



City of Fairburn  
Mayor and Council Meeting  
Minutes  
October 10, 2022  
7:00 pm

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

The Honorable Mayor Mario Avery

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

Also present was Assistant City Administrator Jamila Criss, City Administrator Tony Phillips, Deputy City Clerk Deannia Ray, Attorney Rory Starkey, and Assistant Attorney Serena Nowell.

- III. Invocation: The invocation was led by Pastor Deris Coto with First Baptist Church of Fairburn.
- IV. The Pledge of Allegiance was said in unison.
- V. Presentations and Proclamations: N/A
- VI. Adoption of the Agenda:

Mayor Avery requested to move agenda item #1 to #9 and #9 to #1. Councilman Heath made a motion to approve the changes on the agenda, with the second provided by Councilwoman Davis. **The motion carried unanimously.**

- VII. Approval of Minutes:

Councilman Smallwood made a motion to approve the September 26, 2022, Regular Council Meeting minutes as submitted with the second provided by Councilman Heath. **The motion carried unanimously.**

- VIII. Public Comments: None

- IX. Agenda Items:

- 1. Contract Award for On-Call Construction Management & Project Management Services with Atlas Technical Consultants**

Community Development Director, Lester Thompson presented this item and stated the Request for Proposals (RFP) was released on May 25, 2022. The scope of work includes construction

and project management of the City's CDBG, LMIG and SPLOST programs for a period of three years, and other special projects as required. Four proposals were received. After completion of the evaluation of the proposals, it was determined that Atlas Technical Consultants was the respondent most qualified to perform the work based on the established evaluation criteria.

Councilman Whitmore made a motion to approve the Contract Award with Atlas Technical Consultants for On-Call Construction Management & Project Management Services and authorize the Mayor to sign the Agreement for Professional Services for these services. The second was provided by Councilwoman Davis. **The motion carried unanimously.**

## **2. Ratification of Emergency Roof Replacement for Police Department Headquarters**

Dana Smith presented this item and asked Mayor and Council to ratify the emergency procurement and replacement by Five Starr Commercial Roofing, Inc., for the roof at Fairburn's Police Department Headquarters. He stated the previous roofing was in poor condition and in need of several repairs. There were multiple leaks throughout the building that posed many hazards. These issues continued to worsen to the point of constant water infiltration into the building in sensitive areas. Due to the time sensitive need for services to remedy the roofing issues and hazards, the City of Fairburn procured a vendor to replace the roof as an emergency purchase request. The vendor installed a new roofing system with a 10-year warranty.

Councilman Heath made a motion to ratify the procurement with Five Starr Commercial Roofing, Inc., for replacement of the roof at the Fairburn Police Department Headquarters in the amount of \$48,510.00. The second was provided by Councilman Pallend.

Councilman Whitmore asked what the difference was in the ten- and twenty-year warranty.

Mr. Smith stated that these are different roofing systems. The ten-year system has a topcoat that's a rubberized roofing or tar system. The twenty-year roofing system is an aluminum chip system. Based on the condition of the building and the problems with leaks and water infiltration, we recommended the ten-year rubber system because it is better at infiltration protection, mitigating, reducing, and eliminating water leaks into the building. Once that system sets up, cures, and becomes hard it is very hard to penetrate and protects against summer sunlight and radiation reflection versus the aluminum chip application. With the aluminum chip roofs, they tend to become weaker in the areas of protecting against leaks around the three-to-five-year mark, which bubble up and expand more. Since this was the problem with the roof, we recommended a product that would be strong in the areas that were weak.

Councilman Whitmore asked if the roofing system would need to be replaced at the ten-year mark or later. Mr. Smith stated depending on the weather conditions and the building itself, with preventative maintenance, the roof they can last longer.

Councilwoman Davis said she was going to ask the question on the ten- and twenty-year warranty but Councilman Whitmore already asked it. She said she read there was a difference of \$3,000.00, and where the 20-year lasted longer, the way it was put on rather than the 10-year.

