



**CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
January 28, 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 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 which constituted a quorum.
- III. INVOCATION:** Provided by Council Member Alderman.
- IV. PLEDGE OF ALLEGIANCE:** Recited in unison.
- V. PRESENTATION:** Proclamations were presented by Mayor Mario Avery for Rural Metro Day, Landmark Christian School Girls Volleyball, Landmark Christian School Girls Cross Country State Champions and Retiree Lonnie Bowden.

Mayor Avery read the following proclamations into the record:

A Proclamation to designate February 2, 2013 as Rural/Metro Day

Whereas, emergency medical services are vital to community health and safety; and
Whereas, the highly skilled and talented employees of Rural/Metro are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
Whereas, access to quality emergency care and clinical excellence dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
Whereas, Rural/Metro has established a trusted and successful partnership with area public safety agencies and healthcare providers; and

Whereas, Rural/Metro has been capably serving the residents and visitors of the City of Fairburn since 2000; and

Whereas, Rural/Metro was founded February 2, 1948 at 8:00 A.M .and has since expanded to more than 700 communities in 21 states; and

Whereas, Rural/Metro is now a leading national provider of ambulance and private fire protection services in the United States; and

Whereas, it is appropriate to recognize the value and the accomplishments of EMS providers by recognizing the anniversary of the company's founding; now

Therefore, in recognition of this event, I hereby proclaim the February 2, 2013, as Rural/Metro Day.

I, Mario B. Avery, hereby encourage residents and visitors of the City of Fairburn to recognize this day in appreciation to the men and women of Rural/Metro who help make our community a better and safer place to live and work. Signed this 28th day of January 2013.

A Proclamation in recognition of the Landmark Christian School Varsity Volleyball Team

Whereas, Landmark Christian School is an outstanding institution; and

Whereas, under the leadership of Athletic Director, Wayne Brantley and Coaches Sheri Creamer, Katie Cusumano, and CJ Eisenberg, the Landmark Christian School Varsity Volleyball Team have shown the community the result of hard work, persistent dedication, and teamwork; and

Whereas, the Volleyball Team finished first in the state with a 41-14 record; and

Whereas, they led the state (all classifications) in aces and blocks; and

Whereas, the City of Fairburn is proud to be the home of such an outstanding institution and team.

Now, therefore, I, Mario B. Avery, Mayor of the City of Fairburn, the City Council and citizens of Fairburn, choose to recognize Landmark Christian School Varsity Volleyball Team on their great accomplishment and wish them continued success. I do hereby proclaim Tuesday, January 29, 2012 as Landmark Christian School Day in the City of Fairburn. Signed this 28th day of January, 2013.

A Proclamation in recognition of the Landmark Christian School Girls Cross Country Team

Whereas, Landmark Christian School is an outstanding institution; and

Whereas, under the leadership of Athletic Director, Wayne Brantley; Head Coach, Bill Thorn; and

Assistant Coach, Martha Akin, the Landmark Christian School Girls Cross Country Team has shown the community the result of hard work, persistent dedication, and teamwork; and

Whereas, the Cross Country Team is Georgia High School Association Region 5A Champions; and

Whereas, they are Georgia High School Association A-Private State Champions with 7 of the 12 team members scoring; and

Whereas, the City of Fairburn is proud to be the home of such an outstanding institution and team.

Now, therefore, I, Mario B. Avery, Mayor of the City of Fairburn, the City Council and citizens of Fairburn, choose to recognize the Landmark Christian School Girls Cross Country Team on their great accomplishments and wish them continued success. I do hereby proclaim Tuesday, January 29, 2013 as Landmark Christian School Day in the City of Fairburn. Signed this 28th day of January, 2013.

