



**CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
May 12, 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. PUBLIC COMMENTS:**
 1. Harvey Melear, 307 Hillside Drive, Fairburn, GA. 30213 said the raise for Elected Officials is excessive and not fair for city workers. He said the Elected Officials are servants of the city and the salary being proposed is not for volunteer work but more like a part-time job. He said he is not opposed to an increase of salary, however; he would like Council to consider the employees and the taxpayers of the city before approving a salary that is 3 times the amount of the current salary.
 2. Andre Lovas, 342 Fairview Drive, Fairburn, GA. 30213 said he had not paid much attention to the pay raise. He said he agrees with former Councilman Melear that this is community service work and it is not a part-time job. He said he assumed the entrance to the parking lot for the college on Fairview Drive was an emergency entrance only. He said the entrance has been open for the last four months and the entrance on Shaw Drive is closed. He said when the entrance was built he is not sure if the information that was told to him was smoke or fact and he is very disappointed the entrance is still open. He said the general landscaping of the parking lot is a mess and city workers should not be doing this work about 3 hours and then go on break. He said a Professional Landscape

Company is needed. He said there have been a lot of small time burglaries. The Mayor had a big program to sell a Heath Care Plan, however; we do not spend money on training or provide services for our youths to get them off the streets and allow our Police Department to handle these cases. He said the Police do not have time to fool with catching people but they sit in the campus parking lot for 2 and 3 hours a day. He said they are not doing what is best for the citizens. He said we need to clean up the mess of the petty burglaries and the youths running rampant in the community. He said he would be looking forward for some assistance from the city.

IV. APPROVAL OF THE AGENDA:

Council Member Alderman made a motion to adopt the Agenda adding item number 8; Resolution Approving and Authorizing Amended Bond Resolution with the South Fulton Municipal Regional Water and Sewer Authority with Council Member Heath providing the second. **The motion carried.**

V. APPROVAL OF THE COUNCIL MINUTES:

Council Member Alderman made a motion to approve the Minutes of April 28, 2014 with Council Member Portis-Jones providing the second. **The motion carried.**

VI. APPROVAL OF AGENDA ITEMS:

1. Resolution to Adopt Fiscal Year 2014 Budget Adjustments

Council Member Johnson made a motion to approve the Resolution to Adopt the Fiscal Year-2014 Budget Adjustments from 11.8 million dollars to an amount of 13.6 million dollars with Council Member Hurst providing the second.

Council Member Glaize asked about a line item for Summer Camp under revenue that shows \$30,000. She said she knows we approved this but at this point she would like to see what it is looking like. Mr. Barber said it is an eight week program and we plan to hire based on what the enrollment will be. He said it depends on the demand. Council Member Glaize said she would like to get the information of where we are because school will be out in two weeks and the average responsible parent has already signed their student up for a Summer Program. She said we need to get a good projection of where we are going as it relates to how many students we will have. She said we need to know if we will have the revenue and if we need to hire part-time personnel.

Council Member Portis-Jones asked about the review of the Education

Complex Fund and the increase in the bond payments. She asked if we were aware of the increase and did we plan for it during the adoption of the budget last fall. Mr. Barber said the bond payment has not changed but the amount of money we will transfer to the cash flow to cover the debt service has and there is an increase in bond payments because the first 2 years were interest only. She asked if we were aware of this in the budget adopted last year and why was this not included in the budget. Mr. Barber said it is in the original budget. She said she would like to have a follow up conversation regarding the issue.

Council Member Portis-Jones spoke on the Water Sewer and Electric Funds. She said the Water Sewer Fund is going up and the Electric Fund is going down. Utility Director Gene Fritz said it is based on the electric power usage. She asked what is the collection rate of the Hotel Motel Tax Fund and how do we know we are getting what we are supposed to get. Finance Director David Smith said we average \$10,000 per month and we are on track to collect \$140,000. She said she has concerns about the average amount collected. Mr. Smith said since 2012 when he came onboard, it average the same amount each year. She said she has some concerns and would like to have further discussions; and if an audit is needed we should look at that and other alternatives. Mr. Smith said he has discussed an audit plan for the hotel motel tax monies with Mr. Barber, however; it has not been implemented. Mayor Avery asked what type of audit is being implemented. Mr. Smith said we will have an in house audit.

