



City of Fairburn  
Mayor and Council Meeting- Zoom  
February 14, 2022  
7:00 pm

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Mario Avery.
- II. Roll Call was taken by City Clerk Deannia Ray with the following members present:

The Honorable Mayor Mario Avery

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

*The attendance of Council constituted a quorum, and the meeting proceeded.*

City Attorney Rory Starkey and City Administrator Tony Phillips were also in attendance.

- III. The invocation was led by Bishop Aaron B. Lackey with Temple of Prayer Family Worship Cathedral.
- IV. The pledge of allegiance was led by Councilman Ulysses Smallwood.
- V. Adoption of City Council Minutes:  
Motion to approve the January 24, 2022, City Council Minutes (Zoom) was made by Councilman Heath and the second was provided by Councilman Smallwood.  
Vote: 6-0: Motion Carried.
- VI. Mayor Avery asked for a motion to approve the City Council agenda.  
Motion to approve the agenda was made by Councilwoman Davis and the second was provided by Councilman Heath.  
Vote: 6-0: Motion Carried.
- VII. **Public Comments:**  
Marilyn Jackson showed some concern about 410 Lake Dylan Court. She stated that this address is located in a single-family residential area and they have been renting out rooms. She was asking for an update.

Floyd McKenzie lives at 3805 Elder Street and expressed his concerns about a developer building an 86-home subdivision inside an already established neighborhood. He was concerned about the lot sizes and asked council to consider all the comments from the citizens in the area.

Lillie Czegledi resides on Sir Charles Drive and showed her concern about the volume of traffic that the subdivision would create as well as preserving the historical sites on Elder and Strickland Streets.

Donna Phipps resides at 152 Strickland and is a realtor and owns four properties in downtown Fairburn. She showed concerns that if this high dense development is passed, you will be taking

away what little green space we have on Strickland and Elder Streets.

Penelope Ludlow stated that this project would disturb a natural rehab habitat for coyotes and red foxes. Her backyard is also a habitat to the pileated woodpecker and all other woodpeckers that are protected by the U.S. Migratory Act of 1918.

Russell Hargrave expressed concern with the cluster housing being put into an existing community as well as the amount of traffic that will be in this area. He stated that the traffic study would create around 890 more passes of traffic on these roads. He asked Council to consider doing one project at a time and with this cluster housing and traffic, it will be detrimental to that.

James Bodley resides at 63 Somerset. He thanked Mr. Whitmore for his adamant involvement in the Vickers Road project. I keep hearing about a proposed gas station, and it disturbs me. Maybe the City can talk with the property owners so they will reconsider this development. We have signed a petition so our voices could be heard.

Diane Sinkfield resides at 265 Strickland Street and agrees with the people who spoke before her. She opposes the 86 homes being built but does not oppose them developing the property. She cannot imagine having 86 homes put there. She moved to Fairburn two years ago and bought her home in Fairburn because of the quiet neighborhood. She hopes people making this decision would take the time to drive through the community to see exactly what we are talking about and how it will affect us all.

#### **VIII. Public Hearing:**

##### **Planning & Zoning**

**Ms. Tarika Peek**

For Mayor and Council to consider the rezoning of 18.226 acres from R-2 (Single-Family Residential) to R-4 (Single-Family Residential).

Ms. Peek stated that DRB Group Georgia, LLC, is requesting to rezone 18.226 acres from R-2 (Single-Family Residential) to R-4 (Single-Family Residential) to develop an 86-lot single-family residential subdivision on Elder Street and Strickland Street with ingress and egress on Elder Street. The six parcels that are assembled for this proposed single family residential development are in the comprehensive plan town center mixed use character area. The Town Center mixed use character area includes the downtown corridor and surrounding core, the appropriate residential zoning districts for the Town Center mixed use character area include RM-12, RM36, R3, R4 and RTC. Staff believes the proposed 86-lot single family residential subdivision conforms with the policies and intent of the 2040 Comprehensive Plan and the future land use map. In addition, single family residential lots ranging from R2 to R4 surrounds the proposed development site.

