Other Issues (Continued)

Other Matters Being Considered by GASB

- *Re-examination of the Financial Reporting Model-* GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability. GASB anticipates a final standard expected in early 2022.
- *Conceptual Framework-* A constant matter being looked at by GASB. Current measurement focus statements (for governmental funds) to change to near-term financial resources measurement. May dictate a period (such as 60 days) for revenue and expenditure recognition. May expense things such as supplies and prepaid assets at acquisition. Will look into which balances (at all statement levels) are measured at acquisition and which need to be re-measured at year-end. Project placed on hold for now.
- *Revenue and Expense Recognition* - Another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions. The final standard is expected in 2023.
- *Compensated Absences* – A technical topic being examined by the GASB currently due to significant changes in benefits offered by governmental employers. Current GAAP does not address certain items such as paid time off (PTO) and there is a wide divergence in practice. A final standard on this topic is expected towards the end of 2021.
- *Prior-Period Adjustments, Accounting Changes, and Error Corrections - A* technical topic being examined by the GASB due to a wide diversity in practice regarding required presentation on the face of the financial statements, disclosures, etc. A final standard on this topic is expected in early 2022.



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Governmental Advisory Services

Strategy

Develops and defines the future vision, goals, and objectives

- Innovation
- Long-Term Planning
- Organization Management
- Workforce of the Future Planning
- Internet of Things/Market Disruptors Assessment
- Artificial Intelligence/Robotics
- Service Delivery Model Planning
- Strategy Mapping
- Technology Consulting/ERP
- Technology Solution/Vendor Selection
- Operational Vision
- Business Case

Operational Efficiency and Effectiveness

Ensures business processes and service delivery are provided in a manner maximizing targeted goals

- Cost Containment
- Operations Improvement
- Program Delivery
- Revenue Enhancement
- Staffing Assessments
- Benchmarking
- Technology Utilization
- Governance
- Policy/Procedure Assessments
- Operations/Management Reviews

Transformation

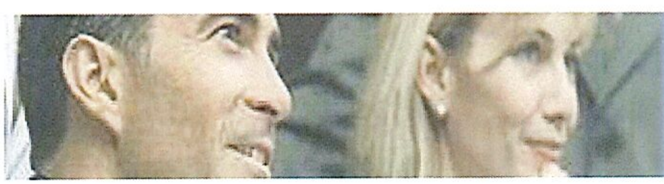
Allows for the successful change from the current state to the desired environment or outcome

- Change Management and Organizational Transformation Strategies
- Customer Service Optimization
- Service Delivery Modeling
- Technology/Workflow Design
- Human Capital Management

Performance Measurement

Ensures outputs and outcomes are producing desired results

- Budget Forecasting & Design
- Cost Accounting
- Data Science
- Grant Strategy
- Risk Assessments
- Internal Controls & Compliance
- KPI Design
- Benchmarking
- Project Management
- Independent Verification & Validation
- Management/Dashboard Reporting



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Free Quarterly Continuing Education for Government Clients

FREE QUARTERLY CONTINUING EDUCATION AND NEWSLETTERS

FOR GOVERNMENTAL CLIENTS

Free Continuing Education. We provide free quarterly continuing education for all of our governmental clients. Each quarter we pick a couple of significant topics tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking among our governmental clients. Examples of subjects addressed in the past few quarters include:

- CAFR Preparation - GASB Updates - Grant Accounting Processes and Controls - GASB 68 (Pensions)
- Internal controls over revenue and cash receipting and accounts payable, payroll, and cash disbursements
- American Recovery & Reinvestment Act (ARRA) information, issues and updates - Single audits for auditees
- Collateralization of Deposits and Investments - Internal Controls over Accounts Payable, Payroll and Controls
- Policies and Procedures Manuals - Segregation of Duties – GASB 75 (OPEB) – GASB 87 (Leases)
- Data Security and General Information Technology Controls and Best Practices

Communication. In an effort to better communicate our free continuing education plans and newsletters, please email Paige Vercoe at pvercoe@mjcpa.com (send corresponding copy to dmoses@mjcpa.com), and provide to her individual names, mailing addresses, email addresses and phone numbers of anyone you wish to participate and be included in our database.

