



**CITY OF FAIRBURN
City Council Meeting Minutes
City Hall
56 Malone Street
Fairburn, GA 30213
August 12, 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 Alderman.

IV. PLEDGE OF ALLEAGANCE: Recited in unison.

V. PUBLIC COMMENTS:

1. Orlando King, 50 Bayberry Hills, Fairburn GA. 30213 thanked Mayor and Council for the good work and service they provide to the City. He said the top surfacing of the roads at Bayberry Hills and Strand Hill has not been done. He said he appreciates other work being done on John Rivers Road and the plans for Milam Road; however, he would like for some of the attention to be given to Durham Lakes. He asked if they would please consider paving the streets.
2. Sean A. Martin, 839 Tall Deer Drive, Fairburn, GA. 30213 spoke about the program at the Youth Center. He said it should go on through the school year because it helped many parents give their children something to do for the summer without any out of pocket expense. He said Fairburn residents should not go to other places and all the parents would like for

the Youth Center to remain open.

3. Keisha S. Jennings, 110 Foster Circle, Fairburn, GA. 30213 gave a letter to Council and read the following letter into the record:

Dear Mayor and Council,

I am here this evening on behalf of the children, our children in the Fairburn community. This summer, I had the pleasure of coordinating Youth Enrichment Services, along with James Berry and Jason Stanley at the Fairburn Youth Center. The first day of the Summer Enrichment Program, we had 7 children in attendance. By the 3rd week of the program, we served 30 or more youths daily.

During the morning and afternoon sessions, we participated in health and fitness activities including yoga, Pilates, and meditation; team sports like volleyball and basketball; recreational games such as table tennis and air hockey; and traditional board games like Monopoly and Checkers. We also held academic enrichment sessions that included basic skills practice in grammar, handwriting, spelling, reading, and math. Needless to say, our days were entertaining and enriching; and attendance grew through word of mouth. Many of the youths would go home telling other kids in their community about their daily activities, and bring friends with them the next day.

Initially, many of the youths had the impression that they would be coming to the Youth Center for free play only, and scoffed (as respectfully as they could) at the idea of “exercising” and “going to school” during summer break. By the conclusion of the program, I am most pleased to report that the fitness activities and the academic enrichment activities were actually requested by the youths as they entered. I couldn’t get enough of hearing, “Ms. Keisha, what time are we going to have Stretch and Flex?” Ms. Keisha, can I play a fast math game...I think I can beat two minutes?”

The amount of time we spent with the youths daily allowed us to build relationships beyond measure. We had children who came into the Youth Center with low self-esteem and confidence, mainly related to academic deficiencies that they didn’t want anyone to know about (EX. 1st and 2nd grade students who could not write their full names; high school students that didn’t know their multiplication tables, and middle school students struggling to read elementary level books, and spell 4th grade level vocabulary words). While we did have youths who were bright and intelligent, and did very well both academically and socially in school; we saw a number of children from our community who are already being set up for a lifetime of thwarted attempts at remediation, simply because

they have nowhere to turn, nor anyone to turn to, for individualized care and support.

Parents cannot do it alone. Our schools cannot do it alone. WE can do it together. Even with the best intentions, it is often difficult for even our best educators to go back for three or four students, when they are charged with mastery of MANY standards for at least 20 other students. So what can we do as a community to help OUR children?

I know what I can do...teach them how to overcome deficiencies in behavior and learning. It's what I've been doing all of my life, and I know that I can help them learn and grow. Now is when many of them truly need enrichment and support to avoid developmental, academic, and behavioral pitfalls. It made me smile when I saw rising 1st and 2nd graders practicing cursive handwriting, when weeks earlier some of them could not write their full name in print. Too many of our children are labeled with disabilities when they are simply trying to overcome deficiencies in learning and environment.

