

Minutes
Regular Meeting of the Mayor and Council
City of Chattahoochee Hills, Georgia
December 17, 2015 / 7:00 p.m.

Call to Order

Mayor Reed called the meeting to order at 7:00 p.m. Councilmembers in attendance were Richard Schmidt, John Taylor, Claire Williams, Faye Godwin, and Don Hayes. Also present was City Attorney Rick Lindsey. Mayor Reed led the assembly in the Pledge of Allegiance.

Review and Approval of Agenda

Councilmember Godwin made a motion to approve the agenda. Councilmember Hayes seconded. The motion passed unanimously.

Statement from the City Attorney

City Attorney Rick Lindsey stated that there had been rumors about what transpired with the resignation of Chief Matt Rook, rumors of secret City Council meetings and votes, and rumors that Chief Rook was told he would be terminated if he did not resign. He said to his knowledge all of those rumors are false. He read pertinent provisions of the Charter that address the duties and powers of the city manager and Council interference with administration. He then outlined additional facts that included a conversation between City Manager Jay DiPasquale and Chief Rook on management issues that happened on or about September 30, 2015, a written reprimand issued by the City Manager to Chief Rook on October 6, 2015, an appeal filed by Chief Rook on October 9, 2015, Chief Rook informing the City Manager that he has decided to go back to school on November 30, 2015, a meeting scheduled by City Manager with Chief Rook for December 2, 2015, and Chief Rook resigning immediately before the meeting began and before action was taken on the appeal. The City Manager kept the City Council informed all along, there was no action or votes taken by the City Council, and the City Council followed the requirements of the City Charter.

Public Comment

Judy Henderson, Director of Community Brickworks, Inc., 12005 A Hutcheson Ferry Road – written statement read by City Attorney Rick Lindsey. Ms. Henderson thanked the City Council, Mayor, and City Manager for supporting their programs. At Thanksgiving, Community Brickworks, with the help from local churches, the charter school and local individuals, was able to provide meal for 113 people in 40 families. In December, they provided gas for four families and helped with utilities for two others and will be feeding 53 individuals and providing Christmas gifts for 28 local children. She said that all of this happens because the city pulls together to take care of each other.

Rebekah Michaels, 9068 Selborne Lane – said that chaos has been introduced to the community by the newly-hired City Manager and she is concerned that discord and mistrust of city leadership created by the City Manager will have long-term consequences. She asked the City Council to do the right thing and restore balance to the force in Chattahoochee Hills. Ms. Michaels submitted a written copy of her comments for the record.

Dawn Laughrey, 6520 Rico Road – said that she seconded Ms. Michael’s comments. Her daughter attends the charter school and she heard from several sources that the City Manager had gone to the school and yelled and bullied teachers and administrators in front of children.

Rebecca Williams, 10555 Serenbe Lane – said that she had two letters that were obtained by a sunshine act request. One letter was written by Chief Rook to the City Manager as a formal appeal to a letter of reprimand dated October 6, 2015. The second letter was written by Chief Rook to Mayor Tom Reed dated October 29, 2015 and indicated that the City Manager did not address Chief Rook’s appeal and requested that they City Council help address the issue. She said that she was deeply concerned that the accusations made in Chief Rook’s letters were not addressed and that the nature of the letters call into question the City Manager’s ability to direct city business in a professional and lawful manner. She asked the City Council to request that Chief Rook withdraw his resignation until the grievances can be properly addressed. Ms. Williams submitted a written copy of her comments for the record.

Clay Johnson, Chariman of Chattahoochee Hills Charter School, 9670 Rivertown Road – said that board of trustees at the charter school voted to begin an investigation into the City Manager’s conduct on the campus and whether his conduct breaches the school’s harassment policy. He said that that the City Manager went to the school unannounced on December 4th and demanded that they halt children from arriving so he could see the principal immediately. The City Manager told the principal that it was “problematic” that two school employees signed a petition on change.org and had identified themselves as school employees. Mr. Johnson said that the City Manager was not permitted on the school campus until the investigation had concluded. He asked the City Council to also investigate the matter on its own. He said that the school takes no official position on the matter of Matt Rook’s reinstatement; however, as a resident, he encouraged the City Council to consider amending the Charter so that hiring, terminations, and acceptances of resignations of public safety positions require a simple majority of the Council. Mr. Johnson submitted a written copy of his comments for the record.

Rick Lennert, 7360 Old Rico Road – said that he is an employee of Chattahoochee Hills Charter School and was speaking on behalf of the Charter School. He said that there had

been multiple incidents where he had answered phone calls from the City Manager who asked to speak to the principal immediately regarding urgent matters. One time was regarding mulch pile that was delivered by the electrical company as a donation. The City Manager said that it was in the wrong place and that the school would be shut down if it was not addressed immediately. Mr. Lennert said that the City Manager's behavior was impeding the children's learning.

Walter Buttler, Principal at Chattahoochee Hills Charter School, 9670 Rivertown Road – said that on December 4th, the City Manager arrived on the school campus about a school employee posting online support of Matt Rook. The City Manager said that he was going to email the employee's name to Mr. Buttler and Clay Johnson, the Board Chair. Mr. Buttler said he felt intimidated and told the employee to take the posting down, but he now regrets doing so.

Rob Preiditsch, 9159 Selborne Lane – said that he has watched the city divide itself for years, but Mr. DiPasquale has, through his bullying, harassment and disrespect of the law and City Council, united the residents of the city. He said that the city was asking in one voice that the City Council remove the City Manager and reinstate the police force. Mr. Preiditsch submitted a written copy of his comments for the record.

Marcia Lee, 6520 Rico Road – said that she was angry and concerned. She believes that the City Manager is in over his head and that the city is suffering from it. She said that his values are not Rico values and he is not familiar with the rules and regulations of the State of Georgia. She said that she met with the City Manager on November 3rd and he apologized for a prior incident. She said that he showed her a composition notebook that contained personal information about citizens, and she said that he is breaking the law by sharing this personal information. She asked the City Council to begin the termination process for the City Manager and reinstate the police force that night. Ms. Lee submitted a copy of her comments for the record.

Lee Brown, Campbellton Masonic Lodge, 7676 Church Street – said that they are located in the part of the city that was annexed earlier in the year. He said the ink is not even dry and the city has brought in someone who has dismantled the police department. He said that the citizens have a vote and the law says that officials can be recalled by 15 percent of the citizens who voted in the last election.

Robin Cailloux, 10680 Serenbe Lane – said that she is a resident in District 4 and a member of the Planning Commission. She said that the City Manager's actions have opened the city up to additional liability and have changed the tone of business. She said that she observed an incident that occurred at the last Planning Commission meeting where the City Manager responded to an educational question asking if the city could delay granting a permit until a developer complied with the city's desires on

something related to the permit. She said that the city manager responded “the city has many techniques it can use to encourage a developer to comply with all our wishes.” She said what the City Manager was suggesting is the textbook definition of extraction and is illegal. She said that the City Manager does not have the appropriate training to run a planning department, does not rely on the expertise available to him, and asked if he is encouraging the use of unethical and illegal action in other city departments. She requested that the City Council go into Executive Session to discuss the suspension of the City Manager and the reinstatement of Chief Rook, Officer Purcell, Officer Allen, Canine Ruby, and Canine Harley. Ms. Cailloux submitted a copy of her comments for the record.

Merry Preiditsch, 9159 Selborne Lane – said that she was resident and a mom of two children attending the charter school. She said that she wanted to focus on the recent behavior demonstrated by the City Manager at the school. She gave the Fulton County School Board of Education’s definition of bullying and said the City Manager’s behavior at the school on December 4, 2015 fit within that definition. She said the school has a zero tolerance for bullying with students and asked what the Council’s tolerance is for city officials. Ms. Preiditsch submitted a copy of her comments for the record.

Renee Prince, 13015 Hamilton Road – said that she met with the City Manager on December 4th and asked him if Matt Rook was given an ultimatum and if a City Council meeting would ever occur so that public could speak out about Matt’s supposed resignation. She said that the City Manager responded that Matt resigned. On December 6th, she signed an online petition to reinstate Matt Rook. She said that the City Manager called her on December 7th to talk about the petition and that he was yelling at her. She was driving during the phone call and she stopped Councilmember Hayes’ wife so she could hear the City Manager’s demeanor. She said that his conduct is concerning and that it warrants a termination investigation. Ms. Prince submitted a copy of her comments for the record.