Ms. Peek stated that the applicant has hosted two community meetings, one on September 25, 2021, and November 10, 2021. Staff recommendation is approval conditional with 12 site development zoning conditions and the applicant has agreed to the conditions as stated on pages 7 through 9 in the staff report. She added to the record that there was a signature petition in opposition of the rezoning that was submitted to staff with approximately 212 signatures. The Planning Commission reviewed this application on January 11, 2022, and recommended approval conditional and against staff recommendation is approval conditional. However, Council has three options: to approve the rezoning with conditions, to deny the rezoning or to defer the request to a future meeting date.

Mayor Avery opened the public hearing to anyone that wants to speak in support of the rezoning for this property.

Attorney Michelle Battle, with Battle Law is representing the applicant. She stated that we are seeking to rezone from R2 to R4 for 86 single family detached homes. These will be for sale homes and will have recreational areas within the subdivision. She described the land use map in which the property is located. When we started this project, we came in and was seeking to rezone for a townhome community and that townhome community had over 100 lots that we were proposing on the site. After meeting with the community, it was very clear that they wanted less density. We went back and looked at putting in a single family detached product because that was what we were asked to do. We believe that the R4 zoning designation is a permitted designation within the Town Center area. This area has clearly been designated for more intense development or higher density.

Under the R4 designation, the minimum lot size is 5,000 square feet. What that means is that you can literally have up to 8 units per acre at 43,560 square feet as an acre that divided by five thousand square feet gets you roughly 8 units per acre. Our density is under 5 units per acre. We do have access off Elder street but after conversations with the community, we had access off of Strickland as well. But in response to the communities' concerns, we removed that access and put two homes that will be facing Strickland off that street. We have green space areas on Elder and as you move into the community you will see 5,000 square foot lots. We've got stormwater detention as well as the amenity area where the mail kiosk will be located. Towards the interior of the site near what is being proposed as Cedar Drive will have larger lots that surround the site. We know that the market is bearing smaller units and our house sizes are larger than what the minimum requires. The Layla home type is at 2,475 square feet with a two-car garage, a foyer, four bedrooms with a master suite. We have a mixture of textures with both brick and hardy plank and board and batten and shake that is being utilized. There will be options for upgrades for residents who will be moving into the community. They will be able to express those options as they work with the developer on their home.

In the Millhaven layout, we've got a little more brick on the garage units, a little different interior layouts. The Zoey layout is 2,475 square feet and all the units will be three to four bedrooms with two and a half to three and a half baths also with two car garages. These price points will be in the mid three hundreds. It will not be a gated community, but it will be a gorgeous community and if we are approved, we would be looking at nine months to finish out the development with an estimated start date for homes to be on the market sometime in January 2024. That is the end of our part of the presentation. We will continue to work cooperatively with the City and staff, and to the extent that a deferral would be appropriate. We are certainly willing to entertain that because we want to be in this community. We are here to answer any questions that you may have, and we look forward to our continued relationship with the City of Fairburn.

Mayor Avery asked if there was anyone else that wants to speak in support of this item. No one answered. Mayor Avery stated that 30 minutes will now be allocated for those that wish to speak in opposition.

Lydia Glaze stated she came in opposition tonight to speak to the culture that is already in place. Being close to a senior community, two schools, our college, the amount of traffic that would come in and disrupt the culture is more of my concern. I am in opposition of the 86 homes being

built in that small area.

Sherri R stated that this is just something that we don't feel fits well in the neighborhood. This neighborhood is established, older homes with very distinct character. People care about their lawns and I walk my dogs up and down the streets and currently must jump away from traffic. So, I am worried about how the traffic will be. We feel like a cluster of monopoly looking homes just doesn't fit and we also want to bring up rentals. I think Council needs to address the percentage of homes that could be rented and should be considered.

Lloyd McKenzie showed concern about the traffic count. When you try to get out in the mornings to go to work, it's going to be a complete zoo to add another 86 vehicles to the traffic count and wanted to know how this will be controlled.

Homer Knight stated he was speaking against the project. When you bring a subdivision into an older neighborhood, it devalues the older homes. I would like to see consistency with the mayor and the councilman. One time the city councilman go against our neighborhood and then go for another neighborhood. They could put stack homes of four on these lots and it will look like a box little city right among the older homes and the elderly. I was concerned about James Whitmore speaking about another neighborhood and don't speak for is own neighborhood and allow a liquor store and gas station to come in our community. You got to be consistent with what you do and don't just pick and choose. He asked Council to be more consistent with what they do. Keep the citizens in mind and listen to the citizens if you want to make Fairburn a happy place.

