



## **SPECIAL CALLED MEETING MINUTES**

### 1. Meeting Called to Order

Motion (Recess): Councilmember Willis

Second: Councilmember Gilyard

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, Khalid, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

**The special called meeting was called to order by Mayor William Edwards at 3:00 PM. Following the roll call by the Deputy City Clerk, a quorum was established.**

**A motion was made at 3:05 PM to recess the meeting for 5 minutes until Opposing Counsel arrived. The motion was approved 7-0.**

### 2. Roll Call

Minutes:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
William "Bill" Edwards	Mayor	Present	
Mark Baker	District 7 Councilmember Mayor Pro Tem	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Naeema Gilyard	District 4 Councilmember	Present	
Rosie Jackson	District 5 Councilmember	Present	
Khalid Kamau	District 6 Councilmember	Present	

### 3. Agenda Items

a. Alternative Dispute Resolution Considerations re Council Investigatory Hearing and Actions

Motion (Deny): Councilmember khalid  
Second: Councilmember Rowell  
[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell  
Nay: 1 Willis  
Abstain: 0  
Not Voting: 0

Minutes:

A motion was made to dismiss mediation (alternative dispute resolution) and move on to the next item.

The motion was approved 6-1. Councilmember Willis voted in opposition.

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b. Council Investigatory Actions, including December 30, 2019 Investigative Hearing

Motion (Approve): Councilmember khalid  
Second: Councilmember Jackson  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:

**Motion a.**

**A motion was made to bring a Resolution of the City of South Fulton Establishing An Investigative Hearing Regarding Halperns' Steak and Seafood's Letter of Inducement with the Fulton County Development Authority and the Establishment of an Investigatory Hearing To Consider Sanctions Against---- before Council and allow the special counsel to lead a discussion regarding the drafting of the Resolution.**

**The motion was approved 4-3. Councilmembers Rowell, Gumbs and Willis voted in opposition.**

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Motion (Previous Question): Mayor Pro Tem Baker  
Second: Councilmember khalid  
[Motion Approved]

Yea: 5 Baker, Gilyard, Gumbs, Jackson, khalid  
Nay: 2 Rowell, Willis  
Abstain: 0

Not Voting: 0

Minutes:

**Motion b.**

**A motion was made to call the previous question.**

**A motion was approved 5-2. Councilmembers Willis and Rowell voted in opposition.**

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Motion (Approve): Councilmember khalid

Second: Mayor Pro Tem Baker

[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid

Nay: 3 Gumbs, Rowell, Willis

Abstain: 0

Not Voting: 0

Minutes:

**Motion c.**

**A motion was made to include Councilmember Willis' name in Section 1 of the Resolution to be considered for removal from office, sanction, reprimand, disqualification, censure or removal by Council under Charter section 2.16.**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember Jackson

Second: Councilmember khalid

[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid

Nay: 3 Gumbs, Rowell, Willis

Abstain: 0

Not Voting: 0

Minutes:

**Motion d.**

**A motion was made to include Mayor Edwards' name in Section 1 of the Resolution to be considered for removal from office, sanction, reprimand, disqualification, censure or removal by Council under Charter section 2.16.**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember khalid

Second: Councilmember Jackson

[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:

**Motion e.**

**A motion was made to conduct an Investigative Hearing regarding the removal of Mayor Edwards and Councilmember Willis on December 30, 2019 at 9:00 AM at City of South Fulton City Hall, 5440 Fulton Industrial Boulevard, Atlanta, GA. (Section 2)**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember khalid  
Second: Mayor Pro Tem Baker  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:

**Motion f.**

**A motion was made to state that the Hearing shall start promptly and shall not be delayed or disrupted. (Section 2)**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Mayor Pro Tem Baker  
Second: Councilmember khalid  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:

**Motion g.**

**A motion was made to state the deliberations of the Investigative Hearing shall be conducted in public. (Section 3)**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember khalid  
Second: Councilmember Jackson  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:  
**Motion h.**

**A motion was made that the Council agrees to waive executive session privilege relating to the conduct of Mayor and Council in executive session meetings. (Section 3)**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember khalid  
Second: Councilmember Gilyard  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:  
**Motion i.**

**A motion was made to suspend all debate and vote on each question in the Resolution as presented by the special counsel.**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Mayor Pro Tem Baker  
Second: Councilmember Jackson  
[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell  
Nay: 1 Willis  
Abstain: 0  
Not Voting: 0

Minutes:

**Motion j.**

**A motion was made that the Council agrees to waive attorney-client privilege relating to any communications, verbal or written of any member of Mayor and Council with or to City Attorney Emilia Walker regarding the Halpern's deal. (Section 3)**

**The motion was approved 6-1. Councilmembers Willis voted in opposition.**

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Motion (Approve): Councilmember khalid