Daniel Funderbirk, 11820 Upper Wooten Road – said that he has been a resident since July 2013 and that he moved here for the serenity and safety. He said that safety is the number one concern. He said he was asking for cooperation and that the culture needs to be learned and respected.

Anita McGinnis, 11845 Upper Wooten Road – said that she had a recent experience with Jay DiPasquale when he came to her residence about an issue he had with them parking in the right of way. She said that he was aggressive and made demands. She complained to her Councilmember and said that her Councilmember did not agree to investigate her complaint. She said that she believed details of her interaction with the City Manager were shared with other residents by the City Manager. She questioned the work environment the City Manager creates for his employees and expressed concern

about the City Council's response to her situation. Ms. McGinnis submitted a copy of her comments for the record.

Kerri McGinnis, 11845 Upper Wooten Road – said that she had noticed that Mr. DiPasquale has worked in the city for more than thirty days and his car still has New York license plates. She asked if the police were being instructed not to give him a citation for breaking the 30-day rule for vehicle registration in the state of Georgia. She asked the City Council to deliberate on whether or not it supports this disregard for the rules and regulations. Ms. McGinnis submitted a copy of her comments for the record.

Andrea Ciasullo, 9068 Selborne Lane – said that she has not been previously engaged in the affairs of the city government because it seemed like everything was going along very well, but the recent news about friction between the new City Manager and long-time city employees and citizens concerned her. She asked the City Council to place the City Manager on suspension and conduct a fair and impartial investigation. Ms. Ciasullo submitted a copy of her comments for the record.

Susan Tillander, 9900 Woodruff Road – said that she and her children were active volunteers at the library and the Cochran Mill Nature Center. She said that her son had an encounter with Mr. DiPasquale during which Mr. DiPasquale told him that he would never get into college and would be scrubbing floors and cleaning toilets for the rest of his life. She said that she had other encounters at the library with Mr. DiPasquale and he had started conversations about his sex life and made racist comments. Ms. Tillander submitted a copy of her comments for the record.

Blake Walker, 10205 Henry Mill Road – said that she and her seven-year-old son witnessed an incident at the charter school where the City Manager came onto the school campus. She said that a lot of the things she was going to say had already been said. She said it was bullying behavior and she did not want her son seeing that. Ms. Walker submitted a copy of her comments for the record.

Lisa Bianco, 7605 Rico Road – said that she was concerned about the hostile work environment created by the City Manager. She said two letters obtained by a sunshine act request demonstrated that Chief Rook, Officers Allen and Purcell endured a hostile work environment and that the letters gave details of two incidents involving the City Manager asking a police officer to run a tag and the City Manager improperly involved in police work. She urged the Council to vote to begin the termination of the City Manager and to investigate the claims made by the Chief of Police in these letters. She also asked that the City Council ask Chief Matt Rook to reconsider his resignation. Ms. Bianco submitted a copy of her comments for the record.

Keith Robinson, 13125 Hutcheson Ferry Road – read the procedure for removing the City Manager and he asked that the City Council begin the process immediately.

Amber Danielle, 9059 Selborne Lane – said that she commended the remaining police officers for continuing to keep the city safe and that she appreciated that they are working double time during the holiday season in a politically and culturally difficult place. Ms. Danielle submitted a copy of her comments for the record.

Steve Hurwitz, 9116 Selborne Lane – said that there are many wonderful people who give so much and contribute to the city. He said that he has begun to more fully understand the undercurrent of division in the city and that the city government has had some part in fostering it. He asked the City Council to take steps toward regaining the trust of the constituents by voting unanimously for the removal of the City Manager, reinstating Chief Matt Rook and the other officers, and examining their responsibilities, motives, and actions. Mr. Hurwitz submitted a copy of his comments for the record.

Elaine Hurwitz, 9116 Selborne Lane – said that she is a teacher at Chattahoochee Hills Charter School. She said that since she found out about the incident at the charter school, she does not feel safe and does not feel like she can keep her children safe. She said that the incident between the City Manager and the principal sounds like a textbook case of bullying. She asked the City Council to consider reinstating Matt Rook and to accept the resignation of the City Manager and move to make that happen.

Karen Villano, 9450 Hutcheson Ferry Road – said that she had not planned on speaking but felt like she needed to speak. She said that Matt Rook has been a wonderful example of leadership for his police force. She said that a supervisor has a right to tell their staff that they must come to them first unless the complaint is about them. She said that is the way it works in management.

Charles Hatcher, 7955 Cochran Mill Road – said that it was not lost on him that the first thing on the agenda was going over the right of the city manager to fire but the question is should he. He said that the exercise of raw authority is distasteful and that there has been a disruptive influence.

Laurie Searle, 12600 Whiteside Road – she said that she has only had one experience with the City Manager and it was very professional, but because of that one experience, she had no idea what was going on. She publically thanked Susan and Marcia for engaging the community. She said engagement was a two-way street and everyone needs to become more involved. She also said that she was surprised that there was no due process in the Charter.

Eliza Bacot, 1000 Loliver Lane – asked the City Council why they have not already gone to Executive Session to suspend Jay DiPasquale. She said that they at already heard at the meeting that he is under investigation at the charter school for harassment and multiple other accounts bullying, trespassing, inappropriate behaviors and violation of laws. Phillip West, 10680 Woodruff Road – said that was retired from City of Atlanta Fire Department and helped put together Chattahoochee Hills Public Safety Department. He said that the city had reached a good balance with Matt Rook. He was good for public safety and good for the community. He said that the City Council needs to put Matt Rook back and the Mayor and Council needs to come together for the people.

Barry Anbinder, 10625 Serenbe Lane – said that there was a lot of anger in the room and thanked the City Council for allowing everyone to speak their minds. He said that he did not see how the City Council could do anything but suspend the City Manager. He has done a lot of things that he does not have the right to do, but he does have the right to resign.

Mayor and Council Comments

Councilmember Schmidt said the Council has been made aware of a lot stuff. He thought it was going to be a meeting about Matt Rook but it has been more about the City Manager. He said that it was good that there were a lot of people at the meeting and that a lot of the anger can be resolved if we come together. He said that this Mayor and Council is transparent and has been briefed on everything, but they are bound by the Charter.

Councilmember Hayes thanked everyone for coming and said that it had been very informative. He said that there were the same number of police on duty as before. He also said that changes to the Charter must go through the state.

Councilmember Godwin said that it was the second time in her eight years on the City Council that she had seen the room so full and that she had seen representation from all over the city. She said that the Council was here to represent the citizens and that her job was to serve the city. She said that those who spoke had brought new information and that it was the Council's responsibility to examine those issues and make some difficult decisions.

Mayor Reed thanked everyone for their composure. He said issues have come up that need to be addressed and that he would do everything within his power to make sure that they are. He said that he would do everything he can to bring the city back together. He also said that we still have amazing public safety officers that are still working and that still need the citizens' support.

Mayor Reed asked the Council members if there was a need to have an Executive Session.

Executive Session

After discussion between the Councilmembers, Councilmember Hayes made a motion to move to Executive Session to discuss personnel matters. Councilmember Godwin seconded. The motion passed unanimously.

Councilmember Schmidt made a motion to come out of Executive Session. Councilmember Hayes seconded. The motion passed unanimously.

Councilmember Schmidt made a motion to reconvene the Regular Meeting. Councilmember Taylor seconded. The motion passed unanimously.

Mayor Reed called for a motion to authorize the City Attorney to hire an independent investigator to investigate the incident that happened at the charter school on December 4th. Councilmember Williams made the motion. Councilmember Godwin seconded. The motion passed unanimously.

Mayor Reed called for a motion to hold a Special Called Council Meeting for the purpose of having an Executive Session on December 31, 2015 at 11:00 a.m. Councilmember Hayes made the motion. Councilmember Godwin seconded. The motion passed unanimously.

Adjourn Meeting

Councilmember Williams made a motion to adjourn the meeting. Councilmember Hayes seconded. The motion passed unanimously and the meeting adjourned at 9:46 p.m.

Approved this 5th day of January, 2016.

Dana Wicher, City Clerk

Tom Reed, Mayor