



**City of Fairburn
Council Meeting Minutes
September 25, 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 Pat Pallend
The Honorable James Whitmore

The Honorable Hattie Portis-Jones
The Honorable Ulysses J. Smallwood

Absent: The Honorable Alex Heath

- 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 RK Starkey, Assistant City Attorney Serena Nowell, and City Clerk Brenda James.

- III. The invocation was provided by City Administrator, Tony Phillips.

- IV. Pledge of Allegiance was in Unison.

- V. Presentations and Proclamations: N/A

- VI. Public Comments: N/A

- VII. 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.**

- VIII. Approval of the Minutes:

1. Approval of the minutes Regular Council Meeting Minutes of September 11, 2023

Mayor Pro Tem Davis made a motion to approve the minutes as written, the second was provided by Councilman Whitmore. **The motion carried unanimously.**

- IX. Public Hearing:

2. Rezoning request from PD (Commercial) to PD (Residential), Durham Lakes – Development Area 5

Planning and Zoning Director, Denise Brookins presented this item and said the applicant requested a continuance of the public hearing for the rezoning request.

Councilman Smallwood made a motion to continue this rezoning request until the next regular meeting of October 9, 2023. The second was provided by Mayor Pro Tem Davis. **The motion carried unanimously.**

X. Consent Agenda:

Councilwoman Portis-Jones made a motion to approve item number's 3,4,5,6, and 7 on the consent agenda. Councilman Pallend seconded the motion. **The motion carried unanimously.**

3. On-Call Mechanical Services Contract Award

Recommendation: Request Mayor and Council approval to award ITB 23-019, On-Call Mechanical Services for the City of Fairburn to 5 Seasons, ARS Mechanical, and Max Air Mechanical, and to authorize the mayor to execute the agreements.

4. On-Call Electrical Services Award

Recommendation: Request Mayor and Council approval to award ITB 23-020, On-Call Electrical Services for the City of Fairburn, to Face N Son's, Capital City Electrical Services and Brown Electrical, and to authorize the mayor to execute the agreements.

5. On-Call Plumbing Services Award

Recommendation: Request Mayor and Council approval to award ITB 23-021, On-Call Plumbing Services for the City of Fairburn, to B&W Mechanical Contractors, Delta Plumbing and KEG Plumbing, and to authorize the mayor to execute the agreements.

6. On-Call Roofing Services Award

Recommendation: Request Mayor and Council approval to award ITB 23-022, On-Call Roofing Services for the City of Fairburn, to M. Mitchell Group, Roofing Services Technology Partners, and Rycars Construction, and to authorize the mayor to execute the agreements.

7. Music Education Group MOU

Recommendation: Request Mayor and Council approval of the 2023 – 2024 Music Education Group Memorandum of Understanding to provide music education programming to the youth of Fairburn.

XI. Regular Agenda Items:

8. Flock Safety 5-Year Contract

Police Chief, Anthony Bazydlo presented this item and said the Flock Safety contract is the license plate reader cameras that we have strategically positioned around the city. They give us time alerts when a stolen car or a registered owner of a vehicle with a warrant is driving in our city. We started using flock cameras several years ago when the cost was \$2,000 per camera. The current cost is \$2,500 per camera and will increase to \$3,000 per camera soon, so we are trying to save money by locking in a 5-year contract.

Councilman Smallwood made a motion to approve the 5-year contract with Flock Safety to lock in the rate of \$2,500 per camera and authorize the mayor to execute the contract. Mayor Pro Tem Davis provided the second.

Mayor Avery stated the city was one of the ten safest cities in the state a year ago and asked Chief Bazydlo if these cameras played a role in that. Chief Bazydlo said yes, it plays a huge role. When they get an alert that a vehicle has been detected they send officers in real time to start looking for them. Mayor Avery asked about the life of the cameras. Chief Bazydlo said the company maintains the camera, the rate of \$2,500 includes maintenance and replacement if the camera is damaged or gets run over.

Councilman Whitmore asked if the camera can be moved. Chief Bazydlo said yes, the cameras can be moved throughout the city. Councilwoman Portis-Jones asked for the total amount for the fiscal year. Chief Bazydlo said we have eleven cameras now, and we are adding two more, giving us thirteen total. The camera life lasts for a couple of years, which the maintenance will replace if damaged. Assistant City Administrator, Jamila Criss said the annual maintenance cost for FY24 is \$36,300 and after that each year is \$35,000. The two additional cameras cost \$1,300 which includes installation. After much discussion, **the motion carried unanimously.**

9. Temporary Fire Station Apparatus Bay Overhead Doors

Building Operations Director Dana Smith presented this item and said they are making improvements to the temporary fire station and this item is to put overhead doors on the front and back of the station, four in total. The design meets Chief Robinson's criteria and standards.

Councilman Pallend made a motion to approve the purchase and installation of overhead doors for Temporary Fire Station Apparatus Bay located at 8563 Bohannon Road in an amount not to exceed \$57,731.00, utilizing GSA vendor DH Place (Overhead Door of Atlanta). The second was provided by Councilwoman Portis-Jones.

Mayor Pro Tem Davis asked when the new fire station is complete and operating, will we still use the temporary fire station. Mr. Smith said yes, we still need coverage for that side of the city, and it will be the training facility for Fire and Police. After discussion, **the motion carried unanimously.**

10. Janitorial Services Contract

Building Operations Director Dana Smith presented this item and said this contract is based off the RFP they put out several months ago for city facilities getting cleaned. Staff recommends a contract with RZA Facility Services to perform these cleanings as well as our future Administrative Building on the Fairburn Education Campus. Tony Phillips said this contract is already budgeted for the FY 24 budget.

Councilman Smallwood made a motion to approve the Award RFP 23-011 for Janitorial Services (various buildings) to RZA Facility Services in an amount not to exceed \$107,136 and to authorize the mayor to execute the agreement.

Mayor Pro Tem Davis asked if this contract was for a year. Mr. Smith said yes, the contract provides us with a year and an option to renew. **The motion carried unanimously.**

11. Furniture for Education Campus Classroom Building #2

Building Operations Director Dana Smith presented this item and said this is for us to purchase furniture for the new Administrative Building that is being renovated. Vari Sales Corporation will provide the new furniture through the Omnia Partners Governmental Cooperative Purchasing Program. We need furniture for the conference rooms and for staff. This purchase request represents 75-80% of the furniture that they will need for the building and most of the major furniture will be repurposed from current facilities.

Councilman Whitmore made a motion to approve the purchase and installation of furniture for classroom building 2 at the Fairburn Education Campus located at 314 NW Broad Street in an amount not to exceed \$112,212.90, utilizing Vari Sales Corporation. The second was provided by Councilman Smallwood.

Mayor Pro Tem Davis asked the process on deciding where they would purchase the furniture and if they went out to bid. Mr. Smith said with the Cooperative Program with Omnia Partners, there is a statewide contract similar to GSA that allows them to directly negotiate with vendors. He had his team check with other furniture vendors to provide certain pieces of furniture that is needed. They landed with Vari Sales Corporation based off their selection and offering of what they needed for individual private office furniture, workstation cubicle space, and conference table space. He said they get a better deal when they get it all from one vendor, the price

includes purchasing, delivery, and installation. Mayor Pro Tem Davis said this is some high-tech furniture and wanted more clarification on the purchase. Mr. Smith said there are nine different departments that will be moving to the new Administration Building. The workstations are nice and are adequate for staff, and we are trying to get a good ergonomic situation for our staff. Compared to what the staff has now, we don't have solutions in-house and to properly outfit this building, we needed to make an investment that would give us what we need now and for growth.

Mr. Phillips said this is not top of the line high-tech furniture, this is standard office furniture that you see in any municipal government office. This is fairly a low cost to outfit nine departments and their staff. Mr. Smith said they have bought furniture for staff since he's been here and to get an L-shaped laminated desk that is one piece with a hutch here in the South Fulton area is over \$2,000. We are not giving staff cheap furniture or high-end furniture, this is mid-level furniture. The only thing they lack would be furniture for the break room. We will try and move around the refrigerators and maybe purchase a break room table, we didn't do that with this vendor because what they provided didn't fit our need in the costs. Mr. Phillips said this cost was included in the renovation of the building, we are moving nine different departments at a budget little over \$350,000. We had to create that space from scratch, and it would be three or four times that. By repurposing that space and using staff labor in constructing those offices, it cut our costs significantly. The total project is a savings for the city.

Councilman Whitmore wanted confirmation that the GSA contract being used is maximizing the volume with a reduction in price. Mr. Smith said yes but it's not GSA, it is a similar cooperative contract, and they compared the bottom line.

