

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Friday, March 2, 2018 11:00am



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

SPECIAL CALLED MEETING MINUTES

1. Call to Order/Roll Call

**The meeting was called to order by Mayor Edwards at 11:01 am.
Following the roll call, a quorum was present.**

Mayor Edwards requested to move Item 5, Discussion regarding the terms of a contract for the new City Manager, to the top of the Agenda. Hearing no objections, Item 5 was moved.

2. Nomination of a City Administrative Officer

Mayor Edwards instructed City Council that an Interim City

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Administrator should be assigned until the new City Manager comes on board. Mayor Edwards would like the City Council to appoint Mr. Mark Massey as Interim City Manager.

- a. A motion was made by Mayor Pro Tem Baker and seconded by Councilmembers Rowell and Jackson to appoint Mr. Mark Massey as Interim City Manager (A resolution was provided by the City Attorney). The motion passed unanimously, 7-00.**

3. Nomination of a City Commander

Mayor Edwards nominated Major Shelia Rogers as Interim Police Chief.

- a. A motion was made by Councilmember Jackson and seconded by Councilmember Gumbs to appoint Major Sheila Rogers as Interim Police Chief (A resolution was provided by the City Attorney). The motion passed unanimously, 7-0-0.**
- b. A motion was made by Councilmember khalid and seconded by Councilmember Willis to reconsider the discussion regarding the Interim City Manager. The motion passed unanimously, 7-0-0.**

4. [*Discussion regarding City Solicitor and Public Defender Contracts](#)

Judge Tiffany Sellers provided a PowerPoint presentation of the hiring process used for the Solicitor and Public Defender.

- a. A motion was made by Councilmember Gumbs and seconded by Councilmember Jackson to suspend Judge Sellers' presentation and allow the City Attorney to present context surrounding the Solicitor and Public Defender Agreements. Councilmembers Rowell, Gumbs, Jackson and khalid voted**

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yea. Mayor Pro Tem Baker, Councilmembers Willis and Gilyard voted no. Therefore, the motion passed, 43-0.

- b. A motion was made by Councilmember Willis and seconded by Councilmember khalid to include in Section 1, the Solicitor, at her discretion, may work with (Finance) respective staff to facilitate grant administration to assist the municipal court per a grant policy. The motion passed unanimously, 7-0-0.**
- c. A motion was made by Councilmember Gilyard and seconded by Councilmember Willis to allow the Solicitor to use portions of the compensation under this agreement to retain competent staff to assist with the performance of duties. The motion passed unanimously, 7-0-0.**
- d. A motion was made by Councilmember khalid and seconded by Mayor Pro Tem Baker to change the written advance notice from 30 days to 60-days. The motion passed unanimously, 6-0-0. Councilmember Gumbs was not present.**
- e. A motion was made by Councilmember khalid and seconded by Mayor Pro Tem Baker to leave the language of Section 3, Annual Salary, as is. The motion passed, 6-0-0. Councilmember Gumbs was not present.**
- f. A motion was made by Councilmember khalid and seconded by Mayor Pro Tem Baker to keep Section 4 language pertaining Code Enforcement, as is. The motion passed, 6-00. Councilmember Gumbs was not present.**
- g. A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to accept the City Attorney recommendation to Section 5, Indemnification Clause, to limit coverage if it's willful malfeasance or intentional. The motion passed, 6-0-0. Councilmember Gumbs was not present.**

- h. A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Baker and Councilmember Gilyard to cancel the current Solicitor Agreement dated December 28, 2017; provide notice of the cancellation of that Agreement; and authorize a new Agreement effective as of March 2, 2018. The motion passed, 5-0-0. Councilmembers Gumbs and Jackson was not present.**
- i. A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to cancel the current Public Defender's Agreement dated December 28, 2017; provide notice of the cancellation of that Agreement; authorize a new Agreement consistent with the terms of the Solicitors Agreement, except for the salary for the Public Defender effective as of March 2, 2018. The motion passed unanimously, 5-0-0. Councilmembers Gumbs and Jackson was not present.**

5. *Discussion regarding the terms of a contract for the new City Manager

Mayor Edwards indicated that the Employment Agreement with the City Manager is a draft and questions/concerns about the Agreement can be renegotiated.

Each Councilmember indicated their preferences with respect to various provisions in the proposed contract.

The City Attorney indicated that she wanted to add an indemnification section; language that states 'the Charter prevails'; and she would like more time to review the Agreement in more detail.

Tuesday, March 6, 2018, was identified as a potential date for the City Council to get all remarks/questions/changes/concerns to the City Attorney for amendments to the City Manager Agreement.

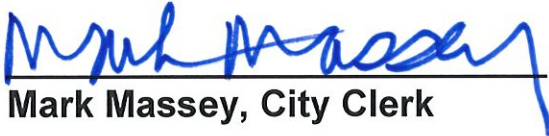
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After discussion between Mayor, City Council and the City Attorney, it was requested for the City Attorney to make comparisons of salary differences between the Atlanta area and DC.

6. Adjournment

A motion was made by Mayor Pro Tem Baker and seconded by Councilmember Willis to adjourn the meeting.

Hearing no objections, the meeting adjourned at 1:30pm.


Mark Massey, City Clerk

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
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6 **RESOLUTION No. 2018-014**
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8 **A RESOLUTION TO APPOINT AN INTERIM CITY MANAGER, ENSURE THE**
9 **CONTINUITY OF PROPER GOVERNMENT ADMINISTRATION AND FOR OTHER**
10 **LAWFUL PURPOSES**

11 **WHEREAS**, the City of South Fulton (City”) is a newly established municipality
12 duly incorporated under the laws of the State of Georgia;

13 **WHEREAS**, the governing authority of the City of South Fulton is its duly elected
14 Mayor and Council (“City Council”);

15 **WHEREAS**, the City is diligently engaged in a transition period (“Transition
16 Period”) providing for the transition of various government functions from Fulton County
17 to the City of South Fulton;

18 **WHEREAS**, during the Transition Period, the City hold general authority to
19 “exercise any power granted by [its] charter or general law” (Charter, Sec. 7.16);

20 **WHEREAS**, during the Transition Period the City “may create, alter, or abolish
21 departments, boards, offices, commissions, and agencies of the city; appoint and
22 remove officers and employees; and exercise all necessary or appropriate personnel
23 and management functions” (Charter, Sec. 7.16);

24 **WHEREAS**, the Mayor has recently nominated and the City Council has
25 confirmed the appointment of a permanent City Manager;

26 **WHEREAS**, the City Council finds it to be in the City’s bests interests to appoint
27 an Interim City Manager to engage in and assume all duties and responsibilities of City
28 Manager until the permanently appointed City Manager may relocate from his current
29 out-of-state residency and assume his managerial responsibilities for the City within the
30 coming weeks;

31 **WHEREAS**, this Resolution will help to ensure the continuity of City
32 administrative operations, pending the permanent City Manager’s impending start
33 date; and

34 **WHEREAS**, the City Council finds this resolution to be in the best interests of the
35 general health and welfare of the City.

36 **NOW, THEREFORE, THE CITY COUNCIL OF SOUTH FULTON, GEORGIA**
37 **HEREBY ORDAINS:**

38 **Section 1.** That Mark Massey, the City Clerk, shall assume responsibilities as
39 the City Manager, effective March 2, 2018, up through and until the newly
40 appointed City Manager's official start date, or until declared otherwise by the
41 City Council. The rate of pay for this interim appointment shall be set and
42 determined in accordance with the City's current salary/classification policy and
43 schedule.

44 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that: (a)
45 All sections, paragraphs, sentences, clauses and phrases of this Resolution are or
46 were, upon their enactment, believed by the City Council to be fully valid, enforceable
47 and constitutional.

48 (b) To the greatest extent allowed by law, each and every section, paragraph,
49 sentence, clause or phrase of this Resolution is severable from every other section,
50 paragraph, sentence, clause or phrase of this Resolution. No section, paragraph,
51 sentence, clause or phrase of this Resolution is mutually dependent upon any other
52 section, paragraph, sentence, clause or phrase of this Resolution.

53 (c) In the event that any phrase, clause, sentence, paragraph or section of this
54 Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or
55 otherwise unenforceable by the valid judgment or decree of any court of competent
56 jurisdiction, it is the express intent of the City Council that such invalidity,
57 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
58 render invalid, unconstitutional or otherwise unenforceable any of the remaining
59 phrases, clauses, sentences, paragraphs or sections of the Resolution.

60 **Section 3.** All Resolutions and parts of Resolutions in conflict herewith are hereby
61 expressly repealed.

62 **Section 4.** The effective date of this Resolution shall be the date of adoption unless
63 required otherwise by applicable law.

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65 **SO, RESOLVED, this 2nd day of March 2018.**
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The foregoing RESOLUTION No. **Res2018-014** was adopted on **March 2, 2018** was offered by **Mayor Pro Tem Baker**, who moved its approval. The motion was seconded by Councilmember **Rowell**, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor		
Mark Baker, Mayor Pro Tem	√	
Catherine Foster Rowell, Mayor Pro Tem	√	
Carmalitha Lizandra Gumbs	√	
Helen Zenobia Willis	√	
Gertrude Naeema Gilyard	√	
Rosie Jackson	√	
khalid kamau	√	

86 CITY OF SOUTH FULTON, GEORGIA.

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92 WILLIAM "BILL" EDWARDS, MAYOR

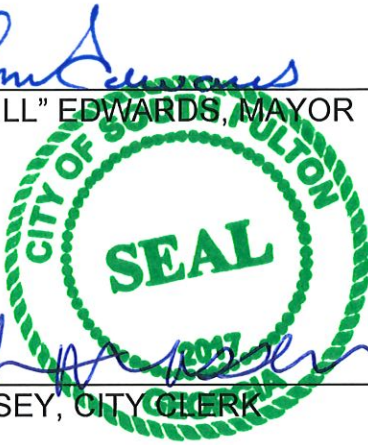
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96 ATTEST:

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100 MARK MASSEY, CITY CLERK

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102 Item #: Res2018-014 Date: 03 / 02 / 2018

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106 APPROVED AS TO FORM:

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110 EMILIA C. WALKER, CITY ATTORNEY



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1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
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6 RESOLUTION No. 2018-015
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8 A RESOLUTION TO APPOINT AN INTERIM POLICE CHIEF, ENHANCE PUBLIC
9 SAFETY AND FOR OTHER LAWFUL PURPOSES

10 WHEREAS, the City of South Fulton (City") is a newly established municipality
11 duly incorporated under the laws of the State of Georgia;

12 WHEREAS, the governing authority of the City of South Fulton is its duly elected
13 Mayor and Council ("City Council");

14 WHEREAS, the City is diligently engaged in a transition period ("Transition
15 Period") providing for the transition of various government functions from Fulton County
16 to the City of South Fulton;

17 WHEREAS, during the Transition Period, the City hold general authority to
18 "exercise any power granted by [its] charter or general law" (Charter, Sec. 7.16);

19 WHEREAS, during the Transition Period the City "may create, alter, or abolish
20 departments, boards, offices, commissions, and agencies of the city; appoint and
21 remove officers and employees; and exercise all necessary or appropriate personnel
22 and management functions" (Charter, Sec. 7.16);

23 WHEREAS, the City Council finds it to be in the City's bests interests to appoint
24 an Interim Police Chief to engage in and assume all duties and responsibilities allowed
25 under the City Charter and applicable law, until a permanent Police Chief is hired by the
26 City;

27 WHEREAS, the City Council finds this resolution to be in the best interests of the
28 general health and welfare of the City.

29 NOW, THEREFORE, THE CITY COUNCIL OF SOUTH FULTON, GEORGIA
30 HEREBY ORDAINS:

31 Section 1. That Sheila Rogers may assume responsibilities as the Interim
32 Police Chief, effective March 5, 2018, up through and until the City's hiring of a
33 permanent Police Chief, and/or until declared otherwise by the City Council. The
34 rate of pay for this interim appointment shall be set and determined in
35 accordance with the City's current salary/classification policy and schedule.

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. All Resolutions and parts of Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The effective date of this Resolution shall be the date of adoption unless required otherwise by applicable law.

SO, RESOLVED, this **2nd** day of **March** 2018.

The foregoing RESOLUTION No. **Res2018-015** was adopted on **March 2, 2018** was offered by Councilmember **Jackson**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Mark Baker, Mayor Pro Tem	☒	☐
Catherine Foster Rowell, Mayor Pro Tem	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐

CITY OF SOUTH FULTON, GEORGIA.

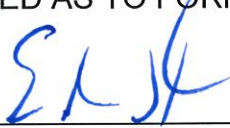

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK

Item#: Res2018-015 Date: 03 / 02 / 2018

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY

