



**CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
October 28, 2013
7:00 P.M.**

The Honorable Mayor Mario Avery

The Honorable Ron Alderman
The Honorable Elizabeth Hurst
The Honorable Jean Barkley Russell

The Honorable Alex Heath
The Honorable Marian Johnson
The Honorable Scott Vaughan

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:**

Andrew Whitmore, 25 Somerset Hills, Fairburn, GA. 30213, said he submitted an open records request so he could see the bills the City has been receiving from our City Attorney. He said prior to receiving any documents, apparently there was a meeting with the City Attorney, the Mayor and Tom Barber; and it was decided that the City Attorney would take action on the request. He said he received a phone call from Attorney Turner who informed him he was requesting attorney client privileged information. He said being a taxpayer in this city he would like to know how tax dollars are being spent. He said Attorney Turner informed him that he would provide him with a document that shows how much he is being paid per month and stated it was approximately \$25,000.00. He said the City Attorney is averaging \$300,000.000 and he does not understand how the citizen's tax dollars are being spent without an explanation. He said he was told by Attorney Turner that the 215 pages would be redacted and the charge would be at the attorney's rate for the open records. He said he was appalled to think any citizen could submit an open records request and the information is not available. He said he understands the personnel issue when Mayor and Council has to go into Executive Session; however, he said he believes there are some overlaying things regarding the monthly bills and he would like to

share them with other citizens. He said he is still waiting for August and September of this year.

Vertice Green, 2047 Broadmoor Way, Fairburn GA. 30213, gave all his time to Mr. Whitmore. Mr. Whitmore asked Jason Simpson and Renata Sheehan to come forward. He announced they are partners with Durham Lakes and have come from Australia to meet with him and his executive officer to discuss their investment of 41 lots in their community. He said he appreciates what the City is doing on Strandhill Court and Bayberry; however, the streets they have invested in have not been finalized. He said he has been asking for assistance with the streets for one year and two months; and cannot get anything done.

Jason Simpson said he is excited about being a part of Fairburn and he would love to get developers in Durham Lakes. He said he would like to see all the lots developed and would like to move their families in the community.

Mr. Whitmore said he would like to get construction done as soon as possible. He said he sent an email to the City Administrator and forwarded it to the Mayor regarding the Australians forming a partnership with the City and to this day, he still has not received a response. He said he thinks that is sad; however, that is the representation of our City.

Mayor Avery told Mr. Whitmore he would receive a response regarding his inquiries; however, he must respond to some degree regarding the discredited statement made by Mr. Whitmore. He said first of all when a request is made to a Government Official you do not tell them to meet with you, you should ask them politely. He said you do not tell Mayor or Council what to do. Mr. Whitmore said he did not tell anyone what to do. Mayor Avery said he did not ask Mr. Whitmore to comment and if he opens his mouth again he would throw him out. He said he had to address Mr. Whitmore in the parking lot previously about being disrespectful and threatening; and he will not allow him to disrespect him or any Member who sits on Council. He addressed the inquiry made about the City Attorney and said Valerie Ross, who is the Attorney with Turner and Ross, has been overhauling the zoning codes. He said he can justify every cent on record that has been spent from this government. He said one of the reasons the City of Fairburn is able to do what is being done is because the Bonding Company said the City of Fairburn has shown a level of credibility as it relates to financial management. He said it is wrong and unfair to charge this government for misappropriation of funds. He said while most of your governments are not addressing codes and regulations appropriately, this City is trying to bring their codes up-to-date from personnel to zoning to avoid going to court. He said he stands behind this government and what they are trying to accomplish. He said he knows it will not be fixed overnight however; it is well documented from the last three years in his State of the City Address. He said when the next new Council Members come in, he would like for them to add to what this governing body

has already done, so they can make a mark in this region that will never be erased.

IV. APPROVAL OF THE AGENDA:

Council Member Vaughan made a motion to adopt the Agenda placing items 1, 2, 3, 4, and 6 on Consent Agenda; and add item number 8, Cancellation of the November 11, 2013 Council Meeting, with Council Member Russell providing the second. **The motion carried.**

V. APPROVAL OF CONSENT ITEMS:

Council Member Russell made a motion to approve Consent Items 1, 2, 3, 4 and 6 with Council Member Alderman providing the second. **The motion carried.**

1. Approval of the 2014 Road Resurfacing Program (LMIG) Request which requires a local match of 20% and will result in a local commitment of \$34,606.37, which has been budgeted for this fiscal year.
2. Approval of the Change Order 3-FEC Parking Improvements Project with Southeastern Site Development in the amount of \$10,226.85 for parking improvements at the Fairburn Education Campus.
3. Approval of the Zoning Text Amendment Z2013-18: Change in the Lighting Requirements in the Highway 29 Overlay District.
4. Approval of the Flexible Spending Arrangement (FSA) Grace Period Extension.
6. Approval of the Lease Agreement with Brenau University for Classroom Space at the City Annex Building.

