



**City of Fairburn
Council Meeting Minutes
May 22, 2023
7:00 pm**

- I. Roll Call by City Clerk, Brenda James found the following members present:

The Honorable Mayor Pro-Tem Linda J. Davis
The Honorable Alex Heath
The Honorable James Whitmore

The Honorable Hattie Portis-Jones
The Honorable Pat Pallend

Absent: The Honorable Ulysses J. Smallwood

- II. The meeting was called to order by the Honorable Mayor Avery.

Also present was City Administrator Tony Phillips, Assistant City Administrator Jamila Criss, City Attorney Rory Starkey, Assistant City Attorney Serena Nowell, and City Clerk Brenda James.

- III. The invocation was provided by Pastor Deris Coto, First Baptist Church of Fairburn.

- IV. Pledge of Allegiance was in Unison.

- V. Presentations and Proclamations:

1. Student Recognition Presentation to Global Impact Academy

Mayor Avery thanked everyone for coming to the City Council meeting. Every year the City of Fairburn participates in the Georgia Municipal Association (GMA) Cities Week to highlight and celebrate the role of the government and provided services to this community. The event encompasses week-long activities to enhance awareness of how government works and encourages citizen involvement in local schools, area businesses, Civic clubs and more.

Assistant City Administrator, Jamila Criss said we are excited to recognize Global Impact Academy students for civic engagement and leadership in participating in Civic night for the Georgia Cities Week, hosted by our Economic Development department. Thank you to Global Impact Academy Leadership Principal, Dr. Anthony Newbold and teachers, Dr. Andrea Prewitt and Ms. Sherry Bouie who are instrumental in preparing the students to fully implement this initiative. Social Studies teacher, Ms. Sherry Bouie led her 9th grade class in conducting a student-led mock city council meeting, live streamed on Wednesday, April 26th incorporating materials including the city budget, departmental roles, responsibilities and a description of the Mayor and City

Council members authority. Students worked from a list of action items and deliverables related to the mock City Council meeting which entailed in selecting a real-life problem identifying a program to address the issue and formulating a policy with funding to implement as a city initiative. The students conducted the immersive learning experience with the knowledge and skills that reflect the Excellence in Education and Leadership of Global Impact Academy. Students commented on this experience that they gained a greater understanding of government functions and a desire for more significant leadership opportunities from this exercise. Ms. Criss asked the Mayor, City Council, Dr. Newbold and Global Impact Academy staff to join them at the podium as they presented each student with a certificate for their participation. Certificates went to the following students:

Dereck Reed, Kennadi Mosley, Preston McCrary, Gracelynn Carmon-Griffith, Olivia Powell, Noelle Walker, Emily Nguyen, Adunola Obeisant, Pilar Desir, Gabriella Rivera, Pieton Hylton, Ahmad Harris, Jonna Green, Mallory Davenport and Dameon Stanley.

Mayor Avery thanked all the students that were here and the ones that couldn't make it. He said we are so proud of every single person that was involved. He personally thanked the City of Fairburn's staff that played such a major role in helping get this together. Mayor Avery asked City Administrator, Tony Phillips, to present a plaque to Dr. Newbold. Mr. Phillips read the Excellence in Education and Leadership Award.

Dr. Newbold thanked everyone for coming out in support of their students, they worked hard on this project, and it was an amazing evening with our students sharing their talents. He thanked Ms. Bowie, she worked tirelessly after school with her students to ensure they had all the information and support they needed to come and perform. He thanked Dr. Pruitt, she came on board this year, she is instrumental in helping us get started on achieving our stem certification which is a very detailed task that will take about three years to complete. We love working with the students everyday and we look for every opportunity to get into the community and truly make a global impact and thanked the City of Fairburn for all their support. Global Impact Academy has done whatever they needed to do to make sure that we provide this level of education for our students and looks forward to future endeavors.

Ms. Sherry Bouie said the students are still talking about how much fun they had and there are other students that wish they had participated. It really was an eye-opening event, getting them ready to present themselves in a professional way at 14 years old and giving them that foundation they need to be active participants in government. She thanked the City of Fairburn for giving the students this opportunity.

Dr. Andrea Prewitt thanked Ms. Sylvia Abernathy for being extremely helpful in getting all of this together in partnering with our school. She thanked the Mayor and City Council members as well.