I know what the community can do...show them love and support through action, not just words. I know what Mayor and Council can do, give our children a chance to thrive and grow in a healthy and safe environment. Consider how your actions can help or hinder our City's progress and growth. Our greatest commodity and asset is our children. If we fail to invest in the youths wisely, we will be bankrupt.

We can all play a role in making sure we are giving our youth's opportunity to "live, work, and play today, tomorrow, and for all the years to come."

On behalf of the youths of the Fairburn community, I thank you for the opportunity to affect change this summer. I saw our children grow exponentially. I saw children from ages 6-16 shine. I saw children who entered the Youth Center more confidently each day. What a joy to hear parents tell us how their children rushed them out the door to get to the center to do the "tree pose", or play pin pong against Coach Jason, or wait for Coach Berry to bring them ice cold water and sports drinks just because. I thank God for men of purpose like Mr. Horace, and Mr. Tony (as the kids refer to them); who shuttle children to and from the center each week, and often provided lunch for them as well. Thank you Mr. David, for recognizing that our children can and do benefit from our time and efforts; and that time spent helping our youths can mean the difference between giving up and growing. I thank all of the parents who spent time working and playing with us this summer. I know it meant the world to your children. You showed them just how much louder actions are than words. I thank the parents who entrusted us with your children

this summer. Your children, my children are the reason I CAN NOT stop, WILL NOT stop, pushing for a better now and brighter tomorrow for our children. Most importantly, I thank our children for helping us create such great and enriching summer memories.

Sincerely,

Keisha Stewart Jennings

4. Kayln Jennings, 110 Foster Circle, Fairburn, GA. 30213 gave her 3 minutes to Keisha Jennings.
5. Carol Berry, 113 Shannon Chase Lane, Fairburn, GA. 30213 spoke on the Fairburn Youth Center. She said she is tired of fighting for the kids and decided to let others speak for her. She said the kids have nowhere to go. She said she has been living in Fairburn since 1993 and she is putting an addition on her house so she can stay in Fairburn. She said everyone else can come do things at the Youth Center and Duncan Park; however, when can the citizens do things in their own facilities. She said she has been told that if she fights for her kids or wants a better education for her kids she is trying to get someone fired. She has been told if she wants to do something for her community she is hell raising. She said her blood pressure is up and she is giving up. She said when Mayor Reed took his position in the City of Atlanta, he opened up the Youth Centers and their children have a place to go. She said if we do not invest in our children they will go away. She said her son is in Kansas City trying to figure out a way to put socks on the children's feet. She said he cannot do everything and they need help. She said the "Fun Day Event" was the best thing they had this year and they had a great time. She said she was told it was not the season and asked when it will be the season. She asked when it will be the time to take care of our kids. She said she wants people to care about the children in this community.
6. Hattie Jones, 6724 Rivertown Road, Fairburn, GA. 30213, spoke on recreation. She said she has lived in Fairburn since 1996. She said she knows how Fairburn has changed and she has seen how Fairburn has changed. She said in 1996 the population was much smaller than it is now and they had enough recreational activity to deal with the population of children in Fairburn; however, today that is not the case. She said due to the increased population they have to expand recreational programs and provide tutorial and enrichment programs. She said it has already been stated that the schools and the parents cannot do it alone. She said it has to be done as a community. She said the Youth Center has a lot of demands and there should be a coordinated effort regarding community recreation for the City of Fairburn. She said the Youth Center and Duncan Park is not enough to accommodate all of the needs for this community.

She said this will require additional effort for everyone and the parents who spoke earlier today said they are willing to step up to the plate and do whatever is necessary to make sure there is a cohesive effort for all of Fairburn's children. They are our future and if we do not take care of this today, not only will we deal with deficits in education and recreation, we are also dealing with an unskilled labor force which ties into economic development and security for the community as well. She said now is the time to address the issues brought forth today. She said the Mayor and Council should consider the Youth Enrichment Program.

