

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

SPECIAL CALLED MINUTES

May 3, 2018

10:00 a.m.

Stonecrest City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Lary called the meeting to order.

Council Member Adoma asked if proper notice was given to the public for the meeting, the 24-hour notice and if so do we have proof.

The City Attorney, Selena Nowell said she was not aware if weather the notice was posted but she does know that notice of the Special Called Meeting was given yesterday at the meeting, but she would pull up the Sunshine Law regarding the verbal notice.

Council Member Adoma said let me save you some time. Under the Sunshine Law the notice has to be posted at least 24 hours in advance so that the public has the opportunity to attend the meeting. She said there is no documentation, no signed affidavit, no proof that the meeting notice was posted by 10:00am. She further said it does not matter who called the meeting, we must follow the law.

City Manager Michael Harris said he spoke with the City Clerk, Mrs. James on yesterday and she said the notice was posted prior to 10:00am Work Session on yesterday. Council Member Adoma asked if there was any proof of that. City Manager said he does not have a picture or anything and the Clerk did say she emailed it out around 9:35 to all including newspapers. He further read “for any meetings other than a regularly scheduled meeting of the agency for which notice has already been provided pursuant to this chapter, written or oral notice shall be given at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff’s sales are published in the county where regular meetings are held or at the option of the agency to a newspaper having a general circulation in such county at least equal to that of the legal organ; provided, however, that in counties where the legal organ is published less often than four times weekly sufficient notice shall be the posting of a written notice for at least

24 hours at the place of regular meetings and, upon written request from local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or email to that requesting media outlet at least 24 hours in advance of the called meeting.” He said his understanding is that all the provisions were met, but he will refer to legal.

The City Attorney said to Council Member Adoma that she does not know factually what happen in terms of the giving of notice. But there is also a provision following what the City Manager just read that allows for holding a meeting under special circumstances and to the extent that there is no case law that deals with weather failure to have a quorum at the previous meeting, constitutes those special circumstances, she said she feels she could make a straight faced argument that would be considered a special circumstance such that announcement in the meeting yesterday gives sufficient notice and also the provision regarding special circumstances does not require 24 hour notice, it says you can give notice less than 24 hours. Council Member Adoma asked what section says less than 24 hours. City Attorney Nowell said it is section 50-14-1 D-3 which reads “When special circumstances occur and are so declared by an agency that agency may hold a meeting with less than 24 hours’ notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances.”. She said again because there was a lack of a quorum, the giving of the notice at the meeting on yesterday that there will be a special meeting will be held today could be considered reasonable notice under circumstances. She further said she is not aware of any case law that states anything to the contrary. Council Member Adoma said she certainly is not a lawyer but she do understand the Sunshine Laws and everything she has read says 24 hours even under special circumstances. Council Member Adoma said she is not the lawyer and the lawyer can make the legal ruling, and we can move on, but she is of the opinion that the proper notice was not given to the public. She further said she knows for a fact that when it went to the legal organ the Clerk sent it at 1:52pm yesterday and that is printed in the newspaper. Council Member Cobble said the backup paperwork went at 1 something yesterday afternoon and the notice with the agenda was sent at 9:32am which is what the City Manager has said. She further said for point purposes we have never required the clerk to have someone take a photo of her posting the notice, so the proof you are asking for that she walked up to the notification case and posted the paper there has never been required for any other Called Meeting we have hosted. She said so she is a little confused why that kind of proof is being sought today when her posting has always been sufficient. Council Member Adoma said we can move on with the meeting, she is of the opinion even in those types of situations based on the Sunshine Law that the 24 hours apply, and the burden of proof is not on the public it is on us to prove that we posted it. She said for the record she is not quite sure this is a legal meeting and the Attorney can make the final call and we can move on. Council Member George Turner said let him go on record and say after the 9:00 meeting we did ask the clerk to post such notice of the meeting and she was back into the meeting by the next meeting after

the time it was supposed to be posted. He said did he witness the Clerk posting it no, but he would like to ask the Acting City Clerk if she witness it since she sits in the front. Ms. Rodriguez said yes, she did and the City Clerk during the time stated came to her desk, since the key is located at her desk got the key, posted the notice and returned the key to her.

