

DEKALB COUNTY BOARD OF COMMISSIONERS
CHARTER REVIEW COMMISSION PUBLIC HEARING
NOVEMBER 3, 2022, 6:00 P.M.

- I. CALL TO ORDER: 6:02 P.M.
- II. ROLL CALL

Steve Henson, Chair
Virginia Harris, Vice-Chair
Mary Hinkel, Secretary
Karen Bennett
Claudette Leak
Lance Hammonds
Robert Wittenstein
Susan Neugent
Bobbie Kennedy Sanford
Clara DeLay
Jim Grubiak
Dwight Thomas
Vickie Turner
John Turner

ABSENT:

Dr. Gerald Austin, Sr.
Ex-Officio Representative Karla Drenner
Ex-Officio Senator Emanuel Jones

STAFF:

Zachary Williams, Chief Operating Officer
Barbara Sanders-Norwood, County Clerk
Lori Brill, JD, Carl Vinson Institute

MINUTES:

Chairman Henson noted errors from Commissioner Claudette Leak in the minutes dated October 6, 2022. He stated that they were very good. They did not change substantively what was in the minutes but clarifies them to make sure that the wording is proper.

The errors are these: Page 2, first paragraph on the third line down, you'll see a little light gray to the right of that sentence where it says, "employees of the commission." Where this is, it should be referring to the "county board of commissioners'" employees. The second one is the third paragraph down, where we have in light gray on the third line of the third paragraph, "when he deems it necessary." You know, for gender reasons and also and others, it would probably be better to say just "when deemed necessary." The next one is on page 5, in the fourth paragraph. The next to the last line on that is light gray. It says "should" simply be counted. That should be changed to "could." It's again, about the CEO's position as a commissioner and acting with the commission. Later, on that page under the question heading, where it says Susan Neugent, we think it should read Commissioner Susan Neugent to be consistent with how the clerk had referred to members of this commission. Lastly, on page 7, the second paragraph, fourth line down says "if the CEO votes an ordinance" That should read VETOES.

Chairman Henson stated that it would be appropriate to accept a motion to adopt the minutes as amended.

MOTION was made by Commissioner Robert Wittenstein, seconded by Commissioner Dwight Thomas to approve the minutes as amended. Any further discussion, hearing none, the minutes were adopted.

PUBLIC HEARING

Chairman Henson stated that he appreciated the public coming to address the Board today. The CEO's Executive Order requires the Commission to have a public hearing in each of the commission districts. This is the hearing for Commission District 4.

Each member is asked to fill out a yellow card and you should be a resident of DeKalb County. Presentations are limited to three minutes, unless waived by the Chair. If you have any written documents or any additional information you would like to present to us, we would be happy to have that. We are looking for any information or thoughts that affect the County charter.

Davis Fox – I live on 1891 Ridgewood Drive in Atlanta in DeKalb County. I want to bring to your attention tonight a small, but important flaw that is in our Organizational Act. It deals with the appointment of citizens to boards, commissioners, and various authorities.

The Org. Act in general says that the CEO nominates, and the board of commissioners has 20 days to confirm. Not all boards are like that, but most of them are set up that way. However, the Org. Act has a flaw that was glaringly evident last week. The CEO renominated all five members of the DeKalb County Housing Authority, and the board of commissioners approved them all last week. Surprisingly, the terms of all five members had expired between 7 and 14 years ago.

Ms. Cumberbatch's term expired December 12, 2020; Dr. Coleman's term expired December 2015; Mr. Yi's expired in April of 2008; Ms. Hudson's term expired at the end of 2012; and Mr. Ross's term expired at the end of 2013.

Section 13A of the Organizational Act establishes the process for appointing citizens to various boards. And Section 2 says and if you will indulge me for a second. "When the need to fill a post or vacancy is known by the Chief Executive at least 60 days in advance of the date on which the post or vacancy shall be filled, the Chief Executive shall initiate the procedures provided by in paragraph 21 of this subsection far enough in advance to permit such post or vacancy to be filled at the proper time. In all other cases, the Chief Executive shall initiate the procedures as soon as practical after learning of the need to fill the post or vacancy.