7. Mika Smith, 124 Shadow Creek Court, Fairburn, GA. 30213 thanked the City for working on the streets. She said she was tired of looking at the woods and asked if they could be removed. She said she has been told several different stories and the HOA Executive Board has been working strongly and diligently to get correct information. She said the HOA was told the builders did not have to clean the property. She said she has lived in the dark for several months; however, now the problem is being taken care of due to the hard work from the HOA Executive Board. She said she is an advocate for community service and she has been a substitute teacher for three years at the high school. She also spoke about the children in the community. She said she supports Duncan Park and she knows Eric Berry is a participant. She asked if Council would stand up and support the community together.
8. Horace Cooper, 880 Buckingham Cove, Fairburn GA. 30213 said he agrees with Keisha Jennings comments. He said he was there at the Youth Center during the summer and there is a need for the Youth Program. He said there is a daily need for the children in the neighborhood to have a place to go and they need to capture the children on the middle school level. He said they made sacrifices as parents and now they are asking the City to make some sacrifices. He said they made a sacrifice when they signed a 2 million dollar bond to buy Duncan Park. He said this was done for the children. He said Council Member Vaughan works for the school and there are a large number of children coming through the school system. He said he was tired of running them out of the street or taking them to Hapeville. He said the children would ask him what they are going to do. He said they are willing to do whatever they can in the City of Fairburn and asked the Mayor and Council to make a sacrifice. He said he knows the money is tight; however, he is asking that they make the sacrifice. He said he would recommend those who are running for office this year to run on supporting the Youth Program. He said anything else; they will not stand a chance. He asked if Mayor and Council would think about the youths and consider the Youth Program. He asked them to tell the Community what they are planning to do.
9. Havard Seldon, introduced himself and said he recently retired from the

Georgia Department of Transportation after 30 years. He said he is now employed with Moreland Altorbelli, where he serves as project and program manager. He said he will continue working with the City Council and the City Engineer Troy Besseche. He said if his assistance is needed to please contact him.

VI. APPROVAL OF THE AGENDA:

Council Member Vaughan made a motion to approve the Agenda placing items 2, 3, 4, 5, 8, 10, and 11 on Consent Agenda, items 1, 6, 7, 9 and 12 through 17 remained on Regular Agenda with Council Member Russell providing the second. **The motion carried.**

VII. APPROVAL OF CONSENT ITEMS:

Council Member Alderman made a motion to approve Consent Items 2, 3, 4, 5, 8, 10, and 11 with Council Member Johnson providing the second. **The motion carried.**

2. Intergovernmental Agreement - City of Atlanta for the Bohannon Road Bridge Replacement Project. The agreement results in a reimbursement amount of \$328,567.00 from the City of Atlanta toward the cost design and construction of the water main relocation associated with this project.
3. Task Order - Whitewater Creek Stormwater Sampling Program (2013-2014 in the amount of \$8,090.00.
4. Professional Services Agreement with Burns & McDonnell Task Order 2013-01 (Redundant Water Supply Evaluation) in an amount not to exceed \$26,165.00, an authorization for the Mayor to sign the agreement, and approve the sole source selection of the firm as an exception to the Purchasing Policy.
5. Change Order#1- John Rivers Road Improvements on various Roads. The contract amount is \$738,724.68 and the value of the contract that will be changed is about \$45,000.00 representing 6% of the total.
8. Resolution to waive competitive bid requirements for the construction of the patio/deck next to the future Irish Bred Pub Restaurant with no direct cost for the Resolution, however; the related construction agreement for the patio/deck will cost up to \$99,900.00 from the G. O. Bond Fund.
10. Professional Services Agreement with Arnice H. Foster to provide Zumba Classes during the fall of 2013 at the Annex Building.
11. Modification of Lease Agreement with GRASP, Inc. & Marnessa Vital

for the Youth Center for the Fall Semester of the 2013-2014 Academic School Year based on the accompanying request from the tenant.

