



City of Fairburn
Mayor and Council Meeting- Zoom
April 25, 2022
7:00 pm

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Mario Avery.
- II. Roll call by Brenda B. James, City Clerk, found the following members present:

The Honorable Mayor Mario Avery

The Honorable James Whitmore
The Honorable Alex Heath
The Honorable Linda J. Davis

The Honorable Pat Pallend
The Honorable Ulysses J. Smallwood
Mayor Pro Tem Hattie Portis-Jones

Also present was City Attorney, Rory Starkey, City Administrator, Tony Phillips, and City Clerk, Brenda B. James.

- III. The invocation was led by Reverend Evan Hill with First Baptist Church.
- IV. The Pledge of Allegiance was presented by City Administrator, Tony Phillips.

Mayor Avery reminded Members of Council the Rules of Decorum that was adopted on March 26, 2018. He discussed some procedural rules for council meetings.

- Rule # 9 – Council Members are expected to conduct themselves in a respectful manner and the Presiding Officer shall enforce the Rules of Decorum
- Rule # 3 – During a debate, Council Members will not speak more than five (5) consecutive minutes, but no more than a total of ten (10) minutes
- Rule # 11 – Closing remarks are limited to two (2) minutes

- V. Adoption of the Agenda: Councilwoman Davis made a motion to adopt the agenda as presented. The second was provided by Councilman Smallwood. **The motion carried unanimously.**

- VI. Adoption of the Minutes:

February 28, 2022, Regular Meeting Minutes – Mayor Pro Tem Portis-Jones made a motion to approve the February 28, 2022, minutes with the second provided by Councilwoman Davis. **The motion carried unanimously.**

March 28, 2022, Special Called Minutes – Councilman Heath made a motion to approve the Special Called Minutes for March 28, 2022, with the second provided by Councilman Smallwood. **The motion carried unanimously.**

April 11, 2022, Regular Meeting Minutes – Councilwoman Davis made a motion to approve the April 11th Regular Meeting Minutes with the second provided by Councilman Heath. **The motion carried unanimously.**

VII. Public Comments: No Public Comments.

VIII. Agenda Items

1. 2022 Liability and Property Insurance with Tanner, Ballew, and Maloof, Inc.

Councilman Heath made a motion to approve the property and liability insurance coverage with Tanner, Ballew, and Maloof, Inc., for 2022-2023, for an estimated annual premium of \$407,360.00. The second was provided by Councilwoman Davis. **The motion carried unanimously.**

2. Enterprise Fleet Management Master Equity Lease and Maintenance Agreement

Councilman Heath made a motion to approve the Enterprise Fleet Management Master Equity Lease and Maintenance Agreement not to exceed \$289,664.00. The second was provided by Mayor Pro Tem Portis-Jones. **The motion carried unanimously.**

3. Award of Contract to Magnum Paving for Roadway Improvements on Various City Roads Projects

Councilman Heath made a motion to award the contract to Magnum Paving for roadway improvements on various city roads projects not to exceed \$1,750,141.07. The second was provided by Councilwoman Davis.

Mayor Pro Tem Portis-Jones asked for a list of streets that were a part of this contract and a schedule.

Community Development Director, Lester Thompson stated that Magnum Paving will have 120 days to complete the project and the Contractor would provide the order in which the streets would be paved except a couple of streets that needed certain priorities. The list of streets were included in the agenda packet. **The motion carried unanimously.**

4. 7 – Year Lease Purchase of Two (2) Pierce Pumpers

Councilman Pallend made a motion to approve the seven-year lease purchase for two Pierce Pumpers not to exceed \$1,430,000.00. The second was provided by Councilman Whitmore.

Fire Chief, Cornelius Robinson stated the Fire Department has an aging fleet with the oldest engine being 15 years old with over 100,000 miles. We are replacing the original pumper we purchased when the fire department was created, and the other pumper is for the new fire station that we plan on opening in the near future. He stated with the purchase of these two trucks, they will have a reserve pumper which counts toward the ISO ratings. Chief said when the trucks were first bought there were approximately 612 calls yearly and now the volume of calls is over 4000. He said we anticipate at least 1,364 more residential structures to service, so these pumpers are very needed. **The motion carried unanimously.**

5. 10 – Year Lease Purchase of one (1) Pierce Enforcer Tiller

Councilwoman Davis made a motion to approve the 10 -year lease purchase of (1) Pierce Enforcer Tiller not to exceed \$1,577,000.00. The second was provided by Councilman Smallwood. **The motion carried unanimously.**

6. Proposed City of Fairburn Travel Policy

Councilman Heath made a motion to approve the proposed Travel Policy as presented. The second was provided by Councilman Smallwood.

Finance Director, Peterson David stated the proposed travel policy was put together based on state and federal guidelines to revamp our current policy that hasn't been updated since 2009.

