



CITY OF PORT WENTWORTH

CITY COUNCIL

MAY 31, 2018

Council Meeting Room

Special Called Meeting

6:00 PM

305 SOUTH COASTAL HIGHWAY
PORT WENTWORTH, GA 31407

1. CALL MEETING TO ORDER

Mayor Gary Norton called the meeting to order.

2. PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Linda Smith led in prayer and the Pledge of Allegiance.

3. ROLL CALL - CLERK OF COUNCIL

Attendee Name	Title	Status	Arrived
Gary Norton	Mayor	Present	
Paul Fox	Council Member	Present	
Linda Smith	Council Member	Present	
Shari Dyal	Council Member	Present	
Bill Herrin	Council Member	Present	
Thomas Barbee	Council Member	Present	
Shanta Scarborough	Clerk of Council	Present	
Matt Libby	Director of Public Safety	Present	
James L. Courson, Jr.	City Attorney	Present	

4. APPROVAL OF AGENDA

Council Member Bill Herrin made a motion to approve the agenda. Seconded by Council Member Linda Smith. Vote was unanimous.

5. COMMUNICATIONS & PETITIONS

There were none to report.

6. NEW BUSINESS

- A. Termination of Services, Interim City Administrator Carter Crawford, HC Crawford Consulting, Inc. Adopted by Council on April 26, 2018

Council Member Paul Fox asked for clarification on this item, due to the policy paper reading "Termination of Services" because it was his understanding that Mr. Carter resigned.

Mayor Gary Norton responded by stating that he did resign.

Council Member Paul Fox then replied by stating that "he believes this needs to be noted that we didn't terminate him, he resigned. I think the wording of Termination of Services is sending the wrong message."

Clerk of Council, Shanta Scarborough, interjected to state that the letter submitted by Carter Crawford on Friday, May 25, 2018 read "Termination of Services" and that Mr. Crawford was contracted as a consultant to assist the City in finding a permanent City Administrator.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul Fox, Council Member
SECONDER:	Bill Herrin, Council Member
AYES:	Fox, Smith, Dyal, Herrin, Barbee

7. PUBLIC COMMENTS - REGISTERED SPEAKERS

1ST STATEMENT

Mayor Gary Norton stated that the item related to the City Attorney was removed from the agenda at his request. He then proceeded to read the following statement:

"I've asked the City Attorney to give me legal opinion on whether the City Council can, without the Mayor's expressed wishes, vote to terminate his contract approved by the City Council on March 22, 2018. The City Attorney advises and counsels on all legal questions and gives opinions when requested. I asked the City Attorney to give me an opinion, but it had to be a verbal opinion because of the time constraints. I summarized at his opinion here... based on the City Attorney's opinion, under my authority as Chief Executive Officer (CEO) of the City of Port Wentworth I have directed the Clerk of Council to remove Item #2 from the agenda this evening - Special Meeting of the Council. The City Attorney has advised me that under the City Charter and Ordinances the Mayor has the power to appoint, nominate, discipline, suspend and dismiss all employees and officials under his control with Council's approval or disapproval of the Mayor's decision. What this means is that the City employees, including the City Attorney, are under the Mayor's direction and controls not the City Council. So, unless or until the Mayor decides to dismiss any employee under his control this City Council has no authority to vote on the termination of any Department Head under the Mayor's direct control. Let me be clear, the City Attorney has full faith and confidence and I do not desire to terminate his contract. He has been a breath of fresh air for this City and has done a great job for the City of Port Wentworth and its citizens to help move forward and Council. Therefore, within my decision to dismiss the City Attorney, the authority for the City Council to go forward with a vote at this Special Meeting."

2ND STATEMENT

City Attorney James L. Coursey, Jr. offered his thanks to Mayor Norton for the opportunity to speak to the Council and to the public. "I have been bothered as I kept reading about Port Wentworth's problems mainly about some academic problems that came before Council for vote. Last Thursday night I was quite unexpectedly asked to resign by some members of City Council in what was a quite intimidating tone of voice. When I refused certain allegations that were levied against me, by two members, citing as good cause that I should be terminated. All were without complete merit or substance. I naturally defended myself as to each allegation, but I did not comment on the legalities to the Council's vote that night because it seemed to me at the time that what Council was doing was so clearly wrong that there was nothing that I could say to stop it.

But the illegality of the vote that took place in Executive Session is not what bothered me, as much as could they do it at all. So, I called the Mayor and asked him to allow me to do some research and he graciously consented and so I went back and studied carefully the enabling act or Port Wentworth's Charter, as you refer to it, which was ratified by the Georgia Legislature on February 6, 1957 and was later approved by local referendum. The charter was formulated as a strong Mayor-Council form of local government. In a strong Mayor-Council form of government the City Council provides the primary policy role, while the Mayor provides the primary executive role. There is a distinguishable separation of powers between the City's executive branch, the Mayor, and its legislative branch, City Council. Thus, the separation of powers contained in the strong Mayor type form of government, is similar to those found at the state and federal level. With the office of the Mayor being similar to the President of the United States or Governor for the State of Georgia, and likewise the Council acts as a legislative body similar to the Congress of the United States or a State Legislator. Under this form of local government, the Mayor serves as its cities Chief Executive Officer (CEO) and has full responsibility for the cities daily operations. In the strong Mayor form of government, the elected Mayor is given

almost total administrative authority and a clear wide range of political independence. With the power to appoint and dismiss Department Heads, sometimes with sometimes without Council approval, depending on the municipality. In strong Mayor government, the Mayor will appoint a Chief Administrative Officer who will supervise Department Heads, prepare a budget, coordinate departments, and handle ordinary day-to-day operations. In Port Wentworth's case, this officer is the City Administrator and that City Administrator is only responsible to the Mayor.

I've gone back and read the approved minutes for the last couple of years and I was struck by how this City government has not been operating as it should have been operating in every instance. I told the Mayor and Council in the public on March 22nd that I will always follow the Constitution and the laws of the United States and Georgia and the ordinances of this municipality, which I swore to serve. And I've kept that promise. It's time for this City government, ladies and gentleman, to come together and to begin once again to operate as it was designed and as it was intended to work. It is from the Georgia Legislator and the City's Municipal Charter that was granted there from and its clear from that Charter that it must be followed, it is the law.

If it is not followed, ladies and gentleman, while it may be an extreme remedy, the legislator could actually revoke your Charter. We obviously don't want to go there. So the Mayor views it as part of my job to make sure that the law is complied with and I swore that I would do that. So I want to take a moment or two just to explain to you the format of the framework of this government. The Charter, which I invite each of you to go on the internet find, read and understand it because it is your governing rule.

In Article II, Section 5 of the Charter Mayor and Council has the authority to make rules, laws and ordinances as they deem just and proper. This is mirrored in Article IV, Section 27, where the Mayor and Council has the ability to pass ordinances for the peace and good order of the City and its inhabitants. In Article II, Section 6, the power is granted to the Mayor alone, the Mayor is the Chief Executive Officer (CEO) of the City. He presides at all meetings of City Council. He sees that all laws, ordinances, regulations and agreements are faithfully executed and he is only to vote in circumstances where there is a tie amongst the six Councilmen. The Mayor shall exercise general supervision and jurisdiction over the affairs of the City, that is his obligation. The City Council is specifically excluded from those duties. That means they have no day-to-day operations over the executive operations of the City. Article II, Section 9 Mayor and Council may elect a City Clerk, City Treasurer, and a City Attorney for such a period of time as may be provided by Mayor and Council. In my case, this was properly done on March 22nd. At the moment I took my oath, I became a member of the Executive Department of the City of Port Wentworth.

Moving on to the ordinances, in Chapter 2 - Article II, Section 2.5 the Mayor or Administrator shall be the Executive and the Administrative Officer of the City government and once again shall have certain duties. The Chief Administrator, the Mayor, shall have the following duties; the Chief Administrator shall appoint competent officers and employees to the administrative service and shall have the power to dismiss, suspend, and discipline all officers and employees under his control, with the subsequent approval of the Council. The administrative services of this City are divided under the Administrator, again the Mayor, into departments. The number one department at the top of the list is the Department of Law, that's me. Officers and employees are under the direct control of the Mayor of the Executive or Administrative Service and not this City Council. The Chief Administrator has the power to dismiss all officers and employees subject to approval by the Mayor and Council. As a result, of what is clearly defined as Executive authority, in my opinion, the Chief Administrator first, number one, first decide to dismiss me or any other Department Head and two once he makes that decision submits that decision to Council and seeks either its approval or its denial. So, it is a two step process. Council does not and cannot consider my dismissal as the City Attorney as long as the Mayor of this fair City say's so.

