

**City of Fairburn
Council Meeting Minutes
September 26, 2022
7:00 pm**

- I. The meeting was called to order by the Honorable Mayor Avery.
- II. Roll Call by City Clerk, Brenda B. James found the following members present:

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

Also present was City Administrator Tony Phillips, Assistant City Administrator Jamila Criss, City Attorney, Mr. Rory Starkey, Assistant City Attorney, Serena Nowell and City Clerk, Brenda James.

- III. The invocation was provided by Pastor William O'Neal Sr., Living Word Church Ministries.
- IV. Pledge of Allegiance was in Unison:
- V. Presentations and Proclamations: N/A
- VI. Adoption of the City Council Agenda:

Council Member Davis asked that Item #1, Addition of Two Positions in Police Department, and Item #5 Resolution to Enter into an Intergovernmental Agreement with Participating Cities for sharing certain cost related to Local Option Sales Tax Negotiation with Fulton County be pulled from the Consent Agenda. Councilman Heath made a motion to adopt the agenda with the requested changes and Council Member Davis provided the second. **The motion carried unanimously.**

- VII. Approval of the Minutes: Regular Council Meeting Minutes of September 12, 2022

Council Member Smallwood made a motion to approve the minutes with Council Member Davis providing the second. **The motion carried unanimously.**

- VIII. Public Comments:

Lee Walton resides at 43 Greene Street, Fairburn, Georgia. Mr. Walton is representing a small group of residents that live around the courthouse. He showed great appreciation for the fire department. He spoke on the traffic on Bay Street and said there was another accident at Bay and Cole Streets. He also spoke on the contract for the tree removal, replacement of trees and inquired about an Arborist.

IX. CONSENT AGENDA ITEMS:

Council Member Davis made a motion to approve the Consent Agenda Items, Task Order #151, Task Order #152, and Task Order #153 with Integrated Science & Engineering with Council Member Smallwood providing the second. **The motion carried unanimously.**

1. Task Order #151 with Integrated Science & Engineering for GI/LID Program Activities
2. Task Order #152 with Integrated Science & Engineering for NPDES Phase 1 Compliance Activities
3. Task Order #153 with Integrated Science & Engineering for Impaired Waters Sampling of Whitewater Creek and Trickum Creek for the Annual NPDES Report

X. AGENDA ITEMS:

4. Addition of Two Positions in Police Department (One Sergeant & One Corporal)

Council Member Pallend made a motion to approve the addition of two positions in the Police Department, One Sergeant, and One Corporal. Council Member Davis provided the second.

Chief McCarthy explained there are four different shifts and there is a sergeant and corporal on every shift. He said these two will be for the Special Operations Unit.

Council Member Davis asked Chief McCarthy if he was fully staffed. City Administrator Tony Phillips said these positions will make the department fully staffed.

Council Member Whitmore asked what the Special Operations Unit is. Chief McCarthy said this unit will work on special projects, like special crime. After the discussion, **the motion carried unanimously.**

5. Resolution to Enter into An Intergovernmental Agreement with Participating Cities for Sharing of Certain Cost Related to Local Option Sales Tax Negotiation with Fulton County.

Council Member Heath made a motion to enter into an Intergovernmental Agreement with participating cities for sharing of certain cost related to Local Option Sales Tax Negotiation with Fulton County. Council Member Whitmore provided the second.

City Administrator, Tony Phillips stated every ten years at the conclusion of the census, cities in Fulton County enter into negotiations with the County government as

to how the Local Option Sales Tax will be distributed. The Mayors of fifteen cities want the cities to move forward with some efforts to engage public relation services. The average citizen in Fulton County is not aware of the impact of the Local Option Sales Tax negotiations. If the negotiations are not resolved in an amicable way, the millage rates will have to be increased. This approval will allow us to participate along with the other fourteen cities to help fund those efforts. Those costs are proportioned based on population of the cities. Bigger cities pay more and is proportion accordingly.

Council Member Davis stated citizens need to know how this is related. The cities and Fulton County must come to a consensus or LOST goes away.

Mr. Phillips stated state law states if this is not agreed upon by December 31st, the funds would go away. This would be a significant impact and we would then have to come to our elected officials to come up with a plan as how we would adjust for that type of negative impact. It is important that our citizens are aware that those type of stakes are at risk during this negotiation.

Mayor Avery stated this coming Wednesday, at the Georgia International Convention Center, all the Mayors will meet to discuss these negotiations and encouraged all to attend to hear the impact of the Local Option Sales Tax. He stated if Fulton County and all fifteen cities do not come to terms in the acceptable percentage for the distribution, it will go away.

Council Member Whitmore wanted to know what avenues are being considered to inform the citizens of the LOST negotiations and how frequent would they be advertising.

Assistant City Administrator, Jamila Criss stated two public relation firms were hired. One firm has been doing a Grass Roots Campaign. Each Commissioner has received no less than seventeen calls per day, and they are receiving emails. The press, radio, television, billboards and various news outlets are being used to get citizens informed.

