City Council Meeting Minutes
August 25, 2025
7:00 pm

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

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

The Honorable Mayor Pro-Tem Alex Heath
The Honorable Samantha Hudson
The Honorable Ulysses J. Smallwood
The Honorable Linda J. Davis
The Honorable Hattie Portis-Jones

Also present was City Administrator Tony Phillips, Assistant City Administrator Jamila Criss, City Attorney Serena Nowell, City Attorney LaTonya Wiley, City Attorney Valerie Ross, 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: None

VI. Adoption of the City Council Agenda

Mayor Avery asked City Clerk Brenda James to read the State Law regarding the absence of former Council Member James Whitmore. Ms. James said this is from the State Constitution and read, "vacancies created by elected officials qualifying for other office. Office of any State, County, or Municipal elected official shall be declared vacant upon such election official qualifying in a General Primary, General Election, Special Primary, or Special Election for another State, County, or Municipal Elective office or qualifying for the House of Representatives or the Senate of the United States. If the term of the office for which such officials qualifying for begins more than 30 days prior to the expiration of such officials present term of office. The vacancy created in any such office shall be filled as provided by the constitution on any general or local law."

Mayor Avery said we need to add the Call for Special Election, November 4, 2025, to the agenda as item # 15 and to be heard prior to the reports.

Mayor Pro Tem Heath made a motion to adopt the agenda and add item # 15 Special Election to the agenda and to be heard prior to the reports. Council Member Smallwood provided the second.

Council Member Hudson asked if you are seeking to clear up vacancies in the upcoming election for the two seats that are up on the same day. Mayor Avery said no, as a result of the vacancy that is generated by Mr. Whitmore's seat, the Special Election will be to finish the term for that seat.

The motion carried unanimously.

VII. Public Comments:

James Whitmore discussed the Hotel/Motel Tax that will be effective October 2025. He said council approved it and the adjustment will benefit our citizens by creating additional resources for our community. He said he has officially qualified to run for the Office of the Mayor 2025 and looks to run a clean and professional campaign.

Nancy Sanchez said she qualified to run for City Council in the November election. She is looking forward to serving the community and is excited to seek support from the residents.

Stacy Strozier discussed the development near her home at Blue Grace in Cobble Stone. She said the development started on August 13th and she never received letters or was aware of the development. She sent in pictures to show how close it is to her property, she has no privacy as they have removed most of the trees and is disappointed for her community.

Orusu Hodari said he was a resident of Fairburn and said there was a video that got shared in his family chat. He talked with the Police Chief, and they explained to them what was happening. He felt the video came from a reporter and he asked for more information about the video. He thanked the Mayor and Police Chief for their guidance.

Penelope thanked all involved for getting Strickland Street paved. She said no one wants to listen to all of the arguing and attacking that is going on in the council meeting. You were elected to be here to represent us. We do not want to hear that anymore and you know who you are. This cannot be tolerated anymore.

VIII. Approval of the Minutes:

1. Approval of the minutes: Council Meeting Minutes of August 11, 2025

Council Member Hudson made a motion to approve August 11, 2025, minutes as written. Council Member Davis provided the second.

Council Member Hudson said we have some corrections, and I am going to email them to the clerk. She said I will agree to approval pending the corrections.

The motion carried unanimously.

IX. Consent Agenda: None

X. Regular Agenda:

2. Ordinance for Hotel Motel Excise Tax Increase (8%)

Economic Development Director Sylvia Abernathy presented this item and said this request is to approve an ordinance to increase the Hotel/Motel tax to 8%. This tax will allow for greater promotions of tourist development and benefits sustainable revenue while enhancing the city's coordination with our Destination Marketing Organization.

Council Member Smallwood made a motion to approve the Ordinance adopting a Hotel/Motel Excise Tax (HMT) at a rate not to exceed 8% pursuant to the General Assembly's approval of Local Legislation (HB 534) and O.C.G.A. §48-13-51 (b) with an effective date of October 1, 2025. Mayor Pro Tem Heath provided the second.

Council Member Hudson asked to receive a line-item spending plan. City Administrator Tony Phillips said upon this councils approval, a budget will be prepared and presented for council's approval. Mayor Avery thanked members of council for bringing this up in the retreat.

After discussion, **the motion carried unanimously.**

3. Atlanta Airport District Marketing Services Agreement Establishing a Destination Marking Organization (DMO) for the City of Fairburn

Economic Development Director Sylvia Abernathy presented this item and said this is to enter the Atlanta Airport Alliance Marketing Services agreement, designating the Alliance as the City's official Destination Marketing Organization (DMO). This partnership will allow the city to leverage regional resources to promote tourism, conventions, and trade shows, while ensuring Fairburn's distinct identity and economic development goals are advanced. Ms. Abernathy said the agreement outlines the terms in which we will facilitate the tourist development and has included key performance indicators in the agreement.