VI. APPROVAL OF THE COUNCIL MINUTES: Council Minutes of October 14, 2013

Council Member Alderman made a motion to approve the Minutes of October 14, 2013 with Council Member Heath providing the second. **The motion carried.**

VII. APPROVAL OF AGENDA ITEMS:

5. The Coordination of Christmas Tree Lighting 2013

Council Member Heath made a motion to approve the Coordination of the Christmas Tree Lighting 2013, with D'Avante' Parks in the amount of

\$2000.00 with Council Member Russell providing the second.

Council Member Hurst said since Mr. Parks has to pay between \$450.00-\$500.00 for the Liability Insurance, he is not really being paid the whole \$2,000.00. She asked if she could get comments. Council Member Alderman asked Mr. Barber if the cost was previously discussed with Mr. Parks. Mr. Barber said yes. Council Member Alderman said Mr. Parks was aware of the total cost for the Christmas Tree Lighting upfront. Council Member Johnson asked if they were making this a bigger event and what is the budgeted amount for the Christmas Tree Lighting. She said she does not have a problem with Mr. Parks receiving \$2,000.00 as a fee. Mr. Barber asked Council how big they would like for the event to be because the City is spending \$5,000.00 on the fireworks and they are hiring someone to do refreshments. He said the stage will be used free of charge; however, there will be a cost for the Christmas Tree, additional lighting, reindeer, snow machines, entertainment and a sound system. He said Council should decide what they want. Council Member Russell said the fee is very fair and the motion is to approve his fee and anything else should be discussed in a Work Session. Mr. Barber said this must be decided on tonight because they are not meeting on November 11, 2013. Council Member Russell asked if the insurance fee could be used as an expense instead of changing the contract. She asked Attorney Turner if the City could pay for the insurance Attorney Turner said the risk for the event is very minimal, which means the insurance fee could be lowered by reducing the Liability Insurance Premium to \$500,000.00. Council Member Heath asked Mr. Parks about the cost of the reindeer and any other extra expenses. Mr. Parks said the cost for everything would be approximately \$7,000.00 not including the fireworks. Council Member Russell said they could say they do not want to spend over a certain amount and go back at a later date and look at adding additional funds in the budget for next year. Mayor Avery said the question is to cut the insurance cost by 50%. Attorney Turner said there would be limitations. Council Member Vaughan suggested they drop the Liability Insurance Premium to \$500,000.00 and raise the fee for Mr. Parks to \$250.00 with a total amount of \$2250.00.

Council Member Hurst made a substitute motion to allow the General Liability Insurance of at least \$500,000.00 and add \$250.00 to the contract amount of \$2000.00 with Council Member Vaughan providing the second. **The motion carries.**

Council Member Vaughan made a motion setting the maximum amount for the 2013 Christmas Tree Lighting at \$5000.00 with Council Member Heath providing the second. **The motion carried.**

7. Authorization to Engage a Consultant for the Swimming Pool Design

Council Member Russell made a motion to approve the authorization to engage Bob McCallister as a Consultant for the Swimming Pool Design at \$75.00 per hour with Council Member Johnson providing the second.

Council Member Hurst asked Mr. Barber about the number of weekly or monthly hours the consultant would be working. Mr. Barber said the consultant recently did a 3 million dollar renovation and his fees were \$3750.00. Council Member Vaughan said they need an expert. Mr. Barber said the consultant has 6 facilities he operates for Cobb County and they visited one of them. He said they have as many lifeguards as we do employees. He said this was an indoor 18000 ft. facility. He said they toured another facility in Gwinnett and they have a 16 million dollar facility. He said the City of Fairburn can renovate their own building which would consist of an outdoor and indoor facility; and generate funds to self-fund the facility. He said the outdoor facility is a big play ground with a lazy river with two slides and it would accommodate up to 650 people. He said the idea they have for Fairburn is to renovate the pool and the recommendation to keep the pool, the deck and the structure would save approximately ½ million dollars. He said the demolition would cost \$25000.00. He said they could build a 9,000 square ft. leisure pool and an 8,000 square ft. indoor pool with an entry way; and one core facility to service inside an outside accommodation of 400 people. Council Member Johnson asked if the facility would service younger people. Mr. Barber said yes. **After much discussion the motion carried.**

