

1 **City of Sandy Springs Charter Commission Meeting** was held at Sandy Springs City Hall, 7840
2 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on August 16, 2011, at 4:00 p.m.

3
4 **Call to Order**

5
6 **Oliver Porter** called the meeting to order at 4:05 p.m.

7
8 **Roll call**

9
10 **Assistant City Clerk Kelly Bogner** called the roll.

11
12 **Board Members Present:** Carolyn Axt, Josh Belinfante, Oliver Porter, Robert Shaw, Jim Squire, Larry
13 Young were present. M. Jerome Elmore, Doug MacGinnitie, and Rusty Paul were absent.

14
15 **Staff and Representatives Present:** Assistant City Clerk Kelly Bogner

16
17 **Ruling on Quorum**

18
19 **Assistant City Clerk Kelly Bogner** stated a quorum was in place for the meeting.

20
21 **Approval of Meeting Minutes**

22
23 **1) July 26, 2011**

24
25 The minutes from the July 16, 2011 Charter Commission Meeting were approved as amended.

26
27 **Review summary of recommended changes to the Charter**

28
29 **Oliver Porter** suggested discussing the cover letter later and begin by reviewing the recommended
30 changes. There may be a couple of items that need to be discussed by the Commission that are not on the
31 draft report.

32
33 **Jim Squire** stated in regards to the form of the draft, it should state these are recommended changes to
34 the Charter as suggested by the Charter Commission. In the draft there are some motions to not make
35 changes to particular Articles. If this is going to be included, it should be included for every Article in the
36 Charter. He recommended the motions for changes be the only ones included in the report.

37
38 **Oliver Porter** stated when the final draft goes to the legislature, the recommended changes to the Charter
39 are the only things that will be included. Motions to not make changes to Articles and the vote on each
40 recommended change should not be included in the final report.

41
42 **Carolyn Axt** stated she does not think it is appropriate to include in the report who made the motion and
43 the outcome of the vote. She recommended the discussion on each article be included in the report. The
44 legislators may find it valuable to know what items are of concern and the Commission's general points
45 of discussion.

46
47 **Jim Squire** stated if the Commission wants the legislature to know all about the items discussed at the
48 meeting, the legislature should receive the meeting minutes. The Commission was created to make
49 recommendations to the legislature.

50
51 **Larry Young** stated the report should be the only item submitted to the legislature.

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1 Jim Squire stated the report should site the article and the Commission's recommended changes. The
2 Commission should acknowledge on the cover letter of the report that the legislature will do the
3 wordsmithing of the recommended changes to the Charter.

4
5 Oliver Porter stated there is a consensus of the Commission to include in the report a list, with each article
6 that has recommended changes and to list those changes. He asked Mr. Belinfante if there is any other
7 outstanding language that needs to be addressed.

8
9 **Josh Belinfante** stated there was a question regarding the Mayor being a member of the City Council.

10
11 Oliver Porter asked if all the Commission members received Mr. Belinfante's email with the suggested
12 language. Included in the email was the public comment and the issue regarding the Mayor.

13
14 Jim Squire stated there is no definitions section in the Charter. He suggested any definition changes be
15 placed at the beginning of the report.

16
17 Josh Belinfante responded that is fine.

18
19 Carolyn Axt asked who will be accepting the report from the Commission.

20
21 Josh Belinfante responded the current district members.

22
23 Oliver Porter suggested reviewing the draft report on an article by article basis. On page 3 of the report
24 there is a recommended change to Article I, Section 1.03. The recommended change is that the City's
25 retirement plans must be funded in the current fiscal year.

26
27 Jim Squire stated the language should state "Article I, Section 1.03, the Commission recommends
28 changing the City's Charter so any of the retirement plans are funded in the current fiscal year". That
29 should be the format for each of the suggested changes.

30
31 The consensus of the Commission was to recommend the following language change to Article I, Section
32 1.03 by stating that any of the City's retirement plans must be funded in the current fiscal year.

33
34 Oliver Porter proceeded to Article I, Section 1.03. The Commission recommended changing paragraph
35 (34) where it states "sewer fees" to add "water and sewer fees", in anticipation of the day the City may
36 own its own water system. There was consensus of the Commission to use the recommended language as
37 a suggested change.