Dacia G stated she would also like to see consistency not just across City Council but when it comes to bringing in certain developers. She moved to Fairburn for a return on investment. We need to stop allowing developers to devalue certain values of homes, bringing in developers that want to build row houses. When you talk about putting eight homes on one acre of land, you may as well be talking about apartments. She would like to see Fairburn put rules in place to allow a certain amount of square footage between homes, which will bring up the value. She would like to see Council be more consistent on how they want Fairburn to look. For those that have invested in Fairburn, we would like to see this long term and not short term.

Mayor Avery asked if there was anymore hands to speak. There were none. Mayor Avery stated that he has spoken to numerous residents that live in that community. He is in total opposition of the R4 but as Mayor, he must give all sides consideration. If the zoning fails, the vendor has 30 days to file in Superior Court, we could be sued if we create a hardship or make it economically impossible for the vendor to build. The judge will review our R2 zoning to determine if the zoning is constitutional. Attorney Valerie Ross stated that the court will remand it back to council if it finds that the existing zoning is not constitutional. Mayor Avery stated that he is only bringing this up for Council to take into consideration prior to them deciding. He asked Council if they had any questions or concerns.

Councilwoman Davis stated that she has listened to the developer, citizens and reviewed the packets of information. We also have 212 petitioners against this project. She commends the developer for having more than one meeting with our citizens to listen to their concerns. She was also concerned about citizens that could not attend these meetings. She is concerned about the high density of this development and does not want to see this many homes on 18 acres.

Councilman Whitmore reviewed the packet and received some phone calls from citizens and he has listened to the applicant. He historically drives to the community to look at everything and hear what the citizens have to say. He is also concerned with the high density in the older neighborhood and agrees with the citizens and does not want to see this development established within the old neighborhood. He appreciated the Mayor reviewing the appeal process and stated, if the vendor doesn't want to appeal, they have the opportunity to sue the city. He is in agreement with not introducing high density. In response to the comments from Mr. Knight, it's not like that I did not speak up for the community. Because I am not in agreement with a gas station or liquor store either. So why that was singled out like that I don't quite understand it. But I understand that there's a process and that applicant also has the legal right to take whatever recourse they would like to take. But with all that said, on this particular item, that is up before mayor and council right now I'm in agreement with not introducing high density.

Councilman Heath stated he grew up in this area and showed concern about safety for the kids going to Campbell Elementary. He sided with the citizens about not putting 86 homes on 18 acres. Years ago, an acre went with each home and now we are in a different era of time where you want to get the most bang for the buck but at the same token, the streets are too narrow to support all this traffic. I feel at this time, it would not be an appropriate use for that property and sided with the citizens in this area.

Mayor Pro Tem Portis-Jones had a couple of questions for the applicant. It appears that R3 outweighs the R2 and R4 properties in this area, why did you not consider R3 for the rezoning of this area?

Attorney Battle stated that they were looking at the Town Center, mixed use designation and under that designation, R3 and R4 are the options. We thought that because of the R4 as your moving down in the center of town that we were best suited for R4 as that allowed us to meet the infrastructure requirements and the costs of surrounding that but also have a project that was consistent with the R4 properties already there. We would like the opportunity to go back and meet further not only with the Community but with Council. We would like to request a deferral as opposed to anything else that you might be seeking this evening. To deny the request would mean that the current owner would have to wait for the wait period to expire before they could come back.

Mayor Pro Tem Portis-Jones asked Ms. Battle what other comments were made in the Community meetings. Ms. Battle stated that a good portion of the community stated they didn't want the density, which is very challenging throughout the metro Atlanta area. We did drop the townhomes to the single-family detached product. It is clear that we have more work to do and would like to have that opportunity to go back and revisit the plan. We will have to revisit with the owner who is selling the property, DRB does not own this property now and some of what drives up the cost is what factors will go into this.

Mayor Pro Tem Portis-Jones stated that she knew there was not total opposition on the project, but was the issue with the level of density or total opposition to the project and asked Ms. Tarika Peeks for citizen comments that were made during the community meetings.

Ms. Peeks stated based on the conversations, they were not totally in opposition of the development. She only spoke with two or three people and the major concerns were the number of lots, and the size of the lots. The townhomes were in opposition, so they went to single-family

homes. Some of the areas concerns that were identified were stormwater, infrastructure, traffic, one exit out of the subdivision, residential types, rental caps, and price points.

Mayor Pro Tem Portis-Jones stated that she also received phone calls and high taxes was a concern to the residents. When you have more expensive homes coming in, the higher property taxes will be and it will affect the neighborhood, can you talk about these conditions?

Ms. Peek stated that on pages 7-9 in the staff report, development conditions are basically the setbacks. The amenity package shall include a picnic area, benches and the pergola walking trails. The homes can be constructed with a combination of two or more of the following materials: fiber cement siding, wood shape, clap board, brick and or stone. At least 25% of the front façade shall consist of brick or stone. Two car garages shall be provided for each single-family home. Garage doors with architectural elements shall be utilized. Sidewalks on all street frontages shall be a minimum of five feet and shall be constructed with the requirements of the Americans with Disability standards and the City of Fairburn development standards and five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall provide interconnectivity to the amenity's areas. Pedestrian scale street lighting shall be provided along both sides of internal streets and all utilities shall be installed underground throughout the development area. Acceleration and deceleration lanes shall be provided at the proposed driveway connections unless a traffic study demonstrates that the total traffic on the existing roadway is less than 2000 vehicles per day, including traffic projected because of the proposed development. Count of existing traffic must have been made within one year of the development plans. Turning lanes shall be required to meet projected traffic demand and or traffic operations as determined by the City Engineer or traffic study when provided. The developer shall construct roadway improvements, pavement signing, striping, curb and gutter and drainage along the existing road across the entire property frontage where required at no cost to the city. The developer shall install a canopy or understory tree in the front yard of each single-family lot. The front and rear yards of the single family lots shall be sodded.

Mayor Pro Tem Portis-Jones stated there has been some confusion about this project. She thinks it is worth allowing the developer to meet the needs of the residents. We have residents who are for this project, but not for the density that's being presented, and we have others who are in opposition to the project and because of the confusion that has been presented and the inconsistency. Ms. Battle is correct in the fact that the city government long before many of us came on board, said as part of the City's comprehensive plan, that we wanted infill housing in our downtown area. So, we need to allow the opportunity for the best projects possible to be considered in our community.

Mayor Pro Tem Portis-Jones made a motion to defer this rezoning item to the March 28, 2022, Council meeting to revisit what is being proposed. Councilwoman Davis seconded the motion with a friendly amendment to include scheduling the meeting times and dates with the citizens, so, they will be able to attend these meetings if they work and what have you. Mayor Avery mentioned again, he discussed the legal ramifications earlier and wanted to make it clear that he is in total opposition of the R4 housing. He showed concerns about setting a precedence and affecting properties that he spoke about earlier that's next to the Renaissance Festival and another area around Avalon.

Vote: 6-0: Motion Carried.

## **IX. Agenda Items**

### **1. Office of the Mayor**

**Mayor Mario Avery**

For Mayor and Council to approve the budget amendment to establish a Deputy City Clerk position. Councilman Heath made a motion to approve the Deputy City Clerk position and the motion was seconded by Councilman Pallend. Vote: 6-0: Motion Carried.

**2. Office of the Mayor**

**Mayor Mario Avery**

For Mayor and Council to Re-Appoint Anatavia Benson to the Art Advisory Council. A motion was made by Councilwoman Davis to re-appoint Anatavia Benson to the Art Advisory Council. The second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.

**3. Office of the Mayor**

**Mayor Mario Avery**

For Mayor and Council to appoint Nancy Sanchez to the Art Advisory Council. A motion was made by Councilman Smallwood to appoint Nancy Sanchez to the Art Advisory Council. The second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

**4. Office of the Mayor**

**Mayor Mario Avery**

For Mayor and Council to appoint Michelle James to the Planning and Zoning Commission. A motion as made by Councilwoman Davis to appoint Michelle James to the Planning and Zoning Commission. The second was provided by Mayor Pro Tem Hattie Portis-Jones.

Vote: 6-0: Motion Carried.

**5. Office of the Mayor**

**Mayor Mario Avery**

For Mayor and Council to make appointments for the Board of Appeals. Homer Knight, Roselee G. Williams, Thomas Cochran, and Brenda Cooper. A motion was made by Councilwoman Davis to appoint the appointees as discussed to the Board of Appeals. The second was provided by Councilman Heath.