Ms. Mercedes Miller of the Atlanta Airport District said she has been in hospitality for over 40 years and is excited about Fairburn coming into their organization. They represent College Park, Hapeville, and Union City. They are ready to send leads to Fairburn hotels so they can book the group rooms for sporting events coming up. She will send out reports to the stakeholders on the seventh of every month. It will provide you with the trends in the city, around the area, what is going on with the stock market, and international travel. She presented a video regarding Harmony in Diversity in the three cities they already represent.

Council Member Portis-Jones made a motion to approve the Atlanta Airport District Marketing Services Agreement. Council Member Davis provided the second.

Council Member Hudson asked who would sit on the Board of Directors representing Fairburn and how that person will be selected. Ms. Miller said for most of our cities, we have Council Members or the Economic Development person on the Board.

Council Member Portis-Jones asked how soon Fairburn would be added to the video and what the costs are. Ms. Miller said it will take six to nine months to incorporate the city into the video, and we will not charge extra.

After discussion, **the motion carried unanimously.**

4. Addendum to Axon Enterprise, Inc. Master Services and Purchasing Agreement

Police Chief Anthony Bazydlo presented this item and said the approval of this addendum is vital to operations as it supplies unlimited, secure cloud-based storage for all body-worn camera footage, the body cameras to outfit officers, and the taser weapons for sworn officers. The renewal will maintain continuity with a partnership that the department has with Axon.

Council Member Portis-Jones made a motion to approve the addendum to Axon Enterprise, Inc., Master Services and Purchasing Agreement to commence on February 1, 2026, with automatic renewals for four (4) additional one (1) year terms for the purchase of body-worn cameras and tasers for all sworn police in an amount not to exceed $115,397.36 in FY 2026. Mayor Pro Tem Heath provided the second.

After discussion, **the motion carried unanimously.**

5. Axon Enterprises, Inc. Contract for Police Dash Cameras

Police Chief Anthony Bazydlo presented this item and said the purpose of this contract request is to outfit majority of the Police Department's marked patrol vehicles with dash cameras that are far superior than the ones currently utilized. This new dash camera equipment will integrate with an already established cloud-based system that the agency has with Axon Enterprises Inc. The ease of uploading videos would be similar to the body-worn cameras that officers have, which in turn would make it easier for management review of high-liability instances, citizen complaints, and Open Record Requests.

Council Member Davis made a motion to approve a new contract with Axon Enterprises, Inc., to commence on February 1, 2-26, with automatic renewals for four (4) additional one (1) year terms for the purchase of Fleet 3 dash cameras in an amount not to exceed $32,220.96 in FY 2026. Council Member Portis-Jones provided the second.

After discussion, **the motion carried unanimously.**

6. Intergovernmental Agreement with the South Fulton Community Improvement District for the Oakley Industrial Boulevard Left Turn Lane Project

Community Development Director Lester Thompson presented this item and said this is for Mayor and Council to approve an Intergovernmental Agreement (IGA) with the South Fulton Community Improvement District (CID) to provide $1,065,807.57 in supplemental construction funding for the Oakley Industrial Boulevard Left Turn Lane Project. The proposed IGA is the South Fulton CID's formal response to the request and in order to be reimbursed $1,065,807.57 or 80% of proposed construction funding, the IGA must be approved and executed.

Council Member Portis-Jones made a motion to approve the Intergovernmental Agreement (IGA) with South Fulton Community Improvement District (CID) for the Oakley Industrial Boulevard Left Turn Lane Project for $1,065,807,57. Council Member Davis provided the second.

After discussion, **the motion carried unanimously.**

7. Contract Award to Piedmont Paving, Inc. for the Oakley Industrial Boulevard Left Turn Lane Project

Community Development Director Lester Thompson presented this item and said this item is to approve the Oakley Industrial Boulevard Left Turn Lane project Contract Award to Piedmont Paving in the amount of $1,315,247.57. The Invitation to Bid (ITB) was advertised on June 4, 2025, and the bid opening was on July 16, 2025. After completion of the bid evaluation, it was determined that Piedmont Paving, Inc., was the lowest, and responsible bidder with a bid price of $1,315,247.57.

Mayor Pro Tem Heath made a motion to award the contract for the Oakley Industrial Boulevard Left Turn Lane Project to Piedmont Paving, Ind., for a bid price of $1,315,247.57. Council Member Davis provided the second.

The motion carried unanimously.

8. Task Order #33 with Atlas Technical Consultants for CEI Services on the Oakley Industrial Boulevard Left Turn Lane Project

Community Development Director Lester Thompson presented this item and said this is a request to approve Task Order #33 with Atlas Technical Consultants for Construction Engineering and Inspections (CEI) Services and Testing Services on the Oakley Industrial Boulevard Left Turn Lane Project for $55,560. This is less than 5% of the proposed construction costs of $65,762.37, which is the industry standard. 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.

Council Member Davis made a motion to approve Task Order # 33 with Atlas Technical Consultants for Construction Engineering and Inspections (CEI) Services and Testing

Services on the Oakley Industrial Boulevard Left Turn Lane Project in an amount not to exceed $55,560. Council Member Portis-Jones provided the second.

