

**CITY OF MORROW, GEORGIA  
MINUTES OF REGULAR MEETING  
May 10, 2011 – 7:30 pm**

*Note: These are summary minutes. For anyone who would like the full dialogue of the meeting, CDs are available in the City Clerk's office through the open records act.*

Mayor Jim Millirons called the regular meeting of the Morrow City Council to order at 7:30 pm. The meeting took place in the Council Chambers of the Morrow Municipal Complex, 1500 Morrow Road, Morrow, GA, 30260.

City Clerk Evyonne Browning called the roll and those present were Mayor Jim Millirons, Councilman Virlyn Slaton, Councilman C.R. Huie, and Mayor Pro Tem Mason Barfield. Councilman John Lampl was not present.

Mayor Jim Millirons asked everyone to stand for the Pledge of Allegiance followed by a moment of silent reflection.

**APPROVAL OF MEETING AGENDA**

City Clerk Evyonne Browning stated there were no changes to the Meeting agenda.

Mayor Jim Millirons called for a motion and vote.

**MOTION AND VOTE:** Councilmember Bob Huie moved to approve the Meeting Agenda. Councilmember Mason Barfield seconded the motion. The motion passed unanimously by those present.

**CONSENT AGENDA:** None at this time

**REPORTS AND PRESENTATIONS:** None at this time

**FIRST PRESENTATION:** None at this time

**OLD BUSINESS:** None at this time

**NEW BUSINESS:**

City Clerk Evyonne Browning stated that she had been asked to read the full Resolution for Agenda Item 11-05-253 into the records and read the following new business item:

**RESOLUTION NO. 2011-05-25**

**APPROVAL OF A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MORROW RATIFYING AND ADOPTING THE FINDINGS OF FACT OF THE HEARING BOARD PURSUANT TO SECTION 5.16 OF THE CITY CHARTER WHICH MANDATES REMOVAL OF OFFICIALS FROM OFFICE FOR ONE OR MORE OF THE CAUSES PROVIDED IN TITLE 45 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, HEREBY REMOVING JOHN LAMPL FROM OFFICE AS A COUNCILMEMBER OF THE CITY OF MORROW; AND FOR OTHER PURPOSES.**

**WHEREAS,** the Mayor and Council of the City of Morrow received a grievance from Dan Defnall dated June 17, 2010 regarding treatment of him by Councilmember John Lampl; and

**WHEREAS**, in response to that grievance, the Council adopted Res. No. 2010-07-10 on Aug. 24, 2010, invoking its powers to make inquiries and investigations pursuant to the City Charter and designating the firm of Elarbee Thompson to serve as the investigator on its behalf; and

**WHEREAS**, on Nov. 10, 2010, the Council received Elarbee Thompson's written investigative report with supporting documentation; and

**WHEREAS**, on Nov. 23, 2010, the Council, after formally receiving in open meeting a summary of the investigative findings, approved Res. No. 2010-11-16, finding that reasonable cause existed to believe that Councilmember Lampl had engaged in conduct that may warrant his removal from office; invoking the powers to remove an elected official under Section 5.16(b)(1) of the City Charter; and ordering a removal hearing be conducted in accordance with said Charter provisions; and

**WHEREAS**, Ord. No. 2011-27 was adopted by Council on January 18, 2011 implementing a process by which removal proceedings could be held; and

**WHEREAS**, a Notice of Charges was prepared by Elarbee Thompson against Councilmember Lampl, dated Feb. 9, 2011, which charges were personally served on Councilmember Lampl, also on Feb. 9, 2011 by Chief of Police Baker; and

**WHEREAS**, hearing of those Charges was originally scheduled for Feb. 28, 2011, but was reset at the request of Councilmember Lampl; and

**WHEREAS**, a Hearing Board was formally appointed by Res. No. 2011-04-23 on April 12, 2011 and hearing reset to April 27 and 28, 2011; and

**WHEREAS**, on April 27 and 28, 2011, a public hearing was held on the Notice of Charges, at which Councilmember Lampl failed to appear; and

**WHEREAS**, the Hearing Board heard testimony from several witnesses under oath and received into evidence a number of tendered documents; and

**WHEREAS**, after deliberation, the Hearing Board reached its determination as to the facts, which determination was set out in a document entitled Finding of Facts, dated May 2, 2011, a copy of which was distributed upon receipt to all elected officials, including Councilmember Lampl; and

**WHEREAS**, the Findings of Fact determined that Councilmember Lampl had committed malfeasance under O.C.G.A. § 45-11-4(b)(1), oppressive or tyrannical partiality in the administration of his office under O.C.G.A., § 45-11-4(b)(2), and had acted in violation of the Georgia Whistleblower Act, O.C.G.A., § 45-1-4; and

**WHEREAS**, the Findings of Fact further found that pursuant to Section 5.16 of the City Charter, such findings mandate removal from office;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Morrow, Georgia, that the Findings of Fact of the Hearing Board are ratified and adopted as the Findings of this Governing Body.

**BE IT FURTHER RESOLVED** that, pursuant to Section 5.16 of the City Charter which mandates removal of officials from office for one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, the Mayor and Council hereby removes John Lampl from his office as a Councilmember of the City of Morrow. Such removal is effective immediately.

**SO RESOLVED** this 10<sup>th</sup> day of May, 2011.

**Mayor Jim Millirons** called for a motion and second.

**MOTION AND SECOND:** Councilman Mason Barfield moved to approve the agenda item. Councilmember Bob Huie seconded the motion.

**Mayor Jim Millirons** called for any discussion. There was none.

**Mayor Jim Millirons** called for a vote.

**VOTE:** The motion passed unanimously by those voting.

**Mayor Jim Millirons** stated it was a sad day for the City of Morrow. This is the first time in our history that it was necessary to take this type of action and restated that it was necessary and that we stand behind the Findings [of the hearing panel].

**GENERAL COMMENTS:**

**Mayor Jim Millirons** made the call to citizens for general comments. There were none.

**Mayor Jim Millirons** asked the City Manager if he had any comments. He had none.

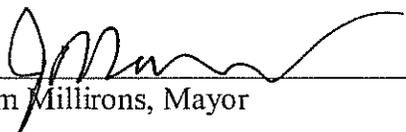
**Mayor Jim Millirons** asked the Council if they had any comments. There were none.

**ADJOURNMENT:**

**Mayor Jim Millirons** called for a motion and vote to adjourn the meeting.

**MOTION AND VOTE:** Councilmember Mason Barfield moved to adjourn the meeting. Councilmember Bob Huie seconded the motion. The motion passed unanimously by those voting and the meeting was adjourned at 7:37 pm.

Approved this 24<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_  
Jim Millirons, Mayor

Attest:

  
\_\_\_\_\_  
Evyonne Browning, City Clerk  
(Seal)

