



City of Fairburn
Mayor and Council Special Called Meeting
Minutes
November 02, 2022
6:00 pm

- I. The meeting was called to order at 6:00 pm by Honorable Mayor Mario Avery.
- II. Invocation: The Invocation was led by City Administrator, Tony Phillips.
- III. The Pledge of Allegiance was said in unison.
- IV. Roll call by Brenda James, City Clerk, found the following members present:

The Honorable Mayor Mario Avery

The Honorable Mayor Pro Tem Hattie Portis-Jones
The Honorable Linda J. Davis
The Honorable Alex Heath

The Honorable Pat Pallend
The Honorable Ulysses Smallwood

Members Absent: The Honorable James Whitmore

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

- V. Adoption of the Agenda:

Councilman Heath made a motion to approve the agenda, with the second provided by Councilwoman Davis. **The motion carried unanimously.**

- VI. Agenda Items:

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

Assistant City Administrator, Jamila Criss presented this item and stated they are seeking approval to relocate the site location for the installation of the mural. Council approved installation on September 12th for the mural at 41 Smith Street. Since that meeting, they met with the property owner and Artist, John Christian to learn that the artist had never visited this location and expressed his concerns regarding the stucco finish on the exterior wall.

The artist proposed two options: 1) to contract with a vendor to smooth the installation area with a commercial-grade plaster and 2) top 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. 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. Ms. Criss said to put the mural on the Youth Center it will require rental of a lift.

Councilwoman Davis made a motion to approve the relocation of 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 SW Broad Street, Fairburn, with the second provided by Councilman Smallwood.

Mayor Pro Tem Portis-Jones asked if the lift rental was over the amount of the project and if the artist would bear some responsibility for this problem and if his contract stated anything about this. Ms. Criss stated this project has been in the works for about three years and there is no language in the contract that speaks to this. It was an oversight not having the artist do a physical site visit for the mural installation and not knowing the final finish on the wall.

Mr. Tony Phillips said the new location is a better fit, you now will see the mural traveling from both directions. He stated we got here from an oversight, but we will have a better outcome and the most cost efficient. Mayor Pro Tem Portis-Jones questioned the reputation of the artist, and said the process should have been a part of the protocol. She did agree that this is a good compromise but showed concern for future processes. Mr. Phillips stated this happened three years ago and assured her this would not be an issue moving forward.

Councilwoman Davis commended Ms. Criss and Mr. Phillips for going through the steps to overlook the mural installation. She stated she wasn't sure what transpired in the last administration and didn't know if the artist wanted to come or was not permitted but wants to move forward with the installation.

Councilman Heath said he thought Landmark and/or Creekside's art department would come in and do the mural for us. Ms. Criss stated this mural was part of a grant that the city applied for in 2019 through Go Georgia Arts and working with the Arts Advisory Council they incorporated some mural and art ideas to include our local schools and wanted the youth paint inside the Youth Center. After discussion, **the motion carried unanimously.**

2. Resolution to Amend the Personnel Sick Leave Donation Policy

Human Resources Director, TaLisha Champagne presented this item and stated the City recognizes that we have employees that may undergo some type of catastrophic illness either for themselves and/or for an immediate family member and we wanted to seek a way to have a policy that provided a little bit more structure and guidance in a way for employees to voluntarily be able to utilize their leave and donate to those employees who have exhausted their time and would not be able to be without having leave being available to them. She requested Mayor and Council approval to adopt the current sick leave and donation policy

Councilman Heath made a motion to approve the Sick Leave Donation Policy, with the second provided by Councilman Smallwood.

Councilman Smallwood said he was amazed that the City doesn't have this policy already and benefited from this type of policy. There's been no organization that he's been with that hasn't had this policy available and he commended administration for bringing this to Council.

