



City Council Meeting Minutes
August 26, 2024
7:00 pm

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

The Honorable Mayor Pro-Tem James Whitmore	The Honorable Linda J. Davis
The Honorable Alex Heath	The Honorable Samantha Hudson
The Honorable Hattie Portis-Jones	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 Carnetta Frazier of Love Deliverance Outreach.

- IV. Pledge of Allegiance was in Unison.

- V. Presentations and Proclamations:

1. LCI Gateway Connectivity Study Update

Economic Development Director Sylvia Abernathy presented this item and said they are providing an update to the City's initiative Gateway connectivity study. The purpose of the study is to identify transportation options, looking at pedestrian friendly pathways, specifically in our Downtown Overlay District. They have a team of highly qualified consultants that were selected as a result of a competitive bid process.

Mr. Randy Gibbs of the Sizemore Group lead the presentation and said they are based out of Atlanta, and they do Architecture Urban Planning, Interior Designs, and Placemaking. He is part of the planning team along with Michael Hightower with The Collaborative Firm, Toole, and KB Advisory Group. The city submitted an application and was awarded the LCI Project last year and they are excited to be a part of it. The result will yield two Master Plans for the Gateway component. The Educational Campus is what they are calling the gateway element of this plan as well as the Connectivity Study to make sure all Broad Street is more walkable, bikeable, and safer for pedestrians. They are at the initial states of their studies and the goals are to produce two concept plans for the Education Campus that hosts Global Impact Academy, Georgia Military College, and Campbell Elementary School. This project is scheduled to run through March of 2025.

ARC's Livable Centers Initiative (LCI) is a grant program designed to reduce vehicle miles traveled and enhance air quality. He discussed the letter from Senator Jon Ossoff on awarding a grant to the city for a pedestrian bridge over US-29 and an active CSX freight railroad, facilitating a safe and efficient crossing for both workers and pedestrians. The next meeting is scheduled for November 12th.

Council Member Portis-Jones asked how the RAISE Grant relates to this study, where the transportation focus is and what are the criteria/matching requirements for the grant. Mr. Phillips said this could be a potential funding source and the bridge project could be a source for the RAISE Grant funding to provide the resources to move projects like that. Mr. Gibbs said they are looking at previous developments that are ongoing and will include the criteria for the RAISE Grant.

VI. Adoption of the City Council Agenda

Council Member Davis made a motion to approve the agenda as presented. Council Member Smallwood provided the second. **The motion carried unanimously.**

VII. Public Comments: There were no public comments.

VIII. Approval of the Minutes:

2. Approval of the minutes Regular Council Meeting Minutes of August 12, 2024

Council Member Hudson made a motion to approve the minutes as written, Council Member Smallwood provided the second. **The motion carried unanimously.**

IX. Public Hearings:

3. Text Amendment – Automobile Rental and Sales

Planning and Zoning Director Denise Brookins said the applicant has withdrawn their request. The city ordinance allows the applicant to withdraw their request, but she needs a motion to close the public hearing and a motion to accept the withdrawal.

Council Member Smallwood made a motion to close the public hearing. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Davis made a motion to approve the withdrawal of the application. Council Member Heath provided the second. **The motion carried unanimously.**

4. Public Hearing on the Proposed Fiscal Year 2024 – 2025 Annual Budget

Rachel Bembry of JAT Consulting Services presented the proposed FY25 budget and said she observed the budget presentations and commended staff on the excellent job they did throughout the budget process as it is very extensive. She reviewed the General Fund

Departmental budgets and said it totals about \$36.5 million which includes adjustments to address concerns about position grades that reduces the budget by a net of approximately \$22,300 and a correction of \$16,000 in the HR department for the 3% that was not included in the previous versions. The primary support in revenues is taxes with the largest being property taxes. The proposed budget is a balanced budget for FY25. She discussed the Governmental and Enterprise Funds totaling \$47.7 million and the citywide FY25 budget of \$84,238,240.00.

Mayor Pro Tem Whitmore made a motion to open the public hearing. Council Member Heath provided the second. **The motion carried unanimously.**

Public Comments:

Pamela Jackson said she had a few concerns with lighting around the Vickers Road area and asked if there would be any plans for streetlights. She had concerns about empty buildings in the downtown area and would like to see more restaurants and shops. She commended the Mayor and Council for Third Fridays.

Theresa Garrett said everything that is decided about this city starts with the highest revenue you receive which is from the taxpayers. She asked for consideration on how they might benefit and use those resources for the betterment of taxpayers.

Saray Freeman said it is very difficult on our current budget to factor in the increases that the city has made lately, with taxes, and utilities. She understands the budget but it's a lot for the people that are paying and don't see services like Third Fridays. She asked to take into consideration what's going on with the citizens.

Lacine Forte said she is a 13-year resident and is overly excited and appreciative of all the activities and improvements. She and her kids look forward to the Third Fridays.

Mayor Pro Tem Whitmore made a motion to close the Public Hearing. Council Member Heath provided the second. **The motion carried unanimously.**

Mayor Avery said we will entertain the ten-minute rule, uninterrupted five minutes.

Mayor Pro Tem Whitmore said he was clear on his concerns at both public hearings today. Administration presented documentation that he didn't get a chance to digest because it was read to us during this meeting. There are a lot of expenses and increases in salaries and we had a study performed and since that study there have been other increases. He did vote for the outside entity to come in and do an evaluation for this city but some of the levels for salaries are a little bit over the top. One of the recommendations was a whistleblower so if employees see, feel, or know something they are not afraid to come forward and there is nothing in the personnel policy that states you cannot speak to an elected official. The concerns he had when he sat down with the Finance Director, a colleague, the Mayor, City Administrator, and the Assistant City Administrator to date those things have not been addressed. There are seven elected officials, they all have an

opportunity to engage and debate. This is a democracy, and we should be allowed to debate and offer our concerns and look for ways to improve what we currently have.

Council Member Smallwood asked for more clarification about HB581. Mr. Phillips said HB581 just passed in the most recent legislative session that ended earlier this spring and was signed by the Governor. It places a 3% cap on property assessments statewide, meaning in no single year can your property value increase by more than 3% or the consumer price index (CPI), whichever of the two is higher. If someone's home was assessed by Fulton County Tax Assessor and that home increased in value, that generates more tax revenue, not due to a millage rate but because the home is worth more. Council Member Smallwood said he understands this would severely decrease what we're bringing in per year with those tax dollars, and asked to try to find more dollars and tighten our belts so that the citizens are not more adversely affected.

Council Member Hudson asked for specifications on the evaluation. Mr. Phillips said the Evergreen Study was a classification and compensation study by an outside vendor. Council Member Hudson said that was a different type of assessment. She is talking about an impact assessment as a fact-finding mission that seeks to look for and address root causes that change certain aspects of the business before they happen. When we go back to the budget, we are using events as community engagement, events entertain people they don't serve people. With a proposal for a millage rate increase, she would like to see how they will serve the people. The October parade is funded 100% by our tax dollars and we need to build corporate partnerships and expand our networks, so the taxpayers do not have to foot the costs. It is no effect for council members to advocate when we have low attendance at meetings, it is a hard pull to engage residents and asked they do not let this government body govern without you. When we talk about equity in our spending, please make sure we are serving our constituents October 5th, it gives us no great advantage to have parades and parties while our citizens are having trouble with lighting in their communities and affording these increases that we're putting on them.

Council Member Davis said she is glad to see the residents here tonight and for them to share their concerns about the budget and how expensive everything is. She thanked administration for pulling the information together that was requested from our meeting this morning. She asked how the funds will be utilized from the millage rate and the increase in the additional revenue that will be coming in for FY25 in the amount of \$2.1 million. Mr. Phillips said he would prepare a response in writing that will go to all council members to show how those additional revenues were used to balance the budget and where they will be utilized in the budget. Council Member Davis asked if it would be posted on our website for our citizens to see and Mr. Phillips responded yes.

Mayo Pro Tem Whitmore said Mr. Phillips talked about looking at raising the maximum amount for business license from \$15,000 to \$50,000 and asked how many companies that would affect. Mr. Phillips said there are about 20 businesses on the list that are industrial and corporate partners in the city, most of whom have revenues in excess of multiple of millions of dollars. That proposal was developed by looking at other municipalities and what their business tax renewal levels are. We do not have any small

businesses that pay \$15,000 in business license taxes because they don't generate that level of revenue. Mayor Pro Tem said the hotel/motel tax is going up to 8% and only a percentage of that goes to the general fund and part of that will go to Rec and other, and still must go to the dome for approval. He asked if the \$350,000 is for the last quarter of the year. Mr. Phillips said yes, that is an estimate. We currently receive 3% in hotel/motel tax which under state law can be used in our general fund. When we get approval from the state legislature, the additional 5% must be used for tourism activities, which is often Parks and Recreation but can be other things as well.

