



**COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FULL MINUTES
JANUARY 19, 2023**

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: 1

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 8:01 PM. 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 December 1, 2022, Council Meeting
- b) Financial Statements of November 2022 – Unaudited
- c) Finance: 2022 Audit Engagement Letter – James L. Whitaker, P.C.

Lee made a motion to approve all items on the consent agenda. Spitler 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 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.

Spitler made a motion to ratify the code of Conduct for 2023. 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 2023. McDaniel seconded the nomination. All were in favor and the motion passed.

c) Mayoral Appointments

City Administrator, City Clerk & Election Superintendent	Leigh Threadgill
Court Clerk and Deputy City Clerk	Lila Hunter
City Treasurer	John Pendleton
City 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 Commissioner	Rand Kirkus
City Engineer	Greg Sistrunk
Georgia Piedmont Land Trust Board Member	Rebecca Spitler

Neighborhood Liaisons

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)	Financial Affairs (Liaison – Bob Smith)
Susan Hanson – Chair	John Pendleton – Chair
Kaye Berg	Calvin Grier
Louise Gabron	Dorris Hollingsworth
Jim Gawlas	Ron Mechling
Sue Swanson	John Small
Arts Committee (Liaison – Chip McDaniel)	Park Committee (Liaison – Leigh Threadgill)
Chris Kimberley – Chair	Amy Voss – Chair
Janine Brinton	Lisa Ribeiro
Scott Brown	Casey Case
Mikal Kitchens	Phyllis Tatgenhorst

Ginny Nevins

Spitler made a motion to approve the Mayoral appointments for 2023. Hammond seconded the motion. All were in favor and the motion passed.

d) R-23-01: Set general election and qualifying dates and fees; appoint superintendent

Threadgill: *It's an election year and, as you may recall, the Georgia Election Code requires 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 mayor and council seats currently held by Lois Salter, Bob Smith and Rebecca Spitler 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 also establishes the qualifying period to be Monday August 21st – Wednesday August 23rd 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-23-01, 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.

e) Human Resources: Pay-Scale Adjustment

Threadgill: *After looking at the most recent (2021) wage and salary numbers compiled by the Department of Community Affairs and adjusting for cost-of-living increases over the past two years, I have proposed a pay scale adjustment and believe these ranges are more suitable to attracting and retaining talented employees in the current market. In addition, a new classification has been added, customer service representative, in the event that in the coming year it is necessary to hire an additional staff person.*

Hammond made a motion to approve the pay-scale adjustment. Spitler seconded the motion. All were in favor and the motion passed.

PUBLIC COMMENTS

Gary Volino, 380 Lakeshore Drive, asked if there was a list of SPLOST and ARPA projects, and, if so, where to find it. Salter responded that ARPA monies are being spent on stormwater infrastructure and buying a property. Salter encouraged Volino to schedule a meeting with Threadgill for further information. Volino asked about the fence ordinance and indicated he didn't see that published but that he may just not know how best to find the information and that his purpose is to stay informed. Threadgill explained that prior to adoption draft ordinances are posted on the website with the agenda and other agenda packet information and that after adoption posted on the website under recently passed ordinances. She

explained that the fence ordinance was to address aesthetic concerns and privacy fencing that resulted in limited views into properties which created a code enforcement challenge. Volino stated that if he understood he was glad it was passed. Volino asked for an update on the Ryerson work. He stated that he had been monitoring it and it looked like there is no activity. Salter responded that Threadgill, Carothers and the City Engineer met with Peachtree Corners and Gwinnett County to discuss the plans for protecting downstream of the Ryerson repairs. She stated that effort is ongoing and very thorough on our part. Volino noted that there is a big difference in the amount of rain we're getting and is glad money is being spent on watershed activities. There is a lot of erosion happening. He asked again about the stormwater projects and whether paying attention to the agendas would be the way to stay informed. Threadgill stated that projects, often called task orders, are included on agendas. McDaniel clarified that often a number of small projects are bundled together because mobilization costs are so high. There is often one large appropriation and approval process. Spitler stated that the projects are itemized. Volino asked about how to get involved in committees. Salter explained that she circulates something in the Mayor's Message asking for volunteers to sit on committees.

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 8:18 PM.

Submitted by:



Leigh Threadgill, City Clerk

