



**COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FULL MINUTES
JANUARY 16, 2025**

ATTENDANCE

Mayor: Lois Salter

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

City Officials: Leigh Threadgill - City Administrator, Dick Carothers – City Attorney

Members of the Public: 4

Members of the Press: 0

CALL TO ORDER

Salter called the meeting to order at 8:00 PM. A quorum of council members was in attendance.

AGENDA

Salter solicited a motion regarding the agenda.

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

PUBLIC HEARING

a) Intent to Opt Out of Statewide Homestead Exemption

Salter solicited comments.

Calvin Grier, 718 Lakeshore Drive, stated that we discussed this in our last finance committee meeting regarding this. There were some informational facts that he wanted to get on the record about the complications associated with this. Threadgill stated that opting out would avoid the complications of the property tax cap that would be imposed by the statewide floating homestead exemption.

Threadgill stated that she may have mentioned complexities associated with the floating local option sales tax if Berkeley Lake was the only Gwinnett city to opt out.

- b) O-24-255, Amendment to Sections 78-3, 78-300 and 78-301 of the Zoning Ordinance to clarify use provisions in the GC-A zoning district

Salter solicited comments.

There were no comments.

CONSENT AGENDA

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

- a) Minutes of December 5, 2024, Council Meeting
- b) Minutes of December 11, 2024, Council Work Session
- c) Minutes of December 11, 2024, Council Meeting
- d) Financial Statements of November 2024 – Unaudited
- e) James Whitaker Audit Engagement Letter

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

- a) O-24-255 – Amendment to Sections 78-3, 78-300 and 78-301 of the Zoning Ordinance to clarify use provisions in the GC-A zoning district

Threadgill: The Gwinnett County-Annexed, or GC-A, district was established to provide continuity in zoning regulation to annexed properties so that the zoning rules governing the properties prior to annexation were carried forward and applied once the properties were annexed into the city. Over the years, however, Gwinnett County has revised their standards, but the standards frozen in place at the time of annexation have not been updated to be consistent with changes to the Gwinnett County standards. The proposed amendment addresses convenience stores with or without fuel pumps, Hookah bars, Noxious manufacturing or industrial uses, and Vape/CBD shops. These uses either didn't exist or existed but were regulated differently by the 2011 Gwinnett County zoning regulations. The amendment was recommended for approval by the planning and zoning commission and placed on first read at the December council meeting. It is being considered for second reading and adoption.

Lee made a motion to place O-24-255, an ordinance to amend Sections 78-3, 78-300 and 78-301 of the zoning ordinance, to repeal conflicting ordinances and for other purposes on second read and adopt the amendment. Spittler seconded the motion. All were in favor and the motion passed.

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 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.

McDaniel made a motion to ratify the code of Conduct for 2025. Hammond 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 2025. Hammond seconded the nomination. All were in favor and the motion passed.

c) Mayoral Appointments

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| City Administrator, City Clerk, Election Superintendent & Absentee | Leigh Threadgill |
| Ballot Clerk | |
| Court Clerk and Deputy City Clerk | Lila Hunter |
| City Treasurer | John Pendleton |
| City Marshal / Code Enforcement Officer | Rob Hiller |
| Deputy City Marshal / Code Enforcement Officer | Andy Anderson |
| 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 Commissioner | Barbara Geier |
| Planning & Zoning Commissioner | George Kaffezakis |
| City Engineer | Greg Sistrunk |
| Georgia Piedmont Land Trust Board Member | Rebecca Spitler |

Neighborhood Liaisons

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|---|-----------------|
| 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 | |

Committees

Berkeley Lake Conservancy (BLC)

Arts Committee

Liaison – Rebecca Spitler
Susan Hanson – Chair
Louise Gabron
Jim Gawlas
Karen Geiger
Sue Swanson

Liaison – Chip McDaniel
Chris Kimberley - Chair
Jason Ouimette
Ann Carpenter
Greta Agnew
Carol Seitz
Tom Merkel

Financial Affairs

Liaison –
John Pendleton - Chair
Calvin Grier
Dorris Hollingsworth
Ron Mechling
Steve Rea
Kathy Sanders
John Small

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

d) Public Works – 2023 ARPA Stormwater Project – Project Closeout Change Order #2 Ratification

Threadgill: This change order closes out the stormwater project that began in 2023, which included work in Hermitage Plantation, River Mansions and on Lakeshore Drive. The final cost of the project was \$793,988.80. While this represents an increase in the original contract price of about \$78,000, it was a \$121,500 decrease from the amended contract price following approval of Change Order 1 that added a couple of new locations to the project and a substantial field change due to an incorrect pipe size in the original bid documents.

McDaniel made a motion to ratify approval of Change Order 2 of the 2023 ARPA Stormwater Project contract to close out the project. Hammond seconded the motion. All were in favor and the motion passed.

e) R-25-1: Resolution to set general election qualifying dates and fees; appoint superintendent

Threadgill: It's an election year, and the Georgia Election Code requires each municipal governing authority, by February 1st of an election year, to set and publish qualifying fees and appoint the superintendent that will oversee the election. This year, the terms for three council seats, currently held by Rodney Hammond, Scott Lee, and Chip McDaniel expire. This resolution sets the qualifying fee for council at the statutory three percent of annual compensation, which is \$27.00. The resolution also establishes the qualifying period to be Monday, August 18th –

Wednesday, August 20th during the hours of 9 AM and 4 PM. Finally, this resolution appoints me as election superintendent in accordance with state law.

Spitler made a motion to adopt R-25-01, a resolution to set general election qualifying dates and fees and to appoint Leigh Threadgill to the position of municipal Election Superintendent. Lee seconded the motion. All were in favor and the motion passed.

f) TSW Code Update Project Phase 3 Contract

Threadgill: When we originally embarked on our code update project, we split the project into two contracts because the outcome of phases 1 and 2, which was the diagnostic portion of the project, informs the expense associated with phase 3 of the project, which is the code drafting. TSW has provided this contract for phase 3 to write the code at a cost of \$142,000 with the understanding that if there are additional services required during the course of the project, the fee can be adjusted. To cover any costs associated with unforeseen additional work, staff requests that you approve the contract and add \$10,000 in contingency if additional services are required. The action is to authorize the mayor to sign the contact subject to approval as to form by the city attorney.

Hammond made a motion to authorize the mayor to sign the TSW Code Update Project Phase 3 Contract, subject to approval as to form by the City Attorney, and include \$10,000 in contingency. McDaniel seconded the motion. All were in favor and the motion passed.

g) Metro North Georgia Water Planning District Audit – Keck & Wood Proposal for Services

Threadgill: The City Engineer, Keck & Wood, prepared this proposal to assist the city in conducting an audit that is required every 5 years by the Metro North Georgia Water Planning District to ensure compliance with action items in the District’s Water Resource Management Plan. Staff requests that you authorize the mayor to sign the proposal at a cost not to exceed \$7,800 for professional services to assist with the audit.

Lee made a motion to authorize the mayor to sign the proposal for Keck & Wood to provide professional services to complete the Metro Water District Audit. Spitler seconded the motion. All were in favor and the motion passed.

PUBLIC COMMENTS


There were no public comments.

ADJOURNMENT

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

Salter adjourned the meeting at 8:20 PM.

Submitted by:


Leigh Threadgill, City Clerk

