



City of Fairburn Special Called Meeting Agenda

November 2, 2022
6:00 pm

The Honorable Mayor Mario Avery, Presiding

The Honorable Mayor Pro-Tem Hattie Portis-Jones
The Honorable Linda J. Davis
The Honorable Ulysses J. Smallwood

The Honorable Alex Heath
The Honorable Pat Pallend
The Honorable James Whitmore

Mr. Rory Starkey
Mr. Tony Phillips
Ms. Brenda B. James

City Attorney
City Administrator
City Clerk

- I. Meeting Called to Order:
- II. Invocation:
- III. Pledge of Allegiance:
- IV. Roll Call:
- V. Adoption of the City Council Agenda:
- VI. Agenda Items:

1. Change in Location of the Mural in the City of Fairburn

Recommendation: For Mayor and Council to approve to relocate the installation of a painted mural by John Christian of G. Georgia Arts, Inc. to the exterior wall of the Youth Center located at 149 S.W. Broad Street, (**City Administrator**).

2. Resolution to Amend the Personnel Sick Leave Donation Policy

Recommendation: For Mayor and Council to approve the Resolution to establish a Sick Leave Donation Policy (**Human Resources**)

3. Update on Local Option Sales Tax

Recommendation: Mr. Phillips, City Administrator will give an update on the Local Option Sales Tax

VII. Adjournment:

When an Executive Session is required, one will be called for the following issues:
(1) Personnel (2) Real Estate or (3) Litigation



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Mural Site Relocation

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 11/01/2022 Work Session: N/A Council Meeting: 11/02/2022

DEPARTMENT: City Administrator's Office

BUDGET IMPACT: \$2,500 (Project Balance): \$3,000 (Lift Rental)

PUBLIC HEARING: () Yes (X) No


PURPOSE: Provide Mayor and Council with an update on the mural installation project and recommend an alternate location for installation.

HISTORY: The City of Fairburn Mayor and Council approved the installation of a painted mural on the side exterior wall of the building located at 41 West Broad Street, Fairburn, Georgia 30213. While visiting City Hall to execute the Site License Agreement, the artist expressed concern regarding the stucco finish on the exterior wall not being a surface for painting a mural.

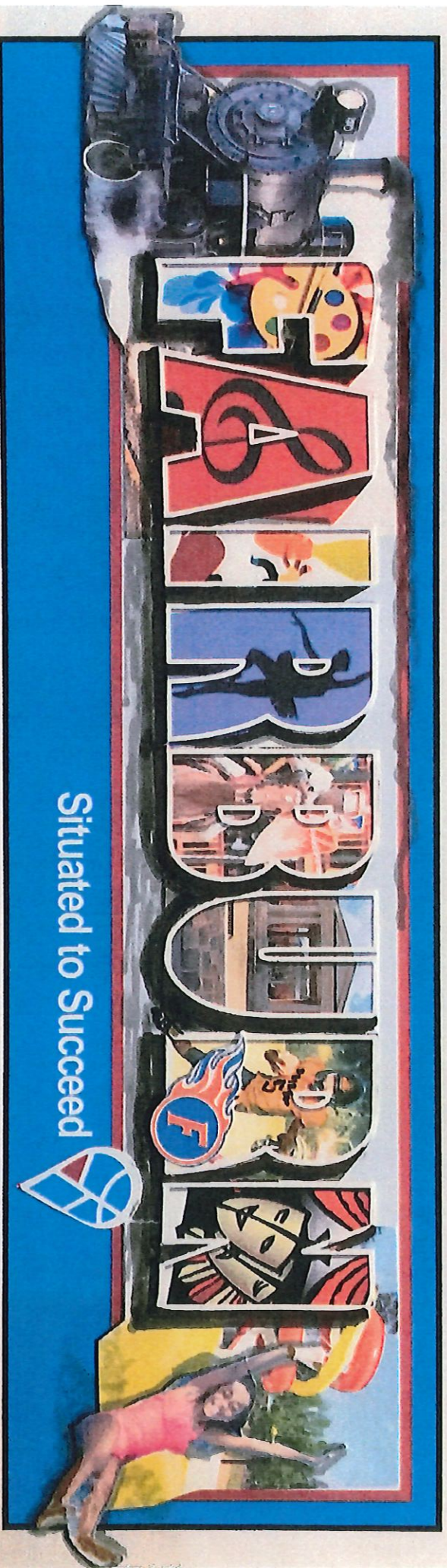
FACTS AND ISSUES: The artist proposed two options. 1.) Contract with a vendor to smooth the installation area with a commercial-grade plaster or 2.) paint the mural on four (4) panels that would require 48 bolts to affix it to the exterior wall. Both options pose an immediate and long term financial impact to the City that is undetermined at this time. In an effort to install this mural at a location that does not require the exterior wall to be altered, it is staff's recommendation to install the mural on the exterior wall of the Youth Center that faces Highway 29.

