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DADE COUNTY COMMISSION
REGULAR MEETING
NOVEMBER 1, 2007

1 MR. BRANDON: I'll call the meeting to
2 order, please. As we always do, we'll begin with
3 prayer and Pledge of Allegiance and I'll call on
4 Former Commissioner John Deffenbaugh to lead us in
5 prayer and Pledge of Allegiance.

6 (Thereupon, the invocation and
7 Pledge of Allegiance were given.)

8 MR. BRANDON: This is the regularly
9 scheduled meeting which takes place at the same time
10 on the first Thursday of every month. Proper notice
11 of this meeting was given in the legal organ of Dade
12 County and posted in the hallway of the
13 Administration Building. I'll call the roll and
14 have it recorded by the clerk. Mr. Lowery?

15 MR. LOWERY: Present.

16 MR. BRANDON: Ms. Moore?

17 MS. MOORE: Here.

18 MR. BRANDON: Mr. Pittman?

19 MR. PITTMAN: Here.

20 MR. BRANDON: Mr. Young?

21 MR. YOUNG: Here.

22 MR. BRANDON: The chair is present. We
23 have a forum and a legal meeting.

24 Reading of the minutes of the
25 October 2007 regular meeting will not be required

1 since all commissioners have been furnished copies
2 in advance. The minutes are public record and
3 available for review in the county executive's
4 office. The minutes are part of the consent agenda
5 as well as the other items that we've discussed at
6 the work session for which there seem to be a
7 consensus. I will ask the clerk to read the consent
8 agenda at this time.

9 MR. TOWNSEND: The regular agenda as
10 amended adding 12, 13, 14, 15 -- I'm sorry, 13,
11 walking trails at the four fields property, DHR,
12 Scott Radiker recommended by Paul Arnold, service
13 animal something and Sequatchie Point Development.

14 The second consent agenda item was
15 approval of previous minutes. Third was approval of
16 appointments. Tax Assessor's Board recommends John
17 Bradbury be appointed to the Tax Assessor's Board.
18 The Dade County Family and Children's Services
19 Board, Joe Gaddis is recommended to assume that
20 position once again for another term. New hires for
21 911 recommended by the director, Mr. Alex Case, that
22 is Daniell Raley and Kelly Schrader.

23 Also, under the consent agenda, we have
24 the DNR grant for walking trails from Lula Lake to
25 Cloudland Canyon as recommended and attaching

1 probably a resolution with Walker County and helping
2 to participate in that grant application with a
3 \$25,000 in kind match, the purchase of handicap
4 accessible doors for this building and the Justice
5 Building at a cost of \$5,850 to Automatic Doors of
6 Chattanooga. The proposed -- as far as the proposed
7 2009 S.P.L.O.S.T, the Commission voted to rescind
8 the vote to hold a February 5th, 2008 S.P.L.O.S.T
9 referendum. The staff development merit increases
10 if budgeted, money is available for administrative
11 salary changes and the county executive and county
12 clerk will work together to authorize these
13 increases. The appointment, again, of Scott Radiker
14 recommended by Paul Arnold pending the residency
15 requirements as discussed with our county attorney.

16 MR. BRANDON: Okay. The consent agenda
17 needs to be voted on. Do I have a motion to approve
18 the consent agenda?

19 MR. LOWERY: You said something about
20 the service animal. We moved it up to --

21 MR. TOWNSEND: Yeah. I was just saying
22 you were adding it -- you added it to new business.

23 MR. BRANDON: We had to amend the
24 regular agenda before we could move it there.

25 MR. LOWERY: I make a motion we accept

1 the consent agenda.

2 MR. BRANDON: I have a motion. Do I
3 have a second?

4 MR. PITTMAN: I'll second that.

5 MR. BRANDON: I have a motion and a
6 second. I'll call the roll. Mr. Lowery?

7 MR. LOWERY: Yes.

8 MR. BRANDON: Ms. Moore?

9 MS. MOORE: Yes.

10 MR. BRANDON: Mr. Pittman?

11 MR. PITTMAN: Yes.

12 MR. BRANDON: Mr. Young?

13 MR. YOUNG: Yes.

14 MR. BRANDON: The motion passes.

15 Moving on into administrative, we've covered some of
16 these things at the work session. Very briefly, we
17 are year-to-date, we always look at results.
18 Year-to-date to be on track expense wise, the county
19 should be at 84 percent or less. We are at
20 81 percent county wide, so we're in good shape
21 budget wise. Now that the tax revenues are coming
22 in, we're also in good shape revenue wise.

23 We have some work to do in the next 60
24 days on the final budget for 2007, so we'll be
25 having some work sessions on those, I'm sure.

1 Moving on into other matters, we're up
2 to appearances. I see Mayor Emanuel is here, so
3 we'll ask him to come forward at this time, please.

4 MR. EMANUEL: Good evening. Y'all must
5 be tired. I am. We are pleased to present the
6 following information regarding the City of Trenton
7 2007 calendar year-to-date performance indicators at
8 the Dade County Commissioner's monthly meeting.
9 Financially the City is in good shape. You had
10 total revenue of \$2,154,000 against expenditures of
11 \$2,116,000 leaving a net income of \$38,000, which
12 does not recognize \$153,000 that we have set aside
13 in the contingency fund.

14 Quality of life is a responsibility of
15 the Downtown Development Authority. It is what we
16 make our decisions by. The DDA will be supporting
17 the American Legion in its Veteran's Day parade and
18 bike show on November 10th at 10:00 a.m. The
19 Chickamauga Campaign Heritage Trail, two signs
20 designating the O'Neal House and Macon Furnish
21 location have been mounted. I kept mentioning this
22 because I want you to stop by and look at them.
23 They're quite impressive and informative.

24 On streetscape, the City has received a
25 \$22,000 state grant to support the streetscape

1 planning efforts and a lot of accolades go to
2 Senator Jeff Mullis for his support in that.

3 The City also congratulates the
4 Lineman's College for their continued rehabilitation
5 of the El Rancho Motel. Any of you that have any
6 reason to go by there and look at it, particularly
7 up close and personally, can appreciate the
8 improvement that they've brought to that. And Monda
9 Wooten and her family are to be also congratulated
10 for their major renovation of the old Kyzer
11 Automotive Building. They had a grand opening there
12 last week and I couldn't believe I was in the same
13 building.

14 The Trenton Arts Council is to be
15 congratulated repetitively because of their efforts
16 to install the Totemic Raven sculpture in the middle
17 of Jenkins Park in the City of Trenton. If you've
18 not had a chance to go by and look at it, you need
19 to do so.

20 The Economic Restructuring Committee
21 continues to pursue new businesses of the downtown
22 area and we continue to work on the organizational
23 structure and strength of the DDA.

24 A reminder, the City Commissioners City
25 Council meeting will be Monday, November 5th. The

1 work session is at 6:00 p.m. and the council meeting
2 is at 7:00. We made note of that because normally
3 we precede the County Commissioner's meeting and all
4 Trentonians and Dade Countians as well are invited
5 to attend. Thank you.

6 MR. BRANDON: Thank you, Mayor. Moving
7 on to the next item, the legal matters. I believe
8 we do have an item that the county attorney is going
9 to report on at this time.

10 MR. ROGERS: Yes. At the last meeting,
11 I was asked to look into the issue concerning the
12 Civil War Heritage Trail and there was an issue
13 raised about the color of the star that was on the
14 sign and I was asked to see if -- what the county's
15 responsibilities were with respect to that and what
16 could be done with that and so I contacted John
17 Culpepper, who is the mayor of the City of
18 Chickamauga and was the lead applicant for the grant
19 which was responsible for putting all this into
20 place, and found that there was a grant and we were
21 one of about ten other counties and cities that
22 were -- that supported or helped the City of
23 Chickamauga with a lead grant and so there was State
24 and Federal money involved. All of this is to say
25 that the signs themselves are not the County's

1 property and that we should not -- cannot really
 2 unilaterally vote to change the signs. If there is
 3 a desire to change the signs in any way, what could
 4 happen is that individual could go to the City of
 5 Chickamauga as well as the other entities that had
 6 supported and provided money in support of the grant
 7 and get approval through that, but we can't do that
 8 on our own.

9 MR. BRANDON: I'm betting somebody is
 10 not going to get approval to change 2 or 300
 11 monument signs, change the color of the star is my
 12 bet. It's just a wild guess. All right. Thank you
 13 very much, Robin.

14 Moving onto -- I don't think we have
 15 any unfinished business. I will ask the other
 16 commissioners do we have anything? Nothing that I
 17 know of.

18 Moving into new business, we have two
 19 items. The first one I would like to address is the
 20 service animal training that we added to the -- was
 21 in the work session and we changed it to the -- we
 22 ran out of time. We changed it to new business. So
 23 at this time, we have a representative here to
 24 discuss that. I would ask them to come up.

25 MR. LOWERY: Connie Jarlin.

1 MS. JARLIN: I recently became a
2 resident of Dade County just a little over a year
3 ago. It's a pleasure to be here. It's a wonderful
4 place to live and I hope never to leave.

5 I was previously a resident of Blount
6 County, Tennessee, and was involved with the County
7 Parks and Recreations Department there with animal
8 obedience training, dog obedience training and I've
9 been aware that there has been interest in this in
10 the area with offering some classes for all breed
11 dog obedience. I teach service dogs obedience,
12 search and rescue dogs and I'm a German Shepard
13 breeder and trainer.

14 I wanted to address the Commission
15 because I had contacted David Swader about the
16 utilization of some land over by the ball parks, the
17 unimproved sector over to the far right as you're
18 looking at the parks and he indicated that he had no
19 objection to the utilization, but there had been in
20 place a policy of \$100 per session fee, which is
21 rather steep for this type of endeavor.

22 My proposal is that this be open to all
23 Dade County residents with animals. All the dogs
24 would be on leash. We would like the opportunity to
25 have the sessions there, weekly sessions for six

1 weeks at a cost to each person of \$60 and a
2 percentage of that goes to the County for either the
3 -- I was hoping support for the animal shelter
4 that's proposed or some other item that would need
5 associated funding. All the participants would be
6 responsible for, obviously, cleaning up after their
7 dogs if there's a waste issue and part of the
8 education is responsible dog ownership. So that was
9 my request that rather than the \$100 set fee per
10 session, that it would be modified in this case as a
11 benefit to the County and participants being County
12 residents, it would be on a percentage basis for
13 this type of session.

14 MR. BRANDON: Any discussion on this?

15 MR. PITTMAN: I don't think we can
16 necessarily go to the general fund if it was
17 approved.

18 MR. BRANDON: The only issue that I
19 would see is the issue of having a private business
20 conducting a for-profit operation on County property
21 without some -- without some fee. You're setting a
22 precedent that you're not going to be able to charge
23 anybody else either unless the money comes back to
24 the County. Once it's back to the County, the
25 County can do anything it wants with it. Once

1 again, you've got to be even across the board.
2 Otherwise, you're not going to be able to charge for
3 someone who wants to have a for-profit softball
4 game, football game, whatever if you waive the fee.

5 Now, the other issue is what we charge
6 for the use of the facility because if we're not
7 going to charge the \$100, \$100 fee that we're
8 talking about here, we're not going to be able to
9 charge it to anyone else either. That's the issue
10 for me. I would look to the county attorney to keep
11 us straight on the legality of this.