Mr. Smith stated in terms of warranty, yes it lasts longer, and the warranty is longer, but it becomes problematic in the industry because it has some weaknesses they do not divulge in their data. We had several conversations and did our own due diligence about roofing systems. You



find out that aluminum chip systems and systems that have chips in the roofing application tend to have weaknesses such as being able to bubble up or to not expand and contract properly at least for leaks. The first couple of years is great but after the first three years and you compare both roofing systems, the 10-year tends to be stronger in those areas than the 20-year, which companies may not divulge that becomes sometimes you're in the business to be in business.

City Administrator, Tony Phillips stated that water intrusion became a primary consideration in the due diligence that Mr. Smith conducted, but the biggest leak impacted the evidence room which could be problematic. We needed the system that was least likely to be subject to water intrusion and the ten-year system are known to be more substantial to water intrusion.

Councilman Heath asked how old was the roof. Police Chief James McCarthy, stated they had patched the roof when he was here before, but the roof had never been replaced.

Councilman Whitmore thanked Mr. Smith and Mr. John Martin for negotiating a reduction in price by placing a dumpster onsite so they wouldn't add additional costs to the city.

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

### **3. Pump Station Improvement Project**

Utilities Director, John Martin presented this item and stated City Council voted to approve eligible projects for the American Rescue Funding Act on June 14, 2021, and the Pump Station Improvement Project was selected as a necessity to prevent future sewage overflow. Integrated Science & Engineering (ISE) assisted City staff during the competitive bidding process. The bid was closed on June 30, 2022, with one (1) bid received for \$508,915.00. Under staff recommendation, a revised cost value engineering meeting was held to lower costs. During the meeting, certain items were deemed not as urgent and removed from the project. It was also recommended that Fairburn buy direct from Goforth Williamson, Inc., (GWI) to avoid sales tax. A total of \$51,153.45 was saved from the original cost of the project. As such, Crawford Grading & Pipeline, Inc., was awarded the bid award recommendation as the official bidder in the amount of \$457,761.55.

Councilman Heath made a motion to approve the bid award recommendation for Crawford Grading & Piping, Inc., in the amount of \$457,761.55 for the Pump Station Improvement Project, with a second provided by Councilman Smallwood.

Councilman Whitmore stated during his position as President of Durham Lakes, they had several pump station failures on John Rivers Road. Since that time, there has been major growth within the city and knows that they are at full capacity. He asked what preventative actions are being taken to look at replacing some of the pumps with larger pumps to accommodate the growth.

Mr. Martin stated the bid includes an estimate to upsize all four pumps to a larger capacity and the outlet areas of the sewer have been enlarged to get more flow to accommodate the growth.

Mayor Pro Tem Portis-Jones asked if there were plans to develop an additional pump station.

Mr. Phillips stated this agenda item addresses increasing the capacity for the existing four



pump stations. Those questions are on the table but have not completed the research for a fifth pump station. The item tonight will be adding capacity for the foreseeable future, with increasing the size of the pump stations and will position us to continue development so we will not have to deny any developments. It is not the long-term solution, and we anticipate with growth a fifth pump station.

Mayor Pro Tem Portis-Jones stated with the Biden Infrastructure Bill and its potential funding is for this kind of project, she wanted to encourage them to take advantage of these funds.

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

#### **4. RFP 22-017 Property Condition Assessment**

Dana Smith stated this item was for Mayor and Council to approve the award of contract for RFP 22-017 that was issued August 26, 2022, for the property condition assessments to Bureau Veritas. The city has several buildings with ongoing issues and deficiencies. As the city continues to grow, their facilities will need preventative maintenance, repair, and renovation projects. The RFP was to solicit property condition assessment services. By awarding this RFP to Bureau Veritas they will perform condition assessments on the city's current facilities and gather the information that will assist with identifying deficiencies, cataloging issues, prioritizing immediate facility projects, and future capital projects.

Councilwoman Davis made a motion to approve the award of RFP 22-017 to Bureau Veritas for property assessment services in the amount not to exceed \$66,138.00, with the second provided by Councilman Whitmore.

Councilwoman Davis asked if the bid was an assessment only for the buildings listed and asked for a timeline. Mr. Smith stated yes, which includes its amenities like the parking lot, sidewalks around the buildings, roof, mechanical, electrical, plumbing, walls, floors, and anything that can be seen, they will assess the integrity and the conditions of those systems. In the bid package, it gives them twenty-five days from the notice to proceed meeting to complete the assessment and another couple of weeks to provide a draft report and final report of the assessment.