The motion carried unanimously.

9. Contract Award to Baldwin Paving for the Duncan Park Road Project

Community Development Director Lester Thompson presented this item and said this is for Mayor and Council to approve the Duncan Park Road Project Contract Award to Baldwin Paving Company, Inc., in the amount of $4,659,561.60. The Invitation to Bid (ITB) was advertised on June 11, 2025, and the bid opening was July 16, 2026. After completion of the bid evaluation, it was determined that Baldwin Paving Company, Inc., was the lowest, and responsible bidder with a bid price of $4,659,651.60.

Council Member Davis made a motion to award the contract to Baldwin Paving Company, Inc., for the Duncan Park Road Project for a bid price of $4,659,561.60. Council Member Portis-Jones provided the second.

The motion carried unanimously.

10. Task Order #32 with Atlas Technical Consultants for Construction Engineering and Inspections (CEI) Services and Testing Services on the Duncan Park Road Project

Community Development Director Lester Thompson presented this item and said this request is for Mayor and Council to approve Task Order #32 wit Atlas Technical Consultants for Construction Engineering and Inspections (CEI) Services and Testing Services on the Duncan Park Road Project for $209,090.00. This is less than 5% of the proposed construction cost $232,978.08 which is the industry standard.

Council Member Smallwood made a motion to approve Task Order #32 with Atlas Technical Consultants for Construction Engineering and Inspections (CEI) Services and Testing Services on the Duncan Park Road Project in an amount not to exceed $205,090.00. Mayor Pro Tem Heath provided the second.

The motion carried unanimously.

11. Memorandum of Agreement (MOU) with Georgia Department of Transportation (GDOT) for the I-85 SR 74 Interchange Project

Community Development Director Lester Thompson presented this item and said this is for Mayor and Council to approve the Memorandum of Agreement (MOA) with the Georgia Department of Transportation (GDOT) for the installation of the ornamental fence with illumination on I-85 @ SR 74/Senoia Road Interchange Project in the amount of $470,064.33.
Council Member Portis-Jones made a motion to approve the Memorandum of Agreement (MOA) with the Georgia Department of Transportation (GDOT) for the installation of the

ornamental fence with illumination on I-85 @ SR 74/Senioa Road Interchange Project in the amount of $470,064.33. Council Member Davis provided the second.

The motion carried unanimously.

15. Call for Special Election

Council Member Davis made a motion to approve the Call for Special Election. Council Member Portis-Jones provided the second. **The motion carried unanimously.**

Council Member Smallwood inquired about the Regular and Special Election on the same day as the General Election. City Clerk Brenda James explained Georgia Law and said you can hold a Special Election at the same time as the General Election and other days as specified by law.

XI. Reports:

12. Finance Director Monthly Report

Finance Director Kenneth Abbide presented reports for May, June, and July of 2025, and said the final report for the General Fund in July, revenues exceeded expenditures by $2.3 million . Year to date the General Fund revenues received $23.1 million and expenditures disbursed $20.8 million. As of July 2025, the City collected 9.5% of budgeted revenues and expensed 57% of budgeted expenditures.

The City of Fairburn's Enterprise fund for July 2025, year to date revenues exceeded expenditures by $1.3 million. Year to date, the Enterprise Funds revenues received total $21.2 million, and expenditures disbursed $19.9 million. As of July 2025, the city collected 71% of budgeted revenues and expensed 67% of budgeted expenditures.

13. City Administrator's Monthly Report

City Administrator Tony Phillips reviewed some highlights from June and July of 2025.

- Fire Station #23 is completed and operational, Grand Opening was June 11, 2025.
- The City Administration parking lot solicitation has closed and are under review.
- HVAC replacements for City Hall and Municipal Court has been completed.
- Pressure washing for Betty Hannah Building is scheduled for next month.

XII. Council Comments:

Council Member Portis-Jones had no comments.

Council Member Hudson said vote, be informed. Leadership is earned.

Mayor Pro Tem Heath had no comments.

Council Member Smallwood thanked staff and police.

Council Member Davis had no comments.

Mayor Avery thanked everyone for allowing him to serve three times as Mayor. He thanked members of Council, State Representatives, and said it takes a team/village.

XII: Executive Session:

14. Executive Session for Personnel Matter

Council Member Heath made a motion to go into Executive Session to discuss a personnel matter. Council Member Davis provided the second at 9:00 p.m. **The motion carried unanimously.**

Council Member Davis made the motion to adjourn the Executive Session and reconvene to the regular meeting. Council Member Hudson provided the second at 9:25 p.m. **The motion carried unanimously.**

Council Member Hudson made a motion to approve the Executive Session affidavit. Council Member Davis provided the second. **The motion carried unanimously.**

XII. Adjournment:

Council Member Hudson made a motion to adjourn the meeting at 9:30 p.m.
Council Member Davis provided the second. **The motion carried unanimously.**

Brenda B. James

Brenda James, City Clerk

Mario Avery, Mayor