

**MINUTES OF THE 2011  
CHARTER REVIEW COMMISSION MEETING  
OCTOBER 3, 2011**

A meeting of the Charter Review Commission was held on Monday, October 3, 2011 at the Government Center, Columbus Georgia. Mr. John Shinkle, Chairman, presiding.

**PRESENT:** other than Mr. Shinkle were Mr. Rick Alexander, Mr. W. J. Barrs, Mr. Madden Hatcher, Jr., Mr. David Helmick, Mr. Julius Hunter, Jr., Ms. Mary Sue Polleys, Mr. Ben Richardson, Mr. Alton Russell, Ms. Melanie Slaton, Ms. Gloria Strode, Ms. Audrey Tillman, Mr. Jorge Vega, Mr. Fife Whiteside, Mr. Brad Williams and Mr. John Woodward.

**ABSENT:** Judge John Allen, Mr. Mario Davis, Mr. Michael Eddings, Ms. Gladys Ford, Mr. Bob Hydrick, Mr. D. L. Moore, Ms. Brinkley Pound, Mr. Tracy Sayers and Mr. Sam Wellborn.

**ALSO PRESENT:** Councilor Pops Barnes, Councilor Glenn Davis, Councilor Judy Thomas, City Attorney Clifton Fay, Assistant City Attorney Lucy Sheftall, Recording Secretary Tameka Colbert and other guests and members of the media.

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This meeting was called to order at 3:02 p.m.

Chairman Shinkle started the meeting by expressing his gratitude to all of the Commission Members that came out to the public hearing. He said there were more Commissioners and City Councilors than the actual public, which led to the meeting being more of a conversation than a public forum. He said the Commission went in thinking that there would have to be a sign up sheet along with a time limit of how long an individual could speak but the crowd was rather small. He pointed out that there were several Councilors that came out to express their comments and concerns. He then stated that the last public hearing would be scheduled for October 17, 2011, at 6:00 p.m. at Eddy Middle School in the cafeteria.

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**Note:** Mr. Jorge Vega joined the meeting at 3:03 p.m.  
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**APPROVAL OF MINUTES:** Minutes of the September 12, 2011 meeting of the Charter Review Commission was submitted and approved upon the adoption of a motion made by Mr. David Helmick and seconded by Ms. Audrey Tillman, which carried unanimously by those 15 Commission Members present for this meeting.

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**SUBCOMMITTE REPORTS:**

**Committee 1 – Articles I, II & VII**

Ms. Audrey Tillman expounded upon the feedback that she received from the citizens who were in attendance of the public hearing in regards to the proposed changes to Articles I, II and

VII. She advised that there were some very concerned citizens who made remarks about the effect that the basic services fee would have on the elderly population and also persons who would not be able to afford the basic service fee. She said she informed those concerned individuals that every point that they raised had already been raised at the Sub-committee meeting and at the overall Charter Review Commission meetings. She said one of the Commissioners read a very passionate letter stating that she did not feel it would not be fair to impose the basic services fee on a portion of the population (those individuals who live in habitat homes). She said the best she could do to make people feel a little more comfortable was to tell them exactly the thoughts of the Committee, which were if Council were to impose this fee, it was our thoughts and desire that they would take into consideration the exemptions that are now in place. She said there was no real debate but a lot of listening to and giving deference to a very passionate argument against the basic services fee. She said oddly there were no individuals in attendance that were passionately for the basic services fee. She indicated that there was no argument raised that has not been considered by the Commission.

Mr. John Woodward pointed out that the handout that was given out did not include the entire wording of the recommendation, which could have caused some confusion among the public.

Ms. Tillman agreed and said during the last Charter Review Commission meeting we were asked to abbreviate what would be posted in the paper. She said a high level summary of what the recommendation would be is actually what was circulated among the public. She advised that during the next meeting the exact language that was voted upon would be handed out to the public.

Mr. David Helmick suggested that the language be included to state that “all relevant exemptions would apply”.

City Attorney Clifton Fay stated that this would be left up to the Council to put those exemptions in place. He said we are not dealing with the homestead exemption where you have mandatory requirements.

Mr. Helmick asked is there any way we could put in language that refers to exemptions that will apply.

At this time Ms. Tillman read the language as it was approved by the Commission, which is - the exact language that currently appears in Section 7-100, Subsection 2, with the addition of the language “ to assess and collect a service fee in an amount not to exceed \$500 on each property subject to taxation by the Consolidated Government to offset a portion of the cost of providing Police and Fire services under such rules and regulations as prescribed by ordinance provided that each assessment shall be reduced by the amount of ad valorem taxes paid for the same calendar year in which the fee is assessed on the same property”. After reading the language Ms. Tillman stated that it is kind of adherent in the “such rules and regulations as prescribed by ordinance” that Council would consider those exemptions.

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**Note:** Ms. Melanie Slaton joined the meeting at 3:11 p.m.

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After several minutes of conversation concerning this matter, with several Commissioners voicing their concerns there were no modifications made to the proposed changes.

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### **Committee 2 – Legislative Committee – Article III**

Mr. Julius Hunter expounded upon the feedback that he received from the citizens who were in attendance at the public hearing in regards to the proposed changes to Articles III. He said there was one lady who was concerned that the present language would call for Council meetings to be held every week. He said we tried to explain to her that this is why we are dealing with this issue so that there is no ambiguity going forward in the language. He said in the end he thinks that she realized that we were only trying to cleanup the language.