Councilwoman Portis-Jones said she knew some of the departments that are in City Hall now will be moving over to the campus and Utilities will be moving to City Hall. She asked if the utility staff would need furniture or are they able to reuse their furniture. Mr. Smith said they will be using what they have. Councilwoman Portis-Jones asked if there is another budget for the pieces of furniture that will be needed, since departments function differently. Mr. Smith said he and Mr. John Martin have had several conversations and we feel they have the majority of what they need but there may be one or two pieces they will bring with them. The goal is to acquire what we need to relocate staff to the Administration Building on campus and that way the furniture that is here in these buildings, staff can use when they move into their new places. Mr. Smith said he and Mr. Martin are finalizing the budget for furniture that will be needed and thinks it may be very small. Mr. Phillips said city hall has outfitted furniture in most spaces, the Education Campus has nothing. They are creating that from scratch and when we vacate this building, there will be existing furniture in place, so you don't have to start at square one. After discussion, **the motion carried unanimously.**

12. Adoption of 2023 Millage Rate

Finance Director, Bryan Stephens presented this item and said it is staff's recommendation that Mayor and Council adopt the 2023 millage rate. The M&O millage rate will be 8.10 mills, and 1.46 mills for General Obligation Bond Indebtedness, for a total of 9.56 mills.

Councilwoman Portis-Jones made a motion to approve the 2023 millage rate as presented, with Councilman Whitmore providing the second.

Councilman Whitmore said during the work session, there was a lot of discussion about this, and he heard something from the City Administrator that we have not raised the millage rate or taxes and asked Mr. Phillips to repeat his comments for the record.

Mr. Phillips said there has been no vote by anyone on this city council to raise your millage rate on your property tax. The last time the millage rate was raised in the City of Fairburn was February of 2016. If you see an increase in your tax bill, it would be due to the value of your home being assessed at a higher rate. The higher your property value is the higher your tax bill will be, and all of this is done by Fulton County and no one in the City of Fairburn has voted to raise your taxes. After discussion, **the motion was carried unanimously.**

13. Adoption of the Fiscal Year 2023 – 2024 Budget

Finance Director, Bryan Stephens presented this item and said staff recommends the adoption of the FY2023 – 2024 budget. That budget will be \$29,167,090 in general funds and \$43,609,960 in other funds, for a total of \$72,777,050.

Councilman Pallend made a motion to approve the fiscal year 2023 – 2024 budget ordinance as presented, with Councilwoman Portis-Jones providing the second.

Councilwoman Portis-Jones wanted to reiterate the discussion they had in the work session about the services the city provides, and the cost of everything as well as putting in some basic infrastructure. We've had to increase the salary of personnel to be competitive and we need to maintain services in the city. By adopting this budget, we will be able to do this.

Mayor Avery mentioned some areas that increased from last years budget. You should see much higher visibility of code enforcement in our efforts to ensure quality of life for people keeping up homes and neighborhoods. In conjunction with the cyber-attacks that took place over 20 months ago, we expanded technology by adding an IT Department. We were also below 50% in staffing in almost every department. We have increased the salaries and police vehicles in an effort to remain competitive and fully staffed in our police department. Training and equipment have been added to next year's budget. We have added a street

sweeper to maintain cleanliness in our city. The proposed budget has been published on the city's website. The tax dollars are being returned to the taxpayers through Utility Assistance, and Small Business Grants. There is still money available through the Utility Assistance program, please visit our website and social media platforms to get more information. After discussion, **the motion was carried unanimously.**

XII. Reports:

14. Finance Director Monthly Report:

Finance Director Bryan Stephens presented this item and said the City of Fairburn's General Fund concludes its 11th month of 2023 operation with \$6.2 million in net cash flow. To date, the General Fund has generated \$23.4 million in revenue with \$17.2 million in General Fund Expenditures. As of August 31, 2023, the city collected 95% of its year-to-date revenues and has expensed 70% of its budget.

The city's Enterprise Fund concludes its 11th month of 2023 operation with roughly \$2.3 million in net cash flow. To date the Enterprise Fund has generated \$19.2 million in revenue with \$16.9 million in expenditures. As of August 31, 2023, the city collected 79% of its year-to-date budgeted revenues and expensed 70% of its budget.

15. City Administrator's Monthly Report:

City Administrator, Tony Phillips presented this item and said he would provide a few highlights from August. We received a notification from IRS that the city owes them \$43,497.25 as of September 7, 2023. The notice said the City of Fairburn was claiming FFCRA Covid-19 tax credits in the year 2020 that the city was not eligible for at that time. FFCRA is Family's First Coronavirus Act and under this program, state and local government employers were not entitled to the refundable tax credits that were available to private employers and self-employed individuals. They also provided that the paid emergency family leave and paid emergency sick leave tax credits shall not apply to the government of any state or political subdivision, thereof. The IRS notice indicates that though the city was not eligible in 2020 for those funds, they applied for and received funding and that created the invoice. The process of deducting those funds from FFCRA is done through the payroll processor. In 2020, our payroll processor was Netchex and through due diligence, Netchex indicated that they did provide notification that the tax credits were not city eligible. He has worked with the Finance Director, and they feel this needs to be paid immediately to avoid interest accruals. We can pay this debt in the existing budget and wanted to make council aware that we received notice.

