



**COUNCIL MEETING & PUBLIC HEARING  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
FULL MINUTES  
FEBRUARY 18, 2021**

**ATTENDANCE**

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Mayor: Lois Salter

Council Members: Rodney Hammond, Scott Lee, Chip McDaniel, Bob Smith, Rebecca Spitler

City Officials: Tom Rozier - City Administrator, Leigh Threadgill - Deputy City Administrator,  
Deputy City Clerk – Constance Hughes, Angela Crouch – Attorney

Members of the Public: 6

Members of the Press: 0

**WORK SESSION**

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The mayor and council reviewed the meeting agenda and materials with staff.

**CALL TO ORDER**

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Salter called the meeting to order at 8:03 PM via conference call. A quorum of council members was in attendance.

*Salter: Our meeting is being held tonight by public conference call due to COVID-19 virus social distancing reasons. The council members and I are participating in the call with video capabilities in case anyone wonders how I am interpreting their voting tonight. To ensure that members of the public have access to this meeting, a notice was placed in the Gwinnett Daily Post, at the front door of city hall and a link was placed on the city website regarding the meeting. All of which included instructions for dialing into the meeting via telephone.*

**AGENDA**

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Salter solicited motions regarding the agenda.

**Lee made a motion to accept the agenda as submitted. Smith seconded the motion. All council members were in favor and the motion passed.**

## **PUBLIC HEARING**

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a) River District Unit 1 – Request for Final Plat Revision

Salter: *Council members have already had an opportunity to listen to a recording of the hearing regarding the plat revision request held by the Planning and Zoning Commission on January 12, 2021, including statements by Charles Dean and deliberations by the commission, to review a written record of that meeting and to review written materials submitted by Charles Dean. A lot of preparation and thought has already gone into this by our staff and our council.*

Salter solicited additional comments from the public.

There were no comments.

b) Appeal of Conditional Variance Approval – 4835 Berkeley Walk Point

Salter: *Council members have had an opportunity to listen to the recording of the hearing regarding the matter held by the Planning and Zoning Commission on January 12, 2021, including statements from John Kokoska and deliberations by the commission, to review a written record of that meeting as well as other written documentation provided by John Kokoska.*

She then solicited additional comments from the public.

Salter: *John Kokoska, did you want to say anything, I think your hand is up?*

Kokoska: *No.*

## **CONSENT AGENDA**

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Salter noted the following as items on the consent agenda and solicited a motion:

- a) Minutes of January 21, 2021 Council Meeting
- b) Human Resources: Health Reimbursement Arrangement Agreement with HSA Gateway
- c) Public Works: Agreement with Atlas Technical Consultants LLC for Dam Inspection
- d) Human Resources: GMA 401(a) Defined Contribution Retirement Plan Restatement

Rozier: *Mayor, before we entertain the motion regarding the consent agenda, can we confirm with John Kokoska that he had nothing to say. We had a small technical difficulty here.*

Salter: *John, can you hear us?*

Kokoska: *Yes, I can hear you ... no, I didn't have anything I was going to say at that point.*

Salter: *Thank you, sir.*

**McDaniel made a motion to approve all items on the consent agenda.**

Jim Sheppard of River District joined the conference call.

**Lee seconded the motion. All were in favor and the motion passed.**

## **OLD BUSINESS**

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There was no old business to discuss.

## **NEW BUSINESS**

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- a) O-21-238 Consideration of Amendments to Chapter 6, Alcoholic Beverages

***Threadgill:** The proposed changes to Chapter 6 are in response to House Bill 879 which revised state law regulating alcoholic beverage delivery and hours for sale on Sundays. Cities are now able to authorize the delivery of sealed packages within their corporate boundaries and allow the retail package sale of beer, wine, and distilled spirits to begin at 11:00 AM.*

**Hammond made a motion to place O-21-238, an ordinance to amend Chapter 6 of the Code of Ordinances of the City of Berkeley Lake, Georgia, entitled "Alcoholic Beverages" to allow for delivery; to repeal conflicting ordinances, to provide for an effective date and for other purposes, on second read and to adopt the amendment. McDaniel seconded the motion. All were in favor and the motion passed.**

- b) River District Unit 1 – Request for Final Plat Revision

Salter solicited motions from council members.

**Lee made a motion to deny the request. McDaniel seconded the motion.**

Salter solicited discussion regarding the motion.

***Smith:** I have had some serious conversation both with the architectural review committee and the homeowner's association at River District. Because of some really extensive conditions that they were working with Mr. Dean on, I just want to let you know that that makes me feel better about this motion.*

**Hammond, Lee, McDaniel, and Spittler voted in favor. Smith voted in opposition. The motion passed.**

- c) Appeal of Conditional Variance Approval – 4835 Berkeley Walk Point

Salter solicited motions from council members.

**Spittler made a motion to amend the decision of the Planning and Zoning Commission to deny the variance request. Hammond seconded the motion.**

Salter solicited discussion regarding the motion.

There was no discussion.

**All were in favor and the motion passed.**

## **PUBLIC COMMENTS**

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Sheppard: *We're on record here at the River District, both as the board and the architectural review committee. We've taken extensive looks at the opportunities for development on that piece of property and we stand unanimously in favor of the proposed variance and curb cut thereof. The main reason is that we based on having talks with one builder and architects and having walked the property extensively that the option to access that property inside the River District would have to be inside the River District Village gates. It could not happen on the Estates up there unless we were able to contain an easement across lot 8 which I'm not convinced is even feasible. The most likely place would be inside the Village gates and would come back up that hill and would result in a significant loss of trees. Frankly when the architectural review committee was first reviewing that, we politely turned down Charles' request when he first came to us because we thought a curb cut on North Berkeley Lake Road didn't make a lot of sense. After reviewing the options and trying to bring it inside the village gates, we just thought that the price of the number of trees that are going to have to be removed to access it inside the Village gates is a high price to pay for it and that is why we are in favor of the curb cut and revision to the plat out there. I don't know if all that's clear. There is also an agreement between the River District Homeowner's Association as declarant for the property for the subdivision and Mr. Dean to engage in deed restrictions on most of those trees that are right along the entrance to the River District in the Village area and significant hardscaping and landscaping up there on North Berkeley Lake Road to make it as aesthetically a lot more pleasing up there should the variance be approved. I can see we're headed in another direction tonight. That's a disappointment to us because we really are in favor of that and I'd be interested in feedback, if appropriate, on why it's being denied.*

Salter: *The time for that discussion would have been earlier during the public hearing for this event because the council has voted.*

Salter solicited guidance from the attorney.

Couch: *The public hearing (regarding the plat revision request) was the first item on the agenda after the agenda was approved. It was called by Mayor Salter. There were no comments at that time. Then the second item on the public hearing, the variance appeal for Berkeley Walk Point was then called and again there were no comments, so the public hearings were opened and closed with no comments.*

Sheppard: *That's my bad for not understanding what was going on there.*

Kokoska expressed concern that he thought he was going to have a chance to talk before his appeal was voted on. He further noted that his neighbor, Tim Shaw is present and that he had hoped that he would have a chance to contribute to the discussion.

Shaw: It's hard to follow the meetings via conference call.

Salter acknowledged the less-comfortable circumstances of the conference call technology for having council meetings.

Kokoska stated that because of the technology issues, neither he nor Tim Shaw were allowed an opportunity to speak. He asked for the courtesy to talk with council about the topic and the added work he had put into preparing for the meeting.

Salter solicited advice from the attorney regarding how to proceed.

Couch: The vote has already been taken. The only way to undo that would be a motion and a second to withdraw the vote and reconsider, reopen the public hearing. There will need to be multiple motions to go all the way back if that's what council wants to do. If you can tell me what you want to do, I can help you with the motions.

Salter solicited a motion from council members.


There was no motion. The original motion stood.

## **ADJOURNMENT**

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**There being no further business to discuss, Hammond moved to adjourn. Smith seconded the motion. All were in favor and the motion passed.**

Salter adjourned the meeting at 10:28 PM.



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Tom Rozier  
City Clerk