CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
May 25, 2023 @ 6:30PM

SPECIAL CALLED

TRANSITIONAL CITY COUNCIL MEETING MINUTES

1. **CALL TO ORDER** Mayor Michael Owens

2. **ROLL CALL** – Interim City Clerk Hiott conducted. There was a quorum.

   The Honorable Michael Owens, Mayor – Present
   The Honorable Ron Davis, District 1 Councilmember - Present
   The Honorable Dami Oladapo, District 2 Councilmember - Present
   The Honorable Keisha Jeffcoat, District 3 Councilmember - Present
   The Honorable Patricia Auch, District 4 Councilmember - Present
   The Honorable TJ Ferguson, District 5 Councilmember - Present
   The Honorable Debora Herndon, District 6 Councilmember – Present

3. **INVOCATION** – Pastor Boyd conducted.

4. **PLEDGE OF ALLEGIANCE**

Following the Pledge of Allegiance, Cobb County Sherrif Craig Owens announced the appointment of the new Chief of Staff, David Jones. Mr. Jones was present in the audience.

5. **APPROVAL OF AGENDA** - Motion was made by Councilmember Jeffcoat to approve the agenda as presented and seconded by Councilmember Ron Davis. Motion was approved 7-0.

6. **PUBLIC COMMENTS** - Interim City Clerk Susan Hiott explained there was a two-minute time limit for comments. There was a sign-up sheet. She reminded everyone that the public comment session did not include a dialogue session with Mayor and Council because time was needed to handle the transitional city business. Those who spoke were:

   - Ben Mould of District 1 expressed appreciation for the Mayor and Council and spoke about how happy he was to see the improvement, growth, and development of the Mableton area.

- Angela Wynn of District 2 requested Mayor Owens to file an emergency moratorium on evictions for 90 days. She expressed concern for the children.
- Monique Lester of District 2 requested Mayor Owens to file an emergency moratorium for 90 days.
- Jasmine Lester of District 2 requested an emergency moratorium for 90 days to find solutions for the black families, especially with small children.
- Monica Delancey of District 2 expressed concern about the eviction of families with children. She asked for an emergency moratorium. She commented about the apartment complexes in District 2 where some of the landlords refused to fix the apartments and then filed retaliation evictions.
- Tre Hutchins of District 3 and Post 3 of the Cobb County Board of Education and Superintendent provided an update. He thanked Mayor and Council for recognizing the Valedictorians and Salutatorians. He thanked Mayor Pro Tem Ferguson (attended South Cobb) and Councilwoman Jeffcoat (attended Pebblebrook) for attending the baccalaureate high school services. There was a small roll-back of .2 millage rate. There were two new principals in the Mableton area.
- Lee Miller of District 4 spoke about the Tax Anticipation Note (TAN) resolution that was on the agenda. He commented that although TANs for new cities were considered legal and customary, he asked for Mayor and Council to think well on obligating the Mableton residents and enabling expenditures when funding mechanisms were unrealized.
- Joyce Steele of District 4 congratulated Mayor and Council on a great inauguration ceremony. She thanked Council for getting out the communication about the meeting. She appreciated being notified in enough time so she could attend the meeting. She asked how she and citizens could assist Mayor and Council.
- Jeff Padgett of District 4 spoke about being a homeowner and having a new adventure for the City of Mableton. There was a chance now to build the community. He spoke about caring about the community. He was excited about the new growth. He offered to help the Mayor and Council.

7. **PROCLAMATION(S):**

   a. *A Proclamation Proclaiming the Month of May as NATIONAL MILITARY APPRECIATION MONTH in the City of Mableton* – Mayor Owens read the proclamation. He recognized veterans in the audience.

8. **RECOGNITION(S):** Mayor Owens recognized and congratulated the students.

   a. Congratulations to South Cobb High School Class of 2023 Valedictorian Miss Crystal Oleka! She'll be attending Emory University to major in Biology and Global Health!

b. *Congratulations to South Cobb High School Class of 2023 Salutatorian Mr. Chinakazi Anyachonkeya! He'll be attending Duke University to major in Neuroscience!*

c. *Congratulations to Pebblebrook High School Class of 2023 Valedictorian Miss Maria de la Luz Barrios! She'll be attending Georgia Tech!*

d. *Congratulations to Pebblebrook High School Class of 2023 Salutatorian Miss Yarazet Ramos Gonzalez! She will be attending Oglethorpe University.*

9. **OLD BUSINESS:**

a. *Approval of May 11, 2023 Special Called Transitional City Council Meeting Minutes*

Motion was made by Councilmember Jeffcoat to approve the minutes as presented and seconded by Councilmember Oladapo. Motion was approved 7-0.