Vote: 6-0: Motion Carried.

**6. City Clerk**

**Mrs. Deannia Ray**

For Mayor and Council to discuss and approve the 2022 City Council Meeting Schedule. A motion was made by Mayor Pro Tem Portis-Jones to approve the 2022 City Council meeting schedule as presented. The second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

**7. Utilities**

**Mr. John Martin**

For approval of budget amendments to establish a Utilities Operations Manager position. A motion was made by Councilman Heath to approve the budget amendment to establish a Utilities Operations manager. The second was provided by Councilwoman Davis.

Vote: 6-0: Motion Carried.

**8. Planning & Zoning**

**Ms. Tarika Peeks**

For Mayor and Council to approve the Project Miles Final Plat. Ms. Peeks stated that the applicant, Red Rock Development, is requesting to subdivide a 98,151-acre parcel at the northwest corner of Creekwood Road and Oakley Industrial Blvd into three (3) lots. Lot 1 – 73,122 acres, Lot 2 – 20,360 acres, Lot 3 – 4,669 acres. She stated that the Mayor and Council approved the rezoning for the 1,100,000 square foot warehouse, located on lot 1, on November 2, 2017, and the site development plans were approved on September 20, 2020, and the land disturbance permit (LDP) was issued on October 6, 2020. The final plat meets the subdivision regulations and code of ordinances and staff is recommending approval of the

Project Miles final plat.

Councilman Heath made a motion to approve the Project Miles Final Plat as presented. The second was provided by Mayor Pro Tem Portis-Jones. Vote: 6-0: Motion Carried.

**9. Community Development**

**Mr. Lester Thompson**

For Mayor and Council to approve Mr. Elijah Thompson as the City of Fairburn's appointment to the South Fulton CID Board. Councilwoman Davis made a motion to appoint Mr. Elijah Thompson to the South Fulton CID Board. The second was provided by Councilman Heath. Vote: 6-0: Motion Carried.

**10. Community Development**

**Mr. Lester Thompson**

For Mayor and Council to Approve the Intergovernmental Agreement (IGA) between the Georgia Department of Transportation (GDOT) and the City of Fairburn for Traffic Signal Operations Programs Coordinator.

Mr. Thompson stated that the South Fulton Community Improvement District (CID), was formed in 1999 by business leaders interested in improving freight access to warehousing, manufacturing and industrial sites along Oakley Industrial Boulevard and connectivity to I-85. The CID is a self-taxing entity that leverages the money collected to fund studies, preliminary engineering (PE) and construction projects. The CID does not replace city and county infrastructure improvement programs but supplements them by providing a means to advance projects with the area.

Mr. Thompson also stated that the CID Board of Directors is made up of elected members representing property owners and appointed representatives from the City of South Fulton, Union City, City of Palmetto, and the City of Fairburn. The board is responsible for managing the CID and determining Funding. The South Fulton CID would like for us to make another board appointment to replace our former Board Member, Aaron Phillips. Aaron's participation in Board Meetings was slacking as of late, and the Board has been struggling to obtain a consistent quorum. Aaron formally resigned from the Board on January 20, 2022. The South Fulton CID Administrator, Joddie Gray is recommending Elijah Thompson, no relation, to replace Aaron. Joddie thought he would add some diversity to the Board. Each municipality within the CID boundaries gets one appointment, which usually translates into one vote to support the respective city's initiatives.

Mayor Pro Tem Portis-Jones made a motion to approve the IGA between GDOT and the City of Fairburn for the Traffic Signal Operations Program Coordinator. The second was provided by Councilman Heath. Vote: 6-0: Motion Carried.

**11. Community Development**

**Mr. Lester Thompson**

For Mayor and Council to approve Task Order #11 with Atlas Technical Consultants (Moreland Altobelli) for Construction Engineering and Inspection (CEI) Services on the Downtown LCI Streetscape Project. Mr. Thompson stated that the City of Fairburn entered into a Master Services Agreement with Moreland Altobelli Associates, LLC on July 22, 2019, for on-call construction management services. The firm subsequently changed its name to Atlas Technical Consultants, LLC on January 1, 2020.

