CITY OF ST. MARYS, GEORGIA
SPECIAL CITY COUNCIL MEETING

May 28, 2010
4:00 p.m.

AGENDA

I. **CALL TO ORDER**

II. **INVOCATION:** *Councilmember Hase*

III. **PLEDGE OF ALLEGIANCE**

IV. **ROLL CALL** **QUORUM: YES_X_ NO___**

APPROVAL OF THE AGENDA

V. **EXECUTIVE SESSION:** *Personnel (Legal Removed)*

VI. **ADJOURNMENT**

CITY OF ST. MARYS, GEORGIA
SPECIAL CITY COUNCIL MEETING
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MINUTES

PRESENT WERE:	Mayor Bill DeLoughy Councilmember Greg Bird Councilmember Deborah Hase Councimember Sidney Howell Councilmember Keith Post Councilmember Chuck Trader
ABSENT WERE:	Councilmember John Morrissey
CITY OFFICIALS:	William P. Shanahan, Jr., City Manager Donna Folsom, Human Resources Director Robby Horton, Fire Chief Roger Weaver, Planning Director Bilaal Muhammad, City Marshal Todd Isernhagen, Sergeant-At-Arms

CALL TO ORDER:
Mayor DeLoughy called the Special City Council Meeting to order at 4:01 p.m. Councilmember Hase gave the invocation. Mayor DeLoughy led the audience in the pledge of allegiance. Council roll call indicated a quorum of council members present for the meeting, with Councilmember Morrissey absent.

APPROVAL OF THE AGENDA
Councilmember Trader made a motion to approve the agenda with the addition of Tribune & Georgian allegations before executive session and legal being removed from executive session. Councilmember Post seconded the motion.

Councilmember Bird moved for discussion stating as a point of order he wondered if the agenda could be amended on a Special Called City Council Meeting. Councilmember Trader and Post stated it was legal and that items have been added to the agenda in the past. Mayor DeLoughy stated he believes Council can change the agenda. Mayor DeLoughy stated that the allegations were recently submitted to Council and needed to be addressed and discussed. Councilmember Trader stated someone could research that issue. Voting was unanimous in favor of the motion.

BUSINESS:

A. TRIBUNE & GEORGIAN ALLEGATIONS: (ADDITION)

Councilmember Trader stated Council received a letter signed by Jill Helton, publisher of the Tribune & Georgian, regarding allegations pertaining to the Special Called Council Meeting on Friday, May 14, 2010. Councilmember Trader stated Council did consult with the City Attorney via telephone on May 14, 2010 for his legal advice on executive session. The City Attorney also spoke with other attorneys that stated we could enter into executive session. Councilmember Trader referenced the city receiving information from the Georgia Municipal Association.

Councilmember Trader stated it was not the intent of Council not to follow the law and if mistakes were made, we want to determine those and act to correct any future actions. Councilmember Trader stated once a new attorney is hired; we will request a review of the potential allegations. Councilmember Trader read parts of the letter submitted to Council from Jill Helton: *In view of the potential violation of the Open Meetings Act that took place on May 14, 2010, any citizen can bring an action within ninety days to set aside all decisions taken as a result of the illegally closed meeting. The wise course of conduct for governmental bodies which has taken action in violation of the OMA is to reconvene a public meeting and carry out all pertinent discussions in public, then vote again in public.*

Councilmember Trader spoke regarding the City Attorney's statement that Council did have a public meeting on May 14, 2010, when Council came out and voted on the issue. Councilmember Trader would like to ensure Council met all the requirements by holding another public meeting. Councilmember Trader stated in view of a potential violation we need to move forward.

Councilmember Trader made a motion to turn the potential allegations from the Tribune & Georgian over to the new attorney to review. This will allow the new attorney the opportunity to advise us on how to proceed next. Councilmember Hase seconded the motion. Voting was unanimous in favor of the motion.