10. **NEW BUSINESS:**

a. *FIRST READ: City of Mableton Ethics Ordinance*

Interim City Attorney Walker Ashby explained per the City's Charter, unless the ordinance was an emergency ordinance, all ordinances required two reads. This was the first read. The ordinance was part of a process to obtain the Certified City of Ethics Certification by the Georgia Municipal Association. She asked for direction from Council whether they adopted the default ethics position for appointing a Board of Ethics as stipulated in the Charter or one of the three alternatives noted in the sample Georgia Municipal Association (GMA) ordinance. She had heard comments from some of the Council and asked for direction from Council. She referenced the Sample Ethics Ordinance that was given to the Council. To receive the City of Ethics Certification, an ethics ordinance and a resolution must be adopted.

Questions and discussion followed about the different options for appointing the Board of Ethics. Per questions by Councilmember Ferguson, Attorney Walker-Ashby provided additional explanation. She opined that if go outside of GMA's recommendation and stick to the default position of the Charter, GMA would not give push back. Attorney Walker-Ashby read the Charter provision (Sec. 3.11 (b) "*… except as otherwise provided by this charter, or by law, each board, commission, or authority shall consist of seven members with one member being appointed by each member of the city council and the mayor…*" If Mayor and Council collectively agreed, she would remove the GMA provision and include the Charter provision. Councilmember Ferguson asked about the purpose of the

Ethics Ordinance. Attorney Walker-Ashby explained how it was making sure the Mayor and Council were made accountable. There was a list of conditions the Council should follow. She read some examples from the GMA Sample Ordinance. The Ethics Board would hear complaints filed with the City Clerk and would enforce and render recommendations to the Council.

Mayor Owens commented how the Georgia Municipal Association guided cities all over Georgia. He reiterated the importance of the Ethics Ordinance to make sure the City started with ordinances to ensure doing the right things. The question was to have the Charter recommendation of 7 for the Board of Ethics vs the GMA recommendation of 3 members pulled from a pool of members. Attorney Walker-Ashby stated she could ask GMA why they recommended 3 members.

Questions and discussion continued about pay and term limits. Per questions, Attorney Walker-Ashby explained the board members were not paid. The two-year term limit was in the current ordinance.

Motion was made by Councilmember Herndon to adopt Alternative C from GMA guidelines for formation of the Ethics Board. Councilmember Auch seconded.

Mayor Owens read aloud Alternative C (page 6 of the GMA Sample Ordinance).

The Board of Ethics of the City shall be composed of three (3) residents of the City to be appointed as follows: the mayor and councilmembers shall each designate one (1) qualified citizen to provide a pool of 7 individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed. The City Clerk shall maintain a listing of these qualified citizens. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the Mayor and Council, at the next regularly scheduled public meeting or at a specially called public meeting, shall draw names randomly from the listing of qualified citizens until three (3) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as chair.

Discussion followed about the qualifications to be a member and process of selecting from the pool. Mayor Owens recommended that at least one of the board members be an attorney.

A friendly amendment was made to adopt alternative C as stated with Mayor's appointment shall be an appointee with standing of the State Bar Association. Two would be pulled from the pool of the remaining 6 randoms. Councilmember Herndon accepted the friendly amendment and Councilmember Auch accepted. The motion passed unanimously.

Attorney Walker-Ashby affirmed the ordinance was the first read. She would make the changes for the second read and final vote at the next meeting.

b. *Approval of Resolution Establishing Ethics Principles for City Official Conduct*

Mayor Owens explained the resolution was required to receive the GMA City of Ethics Certification. Councilmember Ferguson addressed having a statement in the ordinance correlating with the resolution regarding the importance of the positive and constant transparency for current and future councils. He wanted to ensure that all Councilmembers and Mayor have knowledge of all meetings with the County and other external entities to make sure there were no issues to come up. Discussion followed about transparency and having procedures for ethics and all on board for decisions and/or actions. Mayor Owens pointed out that resolutions at meetings provided authorizations and transparency.

