



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

CITY COUNCIL MEETING MINUTES

September 5, 2018

9:00am.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** Council Member Jazzmin Cobble was absent, and the Mayor and all other Council Members were present.
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

Council Member Clanton made a motion to adopt the agenda as written with Council Member Rob Turner providing the second. **The motion carried unanimously.**

- VI. **MINUTES:** Approval of Minutes of the City Council Meeting of August 1, 2018, Special Called Meeting of August 15, 2018 and City Council Minutes of August 20, 2018

Council Member Rob Turner made a motion to approve the minutes of the August 1, 2018 City Council Meeting with Council Member George Turner providing the second. **The motion carried unanimously.**

Council Member George Turner made a motion to approve the minutes of the August 15, 2018 Special Call Meeting with Council Member Clanton providing the second. **The motion carried unanimously.**

Council Member Clanton made a motion to approve the August 20, 2018 City Council Minutes with Council Member George Turner providing the second. **The motion carried unanimously.**

VII. PRESENTATIONS: None

VIII. PUBLIC COMMENTS:

Dave Marcus spoke on the Grice Construction Contract, qualification, proposals and RFQ process.

Faye Coffield spoke on signs in the city that show where it begins and ends, visit to Georgetown Guyana, people needing help in our areas and decisions or lack of on her ethics complaints.

IX. AGENDA ITEMS:

1. Ordinance Authorizing the Sale of Alcoholic Beverages on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments

Attorney Laura Cosgray gave an overview of this ordinance.

Council Member George Turner explained how this bill came about and the fact that the General Assembly passed it now the city must accept or reject. He also inquired into the cost of the election. The City Clerk stated there is an estimated cost of \$15,000.00 from DeKalb County. She further explained there will be a separate ballot for the citizens of Stonecrest only for this item. Council Member George Turner asked if it is more beneficial for the city to do this later.

After much discussion Council Member Clanton made a motion to approve the Ordinance for Referendum to Authorize the sale of alcoholic beverages on premises subject to the passage of a Budget Amendment. Mayor Lary provided the second. **The motion passed with Mayor Lary and Council Members Clanton and George Turner voting yes. Council Members Adoma and Rob Turner voting no.**

2. Preliminary Review of Ethics Complaint

Attorney Winston Denmark said he was here to give his report and recommendations on the Ethic Complaints. He also asked the Mayor to excuse himself since he was named in the complaint and the Mayor Pro-Tem will preside.

Council Member Adoma asked what witnesses were named and should they also excuse themselves. Attorney Denmark said at this phase we are not entertaining witnesses, this is a preliminary review to see if the complaint goes forth on its merits.

Council Member Adoma asked if a council member is listed as a witness should they recuse themselves. The Attorney said he is not aware of anyone listed as a witness. The Mayor Pro Tem asked were there others who need to be recused and the City Attorney said it is his opinion no other members of Council need to recuse themselves.

Attorney Denmark said there are two phases to review an ethic complaint. The first is the preliminary review where the ordinance says the Mayor and Council have the authority to dismiss any ethics complaint that they determine is unjustified, frivolous or patently unfounded; substantially noncompliant with the requirements of the Ethic Article or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. Once it survives that hurdle the Mayor and Council will go into the evidentiary hearing to hear the merits of the complaint. He furthered said his role is to give you his recommendation for the preliminary review.

He said the complaint should be dismissed due to procedural defects.

1. Does not comply with the procedural requirements of the Ethics Ordinance.
2. It fails to state facts sufficient to invoke the disciplinary jurisdiction of the council.

He further said secondary the complaint fails to comply with the procedural requisites of the ethics ordinance by 1) failed to write a brief statement identifying the name and title of the official or employee whom the complaint is against, 2) Failed to have a numbered list identifying the improper act committed and 3) There was no sworn or notarized statement by the complaint.

Council Member Adoma asked if she could recuse herself and the City Attorney said any council member can recuses themselves, but he sees no reason why anyone should recuse. He said Mayor Lary is named and he had to recuse himself.

Council Member Clanton made a motion to dismiss the complaint based on the facts it failed to comply with the procedural requirements of the Ethics Ordinance and it fails to state facts sufficient to invoke the disciplinary jurisdiction of the council, based on the Ethics Code. He asked if they were doing both cases and then made his motion again on the claim with Member Rob Turner provided the second.

Council Member Adoma said she would like to recuse herself because she is not sure even though she respects the opinion of Mr. Denmark she is not sure if the council is empowered to hear this ethic case. In additional Ms. Coffield is one of her constituents.

City Attorney Denmark assured Council the ethics ordinance is consistent with GMA and the law.

A vote was taken on the motion and Council Members Clanton, Rob Turner and George Turner voting yes. Council Member Adoma recused herself. **The motion carried.**

X. CITY MANAGER COMMENTS:

The City Manager said the city limit signs have been installed.

XI. CITY ATTORNEY COMMENTS:

Laura Cosgray spoke on the upcoming IGA's with DeKalb County.

XII. MAYOR AND COUNCIL COMMENTS:

Council Member Rob Turner announces District 2 monthly breakfast will be September 8th from 9:00 to 11:00 at the House of Hope 4650 Flat Shoals Parkway and the theme is Turning Georgia Blue.

Council Member Clanton announced the regular Leadership Meeting for District 1 will be Saturday, September 8, 2018 at 10:00am.

Council Member George Turner said on his way in he heard the weather report and they said Stonecrest Georgia.

Council Member Adoma said next week there is a Production Company coming and they will be touring Stonecrest and they have partnered with Keep DeKalb Beautiful. They are also looking at a youth team court.

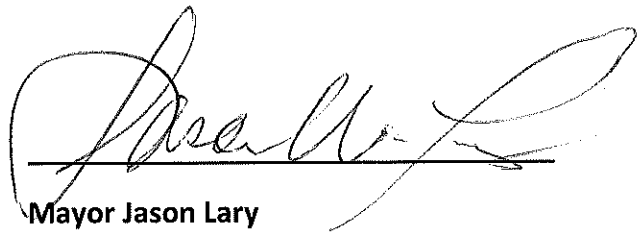
Mayor Lary had no comments.

XIII. ADJOURNMENT:

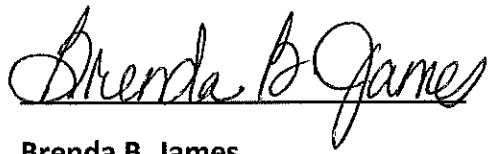
Council Member Clanton made a motion to adjourn with Council Member Rob Turner providing the second. **The motion carried unanimously.**

XIV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

A handwritten signature in cursive script, appearing to read "Jason Lary", written over a horizontal line.

Mayor Jason Lary

A handwritten signature in cursive script, appearing to read "Brenda B. James", written over a horizontal line.

Brenda B. James