



**CITY OF FAIRBURN  
City Council Meeting Minutes  
City Hall  
56 Malone Street  
Fairburn, GA 30213  
September 8, 2014  
7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Ron Alderman  
The Honorable Elizabeth Hurst  
The Honorable Lydia Glaize

The Honorable Alex Heath  
The Honorable Marian Johnson  
The Honorable Hattie Portis-Jones

City Administrator:  
City Clerk:  
City Attorney:

Mr. Tom B. Barber  
Mrs. Brenda B. James  
Mr. Randy Turner

- I. MEETING CALLED TO ORDER: By Honorable Mario Avery.**
- II. ROLL CALL:** All Members of Council were present which constituted a quorum.
- III. INVOCATION:** Mayor Avery provided the invocation.
- IV. PLEDGE OF ALLIANCE:**
- V. PRESENTATION:**
- VI. PUBLIC COMMENTS:** No Speakers
- VII. APPROVAL OF THE AGENDA:**

Council Member Heath made a motion to adopt the agenda placing items #1, 2,4,5, & 7 on a Consent Agenda and add item #8 Acceptance of Quit Claim Deed on Washington Street, item #9 Appointment of Tony Smith to the Housing Authority Board and item #10 Infrastructure at Coventry to the regular agenda. Council Member Glaize provided the second. **The motion carried.**

**VIII. APPROVAL OF THE CONSENT AGENDA:**

Council Member Johnson made a motion to approve the Consent Items.

1. Approval of Contract with Street Sweeping to Sweeping Corporation of America, Inc. at \$59.49 per curb mile.
2. Fireworks Display with Pyro Productions, Inc. for a fee of \$5,000.00
4. Change Order #1 Prestwick Construction in the amount of \$23,939.02
5. Change Order #2 Educational Campus with South-Tree Enterprises resulting in a revised and final contract amount of \$3,146,228.66
7. Memo of Understanding to Create the Highway 74 Gateway

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

#### **IX. APPROVAL OF THE CITY COUNCIL MINUTES:**

Council Member Hurst made a motion to approve the minutes with Council Member Glaize providing the second. Council Member Glaize said on page 5 the last line should say “a 9 to 3 educational provider”. Council Member Hurst said on page 2 “1<sup>st</sup> should be First”. **The motion carried.**

3. Lease Agreement for Passenger Depot with Clay Collins/Collins

Council Member Glaize made a motion to approve the agreement with a lease clause stating the tenant shall not sublease the premises or parts thereof without getting the landlord’s prior permission with Council Member Hurst providing the second. Council Member Portis-Jones inquired about the changes being made and will the contract come back to Council to show that the changes have been completed. The City Attorney said he makes the changes before it is given to the Clerk and before they are signed. She said she just wants confirmation that changes are done. Mayor Avery said the City Clerk and the Attorney check for the changes before they are signed. Council Member Alderman said the City has the right to do this but we cannot be unreasonable. Council Member Glaize amended her motion to approve the lease agreement with Clay Collins to include the tenant shall not sublease the premises or parts thereof without obtaining the Landlord’s prior written permission; provided, however, the Landlord’s permission shall not be unreasonably withheld. Council Member Portis-Jones provided the second. **The motion carried.**

6. Revisions to the City Personnel Policy

David Johnson, Human Resources Director gave an overview of the

changes. Council Member Alderman made a motion to approve the revisions to the City Personnel Policy with Council Member Johnson providing the second. Council Member Heath asked if a Public Safety Officer is suspended without pay they can use their vacation and not lose any pay. David Johnson said the decision is up to the Chief of the Department, however if the person uses vacation they are losing the vacation day. Council Member Heath said he does not think we should have this because that means we do not penalize someone for what they have done.

Council Member Hurst said if a person is suspended they should not be able to use their vacation time. Mr. Johnson said the key is to remain at a certain staff level. Chief McCarthy said sometimes someone is off and they are short staffed and need help. He said there is a disciplinary action to this. Council Member Hurst asked is this the same policy for all departments or just Public Safety. Chief McCarthy said it is just for Public Safety and Fire. Council Member Hurst said she thought the Personnel Policy was for all the employees.

Council Member Portis-Jones asked Chief McCarthy if he suspended someone and they were short staffed, could he not just delay the suspension.

Council Member Glaize asked the Chief has he experienced this recently. Chief McCarthy said yes and that is why this is coming up.

Council Member Hurst asked about employees keeping their compensation for going to court. David Johnson said there is a difference when they are called to jury duty or just to court for another case. She asked for clarification regarding the snow storm and asked were employees compensated. Council Member Hurst said regarding city employees and the City Administrator accepting gifts she feels there should be a monetary amount specified. She said she also has a concern with allowing the City Administrator to make exceptions such as allowing Public Safety Officers to participate in tournaments that benefit the public at no cost to them. Chief Weller said several times they have been asked to play in benefit golf tournaments. Mayor Avery said most of the tournaments are in the South Fulton area. Chief Weller said his employees are not on City time when they play. Council Member Glaize said sometimes you might be asked to play representing the City and the Chief or whoever should have the flexibility to let someone play if it is benefiting the city or state.

