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August 23, 2011

**CITY OF MORROW, GEORGIA**  
**Regular Meeting**

7:30 pm

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**CALL TO ORDER:** Mayor Millirons  
**PLEDGE OF ALLEGIANCE:** All  
**INVOCATION:** Mayor Millirons

1. **ROLL CALL**

2. **APPROVAL OF MEETING AGENDA:**

To add or remove items from the Agenda:

3. **CONSENT AGENDA:**

1. Approval of the August 9, 2011 11:00 am and 6:46 pm Special Called Public Hearing Meeting Minutes and the August 9, 2011 Regular and Work Session Meeting Minutes.
2. Approval for Mayor Millirons or his designee to enter into a contract with the Department of Transportation for the Resurfacing of Carla Drive and Merchants Way.

4. **REPORTS AND PRESENTATIONS:**

1. Presentation of the 16th Consecutive Finance Award for Financial Reporting Achievement for the City of Morrow to Dan Defnall, Finance Officer and to Juanita Davis, Accountant, Hanh Kim, Accounting Clerk, and Van Tran, Accounting Clerk *(Presented by Jeff Eady, City Manager)*
2. Financial Update *(Presented by Dan Defnall, Finance Officer)*

5. **FIRST PRESENTATION:** None at this time

6. **OLD BUSINESS:**

**(Agenda Item 11-08-288)**

1. An Ordinance entitled An Ordinance to Amend the Code of Ordinances of the City of Morrow, Georgia, as it pertains to the Recommendation, Approval, and Adoption of an Amended Annual Budget for the Fiscal Year 2011, beginning 1 July 2010 and ending 30 June, 2011; To allocate Revenues and Expenditures for that period for the operation and enhancement of the various services delivered by the City to its Citizens; for the health and well-being of the Residents and Businesses of the City of Morrow; and for other Purposes.

*(Presented by City Manager Jeff Eady)*

**(Agenda Item 11-08-289)**

2. An Ordinance of the City of Morrow, Georgia, enacted pursuant to the City's Home Rule Powers, to Amend Sections 2.26 and 2.27 of the City Charter of the City of Morrow; to provide authority for the City Council to enter into Employment Contracts for the position of City Manager; to provide limits on such contracting authority; and for other purposes.

*(Presented by City Attorney Laurel Henderson)*

7. **NEW BUSINESS:**

**(Agenda Item 11-08-290)**

1. Approval of a Resolution adopting the Southlake Mall and Mixed Use District LCI Report into the City of Morrow's Comprehensive Plan.

*(Presented by Planning and Economic Development Director Michael McLaughlin)*

**(Agenda Item 11-08-291)**

2. Approval by Mayor and Council for the subdivision of 5917 Reynolds Road.

*(Presented by City Manager Jeff Eady)*

8. **GENERAL COMMENTS:**

Citizens-  
City Manager-  
Mayor and Council –

9. **ADJOURNMENT:**

**AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MORROW, GEORGIA, AS IT PERTAINS TO THE RECOMMENDATION, APPROVAL, AND ADOPTION OF AN AMENDED ANNUAL BUDGET FOR THE FISCAL YEAR 2011, BEGINNING 1 JULY 2010 AND ENDING 30 JUNE 2011; TO ALLOCATE REVENUES AND EXPENDITURES FOR THAT PERIOD FOR THE OPERATION AND ENHANCEMENT OF THE VARIOUS SERVICES DELIVERED BY THE CITY TO ITS CITIZENS; FOR THE HEALTH AND WELL-BEING OF THE RESIDENTS AND BUSINESSES OF THE CITY OF MORROW; AND FOR OTHER PURPOSES.**

**Section I: Adoption**

Be it Ordained and enacted by the Mayor and Council of the City of Morrow, Georgia, that the following Amended Annual Budget for the City is hereby adopted by said Mayor and Council and shall be in full force and effect on August 23, 2011.

**Section II: Operating Budget**

The Operating Budget for the City of Morrow, Georgia for Fiscal Year 2011 (FY 2011) as shown on Exhibit "A" and attached hereto shall be adopted as follows:

Revenues	\$ 17,125,038.00
Expenditures	\$ 17,125,038.00

**Section III: Budget Administration**

The Morrow City Manager is hereby authorized and directed to execute the approved amended Budget for Fiscal Year 2011 as funds become available.

**Section IV: Repealer and Enactment**

All ordinances or parts of ordinances in conflict herewith are hereby repealed and shall be of no further force or effect from the date of enactment of this Ordinance on this the 23rd day of August, 2011.

**Section V: Enactment Date**

This Ordinance is hereby enacted and shall be of full force and effect on August 23, 2011.

