



**CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
September 23, 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: Provided by Honorable Mario Avery.**
- II. ROLL CALL:** All Members of Council were present which constituted a quorum.
- III. INVOCATION:** Provided by Council Member Heath.
- IV. PLEDGE OF ALLEGIANCE:** Recited in unison.
- V. PRESENTATION:**

Mayor Avery read the following awards into the record:

Award of Excellence

To: James McCarthy, Chief of Police

On behalf of the Parks of Durham Lakes HOA, we express our sincere appreciation to Police Chief James McCarthy in recognition of your personal commitment, dedication and performance.

September 2013, the Parks of Durham Lakes Homeowners Association.

Award of Excellence

To: The Fairburn Police Department

On behalf of the Parks of Durham Lakes HOA, we express our sincere appreciation to the City of Fairburn's Police Department in recognition of your department's commitment, dedication and performance for every officer that is sworn and wears a Fairburn uniform.

September 2013, the Parks of Durham Lakes Homeowners Association.

This award was accepted by Officers Eiswerth and Hawkins on behalf of the Fairburn Police Department.

VI. PUBLIC COMMENTS:

1. Horace Cooper, 880 Buckingham Cove, Fairburn GA. 30213, said they were having problems in the Durham Lakes Subdivision and Rita Fernandes and Harvey Stokes gave them assistance. He said it is nice to work with professionals. He announced the Parks of Durham Lakes will be sponsoring a candidate forum at the Southside Theater Guild, located at 20 West Campbellton Street, on October 10, 2013 from 7:00pm until 9pm.
2. Lynn Williams, 75 Poplar Street, Fairburn, GA. 30213, said she has issues on Poplar Street. The burned house on Poplar Street is overgrown and the wildlife is moving in. She also asked if there could be a 3 way stop to help stop the speeding traffic on the street.
3. Ernie Brooks, 33 Cole Street, Fairburn GA. 30213, thanked the city for the street lights installed and fireworks during Christmas. He said the fireworks were really great and he hopes they have them again this year. He thanked the City Council in advance for approving the Task Order for the East Campbellton Drainage Project Design Servicing. He said he attended school with Council Member Heath and Principal Dodd prohibited them from reciting the Pledge of Allegiance at their first assembly. He said that is the first time he has heard the Pledge of Allegiance recited correctly without the comma. He said it should be one nation under God.
4. Lydia Glaize, 567 Handyman Court, Fairburn, GA. 30213, thanked the Mayor and Council for the positive things they have done to improve the city in the last four years. She said she believes they live in a vibrant city and they have great services that come out of the city. She said she has been a resident for 23 years and has never had her street paved and there were no lights installed until a few weeks ago. She said the City is improving and she appreciates what has been done.

VII. APPROVAL OF THE AGENDA:

Council Member Vaughan made a motion to adopt the Agenda placing items 2, 3, 4, 5 and 6 on Consent Agenda with Council Member Heath providing the second. **The motion carried.**

VIII. APPROVAL OF CONSENT ITEMS:

Council Member Russell made a motion to approve Consent Items 2, 3, 4, 5 and 6 with Council Member Johnson providing the second. **The motion carried.**

2. Approval of the Ratification of Agreement for Training with the Equal Employment Opportunity Commission (EEOC) in the amount of \$2280.00 for three onsite training sessions.
3. Approval of the Resolution to authorize the City to execute one or more Supplements for a Lease under the Georgia Municipal Association (GMA) Direct Leasing Program based on the ability to finance these items at a low interest rate and receive Operating Funds in the amount of \$228,423.69.
4. Approval of the Change Order for Fairburn Education Parking Improvements Project with Southeastern Site Improvement in the amount of \$4740.53 for drainage improvements.
5. Approval of the Task Order for East Campbellton Drainage Project Design Services in the amount of \$37,620.00.
6. Approval of the Purchase of Electronic Control Devices for the Fairburn Police Department with a budget impact of \$10,749.32.

IX. APPROVAL OF THE MINUTES: City Council Minutes of September 9, 2013 and Special Called Meeting of September 12, 2013

Council Member Heath made a motion to approve the City Council Minutes of September 9, 2013 with Council Member Alderman providing the second. **The motion carried.**

Council Member Russell made a motion to approve the City Council Minutes of the Special Called Meeting for September 12, 2013 with Council Member Vaughan providing the second. **The motion carried.**

X. PUBLIC HEARING:

1. FY 2013-2014 Budget

Mayor Avery opened the Public Hearing and asked to hear from anyone who would like to speak on the FY 2013-2014 Budget.

