

**CITY OF BERKELEY LAKE
COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FULL MINUTES
JANUARY 17, 2019**

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 8:00 PM at 4040 South Berkeley Lake Road. All council members were in attendance.

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 November 15, 2018 Council Meeting
- b) Operations Activity Report: November 2018
- c) Operations Activity Report: December 2018
- d) Financial Reports: October 2018, Unaudited
- e) Financial Reports: November 2018, Unaudited
- f) GDOT Title VI Non-discrimination Agreement

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 annually.

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 2019. 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 2019. McDaniel seconded the nomination. All were in favor and the motion passed.

- c) Mayoral Appointments

Mayoral Appointments for Council's Consideration – 2019

City Administrator	Tom Rozier
City Clerk	Tom Rozier
Deputy City Administrator	Pat Chapman
Secretary to the Planning & Zoning Commission	Pat Chapman
Deputy City Clerks	Vivian McDaniel and Pat Chapman
Court Clerk	Vivian McDaniel
City Treasurer	Pam Williamson
City Marshal/Ordinance Enforcement Officer	Robert Adderly
Deputy Marshal/Ordinance Enforcement Officer	Robert Hiller
Assistant to Ordinance Enforcement Officer	Britt Collins
City Attorney	Dick Carothers
Assistant City Attorney	Amy Cowan
Solicitor	Angela Couch
City Auditor	J. Terry Gordon
City Building Inspector	Craig Lokey
Municipal Judge	Charles Barrett
Planning & Zoning Commissioner	Robin Sansone

City Engineer
Georgia Piedmont Land Trust Board Member
Can Do Program Coordinator
Charity and Events Coordinator
Berkeley Lake Elementary School Liaison

Sam Serio
Rebecca Spitler
Julia Huntington
Lou Mitcham
Rachel Clark

Neighborhood Liaisons

Berkeley Walk and Berkeley Commons
Berkeley Field and Habersham on the River
Berkeley Lake Homeowners Association 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
Jim Gawlas
Chris Kimberley
Ed Zawacki
Sue Swanson
Sue Carlson
Bill Sandman

Financial Affairs (Liaison – Bob Smith)

Pam Williamson – Chair
Calvin Grier
Dorris Hollingsworth
Pekka Ignatius
Tracey Settlege
John Small

Arts Committee (Liaison - Chip McDaniel)

Ann Carpenter – Chair
Rachel Clark
Cynthia Currence
Leah Economos

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

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d) R-01-19: Set general election qualifying dates and fees for 2019 General Election and appoint Election Superintendent

R-01-19

2019 ELECTION - QUALIFYING DATES/FEEES AND APPOINT ELECTION SUPERINTENDENT

The Council of the City of Berkeley Lake hereby resolves:

WHEREAS, the regularly scheduled municipal general election for the City of Berkeley Lake is to be held on November 5, 2019; and

WHEREAS, the terms of office for Mayor Lois Salter and Council members Bob Smith and Rebecca Spitler expire on December 31, 2019, and their successors are required to be elected in the municipal general election scheduled for November 5, 2019; and

WHEREAS, it is necessary for the City Council to fix and publish the qualifying fees for these offices and to make other provisions for the municipal general election; and

WHEREAS, the Georgia Municipal Election Code requires that the Mayor and Council appoint a municipal Election Superintendent prior to the election; and

WHEREAS, the Election Superintendent shall take such action as is necessary to properly call the municipal election scheduled for November 5, 2019, including, but not limited to, properly publishing a public notice to notify the public of said election. The Election Superintendent shall take such other actions as necessary and appropriate to make certain that the election is conducted in accordance with, and in conformity with, the laws of the State of Georgia, the Berkeley Lake City Charter and Berkeley Lake Ordinances.

NOW, THEREFORE, IT IS HEREBY RESOLVED that Deputy City Administrator Pat Chapman is hereby appointed to the position of municipal Election Superintendent; and

IT IS FURTHER RESOLVED that all persons desiring to run for the office of Mayor or City Council Member shall qualify in City Hall located at 4040 South Berkeley Lake Road, Berkeley Lake, Georgia 30096, beginning at 11:00 a.m. on Monday, August 19, 2019, and ending at 4:00 p.m. on Thursday, August 22, 2019. Those who desire to run for Mayor shall pay a qualifying fee of \$150.00. Those who desire to run for Council Member shall pay a qualifying fee of \$27.00. All qualifying fees shall be paid at the time of qualifying.

THIS, 17th day of January, 2019

Chapman: *It's an election year and, as you may recall, the Georgia Election Code requires that 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 the offices of Mayor Lois Salter and council seats currently held by Rebecca Spitler and Bob Smith*

expire. This resolution sets the qualifying fees at the statutory three percent of annual compensation, in other words, \$150.00 for Mayor and \$27.00 for council seats. The resolution appoints me again, as election superintendent in accordance with state law.

Lee made a motion to adopt R-01-19, a resolution to set general election qualifying dates and fees and to appoint Pat Chapman to the position of municipal Election Superintendent. Smith seconded the motion. All were in favor and the motion passed.

e) R-02-19: Adopt 2019 Comprehensive Plan Update

R-02-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BERKELEY LAKE, GEORGIA, TO ADOPT THE 2019 UPDATE OF THE COMPREHENSIVE PLAN; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES:

WHEREAS, the Mayor and Council (the "City Council") of the City of Berkeley Lake, Georgia (the "City") have determined that it is necessary and in the best interest of the city to update the Comprehensive Plan as set forth as Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the city has submitted the 2019 Comprehensive Plan Update to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) for review and recommendation as required; and

WHEREAS, the Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA) has advised the city that the 2019 Comprehensive Plan Update is in compliance with the Minimum Planning Standards and Procedures; and

WHEREAS, the Mayor and Council desire to adopt the 2019 Comprehensive Plan Update.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council as governing authority of the city, hereby approves and adopts the 2019 Comprehensive Plan Update.

BE IT FURTHER RESOLVED that all acts heretofore taken to effectuate the intent of this resolution are hereby ratified and approved.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to certify to the Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA) a copy of this Resolution.

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this resolution be and the same hereby are repealed.

ADOPTED AND APPROVED by the Council this, 17th day of January, 2019.

Chapman: I received notice in early January from ARC that the Department of Community Affairs had completed its review of the draft 2019 Comprehensive Plan Update as submitted without any suggested changes. It's the same as the final draft presented for public review back in December. With this resolution, the city adopts the plan as its guide for future decision-making and focus of implementation efforts over the next 5-year period when an update will once again be necessary. The document will be available to the public both here at city hall and on the city's website. It's also available through the Department of Community Affairs and the Atlanta Regional Commission.

Spitler made a motion to adopt R-02-19, a resolution to adopt the 2019 update of the Comprehensive Plan as presented. McDaniel 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 8:08 PM.

Submitted by:

Tom Rozier
City Clerk