



**CITY OF PINE LAKE
TOWN HALL
November 15, 2022, 6:30 PM
Beach House
4580 Lakeshore Drive, Pine Lake, GA 30072**

Welcome and Introduction of Council – Mayor Melanie Hammet

Introduction of Facilitator – City Administrator ChaQuias M. Thornton

PROGRAM

**Presentation and Q&A
Proposed Charter Amendment
Facilitator - Terrell Jacobs, Member Services Consultant
Georgia Municipal Association**

**Announcements
Mayor Melanie Hammet**

Resident Feedback/Comments/Concerns

**Thank You and Adjournment
Mayor Melanie Hammet**

Notice: The Mayor and City Council will meet in attendance at a scheduled Town Hall to be held at the Pine Lake Beach House on November 15, 2022 at 6:30pm. It is not anticipated that any city business will be conducted during this time. Mayor Hammet and the City Council encourage Pine Lake residents and stakeholders to attend, as there will be the following opportunities:

- To gain knowledge on the subject matter being presented.
- To offer feedback and to present comments and concerns.



Memo

DATE: November 10, 2022
TO: Pine Lake Community
FROM: ChaQuias Thornton, City Administrator
RE: Proposed Charter Change

Mayor Hammet and the Pine Lake City Council will host a town hall meeting on Tuesday, November 15, 2022 (Beach House, 4580 Lakeshore Dr.) to discuss a proposed charter amendment (in the form of Ordinance 2022-04). Terrell Jacobs – Municipal Services Consultant at Georgia Municipal Association will serve as facilitator. Draft Ordinance 2022-04 will be formally introduced for first read during the November 29, 2022 regular meeting of Mayor and Council. The purpose of the proposed change is to:

1. Change the title of the Director of Administration to City Manager
2. Clarify charter language on the Administrative Duties of the Mayor and the City Manager
3. Clarify the power of the Mayor pro tem to vote as a member of Council when temporarily serving in the absence of the Mayor
4. Clarify actions to be take by resolution rather than ordinance
5. Remove certain municipal court fees

Proposed changes are eligible for amendment under “Home Rule”. Through “Home rule” charter amendments, cities may amend their charters without need of the Georgia General Assembly as long as they don’t violate federal or state law. Specifically, state law does not allow for "home rule" charter amendments that affect the composition and form of the municipal governing authority, the procedure for election and appointment of elected officials, actions defining any criminal offense, and actions adopting a form of taxation beyond that authorized by state law, among other restrictions. **Through amendments approved by the mayor and council, home rule allows cities to substantially self-govern.** These kinds of ordinance changes require that the city adopt the ordinance at two regular consecutive meetings not less than seven days or more than 60 days apart. The law also requires that cities publish the ordinance for three weeks within a period of 60 days immediately before the ordinance’s final adoption.

The attached public notice is set to be published in the City’s legal news organ of record (The Champion Newspaper) on 11/17/2022, 11/24/2022, and 12/01/2022. Dates of introduction, consideration, and adoptions of the ordinance are included in the notice.

If formally and sufficiently adopted by the Mayor and Council, the charter amendment will not take effect until a copy of the amendment and an affidavit from the county’s legal organ attesting to the publication of the notice have been filed with the Georgia Secretary of State. This and additional information on City Charters can be found at <https://www.gacities.com/Resources/GMA-Handbooks-Publications/City-Clerk-Handbook/City-Charters.aspx> .

Please do join the November 15th, 2022 town hall and do feel free to present your questions, comments, and or concerns regarding this matter. Mayor and Council will also receive comments on other subject matters before conclusion of the meeting.

CMThornton

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PINE LAKE, GEORGIA

Notice is hereby given that an Ordinance 2022-04 will be introduced to amend the Charter of the City of Pine Lake, Georgia, with said Ordinance being captioned as follows:

ORDINANCE AMENDING THE CHARTER OF THE CITY OF PINE LAKE TO CHANGE TITLE OF DIRECTOR OF ADMINISTRATION TO CITY MANAGER; TO CLARIFY INCONSISTENT CHARTER LANGUAGE ON ADMINISTRATIVE DUTIES OF MAYOR AND OF CITY MANAGER; TO CLARIFY THE POWER OF THE MAYOR PRO TEM TO VOTE AS A MEMBER OF COUNCIL WHEN TEMPORARILY SERVING AS MAYOR; TO CLARIFY ACTIONS TO BE TAKEN BY RESOLUTION RATHER THAN ORDINANCE; TO REMOVE CERTAIN MUNICIPAL COURT FEES; TO PROVIDE FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Date of initial introduction and formal first read of the proposed Ordinance 2022-04 is scheduled for **Tuesday, November 29, 2022 at 7:00pm**. Second read and 1st adoption of the Ordinance is scheduled for **Tuesday, December 13, 2022 at 7:00pm**. Final adoption of the Ordinance is scheduled for **Tuesday, January 10, 2023 at 7:00pm**. All stated meetings are regularly scheduled meetings of Mayor and Council and are to be held at **459 Pine Drive, Pine Lake, GA 30072**.

A copy of the proposed Ordinance and Charter Amendment is on file in the Office of the City Clerk of the City of Pine Lake for the purposes of examination and inspection by the public and is available upon request. Copy can also be found on the City of Pine Lake website at www.pinelakega.net.

CITY OF PINE LAKE, GEORGIA

ORDINANCE 2022-04

ORDINANCE AMENDING THE CHARTER OF THE CITY OF PINE LAKE TO CHANGE TITLE OF DIRECTOR OF ADMINISTRATION TO CITY MANAGER; TO CLARIFY INCONSISTENT CHARTER LANGUAGE ON ADMINISTRATIVE DUTIES OF MAYOR AND OF CITY MANAGER; TO CLARIFY THE POWER OF THE MAYOR PRO TEM TO VOTE AS A MEMBER OF COUNCIL WHEN TEMPORARILY SERVING AS MAYOR; TO CLARIFY ACTIONS TO BE TAKEN BY RESOLUTION RATHER THAN ORDINANCE; TO REMOVE CERTAIN MUNICIPAL COURT FEES; TO PROVIDE FOR SEVERABILITY, CODIFICATION, AN EFFECTIVE DATE AND FOR OTHER PURPOSES

Whereas, the Georgia General Assembly has provided municipalities the power to amend their charters pursuant to Code section 36-35-3(b)(1) subject to certain limitations set forth in Code section 36-35-6; and

Whereas, the City Council of the City of Pine Lake has determined it to be in the best interests of the City to clarify and change certain provisions of its charter allowed and permitted by State Law; and

Whereas, current provisions of the City's charter assign some of the same duties to the mayor and the director of administration and the City Council has determined it to be in the best interests of the City clarify these duties; and

Whereas, the changes herein are not intended to substantively and materially alter the duties or responsibilities specifically given to a particular elective official by the charter; and

Whereas, the City Council has determined to repeal certain municipal court fees enumerated in the City's charter;

Now, therefore, be it ordained by the Mayor and City Council of the City of Pine Lake as set forth herein:

Section 2.28. Chief executive officer.

The mayor shall be the chief executive of this city. **Except as provided to other city officials, the mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia, and all executive and administrative powers contained in this Charter.**

Section 2.29. Powers and duties of mayor.

As the chief executive of this city, the mayor shall:

- (1) Preside at council meetings and see that all laws and ordinances of the city are faithfully executed;
- (2) Appoint and remove all officers, department heads and employees of the city, except as otherwise provided in this Charter;
- (3) ~~Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;~~ Except as provided to the City Manager in this charter, exercise supervision over all executive work of the city;
- (4) ~~Prepare and submit to the city council a recommended operating budget and recommended capital budget;~~ Provide advice to the City Manager on preparation and submission to the city council of a recommended operating budget and recommended capital budget;
- (5) ~~Submit to the city council at least once a year a statement covering the financial conditions of the city, and from time to time such other information as the city council may request;~~ Review prior to submission to the city council at least once a year a statement covering the financial conditions of the city, and from time to time such other information as the city council may request;
- (6) Call special meetings of the city council as provided for in section 2.19(b);
- (7) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he may deem expedient;
- (8) Approve or disapprove ordinances as provided in section 2.31;
- (9) Require any department or agency of the city to submit written reports whenever he deems it expedient; and
- (10) Perform such other duties as may be required by law, this Charter, or ordinance.
- (11) ~~The mayor shall provide council with an organizational chart that identifies all directors and the departments of city government that have been legally activated.~~

(Ord. No. 01-2012, § 2B, 1-9-2012)

Editor's note(s)—Ord. No. 01-2012 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

Section 2.31. Submission of ordinances to the mayor; veto power.

- (a) Every ordinance adopted by the city council shall be presented by the [city] clerk to the mayor.
 - (b) The mayor [shall] within ten days of receipt of an ordinance return it to the [city] clerk with or without his approval, or with his disapproval. If the ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall
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submit to the city council through the [city] clerk a written statement of his reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery [to] and receipt from the mayor.

- (c) Ordinances vetoed by the mayor shall be presented by the [city] clerk to the city council at its next meeting [and should] the city council then or at its next general meeting adopts the ordinance by an affirmative vote of four members, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall be presented to city council as though disapproved and shall become law unless overridden by the council as provided in subsection [(c) of this section].

Section 2.32. Mayor pro tempore; selection; duties.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. In the absence or disability of the mayor, the mayor pro tempore shall preside at all meetings of the city council and shall assume the duties and powers of the mayor and shall be compensated at the same rate as the mayor. The city council by a majority vote may elect a new mayor pro tempore from among its members for any period in which the mayor pro tempore is acting is [as] mayor. Any such absence or disability shall be declared by the majority vote of all councilmembers. When the mayor pro tempore is presiding at meetings of the city council, the mayor pro tempore shall retain the right to vote as a member of the city council.

Section 3.10. Administrative and service departments.

- (a) (a) Except as otherwise provided in this Charter, the City Council by ordinance shall prescribe the functions or duties and establish, abolish, or alter all non-elective offices as necessary for proper administration of the government.
- (b) (b) Except as otherwise provided by this Charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) (c) All appointive officers and directors of departments shall receive such compensation as prescribed by the budget adopted by the city council. ordinance.
- (d) (d) There shall be a director of each department. Each director shall be subject to the direction and supervision of the city manager and shall be responsible for the administration, the affairs, and the operation of that director's department.
- (e) (e) All directors under the supervision of the mayor city manager shall be recommended by the city manager for nominated nomination by the mayor with confirmation of appointment by the city council. The city manager may recommend to the mayor the suspension or removal of directors under his supervision. Upon mayor approval, may suspend or remove directors under his supervision but such action shall not be effective for ten calendar days following the mayor mayor giving written notice of such action and the reasons thereof to the director involved and to the city council. The director involved may appeal to the city council during the ten-day notice period. After a hearing on the tenth day from date of notice, the council may override the mayor's action by a vote of four councilmembers. The following administrative officers shall not be considered "directors" whom the mayor mayor may suspend or remove under this section: city attorney, director of administration city manager and city clerk; the foregoing administrative officers shall only be subject to removal as otherwise allowed under this Charter

by law. Acting directors may serve until a quorum of the city council affirmatively requests a permanent director to be appointed, subject to regular city council approval.

- (f) (f) The mayor may temporarily suspend any director or other direct reports for ethics violations. Permanent suspension or termination of select employees is provided for in other provisions of this section. Unless specifically otherwise addressed, the mayor has full authority to suspend or terminate direct reports.

(Ord. No. O00299, § 3.10(e), 2-8-1999; Ord. No. 01-2012, §§ 3A(1)—(4), 1-9-2012)

Editor's note(s)—Ord. No. 01-2012 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

Section 3.11.- Boards, commissions and authorities.

- (a) The city council shall create by ordinance or resolution such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall by ordinance or resolution establish the composition, period of existence, duties and powers thereof.
- (b) All members of boards, commissions and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance or resolution except where other appointing authority, terms of office or manner of appointment is prescribed by this charter or by law.
- (c) The city council, by ordinance or resolution, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission or authority.
- (d) Except as otherwise provided by charter, by ordinance or by other law, no member of any board, commission or authority shall hold any elective office in the city.
- (e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for the original appointment, except as otherwise provided by this charter, by ordinance or by other law.
- (f) No member of a board, commission or authority shall assume office until he has executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of his office such oath to be prescribed by ordinance and administered by the mayor.
- (g) Any member of a board, commission or authority may be removed from office for cause by a vote of three members of the city council.
- (h) Except as otherwise provided by this Charter or by law, each board, commission or authority of the city shall elect one of its members as chairman and one member as vice-chairman, and may elect as its secretary one of its members or may appoint as secretary an employee of the city. Each board, commission or

authority of the city government may establish such bylaws, rules and regulations, not inconsistent with this Charter, an ordinance of the city, or law, as it deems appropriate and necessary for fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

Section 3.13. ~~Director of administration~~City manager.

The mayor shall appoint a ~~director of administration~~city manager, subject to confirmation by the city council, ~~. The mayor and city council shall fix the city manager's compensation. The city manager shall be appointed solely~~solely on the basis of that person's administrative, executive, and professional qualifications. ~~who shall be responsible for the operation and supervision of departments providing administrative services as defined by ordinance; shall perform the general duties of treasurer, accountant and fiscal officer; shall be responsible for the collection of all taxes, licenses, fees and other monies belonging to the city and subject to the provisions of this Charter and the ordinances of the city; and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the city. In addition, the director of administrative services shall be responsible for the maintenance of municipal court records and collection of fines as established by ordinance and state laws and shall perform such other duties as required.~~ Except as otherwise provided by this Charter or by law, the ~~direction [director] of administration~~ city manager shall not be subject to termination or removal by the mayor or the city council acting alone, but only upon the joint action of the mayor and a majority vote of the city council at a regularly scheduled meeting.

~~The director of administration shall solicit bids and proposals for city auditing services once every three years and shall review those bids and make a recommendation to the mayor and council for the purposes of the appointment of the city auditor.~~

~~The director of administration shall solicit bids and proposals for legal services by a qualified municipal attorney at least once every five years [and] shall review those bids and make recommendation to the mayor and council for the purposes of the appointment of a city attorney.~~

(Ord. of 3-11-1996, § 3.13; Ord. No. 000399, § 3.13, 2-8-1999; Ord. No. 0004-00, § 3.13, 6-12-2000; Ord. No. 10-03, § 3.13, 8-11-2003; Ord. No. 15-03, § 3.13, 10-13-2003)

Section 3.14(b). Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The city manager shall report to the mayor and be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief administrative officer, the city manager shall:

- (1) Direct and supervise the administration and operation of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (2) Shall serve as the director of administration;
- (3) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager, and have the right to take part in discussion, but the city manager may not vote;
- (4) Perform the general duties of treasurer, accountant, and fiscal officer;
- (5) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (6) Prepare and submit to the city council a recommended operating budget and recommended capital budget;

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- (7) Submit to the city council and make available to the public, at least annually, a statement covering the financial condition of the city and a report on the administrative activities of the city as of the end of each fiscal year;
 - (8) Make such other reports as the city council may require concerning the operations of the city departments, offices, and agencies subject to the city manager's direction and supervision;
 - (9) Keep the city council advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and
 - (10) Provide council with an organizational chart that identifies all directors and the departments of city government that have been legally activated; and
 - (11) Shall be responsible for the administration of court service operations, maintenance of municipal court records and collection of fines as established by ordinance and state law; and
 - (12) Perform other such duties as are specified in this charter or as may be required by the city council.

Section 3.14. City clerk.

The Mayor shall appoint a city clerk ~~with confirmation by the city council~~ who shall not be a member of the city council, said appointment being subject to confirmation by the city council. The city clerk shall be the custodian of the official city seal; maintain city council records required by this Charter; and perform such other duties as ~~may be required by city council and as~~ are imposed upon that officer by state law. Except as otherwise provided by this Charter or by law, the city clerk shall not be subject to termination or removal by the mayor or the city council acting alone, but only upon the joint action of the mayor and a concurring majority of the city council sitting at a regularly scheduled meeting of the city council. In the event that an appointment is not made to the city clerk position, the city manager shall serve as city clerk.

(Ord. of 3-11-1996, § 3.14; Ord. No. 000399, § 3.14, 2-8-1999; Ord. No. 0004-00, § 3.14, 6-12-2000; Ord. No. 01-2012, § 3C, 1-9-2012)

Editor's note(s)—Ord. No. 01-2012 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

Section 3.15. Administrative affairs.

The mayor shall acknowledge the city administrator's ~~manager's~~ recommendation of an auditor, pursuant to the Charter, article III, section 13(b) and make the appointment, or provide a written rejection of the recommendation, within ten days of the recommendation. The mayor's appointment of an auditor shall be subject to confirmation of the city council. The auditor shall be responsible for auditing and annual revenues and expenditures pursuant to state and federal.

~~The director of administration~~ city manager shall solicit bids and proposals for city auditing services once every three years and shall review those bids and make a recommendation to the mayor and council for the purposes of the appointment of the city auditor.

~~The director of administration~~ city manager shall solicit bids and proposals for legal services by a qualified municipal attorney at least once every five years [and] shall review those bids and make recommendation to the mayor and council for the purposes of the appointment of a city attorney.

(Ord. of 3-11-1996, § 3.15; Ord. No. 11-03, § 3.15, 9-8-2003)

Section 3.18. Personnel policies.

The city council shall adopt rules and regulations consistent with this Charter concerning:

- (1) ~~The method of employee selection and probationary periods of employment;~~
- (2) ~~The administration of [a] position classification and pay plan, methods of promotion and [applications] of services [ratings] thereto, and transfer of employees within the classification plan;~~
- (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel policies and notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

4.13. -Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this Charter, all city ordinances and such other violations as provided by law;
 - (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
 - © The municipal court may fix punishment for offenses within its sole jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law and may impose any punishment up to the maximums specified by general law for offenses with its concurrent jurisdiction. The jailer of DeKalb County is required to receive all such prisoners delivered to him by the municipal court.
 - (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violations of state law.
 - (a) ~~The municipal court shall add twelve dollars (\$12.00) to the amount of every fine assessed for all traffic and vehicle violations or violations of the city codes and ordinances.~~
 - ~~(b) Twelve dollars (\$12.00) from every fine collected shall be allocated to pay for fuel costs for the police department.~~
 - (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have lien against it for the value
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forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.

(g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(h) Each judge of the municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.

(i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

(k) The chief municipal court judge shall perform such other duties as required for proper administration of the municipal court.