12 MR. ROGERS: I think you've said it.

13 MR. BRANDON: I should have been a
14 lawyer then.

15 MR. LOWERY: Would you agree?

16 MR. ROGERS: Yeah, I would. I mean,
17 the only -- the only other thought that I had in
18 listening was whether there was an additional
19 benefit to the county that would be provided to the
20 service to these individuals, some sort of greater
21 good and that's up to y'all to determine, but except
22 for that, I really have nothing to add.

23 MR. YOUNG: I participated in one of
24 these dog obedience programs. I'm not sure, but I
25 know the instructor was given a fee. It wasn't a

1 county employee. I don't know how that works.

2 MR. BRANDON: Done here in the county?

3 MR. YOUNG: No. It was actually in
4 Hillsborough County. They did that in a lot of
5 their parks, hire, I think, people like yourself and
6 give them so much a class to actually teach.

7 MR. BRANDON: But that was a
8 county-funded activity. It wasn't a for-profit --
9 there was no profit motive for the individual aside
10 from being hired by the county as a contractor.

11 MR. PITTMAN: But 35 percent of the
12 \$60, that would be roughly \$21 per dog.

13 MS. JARLIN: For the six weeks, yeah.
14 The \$60 is the total fee for all six sessions, six
15 weeks. So it's \$10 for -- per participant per
16 one-hour session. When I was affiliated with Blount
17 County for their endeavors, I was a 1099 employee of
18 Blount County, you know, for this specific, you
19 know, pursuit, so --

20 MR. BRANDON: Is there no other
21 facility that you can -- does the City not have a
22 facility? Would it be more lenient than ours? I
23 imagine not.

24 MS. JARLIN: I haven't approached the
25 City.

1 MR. EMANUEL: She would have to talk to
2 us, which we would be glad to listen.

3 MS. JARLIN: We were looking for
4 something that was fairly centrally located for
5 residents and also that was easily accessible and it
6 wouldn't take -- I have a training facility at my
7 private property, you know, and I can accommodate
8 it, but it's a little more difficult. It's a little
9 on the side of the -- you know, on the south side
10 and so I was looking for something that was a little
11 more centrally located for county residents.

12 MR. BRANDON: When did you anticipate
13 this beginning?

14 MS. JARLIN: Really it was anticipated
15 on the basis of what the decision would be for the
16 location.

17 MR. BRANDON: Let us put some thought
18 into this. There ought to be some way to do this,
19 but we can't set a precedence of violating our own
20 policies.

21 MS. JARLIN: No. I understand.

22 MR. BRANDON: Unless it's like the rule
23 on the ten percent grade on the roads. If we're
24 going to do something, we need to do it for everyone
25 and make it available for everybody.

1 MR. PITTMAN: I've got a couple more
2 questions. Would you have these classes year round
3 or are they mainly seasonal?

4 MS. JARLIN: Blount County's policy was
5 twice a year, fall and spring sessions. So, you
6 know, whatever the interest would bear, but
7 generally, it was fit kind of in between the sports
8 activities and, you know, daylight savings time and
9 those considerations.

10 MR. PITTMAN: So you would really just
11 need to use the field 12 weeks out of the year?

12 MS. JARLIN: Well, 12 evenings or 12
13 days.

14 MR. PITTMAN: One-hour session. We're
15 always trying to find more activities to go on down
16 at the four fields. This really wouldn't be no
17 great amount of money, but it would be an activity
18 that we could use.

19 MS. JARLIN: Well, it's quite
20 successful, again, from my experience in Blount
21 County. We started out with an enrollment of about
22 eight to ten in the classes initially and then I
23 ended up having a second year. We had to add
24 another -- a second hour because we had 24 people
25 per session enrolling and then a waiting list, but I

1 just couldn't add another third hour because of my
2 schedule.

3 MR. PITTMAN: You would clean up?

4 MS. JARLIN: Oh, yes. All dogs would
5 be on leash at all times. This isn't bring your dog
6 and run around. This is a structured training
7 session that prepares the dogs for the canine good
8 citizen designation that's recommended by the AKC
9 and it's a set of steps that is comprehensive for
10 basic obedience and prepares them for actual AKC
11 designation where an independent evaluator would
12 come down and they would have the option. This
13 would be an optional session where they would be
14 evaluated if they felt their dog was prepared.

15 MR. PITTMAN: Have you got any kind of
16 insurance?

17 MS. JARLIN: Blount County did provide
18 my -- you know, the insurance since it was on county
19 property.

20 MR. PITTMAN: How would that work?

21 MS. JARLIN: There was a release, a
22 waiver and everything that was prepared that, you
23 know, everybody had to sign. I'm an insurance
24 adjuster by trade, so I do understand liability.
25 Everybody, you know, did sign a waiver that was

1 comprehensive. I do have copies or samples of those
2 documents that held up in that venue.

3 MR. BRANDON: Ms. Jarlin, give us some
4 time to think to see if there's a way to do this
5 without violating our rules and we'll try to get
6 back to you in a timely manner here. I even have a
7 very large dog that I wouldn't mind getting trained.

8 MS. JARLIN: It's really more the
9 people that are trained.

10 MR. LOWERY: We may have already
11 violated that policy. Did the circus pay us \$100 a
12 day when they were down there?

13 MR. YOUNG: Do we charge soccer teams
14 when they're practicing?

15 MR. BRANDON: They're rec leagues.
16 It's a county function.

17 MR. PITTMAN: The thing is they will
18 only take up a very small corner. The circus or
19 ball players --

20 MR. LOWERY: They will not be having to
21 use any electricity or rework the ball fields after
22 they do it.

23 MS. JARLIN: Well, I would like to
24 consider perhaps this becoming like a county
25 function so that there wasn't --

1 MR. PITTMAN: You're really not any --
2 you don't have anything planned.

3 MS. JARLIN: No, waiting for the --

4 MR. BRANDON: Give us a little time to
5 study and we will be back with you.

6 MS. JARLIN: Thank you.

7 MR. BRANDON: Next on the agenda, we
8 have Mr. Stone and I think Mr. Moreland who wanted
9 to come up and talk to us about some research and
10 some work they've been doing on the county executive
11 job description.