The charters and ordinances set forth, and the overall framework of the City's government, again if the Mayor does not want to dismiss an employee, there is nothing in the Charter or this body of ordinances that I have read that authorizes this Council to independently override the Mayor's Executive authority. So, at the Mayor's discretion I researched a question and gave him my verbal opinion, and based upon that opinion the Mayor decided to remove the second

agenda item because without his expressed consent and desire to remove me as City Attorney it cannot be placed before City Council for vote."

3RD STATEMENT

Mayor Gary Norton apologized for directly answering a question posed by the media immediately after Executive Session.

PUBLIC COMMENTS

Discussion 1

Carolyn Stevens, 203 Commonwealth Avenue, addressed Mayor and Council by stating that she has lived in Port Wentworth since 1969 and is also the 2018 Citizen of the Year and was very proud to be picked for that honor. However, Ms. Stevens went on to further state that she is very disappointed in what three Council people have done that was wrong and unlawful to Mr. Coursey. She believes he is an honest man and doing what is good for the people of this town. Ms. Stevens stated that she grew up, got married and raised her family in Port Wentworth, but that the City it is nothing like it use to be. Every time she reads the paper it is awful things being said about our town and that people do not like dirty politicians and what is happening in our town. Ms. Stevens urges Council to work together for the good of the town and its people by making the citizens proud. She concluded her statement by saying that "you can be voted off next time."

Council Member Paul Fox stated that he did not think it was right to allow persons speaking during Public Comments to come to the microphone and degrade and belittle the Councilmen. It was of his opinion that the residents need to be very careful in doing so and referred to the City Attorney for his advice.

City Attorney James L. Coursey Jr., responded by asking Mr. Fox what was his question specifically?

Mr. Fox posed his question: "should we allow public comments to be allowed toward certain people about what happened in Executive Session, that should have never come out of Executive Session?"

Mayor Gary Norton interjected and stated that Ms. Stevens comments had nothing to do with Executive Session.

Mr. Coursey, commented that he for one had not posed the illegality question. That this was something that he read in the newspaper and was not sure where that came from. He did ask that the people address themselves to things other than what may have happened in Executive Session, legal or illegal.

Discussion 2

Randall Matthews, 1 Drakie Court, thanked the Mayor for the statement that he made during the Council meeting. Mr. Matthews felt that it was much needed and stressed the importance of having a strong voice which makes him proud to be a citizen under his leadership. Mr. Matthews went on to further state that the actions of Council is not about the actions related to one Council Meeting, but rather a common trend that has been happening over the past several months. "What are you guys doing? What is the plan? What is the vision? Making plans without any vision is ill-advised. Think about your actions going forward before you act."

Discussion 3

Larry Longo, 510 Flatrock Trace, spoke on Ordinance 17-02 which requires every action to put up a \$50,000.00 bond. Mr. Longo stated that due to him not attending the last City Council Meeting he understood that the bond was waived for the final plat for Lakeshore and wanted to know why?

Mayor Gary Norton stated that yes, Ordinance 17-02 is active and that Council did vote to waive the bond.

Mr. Longo also asked if Ordinance 17-10 is still in effect?

Council Member Linda Smith stated that yes, this is still in effect.

Larry Longo, went on to read Ordinance 17-02 and stated that he did not think it was fair to grant the privilege of waiving a bond for one person without opening that up for others to want the same privilege. He believes that this was a big error and asked Council to please re-consider and rescind that decision. Mr. Longo then referenced the section in Ordinance 17-10 regarding the acceptance of campaign contributions and the responsibility of Council to recuse themselves from voting in conflicting situations and asked the Mayor if he intends to enforce this? Mr. Longo closed by stating to the Mayor "I appreciate the role that you took on, and I'm sure its going to be a challenge, but you have my support."