Mr. Phillips stated Council already approved the \$3.1 million dollars of facility improvements in the American Rescue Plan Act. We need to know what we are looking at in every facility, things that may be most obvious to the eye may not be the most critical. This vendor will assess every facility and will prioritize the issues in each building in terms of an immediate repair, a secondary, and things that can wait.

Mayor Avery said he noticed that one vendor scored above the rest and asked for an explanation.

Mr. Smith stated this vendor stood out because of their understanding of the project and their administration of software and reporting they plan to provide; all the other vendors did not provide the same level of information on how they plan to administer the project as well as the understanding of what we are looking for as assessments and through investigations. This vendor stood out in terms of expertise, staffing qualifications and project administration.

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



unanimously.

## 5. Purchase of One Engine/Pumper for the Fire Department

Fire Chief, Cornelius Robinson stated in 2020, the Fire Department made a purchase of one (1) Pierce Saber Engine/Pumper utilizing an AFG Grant. Unfortunately, the fire engine has not held up to the expectations of providing reliable service to our community. The fire engine has had major computer and mechanical issues since being placed in service. Pierce Manufacturing has agreed to take the fire engine back and will build the Fire Department a brand-new engine at a fraction of the cost. The cost of a new engine would be \$679,100.00 and the cost to replace the 2020 engine would be \$226,000.00. This purchase would give the city a cost savings of \$453,100.00. This unit will aid us in firefighting operations and rescue response in the southeast area of the city.

Councilman Pallend made a motion to approve the replacement fire engine from Ten-8 Fire & Safety, Inc. at a cost not to exceed \$226,000.00, with the second provided by Councilman Heath.

Councilman Whitmore asked if this purchase was in the new budget.

Mr. Phillips said this item will need a budget amendment which is on this agenda.

Finance Director, Peterson David explained the budget amendment that will be presented tonight, will detail the funding requirements for the fire pumper. Due to the cost savings when we initially made the FY23 budget, the pumper is funded. The increase is due to other projects and other revenue sources that will be coming in.

Councilwoman Davis stated this item was discussed in the previous work session for \$235,000.00. She stated she saw where he negotiated the service agreement from \$38,120.00 to \$29,000.00, and congratulated him. Chief Robinson stated Mr. John Martin helped with the negotiating.

Councilman Heath asked how long it would take to rebuild this engine. Chief Robinson stated we should get it in May of 2023. They will also provide us a loaner at no cost to the city.

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

## 6. RFP 2022-015 Fire Station #23 Design Services

Dana Smith stated due to the major growth of the city and the extended response times of fire and rescue apparatus, the city needs a new fire station. The land has already been acquired and the new fire station will be located at Milam Road. RFP 22-015 was issued on August 9, 2022, to solicit design services for Fire Station #23. Awarding RFP 22-015 to Piper O'Brien Herr Architects will allow them to fully design the new Fire Station.

Councilman Whitmore made a motion to approve the award of RFP 22-015 to Piper O'Brien Herr Architects for design services for Fire Station #23 in the amount not to exceed \$266,660.00. The second was provided by Councilwoman Davis. **The motion carried unanimously.**

7. **Resolution Authorizing the City of Fairburn to Enter into an IGA with the City of South Fulton For the White Mill Road Full-Depth Reclamation Project**

Community Development Director, Lester Thompson stated White Mill Road is partially inside the City of South Fulton and partially inside the City of Fairburn and is in desperate need of maintenance. Both cities feel it is in the mutual interest of both parties to enter this IGA for the purpose of the regional transportation improvement project which will beautify and provide roadway improvements to both cities. Through the proposed agreement, the City of Fairburn will be responsible for \$158,400 or 9% of the construction costs (\$1,760,000). The City of South Fulton would be responsible for \$1,601,600 or 91% of the construction costs. The proposed IGA is how the funding agreement between the two cities will be formalized. The project expenditures will come out of the T-SPLOST infrastructure roadway account.

Councilman Heath made a motion to approve the Resolution to enter into the Intergovernmental Agreement with the City of South Fulton for the White Mill Road Full-Depth Reclamation Project, with the second provided by Councilman Smallwood.

Councilman Whitmore asked when the project would start. Mr. Thompson stated they are waiting for the notice to proceed date.

