

City of Sandy Springs Charter Commission Meeting was held at Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on April 26, 2011, at 7:00 p.m.

Call to Order

Chairman Rusty Paul called the meeting to order at 7:01 p.m.

Roll call

City Clerk Michael Casey called the roll.

Board Members Present: Josh Belinfante, M. Jerome Elmore, Doug MacGinnitie, Rusty Paul, Oliver Porter, Robert Shaw, Jim Squire, Larry Young. Carolyn Axt was absent.

Staff and Representatives Present: City Clerk Michael Casey.

Ruling on Quorum

City Clerk Michael Casey stated a quorum was in place for the meeting.

Public Comment on Sandy Springs Charter

Chairman Paul stated the purpose of this meeting is to hold a public hearing to discuss the City of Sandy Springs Charter. The Charter Commission is a recommending body, which will be making recommendations to the legislative delegation. These recommendations will be shared with the City Council and the Mayor and they may choose to follow them or not. He recognized Councilmember Fries for attending the meeting. The comments cards will be turned into the City Clerk for recording purposes. It was asked that comments be held to five minutes or less.

Oliver Porter stated there was a misstatement about there being a Charter Commission appointed every five years. The existing Charter only provides for this Commission.

Patty Berkovitz, 800 Crest Valley Dr. NW., stated she is on the Board for the Watershed Alliance of Sandy Springs and the Sandy Springs Council of Neighbors. Sandy Springs became a city to have local control of zoning and return of our tax dollars to the City. The City was envisioned to be village like. The residents were flush in the beginning with civic hope. They were excited their opinions were being heard and responded to by our own elected officials. Almost everyone that has attempted to participate in the process of Sandy Springs is now walking away sad and disgusted. She hopes the Commission can fix a few things with the Charter and that it will be enough to get the City back on track. She would like to see the citizens and business owners involved and participating with the City. To balance the testimony that is being collected, she would like the Commission to sway more towards the citizens' opinions as opposed to those that are currently serving as Mayor and City Council. The Commission will hear more from the powers that be, than from the citizens who feel disenfranchised. Some of the citizens are afraid to speak out because they are afraid of repercussions. She stated she would read suggested Charter changes. There should be an eight year cap on term limits. A twelve year term limit is too long. She believes the City does need at-large representation. The reason for this is because the City Council does not honor the opinion of a particular Councilmember for a zoning case in their district. The agendas for the Boards are being published twenty-four to forty-eight hours before the Board meeting. There is no time to review or prepare for the cases. She suggested having public comment at the beginning of the City Council meetings instead of the citizens having to sit through the entire meeting. Section 2.4 does

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1 not provide for public comment on resolutions and their potential impact. A public hearing should be
2 required for all changes in regulations or resolutions. The citizens have a right to respond. Regarding
3 Article III, Section 3.01, she would like to see item number seven removed completely. Under number
4 nine of this section, she would like to see it read "collect names of qualified residents". The way this
5 currently reads, the Mayor is able to do all the appointing of members to the various City Boards. She
6 believes the City Boards need to be balanced. There should also be another five year Charter review.
7 There is not enough transparency.

8
9 **Larry Young** stated it was mentioned in a previous meeting that current policy provides for the agenda to
10 be posted on the Thursday before a City Council Meeting.

11
12 Ms. Berkovitz stated it seems like the agenda is posted at Friday by 5:00 p.m.

13
14 **Robert Shaw** asked about the section of the Charter that Ms. Berkovitz would like to see removed.

15
16 Chairman Paul stated Ms. Berkovitz was referring to Section 3.01 b, paragraph seven and paragraph nine.

17
18 **M. Jerome Elmore** asked why Ms. Berkovitz would like Section 3.01 b, paragraph seven, removed from
19 the Charter.

20
21 Ms. Berkovitz stated Councilmembers should not be involved directly with the oversight role of City
22 departments. The Mayor and City Manager and other employees have this responsibility.

23
24 **Barbara Malone, 240 Colewood Way**, stated she is the President of Mountaire Springs Neighborhood
25 Association and also on the Board for the Sandy Springs Council of Neighborhoods. The State requires
26 the posting of the meeting agendas by Thursday before the Tuesday meeting. The City can do better than
27 posting the agenda on Thursday. She thinks there needs to be more publicity regarding the meetings
28 being posted. There should be something done about mandating the number of staff. There are currently
29 only two code enforcement officers. She recommends there be a provision to review the Charter every
30 five years. She would like to hear what recommended changes the Commission has come up with so far.