VI. Adoption of the City Council Agenda:

Councilman Whitmore made a motion to adopt the agenda as presented, with Mayor Pro Tem Davis providing the second. **The motion carried unanimously.**

VII. Public Comments: N/A

VIII. Approval of the Minutes:

2. Approval of the minutes Regular Council Meeting Minutes of May 8, 2023

Councilman Whitmore made a motion to approve the minutes as written, with Mayor Pro Tem Davis providing the second. Councilwoman Portis-Jones abstained. **The motion carried unanimously.**

IX. Public Hearing: N/A

X. Consent Agenda: N/A

XI. Agenda Items:

3. 2023 – 2024 Cyber Liability Insurance

Assistant City Administrator, Jamila Criss presented this item and said on April 24, 2023, the Mayor and Council approved property and liability coverage and asked for an extension for Cyber Liability Insurance for them to get quotes. The annual premium for Cyber Liability is \$25,382.

Councilman Pallend made a motion to approve Tanner, Ballew and Maloof, Inc. to maintain cyber liability coverage for the City with Crum and Forster effective May 31, 2023, to May 1, 2024, with an annual premium of \$25,382 and to execute all documents necessary to bind coverage for the 2023 – 2024 policy year. The second was provided by Councilman Whitmore. **The motion was carried unanimously.**

4. Ordinance to Amend Personnel Policy to Authorize a Paid Parental Leave Policy

Human Resource Director, Talisha Champagne presented this item and said they are requesting approval to establish a new policy the City's paid parental leave policy. This policy provides employees with up to six weeks of paid leave time for either the birth of a child, to be able to bond with a child or for the placement of a foster child or newborn. She indicated a couple of things, this leave will run concurrently with FMLA. FMLA is unpaid child protected time, so the fact the city is providing six weeks of paid parental leave allow employees to hold on to their sick leave in which many of them would not have enough to be able to take that amount of time off to be able to spend time and bond with their child. With it running concurrently with FMLA, they will get six weeks of paid time and then the other six weeks will be

unpaid. There is no budgetary impact as it relates to the establishment of this new policy, because we will be paying the employees at their actual salary rate. In addition to that, once an employee leaves the city, there's no accrual as it relates to this leave, so there is no payout provisions.

Councilman Heath made a motion to approve an Ordinance authorizing the amendment of Chapter 2, Administration Article III, Division I, Section 2-57. Personnel Policy to authorize a Paid Parental Leave Policy; to provide for severability; to repel conflicting ordinances; to provide an effective date; and for other purposes. The second was provided by Mayor Pro Tem Davis.

Councilwoman Portis-Jones asked how this would operate if both parents work for the city. Ms. Champagne asked if it is both parents that are spouses/married. Councilwoman Portis-Jones said they are taking the leave for the birth of a child, so whatever that relationship they are both parents. Ms. Champagne said there is provisions in the policy to where if they are spouses, the leave is combined so they don't get to take six weeks per employee. Councilwoman Portis-Jones said Ms. Champagne was using the term spouses and asked if that was the criteria, they must be married. Ms. Champagne said no, maybe her question is if she has an employee that's not married, may just be dating, have a child, would both employees have the ability to use six weeks of paid time and the answer is yes. Mayor Avery asked both the father and mother and Ms. Champagne said yes. Councilman Whitmore asked if a significant other was included. Ms. Champagne said yes. After discussion, **the motion was carried unanimously.**

5. Approval of Task Order #7 with Atlas Technical Consultants for Right-of-Way Acquisition Services on the Duncan Park Secondary Access Road Project

Community Development Director, Lester Thompson presented this item and said the City of Fairburn entered into a Master Services Agreement with Atlas Technical Consultants, LLC on October 10, 2022, for On-Call Construction & Project Management Services. The agreement with Atlas was approved with the understanding that task orders associated with Construction & Project Management Services would be issued on an as-needed basis. As such, Task Order #7 for said services has been submitted for review and approval. The design for the Duncan Park secondary access road is about 70% complete, the right of way acquisition would allow the project to move forward, the plans will be finalized, and the product be put out to bid.