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

ATTEST:

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

FIRST READING: August 9, 2011  
SECOND READING: August 23, 2011

**AN ORDINANCE OF THE CITY OF MORROW, GEORGIA, ENACTED PURSUANT TO THE CITY'S HOME RULE POWERS, TO AMEND SECTIONS 2.26 AND 2.27 OF THE CITY CHARTER OF THE CITY OF MORROW; TO PROVIDE AUTHORITY FOR THE CITY COUNCIL TO ENTER INTO EMPLOYMENT CONTRACTS FOR THE POSITION OF CITY MANAGER; TO PROVIDE LIMITS ON SUCH CONTRACTING AUTHORITY; AND FOR OTHER PURPOSES.**

WHEREAS, the City Charter establishes the position of City Manager and provides for the appointment of a City Manager by the City Council; and

WHEREAS, Section 2.27 of the City Charter provides that the City Manager is employed at will and may be terminated at any time; and

WHEREAS, said provisions currently do not authorize the City Council to enter into employment contracts with the appointed City Manager; and

WHEREAS, the City Manager is not covered by the City personnel system; and

WHEREAS, it is necessary to establish a manner of providing for benefits and conditions of employment for the City Manager's position; and

WHEREAS, the competitive nature of the marketplace places the City at a disadvantage in finding and retaining talent to serve as City Manager as compared with other cities that are able to contract for services of a City Manager and provide contractual protections for the position; and

WHEREAS, it is the desire of the City Council to provide appropriate contractual protections for a City Manager while retaining full discretion to remove a City Manager at any time the City Council deems appropriate;

**IT IS HEREBY ORDAINED** by the Governing Authority of the City of Morrow:

**Section 1.** That Section 2.26 of the City Charter of the City of Morrow is amended by deleting the provisions of that section in its entirety and inserting the following language in lieu thereof:

“Sec. 2.26 City Manager; appointment; qualifications; compensation; employment contract.

“The City Council shall appoint a City Manager for an indefinite term and shall fix the Manager’s compensation. The City Manager shall be appointed solely on the basis of that person’s executive and administrative qualifications. In lieu of appointment for an indefinite term, the City Council is authorized, but not required, to enter into an employment contract with the City Manager for a term of no more than four (4) years. Any such contract shall contain as an essential term the express right of the City Council to terminate the City Manager’s employment at any time for any reason not prohibited by law or for no reason whatsoever, but such contract may provide for payment of up to six (6) months’ severance pay at the City Manager’s then current rate of compensation, if termination is not made on the basis of grounds specified in the contract that would void entitlement to such severance.”

**Section 2.** That Section 2.27 of the City Charter of the City of Morrow is amended by deleting the provisions of that section in its entirety and inserting the following language in lieu thereof:

“Sec. 2.27 Removal of City Manager.

“The City Manager is employed at will and may be summarily removed from office at any time by the City Council; provided that in those instances in which the City Council has, in its discretion, entered into an employment contract with the City Manager that provides for severance pay under certain conditions, termination may result in payment of severance pay in accordance with contract terms. Under no circumstances shall contractual entitlement to severance pay be deemed a right to continued employment as City Manager.”

**Section 3.** All Charter provisions, ordinances and parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 4.** Should any word, phrase, sentence or paragraph of this Ordinance be declared invalid by a court of competent jurisdiction, such ruling shall not affect the remaining words, phrases, sentences or paragraphs of this Ordinance, but the offending provisions shall be severed from the remainder to the extent allowable by law.

**Section 5.** This Ordinance shall be effective immediately upon its adoption.

**So Ordained** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

Attest:

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

Prepared and approved by:

\_\_\_\_\_  
Laurel Henderson, City Attorney

**STATE OF GEORGIA  
COUNTY OF CLAYTON  
CITY OF MORROW**

**RESOLUTION NO. 2011-08-26**

**A RESOLUTION ADOPTING THE SOUTHLAKE MALL AND MIXED USE DISTRICT  
LCI REPORT INTO THE CITY OF MORROW'S COMPREHENSIVE PLAN.**

**Whereas:** With funds awarded by the Atlanta Regional Commission's Livable Centers Initiative, the City of Morrow hired the Sizemore Group who worked in collaboration with Kimley-Horn and Associates and Noell Consulting Group; and

**Whereas:** These professionals were directed to study the Southlake Mall and adjacent Mixed-Use corridor and develop strategies for development, and

**Whereas:** In a report dated March 2011, the Sizemore Group published implementation strategies for Land Use, Design and Development; Economic Development; Livability and Connectivity; and Transportation; and

**Whereas:** The City of Morrow will attach the Southlake Mall and Mixed Use District LCI study to the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED THAT:** The March 2011 Southlake Mall and Mixed Use District LCI study is attached to the City's Comprehensive Plan.

**SO RESOLVED AND ADOPTED** this the 23rd day of August 2011.

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Jim Millirons, Mayor

Attest:

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Evyonne Browning, City Clerk  
(Seal)