A Proclamation in recognition of Lonnie Bowmans Retirement

Whereas, Mr. Lonnie Bowman was hired by the City of Fairburn on June 7, 2000; and
Whereas, Mr. Bowman has been a loyal and faithful employee for over twelve years to this government; and

Whereas, Mr. Bowman's dedication and devotion to duty had a valuable effect on the efficiency and morale of his co-workers, we wish to extend our sincere appreciation for his outstanding performance; and

Whereas Mr. Bowman officially retires from the City of Fairburn on January 30, 2013 and will surely be missed by fellow employees; and

Whereas, it is fitting to recognize this milestone and show appreciation to Mr. Bowman for his dedicated service to our community and his contributions to the City of Fairburn.

Now, therefore, I, Mario B. Avery, Mayor of the City of Fairburn, the City Council, employees and citizens of Fairburn wish to sincerely thank Mr. Lonnie Bowman for his years of service and wish him well in his retirement. So proclaimed this 28th day of January 2013.

VI. PUBLIC COMMENTS: There were no speakers.

VII. ADOPTION OF THE COUNCIL AGENDA:

Council Member Vaughan made a motion to adopt the Agenda adding item number 11; Resolution Establishing a Moratorium and placing item 1, 2 and 3 on Consent Agenda; items 4, 5, 6, 7, 8 and 9 will remain on Regular Agenda with Council Member Russell providing the second. **The motion carried.**

VIII. APPROVAL OF CONSENT ITEMS:

Council Member Heath made a motion to approve Consent Items 1, 2 and 3 with Council Member Hurst providing the second. **The motion carried.**

1. Appointment to the Planning and Zoning Commission.

Elizabeth A. Echols Term Expires January 31, 2017

2. Approval of the Protective Clothing Replacement Purchase.
3. Approval of the Construction Agreement- 2012 CDBG Streetscaping Improvements Project in the amount of \$69,470.00.

IX. APPROVAL OF COUNCIL MINUTES: City Council Meeting of January 14, 2013

Council Member Alderman made a motion to approve the Minutes of January 14, 2013 with one correction made by Council Member Hurst on page two under public comments; change the word tribute to contribute. Council Member Russell provided the second. **The motion carried.**

X. AGENDA ITEMS:

4. Approval of the Group Health Insurance Contract with Coventry.

Council Member Vaughan made a motion to approve the Group Health Insurance Contract with Coventry for a period of 13-months for their HCR \$1500.00 Choice POS Plan Employee Health Insurance offering effective March 1, 2013. Council Member Heath provided the second.

Insurance Brokers Jack Rehm, Karen Larkin-Rehm and Meg Marland gave and overview of the Group Health Insurance Contract with Coventry.

Council Member Heath asked what hospitals does Coventry use. Ms. Larkin-Rehm said Coventry Insurance has more hospitals and primary care physicians than Blue Cross Blue Shield Insurance. She said everyone has a deductible and the deductible starts from January through the end of the year. She said anyone who has met their deductible in October, November, December, January and February; they will get credit for 2013. She said hospital charges, outpatient surgery, specialist, drugs that fall under tiers 2, 3, 4, urgent care services; and emergency services will be processed at the time of the claim because the City has a deductible reimbursement plan. She said to be sure to talk with the doctor to verify benefits before going to the doctor and do not pay the claim. She said if the deductible is met there will be copays for specialist in the amount of \$40.00, urgent care copay will be \$75.00 and emergency visits will be \$150.00. Council Member Hurst asked about the HRA account. She said if an employee use the flexible spending account and decides to leave the City, that money will be lost. Ms. Larkin-