Councilman Pallend made a motion to approve Task Order #7 with Atlas Technical Consultants for Right-of-Way Acquisition Services on the Duncan Park Secondary Access Road Project in an amount not to exceed \$79,200.00. The second was provided by Mayor Pro Tem Davis. **The motion was carried unanimously.**

6. Approval of a COVID CDBG Agreement with Fulton County for Operation F.A.C.T.

Community Development Director, Lester Thompson presented this item and said Fulton County Board of Commissioners approved an agreement providing the City of Fairburn with \$215,004 for Operation F.A.C.T. (Fairburn Addressing COVID-19 Transmission). The scope of the project is to renovate the Fairburn Annex for COVID testing, education, and advocacy. The scope is also to acquire the empty grassed lot directly across the street from the annex and convert it to a paved parking lot. The goal is to use the new parking lot for overflow parking for the new annex COVID testing location and for drive-thru testing.

Councilman Whitmore made a motion to approve and execute the COVID Community Development Block Grant (CDBG) Agreement with Fulton County for Operation F.A.C.T. in an amount not to exceed \$215,004.00. The second was provided by Councilwoman Portis-Jones.

Mayor Pro Tem Davis asked if the parking lot would be used specifically for COVID. Mr. Thompson said the parking lot can be used in any capacity for parking.

Mayor Pro Tem Davis asked if the block grant was designated just for COVID-19 or for other health situations. Mr. Thompson said this grant is specific for COVID-19.

Tony Phillips said the improvements to the annex facility that this funding will allow, operate in the same way as the parking lot the facility can be used for other things, it is a multi-purpose facility.

Mayor Pro Tem Davis asked for a time frame on this project. Mr. Thompson said the right of way acquisition is currently underway and if we can get that done in the next 30 days, we may have to come back to the Mayor and Council, everything must be done by December 31, 2023.

Councilman Whitmore asked how many parking spaces we are anticipating. Mr. Thompson stated he wouldn't know until the design is completed, we don't have the preliminary drawings yet, but we are hoping for at least thirty. Councilman Whitmore had some discussion regarding a parking deck and wanted his thoughts about a parking deck at this location or the quartz parking lot to add multiple parking spaces. Mr. Phillips said the parking lot we are about to construct could lend itself to a future application for enhanced parking. He has had conversations with the Buildings Manager Dana Smith, who has been scouting several other locations but has not made a final determination.

Councilwoman Portis-Jones asked if the CDBG allocation is for 2023 and if the acquisition and design for the land for the parking lot is a separate funding source. Mr. Thompson said he believes it is for 2022 and it will be a tight budget but plans to make it work. After discussion, **the motion was carried unanimously.**

7. Request from GFL Solid Waste for a Consumer Price Index (CPI) Rate Increase of 10% effective May 1, 2023

Utilities Director, John Martin presented this item and said this request is from GFL Solid Waste for a Consumer Price Index (CPI) Rate Increase of 10% effective May 1, 2023. The City of Fairburn has been a customer since February 2009 for residential solid waste collection, recycling, and bulk services. Due to the supply chain constraints and volatile commodity market input costs for tire manufacturers have risen significantly along with that fact, hourly labor costs and diesel retail prices have increased since January of 2022. The presentation in the agenda packet articulates the inflation and rising costs have directed the impact of the sanitation business. As per the agreement, "The service fee will be increased annually every May 1st beginning on May 1, 2023, to reflect the annual adjustment based on Table 1 of the Consumer Price Index for All Urban Consumers (CPI-U)." The CPI increase of 10% will increase all services provided to the City of Fairburn residents.

Councilman Heath made a motion to approve the request from GFL Solid Waste for a Consumer Price Index (CPI) rate increase of 10% effective May 1, 2023. The second was provided by Mayor Pro Tem Davis.

Mayor Pro Tem Davis asked if they would increase this every year when they compare it to the CPI. Mr. Martin said yes, they will look at the CPI and propose an increase if necessary. She asked if we renegotiated with GFL. Mr. Tony Phillips said this is the same existing contract with GFL that has been in place for several years, there's no new agreement. This increase is a provision allotted in that contract that allows them to annually adjust by 10% based on the CPI.

Councilman Whitmore asked what the CPI number is now and what it was for the previous year. Mr. Martin said the number is currently 6.7% and it comes out monthly.

Councilwoman Portis-Jones said that cost of doing business have increased and doesn't think the 10% is unreasonable. She asked about a resolution to all the issues and concerns that we've had and asked for an update. Mr. Phillips said they would send out a detailed memo to the Mayor and Council to address that question more specifically. Over the last six months, a new management team was brought into GFL, and we have noticed distinct improvement, their responsiveness has improved significantly, we are receiving less complaints from our customer service division than we were, it is no where near perfect. We are tracking issues and the work with them has improved.

