

**CITY OF BERKELEY LAKE
COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FULL MINUTES
JANUARY 16, 2020**

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,
Richard Carothers – City Attorney

Members of the Public: 0

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 8:38 PM at 4040 South Berkeley Lake Road. A quorum of council members was in attendance.

OATHS OF OFFICE

Carothers administered the oath of office for mayor to Lois D. Salter.

Salter administered the oath of office for council members to Bob Smith and Rebecca Spitler.

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 21, 2019 Council Meeting
- b) Financial Reports: October 2019, Unaudited
- c) Financial Reports: November 2019, Unaudited
- d) Statewide Mutual Aid Agreement renewal

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-19-230 “Brunch Bill” Amendment to Alcohol Ordinance

Chapman: *O-19-230 is an amendment to the city’s alcoholic beverage ordinance to implement the favorable outcome of the November 5th special election on the question of allowing Sunday sales of alcoholic beverages for consumption on the premises to commence at 11:00 AM. This ordinance is presented for second read and consideration of adoption.*

Lee made a motion to place O-19-230, an ordinance to amend Section 6-35 (b) of Chapter 6 – Alcoholic Beverages relating to Sunday sales, to repeal conflicting ordinances, to provide for an effective date and for other purposes, on second read and to adopt the amendment. Hammond 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 and we agreed that we would. 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 2020. 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

Hammond nominated Spitler to fulfill the duties of mayor pro tem for 2020. Lee seconded the nomination. All were in favor and the motion passed.

- c) Mayoral Appointments

Mayoral Appointments for Council's Consideration – 2020

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|---|----------------------------------|
| City Administrator | Tom Rozier |
| City Clerk | Tom Rozier |
| Deputy City Administrator | Pat Chapman |
| Secretary to the Planning & Zoning Commission | Pat Chapman |
| Deputy City Clerks | Constance Hughes and Pat Chapman |
| Court Clerk | Constance Hughes |
| City Treasurer | Pam Williamson |
| City Marshal/Ordinance Enforcement Officer | Robert Adderly |

Deputy Marshal/Ordinance Enforcement Officer
City Attorney
Assistant City Attorney
Solicitor
City Auditor
City Building Inspector
Municipal Judge
Planning & Zoning Commissioner
City Engineer
Georgia Piedmont Land Trust Board Member
Can Do Program Coordinator
Berkeley Lake Elementary School Liaison

Robert Hiller
Dick Carothers
Amy Cowan
Angela Couch
J. Terry Gordon
Craig Lokey
Charles Barrett
George Kaffezakis and Rand Kirkus
Sam Serio
Rebecca Spitler
Julia Huntington
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

Financial Affairs (Liaison – Bob Smith)

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

Arts Committee (Liaison – Chip McDaniel)

Janine Brinton – Chair
Scott Brown
Cynthia Currence
Mikal Kitchens

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

d) Financial Policy: Payments

Rozier: In light of recent fraud issues which have occurred in other jurisdictions throughout the country, staff has recommended the creation of a written policy with regard to making payments for services as well as expense reimbursements whether electronically or via manual draft. The

policy which I am presenting for council's consideration tonight places in writing the process we now practice and have practiced in the past and will provide a clarification or reiteration of that process for all who participate in it as well as for our auditor.

Spitler made a motion to adopt the financial policy with regard to making payments 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 8:51 PM.

Submitted by:

Tom Rozier
City Clerk