Mayor Pro Tem Whitmore discussed Mayor and Councils budget. At the last meeting we discussed raising the budget to \$21,000 if you sit on an approved entity board and \$18,000 for the rest of council. He reviewed documents from 2017, and no one ever met or exceeded their budget. He can't see everybody going up to \$21,000. He suggested the current travel policy be readdressed as it is mixing personnel and elected officials, it will not affect our budget because it's already in the budget.

Council Member Portis-Jones said she is feeling the pain and difficulty of the budget discussions, we are dealing with decisions that have not been made and pushed down the road because we didn't want to endure the political fallout. We are now being mandated to expend funds and raise rates because we didn't have the political will to do it in the past. Specifically, utilities, we have been operating in the red for ten years or more and we can't do it anymore, we were forced to raise the rates. We had a consultant come in and evaluated the Police Department, our evidence room was abysmal, we were losing evidence that was part of investigations because of leaking roofs and water damage. We had to expend money to maintain our police officers. Our Fire Department had a number one rating on our ISO for numerous years, but for us to maintain that rating, we had to do some things. Fire Station #21 was abysmal, these are our employees living in these conditions. Our Street Department building was abysmal and have used the word abysmal several times and that's because we didn't bite the bullet years back to do what was necessary. Let's not forget to talk about the cyber security threat that we had, technology is very expensive, that's why we never did it. That's why we always went out to a consultant. We do not want to be a city that is held hostage, and these are some major issues that we had to address, and our backs were against the wall and apologized they have to make all these decisions now.

Mayor Avery said budgeting is very important to him and the abomination that our staff was living in upon his arrival. Your only as good as your equipment and the personnel that work for you. His number one goal was to get top qualified personnel in key positions with the hiring process be done in an equitable way. The presentation for HB581 said there would be a 70% loss of revenue, our government is having to make hard decisions, and we are not the only government. This bill affects 159 counties along with 400 plus cities and his concern is that they allotted 35% in reserves, we are prepared for unforeseen circumstances. When we are doing public engagement, we need your input when it relates to the LCI, Parks Master Plan, etc., so we can say this is what the residents want to see. Moving nine departments to the campus was for efficiency purposes, we're working on the Public Safety Building now and staff is working on ways to pay for that.

He thanked the citizens for attending the meeting and thanked staff for making a mark in this city that will never be erased.

Council Member Hudson said she wanted to correct the training budget for city council members, it is \$15,000 and then it was \$22,000 for one member. She said I stand again all members should receive the same amount, straight across the board. She questioned the amount of over \$2 million being housed under the city administrator, we have never had that amount of money unchecked under a department and asked if someone could explain why we have that much money without their scrutiny if they approve it.

Mr. Phillips said there is complete transparency on the city administrator's budget. Some of the things that are in this budget are City Attorney fees, nearly \$700,000. Liability insurance is paid out of our budget, it is city expenditures that are housed in the city administrator's budget. For clarity, they are there to be able to track those expenditures and expenses opposed to paying them out of multiple accounts. Council Member Hudson asked how much the cost and time frame for the charter review. Mr. Phillips said the charter review is at \$19,000 and they have already signed and executed an agreement with Carl Vincent Institute of Government with the University of Georgia, and they will be scheduling a kickoff meeting after the budget process in September. As part of that process, Attorney Lori Brill will be reaching out to council members and key stakeholders to get your input in that process. Mr. Phillips asked for clarity on the travel and training policy which limits a 50-mile radius for council members and staff, it does not allow hotel expenses and asked if they want a different policy for elected officials vs. staff. Council Member Hudson said she did mention about top-heavy salaries and said we had two city administrators that we have never had, two city attorneys, and two city clerks. She said after speaking with Ms. James, there is one City Clerk and one Deputy Clerk.

City Attorney Rory Starkey said his bill reflects a myriad of attorneys and paralegals at a discounted rate and the Solicitor works under his firm. His typical rate is \$500 an hour and only bills the city at \$225 an hour.

Mayor Pro Tem Whitmore asked City Administration for numbers for putting 30% in the reserve account instead of 35% Mr. Phillips said they would provide that information in writing and said the standard in many cities is 25% as we took a more conservative approach to our Reserve fund. Mayor Pro Tem said he would like to see the 25, 30 and 35% numbers, that would help him make a decision on the millage rate.

Council Member Davis said she sits on the Board for the Georgia Municipal Training and the City of Fairburn is in the top five in the state for training and they take advantage of that for being the best they can be and being the voice for our citizens.

Council Member Heath said the training through GMA is through the University of Georgia and is very beneficial for all council members.