Mayor Pro Tem Davis asked if the increase was for the city or the citizens. Mr. Martin said that the increase was for the city and would increase the citizens rates to \$16.51 per can, the prior cost for citizens was \$12.22. Mr. Martin said they performed a survey with other cities to find them paying \$18.50, which is the lowest they found, the average is \$25.50 in most areas.

Mayor Avery talked about the increases in so many labor/maintenance costs, we are being hit with inflationary impact from natural gases. Being transparent to our customers, inflation impacts our costs. Staff is dealing with this on a regular basis, it's not just Fairburn, it is every local government. After discussion, **the motion was carried unanimously.**

8. Request from Advanced Disposal dba Waste Management for a Consumer Price Index (CPI) Rate Increase of 10% effective June 1, 2023

Utilities Director, John Martin presented this item and said this request is from Advanced Disposal dba Waste Management for a Consumer Price Index (CPI) Rate Increase of 10% effective June 1, 2023. The City of Fairburn has been a customer since February 2006 for commercial solid waste collection and recycling service. Throughout the term of the previous agreements, there were no major issues and customers were satisfied with their services. In accordance with Section 5.0 Compensation, specifically 5.3-Rate Adjustments Due to Significant Changes, Letter A (Consumer Price Index Adjustment) of the agreement, "Once each year, the Contractor may petition to adjust its rate upward or downward to reflect changes in the CPI, that have occurred during the proceeding twelve months. However, the CPI increase may not exceed 4%, in any one year" and Letter C, "Extraordinary fuel rate increases."

Mayor Pro Tem Davis made a motion to approve the request from Advanced Disposal dba Waste Management for a Consumer Price Index (CPI) rate increase of 10% effective June 1, 2023. The second was provided by Councilman Heath, **the motion was carried unanimously.**

XII. Reports:

9. Finance Director Monthly Report

Senior Accountant, Nekisha Baker said in the absence of Finance Director, Bryan Stephens, she will be presenting the financial report for April 2023. The City of Fairburn's General Fund concludes its 7th month of 2023 operation with \$3.6 million in net cash flow. To date, it has generated \$19.6M in revenue with \$9.2 in expenditures. As of April 30th, the city collected 80% of its revenues and expended 40% of its budget.

The City of Fairburn's Enterprise Fund concludes its 7th month of 2023 operation with roughly \$900,000 in net cash flow. To date, this fund has generated \$11.9M in Revenue with \$11M in Expenditures. As of April 30th, the city collected 54% of its revenues and expended 50% of its budget.

Mayor Avery said at the end of the second meeting of the month, we like to give you a picture of where our city is sitting financially. Prior administration only gave it to the City Council, and we wanted to be totally transparent and make it public.

10. City Administrator's Monthly Report

City Administrator, Tony Phillips presented a summary of the City's monthly administrative activities for April 2023. We are very fortunate that we have a firm financial standing and we approach fiscal management very conservatively. All organizations are dealing with increasing costs and inflationary pressures and Fairburn is no different. We have several areas where costs are increasing significantly, utilities is one of those areas where we have a conversation coming in the near future where we will have to take a look at how best to move forward and it's across the board. Most of us who manage household budgets already know that everything costs more.

The City Administration and staff maintain persistent focus on the improvement of city operations and service delivery. Continuous improvement is a core principle of our management and operational methodology. We have been intentional in our efforts to build and support a professional and experienced city staff that continues to provide high quality daily service to our residents.

Mr. Phillips presented updates of April highlights.

Councilwoman Portis-Jones thanked Mr. Phillips for the report and asked about Wi-Fi at Duncan Park, what are the capabilities etc. Mr. Phillips said he doesn't have those numbers with him but can work with Mr. Dana Smith and Charles Johnson, IT Manager, to get specifics. It is installed primarily around the Duncan Park Splash Pad and Pool House area, it does not cover the entire park yet. Our intention is to expand it so it will cover all areas of the park and will get specific numbers on what the bandwidth is for that Wi-Fi area.