So, it's the intention of this section for the CEO to act proactively to reappoint board members or replace them in a manner that the board can continue to function without a vacancy being created. So if a vacancy is going to occur at the end of the year, the CEO has 60 day in advance of the end of that term to start the process. And if somebody quits in the middle of the term, he must act as quickly as possible.

But what happens if the CEO doesn't act? 13A in the Organizational Act is silent. Either a vacancy is created, or a board member continues to serve until a replacement is nominated. If they're willing to do that. Fortunately, all the members of the Housing Authority continued to serve despite their terms having expired. And one might say there's no harm done. The board kept functioning. But these are not lifetime appointments. It's not the Supreme Court. Sometimes we need fresh faces with new ideas to keep a board functioning or energetic. Sometimes board members get a little power hungry, and you know it is time to rotate off. You have been there too long you're a little too familiar with what's going on.

And one last story. A few years ago, there was a former CEO that refused to nominate members to replace their positions on the Historic Preservation Commission. And without a quorum, a board can't do business. If you couldn't do business, then that meant that any application that was coming before that board, according to the law, was automatically approved within 45 days of the application being filed. So essentially, if you didn't have a quorum they didn't act. The Law could not be followed. So please take a look at 13A and the appointment process. Thank you.

Steven Binney - 1083 Seville Drive, Clarkston, Georgia 30021.

We must find the happy medium. When the charter was changed back in the 1980's, the problem was that the County Commission had too much power and the CEO's office had too little power to negotiate or mitigate questionable decisions and by a commission that was mostly interested in themselves. The solution back then was to elect a strong CEO to counter the power that the commissioners at that time was misusing. In either case, the most important thing is to give neither side too much power, to get both sides working with

each other, along with citizens to come up with the best solutions, mandating transparency on upcoming projects and ordinances so that the public can inquire about and give input to upcoming laws before they are passed instead of finding out after the deed has been done.

How many commission districts should DeKalb have? Seven, nine, or more? Should we maintain super districts or not? I personally like nine districts. Should we maintain super districts or not? Seven individual and two super districts, so super district commissioner with their larger districts and wider interest could be encouraged to act as the calmer voice in the room when division of opinion occur between the individual district commissioners and the county manager.

Will we need more commissioners? Or perhaps the formation of something like the NPU units currently being used in the City of Atlanta could be a good way to bring people closer to the government as well as bringing the government closer to its neighborhoods and citizens. I realize there are potential problems with too many levels of government process. But I do know that under our current governmental processes, that communication and transparency with the people of DeKalb County are sorely lacking and the power to change or reverse a decision by the CEO is nonexistent.

Chairman Henson reported that the Charter Review Commission is an unpaid group of citizens of DeKalb County just working in our county to make it better and stronger at the request of our CEO and other elected officials. He then the Commissioners to introduce themselves and announce who appointed them.

INVITED GUEST:

Mr. Chuck Ellis, Director of the Recreation, Parks and Cultural Affairs Division

Mr. Ellis introduced himself: He has been in government service since 1978. His previous employment included serving as deputy director in the parks department in Lexington, KY. He advanced up to the director after several years. He left Lexington after 29 years and went to Hollywood Florida, where he stayed for 11 years. The position then came open in DeKalb County and he applied for that.

He then proceeded to present an overview of the department, including reference to a power point.

The Department's mission statement: The parks and recreation department is dedicated to enhancing the quality of life for the citizens of DeKalb County by connecting communities to exceptional parks, recreational facilities, and cross generational programs to promote healthy and active lifestyles. There are approximately 9,000 recreation organizations or institutions in the United States. DeKalb's parks department is one of 191 that have been nationally accredited.

The organization chart: As Director, I answer to our COO, Mr. Williams, and to Michael Thurmond, who is our CEO. One thing I've learned about being a director for so many years is that you want to make sure that the budget folk in your office answer to you. So, your budget and HR folks, it's always good to have them answer to you because that way you can really keep a pulse on the organization.

I have a deputy director. We have HR, payroll, and budget staff. All those types of issues that are really administrative are in the office with me. I still have a division called Special Facilities. We call it special facilities because we have the horse farm, the tennis courts the golf – tennis operations, the golf operations, the nature center. All those things are a little different, so we have a division that takes care of all of them. We also have the new farm – Charm Farm – that's E>M<>B>A>R>C> that's coming along.

These are some of the facilities: Mason Mills, Sugar Creek, Mystery Valley Golf Course, Arabia Mountain Nature Preserve, Little Creek Horse Farm, and their addresses.

Division of Cultural Affairs: Basically, we operate out of the performing arts center at Porter Sanford with the new amphitheater. We are just getting back up from the pandemic in getting shows started. We also have a black box there and it seats 100. The performing arts center seats 500. It has a very nice lobby where a lot of community functions are held. The theater seats 1,000. Our goal is to serve an estimated 6,000 at the amphitheater. We have a really nice holiday show there and I think it would compare with anything on Broadway. We had Jennifer Holiday at our grand opening.

Division of Recreation is more than what you would think. It's the athletics, it's the community centers, and the aquatic centers. We manage a lot of centers across the county. We served over 40,000 people last year. The after-school program is very popular. A lot of parents and families really depend on us because we're very affordable, and we offer a quality program. I wanted to bring a picture of the new Tobie Grant Community Center. It's a beautiful center. If you haven't been there, check it out. We recently partnered with State Farm and we did a teen room at the N.H. Scott Community Center. Teens are a hard group to really bring in. So, we're trying to do things that they want to do. It has been successful.

We are happy with SPLOST; when I first came here SPLOST was approved. So, \$37,250,000 in SPLOST dollars. I checked right before I came today, and we have encumbered \$29 million of that. So, we're moving right along. If you go out to the parks, you'll see some major improvements that were long overdue. We just finished the athletic fields at Gresham. The N.H. Scott pool has been a real big challenge. It's been closed for several years so its high on our list. It's probably number one on our list right now to get finished. Again, we're improving pavilions all across the county. Pavilions are in high use in DeKalb. People here love to picnic. We have a lot of reservations every year.

Questions:

Commissioner Dwight Thomas: Mr. Ellis, you mentioned that the location that you came from in Hollywood Florida – that's Broward County isn't it?

Mr. Ellis: That's correct.

Commissioner Dwight Thomas: And you mentioned that was a consolidated government between Hollywood and Broward County?

Mr. Ellis: No. Lexington, Kentucky is a merged government.

Commissioner Dwight Thomas – Oh okay. No, I thought you were talking about Broward.

Mr. Ellis: Hollywood is a city manager form of government.

Commissioner Dwight Thomas – Okay. And what about the county? Broward County?

Mr. Ellis: Broward County is separate. It runs its own operation. But it would be, you know, just like it is here.

Commissioner Dwight Thomas – An executive and legislative form of government as opposed to a county manager?

Mr. Ellis – I know Zach was there before so –

Zachary Williams – I was actually the assistant county administrator in Broward. They have a strong manager form essentially. There's kind of variations of how strong, right. So, they have a county administrator. They also have an elected mayor, but it's not a strong mayor.

Mr. Ellis – They rotate the mayor; they take turns.

Chairman Henson: I'm going to ask you some general questions. First of all, we appreciate your presentation. We know that the budget and scope of the parks and rec are kind of a policy decision made by the Board. I think what my commission members are asking you, basically, is about management. Do you feel you have proper management supervision? Do you have proper relationships with the CEO and COO? How do you interact with the Commissioners?

Mr. Ellis: I think we have a very good working relationship. It's very productive. A lot of it has to do with our SPLOST program going on, so I really need to speak with Mr. Williams on a pretty frequent basis. We have each other pretty much on speed dial, so that's just not an issue. The CEO calls me if there is a concern. And he has always left his door open for me to do the same. The Commissioners – I know there's a line of responsibility. But all the

commissioners are very easy to work with. We have open communication. I try to be up front and honest about everything. I think, basically, if you operate that way, you earn their respect. If you have their respect, then things are going to move pretty smoothly.

Commissioner Hinkel – Can you speak about your citizen engagement process? I believe you have a parks advisory board?

Mr. Ellis: That's correct.

Commissioner Hinkel – Is that solely for the SPLOST dollars?

Mr. Ellis: No, that's for the overall operations of the parks department. Now we had one before for the previous bond that was passed. That's 2001-2006. You have the one for the land purchase, the green initiative. Then we had one for the bond – the last bond referendum. So there were boards set up for each of those. I had three. Now we're down to one that's actually operating right now.

Commissioner Hinkel – And how do you – how does the public know that there are opportunities to serve on that board? How do they get appointed?

Mr. Ellis – We advertise when there is a meeting. I think the Commissioners do all the appointments. There are so many entities that have a spot on the board and then also the CEO has a spot. I think the school board has a spot. There are 11 total spots. We also do Master Plans for each individual park. We also partner with Park Pride to help us with some of the engagement with the citizens through our Friends groups.

Commissioner Lance Hammonds: With parks, I guess its sort of subjective as far as what you like and what you don't like. How do you know that we have a world class park system? Because I could - you know, I grew up in Los Angeles. We had a park just about every few miles, which is different because it's an urban environment. So, I thought we had great parks. And then we came to Georgia, it's spread out a little bit more. So, I'm just trying to get an idea of how you know when you have a good park system? Do the residents say we have a great park system?

Mr. Ellis – Well, there are several ways. I think the main way to start is we went through an accreditation process. This is one reason why I wanted us to be accredited. We have our peers who come from across the country to review our parks and programs. Another way is that we have a lot of surveys for programs. Also, the Master planning process tells us. It's a ten-year plan but the master plan gives us a good feeling of what the public wants. The number of parks depends on density. You had a lot of open land in DeKalb County years ago. Now its kind of growing up. So, we are going to be changing with that.

Commissioner Lance Hammonds – I just have to say that I am discovering our parks. This kind of goes back when Commissioner Bradshaw was first elected. I was bellyaching to him

about; you know I live on the DeKalb /Gwinnett line. I said, I'm going to Deshon Park all the time. Where is the DeKalb park? He says, have you to been to Hidden Acres?

Mr. Ellis: That's one of the hidden jewels.

Commissioner Lance Hammonds – It's a beautiful little park- just amazing. Is there a communication plan to let residents know what we really have? Because I think some people really don't know what we have.

Mr. Ellis: Yeah, we try to discuss it all the time at our advisory board meetings. We try to keep that meeting open to the public; advertise it.

Commissioner Harris: How often does the department go through the accreditation process?

Mr. Ellis: Every five years we go for renewal. I have been involved in three accreditations -- the first one in Lexington, the first one in Hollywood, and the first one in DeKalb. So, I'm real proud of that. I've learned my lesson from the first two. How it really makes a difference. How it gives pride to the department.

Commissioner Leak: Thank you. Mr. Ellis, a lot of what we'll be looking at is the entirety of the Organizational Act. It relates to the parks department. We know that sometimes there are ordinances that need to be approved by the commissioners to make your area more efficient. If you could share your ideas of any improvements to the Org. Act as it relates to parks and recreation, that would be helpful.

Mr. Ellis: I can't say that I really have anything that stands out to me now. But I'd be glad to look at it, give feedback, go over it, and give you any feedback. We seem to be running pretty smoothly. We have our issues sometimes, but we seem to be operating pretty smoothly right now.

Commissioner Turner: Thank you, Mr. Ellis. That's an excellent presentation. My question is around accreditation. Where are you in the cycle of accreditation? Were you just accredited? Are you in the five-year span or is it less?

Mr, Ellis: We're going into our second year. And it's an ongoing process. We have to constantly feed them information on program evaluation and that type of thing.

Commissioner Wittenstein: Mr. Ellis, I noticed on the org. chart that there is a vacant slot between you and Mr. Williams. What is that slot and how long has it been open and what does that person do?

Mr. Ellis: So previously it was a Deputy COO.

Chairman Henson: Mr. Williams, would you address that? Why that is vacant and what role they previously had served, and you know, what could they have done to the parks and recreation director if they weren't doing a good job to manage them.

Zachary Williams – The position is the deputy chief operating officer for infrastructure. The way we're set up, we have a deputy COO over development, one over public safety, and one over infrastructure. Parks as well as libraries, which are both under infrastructure, you know, is not the best fit, in that if you look at it, sanitation, public works, watershed, those are also under the infrastructure.

So that role was a support position to me and to the CEO, providing oversight for the infrastructure operation. So, they would ensure that budgetary needs are either met or certainly communicated to myself, ensure that the operational charge of each of those departments under that cluster – we call them clusters – is being met. If there were resource needs, they would advise, and that sort of thing. So, it's kind of a managerial position supporting the COO.

Chairman Henson: And, Mr. Williams, since we've got you, in a couple minutes, if you would tell us what – just maybe an example this year how you might direct him to do something. If you'd heard from the CEO or constituents that a park was understaffed, would you feel comfortable calling him and say you know what's going on at the Rainbow Park?

Zachary Williams – Sure

Chairman Henson: You know, how could you given an example of maybe an interaction, how you might offer direction?

Zachary Williams: Sure, So actually, it's just more systematic. Because, you know, there are ongoing issues for any department where a commissioner, the CEO, or a citizen may communicate a challenge, an issue, or a complaint where I will certainly contact the department head and see if we can get to the bottom of it. But on an ongoing basis, every Monday at 10 a.m., I meet with the infrastructure cluster. The past couple of years it's been via zoom. And we just talk about issues not only that are on the Board of Commissioners' agenda the next day but also the challenges that they're facing. Whether it's staffing. Understanding that, you know, throughout the pandemic, there have been lots of staffing challenges throughout our organization, throughout the nation.

So those are the types of things we talk about. Do we need to get HR or other departments involved in meeting their needs? If it's budgetary, do we need to get the budget department, you know, IT? You know, any of the things that the departments need, the role of the COO is as much to provide oversight and direction as it is to serve those directors and ensure they get their job done.

So that's just a matter of routine. And you can, you know, set your clock to it every Monday. We meet, you know, with each of the clusters.

Chairman Henson: Do you feel that the other cluster members have authority under over their own department to manage their employees?

Zachary Williams: Oh, absolutely. Not only do they have enough authority, but it is also the expectation, right. Each department head is operating in many ways their own enterprise, right? And so, the expectation is that they're managing their personnel, their budget, their facilities. And if they need any assistance with any of those things, of course, I'm there and the other internal services or the CEO and governing authority as needed.

Chairman Henson: Sounds good. Thank you so much.

Commissioner Wittenstein: Mr. Chairman, I've got a follow-up question. Without the deputy director, how many direct reports do you have?

Zachary Williams: How many direct reports do I have? I'd have to count that to be honest with you, Mr. Wittenstein.

Commissioner Wittenstein: Ballpark it.

Zachary Williams: Yeah, that's what I'm trying to think in each of the clusters. So, this is how we sit today as opposed to when those positions were filled. On an ongoing basis, I'm going to say more of a magnitude of about 20 – ish departments. And that's an estimate, but I'm pretty close.

Commissioner Robert Wittenstein: That seems like a lot.

Zachary Williams: That's the gray areas, but you know. So, you know, the way, I mean, we manage as a big team – to be honest with you. I'm very hands on. The CEO is very hands on. We have ongoing meetings. I don't think – certainly not more than two weeks go by where I haven't had a conversation with virtually all of them.

Commissioner Neugent: I just wanted to follow up on the question of citizen involvement. And, you know, when you did the master plan for the county-wide park system. I assume your advisory board was key there. But when you're looking at a master plan for a local park, how do you get citizen input? And what does that look like?

Mr. Ellis: We do door mailers to so many feet from the park. So that pretty much reaches everyone nearby. We also engage the neighborhood association if they have one. Most of them do. And then if we have the Friends of the Park, they help us. But putting out the flyers so many feet from the boundary of the park is probably number one, besides advertising it.

Commissioner Sanford: Mr. Ellis, I wanted to ask you what's on the horizon? I heard you say purchasing land and property is very important. But are there any plans for the near future for new park facilities, recreation centers? What is DeKalb County doing?

Mr. Ellis: SPLOST offered us a great opportunity. We're still finishing that up. I mean \$37,250,000 is a lot of money. And, you know, spending money you think would be super easy, but it takes time to do it right. So, we are still finishing up the SPLOST projects. We still have other projects that have been on the books for some time. Also, we have our new Master Plan so that will guide us to know what we need in the future. The dollar figure associated with that is very large (\$275 million) but we have to work at prioritizing the projects (with ensuring safety first) and then work through them as funds allow. You're never totally caught up, but the plan guides the work. Also, we have the EMBARC farm and a Live/Thrive CHARM Recycling Center that's getting started. It's in a park area so we're managing that. It's going to be there at the Belvedere area and it's really exciting for the County to be able to do recyclables there.

Commissioner Hammond: It just came to me since we're in a school environment. Is there much collaboration between our park system and our school district? They have a lot of open space that could be utilized as a park. Is there a collaboration or opportunities for collaborations there?

Mr. Ellis: There is actually quite a bit going on now. Park Pride gives us resources for three visioning projects each year and we designated one of them this past year to a school/park project. A second one involved building a soccer field on school property. We still need to work things out about managing projects like this – making school property a park when it isn't being used for school purposes. For example, who's responsible for cleaning the area and when. Prior to the pandemic, we had been charged by the School Board and the CEO to consider more ways to work together and we're trying to do that.

Commissioner Bobbie Kennedy Sanford: I heard you say there is a vacancy currently on the park advisory board.

Mr. Ellis: Yes.

Commissioner Bobbie Kennedy Sanford: How often – how quickly are vacancies filled when there is a vacancy

Mr. Ellis: Usually we have them filled within a few months. I want to say. I'm not exactly sure, but usually they're filled pretty quickly. Commissioners particularly want and the CEO wants to have, you know, their representatives on there.

Chairman Henson: We appreciate the work you've done, and we would like Mr. Williams to come up and also share with us some more information. We definitely appreciate your work and what's going on in our parks.

Zachary Williams: Thank you. I just wanted to make one more remark. It's really a mindset or a philosophy that the CEO introduced to us. Chuck has been doing this, you know, public service for, you know 35 years. I've been doing it for 30 years. We need to look at it that

we're actually saving lives, right. When we ensure that our parks are clean, safe, and open, we are competing for the entertainment time of young people. We are competing with drug dealers and gangs and so forth. The work that Mr. Ellis and his team is doing - getting accredited, showing how these parks can be more actively used to offer diverse programming and be more beneficial to young people – is critically important.

UNFINISHED BUSINESS: Recognition of Former State Representative Michelle Henson

NEW BUSINESS:

Chairman Henson: Chairman Henson spoke of members receiving invitations to attend community meetings. He stated that each member may attend the meetings, however, please keep in mind that they should be transparent, open and promote getting input on how to improve the County.

Chairman Henson: In hopes of completing the review of the Org Act with the County Attorney, we'd like to begin the next meeting earlier at 5:30 p.m., rather than 6:00 p.m. Our next meeting is scheduled for December 1, 2022 and is by Zoom.

Commissioner Hinkel: if you are comfortable with social media you may want to promote our public hearings through your own social networks.

Chairman Henson also asked Mr. Williams if he could arrange some screenshots for the Charter Review Commission as a means of advertising.

ADJOURNMENT:

Hearing no other comments, A MOTION was made by Commissioner Wittenstein to adjourn.

Steve Henson, Chairman

Barbara Sanders-Norwood, County Clerk