38
39 Oliver Porter stated during the review of Article I, Section 1.03, there was a motion to leave subparagraph
40 (9) unchanged. That will not be included in the report. The Commission recommended Article I, Section
41 1.04 be redrafted by the legislature to give whatever rights, privileges, and immunities that may be
42 available under State law to private contractors as authorized by the City Council. There was consensus
43 of the Commission to use the recommended language as a suggested change.

44
45 Josh Belinfante stated his suggested change was to Section 2.01, subparagraph (a), by adding the
46 language "Except as specifically stated, references in this Charter to 'councilmembers' or 'city
47 councilmembers' shall not include the mayor". There was consensus of the Commission to use the
48 recommended language as a suggested change.

49
50 Oliver Porter stated for Article II, Section 2.02 the Commission recommended the language be changed to
51 state beginning with the 2017 election, term limits will become effective and include prior years of
52 service. In 2017, no one shall run for election that has already served eight years.

53

1 Robert Shaw stated the recommended change implies one cannot run for the same office, but for another
2 office.

3
4 Oliver Porter stated that issue what discussed, but was not part of the motion. To clarify the language it
5 could state, in 2017 no one shall run for election for the same post.

6
7 Carolyn Axt stated if the legislature adds an at-large post, the new language would give clarification.

8
9 Jim Squire stated if an individual sits out a term, that would enable them to run again.

10
11 Josh Belinfante stated the suggested language could state, starting in 2017 no one shall be permitted to
12 seek election for the same office if that person has served eight consecutive years.

13
14 Oliver Porter stated the Commission recommends that the Charter state, beginning with the 2017 election,
15 term limits will become effective and include prior years of service. In 2017, no one shall run for election
16 to the same post if they have served eight consecutive years in that post.

17
18 Josh Belinfante stated the wording could state reelection. The Commission is referring to complete
19 election terms in the language. There is an exception where an individual could serve two years as the
20 remainder of a term. That person could end up serving more than eight years, but no term limit was
21 imposed upon them.

22
23 Jim Squire asked if the language could state two consecutive four year terms.

24
25 Josh Belinfante stated the language “complete terms” could be used.

26
27 Larry Young stated if the term is partial and less than eight years, the individual would not serve eight
28 years.

29
30 Carolyn Axt stated we are not suggesting two terms, but are suggesting eight years.

31
32 Josh Belinfante asked if the Commission’s intention is to cap the maximum term limit served to eight
33 years. In 2017, someone who has already served eight years cannot run again. The suggested language
34 could state in 2017, no person shall seek reelection to a post, if such person has already served two full
35 terms in the same post.

36
37 Larry Young stated the question about the partial term limits may be a moot point if a person has served
38 eight or more years. If a person serves a partial term and a full term, that is still not eight full years.

39
40 Carolyn Axt stated that person then would not have served two full terms.

41
42 Larry Young stated eight years would cover the language of the two full terms.

43
44 Josh Belinfante stated the decision is whether to use the word “terms” or “years”. The recommend
45 language would state beginning in 2017, no person shall seek reelection to a post if such person has
46 already served two full consecutive terms in the same post or has already served eight consecutive years
47 in the same post.

48
49 Jim Squire stated the person could have served eight consecutive years, five years ago. The operative
50 word is election versus reelection.

51
52 Josh Belinfante stated language could be added that states “provided however, a person may seek re-
53 election for a nonconsecutive seat even if they have previously served eight consecutive years. If this

1 language is used, the partial term issue would be addressed. This would state that no one could seek
2 reelection if they have served in the same position for the prior eight consecutive years.

3
4 Oliver Porter stated the language should state no one shall run for reelection to the same post if they have
5 served prior the eight consecutive years in that post. He stated the Commission should not overturn a
6 previous motion that has already passed, but changing the language is fine.

7
8 **Assistant City Clerk Kelly Bogner** read from the record the Commission recommends changing the
9 Charter to state that beginning with the 2017 election, term limits will become effective and include prior
10 years of service. In 2017, no one shall run for reelection to the same post if they have served prior eight
11 consecutive years in that post. There was consensus of the Commission to use the recommended language
12 as a suggested change.

13
14 Oliver Porter stated for Article II, Section 2.07, the Commission recommended changing the Charter to
15 reflect the City Council's authority to index the Mayor and Council's salaries on an annual basis to the
16 CIP or any similar federally recognized inflationary index.

17
18 Josh Belinfante stated his concern in reading this language is the Council could vote once on the index
19 and the salaries would be indexed on an annual basis. The intent was that Council would have to vote
20 annually on the index to increase the salary.