Motion was made by Councilmember Ferguson to approve RES 2023-05-09 a Resolution Establishing Ethics Principles for City Official Conduct as stated and seconded by Councilmember Herndon. Motion was approved 7-0

c. *Approval of Resolution Formally Adopting a City Legal Organ* – Interim City Clerk Susan Hiott explained per state law all government bodies must adopt and post meetings in a designated legal organ. The resolution adopts the *Marietta Daily Journal* as Mableton's legal organ. Other media can be notified of meetings also, but the legal organ must be adopted and the City must notify/post meetings in the adopted legal organ.

Motion was made by Councilmember Auch to approve RES 2023-05-10 approving *Marietta Daily Journal* as the City's legal organ. Councilmember Oladapo seconded. The motion carried unanimously.

d. *Approval of Resolution Providing for Rules of Procedure and Decorum*

Attorney Walker Ashby explained the resolution. She read aloud some of the rules.

Motion was made by Councilmember Jeffcoat to approve RES 2023-05- a resolution providing for rules of procedure and decorum. Councilmember Davis seconded the motion. The motion carried unanimously.

e. *Approval of Resolution Authorizing Banking and Related Financial Activity*

Attorney Walker-Ashby referenced a modified resolution. She read aloud the modifications.

The City Council hereby authorizes the Mayor and City appointed City Finance Consultant, to obtain any necessary tax identification numbers and to open such City bank accounts as may be needed by the City to conduct the business of the City. The

Mayor shall be designated as the authorized signatory for such accounts, and shall be additionally authorized to write checks and withdraw funds from the same to conduct the business of the City. All expenditures and withdrawals from City accounts shall require advance approval by the City Council, as may be authorized within adopted City resolutions, budgets, ordinances, motions and/or other formal authorizations by the City Council. In addition, the City Council authorized expenditures and withdrawals exceeding $5,000 shall require the approval of the Mayor and City Financial Consultant for payment.

Questions and discussions followed about how approving a budget would give authorization on case-by-case basis. Attorney Walker-Ashby explained this was a temporary action as budget, policies, and procedures would be established in the future.

Motion was made by Councilmember Ferguson to approve the Resolution Authorizing Banking and Related Financial Activity by the Mayor and City appointed City Finance Consultant. Councilmember Oladapo seconded. Councilmember Jeffcoat asked if "interim" could be inserted. Councilmember Ferguson accepted the friendly amendment and motion as to approve … by the appointed **Interim** City Finance Consultant. Councilmember Oladapo seconded. The motion carried unanimously.

f. Approval of Resolution Providing Notice to Cobb County of City's Intent to Collect Certain Taxes

Attorney Walker Ashby provided background. She referenced a minor change in the document located behind the agenda packet. Pursuant to City's Charter, there was a 30- day notice to Cobb County as to date to collect certain taxes. She referenced the feasibility study by Carl Vinson Institute. The taxes that would not require significant personnel were: Hotel/Motel Taxes, Insurance Premium Taxes, Franchise Fees, Motor Vehicle Taxes, and Financial Institution Taxes. The Mayor had requested a meeting with the County and they have responded positively that they could meet next week. If authorized tonight, the notice would be sent to the County. She pointed out in the resolution the following provisions:

Notice to Utility Providers and Financial Institutions. *Utility companies, including cable, electric, gas and telephone service providers, are hereby provided with notice that the City will commence collection of franchise fees and Financial Institution Taxes within the City's territorial limits, effective as of July 1, 2023.*

Other assessments. *The City will provide Cobb County with notice of additional taxes, fees, assessments, fines and forfeitures, and/or other moneys within the City that the City will collect pursuant to Section 7.15 of the City Charter, as the transition period progresses.*

There are other fees such as parks and recreation and building permitting and inspection fees, but they were not realistic at this point because there were a lot of collaboration and personnel required. The City would be having discussions about these later.

Attorney Walker-Ashby referenced Section 2 of the resolution that the Mayor shall be authorized to approve and provide written notice to the County of an alternative date for commencement the City's tax collections, so long as such date does not extend beyond July 5, 2023. Mayor Owens provided additional explanation of the dates. Councilmember Ferguson asked for clarity of the footnote. Attorney Walker-Ashby explained legally they should meet the deadline date but in good faith the date could be earlier. The 30th date was June 26th. Discussion continued.