Mayor Avery stated our policies are predicated by standard market practice for employees as well as elected officials and would like Council to deem what type of travel is city business. He stated attending funerals is not a standard practice but wants to take the lead from City Council.

Councilman Whitmore expressed his concerns about attending conventions and other events with Georgia Municipal Association and the 50-mile radius statement that would not allow them to utilize the travel policy. He said the policy presented is for state government employees and the City of Fairburn should improve our own policy.

Councilman Whitmore made a substitute motion to approve the policy, striking out the 50-mile radius for GMA purposes, with the second provided by Mayor Pro Tem Portis-Jones.

Councilwoman Davis agreed with Councilman Whitmore and asked for clarity.

City Administrator, Tony Phillips stated the 50-mile radius relates to travel, lodging and per diem, it is not a connection to training. The current policy says for the city to pay for your hotel, you must travel more than 50 miles, however, the city would pay for your meals and travel just not your hotel. You can still participate in training if its less than 50 miles, you just wouldn't have your hotel covered by city funds.

Councilwoman Davis stated she is on the Municipal Training Board, and she would not feel safe coming and going every day, so this is something we need to consider as well as additional flexibility as it relates to the per diem in relation to the increase cost of gas.

Councilman Whitmore stated for the record if we did not have a policy in place, the January class should not have been pulled back because of the possible implementation of another policy. We need to drill down on this policy to ensure that we're doing the right thing for the City of Fairburn. Mr. Phillips said it did not preclude anyone from going to training.

Mayor Avery stated he was in total opposition of Whitmore's explanation of why this is needed. This is standard market practice; people get up and go to work and go back home every day, to and from Atlanta.

Mr. Peterson David responded to Councilwoman Davis' concerns about the per diem rate. The per diem rate is updated on a yearly basis and is a fixed amount. Every year the Federal Government reviews gas rates and cost of living in all the different cities. If you remove the 50-mile radius, you're setting a precedent where every employee going to training 10 miles down the road, can stay at a hotel. We are building this policy as a best practice to be fiscally responsible with taxpayers' dollars, not just for council members.

Councilman Whitmore stated he wasn't sure what the finance director stated as far as city employees were concerned but he thinks Council should consider separating two policies for your elected officials and city employees.

Mayor Avery stated there is a substitute motion on the floor and it's been properly seconded. A vote was taken, and the motion fails with Councilman Whitmore voting yes and all others voting no.

Mayor Pro Tem Portis-Jones made a substitute motion to approve the travel policy, excluding lodging within the 50-mile radius, but adding per diem and cost of parking, the second was provided by Councilman Heath. **The substitute motion carried unanimously.**

Mayor Avery requested direction from Council regarding Council attending funerals out of Town and do they deem this city business and pay mileage.

Councilman Whitmore stated he had a request from a citizen for a Proclamation for a family member that passed who lived her life to be 92-93 years of age and he traveled on official business to present that Proclamation which was signed by the Mayor and his fellow Council members and feels this is classified city business. He called the Mayor at the last minute, and the Mayor had the Proclamation prepared so he traveled to take care of that business. He felt it was the same difference when Ms. James's mother passed away, we all traveled to Alabama and it was official business and funds were generated and used. He felt because he presented a Proclamation, it was city business.

Mayor Pro Tem Portis-Jones stated as we continue this discussion, more elements get put into play. First, the statement was to attend funerals, there was never any indication a Proclamation was being presented or traveling on behalf of the city. She feels if you are presenting a Proclamation, it is city business, if it is her decision to attend because she respected that individual, she should pay for travel.

Councilman Whitmore stated the initial presentation didn't mention he was representing the city with a Proclamation or Resolution and there seems to be something steered around him, so he wanted to be on the record for speaking up.

Mayor Avery stated that the person deceased had no relationship with the City of Fairburn and he didn't have a problem with it because that was a request Councilman Whitmore made, but the person had no history of family and no relationship in Fairburn, so it was a concern and wanted a consensus from Council. He asked Council to send him an email giving their position so, this subject matter will be discussed later.

7. Mental Fitness, 21st Century Learning, Inc. Usage Agreement

Mayor Pro Tem Portis-Jones made a motion to approve the usage agreement for Mental Fitness 21st Century Learning, Inc., 2022 summer camp program with the second provided by Councilwoman Davis.

Mayor Avery asked Mr. Phillips to advise the members of Council the modifications that were made since the last discussion.

Mr. Phillips stated after the last Council Meeting, they met with Mr. John Childs to see if they could create some flexibility. The monthly amount was \$2,340.00, and \$400.00 of that was for cleaning supplies that Mr. Childs indicated he could provide through donations and other means and he was more than willing to take full responsibility for cleaning the facility. In D6 of the agreement, there's a reference to mental fitness status, responsible for the daily cleaning of the youth center and the education campus. There's more language about restrooms and common areas, so we agreed to remove the \$400 charge. That lowered the amount from \$2,340 to \$1,940 a month, bringing the revenue retained by Mental Fitness up to 95%.

