



**COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FULL MINUTES
JANUARY 21, 2021**

ATTENDANCE

Mayor: Lois Salter

Council Members: Rodney Hammond, Scott Lee, Chip McDaniel, Bob Smith, Rebecca Spitler

City Officials: Tom Rozier - City Administrator, Leigh Threadgill - Deputy City Administrator,
Richard Carothers – City Attorney

Members of the Public: 0

Members of the Press: 1

WORK SESSION

The mayor and council reviewed the meeting agenda and materials with staff.

CALL TO ORDER

Salter called the meeting to order at 8:02 PM via conference call. A quorum of council members was in attendance.

Salter: Our meeting is being held tonight by public conference call due to COVID-19 virus social distancing reasons. The council members and I are participating in the call with video capabilities in case anyone wonders how I am interpreting their voting tonight. To ensure that members of the public have access to this meeting, a notice was placed in the Gwinnett Daily Post, at the front door of city hall and a link was placed on the city website regarding the meeting. All of which included instructions for dialing into the meeting via telephone.

AGENDA

Salter solicited motions regarding the agenda.

Hammond made a motion to accept the agenda as submitted. Smith seconded the motion. All council members were in favor and the motion passed.

CONSENT AGENDA

Salter noted the following as items on the consent agenda and solicited a motion:

- a) Minutes of December 17, 2020 Council Meeting
- b) Financial Reports: November 2020, Unaudited

McDaniel made a motion to approve all items on the consent agenda. Lee seconded the motion. All were in favor and the motion passed.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

- a) Code of Conduct Affirmation

Salter: The next item of new business is the agreement this group made with each other years ago wherein we would annually recall to our attention the code of conduct we worked together to create. We want to annually affirm that. The code requires that it be brought before council annually and asks each council member to ratify the Code of Conduct anew at that time.

Code of Conduct

- a) The City of Berkeley Lake adopts by reference, as if fully set forth herein, the provisions of OCGA 45-10-1 and Section 2.14 of the City of Berkeley Lake Charter. Any conflict between local ordinance and state statutes and/or the charter shall be resolved in accordance with the provisions of state statute and the charter.
- b) It is the policy of the City of Berkeley Lake to observe the highest standards of public conduct, considering the roles of both elected and appointed city officials to be primarily that of a trustee of the public's resources. Consequently, this code seeks to establish criteria and guidelines that will encourage all city officials to serve others, not themselves; to use resources with efficiency and economy; to treat all people fairly; to use the power of their positions only for the well-being of constituents; and to create an environment of honesty, openness and integrity.
- c) Public officials and employees of the city shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts of interest between their private self-interest and the public interest.
- d) The following are found to be ethics violations in the City of Berkeley Lake and are prohibited:
 - 1) Coercing or attempting to influence persons outside a public meeting by offering to exert the power and resources of their position to achieve a private objective;
 - 2) Making commitments, implicitly or explicitly, that the city will take actions the council has not agreed to;

- 3) Accepting gifts or favors with a value of more than \$50, or multiple gifts with a cumulative value of \$100 from any single source, from persons regulating and conducting business with the city;
 - 4) Disclosing confidential information from closed meetings without the prior authorization of the mayor and council;
 - 5) Requesting, using or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of a member of the mayor and council, except as otherwise provided by law;
 - 6) Engaging in private employment with, or rendering services in exchange for compensation for, any entity that has business transactions with the city, unless full disclosure of the nature and extent of such employment or services has been made;
 - 7) Appointing or voting for the appointment of any person related to the individual by blood, marriage or adoption to fill an office, position, employment, or duty, when the salary, wages, pay, or compensation is to be paid out of public funds;
 - 8) Making remarks in a public meeting that are personally disparaging or reflect negatively on the character of others (rather than expressing a different point of view), or allowing others to do the same;
 - 9) Failing to vote on all matters lawfully coming before a member of the city council or a commission appointed by the city council without stating a reason for doing so.
- e) In the interests of advancing efficient, transparent and good government, the following activities shall be required:
- 1) City council members and commission members appointed by the city council will announce the details of ex parte contacts and communications prior to any action on a matter which was the subject of the ex parte contact/communication;
 - 2) Presiding officers of city meetings shall not permit personally disparaging remarks or comments that reflect negatively on the character of others (rather than expressing a different point of view), and shall declare such persons out of order;
 - 3) To avoid the appearance of impropriety, any member of the mayor and council or commission member appointed by the mayor and city council determined to have a conflict of interest or a potential conflict of interest shall leave the room for the entire duration of the deliberations and actions on the matter;
 - 4) Persons wishing to speak at public meetings must first be recognized by the chair or presiding officer;
 - 5) Council members who communicate, by whatever means, policy positions, opinions, or city-related recommendations which are not the official position of the city shall clarify that their communications speak only for themselves and are not the official position of the city;

- 6) Violations of the city's codes of ethics witnessed by members of the governing body will be reported to the mayor (or mayor pro tem in the event the mayor is the subject of an alleged violation);
- 7) The city's ethics ordinances shall be reviewed annually by the mayor and council.
- f) Hearings and Determinations: Upon the sworn complaint of any person alleging facts, which if true would constitute a violation of this section, the mayor and council shall conduct a public hearing at which the accused shall be given the opportunity to be heard, either personally or through counsel. At the conclusion of said hearing, the mayor and council shall, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the official or appointee in question.

