



**CITY OF FAIRBURN**  
**City Council Meeting Minutes**  
**City Hall**  
**56 Malone Street**  
**Fairburn, GA 30213**  
**July 8, 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 with the exception of Council Member Vaughan which constituted a quorum.
- III. INVOCATION:** Provided by Council Member Heath.
- IV. PLEDGE OF ALLEAGANCE:** Recited in unison.
- V. PRESENTATIONS AND AWARDS:**

Mayor Avery asked all the Fairburn Firefighters to come forward and read a letter to be sent to the Mayor of the City of Prescott Arizona from the City of Fairburn for the nineteen fallen heroes who lost their lives as Firefighters. He read the following letter into the record and said a prayer for the nineteen Firefighters:

Marlin Kuykendall, Mayor  
City of Prescott  
201 S. Cortez  
Prescott, AZ 86302  
Dear Mayor Kuykendall:

The City of Fairburn is saddened to hear of the unfortunate news, regarding the fire devastation that has resulted in the tragic losses of your brave firefighters. We are extending our moral support to your Fire Department and encouraging strength during this difficult time. The Firefighters will continue

to be in our thoughts and prayers as they fight to braze the fires, as will the citizens of Prescott, who are affected by this natural disaster.

We know your community will soon regain a sense of normalcy and your spirits will be uplifted once more. On behalf of the City of Fairburn's City Council, Fire Department, and citizens, we send our condolences and prayers to the family and friends of your fallen heroes.

Sincerely,

Mario B. Avery  
Mayor

#### **VI. PUBLIC COMMENTS:**

1. Andy Lovas, 342 Fairview Drive, Fairburn GA. 30213 spoke on the GMC College Parking Lot Development. He said he supports the College being in the City and believe it is a good addition to the community; however, he has concerns with the college parking lot. He suggested the 2<sup>nd</sup> entrance be directed at Shaw Street; however, the design person did not agree to those changes and the exit was done at Fairview. He said the City Engineer assured him there will be some landscaping done. He said he was disappointed to hear that the pavers will not be paving the new part of the parking lot. He said they are going to pave the parking lot up front and come back later to pave the back of the parking lot.
2. Horace Cooper, 880 Buckingham Cole, Fairburn GA. 30213 spoke on the Children's Program at the Fairburn Youth Center. He said there were 63 children participating in the program at the Youth Center and it is a great program. He had several children with him and said they are in the program and are all honor students. He thanked the Mayor, Council, Melody Barnes and Coach James Berry for their program. He said he hopes this program will continue in the future. He encouraged everyone to stop by and see what an outstanding program they are providing for our youths.
3. Nell Smith, 204 Fayetteville Road, Fairburn GA. 30213 spoke about agenda item number 10; the purchase of 5 vehicles for the Police Department. She asked if the Chief of Police, Chip McCarthy purchased 5 vehicles for \$117,000.00 without approval by Council. Mayor Avery said that is what he said, yes. She spoke on the request made by Harvey Stokes to purchase two lawn movers. She said the mowers must be serviced and we should not buy after-market parts. She asked if her questions could be answered because something is just not right.

#### **VII. APPROVAL OF THE AGENDA:**

Council Member Alderman made a motion to approve the Agenda placing items 2, 3, 4, 6, 7 and 9 through 21, on Consent Agenda, pull items 1 and 8 from the Agenda; and add item 22, Settlement Agreement and Release between the City of Fairburn and Snap Property LLC Wingate Hotel, items 5, and 22 will remain on the Regular Agenda. Council Member Russell provided the second. **The motion carried.**

#### **VIII. APPROVAL OF CONSENT ITEMS:**

Council Member Russell made a motion to approve Consent Items 2, 3, 4, 6, 7 and 9 through 21 with Council Member Johnson providing the second. **The motion carried.**

2. Approval of the ADA Transition Plan which will require future annual investments in infrastructure averaging \$17,202.25 for sidewalk improvements.
3. Approval of the Construction Agreement in the AIA format with South-Tree Enterprises, Inc. in the amount of \$3,784,694.88 for Classroom Building # 3.
4. Approval of the Termination for the Construction Management Agreement with Heery, which will reduce the city's commitment on the contract to the amount paid to date plus any work completed up to the 10-day notice period. The original contract was for \$249,200.00 and the amount paid to date is \$145,582.86 (58%).
6. Approval of the Change Order Request for Duncan Park Irrigation, with Georgia Development Partners in the amount of \$54,186.00 for irrigation systems modification at Duncan Park.
7. Approval of the Change Order Request for Fairburn Education Campus Parking Expansion in the amount of \$1,463.48 with Southeastern Site Development for the installation of a new sidewalk/footing necessary to utilize a future phase of the parking area.
9. Approval of the Change Order #2 JB+A- Design of Courtyard Stage in the amount of \$22,574.00.
10. Approval of the Purchase of Five (5) Vehicles for the Police Department in the amount \$117,000.20.
11. Approval of the Purchase of Emergency Equipment and Window Tint for 5 new Police Vehicles in the amount of \$49,850.00.

12. Approval of the Acceptance of Grant and Purchase of Intoxilyzer 9000 for the Police Department in the amount of \$8000.00 which will be reimbursed to the City through a grant from the State of Georgia.
13. Approval of the Purchase of 10 Motorola APX 6500 Digital Mobile Radios for the Police Department in the amount of \$37,927.50.
14. Approval of the Ratification of Performance Agreement for Reggie Hines & Planet Jazz Allstars (Eric Florence).
15. Approval of the Ratification of Performance Agreement for One Band (Tonya Greene).
16. Approval of the Ratification of Performance Agreement for Clinton Mason.
17. Approval of the Purchase of Vacuum Excavator Device in the amount of \$49,904.00.
18. Approval of the Purchase of Two Zero Turn Turf Mowers for the Street Department in the amount of \$14,148.00.
19. Approval of the Revised Lease Agreement with Kevin & Sharia West on behalf of Charis Fellowship Church for a period not to exceed six months effective, July 8, 2013 in the amount of \$700.00 per month.
20. Approval of the Lease Agreement with GRASP, Inc. and Marnessa Vital for the Fairburn Youth Center for a five-month period beginning August 1, 2013 in the amount of \$1,200.00 per month during the Fall Semester of the 2013-2014 Academic School Year.
21. Approval of the Inmate Detention Agreement with the City of East Point to house inmates in the East Point Jail for \$60 per day.

**IX. APPROVAL OF THE COUNCIL MINUTES: June 10, 2013**

Council Member Alderman made a motion to approve the Minutes of June 10, 2013 with Council Member Russell providing the second. **The motion carried.**

**X. APPROVAL OF AGENDA ITEMS:**

5. Change Order Request - Fairburn Education Campus Classroom Building #3 Construction Management

Council Member Alderman made a motion to approve the Change Order

Request with Gardner, Spencer, Smith, Tench & Jarbeau, for the Fairburn Education Campus, Classroom Building #3 for Construction Management in the amount of \$37,456.00 with Council Member Heath providing the second.

Council Member Russell said she spend a lot of time representing commercial and residential construction companies and she has a problem not having an owners' representative overseeing the classroom building. She said she does not want to burden staff; however, in the interim staff can monitor the process until they can go back out for bid for owner's representative to do the construction management. Council Member Hurst asked who would be the designated staff member. Council Member Russell said there is Harvey Stokes and they could go back to the original bid list. City Administrator, Tom Barber spoke about the notice to proceed and said they are going to allow South-Tree Enterprise to do site prep and grading during the summer. Mayor Avery asked if they are going back to the short list to conduct the oversight. Mr. Barber said yes, there were five firms that were on the short list. Mayor Avery asked if the Construction Manager's Fee would exceed \$10,000.00. Mr. Barber said yes. Attorney Turner said he would not recommend going back to the short list. He said Council has the flexibility to shorten the process. He said this item should be held.

Council Member Russell made a substitute motion to hold the Change Order Request for the Fairburn Education Campus Classroom Building #3 Construction Management until further review with Council Member Hurst providing the second. **The motion carried.**

**22. Settlement Agreement and Release between the City of Fairburn and Snap Property LLC (Wingate Hotel)**

Council Member Hurst made a motion to approve the Settlement Agreement and Release between the City of Fairburn and Snap Property LLC, (Wingate Hotel) for unpaid Hotel/Motel Tax's in the amount of \$46,665.62.

**XI. MAYOR AND COUNCIL COMMENTS:**

Council Member Russell said they had good meetings at the GMA Conference in Savannah. She said she took the recreation class and found it to be informative as it relates to what we are facing in putting our recreation program together at the City. She said she toured the Port of Savannah and it was absolutely fascinating. She also said they are doing logistics education in Savannah, which is being moved throughout the school system in the State of Georgia.

Council Member Hurst had no comments.

Council Member Heath had no comments.

Council Member Alderman had no comments.

Mayor Avery announced there will be a concert in Fairburn, July 20, 2013 at 7:00 p.m. and encouraged the public to attend. He said he attended the 81<sup>st</sup> US Conference of Mayors last month. He said the Federal Government tried to reduce CDBG funding, which is used to provide jobs and also reduce the cap on Municipal Bonds, which provide the construction that is presently going on in the City. He said he stood with about 30 Mayors at a news conference to oppose the efforts of the congressional leadership to destroy funding that assist in building our cities. He said he was going to lobby other Mayors to join the US Conference of Mayors. He also said the US Conference of Mayors is trying to get a business service provided online through Google.

Council Member Hurst said she attended a Training Council Meeting sponsored by the NLC last week in Washington, D.C. She said they have a new president and the decision had been made to cancel all their training classes, however; when they met they decided the classes need to remain in force. She said there will be another NLC Conference scheduled for September with the Training Council in Savannah. She said when Council Members go to these meetings; they need to be able to bring information back to their cities and towns. She said one of the reasons they decided to cancel the classes is because of the cost of the classes were not cost efficient. She said they also discovered some of the cities were not paying their dues. She said the cities pay dues to the NLC, according to their population and the cities that were paying their dues like Fairburn and Union City were carrying cost for some of the larger cities, some in California who had not paid their dues in several years; and their employees were continuing to attend the conferences. She said the Training Council Classes are very important and they will continue to have them.

## **XII. ADJOURN COUNCIL MEETING:**

Council Member Alderman made a motion to adjourn the Council Meeting and go back into workshop at 7:45 p.m. with Council Member Heath providing the second. **The motion carried.**

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Brenda B. James City Clerk

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Mario Avery, Mayor