Ms. Chapin Payne, Parks and Recreation Director stated there was also an increase in registration of Mental Fitness. We were at \$90 a week when we started this contract, now there rates this summer will be \$150 per week per child. That's an increase of \$60 for the weekly registration as well as them providing janitorial supplies.

Mayor Pro Tem Portis-Jones asked if Mr. John Childs could give some information about the Program and asked if the agreement was from May to August.

Mr. John Childs confirmed the agreement was a two-month agreement and this makes six years for them in the City of Fairburn. He stated it's been an absolute pleasure and he appreciated every yes vote and kind word that's he's ever gotten from Mayor and Council. He said Councilman Whitmore, Councilwoman Portis-Jones, Councilwoman Lydia Glaze and even then, Councilwoman Hurst gave him an opportunity to present this program to provide high quality stem and steam enrichment for kids that otherwise could not afford it and his promise was that we would keep the price affordable and the way he was able to do that was because of the subsidized rent that we are paying the City of Fairburn and he thought was fair and we delivered everything we promised.

Mr. Childs stated he had a great meeting with Mr. Phillips, Ms. Payne, and Ms. Criss to discuss how the City is moving towards a more uniform way of charging vendors and programs where they want an 80/20 revenue split. He stated they are neither a park nor recreational program, Mental Fitness is an educational program and stated he would be irresponsible in his duties as Executive Director to give anyone 20% of what they take in, so no matter what happens, he would not be able to move forward with that kind of an agreement.

Councilman Whitmore stated it was his understanding that for the summer program, Mr. Childs was looking at going to the educational campus, but the contract states both the youth center and educational campus and was surprised that the youth center was not taken off the agreement.

Mr. Phillips stated that conversation did not come up in their meeting but would certainly make that adjustment if Mr. Childs would like to have the program solely in one facility.

Councilman Whitmore stated that Mr. Childs had that conversation with Ms. Payne, and he advised Mr. Childs that he shouldn't sign a contract for two locations if he wasn't going to use both.

Ms. Payne stated she did have a conversation with Mr. Childs of them possibly utilizing only the college but nothing was ever confirmed.

Mr. Childs stated that was probably miscommunication, it was confirmed on his end and he had no intention of using the youth center at the usage rate that was presenting, so that's his fault for not making it clearer.

Mayor Avery stated the motion has been made and properly seconded. **The motion carried unanimously.**

IX. Finance Director Monthly Report

Finance Director, Peterson David stated he is presenting Fairburn's midyear financial update. This report concludes a six-month of 2022 operations with \$7.6 million in net cash flows. To date, the General Fund has generated \$14.9 million in revenues with \$7.3 million in General Fund expenditures as of March 31, 2022. The city has collected 7.42% of this year's revenues to date and has expensed 34.43% of its budget. Expenditures are anticipated to increase. Property tax and sales tax revenues represent the General Fund's primary source of operating resources, 52% of real property tax and 17% of revenues come from sales tax. All revenue streams are on track to meet the budget.

Our revenue projections for fiscal year 22 are roughly over \$21.2 million and as of mid-year, we have collected \$14.9 million, which equates to 70% of our revenues. As of mid-year, the current expenditures are \$7.3 million which equates to 34% of the budget spent. As the city continues to follow its conservative spinning approach, we continue to be in alignment with the budget.

Our property tax revenues have steadily increased by \$1 million each year and as the city continues to grow, this trend will likely continue to grow. We have collected 94% of our property taxes which are made of real property, personal property and public utility tax. The Enterprise Fund concludes its six-month of 2022 operations with \$1.3 million in net cash flows to date and has generated \$9.7 million in revenues with \$8.4 million in Enterprise Fund expenditures. The city has collected 48.20% to date and have expensed 41.59% of its budget. All revenue streams are on track to meet the budget. 41% of the budget has been expensed which highlights our conservative approach while providing excellent customer service to the residents.

Mayor Pro Tem Portis-Jones thanked Mr. Peterson for the mid-year financials and is happy that they are now receiving that information. She asked if they were planning on a mid-year budget review to reallocate some of money and when.

Mr. Peterson stated that he has met with all department heads to review their budgets and will be presenting to Council if budget amendments are needed.

Mayor Pro Tem Portis-Jones discussed the funding from the federal government on the American Rescue Plan Act and asked if they are on task submitting the report by April 30th and asked if Council could get a copy of the report.