Councilwoman Portis-Jones asked if we are planning in the future to discuss the Old Campbell Courthouse building. Mr. Phillips said it is a work in progress, the city Administration and the Mayor always advocate for engaging our communities. That facility sits in the middle of a residential neighborhood and feels like they need to have a conversation at the appropriate time with the people who would most be impacted by that. He has been in contact with members of the community on a regular basis, keeping them updated but there needs to be a collaborative conversation about what it can be, what it should be, and it will involve our elected officials to help us determine what those final decisions will look like. There's a lot that must be done as it relates to assessing the restoration of the building. This isn't a repair, it is a restoration and is a very costly process and is guided by very specific guidelines. We have been contacted by several advocacy groups for historic facilities and there will be a lot of voices wanting to be in that process. We will be very deliberate about how we move forward and try to be as inclusive as we can but there will be significant decisions. We don't know what the cost of that will be and how we will fund that. As we settle with the insurance company, it will allow us to take some definitive steps as it relates to bringing in additional companies to tell us

how much it will cost to historically restore the building.

Mayor Avery said as we talk about the concerns of the procurement with historic property, there are avenues in the procurement process that you have to follow.

Mr. Phillips said as we look at this from a staff perspective, we look at it holistically, the Old Campbell Courthouse is a priority project for us, so is the Public Safety Facility and the Multi-Purpose Center at Duncan Park as well as the Fairburn Education Campus, so we must consider this in context of the entire fiscal responsibility of the city. Major efforts can run into millions of dollars and there is much interest around the facility and we want to be sensitive to that but we also want to make sure we are doing everything we can to do this the right way.

Councilwoman Portis-Jones wanted to know more about the insurance payout because that has its own funding stream and those dollars will dictate what, when, and how we do it. She also knows we are not experienced in this as a city and asked for them to please reach out to the City of Rome who redeveloped their downtown with numerous historic buildings and had historic preservation, they had challenges and learned a lot. She also suggested they reach out to the City of Dublin who also had numerous historic preservation buildings.

Councilman Heath asked if there was a Full Clover Leaf on 74 at 80. Mr. Phillips said no, it is half.

Councilman Whitmore asked where we were on the plans for the fire station on Milam Road. Mr. Phillips said that went before the Council for the architectural design at the last meeting, Mr. Dana Smith gave an update, and is our expectation that groundbreaking will be before the end of the calendar year. Councilwoman Portis-Jones asked about the solar panels for the fire station and suggested it be investigated, the time is now to start considering that as an alternative. Mr. Phillips said that Mr. Dana Smith is looking into that process.

Mayor Avery said he had a conversation with another Mayor about the volume of power we buy and 50% of the city going solar doesn't change our costs and wanted to be clear that everyone understands that. Councilwoman Portis-Jones said she agreed with that, but she is suggesting our usage as government buildings and how we fund and support our usage. We need to do some things like conservation of electricity and take a holistic approach to this. Mr. Phillips said it could push back the timeline on the fire station, it could increase the cost to construct it but we will make those options available so we can have that discussion. Councilman Whitmore said with the increased costs, it can be part of a future build if we can't initially do it. Mr. Phillips said we are open to looking at all those options but wanted to mention that it could impact the timeline.

XIII. Council Comments:

Councilwoman Hattie Portis-Jones – N/A

Councilman Whitmore said he spoke to a couple of vendors at the Third Friday event and they are extremely happy with the support coming from the residents. One person was not a resident, but they have us on their radar, and will be attending every Third Friday event, the music is great, and the family atmosphere is wonderful. Whatever we're doing, keep doing it.

Councilman Pallend – N/A

Councilman Heath – N/A

Mayor Pro Tem Davis commended staff for Third Fridays. She was watching our Street Department and they were very attentive to every detail, and it seemed like a well-oiled machine. Everyone had their duty, their posts, the takedown was amazing, and she appreciates it.

Mayor Avery thanked the Council Members from East Point, Palmetto, and South Fulton that came and enjoyed the festivities of Third Friday. In the City Administrator's report, talking about cyber security, we lost one terabyte of information that disappeared in the first week of January 2022. The cyber liability insurance is to protect this government from both internal and external forces.

Mayor Avery encouraged our residents, particularly seniors to look at the City of Fairburn's website for events. We have a lot of senior events in our Recreation Department

XIV. Adjournment:

Councilman Heath made a motion to adjourn the meeting at 8:20 pm, with Councilman Whitmore providing the second. **The motion carried unanimously.**


Brenda James, City Clerk
Mario Avery, Mayor