



**COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
FULL MINUTES
FEBRUARY 17, 2022**

ATTENDANCE

Mayor: Lois Salter

Council Members: Rodney Hammond, Scott Lee, Chip McDaniel

City Officials: Leigh Threadgill - City Administrator

Richard Carothers - City Attorney

Members of the Public: 2

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. 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. Lee 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 January 20, 2022, Council Meeting

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

- a) Planning & Zoning Commission By-Laws Amendment, Chair to Vote

Threadgill: At their November 9, 2021, meeting, the Planning & Zoning Commission recommended approval of a change to their by-laws to enable the chair to vote. As currently written, the chair is only authorized to vote in two cases: to ensure quorum or to break a tie vote. Under the proposed change, the conditions under which the chair can vote would be removed.

Lee made a motion to change the by-laws as requested by the Planning & Zoning Commission. McDaniel seconded the motion. All were in favor and the motion passed.

NEW BUSINESS

a) Gary Volino – 380 Lakeshore Drive, Stormwater Concern

Gary Volino, 380 Lakeshore Drive, was recognized and it was noted that he had kindly presented materials that were diligently studied by the city council. He was asked to provide any new information and answer any questions from the council.

Volino noted that he maybe hasn't been as involved as some of the council members and that they may have more information on this issue than he does, but his observation over the last 6 months is that there is a considerable amount of runoff, where it comes from and how it gets there is up for a lot of debate, that goes to the pond across the street from his home. Eventually it makes its way to Berkeley Lake. Ryerson is supposed fix something, but he is here to ask why we are waiting for Ryerson to fix something. This has been going on for multiple years and, from what he's heard, their fix will probably make the problem worse because right now the pipe is clogged. All the bottles and trash are stacked up on the side of the Ryerson property. Once opened it will bring a lot of debris and silt into the pond. He asked if the City of Berkeley Lake wanted to get involved in looking at the city's property area and figuring out what needs to be done there. No more wait and see. Do we want to get somebody in there that knows about erosion to determine the status, is it causing a problem? Is it not a problem? Let's get to the brass tacks of this thing.

McDaniel asked what Volino sees to be the city's involvement in what is going to happen with the pipe. Volino stated that he doesn't think they're going to do anything with the pipe, so it's not getting involved with the pipe. That was under the guise that the county will eventually do something, but they haven't done anything in many years. Now that the city owns the property that all the water is going into, we can do something about it. We don't have to mess with their pipe. Their pipe is dumping into city land and now we can take control of that water.

Hammond stated that he isn't clear specifically what is being asked of the city taxpayers to do different than we already are doing. Volino stated that what he is asking is for somebody that knows about erosion control to walk the property and identify the problem. If we need to, to hire someone, and he noted he didn't think it would be an expensive project, to look at the problem and determine if something can be done to stop the mud pit that is moving into the pond. You can watch it. When it rains, it's a massive swampy area that naturally is going to

push dirt and debris into the pond. It might be as simple as putting up a silt fence along the pond. It might not be as big an issue as sitting here waiting for someone to do something the last couple of years. The specific ask is to get someone that knows about erosion control to look at the area and make a determination of whether we can do something about the problem or not.

McDaniel noted that until the problems are fixed on the other side of the road, we don't know what the problems are on our side. As stated, there may be debris and other things that are coming through the pipe after they fix the problems. He agreed with the benefit of analysis but would hate to jump the gun and make a fix now that turns out to not be the right fix once these other problems are corrected. He acknowledged it's probably not a bad idea to get some advice.

Volino asked Faye Harwell how long this has been going on. Harwell noted that it has been about 6 years. Volino stated it's been festering for six years and, to put this issue to a little bit of rest, asked if we could just get someone's opinion about Gwinnett County fixing the pipe causing water to come rushing through or if they don't fix it here are recommendations of what to do. This is not a huge ask or bringing in a lot of equipment. To fix it correctly would probably require a significant amount of work. McDaniel noted that at least now we own the property where we can do the work. Volino agreed that the difference between now and six years ago is that the city owns the property now.

Lee noted that he and Bob Smith had walked the property on the other side of Peachtree Industrial Boulevard along Turman Road. He walked to the pond on the far side, and it appeared to have several feet of clear standing water so that he could see the bottom. It was trickling through the pipe under Peachtree Industrial Boulevard. It appears that the pond on the far side is having a positive impact because it is filtering and blocking a tremendous amount of solids. What is being pointed out in the materials you have provided is discoloration. There is a difference between sedimentation, turbidity, discoloration and silt. Water will be discolored during a rain event. Whether it's carrying significant solids depends on what it's flowing across. The city bought the property on Peachtree Industrial Boulevard to prevent it from being developed but not necessarily to add any infrastructure. It's almost preferable if they don't do anything with the pipe under Peachtree Industrial Boulevard because doing so would just increase the flow of water. The majority of erosion is happening further up toward the railroad, you can see the red clay next to the waterfall, which is something Ryerson needs to resolve and it is on the Peachtree Corners side of Peachtree Industrial Boulevard. Right now the pond on the far side of Peachtree Industrial Boulevard is working and retaining the vast majority of solids. There doesn't appear to be any erosion or land disturbance on the property that we just purchased. It looks natural. It was more of a defensive purchase so that it doesn't get developed.

Volino noted that the water from the Ryerson property comes through as a slow trickle. The Ryerson property pond is helping, but once the water gets to the city-owned property it's not channeled anywhere. Instead, it's slowly moving a lot of that silt which is why nothing can

grow. McDaniel noted that the slow-moving water won't move nearly as much silt as the fast-moving water would. Volino responded that it won't move as much but it is moving as Harwell will attest. The mud coming is coming from that area. You can watch it. As it starts to rain, the silt is coming from that location. Harwell agreed. You see a lot of discoloration coming in from there, but with that discoloration it means it is picking up mud and debris and moving it into the pond.

McDaniel stated that there are two streams that enter the pond and asked what percentage of water comes from the pipe under Peachtree Industrial Boulevard versus the water that comes from the greenspace. Harwell stated that 60%-70% comes from Duluth when it's a heavy rain, but it's always clear. The water from the Ryerson area is a smaller percentage but if the county fixes the buried pipe, it will allow a lot of mud, debris, silt and stormwater to come through. She went on to say that we don't know in depth what Gwinnett County's plans are for that area, which causes concern.

Volino stated that Duluth built a retention pond with silt fences and rocks and the water coming from that side is clear. It's basically street runoff. There are a couple of other drain points, which he hasn't seen flow. But the water spreads out and makes a big swampy area on the city-owned property. He suggested that maybe even planting plants would solve the problem. The loose soil is so loose that it eventually is going to the pond. Even if there were plants to hold back that soil would make sense. He wants someone who as an expert to look at the situation to see what if anything needs to be done and put this to bed, whether there is an issue now and the impact of opening the pipe, but he isn't looking for a big solution. He noted that he thought that would require Gwinnett County.

Volino asked about next steps. Salter noted that she and Threadgill had met with Harwell this past week with some clarifying questions and are looking for answers to those questions. Harwell stated that she was going to be meeting with the other interested parties tomorrow at 9AM to provide answers to those questions. Salter stated that the next step is getting that input so that we can determine what we need to do to help.

Salter asked Faye Harwell if she had anything to add. Harwell stated that there are a lot of problems with the Ryerson property, but Peachtree Corners is only enforcing the Turman Road problem. We don't have enough information from Peachtree Corners or Gwinnett County to know what we can do. She concurred that we need someone who understands erosion, a civil engineer or some other similar expert, to look at the situation and advise us.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

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

Salter adjourned the meeting at 8:19 PM.

Submitted by:



Leigh Threadgill
City Clerk