21
22 Carolyn Axt suggested the language "vote annually" be inserted into the phrase.

23
24 Josh Belinfante suggested removing the language "on an annual basis".

25
26 Larry Young suggested the language to read "to vote annually to".

27
28 The consensus of the Commission was to recommend a change to Article II, Section 2.07, with the
29 recommended change to reflect the City Council's authority to vote annually to index the Mayor and
30 Council's salaries to the CPI or any similar federally recognized inflationary index.

31
32 Oliver Porter stated during the review of Article II, Section 2.08, the Commission recommended the
33 language state "into the affairs of the city and conduct of any department, office, agency, or contractor
34 providing services to the city thereof". The Commission recommended adding the clause "contractor
35 providing services to the city thereof". There was consensus of the Commission to use the recommended
36 language as a suggested change.

37
38 Oliver Porter stated during the review of Article II, Section 2.12, the Commission recommended adding a
39 section c) that would state: except for the positions of the Mayor, City Council, and the City Manager, the
40 City Council may establish contracts for services with private, public, or other outside entities for delivery
41 of services provided by this Charter, general law, or the Constitution of the State of Georgia.

42
43 Josh Belinfante suggested changing the word "provided" to "authorized".

44
45 The consensus of the Commission was to recommended a change to Article II, Section 2.12 adding a
46 subparagraph section (c) that would state: except for the positions of the Mayor, City Council, and the
47 City Manager, the City Council may establish contracts for services with private, public, or other outside
48 entities for delivery of services authorized by this Charter, general law, or the Constitution of the State of
49 Georgia.

50
51 Oliver Porter stated during the review of Article II, Section 2.13, there was a motion for no suggested
52 changes to subparagraph a), so this item will be removed from the report. The Commission

1 recommended that the veto threshold number be raised to five and to allow sixty days to override a veto.
2 This item should be included in the recommended changes for Article II, Section 2.15, subparagraph (c).

3
4 Josh Belinfante stated the language should read it should take five votes to override a veto.

5
6 The consensus of the Commission was to recommend a change to Article II, Section 2.15, subparagraph
7 (c), that the veto threshold number be raised to five votes to override a veto.

8
9 Oliver Porter state during the review of Article II, Section 2.14, subparagraph (a) the Commission
10 recommended restoring the original language of the Charter. The consensus of the Commission was to
11 recommend a change to Article II, Section 2.14, with the following language: Every proposed ordinance
12 and resolution shall be introduced in writing and the city council shall have the authority to approve,
13 disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance
14 shall not be adopted until the title of said ordinance shall have been read at two city council meetings,
15 provided that the beginning of said meetings be not less than 24 hours nor more than 60 days apart. This
16 requirement of two readings shall not apply to emergency ordinances or to ordinances adopted at the first
17 business meeting of the city council in a calendar year.

18
19 Oliver Porter asked if the Commission received the email regarding Article II, Section 2.14, and the
20 addition of subparagraph (d).

21
22 Larry Young suggested adding the language to Article II, Section 2.14 (d), “in open meeting prior to the
23 final vote”.

24
25 Oliver Porter stated in Section 2.14 (d) after the word “comment”, the phrase “in open meeting prior to
26 final vote” will be added.

27
28 Josh Belinfante stated he included six months in the language, so that Council will not run into an issue
29 when introducing an ordinance that may not comply with a new rule. The word “shall” is included
30 because the Council has to be consistent with the Charter and set a minimum requirement for public
31 comment on each ordinance. It would be up to the Council to define public comment. This section does
32 not apply to emergency ordinances or the first City Council Meeting of the year. This section states that
33 Council should act consistent with their own policy. He would prefer the Council set the rules as much as
34 possible and not be bound in terms of the procedure by the Charter.

35
36 **Motion and Second:** Josh Belinfante moved to approve the amendment to Section 2.14 by adding
37 subparagraph (d) which states: Within six months of the passage of any amendment to this Charter by the
38 General Assembly, the city council shall, by ordinance or resolution, adopt rules or by-laws that establish
39 a minimum requirement for public comment on each ordinance. The requirement may not apply to
40 emergency ordinances or to ordinances adopted at the first business meeting of the city council in a
41 calendar year. No ordinance passed in a manner consistent with the ordinance or resolution described in
42 this paragraph shall be deemed in violation of this paragraph. Jim Squire seconded the motion.

43
44 **Amendment to the Motion:** Larry Young moved to add the language “in open meeting prior to final
45 vote”.

46
47 Larry Young stated there was previous discussion on whether email or public comment at the end of the
48 meeting after the vote was sufficient. The Council should have public comment in an open forum where
49 the rest of the public can hear before a vote is taken. That is not clear in the language drafted.

50
51 Carolyn Axt stated she recalls it was the consensus of the Commission that public comment be held
52 before the vote and it would be drafted in the language of the report.

1 Oliver Porter stated there was discussion, but he does not believe it was resolved.

2
3 **Vote on the Amendment:** The motion carried 4-2, with Oliver Porter and Jim Squire voting in
4 opposition.

5
6 **Vote on the Motion:** The motion carried unanimously.

7
8 Oliver Porter stated during the review of Article II, Section 2.15, the Commission recommended the
9 section be clarified to reflect that approval or disapproval action by the Mayor is required before a
10 resolution or ordinance can become effective.

11
12 Larry Young stated the language implies if the Mayor does not vote, the resolution or ordinance becomes
13 law. The current language does not state an ordinance or resolution is approved or disapproved.

14
15 Jim Squire asked to add the language “by the Mayor”.

16
17 The consensus of the Commission was to recommend a change to Article II, Section 2.15, to reflect that
18 approval or disapproval action by the Mayor is required before a resolution or ordinance can become
19 effective.

20
21 The consensus of the Commission was to recommend a change to Article III, Section 3.01, subparagraph
22 (b) (8), to state the Mayor shall provide administrative supervision to the City Manager.

23
24 The consensus of the Commission was to recommend a change to Article III, Section 3.03, placing the
25 phrase “except as approved by the Mayor and Council” at the beginning of the last sentence.

26
27 Oliver Porter stated during the review of Article III, Section 3.04, subparagraph (9) the Commission
28 recommended adding the language “advice and consent” in place of “review and comment”.

29
30 Josh Belinfante suggested the language state “the advice and consent of”.

31
32 The consensus of the Commission was to recommend a change to Article III, Section 3.04, to state “the
33 advice and consent of”.

34
35 Jim Squire stated any place throughout the Charter where it references “manager”, the word “City” should
36 be inserted before. This change should be moved to the beginning of the report and labeled a general
37 recommendation. There was consensus of the Commission to use the recommended language as a
38 suggested change.

39
40 The consensus of the Commission was to recommend a change to Article III, Section 3.04, subparagraph
41 (11), where it states clerk of the city, to strike the words “clerk of the”.

42
43 The consensus of the Commission was to recommend a change to Article IV, Section 4.02 to state the
44 Judges of the City should designate one of their members to perform the administrative and other duties
45 outlined in the Uniform Rules for Municipal Court Judges. The Commission further recommended
46 adding that if there is a Judge in that position, the position be rotating and/or have a term limit.

47
48 Oliver Porter stated since the recommendation for Article IV, Section 4.03 was to make no changes, it
49 will be removed from the report.

50
51 Oliver Porter proceeded to Article IV, Section 4.04. This would be a general recommendation throughout
52 the Charter to insert the word “city” between the words “the” and “council”.

53

1 Jim Squire stated the recommendation should be to replace the word "council" with the words "city
2 council" throughout the Charter.

3
4 Assistant City Clerk Bogner asked about the recommendation for Article IV, Section 4.06, which is
5 similar to Section 4.04.

6
7 Oliver Porter stated the recommendations for these two sections will be combined into one general
8 recommendation. The consensus of the Commission was to recommend a change to replace the word
9 "council" with the words "city council" throughout the Charter.

10
11 Oliver Porter proceeded to Article IV, Section 4.06.

12
13 The consensus of the Commission was to recommend a change to Article IV, Section 4.06 which states:
14 The judges, by majority vote, shall have the authority to make reasonable rules and regulations necessary
15 and proper for addressing the lawful operation, and due process required, of the municipal court. The
16 Clerk of the Court, as administrator of the court, shall prepare reasonable rules and procedures necessary
17 and proper to manage the efficient and successful administration of the municipal court consistent with
18 the uniform rules of Municipal Courts of the State of Georgia as amended from time to time. All
19 administrative rules and procedures shall be subject to the approval of the City Council.

