

CITY OF RIVERDALE MAYOR AND COUNCIL
BUSINESS SESSION ACTION MINUTES
July 10, 2017 | 7:00 PM

CITY OF RIVERDALE MAYOR AND COUNCIL MEETING JULY 10, 2017

*Mayor
& Council*

RIVERDALE



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BUILDING GREATNESS DAILY

MAYOR

Dr. Evelyn Wynn-Dixon

CITY COUNCIL

Cynthia Stamps-Jones, Ward 1

An'cel Davis, Ward 2

Wanda Wallace, Ward 3

Kenneth Ruffin, Ward 4

CITY MANAGER

E. Scott Wood

CITY ATTORNEY

L'Erin Barnes Wiggins

CITY CLERK

Sylvia Vaughan

RIVERDALE CITY HALL

7200 CHURCH STREET

RIVERDALE, GA 30274

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WELCOME TO THE MAYOR & COUNCIL
MEETING OF THE CITY OF RIVERDALE
THIS MEETING IS OPEN TO THE PUBLIC



**CITY OF RIVERDALE
MAYOR & COUNCIL
BUSINESS SESSION ACTION MINUTES
MONDAY, JULY 10, 2017 | 7:00 PM**

The Honorable Mayor Evelyn Wynn-Dixon

The Honorable Cynthia Stamps-Jones
The Honorable Wanda Wallace

The Honorable An’cel Davis
The Honorable Kenneth Ruffin

City Manager:
City Clerk:
City Attorney:

E. Scott Wood
Sylvia Vaughan
L’Erin Barnes Wiggins

1. **CALL TO ORDER/WELCOME:** The Honorable Mayor Evelyn Wynn-Dixon.
2. **ROLL CALL- CITY CLERK:** All Members of Council were present which constituted a quorum.

| Attendee’s Name | Title | Absent | Present |
|----------------------|--|--------|---------|
| Evelyn Wynn-Dixon | Mayor, At-Large | | X |
| Cynthia Stamps-Jones | Council Member, Ward 1 | | X |
| An’cel Davis | Council Member, Ward 2 | | X |
| Wanda Wallace | Council Member, Ward 3 Mayor Pro-Tem | | X |
| Kenneth Ruffin | Council Member, Ward 4 Parliamentarian | | X |

3. **INVOCATION:** Provided by Pastor Riley
4. **PLEDGE OF ALLEGIANCE:** Recited in unison
5. **RULES OF CONDUCT READ BY OFFICER IN ARMS:** Lieutenant Paul Wilburn
6. **ADOPTION OF THE AGENDA WITH ANY ADDITIONS/DELETIONS:**

Council Member Davis made a motion to approve the agenda as presented with the following additions and deletions:

Addition(s):

- Street Naming for Major Barney
- Advanced voting and voting on Saturday

Deletion(s):

- None

Council Member Stamps-Jones provided the second. **The motion carried unanimously.**

7. PUBLIC COMMENTS: (5 MINUTE LIMIT) SEE BLUE CARD FOR RULES OF PARTICIPATION

1. Antonio White, spoke about the ethics complaint against Council Member Stamps-Jones stated that he supported of her. He explained that Council Member Stamps-Jones has supported him regarding his issues with the city. Mr. White stated that he did not understand why city funds were spent to investigate a complaint filed against Council Member Stamps-Jones and the city did not investigate his complaint.
2. Michelle Bruce, 618 Roy Huie Road, Riverdale Ga. 30274, spoke about the fence ordinance. She stated that it is hard to read and asked if the Board could review and update the ordinance. Ms. Bruce also stated that she would like her name listed on the city buildings with the rest of the Board.
3. Pastor Harry Riley, 462 Utah Drive, Jonesboro Ga. 30238 spoke about Lakewin Christian Center. He stated that the church celebrated their eighteen year anniversary. Pastor Riley announced that an addition has been made to the ministry and introduced Pastor Griffin and his wife, who has been with the ministry for eighteen years. He stated that Pastor Griffin will be serving at the church and the city in the absence. Pastor Riley also stated that he is honored to be a part of the city. Pastor Griffin came before the Board and introduced himself and his wife. He stated that he is very proud to serve.

