



**COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FINAL MINUTES
MAY 20, 2021**

ATTENDANCE

Mayor: Lois Salter

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

City Officials: Leigh Threadgill - Acting City Administrator, Richard Carothers – Attorney

Members of the Public: 5

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 8:00 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

Spitler 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

Salter stated that there is a public hearing tonight as a result of an appeal from the decision of the Planning & Zoning Commission on April 13, 2021. Council members have had an opportunity to listen to the recording of the hearing regarding the matter held by the Planning and Zoning Commission and to review a written record of that meeting as well as other

written documentation provided by Paul D’Agnese. She then solicited additional comments from the public to add to the record. She asked for comments to be limited to two minutes per person and to something that hasn’t already been provided.

There were no comments.

CONSENT AGENDA

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

- a) Minutes of April 15, 2021 Council Meeting
- b) Minutes of May 17, 2021 Special Called Council Meeting
- c) Financial Reports for March 2021, Unaudited
- d) Public Works: Task Order 1, Change Order 1 – Ratification
- e) Finance: Authorization for Acting City Administrator to Initiate Accounts Payable and Payroll Transactions
- f) Finance: R-02-21 – LGIP Resolution Update

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

There was no old business to discuss.

NEW BUSINESS

- a) Appeal of Variance Denial – 146 Lakeshore Drive

Salter solicited motions from council members.

Spitler made a motion to deny the variance appeal. Lee seconded the motion. All were in favor and the motion passed.

Members of the public expressed confusion and a desire to be heard.

There was discussion.

The City Attorney stated that the vote had already been taken and that the public hearing had been called and announced specifically to speak on this application at 146 Lakeshore Drive and no one took advantage of that opportunity to comment. The City Attorney stated that at this point comments could be made later in the public comment period. The public hearing was called for a specific reason and it was concluded.

There was further discussion.

- b) Finance: Property Tax Collection Services

Salter updated the council that there is no new information to share.

PUBLIC COMMENTS

Salter solicited comments from the public.

Mr. Potter stated that he had a letter to read that he had intended to read during the public hearing portion of the meeting as follows:

My name is Patricia Shida and I own the adjacent property to 146 Lakeshore Drive. I have a direct view of the storage area for which Mr. D'Agnese is seeking a variance. I support the request for the following reasons:

Mr. D'Agnese had previously used an unsightly tent to protect his classic car. When I discussed with him my dissatisfaction with the tent, he agreed to move it and erect a structure that would be hidden from view. Therefore, because of the steep grade of his property, I believe his solution was favorable. He created a camouflage of the area with greenery and it is now barely visible from the street and I'm one of the only people that can see it.

Mr. Potter continued saying that none of the neighbors have a problem with the structure. The entire structure is below grade. He went on to say that he hoped this public comment would cause the council to reconsider. If Mr. D'Agnese has to tear it down, it will make it unsightly. He stated that he meant to address the council earlier, but he was trying to be polite. He meant to speak before the vote. He asked that the council look at this rather than make a decision without the benefit of any comment.

Steve Hangartner, 186 Lakeshore Drive, lives directly across from the appellant. He has a very direct line of view and would echo the letter read earlier from Patricia Shida and the positive difference that was made with the replacement of the tent structure with the new structure. The new structure is virtually unseeable from the cove. It had been an issue for over two years, and the new structure makes it invisible. It has taken care of a problem that was an issue for the three neighbors right across from Mr. D'Agnese. He was in favor of this being built and having it blend in with the surroundings. It has enhanced the neighborhood as well as the cove where they all live.

Brad Horbal, 142 Lakeshore Drive, who lives right next to D'Agnese stated that D'Agnese has been trying to find a solution that would make everyone happy. He came up with this. He stated that at the initial meeting with the board (Planning & Zoning Commission), they said this would set a precedent for having a front and side setback encroachment. Horbal disagrees because the structure isn't visible from the street, so it doesn't set a precedent for other structures. It looks better than what he had. He wanted to show support for him trying to make his neighbors happy.

Paul D’Agnese, 146 Lakeshore Drive, apologized for the confusion and not speaking up earlier. He also wanted to apologize for doing this backwards. He stated that the neighbors had requested that the tent be removed because of its unsightliness, and he wants to make everybody happy. He stated that there have been 3 storms in the past five years that have caused extensive damage to his cars. He needs to protect this particular car which has been in the family since 1970. He has to have it protected. Please consider this appeal, because there is nowhere to put the car. Even Britt Collins wrote an exquisite letter about how imaginative this is because it literally can’t be seen. He asked for forgiveness for doing this backwards and apologized for not going through the variance process first before building the structure.

Scott Worgo, 200 Lakeshore Drive, voiced his support just like other neighbors. D’Agnese is working hard to please his neighbors and improve the view.

Mr.Potter stated that no one had spoken in opposition and all the comments were in favor. He acknowledged that asking for forgiveness instead of permission is not ideal. He doesn’t see what value there is in denying their ability to be heard and asked that council would reconsider their opinion and the issue be revisited.

ADJOURNMENT

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

Salter adjourned the meeting at 8:26 PM.



Leigh Threadgill
City Clerk

