

City of Sandy Springs Charter Commission was held on Thursday, April 15, 2021 at 6:00 p.m., Chair Gabriel Sterling presiding.

I. Call to Order

Chair Gabriel Sterling called the meeting to order at 6:00 p.m.

II. Roll Call

City Clerk Raquel D. González called the roll.

Members present: Vice Chair Tochie Alford Blad, Chip Collins, Tricia Gephardt, Melody Kelley, Tom Mahaffey, Suleima Millan-Salinas, Sunny Park, Andrea Settles, Ronda Smith, and Chair Gabriel Sterling.

Guest(s) present: Council Member Andy Bauman

Staff present: Assistant to the City Manager Samantha Dulac, City Clerk Raquel González, and Assistant Staff Attorney Caleb Saggus.

III. Ruling on a Quorum

City Clerk González confirmed a quorum of members was present.

IV. Approval of Meeting Agenda

Motion and Vote. A motion was made by Member Ronda Smith, seconded by Member Andrea Settles, to approve the meeting agenda for April 15, 2021. The motion carried by unanimous vote.

V. Approval of Meeting Minutes – April 1, 2021 Charter Review Commission Meeting Minutes

Motion and Vote. A motion was made by Vice Chair Tochie Blad, seconded by Member Melody Kelley, to approve the meeting minutes for April 1, 2021. The motion carried by unanimous vote.

VI. New Business

CRC2021-010 Input from Elected Official

Chair Gabriel Sterling introduced guest Council Member Andy Bauman.

Council Member Andy Bauman thanked Members for their service. The City is based on a Council / Manager government, with a strong Council legislative body, elected in six districts. The City Manager is appointed by the Mayor, but accountable to the City Council. This has served Sandy Springs well. What do we need to do to encourage citizens to become more involved with their community? What things need to be done to inspire citizens to run for office? What are the things that might inhibit citizens to run for office? Commission Members should also discuss what to do in a state of emergency. How the City operates in a transparent way is an important topic. Secondly, do we, through the Charter, talk about broadcasting meetings? I am in favor of broadcasting all meetings. The City should continue to do so as the technology is there and government is best when government is open.

The Charter states the mayor shall appoint councilmembers to review the functions of the various departments of the city and report to the mayor and full city council regarding the same. What is the input from this Commission? This is not something I have discussed with other council members, and to my

knowledge this has never been done. There are multiple clauses that specifically state that councilmembers are not managers of this City, and the previous referenced clause is an oversight clause. Council does not manage the City. Where does oversight begin and where does it end. The job of councilmember is a part-time job by design, with almost full-time responsibilities. It means that even when you are not doing the job, you are being the job. You want to make sure that people are not doing this for the money.

Member Ronda Smith asked is this a matter of semantics, as opposed the mayor can or may?

Council Member Bauman remarked that there could have been language that indicates ‘the mayor may,’ but written as it is, this is something that should be done. The solution might well be ‘may’ in the case of our city. I strongly favor our form of government of a very strong Council, a Mayor who sets the agenda and is the public face, with a strong City Manager managing the day-to-day operations.

Chair Sterling stated the budgetary process is as equally important and it sets the priorities for the City. We have a very good budget process.

Member Chip Collins stated this Commission should reset the pay and compensation for the Mayor and Council. It is not so much compensation as it is loss mitigation. Everyone who serves on City Council is losing money, and they know that going in. What are your thoughts on term limits?

Council Member Bauman stated ten years ago the Commission declined to take this issue up and the Legislature actually took it upon itself to insert a pay increase. The City began with a \$12K Council salary and a \$25K Mayor salary. The Legislature set it for the next term, appropriately at \$18K for Council and \$40K for Mayor. It also did allow the Council to do a cost-of-living increase, which is negligible, and also, if it wanted, to do some benefits. To be very clear, there are no benefits for Council. Councilmembers are ultimately part-time employees and it is important that we classify it that way. Someone might forego teaching in the summer, coaching after school, or other opportunities to serve in the capacity of a councilmember. Not for the money but to want to provide their input in a more meaningful way. These are part-time jobs with full-time responsibilities, particularly in these times of COVID, storms, social unrest, and other things that can affect a city. On term limits, there is a point where it runs its course. The longer they serve, a person begins to get better at understanding policy and operations. And, one of the important things of a leader is to create a pipeline of leadership.

Vice Chair Tochie Blad asked on the Mayor’s setting of the agenda, are there times when it is difficult to get things on the agenda? Some Charters recommend that two council members can put something on the agenda. Has that ever been an issue or do you ever see that being an issue down the line?

Council Member Bauman replied that the Charter says that the Mayor, with submissions from council, shall be responsible for the agenda. In practice there has never been a problem with that. That is not to say there are not things that are occasionally going to be divisive. Under Robert’s Rules, we can always amend the agenda by motion, which would take the vote of a majority.

Member Melody Kelley asked are there any places in the Charter where language around diversity and inclusion could be added.

Council Member Bauman replied that is a discussion going all around the country. In the early preamble in the Charter, there are some broad statements about health and welfare of the community. If you were to include language around guiding principles or aspirational thoughts such as that it would be the place to do that. When you look at clauses such as term limits and pay, you are actually doing things that might result in creating a greater swath of the community being engaged. The Charter is not the policy making document. It is the constitution. Constitutions evolve and they do state matters of principle. There is a

general health and welfare clause of the community in the Charter and that should be guiding what we are doing always. Service on the City Council has been the privilege of a lifetime. Service takes many forms.

CRC2021-011 Public Comment on Current Charter

City Clerk **Raquel González** announced no public comments have been received.

CRC2021-012 Review of the Current Charter – Article I and Article II

Chair Sterling explained after during discussions on Article I and Article II of the Charter, Members should state their particular issues with each item.

ARTICLE I: Creation, Incorporation, Powers
Section 1.03: Powers and Construction

(3) Building regulation.

Member Ronda Smith stated the City operates under the Development Code. Should the verbiage that is redundant be simplified?

Member Chip Collins replied this section may be lifted from State statute.

(5) Condemnation.

Member Collins stated this section may be governed by State statute.

(8) Environmental protection.

Member Suleima Millan-Salinas asked if flooding protections should be included, similar to the Charters of City of Dunwoody and City of Brookhaven.

Consensus of Members: Legal to review for further clarification.

(11) Garbage fees.

Member Tricia Gephardt asked if recycling should be included.

Chair Gabriel Sterling advised that this sections discusses issuing fees.

Consensus of Members: Legal to review.

(22) Municipal utilities.

Member Gephardt stated Wi-Fi or internet accessibility should be included.

Chair Sterling replied telecommunications is a good catch-all.

Consensus of Members: Legal to review.

(25) Planning and Zoning.

Member Millan-Salinas stated this section should include language about signage and outside advertising, like the City of Brookhaven Charter. Should this also include language related to English and Spanish?

Chair Sterling stated the inclusion of this seems superfluous, but may be appropriate for the Code.

Member Collins replied if the City enforces signage and advertising, then it should be mentioned in the Charter to protect the City's ability to govern.

(28) Public peace.

Vice Chair Tochie Blad stated under the Judicial section, should we have more specific language on how the courts are handled.

Consensus of Members: Revisit this question at a later time.

(37)(A) Millage.

Vice Chair Blad asked can Council vote each year on a millage.

Member Collins stated Sandy Springs provides a maximum millage, which is distinguishable from other cities. An annual referendum is not favorable.

(39) Taxicabs.

Consensus of Members: Legal to review if it is advisable to add "rideshares" to this section.

Article II: Government Structure, Elections and Legislative Branch
Section 2.01. – City council creation; number; election.

Member Melody Kelley asked should Section 2.01 include a provision regarding redistricting after a Census, similar to the City of Brookhaven Charter.

Chair Sterling replied historically, the Legislature adopts the redistricting maps following the Census. The City of Sandy Springs does assist in preparing the redistricted map, but it is the local delegation that adopts the redistricted map. There is also case law around redistricting.

Consensus of Members: Legal to review.

Member Millan-Salinas stated inclusive language should be placed throughout the Charter, replacing "he" and "she" with "they". Also, can the minimum voting age be reduced to 16 years old?

Chair Sterling stated Home Rule cannot override a state law.

Consensus of Members: Legal to review.

Section 2.02: Mayor and City Councilmembers; Election, Terms, and Qualifications for Office.

Member Kelley stated limits on consecutive terms is most favorable. Elected officials should pause in their service, and then be eligible to return. Term limits promote diversity.