Mayor Pro Tem Portis-Jones agreed with her colleague and stated she was surprised we didn't have this. Since she has been on Council, there have been a couple of times where sick leave was donated to employees and she thought we had discussed and put a policy in place to allow this to happen. She said she didn't know what happened then and it's unfortunate that it's coming up when it is most needed and glad it is now here and that it will not be an issue for future employees. She said she heard that vacation time could also be donated and wasn't sure that was a viable option or allowable and she asked Ms. Champagne to speak to that.

Ms. Champagne stated what's trending when you look at a sick leave donation policy is typically when you have employees that are more willing to utilize their sick time because there's no payout provisions on sick leave versus their vacation time. If an employee was to resign, they can take their vacation they have accrued and be paid for that. Most employees are less likely to donate time that is more of a benefit to them. We have a couple of employees in the city who have an alarming amount of sick leave balances and are willing to donate their time for employees who don't have any sick time. We rewrote this policy to make sure that it was congruent with other localities and what's trending versus having employees to be able to take away from their vacation. There is no sick leave payout provisions currently in our policy.

Mayor Pro Tem Portis-Jones said, so the statement is that it is allowable but is not standard or not trending. Ms. Champagne stated yes.

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

3. **Update on Local Options Sales Tax**

City Administrator, Tony Phillips stated there are two significant updates and one contains good news. The first update is effective this afternoon where we have an agreement between Fulton County and the fifteen cities that was approved by the Board of Commissioners earlier today. The parameters of that agreement are the cities have agreed with the county they will allow 5% of LOST in the first year and it will escalate over the next ten years up to 12.5 % in the final year of the agreement but the average over that the ten-year period comes in at 9.985%. The parameters and framework for the LOST negotiations for the next ten years have now been put in place. The second update is that the cities must work together with allocation to each city in the county. That is a pending process and has not concluded yet so the cities will continue to meet to talk about the apportionment of about \$3.8 billion dollars over the next ten years. There will be a complete update to Mayor and Council with Fairburn's exact dollar amount.

Mayor Avery stated they had this same process ten years ago and Fairburn substantially benefited from that and is very happy that this looks like it's finally coming to an end. Mr. Phillips stated this was his first time to be involved at this level of detail and what was clear throughout this process by all the mayors is the unity among the 15 cities which is a significant accomplishment and has set the groundwork for more cooperative relations between cities going forward.

Mayor Avery commended the three committee members that attended all the meetings on all the mayor's behalf which was Mayor Rusty Paul from Sandy Springs, Mayor Deana Holiday from East Point, and Mayor J. Clark Boddie from Palmetto.

Mr. Phillips stated that Mayor and Council approved our legal representation, Mr. Andy Welch,

who was also instrumental in helping build that unity and kept all the cities informed. He thanked Council for approving that agreement.

Councilwoman Davis stated it was a miraculous miracle that all 15 cities stayed together in unity with a focus to get it done especially for our citizens. She gave everyone involved kudos for getting this job done and it deserves an applause.

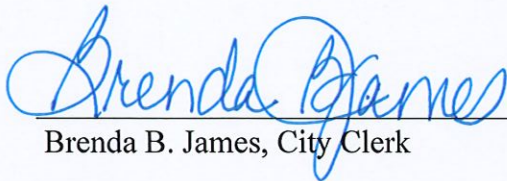
Mr. Phillips stated he wanted to single out and thank Mayor Avery for having to take leave time from his full-time job with Fulton County. He has sacrificed a lot of Fridays to meet at Georgia Municipal Association for these LOST negotiations.

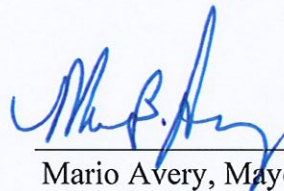
Mayor Avery stated they are too humble to tell you, but Ms. Criss and Mr. Phillips worked with Mr. Andy Welch a lot in the first four weeks and set the tone to a lot of the distribution that Council received.

There was no action taken.

VII. **Adjournment:**

Councilman Pallend made a motion to adjourn the meeting with Councilwoman Davis providing the second. The meeting adjourned at 6:35 p.m. **The motion carried unanimously.**


Brenda B. James, City Clerk


Mario Avery, Mayor