Mr. Thompson stated the agreement with Moreland Altobelli (Atlas) was approved with the



understanding that task orders associated with construction management services would be issued on an as need basis. This a supplemental task order, as the funding associated with the initial task order (Task Order #2) for these services is nearly exhausted. As such, Task Order # 11 for said services has been submitted for review and approval. Staff recommends that Council approve Task Order #11 with Atlas Technical Consultants for Construction Engineering and Inspection Services on the Downtown LCI Streetscape Project and authorize the Mayor to sign the task order for an amount not to exceed \$72,000.

Councilman Smallwood made a motion to approve Task Order #11 with Atlas Technical Consultants for Construction Engineering and Inspection (CEI) Services on the Downtown LCI Streetscape Project for an amount not to exceed \$72,000. The second was provided by Councilwoman Davis. Vote: 6-0: Motion Carried.

## **12. City Attorney**

**Mr. Rory Starkey**

For Mayor and Council to authorize the provision of consent of the City of Fairburn, as an active member of Georgia Web, Inc., to approve GPW entering an Asset Purchase Agreement by and between Macquarie Capital and authorizing the Mayor to execute the same on the behalf of the City of Fairburn.

Mr. Starkey stated that the City of Fairburn has been a participant in the Municipal Electrical Authority of Georgia (MEAG) Telecommunications Project Contract since May 1, 1996. The participation of Georgia cities in the contract enabled the authority to finance the cost of acquiring and constructing a telecommunications system on behalf of participants executing telecommunications contracts. The participating Georgia cities and the authority entered a first amendment to the contract, dated February 1, 1997, and a third amendment to the contract on January 1, 2008. The amended contract provides in Article III that the authority shall acquire, own, operate and maintain the telecom project in a prudent manner for the benefit of the participants and for other purposes.

Georgia Public Web, Inc. (GPW) is a non-profit organization owned by thirty-two municipalities across the state of Georgia, including the City of Fairburn. The City of Fairburn's member percentage investment in GPW is calculated at 2.547%. GPW and its member cities have promoted public-private partnerships with a goal of bringing high-speed broadband services to communities that desire to unlock workforce potential, educational and job growth initiatives. The authority entered into a Master Agreement dated January 23, 2001 with GPW wherein the authority granted GPW the right to lease or otherwise utilize the assets comprising the Telecom Project in exchange for GPW agreeing to operate and maintain such assets for the benefit of the participants in the telecommunications project and to assume such other obligations of the authority deemed necessary.

GPW has an opportunity to take GPW's mission to the next level by entering an asset purchase agreement with Macquarie Capital. Most of the member cities of GPW must authorize the approval of the asset purchase agreement. GPW is seeking approval from its member participants to sell all assets, which also requires an authorized sale by MEAG Power of any remaining ownership interest in certain assets which comprise the telecommunications project. In order to effect certain changes to the amended contract, the City has determined to enter a fourth amendment to the telecommunications contract with MEAG Power.

These transactions were discussed during the annual MEAG summit and received unanimous support from GPW's member cities statewide. The Mayor and City Council are requested to authorize the execution and performance of an amendment to the telecommunications project contract and the execution and performance the written consent of the members of Georgia Public Web, Inc., on behalf of the City.

Mr. Starkey recommends for Mayor and Council to adopt the resolution to (1) authorize the execution, delivery, and performance of the Fourth Amendment to the Telecommunications Project Contract with the Municipal Electric Authority of Georgia and to authorize the Mayor to execute the same on behalf of the City of Fairburn; and (2) authorize the provision of consent of the City of Fairburn, as an active member of Georgia Web, Inc., to approve GPW entering into an Asset Purchase Agreement by and between Macquarie Capital and authorizing the Mayor to execute the same on the behalf of the City of Fairburn.

Mayor Pro Tem Portis-Jones made a motion to authorize the provision of consent of the City of Fairburn, as an active member of Georgia Web Inc., and to approve GPW entering into an Asset Purchase Agreement by and between Macquarie Capital and authorizing the Mayor to execute the same on the behalf of the City of Fairburn. A second was received by Councilman Heath.

Vote: 6-0: Motion Carried.

X. City Administrator's Update:

Mr. Tony Phillips stated that he is working on effectively filling funded positions that are vacant, these vacancies have a direct impact on our service delivery to our residents. He is working with HR on a recruitment plan in order to attract, hire, and retain qualified candidates for these vacant positions.