8. Approve the cancellation of the November 11, 2013 City Council Meeting

Council Member Johnson made a motion to approve the cancellation of the November 11, 2013 City Council Meeting with Council Member Alderman providing the second. **The motion carried.**

Council Member Heath made a motion to change the December 23, Council Meeting to December 30, 2013, with Council Member Russell providing the second. **The motion carried.**

VIII. MAYOR AND COUNCIL COMMENTS:

Council Member Vaughan said Creekside is still undefeated and they have one regular season game remaining before the state playoffs. He said he wish everyone good luck with the November 5th Election. He said he has two good colleagues up for re-Election who he supports and asked if they could be given a fair shake. He said this government should continue to protect the cohesion and he hopes positive energy and contribution will continue the good works that has been done. He said Mayor Avery clearly deserves your support

and has done an outstanding job. He said he had reservations about the Mayor's ability to serve two masters by working for Fulton County and being the Mayor however; he has proven himself and deserves a second term. He said the Mayor has been a good ambassador of our City.

Council Member Johnson said she cannot add anymore to Council Member Vaughan's comments.

Council Member Russell thanked Council Member Vaughan for the good comments. She said she has learned a lot walking the neighborhoods. She said she was glad to contribute the 4 years and hopes to contribute another 4 years on the Council and thanked the Mayor for keeping them with good karma.

Council Member Hurst said he wishes all the candidates good luck. She said the Election is Tuesday, November 5, 2013 and it is going to be a very tiring and stressful day. She advised them to get plenty of rest the day before the Election. She told the candidates they have done a fantastic job in campaigning and there has been no negativity or mudslinging. She said she wished everyone well and may the best man or woman win.

Council Member Heath said it has been a pleasure these 4 years to serve on Council and would like to serve another 4 year term. He said the Mayor has been a blessing and he has learned from every Council Member. He said he never anticipated going through so many hoops to get things done. He announced the Home Safe Program will expire in February 2014, and if you know anyone who is behind on payments of their home to please let them know. He wished everyone a blessed night and said he appreciates their support.

Council Member Alderman said this is his 10th year on Council and he has had a great time. He said they have accomplished a lot during the last 4 years and they must keep going forward. He said the City has an excellent City Administrator and Mayor. He said the Mayor has been fair and he has done a great job. He said he hopes everyone stays cohesive, work together and move forward. He said he hopes whoever wins in the November 5th Election will keep that thought in mind. He said he has a granddaughter who is a junior at North Gate High School and plays 2nd base, fast pitch softball. They were in the final 8 in the State of Georgia. He said this Thursday they play against Creekview High School at 4:15 pm in Columbus Georgia. He said they have done well and he is excited for them; and he is a proud grandfather.

Mayor Avery wished every candidate the best regarding the November 5th Election. He said Mayor Bucky Johnson of Norcross asked him how he gets the Council to go along with him. He said he told him he does not ask the Council to go along with him. He has established a standard practice for each of them to help the City on any subject that relates to their field of expertise.

He thanked each Council Member for all their support. He said he appreciates their personal input. He commended Council Member Johnson for her support from an entrepreneur perspective and said this City Government is making strides to continue to make the City grow. Finally, he thanked the Department Heads and said they have made major strides in every way. He congratulated Creekside High School and Landmark Christian Academy for being undefeated. He thanked the City and the Council for making a mark in this region that will be talked about for decades.

Council Member Russell made a motion to recess and go into Executive Session at 8:10 pm to discuss a pending litigation matter and an Attorney Client Privilege with Council Member Hurst providing the second. **The motion carried.**

IX. EXECUTIVE SESSION:

Council Member Vaughan made a motion to reconvene back to Regular Council Meeting at 9:10 pm with Council Member Russell providing the second. **The motion carried.**

X. ADJOURN COUNCIL MEETING:

Council Member Alderman made a motion to adjourn the Council Meeting at 9:11 pm with Council Member Heath providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor