

**CITY OF BERKELEY LAKE
COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FULL MINUTES
JUNE 21, 2018**

ATTENDANCE

Mayor: Lois Salter

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

City Officials: Tom Rozier – City Administrator, Pat Chapman – Deputy City Administrator, Amy Cowan – Deputy City Attorney

Members of the Public: 4

Members of the Press: 0

WORK SESSION

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

CALL TO ORDER

Salter called the meeting to order at 8:03 PM at 4040 South Berkeley Lake Road. A quorum of council members was in attendance.

AGENDA

Salter solicited motions regarding the agenda.

Hammond made a motion to accept the agenda as submitted. McDaniel 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 May 17, 2018 Council Meeting
- b) Operations Activity Report: May 2018
- c) Financial Reports for April 2018 – Unaudited
- d) Human Resources: Employee Policy Updates
- e) 2017 Financial Statements - Audited

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

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

- a) Finance: Appeal for Exemption from Occupation Tax Penalties and Interest

John Homonek, 566 Lakeshore Dr: *I appreciate the opportunity to come ask for the waiver on this. It was kind of a surprise. I don't know if you guys have heard of John Smith, the real estate guru that lives in Decatur. He had suggested and I have been to a couple of his seminars about rental property about putting rental homes in their own LLCs and then transferring the property deed to the LLC to prevent any type of suit cascading from one property to another. This limits that loss if someone falls and gets hurt on one of the rental properties. So that's what I did. I put the 4 properties in their own LLCs and I do have a 5th LLC where the tenants from those properties send their checks. I do have the 5 LLCs and had I known I needed to report that, I would gladly have done that in the past. In bringing it to light recently, I did get caught up. I paid this year's tax and the last 3 year's tax, getting it current. So, we should be good there, however had I known about it before, I would have done it before. So, I'm asking for the exemption or a waiver on the penalties and interest which is roughly \$405.00. Thank you.*

Spitler: *Although I do sympathize with your situation, I do have a concern with making an exception to one of our ordinances.*

Spitler made a motion to deny the request for Appeal for Exemption from Occupation Tax Penalties and Interest. Lee seconded the motion.

Lee: *I have a similar situation. I do have an LLC and I did in fact have to pay all the occupation taxes going back for several years and I understand exactly the same situation you're in. My LLC owns property and so I'm subject to the same taxes, penalties and interest and all the fees associated with it. I've paid them myself. I'm empathetic but I wouldn't personally ask for an exemption for myself. It would set a bad precedent.*

McDaniel: *I sympathize entirely as well, but of course there's a benefit to having the extra LLCs instead of just having one. More importantly, I see the council as the legislative branch. If you had appeared in front of us asking to us to change the ordinance, that may have been a harder goal to achieve, but in asking us to make a waiver for one individual, I feel like other individuals would begin making the same request and the precedent we set would become a slippery slope. I'm informed very quickly by both staff and other council members that we have very low fees in this regard compared to other entities within the cities and county. This council is legislative. Ask us*

to change the rules but don't ask us to waive the rules for an individual's circumstance. That's my take on that. It's not something I'm happy to be here saying, however.

Hammond: *I think this was a real struggle for us all, but I come down on the side of not granting this because the precedent it would set. How would we then deny such a request to anyone else in a similar predicament. I also agree with Chip. The best avenue for addressing a situation like this is to see if there is some way we can amend or change the rules are written. Absent that, I feel like our hands are tied.*

Smith: *I happen to have a similar situation. I certainly am sympathetic. I think you have a lot of sympathy up here.*

All were in favor and the motion passed.

- b) Public Works: Task Order #4 - Proposal for Road Patching and Preservation Services and Installation of Guard Rail on Bayway Circle

Chapman: *You may recall from last month's meeting that staff was directed by council to solicit quotes from three qualified contractors for performance of work prescribed by the city engineer regarding a guardrail on Bayway Circle and to proceed with the lowest quote. In addition, the city engineer was instructed to develop a patching and preservation plan for portions of roads identified as fair or poor in the 2018 Pavement Evaluation Report and to solicit quotes from a minimum of three qualified contractor for performance of the prescribed work. Subsequently, the city engineer recommended combining the two projects into a single project for the purpose of soliciting quotes. Tonight, you have before you the lowest quote for the combined projects, identified as Task Order #4, and I am asking that you approve the issuance of a notice to proceed to Blount Construction Company, Inc. of Marietta, Georgia and authorize a cost not to exceed \$305,000.00.*

Spitler made a motion to issue to Blount Construction Company, Inc. of Marietta, Georgia a notice to proceed with the work described within Task Order #4 and to limit the cost for the work to an amount not to exceed \$305,000.00. McDaniel seconded the motion. All were in favor and the motion passed.

- c) Finance: O-208-18 2017 Budget Amendment #3

Rozier: *O-208-18 is a housekeeping measure to identify a final status of expenses and revenues for 2017. We're taking a second stab at this to change the methodology that we used for accounting for a SPLOST reimbursement from Gwinnett County. This is not a change to our final*

position for the year, just an accounting methodology. I am requesting that council place the item on first read and to schedule a public hearing regarding the amendment for July 2nd at 7:00PM.

Hammond made a motion to place O-208-18, an ordinance to amend the budget for the year 2017, to repeal conflicting ordinances, to provide for an effective date and for other purposes, on first read and to hold a public hearing regarding the amendment on July 2, 2018 at 7:00PM. Spitler seconded the motion. All were in favor and the motion passed.

PUBLIC COMMENTS

Salter: I have a public comment, if I may be a member of the public. I have just learned tonight that our colleague, Rodney Hammond, has been chosen by the American Psychological Association to be recognized at their national meeting in August to receive the Presidential Citizen Psychologist award. He is one out of the whole country. (applause) We're very proud of you. The other person I want to recognize is that Matt Reeves is here. He is a candidate to represent Berkeley Lake, parts of Duluth, parts of Peachtree Corners and a part of Norcross. He is a Republican candidate to replace David Shafer in the senate. He and his wife were kind enough to sail the lake this past week with me and my 2 dogs. I enjoyed their company and I have invited him to come to our parade on July 4th. I wanted to thank you for coming tonight. We're glad to have you.

ADJOURNMENT

There being no further business to discuss, Lee moved to adjourn. Hammond 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