Spitler made a motion to ratify the code of Conduct for 2021. Smith seconded the motion. All were in favor. The motion passed signifying that each council member has personally ratified the Code of Conduct.

b) Election of Mayor Pro Tem

Lee nominated Spitler to fulfill the duties of mayor pro tem for 2021. Hammond seconded the nomination. All were in favor and the motion passed.

c) Mayoral Appointments for Council's Consideration - 2021

City Administrator	Tom Rozier
City Clerk	Tom Rozier
Deputy City Administrator	Leigh Threadgill
Deputy City Clerks	Constance Hughes
	Leigh Threadgill
Court Clerk	Constance Hughes
City Treasurer	Pam Williamson
City Marshal/Ordinance Enforcement Officer	Robert Adderly
Deputy Marshal/Ordinance Enforcement Officer	Rob Hiller
City Attorney	Dick Carothers
Solicitor	Angela Couch
City Auditor	Martean Higginbotham
City Building Inspector	Craig Lokey
Municipal Judge	Charles Barrett
Planning & Zoning Commissioners	Dan Huntington
	Pekka Ignatius
City Engineer	Sam Serio
Georgia Piedmont Land Trust Board Member	Rebecca Spitler
Food Drive Program Coordinator	Julia Huntington

Neighborhood Liaisons

Berkeley Walk and Berkeley Commons
Berkeley Field and Habersham on the River
BLHA and River Mansions
Miramont and Hermitage Plantation
River District and Commercial Areas

Rodney Hammond
Chip McDaniel
Scott Lee
Rebecca Spitler
Bob Smith

Committees

Conservancy

(Liaison – Rebecca Spitler)
Susan Hanson-Chair
Sue Carlson
Jim Gawlas
Chris Kimberley
Sue Swanson
Ed Zawacki

Financial Affairs

(Liaison – Bob Smith)
Pam Williamson – Chair
Calvin Grier
Dorris Hollingsworth
John Small

Arts Committee

(Liaison-Chip McDaniel)
Janine Brinton – Chair
Scott Brown
Cynthia Currence
Chris Kimberley
Mikal Kitchens
Ginny Nevins

McDaniel made a motion to approve the mayoral appointments as presented. Hammond seconded the motion. All were in favor and the motion passed.

d) R-21-1: Set general election qualifying dates and fees; appoint superintendent

Threadgill: It's an election year and, as you may recall, the Georgia Election Code requires each municipal governing authority, by February 1st of an election year, to set and publish the qualifying fees and appoint the superintendent that will oversee the election. This year, terms for council seats currently held by Rodney Hammond, Scott Lee and Chip McDaniel expire. This resolution sets the qualifying fees at the statutory three percent of annual compensation, in other words, \$27.00 for council seats. The resolution appoints me as election superintendent in accordance with state law.

Lee made a motion to adopt R-21-1, a resolution to set general election qualifying dates and fees and to appoint Leigh Threadgill to the position of municipal Election Superintendent. Smith seconded the motion. All were in favor and the motion passed.

e) O-21-238 Consideration of Amendments to Chapter 6, Alcoholic Beverages

Spitler made a motion to place O-21-238, an ordinance to amend Chapter 6 of the Code of Ordinances of the City of Berkeley Lake, Georgia, entitled “Alcoholic Beverages” to allow for delivery; to repeal conflicting ordinances, to provide for an effective date and for other purposes, on first read. McDaniel seconded the motion. All were in favor and the motion passed.

f) Public Works: Permanent Drainage and Maintenance Easement - 326 Lakeshore Drive

Threadgill: *This easement is needed to repair and maintain an existing concrete flume that carries stormwater from Lakeshore Drive to Lake Berkeley through 326 Lakeshore Drive.*

Hammond made a motion to accept the permanent drainage and maintenance easement at 326 Lakeshore Drive as offered. Spitler seconded the motion. All were in favor and the motion passed.

PUBLIC COMMENTS

There were no comments.

ADJOURNMENT

There being no further business to discuss, Hammond moved to adjourn. Spitler seconded the motion. All were in favor and the motion passed.

Salter adjourned the meeting at 8:13 PM.

Submitted by:

Tom Rozier
City Clerk