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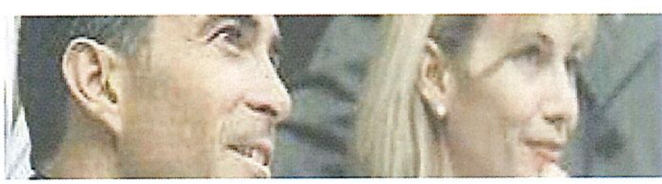
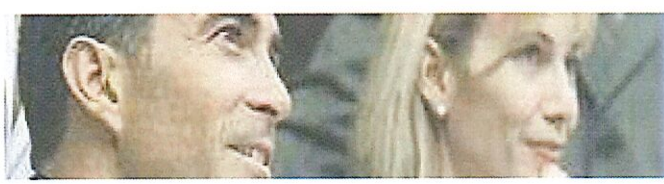


Comments & Questions?

We appreciate the opportunity to serve the City of Fairburn and look forward to continuing to work with the City in upcoming years!



HOLIDAYS

1. **New Year's Day - January 1st**
2. **MLK Holiday - 3rd Monday in January**
3. **Memorial Day - Last Monday in May**
4. **Independence Day – July 4th**
5. **Labor Day - 1st Monday in September**
6. **Veterans Day - November 11th**
7. **Thanksgiving Day – 4th Thursday in November**
8. **Day after Thanksgiving – 4th Friday in November**
9. **Christmas Eve - December 24th**
10. **Christmas Day - December 25th**

CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Sale of Surplus Vehicles

( ) AGREEMENT	( ) POLICY / DISCUSSION	( ) CONTRACT
( ) ORDINANCE	( ) RESOLUTION	(X) OTHER

Submitted: 07/02/2021 **Work Session: 7/12/2021** **Council Meeting: 7/12/2021**

DEPARTMENT: Police

BUDGET IMPACT: N/A

PUBLIC HEARING? (   ) Yes   (X) No

PURPOSE: Request authorization to sell old and scrapped vehicles

HISTORY: In anticipation of purchasing new vehicles in the next fiscal year beginning on October 1st, the police department has evaluated the fleet of vehicles and determined that several vehicles can be sold.

FACTS AND ISSUES: Two of the vehicles were seized in criminal cases. The other two are older and in need of costly repairs to be fit for service again.

RECOMMENDED ACTION: Approval to sell old and scrap vehicles

Elizabeth Carr-Hurst

Elizabeth Carr-Hurst, Mayor

Fairburn Police Department

Stoney Mathis Chief of Police

191 SW Broad Street
Fairburn, GA 30213

Phone: 770-964-1441
Fax: 770-774-7908

DATE: 07/01/2021

TO: Chief Stoney Mathis

FROM: Deputy Chief Bazydlo

SUBJECT: Sale of Surplus Vehicles

Background:

The police department is anticipating the purchase of several new vehicles beginning with the new fiscal year on October 1st. Considering those anticipated purchases, and to keep the fleet at a responsible and manageable size, the fleet was evaluated to determine which vehicles could be gotten rid of.

Findings:

The following vehicles were identified as being little or no use to the police department:

1998	GMC	Van	1GTDL19W1WB539133
2000	Honda	Accord	JHMCG5678YC026834
2011	Ford	Fusion	3FAHP0HG9BR275407
2012	Dodge	Charger	2C3CDXAT4CH230924

The first two vehicles were seized as part of different criminal investigations. They were never intended for police use and should be sold. Any vehicles seized or purchased with drug seizure monies must be auctioned by law if they are not used by the department.

The second two vehicles have reached the end of their service life with repair costs likely exceeding the value of the cars. The Fusion was removed from service after it was determined that costly repairs were needed to get it running properly again. This is an unmarked admin vehicle with minimal aftermarket police equipment inside.

The Charger is the only marked police vehicle we are requesting to sell. It has over 130,000 miles and has seen substantial wear and tear after ten years of service. The city garage staff has advised that currently needed repairs will be costly. This is one of the oldest vehicles in the marked fleet. All police equipment will be removed prior to sale.

CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: APPROVAL OF AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE SOUTH FULTON CID FOR THE OAKLEY INDUSTRIAL BOULEVARD FULL-DEPTH RECLAMATION PROJECT

(X) AGREEMENT	( ) POLICY / DISCUSSION	( ) CONTRACT
( ) ORDINANCE	( ) RESOLUTION	( ) OTHER

Submitted: 07/14/2021 **Work Session: N/A** **Council Meeting: 07/26/2021**

DEPARTMENT: Engineering

BUDGET IMPACT: The budget impact of the proposed Amendment to the Intergovernmental Agreement is an increase of approximately $606,008.33 in project funding.