Motion was made by Councilmember Ferguson to approve RES 2023-05-13, a Resolution providing notice to Cobb County of the City's intent to collect certain taxes, fees, assessments, fines and forfeitures and/or other moneys and for other lawful purposes. Councilmember Jeffcoat seconded the motion. The motion carried unanimously.

g. Approval of Resolution Authorizing the Negotiation of Franchise Agreements

Attorney Walker-Ashby provided background. The resolution authorizes the Mayor and City Attorney to negotiate agreements for the remittance of franchise fees to the City, which shall include negotiation with cable, electric, gas and telephone service providers. All proposed franchise agreements shall be brought before the City Council for final approval.

Motion was made by Councilmember Auch to approve RES 2023-05, a Resolution Authorizing the Negotiation of Franchise Agreements. Councilmember Oladapo seconded. The motion carried unanimously.

h. Approval of Resolution Authorizing City to Secure Bids for Tax Anticipation Note

Interim City Attorney Walker-Ashby provided background. She referenced a modification at the back of the agenda packet. The resolution authorizes the Mayor, City Finance Team, an underwriter, and City Attorney to go out and solicit bids regarding terms and conditions for a short-term (temporary) tax anticipation (TANs). The last three cities to incorporate did have TANs. There was not a money issue, but a cash flow issue. The City had money coming in, but at the time the City did not have access to the funds. Once the revenue came in, the loan would be paid off pursuant to the Charter by the end of the year.

Attorney Walker-Ashby pointed out there was a footnote added providing clarity.

Footnote added: This Resolution shall authorize the securing of bids, proposals terms and conditions, but shall not authorize the issuance and/or approval of any loan. All loans shall be subject to subsequent approval by the City Council. In addition, the

Mayor, as long as no cost is involved, may use additional outside finance experts to secure loan bids.

Attorney Walker-Ashby stressed the Mayor could use other assistance if there was no cost. Ed Wall was named, who had been the underwriter for the last three cities, but the Mayor could use others as long as no cost. The City must go out for bids with three banks. The City Council must approve all loans.

Motion was made by Councilmember Herndon to approve RES 2023-05- 15 a Resolution Authorizing the City to Secure Bids for Tax Anticipation Note. Councilmember Ferguson seconded the motion. The motion carried 6-1. Councilmember Auch opposed the motion.

11. **EXECUTIVE SESSION (IF NEEDED) FOR:**

Litigation O.C.G.A. 50-14-3 (b)(1)(A)
Real Estate O.C.G.A. 50-14-3 (b)(1)
Personnel O.C.G.A. 50-14-3 (b)(2)
Exemptions O.C.G.A. 50-14-3 (b)(4)&(5)

Motion was made by Mayor Owens to go into Executive Session to discuss litigation, and real estate and personnel. Councilmember Ferguson seconded the motion. The motion carried unanimously. Yeas: Owens, Davis, Oladapo, Jeffcoat, Herndon, Ferguson and Auch. The Mayor and Council went into executive session at 8:27 p.m.

Motion was made to close Executive Session by Councilmember Auch and seconded by Councilmember Oladapo. The motion carried unanimously.
Yeas: Owens, Davis, Oladapo, Jeffcoat, Ferguson, Herndon, and Auch

12. **DISCUSSION**: N/A

13. **CITY ATTORNEY COMMENTS – NONE**

14. **CITY CLERK COMMENTS - NONE**

15. **CITY COUNCIL COMMENTS –**

- Councilmember Jeffcoat expressed gratitude for those who attended the meeting and had also stayed. Councilmember expressed gratitude for the Military Month recognition.
- Mayor Owens commented about there were many items to be accomplished. The Cityhood was in its transition phase. What the citizens were seeing as they met were "raw" discussions and decisions conducted in front of

everyone. There had not been any work sessions or previous meetings to discuss items. Mayor and Council were taking time with Attorney and Clerk to make sure they were doing the best for Mableton. He explained there were certain things the City could do and there were certain things that the City could not do. The Mayor and Council serve the people of Mableton.

16. **ADJOURNMENT**

Motion was made by Councilmember Auch to adjourn the meeting and seconded by Councilmember Oladapo. The meeting was adjourned at 10:29 p.m.

Approved: 7-26-2023

Attest:

Susan Hiott

Susan Hiott, Interim City Clerk

Michael Owens, Mayor