Council Member Heath asked about the \$700,000 transferred from Hotel Motel Fund in the GO Bond. Mr. Barber said these funds are for the stage and the courtyard. Council Member Heath said he thought this money should be used to promote the hotels and motels and asked if we could legally do this. Mr. Barber said yes because we now have a 3% rate we can add it to the General Fund.

Council Member Hurst asked if all the hotels are reporting their taxes and if we have any that are delinquent. Mr. Smith said we have seven hotels and there is one that is delinquent. He said they are paying on a quarterly basis. She asked how far behind are they delinquent. Mr. Smith said they have not received their last quarterly payment which is for the month of April. **After much discussion the motion to approve the Resolution to Adopt Fiscal Year 2014 Budget Adjustments passed.**

2. Designation of a Voting Delegate and Alternate for GMA in Savannah

Council Member Glaize made a motion for Council Member Hurst to be the Voting Delegate at GMA in Savannah with Council Member Heath providing the second.

Council Member Portis-Jones made a substitute motion for Council Member Hurst as the Voting Delegate at GMA in Savannah and Council Member Alderman as the Alternate with Council Member Heath providing the second. **The motion carried.**

Council Member Hurst asked if Council Member Alderman could carry the flag. Mayor Avery said the agreement was accepted that someone would carry the flag.

3. Change Order #1 LMIG Roadway Resurfacing & Repair Project

Council Member Glaize made a motion to approve the Change Order Contract with ER Snell in the amount of \$46,475.00 bringing the contract to \$262,002.45 with Council Member Johnson providing the second.

Council Member Heath said he knows the project for Bohannon Road will be done later in the summer and asked if the monies projected will be included for Bohannon Road and could we use some of the funds out of the bonds to repair Bohannon Road. Mr. Besseche said we have a project to rebuild Bohannon from bottom to top. He said he is offering some patching repair work until we can get the project started. He said there is bond money and it is in our grant part of the budget.

Council Member Glaize spoke about the timeline for Bohannon Road, Oakley Road and the interim patch work. Mr. Besseche said the contractor for resurfacing contract for Bohannon Road will start the 1st week of June, with the patching on the 1st Monday in June; and the actual improvement will be later this summer.

Council Member Johnson said she doubt if the money in bonds are specified to do this work.

Mayor Avery said this item was brought before Council as a notice to proceed with the Roadway Resurfacing and Repair Projects. **After discussion, the motion carried.**

4. Appointments of the Art and Architectural Advisory Committee

Council Member Glaize made a motion to approve the 5 appointments of the Art and Architectural Advisory Committee with the terms. Council Member Alderman provided the second.

Mr. Barber said Subway has applied for their sign and he need the Art and Architectural Advisory Committee to do their job. Mayor Avery said he would like to recognize as many of the recommendations that was sent to

him by Council in an effort to be fair to all Council Members. He said 2 of the recommendations were Bonnie Bullard and George Beckley. He said Council Member Glaize sent 2 recommendations. Those recommendations were Rusty Todd who owns more buildings in our downtown area than any one proprietor and Ed Wyatt who owns the oldest business in the downtown area. Mayor Avery asked Council Member Glaize who she would recommend. She said she would recommend Rusty Todd out of the 2 individuals. Council Member Johnson recommended Eve Nolan who has owned a Flower Shop in the downtown area for many years. Mayor Avery said there are three recommendations which consist of Bonnie Bullard, George Beckley and Rusty Todd. Mayor Avery asked if there were any opposition to Rusty Todd and if there is any objection to the parameters as it relates to the process. He said he has no problem with Rusty Todd, however; the downtown area would be outside of what we asked as it relates to the parameters. Mayor Avery asked if there were any objections to Rusty Todd. There were no objections. Mayor Avery asked if there was an objection to Bonnie Bullard or George Beckley. Council Member Hurst said she knows Rusty Todd but she would be voting blindly on the other individuals because she does not know them. She asked if there was any information provided for those two individuals. Council Member Johnson said Bonnie Bullard is an artist and she has been painting for over 40-50 years. Mr. Barber said he interviewed Bonnie Bullard and George Beckley. He said Mr. Beckley is retired with an ad agency background and he would love to work with us in our branding and marketing. Mayor Avery asked for a vote on Bonnie Bullard. All Council Members voted in favor of Bonnie Bullard. **After much discussion, the motion passed for the Art and Architectural Advisory Committee with the following members and terms:**