PUBLIC HEARING? ( ) Yes (X) No

PURPOSE: For Mayor and Council to approve an Amendment to the Intergovernmental Agreement (IGA) with the South Fulton CID to provide additional supplemental funding for the Oakley Industrial Boulevard Full-Depth Reclamation Project, (21-001).

HISTORY: The City of Fairburn initially received a funding commitment of $390,000 in construction funding for the Oakley Industrial Boulevard Full-Depth Reclamation Project from the South Fulton CID through a previous Intergovernmental Agreement (IGA) approved at the April 20th City Council Meeting. However, the project scope was increased with the addition of Add Alternate #1 when the City of South Fulton agreed to participate in the project. The proposed cost of Add Alternate #1 (Oakley Industrial Boulevard from SR 74 to SR 92) is $720,027.78. An IGA with the City of South Fulton to include Add Alternate #1 in the project scope was approved at the June 14th City Council Meeting. This IGA made the City of South Fulton responsible for $504,019.45 of the anticipated cost, leaving a funding gap of $216,008.33. At the June 25th South Fulton CID Board Meeting, the Board agreed to cover this funding gap.

FACTS AND ISSUES: The proposed Amendment to IGA is the means by which the revised funding agreement between the City of Fairburn and the South Fulton CID will be formalized. In order to be reimbursed approximately $606,008.33 in construction funding for the proposed roadway improvements on Oakley Industrial Boulevard the Amendment to the Agreement with the South Fulton CID must be approved.

RECOMMENDED ACTION: Staff recommends that Mayor and City Council approve the Amendment to the Agreement with the South Fulton CID for the Oakley Industrial Boulevard Full-Depth Reclamation Project, (21-001).

Elizabeth Carr-Hurst

Elizabeth Carr-Hurst, Mayor

AGREEMENT

BETWEEN

CITY OF FAIRBURN

AND

SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT

FOR

TRANSPORTATION FACILITY IMPROVEMENTS

This Framework Agreement (hereinafter referred to as "Agreement") is made and entered into the date last signed below (hereinafter referred to as "Effective Date") by and between the CITY of FAIRBURN, GEORGIA, acting by and through its Mayor and City Council (hereinafter referred to as "CITY"), and the SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT, an entity created by Fulton County, City of Fairburn, and Union City (hereinafter referred to as "CID").

WHEREAS, the CITY wishes to improve Oakley Industrial Boulevard with a Full-Depth Reclamation Project (hereinafter referred to as the "PROJECT"); and

WHEREAS, the CID wishes to participate in the PROJECT by contributing partial funding; and

WHEREAS, the PROJECT is designed to improve the public infrastructure through the CITY and CID; and

WHEREAS, the CITY has provided for preliminary engineering, design and procurement costs and will provide for CEI and CM/PM costs; and

WHEREAS, the PROJECT construction has been bid out and is recommended by the CITY Director of Community Development/Public Works to be awarded to C.W. Matthews Contracting Co., Inc. (hereinafter referred to as "C.W. Matthews") for its bid submitted for $1,889,855.09; and

WHEREAS, if the CID commits to pay $390,000 of the cost to construct the PROJECT, the CITY is willing to provide the balance of the funding required to complete the PROJECT; and

WHEREAS, the CITY and CID wish to contract with one another "for joint services, for the provision of services, or for the joint or separate use of facilities or equipment..." Ga. Constitution Article IX, §111, ¶I (a).

NOW THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the CITY and the CID hereby agree each with the other as follows:

1. The design is complete and the CITY owns the right of way for the PROJECT.

2. The location of the PROJECT is Oakley Industrial Boulevard (hereinafter referred to as "OIB") from the deceleration lane of the Solstice Apartment Complex to SR 74 and striping on Bohannon Road Bridge over I-85, OIB from SR 92 to Fayetteville Road, and OIB from just west of Bohannon Road to Creekwood Road.

3. The CITY intends to contract with C.W. Matthews in the amount of $1,889,855.09, and will undertake and assume all responsibilities for the construction and maintenance of the PROJECT; provided, however, if the CITY is unable to come to final contract terms with C.W. Matthews, then this Agreement shall have no effect.

4. The CID will pay $390,000 as a portion of the cost to construct the

PROJECT on a reimbursement basis to the CITY.

5. The CITY will provide the balance of the funding required to complete the PROJECT.

6. The foregoing commitment from the CID expires should the construction not begin by July 1, 2021.

7. This Agreement is made and entered into in FULTON COUNTY, GEORGIA, and shall be governed and construed under the laws of the State of Georgia. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto be executed under seal by their duly authorized representatives.