Council Member Alderman asked about the gifts once again. David Johnson said we will start getting gifts during the holidays. Council

Member Alderman said maybe we could change the language to the City of Fairburn or just the name of the Department and take out Department Heads.

Council Member Portis-Jones asked Mr. Johnson if he would see what some of the other jurisdictions are doing.

Council Member Glaize said lets go to a number not to exceed \$500.00.

Mayor Avery asked David Johnson his professional opinion. Mr. Johnson said in his professional opinion the way it is already written is the best way. He said to fix the policy is to add general consumption or use by the employee.

Council Member Alderman made a motion that the Department Heads may accept modest perishable gifts on behalf of the Department such as cookies, cakes, donuts, small fruit baskets and event tickets for the general consumption or use by city employees. Council Member Johnson providing the second. **The motion carried.**

8. Quit Claim Deed for Washington Street

Randy Turner, City Attorney said he is asking the Council to give authorization for the City to accept the conveyance of the quit claim deed from the Fulton Atlanta Community Action Authority Inc. dated August 8, 2014 to the City of Fairburn for .77 acres of land on Washington Street. This is required for the sewer service for the new Senior Housing Project.

Council Member Glaize made the motion to authorize the city to accept the conveyance of the quit claim deed from the Fulton Atlanta Community Action Authority Inc. for .77 acres of land on Washington Street with Council Member Alderman providing the second. **The motion carried.**

9. Appointment of Tony Smith to the Housing Authority

Council Member Alderman made a motion to appoint Tony Smith to the Housing Authority with Council Member Heath providing the second. Council Member Glaize asked how many members are there for a quorum and how many members are from Fairburn. Torri Martin, Executive Assistant to the Mayor said all the members are from the City of Fairburn. **The motion carried.**

10. Infrastructure at Coventry

Tom Barber, City Administrator spoke on the possibility of making an investment in the Infrastructure at Coventry between Milam Road and Meadow Glen. He said in order to move ahead there needs to be a motion for a certain amount and a time restraint.

Council Member Heath made a motion to invest up to \$400,000.00 for infrastructure between Milam Road and Meadow Glen and that it will expire within four months. Council Member Johnson provided the second.

Council Member Hurst said at the budget meeting the other night we were short in revenue and where is the money coming from. Mr. Barber said it would come from the electric fund/rainy day account.

Council Member Glaize said at this time we have no guarantees regarding what will be developed there.

Council Member Alderman said his opinion is that if the contractor does not have any money they should not be given the contract.

Council Member Portis-Jones said she thinks the item should be cancelled until we can get better funding.

Council Member Glaize made a substitute motion to table this item until there is further information from the investors with Council Member Hurst providing the second. **The motion carried with Council Members Heath and Johnson voting no.**

#### **X. COMMENTS FROM MAYOR AND COUNCIL:**

Council Member Portis-Jones thanked the staff for the reports they gave to the Council. She thanked the Chief of Police for engaging the community. She thanked the Fire Department, Street Department, Economic Development and Human Resources for the many things they do in the City. She thanked Gene Fitz and the Utility Department for the excellent report on Franchise Fees.

Council Member Johnson had no comments.

Council Member Glaize announced on September 18<sup>th</sup> there will be a meeting of the Recreation Committee at 5:00p.m. at City Hall. The Assistant Director of Parks and Recreation of Roswell will be a visitor. She thanked the Police Department who found a lost child this week. She thanked the Department Heads for their reports. Council Member

Glaize said the City will have businesses to come here and they will come with their plans and money in hand. She said Fairburn is on the move and thanked the City Administrator and the staff.

Council Member Hurst thanked Wendy Weathers for sitting in for the City Clerk. She announced the City Clerk, Brenda James lost her mother and some of the Council will be traveling to Tuskegee on Wednesday for the funeral. She also said the Assistant City Clerk, Sylvia Vaughan is sick and wished her a speedy recovery. Council Member Hurst said she attended a community golf tournament at Durham Lakes which benefits the Army ROTC Scholarship. She said it was very well attended. She thanked Andrew Whitmore for the invitation.

Council Member Heath thanked everyone for coming to the meeting. He announced the passing of Truitt Cathy who was 93 years old and the founder of Chick-Fil-A. He said he supported Berry College and always supported children and made a mark in many of their lives. He said he really supported the Eagle Scouts and when someone joined he always sent them a \$100.00 bill. He said we never know what kind of impression we make on someone lives. He spoke on Home Safe of Georgia.

Council Member Alderman asked everyone to pray for the City Clerk, Brenda James and her family for the loss of their mother and also pray for Sylvia Vaughan, the Assistant City Clerk as she recovers.

Mayor thanked Dr. Parks for a great presentation regarding the October Festival. He also thanked the members of Council that attended the Fulton County Board of Commissioners meeting. He spoke on the policy and process of the budget. He said the City of Fairburn is growing by leaps and bounds and for that he must thank the staff.

#### **XI. ADJOURN COUNCIL MEETING:**

Council Member Glaize made a motion to recess into Executive Session for a Real Estate Matter and Pending Litigation Matter with Council Member Heath providing the second. **The motion carried.**

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Brenda B. James City Clerk

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Mario Avery, Mayor