FUNDING SOURCE: \$2,500 (100-7400-52-1210); \$3,000 (100-1565-52-2320)

RECOMMENDED ACTION: Mayor and Council approval to relocate the installation of a painted mural by John Christian of Go Georgia Arts, Inc. to the exterior wall of the Youth Center located at 149 S.W. Broad Street, Fairburn, Georgia 30213.


Tony M. Phillips, City Administrator





Situated to Succeed





CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Establish Sick Leave Donation Policy

☐ AGREEMENT
☒ ORDINANCE

☐ POLICY / DISCUSSION
☐ RESOLUTION

☐ CONTRACT
☐ OTHER

Submitted: 11/01/2022

Work Session:

Council Meeting: 11/02/22

DEPARTMENT: Human Resources

BUDGET IMPACT: \$0

PUBLIC HEARING: ☐ Yes ☒ No

PURPOSE:

The City recognizes that occasions may arise when employees or their immediate family members experience serious (or catastrophic) personal illness, surgery, or disability resulting from a medical condition or accident, which may require the employee to have to use more sick leave than the employee has available.

HISTORY:

The current leave donation policy requires employees to be employed with the City for one (1) or more years to receive or donate annual leave and requires leave to be donated/calculated on a dollar basis.

FACTS AND ISSUES:

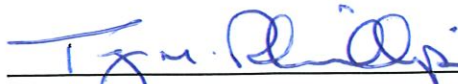
The current leave donation policy section does not fully provide guidance on qualifying reasons for leave donations nor does the policy allow for employees to donate accrued sick leave. As such, the City wishes to establish a policy that sets forth the criteria for the donation of sick leave for a qualifying medical absence.

FUNDING SOURCE:

There is no budgetary impact.

RECOMMENDED ACTION:

Request Mayor and Council's approval to establish the Sick Leave Donation Policy.



Tony M. Phillips, City Administrator

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3

RESOLUTION NO: _____

4 **A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A DONATED SICK**
5 **LEAVE POLICY; AND FOR OTHER RELATED PURPOSES.**
6

7 **W I T N E S S E T H:**
8

9 **WHEREAS**, the City of Fairburn (the "City") is a municipal corporation duly organized
10 and existing under the laws of the State of Georgia, and is charged with providing for the health,
11 safety, and welfare of the residents, employees, businesses, and visitors within the City; and
12

13 **WHEREAS**, the City recognizes that occasions may arise when employees or their
14 immediate family members experience serious (or catastrophic) personal illness, surgery, or
15 disability resulting from a medical condition or accident, which requires the employee to use more
16 sick leave than the employee has available; and
17

18 **WHEREAS**, the City desires to provide a means for full-time employees who have been
19 employed with the City for six (6) months or more to donate their annual leave to other employees
20 who need additional sick leave for a qualifying medical absence; and
21

22 **WHEREAS**, the City wishes to establish a policy that sets forth the criteria for the donation
23 of sick leave for a qualifying medical absence; and
24

25 **WHEREAS**, the Mayor and City Council in the exercise of their sound judgment and
26 discretion, and in consultation with staff, after giving thorough thought to all implications
27 involved, and keeping in mind the health, safety, and welfare of the residents, employees,
28 businesses, and visitors within the City, have determined it to be in the best interest of the citizens
29 of the City, that this Resolution be adopted.
30

31 **NOW THEREFORE BE IT RESOLVED:** That the Sick Leave Donation Policy, in
32 substantially the form attached hereto as Exhibit "A", is hereby established.
33

34 **BE IT FURTHER RESOLVED**, in the event any section, subsection, sentence, clause,
35 or phrase of this Resolution shall be declared or adjudged invalid or unconstitutional, such
36 adjudication shall in no manner affect the previously existing provisions of the other sections,
37 subsections, sentences, clauses or phrases of this Resolution, which shall remain in full force and
38 effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or
39 unconstitutional were not originally a part thereof. The City Council declares that it would have
40 passed the remaining parts of this Resolution if it had known that such part or parts hereof would
41 be declared or adjudicated invalid or unconstitutional.
42

43 **BE IT FURTHER RESOLVED**, this Resolution shall become effective immediately
44 upon signature by the Mayor.
45

46 **BE IT FINALLY RESOLVED**, that any and all resolutions in conflict with this resolution
47 be and the same are hereby repealed, only to the extent of such conflict.

48 This ____ day of _____, 2022.
49
50
51

52
53 _____
54 Mario B. Avery, Mayor
55

56
57 ATTEST:

58 APPROVED AS TO FORM:
59

60 _____
61 Brenda James, City Clerk

Rory K. Starkey, City Attorney

EXHIBIT A

SICK LEAVE DONATION POLICY

2-53.8 (1) SICK LEAVE DONATION

Full-time employees who have been employed with the City for six (6) months or more may donate their sick leave to other employees who are in need of additional sick leave for a qualifying medical absence.