Council Member Whitmore asked if various social media platforms could be considered.

Mayor Pro Tem Jones asked what other services would be offered and if there was a plan. She asked how much this would cost and what budget allocations would be used for the negotiations. Mr. Phillips stated City Council approved a legal services agreement that all the cities entered into prior to this agreement to provide for the attorney who is negotiating. The approximate cost is \$210,000 for the two agencies and Fairburn's percentage of that is 1.54%, which is based on our population, which would cost Fairburn \$3,234.

Mr. Phillips stated that there are 159 counties in Georgia. Fulton County has very little unincorporated areas, the cities provide most of the services in Fulton County like

police, fire, parks and recreation, and planning and zoning. Therefore, these negotiations are very challenging.

Council Member Davis said it is worth the fight, because we can lose a lot of funds and is unfortunate. After the discussion, **the motion carried unanimously.**

6. Agreement with Trees Unlimited

Council Member Heath made a motion to approve the agreement with Trees Unlimited with Mayor Pro Tem Portis-Jones providing the second.

Utilities Director, John Martin stated the Electric Department is seeking approval for an agreement for the trimming and clearing of tree limbs/vegetation from around the four major overhead circuits throughout the city to Trees Unlimited in the amount not to exceed \$75,000. He stated the completion of this service will prevent numerous power outages due to overgrowth of vegetation near power lines. This agreement will allow for three months and two weeks of tree trimming services effective October 1, 2022.

Council Member Whitmore asked if the vendor had an arborist.

Mr. Phillips stated there is a distinction, this contractor is for limb trimming and will not be removing trees. We do have tree removal issues, specifically at Duncan Park. We utilize an Arborist with our contract with Pond. They make sure any trees that are marked for removal are dead, diseased and are removed for appropriate reasons. This agreement is for trimming trees, so we won't have hazardous situations for our Utilities Department.

Mayor Pro Tem Portis-Jones asked for verification if having an Arborist is required by our Charter. She asked for a plan for tree replacement because of all the development that is going on. We are losing a lot of trees that is coupled with disease and natural elimination. She also asked the Tree Bank Ordinance to be reviewed, as it is out of date.

Mr. Phillips stated they are working on a tree replacement plan and currently have \$8,000 in the tree fund, which won't go far. We will need to revisit the funding prospective and put a tree replacement plan in place.

Council Member Whitmore stated because of all the housing developments going on, there are a lot of trees being taken down. They should be putting money in the Tree Bank; this is an opportunity for us to build up that bank so we can use those funds when we start replacing trees.

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

7. Ordinance to Increase Compensation for the Mayor and Council for the City of Fairburn

City Administrator, Tony Phillips stated staff brought forward a salary comparison to look at eleven other Mayor and Council's salaries which brought us the Ordinance to increase compensation for the Mayor and Council.

Council Member Whitmore made a motion to approve the Ordinance to increase the compensation for the Mayor's salary to \$27,000 yearly and Council Member's salary to \$13,500, to become effective January 2024. The second was provided by Council Member Heath. **The motion carried unanimously.**

8. Approval of the Classification and Compensation Study for City of Fairburn Staff

Council Member Davis made a motion to approve the Classification and Compensation Study for City of Fairburn staff with Council Member Heath providing the second.

Human Resources Director, Talisha Champagne presented this item and stated this item was discussed in length at the work session from our consultant, Evergreen Solutions. The goal of the classification and compensation study is to ensure the City's compensation system follows best management practices, is equitable across all departments, and market competitive to attract and retain highly qualified employees. The consultant has conducted a comprehensive market analysis of all City positions with comparable and surrounding jurisdictions.

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

9. Amendment to the Contract of the City Administrator

Mayor Avery stated he asked this item to be brought to Council as a result of the classification and compensation study to include a 5% increase to amend the contract for the City Administrator.

Council Member Smallwood made a motion to approve the amendment to the Contract of the City Administrator with Council Member Whitmore providing the second.

Council Member Portis-Jones asked why the City Administrator's salary was not included in the study and what needs to be done to ensure that it doesn't happen again. Mr. Phillips stated that he is the only city employee that is contracted and is what made this a separate item. His salary could not be increased without direct approval from Mayor and Council and does align with the five percent minimum raises that all city staff has gotten.

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

XI. Monthly Financial Report:

City Administrator, Tony Phillips shared with Mayor and Council that Finance Director, Peterson David's last day with Fairburn will be October 14, 2022.

Finance Director, Peterson David thanked Mr. Phillips, the Mayor and Council for the opportunities they have given him.

Mr. David stated the City of Fairburn's General Fund has generated \$20.6 million in revenue with \$16.7 million in General Fund expenditures. As of August 31, 2022, the city has collected 94% of its year-to-date revenues and has expensed 76% of its budget. The Enterprise Fund has generated \$18.4 million revenue with \$18.2 million in Enterprise Fund expenditures. To date, the city has expensed 90% of its budget.

Mayor Pro Tem Portis-Jones discussed the general fund statement of revenue expenditures showing we budgeted \$4.4 million and year to date is \$1.1 million. She asked for an explanation. Mr. David stated that roughly around \$3.1 million is budget carryover forward money, which means money from our previous fiscal year. If we don't collect enough revenues, this current fiscal year would be used to support that. We've been collecting more money, so we haven't had to use that.

XII. City Administrator's Report:

City Administrator, Tony Phillips stated we are working with Mr. David on a transition for our Finance Department. He stated there has been an extensive amount of planning for the Fall Festival and Parade this Saturday, but Hurricane Ian is now tracking northward, and the National Weather Service says the final trajectory of the storm is still to be determined over the next 48 hours. We are closely monitoring this and depending on the direction of the storm, it may or may not impact the Metro Atlanta area. We will know more once we get more details and may become necessary to postpone the Fall Festival and Parade if the track of the hurricane will directly impact us. We have direct communication with the Atlanta Fulton County Emergency Management agency.

Mr. Phillips summarized activities through the end of August 2022 which includes:

- Initiated RFP-22-016 for the Small Business Grant Program, fielded pre-application questions, established an evaluation team, to review, and process
- Implementation of the new Façade Grant Program – Phase I – Business solicitation
- The Fire Department received an AFG Grant for \$112,000 for fire equipment
- Classification and Compensation Study kick off with Employee Orientation sessions and onsite Employee Focus Group held on August 1, 2022

- Human Resources held employee event “Understanding Your Retirement Benefits” on August 22, 2022; session as facilitated by Georgia Municipal Association (GMA)
- Parks & Recreation received a GRPA Afterschool Boost Grant in the amount of \$59,000
- We are continuing to actively recruit, and we are making consistent progress in filling open positions in the city to help evaluate departmental service delivery

Project Consultant, Dana Smith stated he is working closely with Fire Marshall, Jason Raper, Tony Phillips and Jamila Criss on regular updates on the Campbellton County Courthouse fire. The second floor is extensively damaged, and the first floor has a lot of water damage. The insurance company has started the claim process and have been out to assess the damage. As soon as they release the claim information, we will be able to move out the debris. We do know with the age of the building, it was built with certain materials such as asbestos and lead which we must get out prior to staff entering the space. Once these materials are removed, we will do some assessments of the building to see its viability and see what condition the structure is in.

Mr. Phillips stated that Mr. Walton and neighbors has had to listen to a generator twenty-four hours a day, seven days a week since the fire. Thousands of gallons of fire were used to put out the fire, and there’s still moisture readings in the building. The generator powers a series of fans and blowers that our mitigation firm put in the building to dry the building out. Absent that effort will be the risk of microbial growth which would make the prospects of renovation even more challenging. This is an effort to stabilize the building. An abatement process will need to be done to get rid of the asbestos and lead. Engineers will be hired to assess the structural integrity. Our goal is to get the information about the current structure, what’s in the building, the prospects of renovation and projected costs. Once we get all this information, we will bring back to Mayor and Council to decide the path forward.

XIII. Council Comments:

Council Member Davis had no comment.

Council Member Smallwood congratulated Mr. Peterson David on his new endeavors.

Council Member Heath had no comment.

Council Member Pallend congratulated Mr. Peterson David on his new endeavors.

Council Member Whitmore acknowledged Apostle Howell, who was awarded on Saturday for having ten years of leadership. Others that had already received this award are Ambassador Andrew Young, Bishop Dale Bonner, Ted Turner, and Keith Gamage. He also discussed the efforts that were going on to secure the water leaks in the police station and gave kudos to Mr. Dana Smith. He wished Peterson David fair winds, following seas and good luck on his new endeavor.

Mayor Pro Tem Portis-Jones congratulated Mr. David on his new position. She said it was very disappointing to know we've finally gotten a full staff to get this disruption. Fairburn always provides great opportunities for people to develop their wings and they fly.

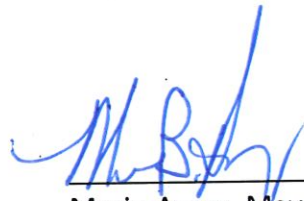
Mayor Avery stated Mr. Peterson David has made an impact on the city and has provided him and Mr. Phillips some stability so they could focus on other needs in the city. Mayor Avery reminded everyone of the town hall meeting scheduled for Wednesday in regard to LOST negotiations.

Mayor Avery acknowledged the loss of Roger Johnson, he served on the Planning and Zoning Commission, he was the spouse of one of our former City Councilwomen, Marion Johnson. Mr. Johnson passed away at 89 years old and had four children.

XIV. Adjournment:

Council Member Davis made a motion to adjourn the meeting with Council Member Smallwood providing the second. The meeting adjourned at 8:5 pm. **The motion carried unanimously.**


Brenda B. James, City Clerk


Mario Avery, Mayor