Rehm said that is correct; however, the City has a very low turnover and this has been accounted for; and it is not a concern. Council Member Hurst said she has to take non-generic drugs and asked if she was under tier 2 or 3. Ms. Larkin-Lehm said it could fall under either tier and it is subject to the deductible; however, it will not be reimbursed by the City. Mayor Avery asked about the impact of Obamacare as it relates to this insurance renewal. She said with this plan, there are over 100 City employees, it is a good plan and there will be no penalties; however, the prices will go up several years from now. He also asked how many years is this renewal. Ms. Larkin Rehm said this is a 13-month renewal. Council Member Heath asked which prescription requires a prior authorization. Ms. Marland said there is a list in the Coventry Enrollment Guide located on page 27. He asked if prescription 31 days \$3.00 and if they can get a 90 day refill. He asked about the flexible spending account and if there will be a limit of \$2500.00 that the employer can participate, in and does this apply to the flex account. Ms. Larkin-Rehm said no, it cannot be used under the flex account. Council Member Hurst asked if retired employees under the age of 65 are covered under this plan. Mr. Barber said the City do not offer any health insurance to retirees. Council Member Russell asked if a referral is required to go to a specialist. Ms. Marland said no referral is required; however, they would have to go to a specialist in network. Mayor Avery asked about the nonprescription drug named legends on page 4 Section 7. Mr. Barber said this is an excluded drug. Council Member Alderman asked about the payment of insulin. Ms. Larkin-Rehm said if you take tier 2 drugs, the copay is \$30.00 and if it is a tier 2 drug with no non- generic equivalent the copay is \$60.00. Mayor Avery asked for after hour consultations for those individuals who have questions about the insurance. Mr. Rehm said they are doing an online enrollment and the employee would be coached through the process. She said everything will be available online for the employee and their office can answer any questions after hours. Mr. Barber made one correction on page 2 item C; under Premium Rates Guaranteed, change to 13 months instead of 12 months. He said the renewal schedule for next year has been changed to April 1, 2014.

After much discussion, the motion passed for the Group Health Insurance Contract with Coventry for a period of 13 months.

5. Approval of the Employee Insurance Contributions and Conditions for 2013.

Council Member Johnson made a motion to approve the Employee Insurance Contributions and Conditions for the 13 month period beginning March 1, 2013 with Council Member Russell providing the second. **The motion carried.**

6. Approval of the Coventry Administrative Service Agreement.

Council Member Vaughan made a motion to approve City Council to authorize the Mayor to execute Coventry Administrative Service Agreement effective March 1, 2013 with Council Member Russell providing the second.

Council Member Alderman said there was one correction on page 1 under section 1.1 Effective Date and Term is March 1, 2013 instead of March 1, 2012.

After discussion, the motion carried for the Coventry Administrative Service Agreement passed.

7. Approval of the Coventry Prescription Drug Rider.

Council Member Heath made a motion to approve Coventry Prescription Drug Rider effective March 1, 2013 changing the copay to 35/65 with Council Member Russell providing the second. **The motion carried.**

8. Approval of the Health Reimbursement Arrangement (HRA) Service Appendix with Coventry Consumer.

Council Member Vaughan made a motion to approve the Health Reimbursement Arrangement (HRA) Service Appendix with Coventry Consumer Advantage Inc. effective March 1, 2013 with Council Member Johnson providing the second. **The motion carried.**

9. Approval of the Ameritas Life Insurance Corp. Group Dental and Vision Insurance Application.

Council Member Vaughan made a motion to approve City Council to authorize the Mayor to execute the application for group dental and vision insurance with Ameritas Life Insurance Corporation effective March 1, 2013 with Council Member Johnson providing the second. Council Member Hurst asked is the dental rate \$29.87 monthly rate just for the employees and is the vision rate is \$8.24 just for employees in an amount of \$38.11 per month. Ms. Larkin-Rehm said yes however; the employee does not pay the employee only on the premium for the dental. She said \$29.87 is paid by the City.

Mayor Avery asked if a person has other dental or life insurance elsewhere, would they be able to opt out of the dental or health insurance. Ms. Larkin-Rehm said yes there will be an area where they will be able to waive or elect.

Council Member Hurst said she has never heard of Ameritas and asked for more insight on the company. Ms. Larkin Rehm said Ameritas is one of the largest dental carriers in the country. She said Ameritas focus on municipalities and they are very well known for paying their claims.