VIII. APPROVAL OF COUNCIL MINUTES: July 22, 2013 Council Meeting

Council Member Alderman made a motion to approve the Minutes of July 22, 2013 Council Meeting with Council Member Vaughan providing the second. **The motion carried.**

IX. APPROVAL OF AGENDA ITEMS:

1. Discussion only of the Refunding for the 2006 Utility Bonds was discussed at workshop.
6. Agreement with Absolute Success, Inc. (Design & Construction of proposed patio/deck beside the future Irish Bred Pub Restaurant)

Council Member Russell made a motion to approve the Agreement with Absolute Success, Inc. (Design & Construction of proposed patio/deck beside the future Irish Bred Pub Restaurant). Council Member Heath provided the second.

Council Member Alderman said Mr. Paul Marmol should sign both as a personal and individually guarantor. Attorney Turner said Mr. Marmol was not comfortable with the personal guarantor. City Administrator Tom Barber said the Council should have a choice to include both personal and individual, or to take the personal guarantor out. Attorney Turner said Mr. Marmol did see the agreement and he did not make a comment about the personal and individual guarantor. Council Member Johnson said she wants to get it done. Council Member Hurst said based on what Attorney Turner said and what Mr. Barber said he is not going to sign either way. She recommended sending the agreement to him to see what happens. Council Member Russell asked if the personal guarantor is the way to do business for leasing. Attorney Turner said it is not unusual in leasing property to ask for a personal guarantee; however, it is little or less important in this one, but not unusual.

A vote was taken on the substitute motion with Council Members Alderman, Hurst and Vaughan voting “Yes” and Council Members Heath, Russell and Johnson voting “No”. The motion failed with Mayor Avery breaking the tie voting “No”.

Council Member Russell amended her motion to approve the Agreement with Absolute Success, Inc. (Design & Construction of the proposed patio/deck beside the future Irish Bred Pub Restaurant) to remove the personal guarantee. Council Member Vaughan provided the second.

Council Members Hurst, Heath and Alderman voted “No” and Council Members Vaughan, Johnson and Russell voted “Yes”. The motion passed with Mayor Avery voting yes to break the tie.

7. Agreement with Absolute Success, Inc. (Use of the Proposed patio/deck beside the future Irish Bred Pub Restaurant)

Council Member Vaughan made a motion to approve the Agreement with Absolute Success, Inc. (Use of the proposed patio/deck beside the future Irish Bred Pub Restaurant) in the amount of \$669.17 for 19 and one-half years, beginning in January of 2015. Council Member Heath provided the second.

Council Member Johnson said she was not clear on the monthly amount. Mr. Barber said the amount is \$669.17 per month. Council Member Alderman said the lease agreement does not list a personal guarantor in the first paragraph.

Council Member Alderman made a substitute motion to insert Paul Marmol personal and individual guarantor on page 1 of the lease agreement. **The motion failed due to the lack of a second.**

The original motion passed to approve the Agreement with Absolute Success, Inc. (Use of the proposed patio/deck beside the future Irish Bred Pub Restaurant) in the amount of \$669.17 for 19 and one-half years, beginning in January of 2015 with Council Member Alderman voting “No”.

9. Approval of Rental Fees, Deposits and Other Conditions for the Youth Center and other City Facilities

Council Member Alderman made a motion to approve the Rental Fees, Deposits and Other Conditions for the Youth Center and other City Facilities with Council Member Heath providing the second.

Council Member Russell asked if the gym is being rented in the Youth Center, can any other rooms be rented in the facility. Mr. Barber said yes. Council Member Hurst said she has a serious issue with \$1500.00. She said it is excessively high and according to the lease, the use is for the entire building; and it is only available on Saturdays. She said the children are in school during the weekdays and they need some sort of recreation on Saturdays. She said they could work with some fee but not \$1500.00. She said the citizens in Fairburn pay to have that building renovated and she feels they should have as much access to the building as possible. She said she likes how Ms. Keisha Jennings spoke under public comments and said children should have someplace to go. She asked what the fee is for

the Fairburn citizens at the Youth Center. Council Member Johnson said there is no fee for them. Council Member Hurst said if their parents do not have to pay; she does not have a problem with it. Council Member Vaughan said this is to encourage people not to rent the facility. He said he wants the kids to be able to go to the Youth Center. Mayor Avery said for a point of clarity for the use of the facility the \$1500.00 fee is to prohibit someone else from coming in and locking down the building so it can be utilized by our youths. Council Member Hurst said she was confused because the lease said there is a fee for the entire building for City residents and nonresidents. Council Member Vaughan said the fee is for renting the building for personal use. He said they do not want anyone to rent the building. Council Member Alderman said the rental agreement is saying if an individual wants to rent the building they have to pay a fee; however, if they want to play they will not have to rent the building. Council Member Heath asked what if someone like Eric Berry came in and asked to have an event at the facility, would he be charged. Council Member Vaughan said no, as long as it is not exclusive and opened to the public. Council Member Hurst said that is what is confusing because she does not see where private or individual is listed on the lease. Council Member Johnson asked if the language for private or individual use could be added. Attorney Turner said he would add the language for private function only. Council Member Hurst asked if a child is at the park and they are unattended, would they be charged. She asked how would they go about doing that and who decides on the fee. Council Member Vaughan said if a child is left there should be consequences. Attorney Turner said if that happens, a number could be tied to that reflecting what it would cost the City to charge the parent or guardian until they came back to get the child.

After much discussion, the motion passed to approve the Rental Fees, Deposits and Other Conditions for the Youth Center and other City Facilities.

12. Professional Services Agreement with TDI/Kenny Hopkins

Council Member Vaughan made a motion to approve the Professional Services Agreement with TDI/Kenny Hopkins to modify 3 of the baseball fields in the amount of \$7200.00 with Council Member Russell providing the second.

Mr. Barber said they have a contract with a Landscape Maintenance Company and they have maintained the fields for the last two years. He said there are three fields they need to improve and Kenny Hopkins comes highly recommended. He said the City would pay \$7200.00 for him to maintain the 3 large fields and the lease agreement requires for the promoter to maintain the fields during the season. He said the City would

pay on front end and save on back end. He also said South Fulton Little League is not running fall baseball this year. Council Member Vaughan asked is there a negotiation on what the fee is to use the fields. Mr. Barber said yes.

After discussion, the motion passed.

13. Agreement Between the City of Fairburn and Tommy Chase for Use of Fields and Facilities at Duncan Park

Council Member Vaughan made a motion to approve the Agreement between the City of Fairburn and Tommy Chase for Use of Fields and Facilities at Duncan Park in the amount of \$125.00 for tournaments; and \$25.00 for lights and maintenance, with Council Member Heath providing the second.

Council Member Russell asked if this will have any negative impact with the football team. Mr. Barber said the agreement is only for the weekends and they can still practice on the outfield. Council Member Hurst asked if Mr. Chase is the one and is he the same as the Mr. Chase with US Traveling Association USTBA. Mr. Barber said he did not know; however, his baseball involvement is AABC. Council Member Russell asked if they could check references and do a background check. Mr. Barber said yes. Attorney Turner said the agreement could be contingent on what the Council would like to do. Council Member Alderman asked if the agreement was just for weekends and what if Mr. Chase did not have games on the weekends. Mr. Barber said he would only pay for the days he is renting the fields. Council Member Alderman asked about the incentive for Mr. Chase to lease the fields. Mr. Barber said he would make money on tournaments. Council Member Hurst asked if a background check was required in the past for the person supplying the lease and their employees. Mr. Barber said a background check is not required on the teams they play against, it is done internally. Council Member Alderman said the liability Insurance Policy is one million dollars. Council Member Russell asked if he is doing this on a rental facility. Mr. Barber said yes.

Council Member Vaughan amended his motion to approve the Agreement between the City of Fairburn and Tommy Chase for Use of Fields and Facilities at Duncan Park in the amount of \$125.00 for tournaments; and \$25.00 for lights and maintenance, with the contingent of the background check. Council Member Heath provided the second. **After much discussion, the motion passed.**

14. Ordinance to Amend Section 8-10 of the Code of Ordinances/ Permitted Times for Alcohol Sales

Council Member Johnson made a motion to approve the Ordinance to Amend Section 8-10 of the Code of Ordinances/ Permitted Times for Alcohol Sales for 2:00 a.m. each day of the week with Council Member Vaughan providing the second. **The motion carried.**

15. Resolution to Impose a Temporary Moratorium on the Acceptance of New Massage Parlors

Council Member Heath made a motion to approve the Resolution to Impose a Temporary Moratorium on the Acceptance of New Massage Parlors for 120 days with Council Member Johnson providing the second.

Council Member Vaughan asked what Massage Parlors are. Attorney Turner said a Massage Parlor can only involve a licensed massage therapist.

After discussion, the motion passed.

16. Increase the Deposit Amount for Fire Hydrant Meters

Council Member Vaughan made a motion to approve the Increase of the Deposit Amount for Fire Hydrant Meters with Council Member Russell providing the second. **The motion carried.**

17. Discussion of Municipal Facility Use

Council Member Hurst made a motion to refer the Discussion of Municipal Facility Use with Council Member Alderman providing the second.

Council Member Hurst said she has been in contact with Fulton County regarding payments for utility bills because they have a lot of people in the community who cannot pay their utility bills. She said she is very interested in how they will go about doing this. Mayor Avery said there were questions about other government agencies using our facilities. He said some people say it is not right however; there was an item that went to the state legislature and it is not an uncommon practice for them to use our facility. He said they must make some type of concessions for the state officials. Council Member Russell said there should be a list of activities of what is accepted in the facility. Mr. Barber said they have another Church who wanted the space.

Council Member Heath said if there was a charge for the Homesafe Program there would have been 53 families who would not have gotten help. He said a lot of people are still laid off from work and these programs are vital to our community. He said they need these services for the community.

After discussion, the motion passed.

X. MAYOR AND COUNCIL COMMENTS:

Council Member Alderman had no comments.

Council Member Heath had no comments.

Council Member Hurst had no comments.

Council Member Vaughan thanked the people who came out and spoke about the Youth Program, particularly, Ms. Jennings and Ms. Berry. He said they have to keep moving and move faster with Youth Service and Recreational Programs.

Council Member Johnson had no comments.

Council Member Russell said she agree with Council Member Vaughan regarding the comments about the youth programs. She said the kids must have a place to go and they need to keep it going.

Council Member Vaughan said when Ms. Berry's son Eric Berry utilized a free public after school program; it was something very important to the families in the community.

Mayor Avery thanked Mr. Johnston for acknowledging the City's financial achievement since 2010. He said City's Department Heads are the individuals who manage the day to day budget. He said they should not lose sight of the people who are responsible for the proper spending. He said they will have to come up with a policy to validate campaigning on City property. He said they do not want to prohibit anyone from running for office or prohibit anyone who is in office. He said they are not trying to put their Police and Code Enforcement Department in a political stigma. He said they have to come up with a policy to legislate what is City property. He said asked them to look at the playground at Duncan Park. He thanked Bill Johnston for his assistance regarding our financial issue. He said for two years the City has planned smart.

XI. ADJOURN COUNCIL MEETING:

Council Member Vaughan made a motion to adjourn the Council Meeting at 8:35 p.m. and go back into Council Workshop with Council Member Russell providing the second. **The motion carried.**

Brenda B. James City Clerk

Mario Avery, Mayor