Mr. Phillips stated that they are on track, our team closely monitors all reporting deadlines and advised Mayor Pro Tem Portis-Jones that Council could get a copy of the report. Lastly, the ARPA funds that we have in place is one of the agenda items that our Mayor and Council will discuss during the retreat this weekend.

Mr. David confirmed they are on track with submitting the report, however, the federal government had training today on how to submit the report and just like she said, their portal is having issues so he created a ticket where they would expedite the report as soon as the portal comes back up.

X. City Administrator's Update:

Mr. Tony Phillips provided the City Administrators report advising Council that department heads provide their monthly report, which gives us an operational overview by department.

Mr. Phillips introduced our new Human Resources Director, Talisha Champagne. He said the City continues proactive recruitment for all of our open positions to help elevate our departmental service delivery. Our vacancy rate has been significantly high, but in the months of March, we onboarded nine new employees across five departments including, City Clerk, Finance, Fire, Streets and Utilities.

Ms. Champagne thanked everyone for the employment opportunity and is super excited to be a part of the Fairburn team and being a part of the branding, which is situated to succeed.

Mr. Phillips established a communications consultant, Ashley Nicole Communications. They will be assisting the city with expanding our communications efforts. There's great opportunity to promote the many projects, events and initiatives currently underway. We want to make sure we do a better job telling the Fairburn story and this communications consultant is going to help us with that.

The renovation of Fire Station 21 is underway, Mr. Harvey Stokes, Buildings Director did a great job getting that project up and running along with Chief Robinson. The firefighters are very appreciative of the improvements made so far.

We have a plan in place to reopen city facilities on May 2nd and are closely monitoring all the information from the CDC, the State Department of Health and we participate weekly in the Atlanta-Fulton County Emergency Management Agency COVID call each week. Chief Robinson participates in this call along with cities all throughout Fulton County, we monitor all the numbers and will adjust our reopening plans as the pandemic moves forward. We will have our first in person City Council meeting on May 9th.

Mr. Phillips announced the Mayor and Council retreat being held this weekend and is ready to hear from elected officials on providing some direction that will be used to operationalize and springboard into FY23 with some guidance and input as we take your vision and turn it into operational realities.

Mayor Avery stated when we open city buildings to the public, we will have to follow the last mask mandate that was approved in the prior administration. We will do an assessment between now and the next Council meeting on the numbers provided by the CDC.

Mr. Phillips stated the mask mandate was extended late last year and they are reviewing the policy closely. The language largely connects to commercial businesses, so the City Attorney is reviewing this to provide clarity as to exactly how this ordinance applies to city facilities. No one knows where this pandemic is headed and if the numbers start to go in one direction significantly or the other, we will adjust based on public health guidelines. Our goal is to keep our employees and citizens safe.

XI. Council Comments:

Mayor Pro-Tem Portis Jones welcomed Ms. Champagne and complimented Mr. Phillips on his hiring skill set.

Councilman Smallwood welcomed Ms. Champagne and gave a salute to Deputy Chief Bazydlo. It's that time of the year where the Renaissance Festival is open, and the residents of Durham Lakes could not get out. Deputy Chief Bazydlo adjusted his schedule to make sure traffic was moving.

Councilman Whitmore welcomed Ms. Champagne and thanked Mr. John Childs from Mental Fitness for his comments about the program and looks forward to communicating with Mr. Phillips in reference to the desires of the program to have one site versus both.

Councilman Pallend was glad this evening is over.

Councilwoman Davis welcomed Ms. Champagne to the City of Fairburn and thanked the City Administrator and Finance Director for all the hard work they are doing behind the scenes.

Councilman Heath welcomed Ms. Champagne and thanked Mr. Phillips for getting the limbs picked up on Mehaffey Drive and the Bethel area.

Mayor Avery welcomed Ms. Champagne aboard and stated that they are excited about what she's bringing in terms of professionalism to our city as we continue to hire men and women in critical positions.


Mayor Avery stated he meets with the City Administrator in the mornings to discuss the different areas and feels we need to bring back to Council for consistency, professionalism and to ensure that we're accountable to the money that we're spending from the taxpayer's money. He thanked Deputy Chief Bazydlo and Mr. Phillips for an emergency meeting on Saturday night to address the Durham Lakes traffic. The Renaissance festival had its highest attendance rate in three years and thanked them for helping the officers bring the level of professionalism and care for our community. He discussed the City Council retreat this weekend.

XII. Executive Session

Councilman Heath made a motion to go into executive session at 8:41 pm to discuss litigation matters, the second was provided by Councilwoman Davis. **The motion carried unanimously.**

XIII. Adjournment:

After Executive Session, Councilwoman Davis made a motion to adjourn with Mayor Pro Tem Portis-Jones providing the second. The meeting adjourned at 9:59 pm. **The motion carried unanimously.**



Brenda B. James, City Clerk



Mario Avery, Mayor