Discussion 4

Tracy Kessler, 163 Fox Glen Court, stated that she has lived in Port Wentworth since 2011 and has been around since the last administration, whom she feels was appointed by Fred Williams. Ms. Kessler went on to further express her concerns regarding three of the current City Councilmen who live in a Fred Williams neighborhood and also serve as Homeowner Association (HOA) Presidents. Ms. Kessler stated that "Paul Fox lives in Lakeshore and is the President of that HOA Board, Shari Dyal is the President of Rice Creek and Mr. Barbee also lives in Rice Creek." Ms. Kessler posed two questions to Mr. Fox as to why her recent attempt to post an article from the local news agency about the Special Called Meeting was denied? She also wanted to know did Mr. Fox recommend to any of the other administrators to not approve her posts? Ms. Kessler also stated that she finds it to be a major conflict of interest for a City Council Member serving on Council who is also serving as President of one of Fred Williams HOA Boards. It is of her opinion that this conflict limits what information is shared to the residents because the page is being controlled, which is why there is a Lakeshore and Rice Creek unsensored page so that the residents can get information that is not controlled.

Council Member Paul Fox responded to Ms. Kessler's questions by stating that although he is one of seven administrators for the page, he does not peruse it nor has he ever approved or denied a post. Mr. Fox went on to say that he did not know about Ms. Kessler's posts and has never instructed anyone on the Board he works with to do or not to do something. Mr. Fox stated that he stays off that HOA page.

Ms. Kessler then went on to pose another question to Council Member Thomas Barbee, which she states that she had been asking for the past two days as to why the City Attorney was being fired?

Council Member Thomas Barbee responded to her question by stating "anything related to Executive Session I have no comment on, which is why I did not answer you. What happens in Executive Session is suppose to stay in Executive Session."

Lastly, Ms. Kessler inquired about the whereabouts of Council Member Debbie Johnson and wanted to know why she hadn't been present at City Council Meetings and that the reason for her question is because it has been said that Mr. Coursey was being fired due to his requirement at a deposition for a law case that she's involved in? It seemed to Ms. Kessler that it was very coincidental that Council Member Johnson wasn't present for this meeting nor was she present for the vote.

Council Member Paul Fox answered her question by stating that Ms. Johnson has had a major surgery and out of respect for her privacy he will keep the details regarding that surgery confidential. As for the firing of Mr. Coursey, Mr. Fox stated that he will not comment on something that happened in Executive Session. Mr. Fox went on to further state that he will not comment anymore as to Ms. Johnson's whereabouts and that the Mayor is aware and that he is the one that ultimately needs to know. Mr. Fox also said that Ms. Johnson has not been present

for the past three months and asked that Ms. Kessler not narrow the absence of Ms. Johnson down to one meeting.

Ms. Kessler closed out by stating that she is not happy with the way things are going in Port Wentworth and that when she purchased her home she planned to live in Port Wentworth until she died. However, she is second guessing that decision because there has been a lot of turmoil in the City since 2015. Again, in her opinion she does not like the fact that four people sitting on City Council have been brought and paid for by Fred Williams. Not only through contributions, but also by allowing two people to buy the community watch vehicles for their own personal use that were supposed to be for the Lakeshore, Rice Creek and Newport Subdivisions.

Mr. Fox responded by stating that he and Mr. Barbee brought those vehicles and he has since sold his, so there is no Bill of Sale to produce to show that he purchased the vehicle. Mr. Fox commented that since Ms. Kessler feels so strongly about those been brought and paid for that there will be two seats up for election next year and that she should run for one of those seats. Mr. Fox also stated that he is not to blame for problems that have happened in the past and that he takes ownership for the things that he has done.

Ms. Kessler responded by saying that "if you are here to work for us and protect the citizens of Port Wentworth you should help by getting builders who want to build good roads and homes." She reminded Council that they work for the citizens of Port Wentworth and not Fred Williams or any other builder.

