

**CITY OF PINE LAKE  
AGENDA  
JANUARY 28, 2020  
7:00 PM**

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Call to order  
Pledge of Allegiance  
Announcements/Communication  
Adoption of Agenda  
Public Comments

**CONSENT AGENDA**

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| All matters listed under this item are routine or have been previously discussed by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. |
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Approval of Minutes of 01/13/20

**OLD BUSINESS**

Second Reading of Anti-Discrimination Ordinance

**NEW BUSINESS**

February Town Hall and State of the City Address  
Appointments for MAP (Municipal Arts Panel) and SEED (Stewards of Environmental Education and Design)  
Communication Plan  
Authorization for Payment of Invoice – Chief Green  
Consideration of Bid for Stormwater Repair

Public Comments  
Mayor's Comments  
Council Comment  
Adjournment

**CITY OF PINE LAKE  
COUNCIL MEETING MINUTES  
JANUARY 13, 2020  
7:00 PM**

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**all to order**

Mayor Melanie Hammet called the meeting to order at 7:30 pm. Present were Mayor Pro-Tem Jean Bordeaux, Augusta Woods, Brandy Beavers and Tracey Brantley. Also present were Chief Sarai Y'Hudah-Green, City Administrator Valerie Caldwell and new City Attorney Susan Moore. Council member Brandy Hall was not in attendance.

**Pledge of Allegiance** was led by the Mayor and she welcomed new Council members Brandy Beavers and Tracey Brantley.

**Announcements/Communication**

Bordeaux attended the DeKalb Municipal Association meeting and the topic was City Hood and Annexation. Ted Bagget of the Carl Vinson Institute made a presentation of a study that include Stone Crest, Tucker and some of the newer cities within DeKalb County. There was also discussion on Economic Development.

Bordeaux communicated that David Burt; Economic Development Consultant is looking for opportunities for seniors from Georgia Communities and that he thinks the 5 acres on Aberdeen Road would good fit for Pine Lake.

**Adoption of Agenda**

Hammet amended the agenda by tabling the Presentation / First Reading of Marijuana Ordinance adding the discussion of Crematoria. Adopted 4-0 on motion by Bordeaux and seconded by Brantley.

**Public Comments**

There were not any comments.

**CONSENT AGENDA**

The consent agenda was approved 4-0 on motion by Woods and seconded by Bordeaux. Items approved:

Approval of Minutes of 12/09/19 and 01/06/20

Approval of 2020 Meeting Calendar

Approval of Appointments: L'Erin Barnes Wiggling, Municipal Judge; Susan Moore, City Attorney; Jimmy Whitaker, City Auditor; Rich Edinger, City Engineer; Bill Johnston, Zoning Consultant and Legal Organ, Champion Newspaper.

## **NEW BUSINESS**

### **Election of Mayor Pro-Tem**

Woods nominated Bordeaux to serve as Mayor Pro-Tem. Nomination approved 4-0 on motion by Woods and seconded by Beavers.

### **Waiver for Rental Fee – Appeal**

Resident Debbie Liam 602 Iris Road appealed the denial of free rental space for yoga classes because she missed the deadline of November 1, 2019. Following discussion, the appeal was granted 4-0.

### **Discussion of Crematoria**

Beavers led the discussion and literature was provided on this topic.

### **Presentation / First Reading of Anti-Discrimination Ordinance**

Attorney Moore led the discussion and Hammet did the first reading. The 2<sup>nd</sup> reading is scheduled for the 1/28 council meeting.

### **Approval Contract with Professional Probation Services**

Upon discussion of the contract; Bordeaux motioned to authorize approval 2<sup>nd</sup> by Woods. 4-0.

### **Special Purpose Local Option Sales Tax (SPLOST) Update**

Caldwell provided an update on the finances of SPLOST with \$188,143 being received to date.

### **Public Comments**

There were not any comments.

### **Mayor's Comments**

Hammet commented that on February 1<sup>st</sup> road work will begin on Rockbridge Road. Hammet also commented that Beavers and Brantley did a good job at their first council meeting. The Council Retreat will be on January 26<sup>th</sup> from 9:00am – 2:00pm at the Avondale Firehouse #3.

### **Council Comment**

There were not any council comments.