X. Consent Agenda: N/A

XI. Regular Agenda Items:

5. Approval of Change Order #1 with Construction 57m Inc. on the Pedestrian Improvements on Various City Roads Project

Community Development Director Lester Thompson presented this item and said the contract award for the pedestrian improvements on various city roads project was approved at the July 8th city council meeting. The award included the base bid of West Campbellton Street, add alternate #1, Shaw Drive and add alternate # 3, Washington Street. In response to feedback received from residents on Fairview Drive, add alternate #2, Fairview Drive was redesigned to minimize the impact to their "front yards", and this change order reflects that change. Staff would also like to include alternate #4, Grant Street.

Council Member Portis-Jones made a motion to approve change order #1 with Construction 57, Incorporated on the Pedestrian Improvements on Various City Roads Project in an amount not to exceed \$351,559.00. The second was provided by Council Member Heath.

Mayor Pro Tem Whitmore asked what modifications were made for the residents. Mr. Thompson said the modifications were to reduce the pavement, to install header curb within the existing pavement and to not encroach their yard as much.

Council Member Portis-Jones asked if it included the sidewalk on the opposite side of the street. Mr. Thompson said no that is not a part of this project, that should be taken care of when that property is developed. **The motion carried unanimously.**

6. Resolution Authorizing Commencement of Certificates of Participation Financing

City Administrator Tony Phillips said during the retreat we discussed a Public Safety Complex, and recently approved the design of the facility and now we're looking at how to fund that Public Safety Complex.

Mr. Bill Johnston presented this item and said what this Resolution does is formalize the start of that project. We've put together a financing team and they are pulling together documentation and will come back to you once the drafts are completed for a formal approval of the remainder of the process. This will allow us to get the financing rated, this is for both issues, to get them to market to sell the bonds and certificates and come to you once they are sold for your approval for the final interest rate.

Tony Phillips said this relates to the Public Safety Complex, there was a general obligation bond (GO Bond) approved by the voters in 2011. This bond runs through 2031 and was used for the Duncan Park splash pad and pool and to construct Fire Station #23, which is nearing completion and should be operational by January 2025. The GO Bond generates between \$732,000 and \$809,000 each year and is continuing to generate revenue. They sought clarity from the City Attorney's office to ensure they

could legally use the GO Bond revenues to service the debt on the Public Safety Facility between now and 2031. That's how we would propose and pay for the debt incurred to build this facility. The Mayor and Council would then have to decide whether to renew the GO Bond. He said the utility department currently has a CPU Revenue Bond which pays for water supply projects and would need to be renewed by October of 2024. This bond will generate the necessary revenue to complete the water project discussed at the Retreat that cost approximately \$10 million as well as additional sewer capacity at \$600,000.

Mayor Pro Tem Whitmore made a motion to approve the Resolution authorizing the City of Fairburn to consider the financing of a Public Safety Building Project; to enter into discussions with the Georgia Municipal Association, Inc. for the purposes of entering into an Installment Sale Agreement. Council Member Davis provided the second. **The motion carried unanimously.**

7. Resolution Authorizing Commencement of Series 2024 Combined Public Utility Bonds

City Administrator Tony Phillips said this is the second item that Mr. Johnson referenced for the water utility projects that we talked with both the neighboring jurisdictions as well as the sewer capacity.

Council Member Heath made a motion to approve a Resolution authorizing the City of Fairburn to consider the issuance of the Series 2024 Bonds for the financing of the Series 2024 Projects; to enter into discussion regarding the related Bond Documents; to establish an effective date; and for other related purposes. Mayor Pro Tem Whitmore provided the second.

Mayor Pro Tem Whitmore said we understand that we were running out of capacity for sewer, and this is a way to address some very important issues that is facing this government.

Mayor Avery thanked David Clark, Director of Public Works for Fulton County for working very close with us in our efforts and to ensure this issue is addressed as quickly as possible. **The motion carried unanimously.**

8. Approval of the Economic Strategic Plan Report

Economic Director Sylvia Abernathy presented this item and said this is an update on the existing 2016 Economic Strategic Plan. It will provide a blueprint for the local economy, defining goals, objectives, and using quantitative and qualitative data to support actionable steps to sustain Fairburn's economic growth and development. KB Advisory Group was chosen to help update the economic development plan through a competitive bid process. She introduced Geoff Koski, Project Lead and he said they have spent a lot of time discussing this with the business community, and council members to put this plan together. He introduced Tate Wilson, the Project Manager and Gabrielle Oliverio.