Sick leave donation is a voluntary, confidential program that allows full-time employees to donate paid sick leave to another employee in need of leave and who is unable to return to work due to a serious (or catastrophic) personal illness, surgery, or disability resulting from a medical condition or accident or to care for a spouse or any other person domiciled in the employee's home or to care for the employee's child or parent, no matter where such individual may be domiciled, who has suffered a catastrophic illness, surgery or disability resulting from a medical condition or accident as defined under the Family Medical Leave Act (FMLA) policy (*See Section 2-53.14*). No City employee should be pressured, in any way, to encourage the donation of his/her accrued sick leave.

A. Donation

Sick leave shall be donated and received on an hour-for-hour basis rather than on a dollar-for-dollar basis. Sick leave donations may only be donated in full-hour increments. To be eligible to donate sick leave, an employee must have accrued at least five (5) sick leave days. To eligible to receive donated sick days, the employee must:

- 1) Have been employed in a full-time benefit eligible status for six (6) months;
- 2) Have exhausted all of his/her available sick leave, vacation leave, or not eligible for Short-term disability, and not receiving or qualified to receive Worker's Compensation;
- 3) Require a continue absence due to his/her own serious health condition or as other provisions under the FMLA act;
- 4) Have not received counseling/discipline for abuse of the Sick Leave Policy.

B. Approval

No donation of sick leave shall be allowed without the express written approval of the Donated Sick Leave Review Committee, who shall deny any request for donation where the recipient's department cannot make reasonable accommodation for the recipient's absence during the period of leave proposed for donation. Where any donation of sick leave is approved, the recipient's department shall not hire any part-time or full-time replacement employee, or approve overtime to replace the recipient without prior approval of City Administration.

C. Eligible Employee

- 1) Any employee receiving donated sick leave must be absent from work due to having personally suffered a catastrophic illness, surgery, or disability resulting from a medical condition or accident or to care for a spouse or any other person domiciled in the employee's home or to care for the employee's child or parent, no matter where such individual may be domiciled, who has suffered a catastrophic illness, surgery or disability resulting from a medical condition or accident. Written medical evidence of the catastrophic illness or injury must accompany any request for sick leave donation.
- 2) Catastrophic illness/injury is defined as a medical emergency of an employee that is likely to require the employee's absence from duty for a prolonged period of time and to result in substantial loss of income because of the unavailability of paid leave. The sole determinant of whether a substantial loss of income is likely to result from the medical emergency is that the absence without available paid leave will be for at least 40 hours.
- 3) The employee receiving a sick leave donation must not have abused earned sick leave and must have exhausted all accumulated sick leave, annual leave and other paid leave for which he is eligible, before a request for donated sick leave will be considered. The employee receiving sick leave donation must not be receiving, or qualified to receive, worker's compensation or any other periodic remuneration for his absence from work.
- 4) The employee receiving a sick leave donation must have completed one year of full-time service with the City immediately prior to the proposed leave period, and cannot be serving disciplinary probation.

E. Accrual of new earned leave

While an employee is using donated sick leave, his normal accrual of both annual and sick leave will continue. The leave accrued by the recipient employee will be exhausted before any donated leave.

- F. Upon termination of the medical emergency, the recipient may no longer use donated leave, and any unused donated leave remaining will be returned to the last employees who donated the leave not used. The employee's Human Resources Director (or designee) will immediately notify the employee's Department Director or supervisor when the medical emergency is terminated.

G. Procedures

- 1) An employee who is requesting donated sick leave will be required to complete a Sick Leave Donation Request Form and submit to the Human Resources Director (or designee). The Sick Leave Donation Request Form must be accompanied by the medical certification signed by a licensed treating physician. The Sick Leave Donation Request Form shall specify the proposed amount of sick leave requesting to be donated.

- 2) The Donated Sick Leave Review Committee, composed of the Human Resources Director and the City Administrator (or designee), will review the request for compliance with the eligibility criteria listed above. If the request meets the criteria and all items of the request form are completed, the request will be approved by the Donated Sick Leave Review Committee. If the Committee determines that the request does not meet the criteria listed in paragraph above, the Human Resources Director will notify the employee of the reasons determined by the Committee to deny the request.
- 3) The Human Resources Director (or designee) will post a City-wide email requesting sick leave donations. The circumstances leading to the need for donated sick leave shall be treated as confidential.

H. Recoupment

Any employee who is separated from City employment, for any reason other than illness, disability, or death, within 90 days after having received sick leave donations shall repay to the City any sick leave sums owed the City for this purpose which may be offset by withholding from the employee's final check.

Additionally, upon termination of employment, employees are not paid for any unused, accrued sick leave, unless otherwise required by applicable law.