After discussion, the motion passed for the approval of the Ameritas Life Insurance

Corporation Group Dental and Vision Insurance Application.

10. Discussion of Rental Rates for the Youth Center and other City Facilities.

City Administrator, Tom Barber said there are a set of fee schedules for review which have not been approved by Council. He said staff is asking for direction from the Mayor and Council as it relates to the rental rate for the Youth Center and other City facilities. He said a set of fees should be established for the Pavilion, Annex Building, Duncan Park and the Youth Center Facilities. He said they need to know if Mayor and Council want residential or non-residential components and if they want staff onsite. He said they need to determine if they are going to rent for partial days or whole days.

Council Member Johnson asked if the fee schedule will be finalized tonight. Mr. Barber said no these items are for discussion only. Attorney Turner said the documents are not being proposed; however, they would like to address them. Mayor Avery said he would like for Council to address the use of City facilities by the elected body and requested that their input is included the new fee structure. He asked is it possible to define what the paid fees are for non-City related business use of City property by City officials and if the use of the facilities could be paid for by City officials. Council Member Vaughan asked how to define City based events. Mayor Avery said if the event is more than 1 or 2 days; determine if it is directed toward City use or by a personal program. Council Member Vaughan said the Mayors' concern is a scheduling issue. He said the issue of whether rental fees are charged is based on whether a non-City event is an event that is for profit or where the public is excluded, which is a closed event. He said the issue is to define who gets charged for the use of the facility. He said Coach James Berry developed some youth activity programs to utilize the Youth Center. He said there should be a full array of programs involved with our youths by developing a parks and recreation program that serve the public free of charge. He said there is a place for fee structure as long as it is not exclusive. Mayor Avery said based on the assessment explained by Council Member Vaughan he will ask Coach Berry to provide an assessment by comparing a neighboring City and determine if the programs are exclusive or non-exclusive.

Council Member Johnson said there should be a differential and they should be charged an amount at the Youth Center for non-residence. Council Member Vaughan said he disagree because in the process of developing a program those people are contributing more than the fee for the program. Council Member Russell said she believe it would be beneficial to have one contract for the events and it would be easier on staff and they need to determine if they need someone onsite. She said there should be a deposit along with residential/non-residential fee. She said there cannot be a nonprofit rate. City Attorney, Randy Turner said he has not found that in

the law to be true. He said this is not a gratuity problem and they need to focus on the fees. He said as long as the fees serve as a benefit as it relates to what it will cost to the City by making the facilities available. Council Member Vaughan asked about the pavilion rates. Mr. Barber said those rates have been approved and the pavilions were only rented 20 times last year. Mayor Avery said he was concerned as to whether the fee structure will be a problem with the residents. He said he was trying to avoid destroying the continuity in our youths. Council Member Vaughan said he believes that the issue is whether the programs at the City facilities are exclusive or inclusive. Council Member Hurst said she does not want the fee structure to be just inclusive to recreation. She said she was concerned about the Homeowner's Associations because there are several HOA's that are very active. She said they were allowed to use the annex building once a year; however, there is an issue they meet quarterly. She said they pay taxes just as anyone else in the City and they paid taxes for the Annex Building to be renovated. She said the reason no one was at the Youth Center in the past is because when they asked to use the Annex Building they were told no by management. She said if they are going to do or not do a fee structure, she does not want the Homeowner's to be charged a fee if the recreation programs are not being charged a fee. Council Member Vaughan said he agree with Council Member Hurst, however the recreation programs are charged a fee. Mr. Barber said if there has to be a staff in the building unless Council does not want a fee charged, he said he is going to charge a fee to cover the cost of the staff person. Council Member Vaughan said he agree that someone should be onsite at the facilities. Mayor Avery said there must be someone onsite from the City regardless of the events a member of staff should be present.