City Administrator Tom Barber gave an explanation of the handouts that were given to the public by the Finance Director David Smith. He said this is a short summary of information regarding what the Council considers in the budget. He said this is a two page summary of predominate changes that are increases or reductions in the budget and a two page summary of each of the funds that make up the city's financial statement. He said the last two pages are the general fund revenue details and a summary of fund expenditures by department.

Spoke on the Budget

1. Hattie P. Jones, 6724 Rivertown Road, Fairburn, GA. 30213, spoke on the millage rate and asked for an explanation in dollars and cents about the increases in the electric bill for the citizens of Fairburn. She said she has heard issues about the electric bills being too high. She inquired about the utility rates and any additional increase.

City Administrator Tom Barber said there are changes in the Power Cost Adjustment and the Environmental Recovery Fee based on the information received from MEAG. They know based on the cost estimate they are going to incur about a \$30,000.00 increase in the Environmental Recovery Cost in the next budget cycle, and in order to cover the cost it will require a ½ millage rate increase in the recovery fee. They will also incur a \$300,000.00 increase in fuel, which will require 3 mills increase in the PCA. He said this is a part of the electric structure that is used to recoup cost increases in fuel without going back and paying \$10,000.00 to have the whole rate structure redone.

Council Member Johnson asked if the millage rate would amount to \$10.00 per month. Council Member Alderman said it will amount to \$5.00 per month per \$100.00 electric bill.

2. Horace Cooper, 880 Buckingham Cove, Fairburn, GA. 30213 asked about the increase in animal control for \$20,000. He asked was animal control being paid \$50, 000.00. Mr. Barber said they are being paid \$60,000.00 and it is going to increase to \$80,000.00. He said there were approximately 460 calls in the last year and the city's fee is based on our percentage of calls of the total system. Mr. Cooper said he believes animal control is calling the city, South Fulton County (unincorporated). Mayor Avery said this is an issue that has been addressed among the Mayors. He said Fulton County gets an allocation for every city including the unincorporated area. He said there is a contract for the equipment, facility and auto upgrade that they will have to pay.

Mr. Cooper said there will be 2 laborers added to stormwater and asked what their job will be. Mr. Barber said they have a stormwater utility where everyone pays \$4.08 in their monthly bill. He said they are not keeping up with the state requirements for the system to be operational. He said they are proposing to add two other employees in the water/sewer function to clean out storm drains. City Engineer Troy Besseche said they are required to do inspections on the water quality.

Hearing no further comments from the public, Mayor Avery closed the Public Hearing.

Council Member Johnson spoke about the travel and training for the Mayor and Council. She said during the last 2 or 3 years, they have been allotted \$10,000.00 each. She said she asked what individuals had spent, and there was an average of \$8250.00. She said city employees have not had a raise and by reducing this amount, she feels it makes a statement of fiscal responsibility for the Council. Council Member Russell said she agrees with the reduction and believes they should watch the dollars they are spending. Mayor Avery said he has concerns about the reduction because he is a member of the US Conference of Mayors and there is so much information not given in the NLC and GMA. However, he said he would work that issue out. Council Member Russell said she would give him 50% of her travel budget. Mayor Avery said he appreciates that, however; from an accounting perspective that is a problem and it will need to be voted on by Council.

Council Member Heath said the education has really helped him from the NLC and GMA. He said he has a better understanding of everything that has taken place in city government. He said he realizes everyone might not have the same goals but he always strives to be the best he can and get the training needed. He said he believes it is necessary to have the money to go to these classes because they need to know what is going on in the rest of the country to enhance everything here in the city.

Council Member Alderman said he is on the State Education Committee for the State of Georgia and they structure and put together classes. He said they are having a meeting on November 7, 2013 in Macon GA. He said he only goes 3 times a year. He said the classes have benefited him very much in his time of serving on the Council. He said when he goes to conferences he spends all his time in class trying to learn more and be better in serving the City of Fairburn.

Council Member Vaughan said he agrees the training is valuable. He said he was very pessimistic about the training when he first got elected. He

said he learned there is great value in what can be learned in the classes. He said there is another element to it. He said there is a compensatory value to what they get in these funds and it is undeniable. He said they do not stay at Red Roof Inn or eat at McDonalds. He said they get a very comfortable per-diem and he does not have a problem with it. He said he has brought his wife and kids on every trip he attended and almost made it a summer vacation. He asked Council Member Johnson if the \$8250.00 was an average of what individuals spent. She said yes, with the exception of one Council Member. Council Member Vaughan said whatever the amount is set for, we should not go over. He said they are the lowest paid Council anywhere and that is one way he rationalized it. He said no one should go over what is agreed upon because you end up giving that Council person more than the rest of the Council Members. He said he was not seeking reelection and after 8 years in office, there is a redundancy factor in the classes. He said individual goals is not the point of this, nor is it individual growth, these are tax dollars. He said they should consider what the City of Fairburn and the resident's value from these trips. He said anytime a Council Member goes over their budgeted amount, they are being over compensated.

