
City of Sandy Springs Charter Commission Meeting was held at Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on September 6, 2011, at 4:00 p.m.

Call to Order

Chairman Paul called the meeting to order at 4:00 p.m.

Roll call

Assistant City Clerk Kelly Bogner called the roll.

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

Staff and Representatives Present: Assistant City Clerk Kelly Bogner

Ruling on Quorum

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

Approval of Meeting Minutes

1) August 16, 2011

The minutes from the August 16, 2011, Charter Commission Meeting will be approved after they are emailed to the members of the Commission for review.

Final Review of Draft Report

Chairman Paul stated a revised final report will be submitted to the legislature and the Council. He asked if there are any questions or comments regarding the draft report.

Motion and Second: Jim Squire moved to adopt the proposed changes on the draft cover letter. M. Jerome Elmore seconded the motion.

Oliver Porter stated the Commission does not report to the City, but to the legislature.

Chairman Paul stated at least two of the Commission members are appointed by City officials. Under the home rule provisions of the State Constitution, the Mayor and Council have authority to enact some of the recommended changes to the Charter without it going through the legislature first. The Charter Commission is reporting the recommended changes to two entities that have the authority to enact the recommendations.

Jim Squire asked if the suggested change to the cover letter should be to have the language state “and make recommendations to the Georgia General Assembly and the Sandy Springs City Council.”

Chairman Paul stated that part can be left as is. There is a scrivener's error at the bottom of the page in the red line version where it should state “practicable”.

Jim Squire stated in the first paragraph of the cover letter it should state “to the Georgia General Assembly and City’s elected leadership” rather than “to the Mayor and City Council”.

Oliver Porter stated that is fine.

Chairman Paul stated the Mayor and all of the Councilmembers were invited to address the Charter Commission.

Jim Squire suggested a modification to the original motion to include the original suggested change "City's elected leadership". There was a consensus of the Commission to accept this modification to the motion.

Josh Belinfante asked if the motion was made to accept just the cover letter.

Jim Squire responded yes.

Vote on the Motion: The motion carried unanimously.

Chairman Paul proceeded to the recommended changes to the Charter. He asked if there were any suggested changes to the draft report.

M. Jerome Elmore stated in Article I, Section 1.03 it states the Commission recommends changing the Charter to require that any of the City's retirement plans must be funded in the current fiscal year. The language "actuarially appropriate" should be added.

Chairman Paul stated the words "in the current fiscal year" could be removed.

M. Jerome Elmore responded no.

Oliver Porter stated the actuarially determined requirements for the City's retirement must be funded in the current fiscal year. The language should state "so that the actuarially determined requirements for the City's retirement plan must be funded in the current fiscal year".

Doug MacGinnitie stated he would go back to the original language and add "as actuarially appropriate" at the end of the sentence.

There was a consensus of the Commission to include the language "as actuarially appropriate" in Article I, Section 1.03.

Larry Young joined the meeting at this time.

Larry Young stated in Article II, Section 2.02 there was an extra "that" that should be deleted.

Oliver Porter suggested adopting each suggested article change separately.

Chairman Paul asked if there was any objection to the recommended changes Article I, Section 1.03. Hearing none, Article I, Section 1.03 was approved. He asked if there was any objection to Article I, Section 1.04. Hearing none, Article I, Section 1.04 was approved. He asked if there was any objection to Article II, Section 2.01, subparagraph a). Hearing none, Article II, Section 2.01, subparagraph a) was approved. He asked if there was any objection to Article II, Section 2.02. Hearing none, Article II, Section 2.02 was approved. He asked if there was any objection to Article II, Section 2.07. Hearing none, Article II, Section 2.07 was approved. He asked if there was any objection to Article II, Section 2.08. Hearing none, Article II, Section 2.08 was approved. He asked if there was any objection to Article II, Section 2.12. Hearing none, Article II, Section 2.12 was approved. He asked if there was any

objection to Article II, Section 2.14. Hearing none, Article II, Section 2.14 was approved. He asked if there was any objection to Article II, Section 2.14, subparagraph d). He asked what the meaning is behind the redline version of this section.

Josh Belinfante stated an open meeting or public comment requirement could be created by requiring the City Council to establish an ordinance. He would not want someone to say the ordinance did not have sufficient public comment, because it is undefined until the ordinance establishing in the public comment passes. The meaning of the last sentence is to state once Council adopts an ordinance anything that passes consist with the ordinance, this provision of the Charter would not be used to invalidate an ordinance under this provision for public comment.

Larry Young stated the recommendation is that Council have time to adopt an ordinance specifying public comment. It does not mean that public comment cannot be held before adopting the ordinance. This is a Charter requirement that Council adopt an ordinance. He is confused regarding the language.

Josh Belinfante stated the ordinance or resolution described in this paragraph is the one establishing the rules for public comment.

Jim Squire asked if the language “the ordinance or resolution described in this” could be deleted and add the phrase “this paragraph shall be deemed in violation”.

Motion and Vote: Oliver Porter moved to accept Article II, Section 2.14, subparagraph d) as written. Robert Shaw seconded the motion. The motion carried unanimously.

Chairman Paul proceeded to Article II, Section 2.15, subparagraph c), asking if there was any objection to the redline version. Hearing none, Article II, Section 2.15, subparagraph c), was approved. He asked if there was any objection to the redline version of Article II, Section 2.15. Hearing none, Article II, Section 2.15 was approved. He asked if there was any objection to Article III, Section 3.01. Hearing none, Article III, Section 3.01 was approved. He asked if there was any objection to Article III, Section 3.03. Hearing none, Article III, Section 3.03 was approved. He asked if there was any objection to Article III, Section 3.04, subparagraph 9). Hearing none, Article III, Section 3.04, subparagraph 9) was approved. He asked if there was any objection to Article III, Section 3.04. Hearing none, Article III, Section 3.04 was approved. He asked if there was any objection to the redline version of Article IV, Section 4.02. Hearing none, Article IV, Section 4.02 was approved. He asked if there was any objection to Article IV, Section 4.06. Hearing none, Article IV, Section 4.06 was approved. He asked if there was any objection to Article V, Section 5.03. Hearing none, Article V, Section 5.03 was approved. He asked if there was any objection to Article V, Section 5.03. Hearing none, Article V, Section 5.03 was approved. He asked if there was any objection to the redline version of Article IV, Section 6.04.

Jim Squire suggested Article IV, Section 6.04 be changed to state Article VI. There was consensus to accept the change from Article IV to Article VI.

Chairman Paul stated hearing no suggested changes to Article VI, Section 6.04, it was approved.

M. Jerome Elmore stated there are two Sections for 1.03. The first approved section had a modification and the second did not.

Chairman Paul responded that is correct.

Motion and Vote: Robert Shaw moved to submit the final report with the suggested changes to the Charter as approved by the Commission to the legislature. Jim Squire seconded the motion. The motion carried unanimously.

Jim Squire asked if all the members of the Commission will need to sign the final report.

Chairman Paul stated that the City Clerk's office will draft a clean version of the report for the Commission members to sign.

Oliver Porter asked the Commission members for a photo of the whole group.

Chairman Paul thanked the Commission members for their service. Reviewing the Charter was an exercise of citizen participation in local government. The members were serious about the review and looked at everything in a judicious manner. He is proud to be a part of the Charter review and to be able to work with the members of the Commission through the process.

Jim Squire stated he would like to recognize the Assistant City Clerk for all the work she has done.

Motion and Vote: Doug MacGinnitie moved to adjourn the meeting. Josh Belinfante seconded the motion. The motion carried unanimously. The meeting adjourned at 4:22 p.m.

Date Approved: October 28, 2011

Rusty Paul, Chairman

Michael Casey, City Clerk