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

8. **Contract Award for On-Call Professional Engineering & Landscape Architectural Services with Pond & Company**

Community Development Director, Lester Thompson stated the Request for Proposal (RFP) was released on May 25, 2022, and the scope of work includes civil engineering/site development plan review services to include landscape plan review services and other special projects as needed over a period of three years. The proposals were due on June 24, 2022, and a total of five (5) proposals were received. It was determined that Pond & Company was the respondent most qualified to perform the work based on the established evaluation criteria.

A motion was made by Councilwoman Davis to approve a contract award with Pond & Company for On-Call Construction Management & Project Management Services and authorize the Mayor to sign the Agreement for Professional Services for these services. The second was provided by Councilman Smallwood.

Mayor Avery stated Council approved a change order in the amount of \$149,000.00 a few months ago for the location of Oz Pizza, which is unacceptable and wanted to know what type of vehicle is being used to determine these types of change orders. He wanted to know if this vendor will help us ensure we never encounter this type of major change orders. Mr. Thompson stated they can do peer reviews which is when one professional engineering firm can review the plans of another professional firm to look at constructability issues. This would prevent something like that happening in the future.

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



## 9. Proposed FY 2022-2023 Budget Amendment

Finance Director, Peterson David stated the FY 2022-2023 Budget was approved on September 12, 2022. A budget of \$23,547,873.00 for the general fund, \$39,470,584.00 for other funds, with an overall budget of \$63,018,457.00. The amended budget for FY 2022-2023 will fund two new IT positions, the cost to replace a fire engine, acceptance of the Recreation Grant, the LCI Master Plan, and lift stations. The budget amendment will increase the general fund by \$196,493.00 other funds by \$817,762.00 for a total of \$1,014,255.00. The new FY 2022-2023 budget will be \$23,744,366.00 in general funds, \$40,288,346.00 in other funds, for a total of \$64,032,712.00.

Councilman Smallwood made a motion to approve the proposed FY 2022-2023 Budget Amendment, with the second provided by Councilman Heath.

Councilwoman Davis asked for an explanation of the IT staff members and why is it such a need for us right now as we spent a lot of time discussing the budget.

Mr. David stated he does not have a background in IT and a couple of weeks ago we had an issue where our servers were down in the city. We do have a third-party vendor that provides services but because they were not on site, staff had to maneuver and use wi-fi devices and personal phone devices just to get work done in the city. Administration had a discussion and part of the comp study was to make sure we have enough resources on hand that does not stop services from being provided to our citizens. When we do not have someone on site when internet services go down, it's a problem. We have police officers that depend on those internet services to perform their tasks and duties, as well as firefighters. We are trying to make sure that when something happens we have someone who can immediately get things done.

Mr. Phillips stated this was contemplated throughout the process when we were looking at the budget, this is not a new need. This is one of the number of services in the city that had been tasked to employees who had other primary functions. One of the employees that is essentially by default functioned as an onsite IT Manager is out on medical leave. Our systems went down, and we had no connectivity in any city department for five business days. The comp study identified for a city our size have an IT Manager on staff. We have grown to the point where we have a need to have someone on site, we still utilize VC3 as our network administrator but there's no one here every day from VC3, their contract does not provide that. We do need onsite IT staff and that may change our needs going forward as it relates to contracts like VC3.

Councilwoman Davis asked if we would continue to use VC3 and how much does their contract cost the city in addition to the cost of the new IT people we will hire for us to have to go through this entire budget and reduce departments budgets. Mr. Peterson stated the reason the departments budgets were reduced was because in the beginning when we did the FY 23 budget, we kicked in a 20% budget increase due to the comp study. Once that study was finalized across the board in the city, there was a decrease in everyone's budget.

Mr. Phillips stated the operational budget was not decreased, only personnel line items. Not knowing what that number was, we set aside enough in the budget to ensure whatever came back we could fund it, that's where the refund essentially comes from. Councilwoman Davis asked if everyone got a five percent increase. Mr. David explained that certain departments had about five percent and others were fifteen percent. Mr. Phillips stated five percent was the minimum, but all



employees were brought to the minimum of the new classification pay range, so if he's ten percent below the new minimum, he would get a ten percent increase. It was not a consistent five percent for everyone, it varied depending on where you were via the new pay scale.