IN WITNESS WHEREOF, the CITY and the CID have caused this Agreement to be executed under seal by their duly authorized representatives as of the dates set forth below.

CITY OF FAIRBURN, GEORGIA	SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT
By: Elizabeth Carr-Hurst	By:
Elizabeth Carr-Hurst, Mayor	Marty Ross, Chairman
Date: 5/13/2021	Date: 5-14-21

Attest: Shana Y. Moss

Shana Moss, Interim City Clerk

Approved:

Randy Turner, City Attorney

AMENDMENT TO

AGREEMENT

BETWEEN

CITY OF FAIRBURN

AND

SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT

FOR

TRANSPORTATION FACILITY IMPROVEMENTS

This Amendment to Framework Agreement (hereinafter referred to as "Amendment") is made and entered into the date last signed below by and between the CITY of FAIRBURN, GEORGIA, acting by and through its Mayor and City Council (hereinafter referred to as "CITY"), and the SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT, an entity created by Fulton County, City of Fairburn, and Union City (hereinafter referred to as "CID").

WHEREAS, the CITY and CID entered into an Agreement approved by the CITY on May 13, 2021 to improve Oakley Industrial Boulevard (hereinafter referred to as "OIB") with a Full-Depth Reclamation Project (hereinafter referred to as the "PROJECT"); and

WHEREAS, the City of South Fulton (hereinafter referred to as "SOUTH FULTON") has subsequently agreed to fund full-depth reclamation of the section of OIB from SR 74 to SR 92 at a cost to SOUTH FULTON of $504,019.45 which will in turn allow the full scope of the PROJECT to extend from Creekwood Road to Fayetteville Road; and

WHEREAS, SOUTH FULTON's addition to the PROJECT results in an additional portion of OIB full-depth reclamation within the city limits of the CITY to be included in the PROJECT at a cost of $216,008.33; and

WHEREAS, the CITY has requested the CID to increase its participation in the PROJECT by contributing an additional $216,008.33.

NOW THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the CITY and the CID hereby agree each with the other as follows:

1. The commitment of the CID to pay a portion of the cost to construct the PROJECT will increase from $390,000.00 to a total of $606,008.33 on a reimbursement basis to the CITY.

2. The CITY, after utilizing the aforementioned funding from SOUTH FULTON and the CID, will provide the balance of the funding required to complete the PROJECT.

3. This Amendment is made and entered into in FULTON COUNTY, GEORGIA, and shall be governed and construed under the laws of the State of Georgia. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto be executed under seal by their duly authorized representatives.

{Signatures on following page}

IN WITNESS WHEREOF, the CITY and the CID have caused this Amendment to be executed under seal by their duly authorized representatives as of the dates set forth below.

CITY OF FAIRBURN, GEORGIA	SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT
By:_________________________ Elizabeth Carr-Hurst, Mayor	By:_________________________ Marty Ross, Chairman
Date:_________________________	Date:_________________________

Attest: _______________________
City Clerk

Approved: ____________________
City Attorney

CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT:

(X) AGREEMENT ( ) POLICY / DISCUSSION ( ) CONTRACT
( ) ORDINANCE ( ) RESOLUTION (X) OTHER

Submitted: 07/26/2021 Work Session: None Council Meeting: 07/26/2021

DEPARTMENT: City Attorney

BUDGET IMPACT: None

PUBLIC HEARING? ( ) Yes (X) No

PURPOSE: To approve and accept a Deed of Gift and Limited Warranty Deed With Reversionary Interest from The Bedford School, Inc. in favor of the City of Fairburn.

HISTORY: Pursuant to referendum approval and the issue of general obligation bonds, the City of Fairburn seeks to construct a new fire station on Milan Road in the immediate vicinity of The Bedford School. The fire station will be constructed on a three (3) acre tract presently owned by The Bedford School, Inc. and which has been identified, investigated and surveyed by the City as the most appropriate location to serve the surrounding community. The Bedford School, Inc. has agreed to transfer the property by Deed of Gift and Limited Warranty Deed With Reversionary Interest. The terms of the Gift and Reversionary Interest have been negotiated as follows:

Grantee shall construct upon Property a fire station to be permanently equipped, staffed and operated for the benefit of the citizens of the City of Fairburn. Grantee shall construct upon the Property no outbuildings or storage structures, but shall permanently use Property for the aforementioned fire station; provided, further, that if Grantee shall ever cease to use Property exclusively for the location of a permanently equipped, staffed and operating fire station, title as conveyed herein shall revert back to Grantor and Grantee shall return Property to Grantor in its natural condition free from any improvements made thereto.