12 MR. STONE: I guess we can start from
13 the beginning. I think about three months ago,
14 Mr. Moreland, at one of the commission meetings,
15 said that there needed to be somebody to look at the
16 executive's job description because it has been a
17 point of controversy for several months and I think
18 he went to each one of the commissioners and asked
19 them about forming some type of committee and he
20 talked to probably several of y'all here in the room
21 who attend these on a regular meeting -- regular
22 basis. He came and talked with me and the
23 suggestion was maybe to see if we could get some
24 former leadership of the County, the former
25 commissioners and at that time different leaders.

1 So we settled on the fact of asking the
2 former commissioners, both sole commissioners and
3 commission chairmans over the last 37 years to get
4 together, if they would be willing to participate in
5 a series of meetings that would look at the -- not
6 only the job description that was put in place in
7 2005, but the current job description that is
8 currently right now and they did that and they came
9 together.

10 We had at the very first meeting
11 100 percent of the eight. We had eight either -- we
12 had three of the sole commissioners that are still
13 living and they came and also we had five of the
14 Commission chairmen. I think we got together. One
15 had already passed away. But it was very
16 informative and very interesting to listen to the
17 amount of experience they had.

18 I would like to say to the
19 Commissioners here to thank you for the opportunity
20 for us to be able to do this and even though none of
21 y'all were at any of the meetings, but I know that
22 you supported this. I know Commissioner Pittman
23 even asked for input a couple of meetings ago on a
24 job description. So basically we did that and we've
25 got this put together. We had eight and then six of

1 the Commissioners felt like even though they didn't
2 agree on every little detail, they felt like they
3 could collectively support the job description
4 that's being presented to the Commission tonight. I
5 know they respectively are submitting it to the
6 Commission only as a recommendation and they respect
7 the jobs that each one of you have to do because
8 they've sat in one or all of the roles before, but I
9 appreciate it.

10 I'm going to let Mr. Moreland talk in
11 just a second, but I appreciate the opportunity to
12 be able to work together on this. We were just
13 basically the moderators. We provided a place to
14 sit in. I think he was the secretary and we done
15 this. I do want to thank very, very much the
16 Commission, but also, most importantly, the former
17 Commissioners and the former Commission chairmen for
18 taking their time and coming together for the good
19 of the county to see if we can get some type of
20 workable type of resolution.

21 As we joked today, this is not the --
22 you know, with all due respect, this is not the
23 exact document that -- you know, this is not going
24 to take care of everything or every issue, but I do
25 think the former Commissioners, with their years of

1 experience, have put together something and they
2 didn't make it all from scratch. They took part of
3 the new, part of the one that's now and put it
4 together, probably one of the -- you know, it's a
5 good workable project and they're to be commended
6 because they didn't have to and I know we've got
7 four of them in the room tonight. We've got one of
8 the sole commissioners, Mr. Moore is here. We have
9 several of the -- I don't know if Dan was here. I
10 didn't see him or Mr. Miller, but several of the
11 past Commission chairmen. We thank those for
12 allowing us to kind of coordinate and put this
13 together.

14 MR. MORELAND: It was a very
15 interesting group. There was a lot of group of
16 history in the room when all those guys got
17 together. I think Mr. Miller told me that was the
18 first time that the former sole commissioners had
19 ever been in the room together all at the same time.
20 Two of them had been there before, but never three
21 altogether. There was a lot of experience in that
22 room, a very eclectic group. You can imagine
23 politics was all over. I mean, you had people from
24 one extreme to the other, political views, and
25 through all of that, at least six of the eight could

1 come to some kind of agreement on what they thought
2 it would take for the executive position to do the
3 job. So that in and of itself was a pretty good
4 accomplishment to get that kind of group together.

5 The meetings went very smooth, believe
6 it or not. People had their points of view, but I
7 never heard an argument, never heard a voice raised
8 and everybody just had their say. Coming to
9 conclusion about the job description was actually
10 very easy. It came very, very much smoother than I
11 thought it would.

12 Most of them -- you know, if you took
13 this document and gave it to every one of them and
14 said, you come up with it, it wouldn't be this
15 document. You know, it's like any compromise, if I
16 drew this up, this is not how it would look. This
17 was a group effort and so if you ask all of them,
18 there's certain things in here they don't like and
19 there's certain things in here they do like, but
20 they felt like they could support it as a whole.

21 All this is is a starting place we'd
22 like for the Commission to look at. It gives y'all
23 a place to start. A couple of issues that I want to
24 raise, I want to be careful about when I'm speaking
25 for me when I speak for that group. This document

1 pretty much speaks for that group, if me and Evan
2 have something to say. This is more me. But one of
3 the things that I would like to do that I've talked
4 about through this whole process is try our best not
5 to get caught up in the politics of today and
6 realize this is about the next chairman. We're all
7 going to vote a year from now, less than a year.
8 From this month actually, it will be a year from now
9 when we vote for whoever the next county executive
10 is going to be. Two of the positions on the
11 Commission are going to be up for election. And
12 this is about what happens the next go around, what
13 happens for the next person that holds that job.
14 And if everybody can focus on that, maybe we can not
15 get caught up in the politics of the moment, you
16 know, which was hard for us. I mean, I'll say it,
17 people have feelings on both sides and people want
18 to argue on what's going on today, but if we can try
19 our best to look at a job description for the
20 future, not a job description for this moment,
21 separate those two issues, then maybe we can all
22 move ahead.

23 Two things that were in here that
24 absolutely surprised me that we didn't even bring
25 up, wasn't our idea that surprised me a lot was on

1 their own several of them brought up and ultimately
2 all at least six agreed, actually I believe that all
3 eight probably agreed on this, but I don't want to
4 speak for the two that did not, but they all felt
5 that all local elections in Dade County should be
6 nonpartisan, which that astounded me, particularly
7 when some of them had held offices, Democrats and
8 Republicans before. That surprised me.

9 And also, an issue that's been raised
10 in this room before, they felt like that the
11 district commissioners should live in the district
12 in which they serve, but be elected county wide.
13 They felt like for a couple of reasons, that people
14 make decisions on the Commission that affect the
15 entire county and so the whole county should have a
16 say. And another one that I had never really
17 thought about that several of them raised was it
18 also gives the district commissioners a little more
19 standing if they get into disputes with the county
20 executives if they're elected county wide, too. You
21 know, they have a better standing, too. So that was
22 their feeling. Now, that's their opinion and that's
23 in this document as well.

24 But at any rate, the only contentious
25 issue, and it's contentious all over the county that

1 we could not come to a unanimous agreement on was
2 how to enforce it. We've talked to Robin. He's
3 been very gracious. We have a very good county
4 attorney. He's very intelligent. He's looked into
5 it. And the County Commission, he works for y'all.
6 Obviously, you've got to get an answer from him and
7 just to summarize, I think the view was that this
8 job description has got to be very difficult, if not
9 impossible, to change. The reason being is if you
10 can simply change it on a whim, you have no job
11 description because it doesn't mean anything. The
12 people need to know for sure what that person's job
13 is, what it's going to be from one day to the next,
14 the employees do.

15 Primarily what they felt like, this
16 group, the gist of it was that they felt like the
17 duties should be divided, the county chairman should
18 have absolute power over employees, absolute power
19 over the day-to-day operations, but the County
20 Commission should have absolute power over money and
21 they should have absolute power over ordinances and
22 those sorts of things obviously that they should do.

23 But at any rate, it's a good place to
24 start, I think, for everybody to look at. And then
25 if there's a way locally -- I think the group felt

1 like if there's a way locally to make it very
2 difficult, you know, have some process that's
3 enforceable where it would be very difficult to
4 change the duties of the executive, that that would
5 be the way to go because a lot of people don't want
6 Atlanta telling us what to do. That's
7 understandable. But by the same token, a lot of
8 people feel like there's no way locally to do that.
9 If you can find some way to make an ordinance tough
10 enough, you know, by requiring some set of things to
11 kick in and that's where the county attorney would
12 have to come in. He sent me a thing today on home
13 rule today, by the way, which I haven't had time to
14 read all of it, but it's off -- the law is awful
15 complicated and that's why you have a lawyer to tell
16 you those sorts of things.

17 That was pretty much how the group
18 felt. If you can do it locally and make it stick,
19 that's fine. If you can't, then it may be necessary
20 to go to the legislature to get it put into the law.
21 But I would really like to thank those former
22 commissioners that are here. It was awful nice of
23 them. They didn't have to do this. They didn't get
24 anything and I enjoyed just being in the room with
25 them. We've got several pictures and that's

1 something I'll enjoy from now on. That was a lot of
2 history of Dade County to get into one room, but the
3 meetings went very well. I hope that maybe this
4 Commission can all get together and work that well,
5 too. Maybe we can get this thing resolved and get
6 something on the books by the time the next chairman
7 takes office.

8 MR. BRANDON: Tony, you said that -- if
9 I might ask a question about number five, about the
10 at large elections. Was that a unanimous decision
11 by all?

12 MR. MORELAND: Yeah. I don't want to
13 speak for the two that said -- there was two that
14 said for whatever reason, and I don't even know the
15 reasons. I didn't speak to them. Evan did. But
16 that's kind of -- I mean, y'all can talk to them
17 about why they didn't necessarily agree. I can't
18 speak for that, but of the six that were there, all
19 of them believed that that was a good idea.

20 MR. BRANDON: All the positions be
21 elected at large?

22 MR. MORELAND: Yes. Yeah. Those
23 weren't why we met. They brought that up. That was
24 their thing. And they brought up several other
25 things, too, you know, different ideas. We

1 encouraged that group to get together more often,
2 but this was kind of focused on just how to try to
3 get past this thing with setting the job duties of
4 the county executive for the next person that takes
5 office.

6 MR. BRANDON: Anyone have any questions
7 for Evan or Tony?

8 MR. YOUNG: I appreciate all the time
9 y'all took on this.

10 MR. MORELAND: It was actually
11 enjoyable. Like I said, it was a lot of history in
12 one room there. If anybody wants copies of this,
13 we'd be glad to give it you. I don't know how many
14 I have tonight. If we have to make more copies,
15 we'll make them. Let us know.

16 MR. BRANDON: Thank you, gentlemen.

17 Evan came to my office yesterday and
18 brought this and he and I talked about it for
19 probably two hours about this and other things and I
20 don't have a problem with this. I'm in agreement
21 with this and like Tony said, there are things in
22 there that you like and things you don't like, but
23 overall, I think it would be acceptable. It's
24 acceptable to me and it won't even apply to me
25 because as I've always said, I'm not running again,

1 but the next person who inhabits this office and
2 this chair needs to know what their authority is to
3 do the job they were elected to do before they're
4 elected. I would be in favor of -- if I had to vote
5 tonight to do this, I would be in favor of approving
6 this and putting this into legislation at the next
7 session.

8 Now, Tony made a statement that I'm not
9 sure I agree with and I love Tony. I go to his
10 house for Bible study every Sunday after we leave
11 church, but this is one of those things that I'm not
12 sure we agree with him on. He said we don't want
13 Atlanta telling us to what to do by putting it in
14 the legislation. Well, they don't tell you what to
15 do because they're not going to change anything
16 unless we ask them to. So they don't tell you what
17 to do. Martin Scott or Jeff Mullis or anybody else
18 in their positions, I would hope, would not come up
19 here and dictate to us what the county executive or
20 any other position duties would be. They're not
21 going to change anything unless we ask them to and
22 unless we approved of it unanimously, so they're not
23 telling us what to do.

24 If we were to sit here tonight and vote
25 to do this and put it in the legislation, they would

1 do it. If we have a four to one vote tonight to put
2 it in there, they would not do it because they don't
3 want to do that. It needs to be an agreement,
4 unanimous agreement of the Commission to do that.
5 But if I were asked tonight would I put this in the
6 legislation, my answer would be yes, although it
7 doesn't contain all the things that we started out
8 with. About 90 percent of the things that are in
9 here were in the one we worked with for two years,
10 so I don't have any problem with this.

11 And I also appreciate all the work that
12 was done by the former commissioners in coming up
13 with this and I think it is absolutely imperative
14 that we do this because we've got some folks in this
15 county who are getting ready to run for this
16 position and they need to know what they're going to
17 be getting if they win and they need to know what
18 their authority is going to be and I would
19 wholeheartedly encourage the Commission to consider
20 enabling, enacting this into the legislation because
21 as far as I know, there is no way that you can pass
22 a local ordinance that you can't overturn. Even
23 with great effort, it can still be done, if I'm
24 correct.

25 MR. ROGERS: That's right.

1 MR. BRANDON: See, I told you I should
2 have been a lawyer. Actually, Robin had already
3 told me that. This is one of those things that if
4 it can be changed, it will be changed. We've
5 already proved that's true. But I'm open to it and
6 at this time, I would ask if anybody else has any
7 comments, I'll turn the floor over to anybody who
8 wants to comment.

9 MR. PITTMAN: I've actually got a
10 comment. I would like to thank Tony and Evan, all
11 the commissioners for their work, but when this was
12 first talked about, I actually said any group in the
13 county. This is a very good group, very well
14 rounded group, but I would hate to get this tonight
15 and vote on it and somebody else like the watchdogs
16 or whoever, turn one in, so I think -- I think this
17 looks good and I appreciate --

18 MR. MORELAND: By the way, Ben, I was
19 pointing out what some members of that committee
20 said. That was not --

21 MR. BRANDON: Okay. We'll be over
22 Sunday anyway.

23 MR. PITTMAN: I do appreciate it, Tony
24 and Evan, and everybody who participated, but there
25 may be another one of these out there and it may

1 look even better.

2 MR. MORELAND: We knew that and that's
3 just one. We knew that other groups were working on
4 stuff and that's just one among many.

5 MR. BRANDON: Well, as far as the
6 Citizen Watch is doing, I don't know what they're
7 going to come up with. But I would imagine if they
8 were to look at this, if they looked at it and
9 determined that it was acceptable, they would
10 probably welcome the opportunity not to have to
11 gather the rest of the signatures to do this. So I
12 would say let's look this over. We can talk about
13 it at the next meeting unless somebody wants to
14 comment on doing something this evening. I, for
15 one, would not want to second guess the most
16 experienced people in the county about what the --
17 what it takes to run the county. So I would not add
18 or take away from this and all the work that they've
19 done, I wouldn't want to second guess them on that.

20 MS. MOORE: First of all, this isn't
21 the actual document, you know, so if you're talking
22 about voting on this -- because this is including
23 things on the back and opinions of nonpartisan
24 elections and voting county wide, that would have to
25 be something that wouldn't be in here. That would

1 have to be something done on another level. So you
2 couldn't really vote on this.

3 MR. BRANDON: Well, you actually could
4 because you could take the part -- you could agree
5 on the concept and Robin could write it up and
6 submit it to -- it would have to be put into a
7 different format to be put into the legislation
8 anyway. That would be done by the Legislative
9 Council in Atlanta.

10 MS. MOORE: In my opinion, I'm really
11 not for putting it in the legislation.

12 MR. PITTMAN: Yeah. I don't remember
13 ever saying it would go to legislation. I was more
14 for along the lines of thinking it would be a county
15 ordinance. Even if we agreed, the super majority
16 would be needed to change the ordinance.

17 MS. MOORE: And my opinion on that,
18 too, you talk about could we change it on a whim
19 and, there again, I think you should have public
20 hearings. You know, if you had it under a local
21 ordinance, then you could have public hearings
22 addressing issues to where it would be more
23 difficult, you know, to ever change it because you
24 would have to have hearings on it. That's my
25 opinion.

1 MR. LOWERY: And I think Senator Mullis
2 made it pretty clear, too, he wanted it kept at
3 local control, at the local level.

4 MS. MOORE: He did.

5 MR. BRANDON: Well, if he wanted it in
6 the local control, he wouldn't have allowed a group
7 to gather signatures to put it into the legislation,
8 I don't believe.

9 MR. LOWERY: He can't stop a public
10 group like that. That would be crazy.

11 MS. MOORE: But I appreciate all of
12 them working and putting forth the effort to this,
13 too, because like Ben said, it's 90 percent of what
14 we've got anyway.

15 MR. BRANDON: No. It's 90 percent of
16 what we had.

17 MS. MOORE: That's what I said.

18 MR. BRANDON: No. You said what we
19 have.

20 MS. MOORE: Right.

21 MR. BRANDON: Not what we have now.
22 What we had before last December.

23 MS. MOORE: Well, I mean, that's pretty
24 much it except like you're not listing like amounts
25 of your financial policy.

1 MR. BRANDON: Like Tony said, what it
2 does is it turns control of the day-to-day operation
3 of the county and supervision of employees
4 exclusively back to whoever is the county executive.

5 MS. MOORE: Well, that's about the only
6 main thing that's changed here.

7 MR. BRANDON: That's the biggest part.
8 Anyway, we're not going to agree on this tonight,
9 so --

10 MS. MOORE: Ben, you did have that one
11 that wanted to speak.

12 MR. BRANDON: I'm sorry.

13 MS. REYNOLDS: I just wanted to ask,
14 Mr. Chairman, what's the difference if it can be
15 changed locally or can be changed statewide, it's
16 still going to be changed?

17 MR. BRANDON: But it's a lot more
18 difficult to get Senator Mullis and Mr. Scott to
19 change it and it can only be done once a year if
20 you're going to do it at all. The way it is now,
21 you could do it every meeting.

22 MS. REYNOLDS: Well, you could make it
23 more difficult.

24 MR. BRANDON: No. Because anything
25 that you can have an ordinance to do, you can have

1 an ordinance overturned.

2 MS. REYNOLDS: But you could make it
3 where it can't be done.

4 MR. BRANDON: No, you can't.

5 MS. REYNOLDS: Can you write that into
6 the ordinance? Can you not do that?

7 MR. BRANDON: I'll turn it back over to
8 the attorney.

9 MR. ROGERS: Well, you can only go so
10 far with that. You can't bind future commissions
11 and make it impossible to change. You can put in
12 procedures and there are some ways to make it more
13 difficult, but you can't go -- you've got to be
14 careful.

15 MS. REYNOLDS: And nothing is forever
16 with the State. It might be a little bit more
17 difficult, but still you could make it very
18 difficult locally.

19 MR. BRANDON: Why don't we do this,
20 since we are -- let's call this citizen
21 participation and if you could, if you would like to
22 come up and --

23 MS. REYNOLDS: That's all my questions.

24 MR. BRANDON: No. I'm talking to the
25 lady behind you. Yes, ma'am.

1 MS. SAMS: My name is Jenny Sams and I
2 live up on Lookout Mountain and a few weeks ago I
3 did some research in how Alabama does this. Now,
4 we're not Alabama, so I'm showing my ignorance
5 again. But in Alabama in a situation like this,
6 each county has a charter and if you want to make a
7 change like this, you can send the change to the
8 state legislature that is very difficult to then
9 renig on it or you can make a change in the county
10 charter and the change in the county charter can
11 have a provision that it has to be voted on by all
12 the voters. So that's a lot more difficult than
13 just a majority vote on the Commission. Do we have
14 a county charter and is that an option?

15 MR. ROGERS: We have something a little
16 bit differently in Georgia. We do have a -- we
17 certainly do have a county enabling legislation and
18 there is a provision in the Georgia Constitution
19 where on most issues, you can amend that enabling
20 legislation by -- you have to go through some
21 procedures and quite frankly, I haven't looked at
22 this description to see what all is in there. It
23 does allow you to do that on several issues. It may
24 on this. I don't know that. So -- but it's called
25 a Home Rule of the Georgia Constitution.

1 MS. SAMS: So potentially that could be
2 something that would go to the voters and would
3 be different from an ordinance and be more difficult
4 to overturn also than an ordinance.

5 MR. ROGERS: Under Home Rule,
6 there's -- it doesn't necessarily go to the voters.
7 I think -- well, there's two ways to do that, one of
8 which, I guess, would go to the voters. The other
9 way is to go through a procedure with the County
10 Commission which requires approval at two
11 consecutive meetings and has -- you're required to
12 publish notice of the change and so forth in the
13 paper for like three weeks or something like that.

14 So there's really two separate tracts
15 there, but it's not -- I think we do have something
16 similar, but not the same thing as Alabama though,
17 but it would be in the Home Rule Provision of the
18 Georgia Constitution.

19 MS. SAMS: But potentially that might
20 bear some looking into because personally I think it
21 is very important that the voters decide this,
22 whether that's at state legislation or something
23 within home rule. I just wanted to bring that up.

24 MR. BRANDON: Thank you. Anyone else?
25 Yes, sir, Mr. Goff.

1 MR. GOFF: My name is Robert Goff and I
2 had no intention of speaking, but I'm not a
3 watchdog. I think we're mixed up with somebody
4 else.

5 Exactly what Senator Mullis and Martin
6 Scott told us was that basically the document that
7 they handed you was what would be on -- we are not
8 going to produce and never intended to produce any
9 document that we had written. I think that these
10 gentlemen who have got together and produced this
11 document has done a great job and I don't think we
12 need to look at them and thank them and then say,
13 but you've wasted your time. We need to at least
14 look at it and see what you have.

15 But we do not intend to give -- we
16 simply are gathering signatures so that this
17 document or one very close to it would go on the
18 ballot next year in legislation because those who
19 don't understand, these five people right here can
20 go ahead and tonight they could put it in
21 legislation or at least -- let me change that. They
22 could put it on a ballot that you and I go vote for
23 next year. I think it would be on record here as I
24 have not at any time said I am arrogant enough to
25 believe that because it goes on a ballot, that it's

1 going to be elected or accepted by the people. You
2 still get to vote just like the S.P.L.O.S.T. You
3 passed the S.P.L.O.S.T. That don't mean people are
4 going to vote for it. We're just getting it on a
5 ballot. That's it.

6 So people who think we're trying to
7 come up with another document, we're only trying to
8 get people to sign petitions to get this or some
9 document like it. Ours would be written by Martin
10 Scott is who would write the document for us, not
11 us. So just to clear that up, the watchdogs are not
12 going to hand you anything that I know of, but Dade
13 County Citizen Watch I know is not going to.

14 MR. BRANDON: Thank you, Robert.

15 MR. PITTMAN: Can I comment on that?

16 MR. BRANDON: No. Unless you want to.

17 MR. LOWERY: We need to make a rule on
18 that, either we're going to do it or we're not going
19 to.

20 MR. BRANDON: Well, there's a
21 difference between a comment and a question. Why
22 don't we save the comments for after the adjournment
23 of the meeting. Any other citizen participation?
24 Yes, Mr. Riddle? I would remind everyone as
25 Mr. Riddle is coming to the front, that we are going

1 to have a calm meeting and we're going to be polite
2 and Mr. Riddle being one of my best friends, I'm
3 sure he's going to do that.

4 MR. RIDDLE: My name is Lee Riddle. I
5 got here late and I intended not to say a word, but
6 since somebody said watchdog two or three back there
7 went, yeah, and they don't want to know what the
8 watchdogs have to say. We will have a public
9 meeting as we've had in the past. You want to know
10 what we're doing, be there. If you don't, stay at
11 home. We're still going to push forward to get it
12 put through the legislation to be voted on.

13 I'm not speaking for all these folks,
14 but I think we all agreed to that in a meeting, so
15 that's where we stand and what we had come up with
16 very similar to this is exactly what probably -- I'm
17 sure it won't be word for word because we're not
18 writing it, but it was real close because we did
19 know what it was going to say. And the reason these
20 folks are doing this and I had never -- but I will
21 say this from this day forward to the election very
22 loud and very plain, as of this year, we had a few
23 Democrats join with a few Republicans and you have
24 two Democratic parties actually liberal in this
25 county. If you want to run --

1 MR. BRANDON: Mr. Riddle --

2 MR. RIDDLE: If you really want to run
3 as a Republican, there is a choice. Call me. I'll
4 tell you where it's at. Thank you.

5 MR. BRANDON: Thank you, Mr. Riddle.
6 Yes, sir.

7 MR. HARRISON: I'd like to say that I
8 am Rex Harrison. I do care about Dade County and I
9 am very passionate about Dade County, always have
10 been and always will be. Ask anybody. I'm very
11 passionate because I want to see Dade County
12 improve, no other reason than that. I get out here
13 and I work every day. So whenever somebody comes
14 along and wants to make a big sign that says this or
15 says that about this certain group or says somebody
16 sitting in the back room wants to go, yeah. Hey,
17 people, this is the way it is. This is Dade County.
18 It's small town politics. If you don't like it,
19 guess what, there's a place down the road for you.

20 But let me tell you, if you're going to
21 run your mouth, you get out here and you work and
22 you make improvements for Dade County. Don't get up
23 here behind this mic and you don't get behind that
24 mic and run your mouth. You get out here and you
25 get to work and you shut your mouth. Woof, woof.

1 MR. TINKER: I don't know if I can
2 follow up behind that or not. I've got a couple of
3 questions I was concerned with. This land
4 development, this 300 and something acres that sits
5 in behind where I live, I've talked to several
6 people and yesterday I talked with a security guard.
7 They're telling me this is a gated community, going
8 to be a gated community. How can we accept roads or
9 fix roads in a gated community if everybody can't go
10 in there? That's like going to Alabama and doing
11 their roads.

12 MR. BRANDON: Well, we're not -- the
13 roads that are going to be built are in Dade County,
14 not Marion County.

15 MR. TINKER: It don't matter. If I
16 can't drive on it, why would my tax dollars go to
17 fix it?

18 MR. BRANDON: Well, we haven't agreed
19 to do that yet. I think -- didn't you say, Lamar,
20 that they said they were going to have -- didn't you
21 say they were going to build a road directly out of
22 that property into Dade County?

23 MR. TINKER: Yeah, right there beside
24 me. These lots are selling for high dollar.

25 MR. LOWERY: Some of them are.

1 MR. TINKER: Hey, there's one up there
2 \$170,000.

3 MR. LOWERY: One of them sold for
4 50,000.

5 MR. TINKER: Why can't these people fix
6 their own roads?

7 MR. LOWERY: They will.

8 MR. TINKER: And also, the area that I
9 looked at that's in Georgia, a billy goat can't get
10 up and down the roads they cut. I had a hard time
11 with my four wheeler. So ten percent, they're not
12 going to come close to that. I don't understand why
13 we would fix roads that we can't drive on.

14 MR. LOWERY: Can you have a public road
15 behind a gated community?

16 MR. ROGERS: I don't think so. I'll
17 check. I don't know.

18 MR. TINKER: That's unconstitutional
19 for us to spend our money on a road we can't drive
20 on.

21 MR. BRANDON: I wasn't aware that it
22 was going to be a gated community.

23 MR. TINKER: Well, I've been told that.
24 It may not be, but I've been told that. A security
25 guard told me yesterday it was.

1 MR. BRANDON: Before we could assume
2 ownership of the road at every step along the way,
3 it would have to be approved by the county as far
4 as -- we would have to accept it every step along
5 the way and the first paving of the road would have
6 to be at the developer's expense and all the county,
7 once we assume the responsibility for it, then we
8 would assume responsibility for maintaining it after
9 that. But, no, I don't think we could assume
10 responsibility for a road that's behind a gated
11 community.

12 MR. TINKER: Well, it may not be.

13 MS. MOORE: That's our ordinance now,
14 that we can't. If it's gated, we can't and don't.

15 MR. TINKER: If you've got any extra
16 money you want to spend, let's don't spend it on 11.
17 We've got Lookout Mountain and Sand Mountain that
18 could use some of that. You're talking about
19 building these tracks and walking tracks, we don't
20 even have one on Sand Mountain.

21 MR. PITTMAN: We're working on that,
22 Jimmy.

23 MR. TINKER: Thank you.

24 MR. BRANDON: Anyone else? Seeing no
25 other hands and there being no other business before

1 the Dade County Commission, I declare the meeting
2 adjourned. Thank you, ladies and gentlemen.
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