31
32 Chairman Paul stated the Commission is only in the information gathering stage of revising the Charter.
33 What has been heard from the public so far tonight deals with the operations of the City and City Council
34 from a policy perspective. The Charter's primary function is to delegate powers and responsibilities.
35 Once the powers are delegated, it is up to Council to implement those powers. The posting of the agenda
36 is a policy decision made by the Mayor and Council. He clarified that the Charter states who is
37 responsible for certain activities, not how the activities are managed.

38
39 Ms. Malone stated it is a feeling of frustration when issues are taken to Council and nothing happens. She
40 understands the Commission has no authority over the issues she mentioned. The Commission will at
41 least have the opportunity to discuss these issues with the departments.

42
43 Ms. Berkovitz stated the citizens are only able to vote for the candidate running for their district. She
44 prefers the City have at-large Councilmembers, so the citizens' votes will have more meaning.

45
46 M. Jerome Elmore stated Ms. Berkovitz is very involved in the City and is influential throughout her
47 district, as well as in other districts. She could put together a coalition of voters across the six districts.

48
49 Chairman Paul closed the public hearing.
50

Potential Additional Public Hearings

Chairman Paul asked if the Commission would like to move forward with scheduling another public hearing.

Josh Belinfante suggested there be one more meeting for public comment and to have an agenda prepared as well.

Jim Squire asked about advertising the Charter Commission public meetings, so there will be a larger turnout of people.

Chairman Paul stated the City has followed all the legal postings. The news media has done a great job on advertising the public meetings.

There was general discussion regarding the time and place for a second public hearing.

Chairman Paul suggested the next meeting of the Commission be held two weeks from today, on May 10th. If it is the will of the Commission, the next public hearing can be held midday, or in the afternoon.

Due to scheduling conflicts for some of the Commission members, it was decided not to hold the next meeting on May 10th.

Chairman Paul stated the next public hearing can be held on May 17th at 2:00 p.m. in the City Council Chambers.

Motion and Vote: Josh Belinfante moved to hold another public hearing on May 17th at 2:00 p.m. in the City Council Chambers with additional items included on the agenda, if time permits. M. Jerome Elmore seconded the motion. The motion carried unanimously.

Larry Young asked when the next Commission meeting after the May 17th meeting would be held.

Chairman Paul replied the Commission will discuss when the next meeting will be held at the May 17th meeting.

Approval of Meeting Minutes

1) March 24, 2011

2) April 12, 2011

Larry Young stated there are two items that need to be changed. On page 4 of 9, line 48, there is a statement that reads "It was asked if the spending approval policies should be included in the Charter or if they should be set by the Council." He asked if it was known who made this statement.

City Clerk Michael Casey stated it was no clear on the audio recording, so that is why the statement was phrased that way.

Chairman Paul stated he would work with the City Clerk to identify who made that statement on the recording.

Larry Young stated on page 7 of 9, line 24, it states "the zoning procedures act allows ten minutes for public comment." He would like to amend the minutes to where it would state "the zoning procedures act

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1 requires at least ten minutes". He would also like to amend the following sentence in the minutes to read
2 "There may be a need for the Charter to state that public comment must be allowed on other items for at
3 least ten minutes or some stated minimum."
4

5 **M. Jerome Elmore** stated the March 24, 2011, meeting minutes state "that sovereign immunity basically
6 states that someone who is hurt does not recover." He would like to amend the minutes to read "that
7 sovereign immunity may make it difficult for someone to recover"
8

9 Chairman Paul asked that the change requests to the minutes be given to the City Clerk for revision. The
10 approval of both meeting minutes will be postponed.
11

12 **Other Business**

13
14 **Chairman Paul** stated he has contacted the Carl Vinson Institute of Government asking them to come
15 speak to the Commission.
16

17 **Larry Young** stated that the City of Johns Creek is currently going through the process of amending their
18 Charter. The proposed language has been published in the Fulton Daily Report. He recommends the
19 Commission look at Johns Creek's Charter to give them ideas.
20

21 **Adjournment**

22
23 **Motion and Vote:** Robert Shaw moved to adjourn the meeting. Larry Young seconded the motion. The
24 motion carried unanimously. The meeting adjourned at 7:40 p.m.
25

26 Date Approved: May 17, 2011
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Rusty Paul, Chairman

Michael Casey, City Clerk