Harvey Stokes	05/31/2017
Alex Fite-Wassilak	05/31/2015
Carolyn Bradley	05/31/2016
Rusty Todd	05/31/2017
Bonnie Bullard	05/31/2016

5. Resolution to Increase Compensation of Elected Officials

City Attorney Randy Turner said the Resolution is to authorize a notice be published in the newspaper for three consecutive weeks prior to the June 9, 2014, City Council Meeting. He said we are not voting on the actual increase in compensation today. He said after the publication has run for three consecutive weeks, the vote will be June 9, 2014 and if approved, the increase will not go into effect until January, 2016. He said we can advertise a lesser amount in the newspaper and come back to the June 9, 2014 Council Meeting and adopt a lesser amount.

Council Member Heath made a motion to approve the Resolution to Increase Compensation of Elected Officials with Council Member Glaize providing the second.

Council Member Alderman made a substitute motion to change the amount in the Resolution for salaries to \$6000 for the Council and \$12,000 for the Mayor. Council Member Johnson provided the second. **The motion failed with Council Members Johnson and Alderman voting “Yes and Council Members Heath, Hurst, Glaize and Portis Jones voting “No”.**

Council Member Glaize made a substitute motion to include in the publication for the increase salary amount for the Mayor not to exceed \$18,000 and the salary amount for City Council not to exceed \$9,000. Council Member Heath provided the second.

Council Member Portis-Jones said the amount proposed was based on cities our size. She said she would like to make sure that people see and understand the amounts are \$9,000 for Council and \$18,000 for the Mayor. She said these amounts are the middle ranges for cities our size as well as cities in our geographical area population. She said Fairburn is growing and according to the 2012, US Census this city has a population of 13,720 people. She said for similar cities our size the Mayor and Council are making the amounts we proposed and in some cases they are making more.

Council Member Glaize said she has been contacted by a couple of constituents who do not agree with the amount but agree with the raise. She said they wanted an opportunity to come and speak about the increase amount. She said the publication ad will be listed for three weeks and she recommends those individuals who have concerns about the amount come to the next Council Meeting.

After much discussion, the motion passed to advertise for an increase in the salary amount for the Mayor not to exceed \$18,000 and the salary amount for City Council not to exceed \$9,000. Council Members Johnson and Alderman voted “No” and Council Members Heath, Hurst, Glaize and Portis Jones voted “Yes”.

Council Member Johnson said she will be presiding over the meeting on June 9, 2014 and she will not have a vote.

6. Adoption of the Bond Resolution

Attorney Turner gave an overview of the Resolution. He said bonds are proposed to be approved at an interest rate not to exceed a 6% interest

rate.

Council Member Johnson made a motion to approve the Bond Resolution with Council Member Portis-Jones providing the second.

Council Member Portis-Jones asked if the bond could be refinanced at an interest rate 6% based on the proposed IGA that was sent to the member cities by the Water Authority. Attorney Turner said the bond rating should not be affected by the IGA of the Cities. He said it was actually 5%, however; in the event the bonds come back at 5.1 % we would not have to go through this process again. He said it is projected that over a period of 19 years there will be an impact on the debt service from \$500,000 to \$1,500,000.00. He said the 6% interest rate is used as a measurement to market.

Council Member Glaize asked how we finance the seven million dollars that we have to pay Bank of America for the termination fee and asked are those funds available in the cash reserves with the Water Authority. She asked if there is a budget impact with the three cities. Attorney Turner said there is a combination of 11 million dollars on hand with a combination of new funds derived from the bond issuance which will be used to pay off the bond debt and the swap termination fee to Bank of America.

Council Member Heath asked if the base rate on the bond a fixed rate. Mr. Barber said these bonds are going to be sold the same as the Campus Bonds and GO Bonds. He said they will be sold in strips with different terms, starting with the oldest bond at a 19 year strips; and as the years decrease, the interest rate is higher; and then it blends to a 4 ½ to 5% figure. He said the rate is based on the bond purchaser and what they are willing to pay for our credit rating. Council Member Heath asked if the bond payments are semi-annually or annually. Mr. Barber said the payments are made annually, however; he is not certain about the new bond payment. Council Member Heath asked if the payment is not to exceed 9 million dollars. Mr. Barber said yes. Council Member Heath asked if there was a prepayment penalty and Mr. Barber said yes, less than ten years there is a prepayment penalty, however; he does not have an amount. Council Member Heath asked if there is a short fall on payments, late or missed, and another city misses a payment it is to our advantage to make that payment. Mr. Barber said all of the cities are making monthly payments over the years and we are building a sinking fund and adjusting the amount every six months based on our water sales. So the 35% figure goes up and down depending on our sales which affect the next six months payments. Council Member Heath asked if we are paying interest only or is this interest and principle. Mr. Barber said we have been paying interest and principle but we are going to try to mirror the payment schedule; and there will be no capitalized interest because we are not going to add

anything new. Council Member Heath asked what is the total cost of Bear Creek Reservoir and what are we facing to get the financing of that reservoir. Mr. Barber said it would be \$110,000,000 including what we have already spent. He said we hope GEFA comes in and loan us money at 3% or 2 %. He said the water volume between the three cities is not big enough for us to handle the debt service of \$110,000,000. He also said we are hoping GEFA takes a proprietary interest in the reservoir where as they will give us money in return of us signing them ownership of the Water Treatment Plant and; at the end of the agreement, we could buy it back. Council Member Heath said the City of Atlanta has gotten us tied up for years in court and we have not received a permit for this. He said he just want to let the people know what we are going through.

Council Member Johnson said there are other entities fighting us on this.

Council Member Portis-Jones asked if we are hoping to get help from GEFA and wanted to know how likely that is because it is from her understanding that they have attempted to do that in the past.

Mayor Avery spoke on GEFA and said when they attempted to get help in the past our project was not ripe. He said he attended a meeting at the Governor's Office in January, 2013 and walked out the meeting with them saying our project does not fit within the Governor's scope. He said they spent the last two years trying to figure out how to get rid of this Water Authority. He said we are trying to make sure the Water Authority is resolved or built, so it does not destroy our bottom line. He said we need to make sure we are taking care of our city. He said he asked what if one of the cities cannot make their debt service. He said he is not interested in taking legal action against another city or another city taking legal action against us. He said if we cannot get a permit, how we can get out without being financially damaged.

Council Member Alderman asked about the update on the water from Coweta. Mr. Barber said we are trying to determine a detail cost estimate for the pipe and the tank. He said we should have a cost estimate before the next Council Meeting. He said he is not assuming GEFA will bail us out but he is depending on Bill Johnston who informed him that he thinks the three cities cannot borrow money. He said we have to do something else. He said the benefit of getting off Atlanta's water and buying water from Coweta at \$2.00 per 1000 gallons would be savings and we can use those savings to pay for the tanks and lines to make water from Coweta possible. He said at the end of 20 years the \$110,000,000 project will be cut in half. He said at that time the three cities will be larger and the Authority can do what they are supposed to do; build the reservoir, Treatment Plant and sell water to us. He said we have to make sure it is financially liable. He said what would really be attractive is to get the cost

estimates and permit; then ask the two cities to join us with the Coweta deal and have Coweta borrow the money, put in the lines and the tanks so it is not on our finances and we pay them back through the cost of water. So at the end of the 20 year deal, we buy the lines and the tanks back. He said the three cities will have to borrow on top of 40 million dollars. He said he would rather see Coweta do it because they are incentivized too and they have a better financial rating than we do and they need to sell water.

Council Member Johnson asked if the purchase of water is for all three cities. Mr. Barber said yes.

Council Member Portis-Jones asked about the current interest rate for the 2007 Bonds and said she wants to be clear that this financing is to refinance the bonds but at a lower interest rate. She said the greater incentive is to pay off Bank of America. Mr. Barber said current interest rate is lower but it is a variable rate. He said we are getting into is a fixed rate. He said the reason we are doing this is because Bank of America has told us to hit the road. He said he believe it is because they do not want to be our provider for the letter of credit. He said the three cities are paying \$120,000 a quarter and \$5000 month for the letter of credit. He said there is \$540,000 in fees that will go away if we do this. Council Member Portis-Jones asked why is it we do not need a letter of credit in the future from any lender. Mr. Barber said we will either purchase bond insurance if we need it or if we are strong enough we will issue the bonds without it. He said since he has been in Fairburn they have purchased bond insurance and it has saved us more money in interest. She asked what the credit rating for the Authority would be. Mr. Barber said it is not going to be good because we will be rated with the combined three cities. She asked if Bank of America was the only option for a letter of credit. Mr. Barber said yes, according to Bill Johnston, nobody is writing letters of credit anymore.

Council Member Portis-Jones said she now understands the refinancing of the bonds but this is only to get us from under the letter of credit issue with Bank of America. She said we still have not begun this project and it is 13 or 14 years old. Mr. Barber said with the three cities it is about 13 million dollars in interest for the future. She said she is asking in the future to have information provided about the project as a whole.

Council Member Hurst said this Water Authority is the most dysfunctional entities that she has ever encountered. She said she would strongly invite her colleagues to go to the Water Authority Meetings. She said it is so frustrating that we have been in this for 14 years and we do not have a permit and have spent all this money. She said at every meeting the project directors and accountants come in with their huge bills and present what

they are doing but they produce nothing. She said at some point we have to stop the bleeding and what we are planning to do will just slow the bleeding down. She said there are two Council Members here tonight from Union City who are trying to determine what steps they are going to take with this issue. She said unless we do something we will continue to pay millions of dollars a year to this Water Authority and still do not get anything. She said she is not a person who wants to cosign on someone else's debt. She said she does not know the credit rating of the two other cities and it is not her business. She said if you do not have good credit to get what you need then you do not need it. She said she is worried about Fairburn right now. She said we have to do something because if we don't we will go into the next fiscal year with the same thing that we are dealing with right now.

Mayor Avery said there is a Water Authority Meeting tomorrow and the answer to the question that was asked by Council Member Portis-Jones will be provided by the Project Manager and the Finance Director Dan Post. He invited everyone to come out to attend the Water Authority Meeting and said the information discussed in the meeting will be provided to every City Council Member in all three Cities. **After much discussion, the motion to approve the Bond Resolution passed.**

7. Approval of Amendments to the Intergovernmental Agreement for Water Authority

Council Member Johnson made a motion to deny the approval of Amendments to the Intergovernmental Agreement for the Water Authority with Council Member Glaize providing the second.

Council Member Portis-Jones made a substitute motion to accept the revised Intergovernmental Agreement as presented by the City Attorney that excludes the several liability clauses with Council Member Hurst providing the second. **The motion carried.**

8. Resolution Authorizing the Execution, Deliver and Performance of an Amended and Restated Intergovernmental Contract with the South Fulton Municipal Regional Water and Sewer Authority

Council Member Alderman made a motion to approve the Resolution Authorizing the execution, deliver and performance of an amended and restated Intergovernmental Contract with the South Fulton Municipal Regional Water and Sewer Authority with Council Member Heath providing the second. **The motion carried.**

VII. MAYOR AND COUNCIL COMMENTS:

Council Member Alderman thanked Harvey Stokes for the demolition of a house on Poplar Street and he thanked everyone for coming to the meeting.