Second: Councilmember Gilyard

[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell

Nay: 1 Willis

Abstain: 0

Not Voting: 0

Minutes:

**Motion k.**

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

**The motion was approved 6-1. Councilmembers Willis voted in opposition.**

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Motion (Approve): Mayor Pro Tem Baker

Second: Councilmember khalid

[Motion Approved]

Yea: 5 Baker, Gilyard, Gumbs, Jackson, khalid

Nay: 2 Rowell, Willis

Abstain: 0

Not Voting: 0

Minutes:

**Motion l.**

**A motion was made stating that the Council authorizes all procedural and evidentiary matters to be decided by the Council in compliance with constitutional requirements of due process. Therefore, Council will and shall give each side the**

**opportunity to present evidence and to present argument and will decide the conduct and total length of the hearing. Members of the Council may make any motions it deems necessary regarding the conduct of the meeting. (Section 5)**

**The motion was approved 5-2. Councilmembers Willis and Rowell voted in opposition.**

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Motion (Approve): Councilmember Gilyard  
Second: Councilmember khalid  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:  
**Motion m.**

**A motion was made stating that the designation and role of a hearing officer shall be left in the discretion of Special Attorney John Mrosek since neither counsel for Councilmember Willis nor anyone else has suggested any candidates in the week since December 10th hearing and since time is drawing near to the hearing. (Section 5)**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember khalid  
Second: Councilmember Gilyard  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:  
**Motion n.**

**A motion was made stating that the Council approves the Notice of Hearing as providing adequate notice to the members being sought to be removed on December 30, 2019 as specified in Section 2 and hereby authorizes Special City Attorney John W. Mrosek to execute and issue the Notice of Hearing. (Section 6)**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember khalid  
Second: Mayor Pro Tem Baker  
[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell  
Nay: 1 Willis  
Abstain: 0  
Not Voting: 0

Minutes:  
**Motion o.**

**A motion was made to clarify that Mr. Mrosek is authorized and shall upon request execute subpoenas.**

**The motion was approved 6-1. Councilmembers Willis voted in opposition.**

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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*

Motion (Recess): Councilmember khalid  
Second: Councilmember Gilyard  
[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis  
Nay: 0  
Abstain: 0  
Not Voting: 0

Minutes:  
**Motion a.**

**A motion was made at 4:31 PM to recess for an executive session regarding personnel, litigation and real estate.**

**The motion was approved 7-0.**

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Motion (Reconvene): Councilmember Rowell  
Second: Councilmember khalid  
[Motion Approved]

Yea: 4 Jackson, khalid , Rowell, Willis  
Nay: 0  
Abstain: 0  
Not Voting: 3 Baker, Gilyard, Gumbs

Minutes:  
**Motion b.**

**A motion was made at 6:36 PM to close the executive session and reconvene the Special Called Meeting.**



**The motion was approved 4-0. Councilmembers Gumbs, Baker and Gilyard were absent.**

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Motion (Approve): Councilmember khalid  
Second: Mayor Pro Tem Baker  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 2 Rowell, Willis  
Abstain: 0  
Not Voting: 1 Gumbs

Minutes:  
**Motion c.**

**A motion was made to approve the City Attorney's contract as written.**

**The motion was approved 4-2. Councilmembers Willis and Rowell voted in opposition. Councilmember Gumbs was not present.**

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Motion (Approve): Councilmember khalid  
Second: Mayor Pro Tem Baker  
[Motion Approved]

Yea: 4 Baker, Gilyard, Jackson, khalid  
Nay: 3 Gumbs, Rowell, Willis  
Abstain: 0  
Not Voting: 0

Minutes:  
**Motion d.**

**A motion was made to instruct the City Manager to use all lawful means to procure an academic institution with a school of government by January 31, 2020 to review the City's Charter and make any recommended changes at a public meeting in February 2020.**

**The motion was approved 4-3. Councilmembers Willis, Gumbs and Rowell voted in opposition.**

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Motion (Approve): Councilmember Rowell  
Second: Councilmember khalid  
[Motion Approved]

Yea: 6 Gilyard, Gumbs, Jackson, khalid , Rowell, Willis  
Nay: 0  
Abstain: 0  
Not Voting: 1 Baker

Minutes:  
**Motion e.**

**A motion was made to authorize the City Manager to proceed with the procurement of the Southwest Arts Center on or about February 3, 2020 and acceptance of the recommended service delivery model as presented by staff.**

**The motion was approved 6-0. Councilmembers Baker was absent.**

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5. Adjournment

Motion (Adjourn): Councilmember khalid

Second: Councilmember Jackson

[Motion Approved]

Yea: 6 Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 1 Baker

Minutes:

**A motion was made to adjourn the special called meeting at 6:51 PM.**

**The motion was approved 6-0. Councilmember Baker was absent.**



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**S. Diane White, City Clerk**