



**CITY OF FAIRBURN  
City Council Meeting Minutes  
City Hall  
56 Malone Street  
Fairburn, GA 30213  
January 14, 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 Mayor Avery.
- IV. PLEDGE OF ALLEGANCE:** recited in unison.
- V. PUBLIC COMMENTS:**

1. Keith Washington, 1210 Buckingham Drive, Fairburn, GA. representative of the Parks at Durham Lakes, read the following information and inquires for Horace Cooper, President of the Parks at Durham Lakes Homeowners Association.

He asked for clarification on the use of the Fairburn Youth Center. He said he requested information for the Fairburn Youth Center and thanked the City for the information, however; it was not what he requested. He said he was sent a rental agreement for the Fairburn Annex Building and asked if the Council Minutes from the previous meeting could be reviewed to specify his request. He said some of the elected officials and city staff think the citizens are quite naive to allow the use of the Fairburn Youth Center as a "let me do you a favor center". He said this is directed at Council Member Vaughan, who was absent. He advised Council Member Vaughan to allow the employees to run the Fairburn Youth Center and

allow Peachtree City to find a facility for their youths. He said as a resident of Fairburn he is not allowed to use the amenities of the City of Peachtree, so why do they extend a courtesy to a City that does not contribute to their tax base. He also expressed concerns about the Fairburn Youth Center being used for students in detention. He asked who decided to do this, how much would this cost the City of Fairburn in property damage and possible theft. He said it is time to make a change and maybe that change needs to start with the Council Members.

2. Jackie Parker, 8410 Senoia Road, Fairburn, GA. representative of the Bank of Georgia said she came to introduce the bank to Fairburn. She said the bank is located on HWY 74 and they are very interested in helping the City with business development. She said Fairburn is a very beautiful and vibrant City and they are proud to be a part of it.

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

Council Member Hurst made a motion to approve the Agenda placing items 1, 2, 3, 4, 5, 6, 8 and 10 on Consent Agenda, pull item 7 from the Agenda and items 9, 11, 12 and 13 will remain on Regular Agenda with Council Member Heath providing the second. **The motion carried.**

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

Council Member Russell made a motion to approve Consent Items 1, 2, 3, 4, 5, 6, 8 and 10 with Council Member Alderman providing the second. **The motion carried.**

1. Approved the Appointment of Council Member Alex Heath as the Mayor Pro -Tem, for the 2013 Year.
2. Approval of Mayor's Staff Appointments for 2013 - City Clerk; Brenda James, Police Chief; Chip McCarthy and Landscape Architect; Rick Sewell.
3. Approval of the South Fulton Neighbor Newspaper as the Legal Organ for the City of Fairburn for the 2013 Year.
4. Approved the appointments to the Planning and Zoning Commission.

Shelby Philips  
Term Expires 1/31/2017

Andrew Whitmore  
Term Expires 1/31/2017

5. Approval of the Radio System User License Agreement with Fulton County in the amount of \$27,612.80.
6. Approval of the Professional Services Agreement with Mauldin & Jenkins for FY 2012 Audit in the amount of \$26,000.00.
8. Approval of the Representation Letter for Fourth Amendment to Reimbursement Agreement.
10. Approval of the Lease Agreement with Kevin & Sharia West on behalf of Charis Fellowship Church for a period not to exceed six months beginning January 1, 2013 for \$700.00 per month.

**VIII. APPROVAL OF THE MINUTES: Council Minutes of December 10, 2012**

Council Member Hurst made a motion to approve the Minutes of December 10, 2012 with Council Member Heath providing the second. **The motion carried.**

**IX. APPROVAL OF AGENDA ITEMS:**

9. Approval of the Development Services Fee Schedule

Council Member Russell made a motion to approve the Development Services Fee Schedule with Council Member Alderman providing the second.

Council Member Hurst asked what the fees entail and if the water tap is for new development only because residential is listed in the amount of \$2700.00. City Engineer, Troy Besseche said it could be in a situation where a tap was needed for another building or another use on a property, it could be used for an existing property or development. Council Member Hurst said she would like clarification because there are some homeowners who would like to get an irrigation meter and she did not want one homeowner to be told they have to pay a tap fee of \$2700.00 and someone else not having to pay a tap fee. She said she would like for the Fee Schedule to be clear that the \$2700.00 is not for a resident who call and wants to get an irrigation meter. She said she want to make sure that the \$2700.00 is not going to come back and we say this is what the Council voted for; and this is not what we are voting for.

Mayor Avery asked the City Attorney, Randy Turner if there was a need to amend the motion. Attorney Turner said the \$400.00 charge on the Fee Schedule is for the meter only with an existing tap. He said this information is listed under Section 9 of the Fee Schedule. He said if there is an existing

tap, the \$400.00 meter charge would apply, however; if there is a residential property that does not have a tap into the water system and want to tap in for irrigation purposes only; he said then the charge would be \$2700.00. Council Member Hurst said she has a problem with that because it will not cost the Utility Department \$2700.00 to come out to install a meter. She gave an explanation of how the process works. She said she wants to get an irrigation meter to water her lawn and the reason she is getting the meter is because she does not want the water to flow through her sewer. She said as a homeowner she would call the Street/Property Manager, Harvey Stokes to get a permit for \$50.00, and then she would purchase the meter for \$400.00 and purchase a back flow valve. She said she could install the back flow valve or have someone else to install it and once it has been installed; she would call Mr. Stokes to come out to inspect the irrigation meter. She said once he inspects the irrigation meter, he would issue a work order to the Utility Department and they will come out and hook up the meter. She said that is not \$2700.00 worth of work for the Utility Department. She said one person can do this in less than ten minutes. Mr. Besseche said he agrees with everything Council Member Hurst has said, however; the tap fee include more than what she described. He said the tap fee is where there is no connection to the water main with a service line at all and in some cases this could involve more plumbing. He said those are situations that are being characterized as tap fees. He said the situation they are trying to address is just the one described by Council Member Hurst, which is to charge \$400.00 for the irrigation meter with the labor included in the \$400.00. Council Member Hurst asked if the irrigation meter and labor was included in the \$400.00 where there is no tap required. Mr. Besseche said yes, the \$400.00 covers the cost of the meter and the labor.

Council Member Hurst said she would like for the record to show that the irrigation meter and labor cost is \$400.00 for the Fee Schedule.

City Administrator, Tom Barber said for clarity purposes under the first three items listed in item 9, under Water Taps; include the cost of \$400.00 for irrigation meter cost and labor on a separate line of the Development Services Fee Schedule.

**After much discussion, the motion carried to approve the Development Service Fee Schedule.**

11. Approval of the Lease Agreement with GRASP, Inc. and Marnessa Vital for the Fairburn Youth Center.

Council Member Johnson made a motion to approve the lease agreement with GRASP, Inc. and Marnessa Vital for the Youth Center with Council Member Russell providing the second.

City Administrator, Tom Barber said when he first became City Administrator; he was visited by people looking for free space. He said he met with many people to discuss how the City could get the most out of its facilities by having an after school program. During one of the meetings, one of the individuals in the group asked about considering an Out of School Suspension Program. He said this program is to serve students who have 3 to 10 day suspensions. He said the person he chose from the group was Marnessa Vital, who is a long time educator and retired military person. He said the City would provide the facility and included in the lease agreement, the program would service Creekside and Langston Hughes High Schools, Bear Creek; and Renaissance Middle Schools. He said the program includes funding a director, two assistants and the cost for leasing the facility. He said the rental fee for the program is \$800.00 and the schedule is Monday through Friday from 7:30 a.m. until 3:00 p.m. for a five month period starting January 2013 until May 2013. This is all paid by Fulton County.

Council Member Hurst said there are three entities currently at the Fairburn Youth Center, which includes James Berry, Harvest Rain Church and Charis Fellowship Church. She asked why people are going into the facility before the contracts come before Council. She said based on the analysis given by Mr. Barber, this program is for students who are suspended from 3 to 10 days and they are down at the Fairburn Youth Center. She asked why the rental charge was \$800.00 per month. She said the Church use the facility from 9:00 a.m. until 2:00 p.m. on Sunday and they are paying \$700.00 per month. She said the school is using the facility from 7:30 a.m. until 3:00 p.m. She said the utilities outweigh the rent and they are only making money through the homeowners. She said she does not understand the lease agreement and they need to be fair when it comes to contracts. Mr. Barber said he was recently notified that Fulton County cut the contract for the program to \$48,000.00. Mr. Barber said the rental fee of \$800.00 was offered by the tenant.

Mayor Avery said he spoke with Mr. Barber and Mr. Berry regarding after school programs. Mayor Avery asked the applicant to explain what the suspension program offers and how this program would constitute rehabilitation for the students.

The applicant, Ms. Marnessa Vital gave an overview of the Out of School Suspension Program. She said the Fulton County School Board released a proposal for the Out of School Suspension Program. She said in the proposal they are required to offer students academics and other programs throughout the day. She said over half of the students have issues related to behavior management problems. She said they have developed a curriculum to assist the students academically and their programs are based on referrals. She said they accept referrals for long time counseling and other programs. She

said over 52% of the students suspended are suspended again. She said they plan to reduce that rate to 47%. She said they offer group counseling sessions with strict guidelines.