Councilwoman Davis asked if these changes would compensate the two new IT people that we need and did the comp study come back saying we needed two IT people in this fiscal year. Mr. Phillips stated yes and that was in the presentation that Evergreen presented at the work session.

Mayor Avery reminded Council during his inauguration; this was an area of concern because our systems were substantially hacked. This is an area that is needed, our government has grown and demands this level of IT expertise on site.

Mr. Phillips stated that VC3 serves as our network administrators but as it relates to the day-to-day operational needs, there is no one here to manage that. That goes for everything from setting up computers, to managing cell phones, and helping formulate the IT budget. We need an IT person on staff to determine what our needs are, what type of computers to purchase and who to purchase from. Mr. David has been helping departments get their computers going and appreciates his efforts for helping.

Councilman Smallwood stated that most IT staff would provide training on phishing and other digital landscapes. That would be beneficial for us.

Councilman Whitmore stated he thought part of VC3's contract was to have someone physically on site to perform those functions to get us back up quickly. Mr. Phillips made it very clear that we needed someone on site and from that time were diagnosing the issue which was some on our side but also with Comcast. Between the two entities they were here diagnosing the issue for several days under scrutiny from city staff. VC3 will still be providing that level of support, their level of contractual obligations has not changed. Councilman Whitmore asked if VC3's contract can or cannot be reduced once we get staff on board. Mr. Phillips stated we would completely review our IT needs as a city and make cost appropriate adjustments where we can.

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

X. Council Comments:

Mayor Pro Tem Portis-Jones had no comment.

Councilman Whitmore said he visited the HOA for Victoria Estates to speak from a president's perspective in reference to their covenants, and stated they have a very good HOA community. He also had the opportunity to go to Margie's House First Annual Golf Tournament that was held at Top Golf. Margie's House serves 800 families each month. They have outgrown using the inside of the church and they are trying to find a building that they can work from. If anyone would like to contribute, please go to [Margieshouse.com](http://Margieshouse.com).

Councilman Pallend had no comment.

Councilman Heath had no comment.



Councilman Smallwood wanted to thank staff for all they do.

Councilwoman Davis had no comment.

Mayor Avery gave an update on the Local Option Sales Tax that is activated by local referendum. In 45 states, every county and city negotiate a one percent sales tax. The Department of Revenue issues a lump sum and every ten years, every state that has LOST, negotiates terms. LOST is one of the most significant sources of revenues, it accounts for nineteen percent of municipal funds. The loss of these funds would cause the City of Fairburn to increase property taxes. All the Mayors from fifteen cities met and agreed that the cities within Fulton County could face a fiscal crisis for residents, businesses, and taxpayers if we cannot agree and come to terms. LOST has one purpose and that is to reduce property taxes for essential services. Unfortunately, the services that Fulton County mentioned they needed to fund was the jail and some other services that do not qualify under State law. The City of Atlanta has the biggest amount to lose, and all fifteen cities stand united behind the City of Atlanta as they take lead in the negotiations. Mayor Avery asked all residents to contact your County Commissioners and ask them to please negotiate with all the Mayors and come to agreement on the LOST negotiations. Mayor Avery announced the Fairburn Fall Festival this weekend and invited everyone to come out.

XI. Executive Session:

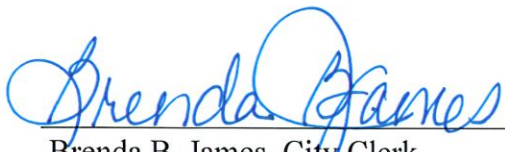
Councilman Whitmore made a motion to go into executive session to discuss litigation with the second provided by Councilwoman Davis. **The motion carried unanimously.**


Councilman Heath made a motion to exit Executive Session with the second provided by Councilwoman Davis. **The motion carried unanimously.**

Councilman Smallwood made a motion to return to regular session with the second provided by Councilman Davis. **The motion carried unanimously.**

XII. Adjournment:

Councilwoman Davis made a motion to adjourn the meeting with Councilman Heath providing the second. The meeting adjourned at 8:26 p.m. **The motion carried unanimously.**

  
Brenda B. James, City Clerk

  
Mario Avery, Mayor