8. ADOPTION OF THE MINUTES: Meeting Minutes of June 12, 2017 Work and Business Session Meetings

Council Member Wallace made a motion to approve the Meeting Minutes of June 12, 2017 Work and Business Session Meeting Minutes, with Council Member Ruffin providing the second. **The motion carried unanimously.**

9. PUBLIC HEARING: Conditional Use Permit for Automobile Sales

Mayor Wynn-Dixon called the Public Hearing to order and asked to hear from those who were in favor or against the Conditional Use Permit for Automobile Sales. Community Service Director Chantell Glenn came before the Board and provided

an overview of the Conditional Use Permit for Automobile Sales. She stated that the purpose of this item is for the Board to consider the Planning and Zoning Department recommendation of U17-002 approval with the following conditions:

- All vehicles on the sales lot shall be in operating condition at all times.
- No repairs shall be conducted on the premises.
- Only businesses properly licensed as used car dealers may sell used cars from the premises
- Add a time line
- Upgrade the aesthetics of the building

Council Questions:

Council Member Stamps-Jones commended the Planning Commission for adding the conditions and asked if there was a timeline. Community Development Director Chantell Glenn stated that a timeline was not implemented.

Council Member Davis stated that he was pleased to see a business being established at 6496 Highway 85 Riverdale Ga. 30274.

Council Member Wallace inquired about the landscaping and suggested that the Board go back and review the ordinance. She also asked about the lot size and if it was a minimum of 4 acres. Community Development Director Chantell Glenn answered that further research is needed because there is an acres issue and stated that this item could be brought back before the Board of Zoning and Appeals with a variance request. City Attorney L'Erin Wiggins recommended that the item be tabled until further notice.

In Favor: No one came forward

Against: No one came forward

After hearing no comments, Mayor Wynn-Dixon closed the Public Hearing.

Council Member Wallace made a motion to table the Conditional Use Permit for Automobile Sales, with Council Member Ruffin providing the second. **The motion carried unanimously.**

10. APPROVAL OF AGENDA ITEMS:

A. Approval of Conditional Use Permit for Automobile Sales

Council Member Wallace made a motion to table the Conditional Use Permit for Automobile Sales, with Council Member Ruffin providing the second. **The motion carried unanimously.**

B. Approval of Commercial and Industrial Rates for Republic Services

Council Member Wallace made a motion to approve the renewal Contract for Commercial and Industrial Rate Increase with Republic Services for July 30, 2017 until June 30, 2020. Council Member Ruffin provided the second. **The motion carried unanimously.**

C. Action on Ethics Findings and Recommendations against Council Member Stamps-Jones

Attorney Damon Elmore read the findings and recommendations into the record.

BEFORE THE CITY OF RIVERDALE ETHICS BOARD

In re: May 2, 2017 Ethics Complaint against Councilwoman Cynthia Stamps-Jones

FINDINGS AND RECOMMENDATIONS

This matter is before the City of Riverdale Ethics Board on the Complaint of Councilmember Kenneth Ruffin (“Ruffin”), against Councilmember Cynthia Stamps-Jones (“Stamps-Jones”). The Board, having duly assembled for a hearing on June 13, 2017, and after hearing testimony and considering the evidence submitted, presents its Findings and Recommendations as follows.

A. Introduction

1. Ruffin initiated these proceedings on May 2, 2017, by submitting a written, verified, and sworn Complaint and supporting materials to the Clerk of Council in accordance with Section 3.22 of the Riverdale Code of Ordinances. In his complaint, Ruffin described conduct allegedly engaged in by Stamps-Jones which he contends constitutes violations of various provisions of the City of Riverdale Code of Ordinances. (Attachment “A”).
2. The Complaint was received by the Board of Ethics at its next called meeting on May 11, 2017, and read into the record. The Board found the Complaint to be valid, as to form only, and a time and date was set for a hearing - May 24, 2017. All parties were duly notified.
3. The Board convened on May 24, 2017 for that hearing. However, Stamps-Jones requested a reschedule the day of the hearing. The Board consented to a reschedule, and set a hearing date for June 13, 2017. Ruffin and Stamps-Jones were duly notified by the Clerk of the re-set, and Stamps-Jones was specifically notified that no additional re-sets would be permitted by the Board.
4. The Board reconvened on June 13, 2017, and moved forward with the hearing on the Complaint. The Chair opened the hearing and outlined the process and procedure. Both parties were placed under oath. Then, the Chair provided the parties an opportunity to make opening statements. Ruffin presented an opening statement. Stamps-Jones presented an opening statement.

5. Ruffin presented each Count of his complaint and support therefore. Stamps-Jones was afforded an opportunity to respond and present evidence in support of her position to each Count. Board members were allowed to ask questions as they deemed fit.

The Ethics Board finds that the alleged violations of 1, 2, 3, 7 and 8 is sustained.

B. Findings and Recommendations

1. After review of the Complaint, and having deliberated upon the evidence presented during the hearing, the Ethics Board makes the following Findings. The determination is unanimous, and based upon a preponderance of the evidence and its probable truth or accuracy, and not on the amount of evidence.¹

2. With regard to Counts 1, 2 and 3, concerning acts committed by Stamps-Jones reflecting Stamps-Jones using her position to coerce, and Stamps-Jones' failure to engage in the proper administration and operation of the city, the Board recommends that Stamps-Jones be required to take training on the process and procedure for booking events or facilities with the Bureau of Cultural Affairs & Leisure Services. Said training shall occur within thirty (30) days of the presentation of these findings to Stamps-Jones.

Furthermore, the Board orders that the City Council issue a public reprimand to Stamps-Jones by reading these findings publically at the next Council meeting, and that these findings are thereto delivered to Stamps-Jones, that they be posted on the City's website, and published in the relevant legal organ.

3. With regard to Counts 4 and 7, concerning acts committed by Stamps-Jones reflecting her interference as an elected official with the job duties of city employees, the Board recommends Stamps-Jones adhere to the Code of Ordinances.

Furthermore, the Board orders Stamps-Jones pay a fine of Five Hundred Dollars (\$500.00), within sixty (60) days of the presentation of these findings to her. Stamps-Jones shall identify, register and attend training for municipal officials with an emphasis on ethics and elected official decorum. Such training shall occur within sixty (60) days of the presentation of these findings to Stamps-Jones, and be paid for by Stamps-Jones personally. The Board further orders that the Council read these findings publically at the next Council meeting, and that these findings are thereto delivered to

¹ The Board highlights two important points. First, it should be noted that with respect to Count 8, after discussion, the Board reached a conclusion by a vote of 3-2. All other conclusions were reached unanimously. Second, the Board takes note that Ruffin provided no additional evidence or witnesses in support of his Complaint at the hearing. While the Board is satisfied, after a due hearing and at the conclusion of Stamps-Jones' testimony or evidence (or lack thereof) offered in support of her position, with the evidence presented, direct evidence, including live witnesses,

The Board highlights two important points. First, it should be noted that with respect to Count 8, after discussion, the Board reached a conclusion by a vote of 3-2. All other conclusions were reached unanimously. Second, the Board takes note that Ruffin provided no additional evidence or witnesses in support of his Complaint at the hearing. While the Board is satisfied, after a due hearing and at the conclusion of Stamps-Jones' testimony or evidence (or lack thereof) offered in support of her position, with the evidence presented, direct evidence, including live witnesses, supporting, relevant and recent documentation, are essential for these proceedings. The Board will appropriately evaluate the weight of such evidence for all future Complaints brought before this Board.

4. With regard to Counts 5 and 6, concerning acts committed by Stamps-Jones reflecting misrepresentation and intentional acts, the Board recommends Stamps-Jones adhere to the Riverdale Code.

The Board further orders that any further violation be understood as not only a violation of the Code of Ordinances, but as an intentional breach of the Code of Ethics, subjecting her to more severe penalties as may be assessed. The Board further orders that the Council read these findings publically at the next Council meeting, that these findings are thereto delivered to Stamps-Jones, that they be posted on the City's website, and published in the relevant legal organ.