11. Approval of the Resolution Establishing a Moratorium on Sign Permits for 90 Days.

City Attorney, Randy Turner said the purpose of this Resolution is to insure that the new sign ordinance presented through the Planning and Zoning Commission does not have pending applications for sign ordinances under the old sign ordinances that would conflict with new business. He said they would like to create a gap so any sign permits or variances to signs under the old ordinance can be covered and brought to resolution prior to the time they have a new ordinance.

Council Member Hurst made a motion to approve the Resolution Establishing a Moratorium on Sign Permits for 90 Days with Council Member Vaughan providing the second. **The motion carried.**

XI. COMMENTS FROM MAYOR AND COUNCIL:

Mayor Avery congratulated the new member of Planning and Zoning.

Council Member Alderman had no comment.

Council Member Heath thanked everyone for coming to the meeting and announced there will be an event hosted by Home Safe Act Program to assist individuals with their house payments at the Youth Center on February 23, 2013 from 9:00 a. m. until 4:00 p.m. He spoke about Lonnie Bowman and said he is one of the best individuals he has ever known and thanked him for his service. He said he was thankful to have the type of schools like Landmark Christian School that pursue activities by giving the children the guidance and wisdom in building the stamina to come in first place.

Council Member Hurst said she wished Lonnie Bowman good health a good time and a prosperous retirement. She said he has been an excellent employee and whenever she met Lonnie, he is always the same with a beautiful smile. She said Mayors' Day was a fantastic meeting. She said her old office presented on Sunday. She said she and Mayor Avery attended the Community Development Meeting and this was a very informative meeting. She said she do not want anyone to think that they are just playing around when they go to meetings because Friday, Saturday and Sunday were hard days. She thanked the City for allowing them to attend meetings because a lot of Cities do not get that opportunity.

Council Member Russell said she agrees with what Council Member Hurst said as it relates to them being fortunate to have the budget to go to class and be educated. She said she was in Brooklyn, New York and attended a meeting for International Economic Development Council on Neighborhood Revitalization Strategies and it was an excellent meeting. She thanked Mack McCarthney for attending the Council Meeting. She said several Development Authority Members attended the Downtown Development Authority Training and they brought back some great input. She said she was pleased to be working with Marcia Hampton from the City of Douglasville's Development Authority and GMA to help redesign the Downtown Development Training.

Council Member Johnson said today is her birthday and two years ago she decided not to run for City Council again; however, she said she changed her mind and was glad she did, because she was glad to be a part of all the good things that are going on in the City.

Council Member Vaughan had no comment.

Mayor Avery congratulated Elizabeth Echols for coming onboard. He spoke about the class he had at the Mayors' Day Conference. He said class was phenomenal and provided some good information. He said he, Council Members Hurst and Russell attended the Community Development Class together and one of the presenters was from Madison Georgia. He said the presenter talked about what they have done with 4000 people. He said 3 or 4 years ago they went to Madison to view what they were building and what they have done with 4000 people is unbelievable. He said he wanted

to publicly give credit to this government for taking a lot of what was learned in Madison and manifesting it downtown. He said he was excited about the credibility of the Planning and Zoning Board. He said the vote by the Planning and Zoning at the City of Fairburn mean something now. He said he was happy to say that the U S Conference of Mayors released a document to show the various Mayors who were willing to go to congress with a signature letter to release money to assist those people who were in New Jersey with the hurricane assistance. He said in the State of Georgia, the City of Fairburn was the only Mayor. He said there comes a time when we have to stand by taking that grid lock in Washington and be willing to speak. He said he wanted to thank the City of Fairburn in advance. He commended Lonnie Bowman on his retirement and said it takes a great man to make a man great. He said this great man has helped other great men to become great to some degree.

XII. ADJOURN COUNCIL MEETING:

Council Member Alderman made a motion to adjourn the meeting at 8:58 p.m. with Council Member Vaughan providing the second. **The motion carried.**

XIII. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION OR 3) REAL ESTATE

Brenda B. James, City Clerk

Mario Avery, Mayor