RECOMMENDED ACTION: Approval and Acceptance of the Deed of Gift and Limited Warranty Deed With Reversionary Interest.

Elizabeth Carr-Hurst

Mayor Elizabeth Carr-Hurst

After filing, return to:
William R. Turner
Turner Ross Germain LLC
1501 Johnson Ferry Road, Suite 100
Marietta, Georgia 30062

DEED OF GIFT
AND
LIMITED WARRANTY DEED WITH REVERSIONARY INTEREST

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE, made this _________ day of _________, 2021, between **THE BEDFORD SCHOOL, INC,** hereinafter called Grantor, a Georgia Nonprofit Corporation, and **CITY OF FAIRBURN, GEORGIA,** hereinafter called Grantee, a municipal corporation of the State of Georgia, (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WHEREAS, Grantor is the sole owner in fee simple of the full legal and equitable title to the Property as hereinafter described; and,

WHEREAS, Grantor desires to make this Deed of Gift with Reversionary Interest and to convey its full legal and equitable title to the Property in accordance with the terms set forth herein.

W I T N E S S E T H:

NOW, THEREFORE, Grantor makes the following gift and dedication of land to Grantee with reversionary interest, being all that tract or parcel of land lying and being in Land Lot 13 of the 9th Land District, Fulton County, Georgia, being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 13 of the 9th Land District, Fulton County, Georgia as shown on that certain Division Plat prepared for Fairburn Fire Station, prepared by Land Engineering, Inc., and bearing the seal of Mitchell J. Paulk, Georgia Registered Land Surveyor Number 2275, and being more particularly described as follows: BEGINNING at an 1" open top pipe found on the south right of way line of Milam Road (having a right of width of 60 feet), said 1" open top pipe being located 627.25 feet from Georgia State Highway No. 74 (having a variable right of way width) as measured easterly along the south right of way line of Milam Road. Said 1" open top pipe being the same 1" open top pipe described as the point of beginning in Deed Book 21172, Page 220 which describes the parent tract from which the subject property is being divided; Thence along the southerly right of way South 89 Degrees 39 Minutes 41 Seconds East a distance of 355.80 feet to a 5/8" rebar with cap set (inscribed "LSF0946"); Thence leaving said right of way along the common property line with property owned by The Bedford School South 00 Degrees 00 Minutes 00 Seconds East a distance of 368.98 feet to a 5/8" rebar with cap set (inscribed "LSF0946"); Thence North 89 Degrees 39 Minutes 41 Seconds West a distance of 352.54 feet to a 5/8" rebar with cap set

(inscribed "LSF0946"); Thence along the common property line with property now or formerly owned by SB Two Campbell, LLC North 00 Degrees 30 Minutes 24 Seconds West a distance of 369.01 feet to a 1" open top pipe found; said open top pipe also being the POINT OF BEGINNING.
Said property contains 130,680 square feet or 3.00 acres more or less.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of said Grantee In Fee Simple with the following and absolute Reversionary Interest in favor of Grantor, as follows:

Grantee shall construct upon Property a fire station to be permanently equipped, staffed and operated for the benefit of the citizens of the City of Fairburn. Grantee shall construct upon the Property no outbuildings or storage structures, but shall permanently use Property for the aforementioned fire station; provided, further, that if Grantee shall ever cease to use Property exclusively for the location of a permanently equipped, staffed and operating fire station, title as conveyed herein shall revert back to Grantor and Grantee shall return Property to Grantor in its natural condition free from any improvements made thereto.

Grantor Hereby acknowledges, warrants and represents to Grantee (i) that Grantor has full legal and equitable title to the Property and has the right and authority to convey same to Grantee as provided herein; and (ii) that this conveyance is a voluntary conveyance by Grantor;

And That Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through, or under Grantor.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed of Gift and Limited Warranty Deed With Reversionary Interest, the day and year above written.

THE BEDFORD SCHOOL, INC.

____
By: Jeff James, Chief Executive Officer

Signed, Sealed and Delivered
this _____ day of __________, 2021
in the presence of:

____
Unofficial Witness

____
Notary Public (SEAL)

____
SEAL – Allison Day, Secretary

Signed, Sealed and Delivered
this _____ day of __________, 2021
in the presence of:

____
Unofficial Witness

____
Notary Public (SEAL)