Mr. Phillips discussed fire department staffing and training to include current vacancies and requirements firefighters is required to complete every year. He also discussed the development update for Fern Dale on Virlyn B. Smith. The price points with Liberty Homes have been revised to \$300K to \$400k.

On the 2022 benefits renewal, Mr. Phillips has been working with our benefits consultant BKS partners to assess viable options and amendable costs for the city's health insurance provider. The initial renewal from United Healthcare, due to utilization, the quotes came in at 25.61% above current. A bundling discount was provided due to the City also having Dental and Vision with United Healthcare, bringing the increase down to 22.5%. This amounted to an initial proposed increase of \$393,000. After negotiations, most importantly due to the tenure and relationship the City has built with United Healthcare over the past several years, has agreed to lower the increase to \$16.3%.

This reduces the increase amount of \$285,000 and there will be no increase to the dental and vision premiums for the upcoming year. We have recommended that the City increase employee contributions, but not to exceed \$30 per month for employee only coverage, \$50 for employee and spouse or employee and children coverage, and \$100 for family coverage. This will help offset a portion of the increased premium. The deductibles will be raised from \$2500 to \$3000 for employee only to family from \$3000 to \$5000. The employee will pay this additional \$500. The 2022 benefits renewal will be voted on in the February 28 council meeting.

Discussion of the cost of ground ambulance services in the City was put on the table. Mr. Phillips stated that State law provides that the state is divided into regions, Fairburn is in region 3 and a license is awarded to a sole entity to provide ground ambulance services which in our region, a license was awarded to Grady Memorial. About 95% of the ambulance calls are responded to by Grady. They are not regulated in terms of what they can charge, they are regulated by balanced billing which Grady can set their own rates. If they were to become an in network provider with an insurance company, the insurance company would cap their rate and then it would reduce Grady's revenue. In addition to trying to maximize their revenues, they factor in the fact that they have Medicare and Medicaid patients that pay less or pay nothing at all because in that license, provides them to provide ground ambulance services, they cannot refuse to transport someone, so they mitigate these low-cost transports by elevating the costs in that scenario.

Councilwoman Davis suggested we need to go to the insurance commissioner or to Legislation, the Governor to see what needs to be done. This is not fair to our citizens, and I will pursue this further. Mr. Joe Harris, benefits advisor stated that this is an issue, a nationwide issue. There are twenty-one states with laws to protect people from surprising medical bills and it affects everything except for ground ambulance services. Mayor Avery stated that last week he met with Fulton County Mayors and Union City mentioned wanting to address ambulance services. He asked Councilwoman Davis to find out what can be done to facilitate some form of change with the Department of EMS when she discusses this with the insurance commissioner.

#### **XI. Council Comments:**

Mayor Pro Tem Portis-Jones had no comment.

Councilwoman Davis had no comment.

Councilman Smallwood had no comment.

Councilman Whitmore - Lending ear to comments made by a previous president of this homeowner's association. If there is no pending litigation with Mayor, or City Administrator, or the City Attorney, can publicly provide an update on the gas station, liquor store issue that was before Council last year that would be highly appreciated.

Councilman Heath had no comment.

Councilman Pallend had no comment.

#### **Mayors Comments:**

Mayor Avery reminded everyone of the Council retreat scheduled for April 29. You will be there for two hours on Friday and six hours on Saturday for the retreat.

Also, please reach out to the City Clerk and let her know if you will be attending the GMA conference in Savannah from June 24-28<sup>th</sup>. We will need a head count for dinner on Friday and Saturday night.

**XII. Executive Session – Personnel**

A motion was made by Councilman Heath and seconded by Councilwoman Davis to enter Executive Session. Vote: 6-0: Motion Carried.

A motion was made by Councilwoman Davis and seconded by Councilman Heath to exit Executive Session. Vote: 6-0: Motion Carried.

A motion was made by Councilman Heath and seconded by Councilwoman Davis to approve the employment contract for City Administrator, Mr. Tony Phillips.

**XIII. Adjournment:**

A motion was made by Councilwoman Davis to adjourn. A second was provided by Councilman Heath. The meeting adjourned at 9:12 pm. Vote: 6-0: Motion Carried.

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Deannia Ray, City Clerk

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Mario Avery, Mayor