



**COUNCIL MEETING  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
FULL MINUTES  
JANUARY 20, 2022**

**ATTENDANCE**

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Mayor: Lois Salter

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

City Officials: Leigh Threadgill - City Administrator

Richard Carothers – City Attorney

Members of the Public: 8

Members of the Press: 0

**WORK SESSION**

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

**CALL TO ORDER**

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

**AGENDA**

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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**

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

- a) Minutes of December 16, 2021 Council Meeting
- b) Financial Reports: November 2021, Unaudited
- c) 2021 Audit Engagement Letter: James L. Whitaker, P.C.
- d) Contract Extension – Keck & Wood for Engineering Services

**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**

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There was no old business to discuss.

## **NEW BUSINESS**

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### 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 code, 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.

**Smith made a motion to ratify the code of Conduct for 2022. McDaniel 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

**Hammond nominated Rebecca Spitler to fulfill the duties of mayor pro tem for 2022. McDaniel seconded the nomination. All were in favor and the motion passed.**

c) Mayoral Appointments for Council's Consideration - 2022

City Administrator	Leigh Threadgill
City Clerk	Leigh Threadgill
Deputy City Clerk	Lila Hunter
Court Clerk	Lila Hunter
City Treasurer	John Pendleton
City Marshal/Ordinance Enforcement Officer	Robert Adderly
Deputy Marshal/Ordinance Enforcement Officer	Rob Hiller
City Attorney	Dick Carothers
Solicitor	Angela Couch
City Auditor	James Whitaker
City Building Inspector	Craig Lokey
Municipal Judge	Charles Barrett
Pro Hac Vice Judge	Margaret Washburn
Planning & Zoning Commissioners	Robin Sansone and Bob Erwin
City Engineer	Sam Serio
Georgia Piedmont Land Trust Board Member	Rebecca Spitler
Food Drive Program Coordinator	Julia Huntington
<b>Neighborhood Liaisons</b>	
Berkeley Walk and Berkeley Commons	Rodney Hammond
Berkeley Field and Habersham on the River	Chip McDaniel
BLHA and River Mansions	Scott Lee
Miramont and Hermitage Plantation	Rebecca Spitler
River District and Commercial Areas	Bob Smith

**Committees**

Conservancy (Liaison – Rebecca Spitler)

Susan Hanson-Chair

Jim Gawlas

Chris Kimberley

Sue Swanson

Ed Zawacki

Financial Affairs (Liaison – Bob Smith)

John Pendleton – 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

Salter noted that one of the appointments, John Pendleton, was in attendance at the meeting tonight and she thanked him for his willingness to serve as City Treasurer.

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

d) Public Safety: Contract with Flock Safety for services related to License Plate Reader Cameras

***Threadgill:** You have before you tonight a contract for the installation of two license plate reader cameras, generally located at North Berkeley Lake Road/Ridge Road and South Berkeley Lake Road/Peachtree Industrial Boulevard. In addition to camera installation, this contract provides for the collection of license plate data to be stored by Flock Safety for review by the city and any other designated agency, such as Gwinnett County Police Department. The cost of each camera initially is \$2,500 annually. There is also a one-time implementation fee of \$250 per camera. The total cost for 2022 would be \$5,500. However, it should be noted that preparation for camera installation, such as providing power as may be needed, is not included in the subject contract.*

**McDaniel made a motion to authorize the Mayor to sign the contract with Flock Safety for two license plate reader cameras at a cost not to exceed an initial annual fee of \$2,500/camera and a one-time implementation fee of \$250/camera, subject to review and approval by the City Attorney. Smith seconded the motion. All were in favor and the motion passed.**

## **PUBLIC COMMENTS**

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Salter acknowledged that 8 members of the public were in attendance and asked if there were any citizen comments.

Tammy LaPread, 3620 Mansions Parkway, asked about the purpose of the license plate reader camera and whether it was for speeding. Salter noted that this was recently covered in a Mayor's Message and that other cities nearby have suggested these cameras as very helpful to catch criminals. In Peachtree Corners, Gwinnett County Police were able to catch two alleged murderers as well as someone who was randomly shooting into people's homes. It is not a speed thing, but to help in investigation of serious crimes.

Faye Harwell, 381 Lakeshore Drive, started by thanking the city for purchasing the Josten property to protect wetlands that feed the pond and the lake. After 7 years of meetings, emails, strategy and discussions, this year it seems that Peachtree Corners, Ryerson and Gwinnett County will work together to significantly reduce stormwater runoff and silt coming into the pond that is co-owned by Bernie Cohen and me, the Jones' and Ryerson, but to be realistic the maintenance and structural repairs may take longer depending on the negotiations and weather conditions, but we're moving in the right direction. Soon we will be starting a grassroots campaign to inform the citizens of Berkeley Lake of the value and importance of detention ponds in our community. Detention ponds are not boring, but play a vital role in limiting downstream environmental damage by capturing sediment, garbage and nasty pollutants such as oil slicks and pesticides and probably heavy metals so that our children can swim in the lake and fishermen can fish. Finally, as the City of Berkeley Lake is now an adjacent property owner, we hope the Mayor and City Council will support our efforts to increase awareness of the upstream environmental challenges we face in protecting Berkeley Lake.

Salter thanked Harwell and everyone who has worked hard over the many years to follow up on this issue and place pressure effectively and consistently.

Gary Volino, 380 Lakeshore Drive, stated he met with Peachtree Corners City Manager and City Attorney on the Ryerson land and sent a packet of information via email to the council to remind the city that this is an ongoing issue. The purpose of the meeting with Peachtree Corners was to get a status. They felt that by the end of March Ryerson would fix the pipe under Turman Road and once that was done Gwinnett County would be contacted to come in to fix their part of the infrastructure, the pipe that runs under Peachtree Industrial. Volino asked Peachtree Corners if he could get involved with that. Peachtree Corners stated they would contact him to be in the conversation with Gwinnett County, but as far as what happens once the flow leaves the county pipe, that isn't a Peachtree Corners issue anymore, but a Berkeley Lake issue. Volino is interested in what will happen with all the trash and silt that is coming through. Something is about to happen and once that happens we need to work with Gwinnett County on the Berkeley Lake side of the pipe. Volino acknowledged the recent purchase of the land the pipe flows into, now owned by the city. He said his purpose is to get on the agenda next month and talk about what to do with the exit flow from that pipe.

Salter thanked Mr. Volino.

**ADJOURNMENT**

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

Salter adjourned the meeting at 8:15 PM.

Submitted by:

  
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Leigh Threadgill  
City Clerk