Discussion 5

Jud Bowers, 413 Cantyre Street, stated that he is very proud of both the Mayor and City Attorney. He went on to further ask Council why the City Administrator resigned? Mr. Bowers then made the following statement "Council are elected representatives to be servants of Port Wentworth and the shining example for the citizens and not try to be a dictatorship."

Discussion 6

Brenda Boulware, 1 Marine Place, approached the podium and stated to the Mayor that he has done a wonderful job and that she is glad that Mr. Coursey has decided to stay with the City of Port Wentworth.

Ms. Boulware went on to further say that she has been a resident of Port Wentworth for 13 years and there is an ongoing ethics violation that has gone before a Special Master's judge and that those involved are currently awaiting adjudication on that matter. This matter pertains to Ordinance No. 17-02 and 17-10. Her concern is that with the waiver, Council has set a precedent and that in her understanding this has never been approved in previous years.

Ms. Boulware brought up an additional violation, which is the violation of the Open Meetings Law, which Council voted in closed session to dismiss the City Attorney. Ms. Boulware also stated her feelings that the Interim City Administrator left under duress due to not liking what was happening in that closed meeting and did not want any part of it. "I have absolutely no idea what was said in that meeting, other than what has been said in the paper because everyone who knows Linda Smith, my twin sister, is tight-lipped and knows how to keep things confidential."

Ms. Boulware went on to state that "some have received monies or loans, campaign funds, medical/dental work, given or purchased vehicles at a reduce rate, have been appointed as HOA Presidents in your respective communities and wants to know who do you owe your loyalty to... who are you obligated to?"

Ms. Boulware closed out by saying that "each one of you that this applies to has failed to represent this community in a transparent manner and has failed to recuse or abstain yourself from voting in matters where there is definitely a conflict of interest. You undermine other peoples careers, their characters because you have the votes. Whose on your hit list next? You continue to do this City a disservice and I hearby am publicly asking for the offending Council

Members to tender their resignation immediately before this matter escalates into a further embarrassment for this City."

Discussion 7

Glenn Jones, 309 Clifton Drive, stated that he truly cares about Port Wentworth and it makes him sick to see how things are going. During his tenure of 12 years as Mayor, Mr. Jones stated that he was surrounded by great people who made his job very easy and that allowed others to do their jobs. He went on to further state, that if Council wanted to do it all themselves then they should just fire everybody and see where that gets the City. Mr. Jones went on to say that Council is getting pretty close to that because staff is starting to resign. He referenced one municipal clerk that has been with the City for more than 4 years, who submitted a resignation due to the growing pressure and tension.

Mr. Jones reminded Council that they have a budget that is due in a couple weeks and that this is where their focus should be. He went on to further state that if you continue waiving fees for certain people, you will have to waive it for everybody and that money will have to go to the tax payers of Port Wentworth.

Mr. Jones expressed again his love for Port Wentworth and begged Council to look within themselves to work hard to get this City right, because if things don't change Council will have to run this City by themselves. The Governor's office is aware of this City and believes that Port Wentworth has become known as the laughing stock of this county. Mr. Jones closed by asking Council to please come together and do a better job for the residents of Port Wentworth and stop pushing the staff to the limits and allow them to do their jobs. "Stop firing them, stop running them off."

Discussion 8

James L. Coursey, Jr., went on record to state that what happened on last week he holds no animosity towards any persons and that he did not want anyone leaving the Council Chambers believing that he holds some grudge because he does not. Mr. Coursey stated that he is a professional and that he has been a United States Attorney for 25 years and has been through the ringer, over the hill and back and that this is small potatoes in comparison. What took place is water off his back and stated that he will offer his hand to any Council Member at any time to work forward for the good of this City.

Mayor Gary Norton closed out the meeting by saying that since he has been Mayor he has taken 7 days off so that he can get things headed back in the right direction and that he loves this City too.

8. ADJOURNMENT

There being no further business, Council Member Linda Smith made a motion to adjourn. Seconded by Council Member Bill Herrin. Vote was unanimous.

Mayor Gary Norton

The foregoing minutes are true and correct and approved by me on this _____ day of _____, 2018.

ATTEST:

Shanta M. Scarboro, Clerk of Council

DRAFT