Council Member Russell asked about the daily activities provided by the program. Ms. Vital said a student would have to be referred to the program and the arrival time is 8:00 a.m. She said students are released at 3:00 p.m. and must be picked up by 3:15 p.m. She said the daily activities of the program are listed as follows:

1. Conflict Resolutions
2. Math
3. Lunch
4. Reading, Language Arts and;
5. Counseling Sessions

Council Member Hurst asked where the students would go for lunch. Ms. Vita said their daily meals are nutritional and very limited. Council Member Hurst asked if the health department has been notified. Ms. Vital said she was told that it was not necessary. Council Member Hurst said she was not against the program; however, she has concerns about the Council not being notified and how it was handled. Ms. Vital said they were notified in December by Fulton County with a letter of intent that they were being considered for the grant. Council Member Hurst said the City Manager has been meeting and discussing the program long before December.

Council Member Alderman asked how many students are allowed in the program and what would a student do to be removed from the program. Ms. Vital said there would be no more than 45 students and if a student is tardy they would be referred to the office of student discipline and the school administrator will determine if they would be able to stay in the program. She said there are 15 to 20 rules aligned with the Fulton County School Board Discipline Cycle to determine whether the student would be terminated from the program. Council Member Alderman asked Ms. Vital how much experience she had with an outside School Discipline Suspension Program. Ms. Vital said she is retired military and has worked in the school system for four years in school counseling and discipline areas. She said she has worked with approximately 30 to 40 students in the area of behavior management for the past four years. Council Member Alderman asked if the insurance policy has the City listed as additional insured. Ms. Vital said yes. Council Member Alderman said he agrees with Council Member Hurst and wish they had been made aware of this type of program. Ms. Vital said the RFP was released in September of last year. Mr. Barber said he has been meeting about the program since 2011; he had not discussed this program with Council and he really never thought the program would get funded. Council Member Hurst said the staff is going to have to do better and the

Council needs to be notified as to what is going on. Council Member Hurst said she does not like not being notified and she was not going to start year 2013 like that.

Mayor Avery apologized on behalf of the City as it relates to some of the dialog going back and forth. He said they are trying to open a better line of communication about the situation with the Fairburn Youth Center. He said he is having a matrix given to every Council Member and a revenue stream describing what programs are being held at the Fairburn Youth Center. He said they are working on how to bring Duncan Park back alive during the summer. He said this will be a major move for the City to bring children to Duncan Park. He said he was interested in the elementary level school programs. He apologized to Council regarding notification of the lease agreement at the Fairburn Youth Center.

**After much discussion, the motion carried to approve the Lease Agreement with GRASP, Inc. and Marnessa Vital for the Fairburn Youth Center.**

12. Discussion on the Health Insurance Renewal for 2013

Mayor Avery said if there are any additional questions regarding the Health Insurance Renewal for 2013, please forward them to the City Administrator.

13. Mayor's State of the City Address

The Mayor's State of the City Address is available on the City's website at [www.fairburn.com](http://www.fairburn.com).

**X. MAYOR AND COUNCIL COMMENTS:**

Council Member Johnson had no comments.

Council Member Heath had no comments.

Council Member Hurst congratulated City Clerk, Brenda James and Police Chief, Chip McCarthy on their reappointments and said it was a pleasure to have them.

Council Member Alderman congratulated the people who were reappointed. He said the Mayor has done a great job with the State of the City Address. He said it has been a pleasure working with the Mayor and serving the community. He said if he needs him to please call him.

Council Member Russell said she was pleased to say that the Mayor and

Council do not always agree however; they come to common ground. She said when she attends meetings for the City, she receives so many compliments about Mayor Avery and how other Cities say they wish they could bring him to their City. She said the City has a smart staff and the Mayor is a great salesman for the City.

Mayor Avery said there are some things we take for granted and he wanted to give honor where honor is due. He thanked the Lord and Savior Jesus Christ. He said the City is being talked about in all areas beyond belief. He introduced his wife Diane Avery and thanked her for keeping him grounded. He thanked the City Administrator, Tom Barber. He said Mr. Barber carries the weight of the City on his shoulder and commended him for all the work he has done. He also thanked every resident in the City of Fairburn.

**XI. ADJOURN COUNCIL MEETING:**

Council Member Russell made a motion to adjourn the meeting at 8:50 p.m. with Council Member Hurst providing the second. **The motion carried.**

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Brenda B. James City Clerk

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Mario Avery, Mayor