Ms. Wilson said they kicked off the project in February with surveys that closed in April and discussed the process. Ms. Oliverio said the first thing they do is look at the data and the detailed industries that are within the greater Fairburn area. Fairburn has a lot of manufacturing and wholesalers, and our biggest ones are emerging industries that will bring future momentum industries over the next 5 to 10 years.

Council Member Portis-Jones made a motion to approve the update to the City of Fairburn's Economic Development Strategic Plan. Council Member Davis provided the second.

Council Member Portis-Jones asked Planning & Zoning Director, Denise Brookins if Fairburn has a height restriction downtown. Ms. Brookins said yes, we have an overlay district that has height restrictions and believes it's two stories in some areas. Council Member Portis-Jones said we need to evaluate our zoning considering these recommendations because some of these things we may not be able to do specifically downtown, and we need to look city wide. Ms. Brookins said they are preparing a zoning audit to look at all our overlay districts and will have some recommendations.

Mayor Pro Tem Whitmore asked if Hudson Plaza was in the height restriction area and said he cannot understand the disconnect that we may have to encourage restaurants. Ms. Brookins said yes Hudson Plaza is in the restriction area, and she will have to look at the node and report back. Mr. Koski said it's good to have a plan to show someone there is future growth ahead. Setting up a restaurant takes a lot of time and effort to get all the permits, grease traps, liquor permits, and to be able to smooth all that out, to make this place an easy to do business for restaurants. Retail follows rooftops and where you see your highest growth areas, residential is where you're seeing more restaurants coming into town. After discussion, **the motion carried unanimously.**

XII. Reports:

9. Finance Director Monthly Report

Budget Analyst Nekisha Baker presented this item and said the City of Fairburn's General Fund totals as of July 31st with \$4.3 million in net cash flow. To date the General Fund has generated \$22.8 million in revenue with \$18.5 million in expenditures. The city has collected 76% of its revenue and has spent 57% of its budget.

The City's Enterprise Fund totals as of July 31st with \$2.8 million in net cash flow. To date the Enterprise Fund has generated \$18.5 million in revenue with \$15.8 in expenditures. As of July 31st, the city has collected 68% of its budgeted revenues and has spent 58% of its budget.

10. City Administrator's Monthly Report

City Administrator Tony Phillips presented this item and gave a brief summary of some of the highlights in the report.

- Safety Training Center Master Plan is in progress
- Emergency generator for City Administration Building is in progress
- New mass notification system is configured, and public enrollment is ongoing
- Completed round two of the Small Business Development Grant Program, with 32 eligible candidates for funding
- Ribbon cutting ceremony for McCoy Realty Group
- Fairburn Fire Department conducted Heat Stroke & Heat Exhaustion class to Sensational Seniors
- 12 Fallen trees removed from various streets
- Bridge Summer Camp – concluded with 53 campers weekly
- Sensational Seniors - Field Trip to Tubman Museum in Macon and Movie at the Market
- Back to School Splash
- Park Master Plan – final version presented July 10th
- Planning staff held a kickoff meeting for the Impact Fee Study

Council Member Davis asked if there was an update on the downtown vacant buildings. Mr. Phillip said the properties downtown are currently privately owned properties and is looking at several tools dealing with vacant and blighted properties and will come back to council to propose some tools to use to incentivize vacant spaces in our downtown area.

XIII. Council Comments:

Council Member Portis-Jones had no comments.

Council Member Heath had no comments.

Mayor Pro Tem Whitmore said several residents on Pine Street are dealing with rental properties that are not being maintained and asked that our ordinances be looked at for an expedited process.

Council Member Hudson thanked all the residents that came out tonight and she thanked staff for all their hard work to make this city great.

Council Member Davis had no comments.

Council Member Smallwood had no comments.

Mayor Avery said we will get to the point where we will be hard pressed to hold on to personnel, our personnel is being pursued. Peach Cobbler grand opening is August 31st and Judy's is a work in progress. The Third Friday in September is Hispanic Heritage Month and will be held at the stage and courtyard downtown.

Mayor Pro Tem Whitmore made a motion to go into Executive Session to discuss real estate. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Davis made a motion to exit the executive session and convene with the regular meeting. Council Member Smallwood provided the second. **The motion carried unanimously.**

Mayor Pro Tem Whitmore made a motion to approve a Resolution to transfer of right-of-way to Georgia Department of Transportation to install a left turn lane along Oakley Industrial Boulevard. Council Member Heath provided the second. **The motion carried unanimously.**

XIV. Adjournment:

Council Member Hudson made a motion to adjourn the meeting at 9:50 p.m. Council Member Heath provided the second. **The motion carried unanimously.**


Brenda James, City Clerk


Mario Avery, Mayor