Mayor Avery said this item was just recently brought to our attention, regardless of who is at fault, it needs to be paid immediately. Councilwoman Portis-Jones asked if it was for one year and if they reached out to see if had been done in subsequent

years. Mr. Phillips said yes, that is what the notice stated, and it has not been done since January 2022. They are working to see what may have occurred before this Administration to check if any charges are there for 2021, the IRS notice does not reference any other year on the notice.

Mr. Phillips said we have had a very intense summer, we've had a lot of heat and with our older facilities, some of our HVAC units needed to be replaced. Building Operations Manager Dana Smith had to replace the unit at City Hall, at the Fairburn Annex Building, and repaired the HVAC unit at the Human Resources building. We onboarded a very experienced and top-flight Fire Marshall, Mr. Chris Campbell, and we are proud to add him to our staff. We began off-boarding VC3, which was our IT vendor for several years. After a diligent review and bringing on Mr. Dana Smith and Mr. Charles Johnson, our IT Manager, we have now internalized those functions. We are getting much better performance and responsiveness at a lower cost. We had a very successful movie night at the Park and Ride on August 4th and had over 175 participants. We had over 157 senior participants in our water aerobics program. We had an absolute success with our National Night Out on August 1st at our Park and Ride. We had several other law enforcement agencies that came and participated which helped build some camaraderie between our law enforcement agencies and our community.

XIII. Council Comments:

Mayor Pro Tem Davis recognized staff and leadership for all the hard work they did while creating the budget, a job well done.

Councilwoman Portis-Jones said she wanted the citizens to know they did an intensive budget deliberation, and a final decision was made. This was a result of hard work by staff and a review by Mayor and Council to ensure the budget reflects the vision we have for Fairburn. She was not able to attend the 100th anniversary of Green Oil and wanted to publicly acknowledge their longevity as a business in the city.

Councilman Pallend said he told Ed Wise that he looked remarkably good for a hundred years of age. We've got good employees working in the city on your behalf and we're headed in the right direction.

Councilman Smallwood echoed what everyone else said. It is campaign season, and a lot of things were cleared up because you will hear some half truths and some outright lies. He was glad the millage rate was cleared up because there is a lot of discussion around that and administration does a great job helping him understand it.

Councilman Whitmore said he wanted to recognize Green Oil for celebrating 100 years and what was most impressive to him is how they recognized every single employee at that event. There is a food pantry at Horizon Church located at 81 West Campbellton Road on Wednesday from 2 pm to 6 pm. If you're in need, please go by and pick up some free food. The area 5 project has been postponed, the attorneys had a zoom

meeting and informed him that they spoke with leadership in Durham Lakes and he is looking forward to seeing the final project.

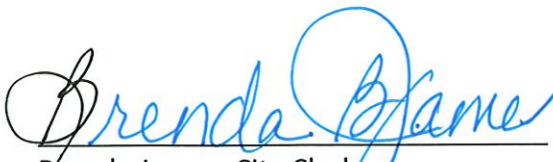
Mayor Avery thanked Councilman Whitmore for bringing up Durham Lakes and announced publicly that he is proud of what they are bringing back to the council. He thanked Planning and Zoning Director, Denise Brookins, for the great job handling this issue. Mayor Avery advised everyone to look at their tax bill and make sure they see a Governor's Homestead Tax Relief Credit, this credit is from the County. He congratulated the new class of firefighters they swore in, they are very proud of them. The Fall Festival is Saturday, October 7th and he asked for everyone to bring their children. We have one more Third Friday scheduled for the month of October, Howard Hewitt will be performing, and this event will be held at the College Campus. He encouraged all seniors, 55 and up, to take advantage of the activities that are being scheduled. He thanked Chapin Scott and her staff for their efforts creating these programs for our seniors. He reminded everyone that the city needs their input for the Parks Master Plan.

Mr. Phillips said you can go online to fill out a survey for the Parks Master Plan. If you go to the City's website, Fairburn.com and navigate to the department list and click on Parks and Recreation, there will be a link for the Parks Master Plan survey. We planned this Parks Master Plan specifically to hear the voices of our community, what they think would be a benefit to their families.

Mayor Avery thanked Landmark Christian Academy for the great ceremony that took place in honor of our fallen officer, Lieutenant Astree. He thanked our police and fire department for participating and for having 30 plus vehicles at half time in honor of Lieutenant Astree.

XIV. Adjournment:

Mayor Pro Tem Davis made motion to adjourn the meeting at 8:06 pm, with Councilman Smallwood providing the second. **The motion carried unanimously.**


Brenda James, City Clerk


Mario Avery, Mayor