Member Collins stated a two-term limit for the Mayor position and no term limits for City Council positions. This mirrors term limits on the federal level.

Chair Sterling stated term limits are not favorable, but there could possibly be term limits for the Mayor and no term limits for City Council. Staggering terms would run elections every two years, which could become extremely expensive. The timing of municipal elections is governed by State law. We need to be very clear of the intention if this is changed in order to make sure there is no ambiguity and give clear direction.

Vice Chair Blad stated the 2011 Charter Review Commission recommended consecutive two-term limits for Mayor and Council seats, but the recommendation was not adopted.

Member Gephardt stated term limits are healthy. A limit of two consecutive terms for Mayor, and three consecutive term for City Council.

Section 2.03: Vacancy; Filling of Vacancies; Suspensions.

Chair Sterling stated in case of Council vacancies happening within a 9 to 12 month window before the next eligible election, there should be a provision to allow Council to appoint a representative during the vacancy. For example, Council Member Graham McDonald was a representative for District 3 and qualified to run for State House. When someone qualifies in Georgia, they have to automatically resign the seat they have, unless the date of the end of your term matches the beginning of the next term within 30 days. Council Member McDonald, District 3, resigned in March with another 2 ½ years left in his Council term. The City was not able to get the election to fill the unexpired term on the County ballot due to time restraints, so the City had to run the election on its own with a single polling location. This meant that a District 3 constituent had to go to the regular polling place for the County's election ballot, then go to a second polling place for the municipal ballot. If this had not been accomplished, then it would have meant that District 3 would have had no representation for 8 months, which is was not appropriate. There needs to be a way to fill a vacancy via an appointment by the City Council up until the special election.

Consensus of Members: Legal to review.

Section 2.07: Compensation and Expenses.

Member Smith asked can the City use the CPI to make changes to Mayor and Council salaries.

Vice Chair Blad advised that members review the Georgia Department of Community Affairs Wage and Salary Survey for salary comparison across the State.

Consensus of Members: Continue to research.

Section 2.09: Meetings and Mayor Pro Tempore.

Member Kelley stated the Oath should be revised to include language that is aspirational.

Consensus of Members: Member Kelley to draft proposed amendments to the Oath, which will be reviewed at a future meeting.

Sec. 2.13. - Boards, Commissions, and Authorities.

Vice Chair Blad suggested a new section be added just before Section 2.13 (Board, commissions, and authorities) titled "Prohibitions," as it is written in the Charters of the City of Brookhaven and City of Dunwoody. While it is similar to the Ethics Ordinance, the Ethics Ordinance deals more with policy and procedures and how hearings are conducted.

Consensus of Members: Legal to review.

VII. Other Business

Member Ronda Smith stated some of the language regarding councilmen versus council person / councilperson, etc. through the Charter document should be cleaned.

Consensus of Members: Member Smith to identify the discrepancies, which will be reviewed at a future meeting.

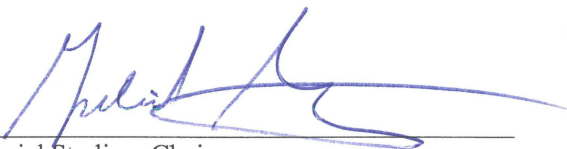
Member Tricia Gephardt stated voting in a Census year should reflect redistricting.

Chair Gabriel Sterling stated normally redistricting happens in the summer months after the Census, but due to COVID the State will not receive Census figures until September 30.

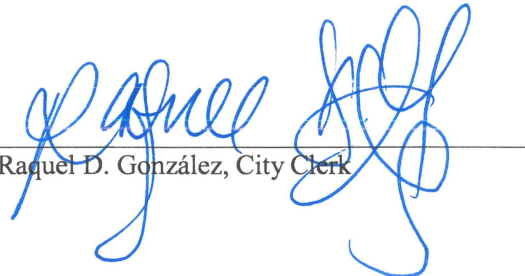
VIII. Adjournment

Motion and Vote. A motion was made by Member Melody Kelley, seconded by Member Suleima Millan-Salinas, to adjourn the meeting. The motion carried by unanimous vote.

Meeting adjourned at **8:12 pm**



Gabriel Sterling, Chairperson



Raquel D. González, City Clerk