### **Adjournment**

The meeting adjourned at 8:04 PM upon motion by Woods, seconded by Brantley.4-0

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Missye Varner, Administrative Assistant

ORDINANCE NO. 2020-01

**AN ORDINANCE BY THE CITY OF PINE LAKE TO AMEND CHAPTER 50 OF THE CITY CODE OF ORDINANCES; TO DECLARE DISCRIMINATION IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMODATIONS UNLAWFUL; TO PROVIDE DEFINITIONS; TO PROVIDE FOR DISPUTE RESOLUTION; TO ESTABLISH PUNISHMENT FOR THE MUNICIPAL CODE VIOLATION OF UNLAWFUL DISCRIMINATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Mayor and City Council of the City of Pine Lake are charged with protection of the public health, safety, and welfare of the City of Pine Lake; and

**WHEREAS**, Federal and State law provide limited protection against discrimination on the basis of race, color, religion, sex, age, national origin, disability, or military status; and

**WHEREAS**, Federal and State law do not provide adequate protection against discrimination in employment, housing, and public accommodation based on an individual's perceived or actual sexual orientation, gender identity, familial status, or marital status; and

**WHEREAS**, O.C.G.A. § 36-35-3 grants municipalities the authority to adopt ordinances for which no provision has been made by general law and which are not inconsistent with the Constitution or the city's charter and the Mayor and City Council of the City of Pine Lake find it advisable and necessary to prohibit discrimination where the City's authority is not preempted by Federal or State law and the alleged discrimination is not subject to other remedies under Federal or State law; and

**WHEREAS**, in order to protect and promote the public health, safety, and welfare of the City, it is important for the for the City to ensure that all persons within the City have equal access to employment, housing, and public accommodations; and

**WHEREAS**, the Mayor and City Council of the City of Pine Lake specifically finds it advisable and necessary to prohibit businesses licensed or permitted by the City to conduct business within the corporate limits of the City from discriminating against employees, residents, and members of the public.

**NOW THEREFORE, BE IT ORDAINED** by the City of Pine Lake, as follows:

**Section 1.** Chapter 50 of the Code of Ordinances of the City of Pine Lake is amended by inserting therein a new Article IV titled "Unlawful Discrimination" which shall read as follows:

"ARTICLE IV. UNLAWFUL DISCRIMINATION

Section 50-200. Definitions.

For purposes of this Article, the following words, terms, and phrases shall have the meaning ascribed in this section, except where the context clearly indicates a different meaning:

*Age* means an individual's status as being forty years of age or older.

*Business* means any person or entity conducting business within the City, which is required to obtain a license or permit from the City. For purposes of this Article, no department of any government agency shall be considered to be a business (notwithstanding licensure by the City).

*Complainant* means an individual that files a complaint pursuant to this Article.

*Discriminate, discrimination, or discriminatory* means any act, policy, or practice that, regardless of intent, has the effect of subjecting any individual to differential treatment as a result of that individual's actual or perceived race, color, religion, sex, age, national origin, disability, military status, sexual orientation, gender identity, familial status, or marital status.

*Employee* means any individual employed by or seeking employment from any business within the City of Pine Lake. Employee does not include any individual employed by such individual's parents, spouse, or child.

*Employer* means a person or entity that employs one or more employees at a location within or to exert substantial efforts within the City of Pine Lake.

*Familial status* means an individual's past, current, or prospective status as a parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.

*Gender identity* means the actual or perceived gender-related identity, expression, appearance, or mannerism, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

*Marital status* means an individual's past, current, or prospective status as single, married, divorced, widowed, domestically partnered, or in a civil union.

*Mediator* means a qualified neutral third party that will attempt to assist the complainant and the respondent(s) to arrive at a mutual agreement to resolve a complaint.

*Military status* means an individual's status as one who serves or served in the uniformed services, military, naval, or air service of the United States of America or any State thereof, and, if no longer serving, was discharged or released under conditions other than dishonorable.

*National origin* means an individual's place of origin or an individual's ancestors' place of origin.

*Place of public accommodation* means any place or establishment, either licensed or unlicensed, that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds. The term does not include any private club, bona fide membership organization, or other establishment that is not in fact open to the public.

*Religion* means all aspects of religious belief, observance, and practice.

*Religious organization* means an entity that conducts regular worship services or is qualified by the Internal Revenue Service as a religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, and that is not required to file IRS Form 990, Return of Organization Exempt from Income Tax, under any circumstances.

*Respondent* means an individual, employer, business or place of public accommodation accused in a complaint of violating this article.

*Sexual orientation* means an individual's orientation as heterosexual, homosexual, bisexual, pansexual, or asexual.

#### Section 50-201. Unlawful Practices

- (a) It shall be an unlawful discriminatory practice for a business or employer, because of the race, color, religion, sex, age, national origin, disability, military status, sexual orientation, gender identity, familial status, or marital status of any individual or of any person with whom such individual associates, to refuse to hire or employ such individual or to bar or discharge such individual from employment or to otherwise discriminate against such individual in compensation, discipline, or in terms, conditions, or privileges of employment.
- (b) It shall be an unlawful discriminatory practice for a business or employer to discriminate against any individual in the terms, conditions, or privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of the race, color, religion, sex, age, national origin, disability, military status, sexual orientation, gender identity, familial status, or marital status of such individual or of any person with whom such individual associates.
- (c) It shall be an unlawful discriminatory practice for any business that is the owner, operator, or manager of any place of public accommodation, to refuse, deny, or make a distinction, directly or indirectly, in offering its goods, services, facilities, or accommodations to any individual because of the race, color, religion, sex, age, national origin, disability, military status, sexual orientation, gender identity, familial status, or marital status of such individual or of any person with whom such individual associates. Notwithstanding the foregoing, nothing in this ordinance shall be construed to prevent

any business from offering any additional benefit or discount to an individual because of such person's age or military status, or association with a person based on such individual's military status.

#### Section 50-202. Exclusions from Discriminatory Practices.

Notwithstanding the foregoing, the following are not discriminatory practices prohibited by Section 50-201 of this ordinance:

- (a) A religious organization that employs an individual of a particular religion to perform work connected with the performance of religious activities or observances.
- (b) An employer who observes the conditions of a collective bargaining agreement, bona fide affirmative action plan, or bona fide seniority system which is not a pretext to evade the purposes of this ordinance.
- (c) A business or employer is not required to hire or retain unqualified or incompetent personnel.
- (d) An employer may require an employee, during the employee's hours of work, to adhere to reasonable and equitable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that all employees are permitted to dress in a manner consistent with their gender identity and all employees are permitted to wear hairstyles reflective of their race, color, religion, or national origin.
- (e) A business or place of public accommodation may require patrons, contractors, and members of the general public to adhere to reasonable and equitable dress or grooming standards provided that all individuals are permitted to dress in a manner consistent with their gender identity and all individuals are permitted to wear hairstyles reflective of their race, color, religion, or national origin.
- (f) A business is not required to make changes to any existing facility that would require a building permit, except as otherwise required by law.
- (g) This ordinance does not prohibit a religious organization from limiting its non-commercial accommodations, advantages, facilities, membership, and privileges to individuals of the same religion.
- (h) This ordinance shall not be construed or enforced in such a way as to violate any person's rights under the United States Constitution or the Georgia Constitution.

#### Section 50-203. Enforcement.

- (a) Any individual who believes they have been aggrieved by an alleged violation of this article may file a complaint with the city clerk. Such complaint must include the full name of the complainant, contact information for the complainant, the identity and address of the alleged violator, the location of the alleged violation, a description of the actions alleged to constitute a violation of this article, and verification by the complainant under oath that the allegations of the complaint are true. Any complaint that does not meet these requirements shall be returned to the complainant.
- (b) A complaint must be filed within ninety (90) days of the alleged act of discrimination.
- (c) Within seven (7) business days of the filing of a proper complaint, the city clerk shall cause a copy of the complaint to be served on the respondent and the complainant along with notice of and instructions for participating a mediation program to resolve the complaint. For purposes of this section, service shall mean either personal service, or service by certified mail, return receipt requested.
- (d) Upon written request of the complainant or the respondent within thirty (30) days of service of the complaint and notice, the city clerk or his or her designee shall arrange for the services of a mediator to conduct nonbinding mediation between the complainant and the respondent. Such mediation services shall be paid by the city, up to a maximum of six (6) hours. The complainant and respondent may agree to obtain additional time with the mediator at their own cost, to be split equally or as otherwise agreed between them. The mediation shall be completed and the city clerk notified by the mediator of the result within thirty (30) days of referral to the mediator.
- (e) Although an answer is not mandatory, the respondent may file with the city clerk an answer to the complaint.”

**Section 2.** The various clauses and subsections of this ordinance are intended to be severable. Should any of the provisions of this ordinance be deemed invalid by a court of competent jurisdiction, it is the intent of the City Council that the remaining provisions remain in full force and effect.

**Section 3.** All ordinances and portions of ordinances in conflict with the terms of this ordinance are hereby repealed as to the subject matter of this ordinance.

**Section 4.** This ordinance shall become effective upon its approval by the City Council, signature by the Mayor, and approval as to form by the City Attorney.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

MAYOR AND CITY COUNCIL OF PINE LAKE, GEORGIA

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Mayor Melanie Hammet

ATTEST:

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Valerie Caldwell, City Clerk  
(SEAL)

Approved as to Form:

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Susan J. Moore, City Attorney