Council Member Johnson said when Council Member Vaughan takes his family on these trips; the city does not pay for this.

Council Member Hurst said she has always been a very frank person and everyone that knows her knows she does not pull punches. She said she is the Council Member that Council Member Johnson is speaking about. She said she went over her budget, however; she was not lollygagging around. She said she has been on the Council for six years and she has achieved the Diamond Level which is the top level of training. She said normally it takes more than six years to get to that level. She said she and Council Member Alderman are probably the only ones who sit on the Council that have achieved the Diamond Level from the National League of Cities. She said she makes no excuses for going over her budget. She said she is an active member of the National League of Cities Human Development Steering Committee. She said there is another meeting she will attend with NLC, which she will pay for out of her pocket this week in Savannah because it is important to her to be there. She said she is also a member of the National League of Cities Leadership Training Council. She said this Council determines what classes they take on a national level. She said when she goes on a trip she does not determine which hotel she stays in, that is determined by the NLC and they are set in a range with what the hotels cost. She said she was not going to make any excuses for her travel because her travel is legit and she will stand on that. So if Council wants to change it to \$8250.00 she does not have a problem with it because she is at the top of her level. She said she does not believe she is getting any more than anyone else if they are getting what they are

suppose to get out of it. She said her next goal is to be a board member for the National League of Cities. She said being a board member will require her to attend many of their meetings. She said some of them they will pay for and some of them they will not pay for. She said it is an honor for a Council Member to sit on NLC Steering Committees, Councils and Boards. She said the Councils travel was scrutinized and issues were brought up about her travel. She said she wants to make herself clear; she makes no excuses for her travel. She said she gives the city a lot of her time and she does not ask for reimbursements for travel if she goes to meetings and so forth; and if a resident calls she goes over to their home. She said she does not ask for anything because this is what she is suppose to do. She said "so I am guilty".

Mayor Avery said he understands the request by Council Member Johnson for reducing the budget amount down to \$8,250.00, however; it creates a problem for him because he is a member of the US Conference of Mayors and the US Conference of Black Mayors, in addition to the other conferences he attends. He said to properly address the issue for budgetary purpose, he suggests developing a policy that would require if the travel amount exceeds the set amount that is agreed upon, it will come back to Council for approval. He said this will bring accountability from a financial perspective and it creates and lays the ground work to keep the department heads and city administrator out of the middle of the business of the Mayor and Council. He asked the City Attorney about the amount for the new travel budget. Attorney Turner said it could be determined at the time the budget is adopted. Council Member Johnson said she is happy to know a policy will be put in place.

Mayor Avery asked for clarification regarding the pensions in the budget. Mr. Barber said during January 1, of each year, GMA have a consulting firm to calculate the assets and liabilities of the plan regarding what the city needs to withhold from gross payroll to fund their plan. He said on October 1, 2013 there will be a new rate for 12 months. He said as the stock market goes down the rate goes up and when people retire the rate goes up.

Council Member Hurst asked what is the yearly payment for the Water Authority. Mr. Barber said they were paying \$73,000.00 per month however; it increased to \$93,000.00. He said it is almost \$1.2 million dollars. He said the city has a letter of credit with Bank of America that they cannot get out of and they are making it unreasonably expensive. He said they also share a fee of the water sales with three cities, which also causes an increase. Mr. Barber said best case scenario is for the city to make water 5 years from now.

Council Member Russell asked if this is the Water Authority that was

created in 2001 and is separate from the Fairburn's water internally. Mayor Avery said yes that is correct.

Council Member Heath spoke about the Bear Creek Reservoir the city is proposing to do. He asked how often Bank of America does their renewal. He asked if it is once a year or every 90 days. Mr. Barber said when he first came to the city it was once a year or once every 9 months, however; they became more concerned about the project and went to 90 days and then they hired a firm to evaluate the project. Council Member Heath asked what is the cost for each renewal. Mr. Barber said the fee is from 150 to 190 basis points. He said the estimate for all 3 cities is \$750,000.00. Council Member Heath asked what is the basis point. He said the basis point of 1% is a 40 million dollar debt. Mayor Avery said as a point of clarity this issue was inherited from 2000-2001.

Mayor Avery asked for clarity on page 22 regarding the Confiscated Asset Funds. Mr. Barber said these funds are under the sole discretion of the Chief of Police. He said the chief can allow this money to build up year after year or he can expend all the money. He said there are no accounting constraints on these funds. Council Member Johnson asked was this for the building improvements at the police department. Chief McCarthy said yes, the money was expended for the CID building. Mayor Avery asked about page 12, note number 2. Mr. Barber said they charge fines and there are add-ons associated with those fines and there is a technology fee. He said he uses 29% of the fines. Mayor Avery asked Chief McCarthy about the funding of police officers and federal assistance. He said they tried to get federal assistance, however; their crime rate was too low and their financing was too good. He said there is no federal assistance.

Council Member Russell said she agrees with Mr. Cooper and believes there may be an error regarding addresses as it relates to calls being received on animal control. She said they should request reports from animal control and she would like to see the reports.

Council Member Vaughan spoke about the hotel and motel taxes. Mr. Barber said the city has the lowest rate possible which is 3%, and because of that there are no constraints. He said they took it to the legislative body and asked for 8%. He said if they go to 8% there will be constraints. He said they need the 8% only if they do something to generate stays and create more business.

Council Member Hurst asked about the revenue on page 3, renovation of the Fairburn Youth Center. She asked if Marnessa Vital was at the Youth Center. Mr. Barber said the contract was approved with Ms. Vital. Council Member Hurst asked if Mr. Barber could check and see if Ms.

Vital is occupying the center. Mr. Barber said yes.

Council Member Vaughan asked about recreation under contract services on page 17. He asked about the retirement and overtime for the part-time workers for recreation. Mr. Barber said there should only be worker compensation and incentive pay for one individual.

Mayor Avery asked about the road improvement on page 16. Mr. Barber said he lowered the street amount of infrastructure from \$100,000.00 to \$50,000.00, however, if they get sales tax, the funds will be added back at a later date. Mayor Avery said the city's goal is to make adjustments due to increase of cost because of Fulton County's downsizing their services.

City Clerk Brenda James asked the Mayor to call for a motion for a Special Called Meeting for September 30, 2013 at 6:00 pm to approve the budget and the millage rates.

Council Member Vaughan made a motion to have a Special Called Meeting for City Council on September 30, 2013 on the budget and millage rate with Council Member Heath providing the second. **The motion carried.**

XI. MAYOR AND COUNCIL COMMENTS:

Council Member Vaughan announced Creekside High School is having their open house tomorrow night and encouraged everyone to come out and support their local high school. He said he was proud to report Creekside High School Football Team is 4-0. He said they played against a rivalry team from across town and this was the first game since the passing of one of their young players. He said they won by 2 points, the number of the young players who passed was number 2 and there were 2's across the top of the score board during two timeouts.

Council Member Johnson had no comments.

Council Member Russell had no comments.

Council Member Hurst had no comments.

Council Member Heath said he wanted to make a correction to his previous statement. He said 190 basis points are 1.9% and 100 basis points are 1%. He thanked everyone for coming out and attending the meeting. He said the Home Safe Program is almost over and encouraged the public to inform anyone they knew, who is about to lose their home due to work reduction, to please let them know about the program.

Mayor Avery said this is the last Council Meeting before the Fairburn Festival. He invited everyone to come out and support the Fairburn Festival on October 5, 2013. He announced there will be a Pep Rally October 3, 2013 at 7:00 pm for those who are participating in the Festival and invited Council to attend. He thanked all the staff, department heads and citizens who are volunteering in the event. He said this event will be a mark in this region that will be talked about for decades. Council Member Russell announced she will not be attending the Festival due to other obligations.

Council Member Alderman made a motion to recess into Executive Session to discuss pending litigation at 8:15 pm with Council Member Johnson providing the second. **The motion carried.**

XII. EXECUTIVE SESSION:

Council Member Russell made a motion to adjourn out of Executive Session and go back into the Regular Session Meeting at 8:55 pm. with Council Member Heath providing the second. **The motion carried.**

Council Member Hurst made a motion to approve the Letter of Representation of Special Counsel (Lost) with Council Member Heath providing the second. **The motion carried.**

Council Member Russell made a motion to approve the Resolution Appointing Special Council for Lost Litigation of Andy Welch with Council Member Johnson providing the second. **The motion carried.**

XIII. ADJOURN COUNCIL MEETING:

Council Member Heath made a motion to adjourn the Council Meeting at 9:00 pm with Council Member Alderman providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor