

City of Sandy Springs Charter Commission Meeting was held at Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on May 17, 2011, at 2:00 p.m.

Call to Order

Chairman Rusty Paul called the meeting to order at 2:01 p.m.

Roll call

City Clerk Michael Casey called the roll.

Board Members Present: Josh Belinfante, M. Jerome Elmore, Rusty Paul, Robert Shaw, Jim Squire, Larry Young. Carolyn Axt and Oliver Porter were absent. Doug MacGinnitie joined the meeting later.

Staff and Representatives Present: City Clerk Michael Casey and Assistant City Clerk Kelly Bogner.

Ruling on Quorum

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

Public Comment on Sandy Springs Charter

Councilmember John Paulson stated there are three points he would like to discuss regarding the Charter. Currently, our elected officials are all elected or reelected at the same time. He has benefited from the experience of Councilmembers who have been with the City for awhile. If a constituent calls him, or he has an idea of his own, he can talk to one of the other Councilmembers first and receive feedback. The problem with voting out all current Councilmembers at the same time is the history of what has transpired with the City disappears. The argument can be made that someone will go back and look up the information, but that never happens. He is in favor of staggered terms. With staggered terms, there is the potential for some of the institutional knowledge to rollover, so staff will not be looking up things that were researched three or four years ago. He is in favor of term limits. He has heard discussions of at-large Council seats. Currently, the Councilmembers are elected from their district. He is concerned not just about the citizens in his district, but also keeps in mind what is best for the City as a whole. He likes district representation. If there is a need for more Councilmembers, maybe one or two at-large Council seats could be added, but he is not in favor of that type of system.

Jim Squire stated the City of Dunwoody is divided into three Council districts. Each one of the districts has a district specific Councilmember. In addition, there are three at-large members who have to reside in each of the different separate districts. He asked Councilmember Paulson if he had any thoughts on that model.

Councilmember Paulson stated he can see that Dunwoody was trying to blend representation. Sandy Springs has a population of 94,000. If we had only three Council districts, each district would represent 30,000 people, which is a lot of people. One Councilmember representing 15,000 people is a lot. He does not know if the Dunwoody approach is better than splitting the City into six districts. He would not be in favor of Sandy Springs having only three Council districts.

Robert Shaw asked Councilmember Paulson how the current Councilmembers' terms could be staggered. Depending on how the staggered terms were created, some Councilmembers may feel left out.

Councilmember Paulson stated that is assuming some Councilmembers would feel left out. At the last election, some Councilmembers chose not to run again. If he were to choose staggered terms, he would have the elections when the larger elections occur, which would be held every two years. Two Councilmembers would be elected every two years and they would have a four year term.

Robert Shaw asked how costly it would be for elections to be held every two years.

Councilmember Paulson stated if the City holds the elections at the same time other elections are occurring, the cost is minimal. The City now has the approval to hold its own elections. When previous Councilmember Ashley Jenkins left her position, the election cost was approximately \$15,000 to \$20,000. There is a cost element, but he is not sure it is a large cost.

Doug MacGinnitie joined the meeting at this time.

Bill Gannon, 505 Taunton Way, stated he attended the five Commission meetings that preceded the inception of the City. He has also attended all of the City budget meetings. The City election dates are one year out of phase with the larger elections. When the City began, it had no choice in picking what year the City was founded. The City could save money if it was decided to get in phase with the larger elections. It is easier to get citizen participation with one large election. He would not be in favor of at-large Councilmembers. The City was fortunate to have great talent at the beginning of the City. The City does want to have the best and the brightest on the Council. What surprised him is when a Council seat is vacant the power of the Mayor diminishes, because there is three to two voting. The way the Charter is written, the Mayor only votes in the case of tie. When there is a tied vote of three to three, the Mayor has the authority to vote. When there are only five Councilmembers, there could be a 3-2 split and then the Mayor would never vote.

Susan Joseph, 425 Stone Mill Trail, stated she will explain the highlights of her email sent to the Charter Commission. The Charter is excellent and she has no complaints. She has had the pleasure of keeping an eye on all the activities of the City Council in her capacity of keeping track of the Sandy Springs Get Smart document. She has a good sense of what has occurred at the City Council meetings since the City's inception. One of her concerns is the Charter should assure that citizen participation is respected, honored, and encouraged. The reason for Sandy Springs is the citizens wanted participation. Over the years many citizens have started to feel that City Council cares less and less what the citizens think. Another thing that would help is to ensure the posting of the City information online is easy to see and available on a timely basis. The City Council agenda needs to be publicly posted no later than the close of business the Friday before the City Council. That often has not happened and there is no way to get citizen involvement. The information on the City website should be easily accessible and easy to find. She was looking on the City website for the City Manager's monthly report. She has not been able to find that report on the website. One way of dealing with public involvement might be neighborhood planning units. Although the City Charter does not address this, there should be term limits. It is important for elected officials to serve two terms and then be required to retire and bring in a new elected official. It would be helpful to have two at-large Councilmember positions. The current City Council is divided into six districts. The City Council votes as if they represent everyone in the City, but they are often not responsive to the voters in other districts. She agrees that the Mayor should only vote to break ties, so the number of Councilmembers would need to remain an even number. She suggested adding two at-large Councilmembers. It is very important to have another Charter review in five years.

Jim Squire asked about the City Manager's report being on the City website. He asked the City Clerk to assist Ms. Joseph with finding this information on the City website.

City Clerk Michael Casey stated he is not sure where the City Manager's report is on the website, since he has not followed that information. He can point her to where the City Council agendas are on the website.

Ms. Joseph stated she is not questioning if the agendas are on the City website, but is questioning when they are posted.

City Clerk Casey stated in the time he has been City Clerk he cannot recall one time when the agenda was not sent to Community Information for posting on the website by the Friday before a Council meeting.

Mr. Joseph stated it has been a problem, but she will not debate this issue. There is an issue regarding the zoning commission and other committees.

Robert Shaw asked Ms. Joseph to repeat her last suggestion.

Ms. Joseph said she recommended the City Charter be reviewed in another five years.

Tochie Blad, 7320 Hunters Branch Drive, stated she is involved with the Sandy Springs City Council of Neighborhoods. The Mayor is the only person who nominates appointments for committees. She believes this is a considerable amount of power. There are other cities in Georgia that create nominations from the Mayor and the entire City Council and then vote. Currently, the Mayor is the only one suggesting the nominations.

Chairman Paul stated when he hears people say that Council is not listening to us, sometimes Council is hearing what the citizens say, but they disagree with the citizens, which is not the same as not hearing the citizens. The real power of the voters is the option to vote in new Councilmembers. There have been a wide range of comments over the past few weeks. The Commission will continue to accept public comments.

Approval of Charter Commission Meeting Minutes

1) March 24, 2011

Motion and Vote: Robert Shaw moved to approve the Charter Commission Meeting Minutes for March 24, 2011. Larry Young seconded the motion. The motion carried unanimously.

2) April 12, 2011

Motion and Vote: Robert Shaw moved to approve the Charter Commission Meeting Minutes for April 12, 2011. Josh Belinfante seconded the motion. The motion carried unanimously.

3) April 26, 2011

Motion and Second: Robert Shaw moved to approve the Charter Commission Meeting Minutes for April 26, 2011. Josh Belinfante seconded the motion.

Motion to Amend Minutes and Vote: M. Jerome Elmore moved to correct a reference to state that Jim Squire, not M. Jerome Elmore, made a statement that Ms. Berkovitz had a lot of experience in the community. Larry Young seconded the motion. The motion to amend carried unanimously.

Vote on Motion to Approve: The motion carried unanimously.

Jim Squire stated Robert's Rules of order are governing the Charter Commission Meetings. Robert's Rules has a question and answer on their website stating: Is it necessary to summarize matters discussed at a meeting in the minutes of that meeting in order for the minutes to be complete? The answer is, not only is it not necessary to summarize matters discussed at a meeting in the minutes of that meeting, it is improper to do so. Minutes are a record of what was done at a meeting, not a record of what was said. Item number sixty regarding minutes in Robert's Rules of Order refers to the duties of the secretary. It states the record of the proceedings is created by the secretary and the secretary is supposed to report only the actions and not the conversations or other discussions. He thinks that the Commission has comingled what is considered to be a transcript of the meeting into the minutes. This information is located in the newly revised tenth edition of Robert's Rules on page 451 and in the newly revised and brief of Robert's Rules on page 146.

City Clerk Michael Casey stated on page 451 of Robert's Rules it states the minutes should contain mainly a record of what was done at the meeting, not what was said by the members. While Robert's Rules of order does govern our actions at meetings, State law and City code, in anticipation of the potential desire of the Mayor, Council, and other boards to have a more comprehensive set of minutes, spell out the minimum requirements. In both the State law and the City Ordinance the word minimum is emphasized. Our Mayor and Council have expressed a preference for more comprehensive minutes than just the action minutes. In line with this philosophy, similar minutes were created for the Charter Commission.

Jim Squire stated he does not argue this information. The Charter Commission is an independent body and not responsible to the City Council. If it is the will of the Committee, action can be taken to change the way the minutes are recorded. He just wanted to point out what the rules state.

Chairman Paul stated Jim Squire is technically correct and under normal circumstances he would rule the point of order is well founded. One of the purposes of this body is to create a record. The Commission has gone to great lengths to request public comments. Summarizing the meeting information as part of the official record of the Charter Commission may be a valuable tool. Unless there is an overrule by the members of the Commission, the City Clerk should continue to prepare the minutes similar to the City Council Meeting minutes.

Jim Squire stated Chairman Paul is correct. He was thinking of a more expansive set of minutes. The Commission meetings are on audio recording and it would be appropriate to have a transcript from these meetings that would be inclusive of all comments. The minutes themselves might include reference and adoption of the transcript might be something different.

Chairman Paul stated Mr. Squire's points are well taken and he appreciates this being brought to the attention of the Commission.

Decision on Charter review Methodology – Separate Committees or Committee of the Whole

Chairman Paul stated this is a discussion on how the Commission will perform the functions they are empowered to do. Does the Commission want to consider committees to look at various aspects of the Charter and report back or continue to operate as a committee of the whole?

Jim Squire asked what the Chairman prefers.

Chairman Paul stated we were all appointed equal. He thinks the charter can be reviewed as a Committee of the whole.

Doug MacGinnitie stated he agrees with acting as a Committee of the whole. There have been an overwhelming amount of suggested changes that fall into a few categories.

Larry Young stated it would be beneficial if the Chair would state which items will be discussed at the next meeting.

Chairman Paul stated a review of Article I is on the agenda because the Commission asked to be prepared to move forward in case there was not a lot of public input. If the Commission does not feel prepared, this item can be moved to the next meeting.

Jim Squire asked about the Carl Vinson Institute speaking with the Commission.

Chairman Paul stated he spoke with the Carl Vinson Institute. There is not a lot of literature on operations of cities similar to Sandy Springs. The Institute does not have much, from an input perspective, to enlighten the Commission with. The Institute did designate Mr. Ted Baggett to work with, if the Commission desires. He communicated with the Interim Director at the Institute, Jennifer Frum. She thanked him for communications about the work of the Charter review Commission of Sandy Springs. She consulted with the head of the local government services program, Ted Baggett, about the general inquiry. The extent of privatization in Sandy Springs is considered on the cutting edge nationally and the Vinson Institute would likely have to conduct original research on cities and other states to find examples, if there are any. The Institute might also do a literature review to see if there are any existing studies on this level of privatization. Regarding the extension of sovereign immunity to private contractors and privatizing law enforcement personnel, Mr. Baggett suggested this would require changes to general State law, and probably the constitution.

Doug MacGinnitie stated it might be helpful to organize the public comments by each section of the Charter. This would give the Commission a good framework for working through the Charter.

Chairman Paul asked the City Clerk to organize the public comments that have been received by each section of the Charter. He asked if it is the will of the Commission to defer discussion on any Articles and begin the process at the next meeting.

Doug MacGinnitie stated it would be more effective to have the whole list in front of the Commission.

Discussion on: ARTICLE I. - CREATION, INCORPORATION, POWERS

Motion to Defer: Jim Squire moved to defer the discussion on ARTICLE I. - CREATION, INCORPORATION, POWERS to the next Charter Commission meeting. Josh Belinfante seconded the motion. The motion carried unanimously.

Other Business

Chairman Paul stated the Charter Commission meetings are on the schedule for every other Tuesday. He asked the Commission members if they would prefer to hold the next meeting on May 31st.

Larry Young stated if the next meeting was held May 31st, it would get the meetings back on the regular cycle.

Chairman Paul asked if there is any objection to holding the next Commission meeting at 5:00 p.m. on May 31st in the City Manager's conference room.

Josh Belinfante stated he does not object, but he will not be able to attend.

Adjournment

Motion and Vote: Larry Young moved to adjourn the meeting. M. Jerome Elmore seconded the motion. The motion carried unanimously. The meeting adjourned at 2:41 p.m.

Date Approved: May 31, 2011

Rusty Paul, Chairman

Michael Casey, City Clerk