20
21 Oliver Porter proceeded to Article VI, Section 6.04. The Commission recommended the Charter be
22 reviewed in another eight years.

23
24 Larry Young stated this suggested change may be more appropriate as a general recommendation.

25
26 Jim Squire stated it should be included in Section 6.04.

27
28 Carolyn Axt stated the suggested change would carry more weight if it were part of the Charter as
29 opposed to a general recommendation.

30
31 Jim Squire stated the other general recommendations are defining the City Council and the City Manager
32 in the Charter.

33
34 Larry Young stated Article VI contains general provisions, but most of them are regarding adoption of the
35 Charter. Recommending having a Charter review in another eight years is more of a general
36 recommendation.

37
38 Jim Squire asked what if the Commission recommends deleting in Article VI the creation of the original
39 Charter.

40
41 Larry Young stated from a standpoint of judiciary, there is a benefit of having the original Charter
42 language available. He would not recommend deleting the Charter language, which is historical. The
43 recommendation is for the legislature to consider a review of the Charter in another eight years.

44
45 Jim Squire suggested changing the language to state, after the initial five year Charter review there be
46 another Charter review every eight years thereafter.

47
48 Oliver Porter stated that language is going beyond what the Commission passed.

49
50 Jim Squire stated the suggested change should be every eight years.

51
52 The consensus of the Commission was to recommend a change to Article VI, Section 6.04, to state a
53 second Charter review Commission be established eight years following the original Charter review.

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1 The consensus of the Commission was to recommend a change to Article V, Section 5.03, to state it is the
2 Mayor's duty to set the revenue estimate for the municipal budget.

3
4 The consensus of the Commission was to recommend a change to Article V, Section 5.03 to state "each
5 fiscal year, the City Manager shall, after the advice and consent of the Mayor".

6
7 Oliver Porter asked if there were any more items that needed to be reviewed. The review of the draft
8 report is now finished.

9
10 Carolyn Axt asked if the report has been checked to ensure all motions are included in the report.

11
12 Josh Belinfante suggested another meeting in order to have all the Commission members present.

13
14 Oliver Porter asked if the Commission members had read the draft cover letter.

15
16 Jim Squire stated the cover letter should include the general recommendations being wordsmithed by the
17 legislature as the Commission's intent.

18
19 Carolyn Axt stated when we are changing language from "review and comment" to "advice and consent",
20 that is specific.

21
22 Josh Belinfante stated on an explanatory note, unless specifically noted, the Commission tried to make
23 general recommendations.

24
25 Oliver Porter stated Mr. Belinfante will provide the specific language to be included in the draft letter.

26
27 Carolyn Axt stated there was discussion about respectfully requesting an opportunity for the Commission
28 to review what will be voted on by the legislature.

29
30 Oliver Porter stated the Commission members can offer themselves to the legislature for consultation. He
31 asked Mr. Belinfante to add that language in the cover letter.

32
33 Larry Young asked if the report will be reviewed in the House and then sent to the Senate for final
34 approval.

35
36 Josh Belinfante stated he presumes that is the process.

37
38 Larry Young asked if all of the Commission members will sign the final version at the last meeting.

39
40 Oliver Porter stated there is not much left to change for the final draft.

41
42 Assistant City Clerk Bogner stated she will revise the draft report in a timely manner for the Commission
43 to review before the next meeting.

44
45 Oliver Porter stated he would prefer to have the next meeting in two weeks. The revised draft report
46 should be to the Commission in less than a week.

47
48 Jim Squire stated since the recommended changes are a different part of the report, those can be revised
49 first.

50
51 Carolyn Axt stated she will not be able to attend the next meeting, if it were held on August 30th.

52
53 Oliver Porter stated he will be out of town on August 30th.

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1 Larry Young asked if the Commission will run into an issue in completing the review of the Charter.

2
3 Jim Squire stated the Charter review began in March and was to last for six months. The review of the
4 Charter should be completed by the end of September.

5
6 There was consensus from the Commission that the next meeting be held on September 6, 2011, in the
7 City Manager's Boardroom.

8
9 **Adjournment**

10
11 **Motion and Vote:** Josh Belinfante moved to adjourn the meeting. Larry Young seconded the motion.
12 The motion carried unanimously. The meeting adjourned at 5:50 p.m.

13
14
15 Date Approved: September 9, 2011

16
17
18
19
20 _____
Rusty Paul, Chairman

Michael Casey, City Clerk