Councilmember Trader stated that without admitting any wrong doing or admission to Ms. Helton's statements, he is making a motion to schedule another Special Called Council Meeting as an abundance of caution. This meeting would reconvene and openly carry out discussion that Council previously had with Mr. Bryce Grafton. Councilmember Trader stated that Council would vote in public. Councilmember Post seconded the motion but requested that the motion include granting audience to the public.

Councilmember Trader amended his motion calling for a Special Called Council Meeting as an abundance of caution. This meeting would reconvene and openly carry out discussion that Council previously had with Mr. Bryce Grafton. Councilmember Trader stated that Council would vote in public and granting audience to the public would be included. Councilmember Post seconded the motion.

Councilmember Bird moved for discussion and stated that maybe Council should wait for the response from the new attorney before moving ahead with a second motion. Councilmember Trader stated there was no need to wait. Councilmember Bird asked when Councilmember Trader would like to see the meeting take place. Councilmember Bird stated he was not in favor of scheduling a meeting during the Memorial Holiday. The City Manager requested time to notify and allow Mr. Bryce Grafton to attend. Councilmember Howell and Bird stated they would like to have Mr. Grafton present to answer questions that might arise. Councilmember Trader stated he would like to schedule the meeting whether the developer is able to attend or not.

Councilmember Hase proposed Tuesday and Councilmember Bird proposed Thursday. Councilmember Post stated he would not be in town on Thursday. Councilmember Bird stated that Tuesday would not give the public enough time due to the holiday weekend and he would not be in town. Councilmember Howell stated he attended three meetings on his vacation this week. Mayor DeLoughy stated that Council needs to move as quickly as possible.

Voting was recorded as follows to have the Special Called City Council Meeting for Tuesday:

FOR	**OPPOSED**
Councilmember Hase	Councilmember Howell
Councilmember Trader	Councilmember Bird
Councilmember Post	

Voting was recorded as follows to have the Special Called City Council Meeting for Wednesday:

FOR	**OPPOSED**
Councilmember Bird	Councilmember Hase
Councilmember Howell	Councilmember Post
	Councilmember Trader

Councilmember Trader made a motion to have the Special Called City Council Meeting on Tuesday, June 1, 2010 at 5:00 p.m. Councilmember Post seconded the motion. Voting was recorded as follows:

FOR	**OPPOSED**
Councilmember Hase	Councilmember Howell
Councilmember Trader	Councilmember Bird
Councilmember Post	

Mayor DeLoughy stated the Special Called City Council Meeting would be held on Tuesday at 5:00 p.m.

EXECUTIVE SESSION: ***Personnel (Legal Removed)***

Councilmember Post moved to recess into executive session for personnel. Councilmember Trader seconded the motion. Councilmember Howell moved for discussion and stated he would not attend executive session due to an attorney not being present. Councilmember Hase stated an attorney was not required to discuss personnel. Councilmember Bird stated he wanted to know why Council needed to go to executive session when they have the qualifications.

Mayor DeLoughy stated this is a hiring situation and Council will be reviewing their resume, references, qualifications and abilities. Mayor DeLoughy stated that while going through the hiring process, Council does not want to potentially do anything that would be embarrassing to the candidates. He also stated that personnel can be discussed in executive session.

Voting was recorded as follows:

FOR	**OPPOSED**
Councilmember Hase	Councilmember Howell
Councilmember Post	Councilmember Bird
Councilmember Trader	

The Mayor and Council recessed into Executive Session at 4:19 p.m. without Councilmember Howell. Mayor and Council returned at 4:32 p.m. with Mayor DeLoughy calling the meeting back to order.

Councilmember Bird made a motion to retain the services of Attorney Gary Moore with the law firm of Taylor, Odachowski, Schmidt & Crossland, LLC for next twelve months. Councilmember Hase seconded the motion. Voting was unanimous in favor of the motion.

ADJOURNMENT:

Councilmember Bird moved for adjournment of the Council meeting. Councilmember Post seconded the motion. Voting was unanimous in favor of the motion. Mayor DeLoughy declared the Special Council Meeting adjourned at 4:32 p.m.

Respectfully submitted,

Deborah Walker-Reed

Deborah Walker-Reed, Deputy City Clerk