5. With regard to Count 8, concerning acts committed by Stamps-Jones reflecting the duty of a councilperson to promote public confidence in the integrity of public servants, the Board recommends Stamps-Jones adhere to the Code of Ordinances.

Furthermore, the Board orders Stamps-Jones to pay a fine of Five Hundred Dollars (\$500.00), within sixty (60) days of the presentation of these findings to Stamps-Jones. The Board further orders that the Council read these findings publically at the next Council meeting, that these findings are thereto delivered to Stamps-Jones, that they be posted on the City's website, and published in the relevant legal organ.

6. Upon additional review and deliberation, the Board concludes, and reiterates the following:

- a) That the Council for the City of Riverdale consider revision to the Code of Ethics and provide a reasonable statute of limitations for matters eligible to be brought before this Board.
- b) That these findings and recommendations be read publically at the next Council meeting, that these findings are thereto delivered to Stamps-Jones, that they be posted on the City's website, and published in the relevant legal organ.
- c) That Stamps-Jones register and attend Ethics and other training available through the Georgia Municipal Authority, or other duly appointed agency within sixty (60) days of the presentation of these findings to Stamps-Jones.

- d) That any and all fees or fines assessed in these Findings and Recommendations be paid personally by Stamps-Jones, and not from a City, campaign, or business account. Furthermore, that all fees and fines be paid within sixty (60) days, and;
- e) Failure to adhere to these additional findings and recommendations be deemed an intentional violation of the Code of Ethics, and as such, will make Stamps-Jones susceptible to more severe penalties or punishment for additional findings of a breach.

C. Conclusion

Issuance of the foregoing Findings and Recommendations concludes the session for which the Ethics Board was most recently empaneled. Accordingly, each member of the Board, has fully and faithfully discharged his/her duties and responsibilities under the Ethics Code with respect to the subject Complaint.

The Clerk of Council is hereby directed to provide these Findings and Recommendations to the Mayor and Council, to Councilmember Stamps-Jones, and to Councilmember Ruffin, in accordance with the Code of Ethics.

Respectfully submitted, this 20th day of June, 2017.

FOR THE ETHICS BOARD

Tammie Hardy

TAMMIE HARDY

Chairwoman

After discussion, Council Member Davis made a motion to table the Ethics Findings and recommendations for (30) days. Council Member Wallace provided the second. **The motion carried.**

- D.** Approval of 2017 Election Fees, Saturday Voting and change Voting Location from 6690 Church Street to 7200 Church Street

This item was removed from the agenda.

- E.** Approval of Street Sweeping Contract

- F.** Approval and Swearing In Ceremony of Reappointments for the Planning Commission and Board of Zoning Appeals - Attorney L 'Erin Wiggins

Attorney Wiggins conducted the Swearing in Ceremony for the Planning Commission Members and the Board of Zoning Appeals.

Council Member Wallace made a motion to approve Resolutions No. 19, 20, 21 and 22; and the reappointments of the following Planning Commission Members and the Board of Zoning Appeals Members:

Planning Commission Members

Board of Zoning Appeals

Vickie Jackson – Ward 3

Emma Godbee - Ward 1

Term: Jan. 2011- Dec. 2015

Term: Jan. 2012-Dec. 2016

William Harvey Scott Jr. - Ward 4

Marian Buck Stallworth - Ward 4

Term: Jan. 2011-Dec. 2015

Term: Jan. 2012- Dec. 2015

Council Member Ruffin provided the second. **The motion carried unanimously.**

- G. Request from Ethics Board Attorney to amend Ethics Policy to include 12 months limitation

This item was tabled until the next meeting.

- H. Street Naming for Major Barney

There was a consensus by the Board to remove this item from the agenda until Major Barney’s wife has been notified and asked whether she would want a street named after her late husband.

11. MAYOR AND COUNCIL COMMENTS:

Comments were provided by the Governing Body.

12. ADJOURNMENT:

Council Member Davis made a motion to adjourn the Business Session Meeting at 8:26pm with Council Member Wallace providing the second. **The motion carried.**

Mayor Evelyn Wynn-Dixon

City Clerk Sylvia Vaughan