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### **Committee 3 – Executive Committee – Article IV**

Mr. Madden Hatcher advised that he was not present at the public hearing and asked if Mr. Jorge Vega would expound upon the feedback that he received from citizens regarding Article IV.

Mr. Vega indicated that the major discussions concerning Article IV were in regards to the Internal Auditor's position, which came from Council members. He said there were three Council members who attended the meeting and they were pretty much addressing the issue involving whom the Internal Auditor should report to. He said they felt that the Council should have the ability, on the front end, to direct the actions of the Internal Auditor. He said we pointed out that in drafting the language under Section 4-317 Subsection 2, the Internal Auditor shall perform such other duties as required by law, Charter, ordinance or resolution of the Council. He said the Council does have the authority to direct but they felt that it should be included in the language of the Charter. He indicated that the issue would be taken back to the Committee and the Committee would then vet it and report back to the Commission. He then pointed out that another issue that was raised by some of the Council members was in regards to the powers and duties of the City Manager. He said under Section 4-302, Subsection 1 it says that the City Manager under and subject to the direction of the Mayor shall, with the advice and consent of the Council appoint and remove all heads of departments in the administrative services of the Consolidated Government who are subject to his or her control. He said when the Committee redrafted the provision, after the discussion of the Committee; it came up with the following as the powers and duties of the City Manager, which says the City Manger under and subject to the direction of the Mayor, shall appoint all heads of departments and so on. He said the part that state "with the advice and consent of the Council", was deleted and some of the Councilors felt that the Committee should consider reinstating that provision. He then indicated that the issue would be taken back to the Committee and the Committee would then vet it and

report back to the Commission. He said on both of the issues, he asked that the Council members would appear before the Committee to specifically address their concerns regarding those issues. He said at the end of the discussion there was a comment made by one of the Councilors in regards to the authority being given to the Mayor and whether it was unilateral action in terminating the City Officers. He said we pointed out that the Mayor could not take unilateral action.

Chairman Shinkle then asked Mr. Madden Hatcher if there would be a Sub-committee meeting before the next public hearing.

Mr. Hatcher indicated that Committee 3 would meet before the next public hearing.

Chairman Shinkle then said if Committee 3 decides to reinstate the omitted language it would not be what the Commission had recommended. He then asked the Commission if there were any objections to the Committee reinstating the language and bringing it back to the public hearing. At this time there were no objections to the Committee reinstating the language and bring it back to the public hearing. He said once the information is presented at the public hearing, we would present both sides to the Commission to make a determination.

Ms. Gloria Strode said we need to be clear of what is presently written and what is proposed because the Council already has the authority to do certain things but the public may not be aware that they have those authorities.

Mr. Alton Russell said he feels that it should weigh heavy on the Commission to take the advice of the City Council into consideration as it relates to the Internal Auditor. He said because the Council is elected, they should have definite input into what is going to happen to the people in how they are hired and how they are fired.

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**Sub-Committee 5 - Article VI & Appendix:**

Mr. Brad Williams advised that there was no conversation regarding changes to Article VI and Appendix 2. He said one person let it be known that she has the intent to ask a question at the next public hearing.

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**Other Business:**

Chairman Shinkle stated that no one came to the public hearing with an agenda or any new ideas. He said they all came to listen to what we are proposing.

At this time, City Attorney Fay asked that once the proposals are completed, they be sent to his office to be placed on the website for the viewing of the citizens. He said the only thing we will be running on the 11<sup>th</sup> and the 13<sup>th</sup> is the basic notice of the next public hearing.

Chairman Shinkle said he is not looking forward to disbanding the Commission but he thinks the Commission is getting fairly close. He said after the public hearing the Commission should come back at the November meeting prepared to make motions and discuss any changes in what should go to the ballot and come back in December and actually vote on those motions.

Ms. Audrey Tillman asked Chairman Shinkle if each Subcommittee should be prepared to hold another meeting prior to the November meeting based on the feedback from the public hearing in the event that recommendations or changes are made.

Chairman Shinkle said that he would hope that every Subcommittee would meet once more.

Mr. Ben Richardson asked if a motion is made and it passes would it go on the primary ballot or the general election ballot.

City Attorney Fay said it would go on the general election ballot in November of 2012.

Mr. David Helmick asked if there would be a list of typos or grammatical errors.

City Attorney Fay said yes there would be a summary of typos and grammatical errors.

Mr. John Woodward asked if there would be a sign in sheet at the next public hearing.

Chairman Shinkle said at the last public hearing there were not enough people to sign up and said it depends on how many people show up to the next public hearing.

Chairman Shinkle pointed out that there were some citizens who expressed their concerns about elected officials serving on the Charter Review Commission. He said he spoke with City Attorney Fay and he assured him that everything is ok.

City Attorney Fay said elected officials are entitled to be on the Commission as long as there is no state law conflict by statute or conflict of interest.

Mr. Alton Russell said he has had a lot of people to ask him if he would propose that the five officers are appointed with the consent of the Council for a term of four years. He suggested that the language be added to Section 4-201, Subsection 3.

Mr. Madden Hatcher asked if the issue could be taken to the next meeting of Subcommittee 3. He said at the next meeting we would discuss this issue and report back to the Commission.

In conclusion, Chairman Shinkle thanked the Commission for their hard work, and with there being no further business to discuss, the meeting was adjourned at 3:53 p.m.

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Tameka Colbert  
Recording Secretary