City Attorney Serena Nowell said based on the circumstances stated by the Assistant Clerk and Council Woman Cobble she believes that sufficient notice was given, and, in any event, she still believes section 50-14-1-D3 would apply if sufficient notice was not given due to special circumstance.

II. ROLL CALL: Present was Mayor Lary and Council Members George Turner, Rob Turner, Cobble, Adoma and Clanton.

III. AGENDA ITEMS:

1. SPLOST Management

Council Member Adoma made a motion to move the SPLOST Management item to the Special Called Meeting on Monday, May 7, 2018 because she is waiting for some answers regarding this matter from the City Attorney. Council Member Clanton provided the second. Council Member Cobble questioned the motion.

Council Member Adoma amended her motion to defer the SPLOST Management item to the Special Called Meeting on Monday, May 7, 2018 until the City Attorney is present with Council Member Clanton provided the second.

Council Member Rob Turner asked Attorney Nowell if she felt qualified to answer the SPLOST questions and she said no.

A vote was taken on the motion and Council Member George Turner, Rob Turner and Cobble voted no. Council Member Adoma, Clanton and Mayor Lary voted yes. **The motion failed.**

Council Member Cobble made a motion to move forward with the execution of the SPLOST Management Contract as voted unanimously by the council on August 21, 2017 to work in good faith with Grice Consulting Group, LLC to complete contract negotiations for professional services for the Comprehensive Transportation Plan, Detailed Project List and Program Management to exclude Parks and Recreation and Capital Improvements. Further the City Manager and Mayor work to identify a plan to move forward with the Parks and Recreation as well as Capital Improvement portions of the SPLOST Program. A team made up of the Assistant City Manager, Planning and Development Manager, a licensed

professional engineer, future Parks and Recreation Director and future Police Chief/Public Safety Director shall represent the city during the SPLOST program.

Mayor Lary stated that the motion should be to reconsider what was voted on at the last meeting. There was discussion that these were two different motions. After much discussion Attorney Nowell said they were in fact two different motion because the substance was difference. So, Council Member Rob Turner seconded the motion made by Council Member Cobble.

Council Member Clanton said the Attorney has just said she did not feel qualified to answer all the questions here today and it would be unfair to the citizens of Stonecrest to vote on this motion. The City Attorney said she can give advice on the procedures, but not on the substance of the contract.

George Turner says he welcomes a fresh approach and any questions to be asked have already been covered because this item has been discussed many times and he is ready to proceed.

Mayor Lary said if you cannot paint the back porch don't expect to paint the house. We have had an opportunity to work with this vendor in Pre SPLOST and they have shown him everything he needs to know.

A vote was taken on the motion with Council Members Cobble, Rob Turner and Adoma voting Yes and Council Members Clanton, George Turner and Mayor Lary voting no. **The motion failed.**

2. Leverage of Bonds

Council Member Cobble said it is not clear about the leverage of bonds. She said she wanted to get some explanation.

Attorney Nowell said the first step is for referendum, then you proceed to validation of the bonds and we are in that process now. A petition has been filed with the courts to confirm and validate the bonds and then there is a Debt Service Plan. The only thing we have now is a not to exceed amount for the bonds.

Council Member Adoma stated for wanted the following questions and statements entered into the record. "The only reason you issue bonds is that you spend the money faster than it comes in. She further said we are due to collect \$47 million over 6 years, every year has 12 months, so that is 72 months and \$47 million divided by 72 equals \$650,000 per month. She said we aren't sure what all we are going to spend it on yet so what are we spending it on? How do I get a spreadsheet with the \$650K per month revenue projected with plotted expenses on projects in the categories? How do we know if we are running a cash deficit? What is the interest

rate and how much of the SPLOST is going to pay interest over 6 years? What are the total projected fees for Butler Snow? 10K vs 100K- why didn't we vet other lawyers such as Greg Worthy who I believe may live in the city"

Mayor Lary said he will take the responsibility and they need to move forward.

3. Dekalb County 2017 Road Rating Analysis Presentation

Council Members Cobble and Rob Turner inquired as to when or if the County will make a presentation on their road analysis. There was much discussion, but no decision made.

4. Second Monthly City Council Meeting

There was discussion, but no decision made.

Council Member Cobble made a motion to adjourn the meeting with Council Member Clanton providing the second. **The motion carried unanimously at 11:07a.m.**