



The Honorable William "Bill" Edwards, Mayor
The Honorable Mark Baker, District 7, Mayor Pro Tem
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember

SPECIAL CALLED MEETING AGENDA

1. Meeting Called to Order
2. Roll Call
3. Agenda Items
 - a. Alternative Dispute Resolution Considerations re Council Investigatory Hearing and Actions
 - b. Council Investigatory Actions, including December 30, 2019 Investigative Hearing
4. Executive Session regarding Personnel, Litigation and Real Estate

When an Executive Session is Required, one will be called for the following issues:
1) Personnel, 2) Litigation or 3) Real Estate
5. Adjournment



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: Alternative Dispute Resolution Considerations re Council Investigatory Hearing and Actions

DATE OF MEETING: 12/16/2019

DEPARTMENT: City Council



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING



SUBJECT: Council Investigatory Actions, including December 30, 2019 Investigative Hearing

DATE OF MEETING: 12/16/2019

DEPARTMENT: City Council

ATTACHMENTS:

Description	Type	Upload Date
Council Investigatory Actions, including December 30, 2019 Investigative Hearing	Cover Memo	12/16/2019

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5 **A RESOLUTION OF THE CITY OF SOUTH FULTON ESTABLISHING AN**
6 **INVESTIGATIVE HEARING REGARDING HALPERNS' STEAK AND SEAFOOD'S**
7 **LETTER OF INDUCEMENT WITH THE FULTON COUNTY DEVELOPMENT**
8 **AUTHORITY AND THE ESTABLISHMENT OF AN INVESTIGATORY HEARING**
9 **TO CONSIDER SANCTIONS AGAINST-----**
10
11
12

13 **WHEREAS,** Halperns' Steak and Seafood Company ("Company") was awarded a Letter of
14 Inducement with the Fulton County Development Authority on or about October 22, 2019;
15

16 **WHEREAS,** Councilmember Willis attended that hearing;
17

18 **WHEREAS,** the actions of Councilmember Willis and others have been called into question and
19 are now the subject of an Investigative Hearing;
20

21 **WHEREAS,** a special called meeting was set for December 16, 2019 to establish the procedure
22 for the Investigative Hearing; and
23

24 **WHEREAS**, this Resolution is necessary to insure good order at the Investigative Hearing;

26 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL**, as follows:

28 **Section 1.** The Council has determined that it is appropriate to schedule an
29 Investigative Hearing to consider the removal from office, sanction, reprimand, disqualification,
30 censure or removal (current and/or prespective) by Council under Charter §2.16 of the
31 following members of Council:

33 _____.

35 **Section 2.** An Investigative Hearing shall take place on December 30, 2019 at
36 _____at the following location: 4645 Butner Road Atlanta, Georgia 30349 for purpose of
37 consideration of removal from office, sanction, reprimand, disqualification, censure or removal
38 (current and/or prospective) of:

40 _____.

41 The Hearing shall start promptly and shall not be delayed or disrupted. The Council

42 ___agrees/___does not agree (mark one) [VOTE: _____].

44
45 **Section 3.** Georgia's "Sunshine Law" or Open Meetings Act, OCGA § 50-14-1, et
46 seq. requires meetings of municipal corporations and other agencies, where official actions are
47 taken, to be open to the public. The deliberations of the Investigative Hearing ____ shall/____shall
48 not be conducted in public. (mark one) [VOTE: ____]. Further, the Council
49 ____agrees/____does not agree to waive executive session privilege relating to conduct of Mayor
50 and Council in Executive Session meetings. (mark one) [VOTE: ____]. Further, the
51 Council ____agrees/____does not agree to waive attorney client privilege relating to any
52 communications, verbal or written, of any member of Mayor and Council with or to City
53 Attorney Emilia Walker regarding the Halpern's expansion deal, which was the subject of a
54 Fulton County Development Authority meeting October 22, 2019. (mark one) [VOTE:
55 ____].

56
57 **Section 4.** The Investigative Hearing shall require the issuance of subpoenas for the
58 purpose of securing witnesses and other documents. Special City Attorney John W. Mrosek,
59 individually, shall be vested with the municipality's legislative authority to issue subpoenas,
60 incorporating the powers given to counsel of record under Georgia law found at O.C.G.A. §24-
61 13-21. Subpoenas issued by the Council may be served in the same manner as service of
62 subpoenas is outlined in the Official Code of Georgia Annotated. Service of subpoenas may also
63 be waived by witnesses, in which case the witness will have waived any objection to the
64 sufficiency of service of the subpoena and will not raise process or service of process in defense
65 of abiding by the terms of the subpoena. Council _____ approves _____ does not approve the

66 authorization to Special City Attorney John W. Mrosek to execute and issue subpoenas. (mark
67 one) [VOTE: _____].

68 **Section 5.** The Charter at §2.16 specifies that the City Investigative hearing is
69 convened after ten (10) days notice to the Member(s) sought to be removed and empowers the
70 Council to set the procedural rules. The Council hereby authorizes all procedural and evidentiary
71 matters to be decided by the Council in compliance with constitutional requirements of due
72 process. Therefore, Council will and shall give each side the opportunity to present evidence and
73 to present argument and will decide the conduct and total length of the hearing. Members of
74 Council may make any motions it deems necessary regarding the conduct of the meeting.
75 Council _____ approves _____ does not approve all of the foregoing (mark one) [VOTE:
76 _____]. The issue of the designation and role of a hearing officer shall be left in the
77 discretion of Special Attorney John Mrosek since neither counsel for Councilwoman Willis nor
78 anyone else has suggested any candidates in the week since the December 10th hearing and since
79 time is drawing near to the hearing. Council _____ approves _____ does not approve all of the
80 foregoing (mark one) [VOTE: _____].

81
82 **Section 6.** The Council hereby approves the attached Notice of Hearing as providing
83 adequate notice to the Members being sought to removed on December 30, 2019 as specified in
84 Section 2 and hereby authorizes Special City Attorney John W. Mrosek to execute and issue the
85 Notice of Hearing. Council _____ approves _____ does not approve all of the foregoing (mark
86 one) [VOTE: _____].

THIS RESOLUTION so adopted this ____ day of December, 2019.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

EMILIA WALKER, CITY ATTORNEY