Council Member Heath gave kudos for demolition of the house on Poplar Street. He said he appreciates the City Manager and City Attorney. He said we have good leadership. He said there is an Amphitheater going in the downtown area and announced that Hardees Restaurant is now in the City of Fairburn, located on Hwy 74 across the street from Cracker Barrel Restaurant. He thanked everyone for coming to the meeting.

Council Member Hurst said early voting ends on Friday and there are a lot of people on the ballot. She said the election is very important and encouraged everyone to go out and vote.

Council Member Glaize thanked In His Great Name Ministry for the Prayer Walk on last Saturday and said it was a great success. She said several churches and ministers walked throughout the city and prayed for the betterment of our city. She thanked Pastor Danita Jones for 14 years of providing the leadership for the Prayer Walk in the City. She thanked her colleague Council Member Portis-Jones for the “Let’s Move Program” and said she supports her in bringing the program to our city. She gave kudos to Landmark Christian School for doing the Field Day on last week and for partnering with Campbell Elementary School. She said this is a part of what we do for the Let’s Move Program and that is getting young people moving to help with the rise in obesity. She spoke about E-Civics and said we should consider other sources of funding. She said the debt to income ratio for this city will be consistently high as we continue to deal with the Water Authority. She said we should look at other government funding that we need in the city. She said the burglaries have gone up in the city and we need to deal with a Youth Program because there is a high dropout rate with our youths; and she thanked the individual who brought that to our attention. She said she would consider the concerns that were brought to her attention regarding the Mayor and Council Members pay increase. She announced that an agreement for an Adult Literacy Program has been made between In His Great Name Ministries and Atlanta Area Tech. The classes will start in July. She said hopefully this will assist us in getting some of the young people qualified and employed in our city. She said this should reduce burglaries in our city. She encouraged diversity in entertainment such as Country Western in our concert series. She said the people in this city should be considered. She said there are two bands in this city, Jason Coley Bird and Jed and Bootstrap Band. She asked if the City’s Event Coordinator could make the connection with these entertainers. She thanked everyone for coming out to the meeting.

Council Member Johnson said she was ready to go and thanked everyone for attending the meeting.

Council Member Portis Jones thanked the citizens for coming out to the meeting and expressing their opinion. She said she wants to strongly encourage civic engagement. She thanked Health and Human Service Region IV Deputy Director Sharon Ricks for attending the meeting and doing her presentation for the city. She also thanked the Coordinator Dr. Ellis for coming out to speak to us on the “Let’s Move Program. She said these are our federal dollars at work and she certainly want to bring this to our community and figure out how we can take advantage of the program. She said she has also asked them to provide more information on the statistics they quoted us. She said they spoke about Fulton County, however; we all know that Southwest Fulton County has different statistics. She said we have to get more physically fit and provide better food and products to the community; and that is why we are working hard on Duncan Park. She said she would appreciate any comments the citizens might have. She said the first week of May is National Public Service Recognition Week and she thanked the employees for all their hard work.

Mayor Avery announced the Memorial Day Service will be at Holly Hills Memorial Park at 10:00 a.m. on West Broad Street. He acknowledged Council Members Angelette Mealing and Joyce Robinson of Union City. He announced early voting will be at the Fairburn Library and the new voting location will be the First Baptist Church. He said Ellen Samuels will be retiring on May 23rd and he commended her on her hard work and dedicated service to the Mayor’s Office; and the City of Fairburn.

VIII. ADJOURN COUNCIL MEETING:

Council Member Alderman made a motion to adjourn the Meeting at 9:00pm with Council Member Glaize providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor