



AGENDA AS AMENDED IN SESSION
COUNCIL MEETING
4040 S. BERKELEY LAKE RD.
BERKELEY LAKE, GEORGIA 30096
SEPTEMBER 19, 2024

7:00 PM Work Session
8:00 PM Formal Session

Citizens are encouraged to offer comments on issues of concern as agenda items are reached and at the end of the meeting for all other issues. Please limit citizen comments to 2 minutes. Longer citizen comments are welcome in writing and will be added to the official record of this meeting.

WORK SESSION

CALL TO ORDER

AGENDA

PUBLIC HEARING

- a) O-24-253, Amendment to Sections 78-300 and 78-301 – GC-A underlying zoning standards

CONSENT AGENDA

- a) Minutes of August 22, 2024, Council Meeting
- b) Financial Statements of July 2024 – Unaudited
- c) Minutes of August 22, 2024, Council Work Session

OLD BUSINESS

- a) O-24-253, Amendment to Sections 78-300 and 78-301 - GC-A underlying zoning standards

NEW BUSINESS

- a) Public Works – ARPA 2023 Stormwater Project Change Order #1

EXECUTIVE SESSION *(if needed)*

CITIZEN COMMENTS

ADJOURNMENT

Requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City of Berkeley Lake government should be made at least five days prior to the event by contacting the ADA Coordinator at 770-368-9484.



**SPECIAL CALLED COUNCIL WORK SESSION
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
DRAFT MINUTES
AUGUST 22, 2024**

ATTENDANCE

Mayor: Lois Salter

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

City Officials: Leigh Threadgill - City Administrator, Dick Carothers – City Attorney, Rob Hiller – City Marshal

Members of the Public: 1

Members of the Press: 0

WORK SESSION

Salter reviewed the agenda with the council and solicited questions regarding the items up for consideration.

There was discussion.

The work session was adjourned.

Submitted by:

Leigh Threadgill, City Clerk



**SPECIAL CALLED COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
DRAFT MINUTES
AUGUST 22, 2024**

ATTENDANCE

Mayor: Lois Salter

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

City Officials: Leigh Threadgill - City Administrator, Dick Carothers – City Attorney, Rob Hiller – City Marshal

Members of the Public: 1

Members of the Press: 0

CALL TO ORDER

Salter called the meeting to order at 8:04 PM. A quorum of council members was in attendance.

AGENDA

Salter solicited motions regarding the 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.

CONSENT AGENDA

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

- a) Minutes of July 11, 2024, Council Meeting
- b) Financial Statements of June 2024 – Unaudited
- c) R-24-03 Resolution to Include Berkeley Lake in Gwinnett County Hazard Mitigation Plan
- d) 2017 SPLOST Agreement Change Order 1 – City-Managed Project
- e) 2017 SPLOST Agreement Change Order 1 – County-Managed Project

Lee made a motion to approve all items on the consent agenda. McDaniel seconded the motion. All were in favor and the motion passed.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

a) O-24-253, Amendment to Sections 78-300 and 78-301 – GC-A Underlying Zoning Standards

Threadgill: The ordinance before you tonight amends Sections 78-300 and 78-301 to clarify the underlying zoning standards that apply to properties within the Gwinnett County – Annexed (GC-A) zoning district. The Planning & Zoning Commission reviewed the amendment at their August 13th meeting and recommended approval. The ordinance is up for first read tonight and a public hearing will need to be scheduled for September 19th.

Spitler made a motion to place O-24-253, an ordinance to amend Sections 78-300 and 78-301 to clarify the underlying zoning regulations applicable in the GC-A district, on first read and further to call for a public hearing on the amendment to be held on September 19th at 8 PM. Lee seconded the motion. All remaining council members were in favor and the motion passed.

b) Corners Outreach Contract Amendment

Threadgill: Two new locations have been identified as areas of regular landscape maintenance, the spillway and the viewing cone to the water wheel. The contract before you is proposed for amendment to incorporate these locations and prices associated with their maintenance. Staff requests that the contract be amended accordingly.

Smith made a motion to authorize the mayor to sign the amended contract incorporating landscape maintenance of the spillway and the water wheel viewing cone. Spitler seconded the motion. All were in favor and the motion passed.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

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

Salter adjourned the meeting at 8:09 PM.

Submitted by:

Leigh Threadgill, City Clerk

City of Berkeley Lake

Budget vs. Actuals: Budget_FY24_P&L - FY24 P&L

January - July, 2024

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
100 100 General	540,216.58	1,577,234.00	-1,037,017.42	34.25 %
320 320 SPLOST Income	307,352.20	2,010,412.00	-1,703,059.80	15.29 %
Total Income	\$847,568.78	\$3,587,646.00	\$ -2,740,077.22	23.62 %
GROSS PROFIT	\$847,568.78	\$3,587,646.00	\$ -2,740,077.22	23.62 %
Expenses				
1 Gen Govt	249,539.79	587,425.00	-337,885.21	42.48 %
2 Judicial	5,484.79	9,190.00	-3,705.21	59.68 %
230 ARP Act Expenses 230	329,257.45	348,468.00	-19,210.55	94.49 %
3 Public Safety	79,499.35	169,923.00	-90,423.65	46.79 %
4 Public Works	135,427.36	160,542.00	-25,114.64	84.36 %
6 Culture and Recreation	15,688.78	20,904.00	-5,215.22	75.05 %
7 Housing and Development	45,222.58	226,409.00	-181,186.42	19.97 %
9000.61.1100 Xfer Out - Reserve Fund		54,375.00	-54,375.00	
SPLOST Expenses	398,534.69	2,010,412.00	-1,611,877.31	19.82 %
Total Expenses	\$1,258,654.79	\$3,587,648.00	\$ -2,328,993.21	35.08 %
NET OPERATING INCOME	\$ -411,086.01	\$ -2.00	\$ -411,084.01	20,554,300.50 %
NET INCOME	\$ -411,086.01	\$ -2.00	\$ -411,084.01	20,554,300.50 %

City of Berkeley Lake

Income & Expense

July 2024

	TOTAL
Income	
100 100 General	57,176.71
320 320 SPLOST Income	46,573.09
Total Income	\$103,749.80
GROSS PROFIT	\$103,749.80
Expenses	
1 Gen Govt	38,253.43
2 Judicial	1,032.24
230 ARP Act Expenses 230	321,488.70
3 Public Safety	10,552.94
4 Public Works	65,797.64
6 Culture and Recreation	468.40
7 Housing and Development	16,263.53
SPLOST Expenses	398,534.69
Total Expenses	\$852,391.57
NET OPERATING INCOME	\$ -748,641.77
NET INCOME	\$ -748,641.77

City of Berkeley Lake

Balance Sheet As of July 31, 2024

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Debt Service Fund	0.00
General Fund	4,575,293.04
SPLOST Fund	1,524,425.60
Suspense 1.11.1000	0.00
Total Bank Accounts	\$6,099,718.64
Accounts Receivable	
Accounts Rec 1.11.1900.1	17,674.03
Total Accounts Receivable	\$17,674.03
Other Current Assets	
1.11.27 Grant Receivable	0.00
Accounts Rec - SPLOST 1.11.2000	86,536.74
AccountsRec-OtherTax1.11.1900.2	0.00
Franchise Tax Rec 1.11.1550	84,000.00
Interest Receivable 1.11.1400	0.00
Prepaid Expense 1.11.3600	1,504.99
Prepaid items 1.11.3800	4,251.00
Taxes Receivable 1.11.1600	12,567.10
Undeposited Funds 1.11.1114	5,819.57
Total Other Current Assets	\$194,679.40
Total Current Assets	\$6,312,072.07
Fixed Assets	
Building & Improvements 1.11.7400	1,770,036.08
Computer Equipment 1.11.6700	48,172.61
Furniture & Fixtures 8.11.7700	71,493.47
Land 8.11.7100	9,392,320.74
Machinery & Equipment 1.11.6500	173,026.24
Total Fixed Assets	\$11,455,049.14
Other Assets	
Accum amort - bond cost	0.00
Amt avail 4 debt svc 9.11.9100	0.00
Bond issuance cost	0.00
Loan Receivable - Facilities	0.00
Loan Receivable - Paving	0.00
To be prov 4 debt 1.11.7500	0.00
Total Other Assets	\$0.00
TOTAL ASSETS	\$17,767,121.21

City of Berkeley Lake

Balance Sheet As of July 31, 2024

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable 1.12.1100	546,641.78
Operating AP	0.00
SPL2005 Admin Facil- City H-AP*	0.00
SPLOST account - Suntrust-AP*	0.00
Total Accounts Payable	\$546,641.78
Credit Cards	
Anderson Credit Card (8186)	81.48
BOZEMAN, MARTY (0241)	0.00
Hiller Credit Card (4916)	36.00
Hunter Credit Card (0891)	75.23
Threadgill Credit Card (3322)	379.00
Wilhite Credit Card (1132)	0.00
Total Credit Cards	\$571.71
Other Current Liabilities	
*Sales Tax Payable	0.00
1.12.28 Bonds payable - current	0.00
Accounts Payable Accruals-L*	0.00
Accounts payable-L 1.12.1100.2	0.00
Accrued Expenses 1.12.1150	0.00
Accrued Interest Payable	0.00
Accrued Salaries 1.12.1200	0.00
Accrued SPLOST Expenses 2.12.1250	0.00
Deferred revenue 1.12.2500	15,688.30
Direct Deposit Payable	-0.01
MyGov	0.00
Payroll Liabilities	66.10
PR Tax Payable - Fed 1.12.1300	0.00
PR Tax Payable - State 1.12.1310	0.00
PTO Accrual	12,314.18
Regulatory Fees Payable	9,052.49
Retainage Payable	0.00
Total Other Current Liabilities	\$37,121.06
Total Current Liabilities	\$584,334.55

City of Berkeley Lake

Balance Sheet As of July 31, 2024

	TOTAL
Long-Term Liabilities	
Gen Oblig Bond Payable 1.12.3000	0.00
GOB Payable - 2009 1.12.3000.2	0.00
GOB Payable - 2011 1.12.3000.3	0.00
GOB Payable - 2012 1.12.3000.4	0.00
SPLOST Loan Payable - Paving	0.00
SPLOST Loan Payable Facilities	0.00
Total Long-Term Liabilities	\$0.00
Total Liabilities	\$584,334.55
Equity	
Fund Bal Unrsvd 1.13.4220	4,559,066.50
Investmt in fixedassets 1.13.4K	11,327,229.85
Opening Bal Equity	0.00
Reserve for prepaids 1.13.4125	5,755.99
Reserved for Debt Service	0.00
Restricted for Debt Svc 1.13.4105	0.00
Restricted4CapitalProj 1.13.4155	1,900,734.14
Retained Earnings 1.13.3000	-198,913.81
Net Income	-411,086.01
Total Equity	\$17,182,786.66
TOTAL LIABILITIES AND EQUITY	\$17,767,121.21

ORDINANCE NO. 24-253

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND CHAPTER 78. “ZONING,” SECTIONS 78-300, REGULATION OF LANDS IN THE GC-A ZONING DISTRICT, AND 78-301, DEVELOPMENT OF PROPERTIES IN THE GC-A ZONING DISTRICT, TO CLARIFY UNDERLYING ZONING STANDARDS APPLICABLE TO PROPERTIES WITHIN THE GWINNETT COUNTY – ANNEXED ZONING DISTRICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SECTION I.

IT IS HEREBY ORDAINED, by the governing authority of the City of Berkeley Lake that Chapter 78 of the Code of Ordinances, entitled “Zoning,” shall be amended as follows:

- a. Subsection 78-300 shall be amended by deleting the title and text thereof in its entirety and inserting in lieu thereof the following:

78-300 Regulation of lands in the GC-A zoning district.

Any properties zoned Gwinnett County-Annexed (GC-A) as shown on the official zoning map, unless otherwise specifically approved by the Berkeley Lake mayor and city council, shall be subject to the property-specific conditions of zoning or special use permit approval, or both, adopted by the Gwinnett County Board of Commissioners by resolution which applied to said properties at the time they were zoned, or the special use was permitted, in unincorporated Gwinnett County immediately prior to annexation. The official Gwinnett County zoning and special use permit files of properties so annexed shall become official files of the City of Berkeley Lake and shall be maintained by the city clerk, and said conditions of zoning or special use approval, or both, adopted by the Gwinnett County Board of Commissioners as adopted and applied by the City of Berkeley Lake, shall constitute the zoning regulations governing said properties. Further, and properties zoned Gwinnett County – Annexed (GC-A) as shown on the official zoning map shall be subject to those provisions of the zoning district of Gwinnett County’s Zoning Resolution which applied to the property immediately prior to annexation.

- b. Section 78-301 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-301. Development of properties in the GC-A zoning district.

Properties in the GC-A district shall be developed and used consistent with those uses permitted in the Gwinnett County zoning district classification which applied to the property immediately prior to annexation. Properties in the GC-A district shall continue to enjoy the use or uses specifically conferred by formal zoning or special use permit action of the Gwinnett County Board of Commissioners immediately prior to annexation. Development of any properties zoned GC-A on the effective date of this Zoning Ordinance shall comply with the following:

- (1) The property-specific conditions of zoning adopted by the Gwinnett County Board of Commissioners in a property-specific rezoning action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.
- (2) The property-specific conditions of special use approval adopted by the Gwinnett County Board of Commissioners in a property-specific special use permit action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.
- (3) Any modification of zoning or special use permit conditions granted by the Gwinnett County Board of Commissioners by official action which are part of the official Gwinnett County files for said property on record with the city clerk.
- (4) Any property-specific variances granted by the Gwinnett County Board of Zoning Appeals and which are a part of the official Gwinnett County files for said property on record with the city clerk.
- (5) Any property-specific modification of zoning or special use permit conditions approved by the Berkeley Lake mayor and city council through formal action at a regular meeting prior to the effective date of this Zoning Ordinance, on record with the city clerk.
- (6) In reviewing a development proposal for compliance with the zoning regulations of the GC-A zoning district, questions may arise as to what other additional dimensional requirements or use regulations apply. In certain cases, the city clerk may not be able to resolve such questions by relying on the zoning or special use permit conditions and any applicable variances or modification of said conditions alone. For example, a building on a site plan approved as a condition of zoning or special use permit approval may not be shown with enough specificity to determine the maximum building height or setbacks that apply to the proposed building. As another example, questions may arise as to whether the use provisions allow for an accessory building, structure, or use on the subject property that is not shown on the site plan approved as a condition. In such instances where questions about development permissions cannot be resolved by applying the above provisions (a1) through (e5) of this section, the city clerk shall apply regulations of the Berkeley Lake zoning district established in

this Zoning Ordinance which most closely resembles the zoning district of Gwinnett County’s Zoning Resolution which applied to the property immediately prior to annexation, as more particularly shown below:

Gwinnett County Zoning District	Berkeley Lake Zoning District Which Shall Apply When Questions Arise Under Terms of this Section as They Relate to Dimensional Requirements and Accessory Buildings, Structures, and Uses
M-1, Light Industry	M-1, Light Industrial
M-2, Heavy Industry	M-1, Light Industrial
C-1, Neighborhood Business	C-1, Neighborhood Business
C-2, General Business	C-1, Neighborhood Business
O-I, Office – Institutional	O-I, Office - Institutional
R-ZT, Single-Family Residence	R-100, Single-Family Residence
R-100, Single-Family Residence	R-100, Single-Family Residence

(7) *Exceptions.*

- (a) Notwithstanding any provision of the Peachtree Corners Overlay District, as established by the Gwinnett County Zoning Resolution, to the contrary, inflatable and temporary signage in conformance with Chapter 62 of this Code shall be allowed.

SECTION 2:

Should any article, section, subsection, paragraph, clause, phrase or provision of this ordinance be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

SECTION 3:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall be effective upon adoption.

Passed and adopted by the Mayor and Council on this _____ day of _____ 2024.

LOIS D. SALTER
Mayor

ATTEST:

LEIGH THREADGILL
City Clerk

Planning Commission
Consideration: August 13, 2024

1st Reading: August 22, 2024

2nd Reading: September 19, 2024

Council Adoption: September 19, 2024

Date of Issuance: 9/9/24
 Owner: City of Berkeley Lake
 Contractor: The Dickerson Group
 Engineer: Keck & Wood, Inc.
 Project: ARPA STORMWATER IMPROVEMENTS

Effective Date: 9/9/24
 Owner's Contract No.:
 Contractor's Project No.:
 Engineer's Project No.: 231290

The Contract is modified as follows upon execution of this Change Order:

The following items have been added to the contract:

Location	Item Description	Units	Quantity	Unit Price	Cost
82 LSD	Driveway apron modification	LS	1	\$9,605.00	\$9,605.00
Frederica Ln	Change 48" liner to 60" liner, add point repairs and tree removal	LS	1	\$101,000.00	\$101,000.00
3792 Frederica Rd	Clean and line 203' of 30" CMP, replace catch basin top	LS	1	\$89,270.00	\$89,270.00

Total = \$199,875.00

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$715,614.65	Original Contract Times: Substantial Completion: <u>75</u> Ready for Final Payment: <u>90</u> days
Increase from previously approved Change Orders No. to No. <u> </u> : \$0	Increase from previously approved Change Orders No. to No. <u> </u> : Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days
Contract Price prior to this Change Order: \$715,614.65	Contract Times prior to this Change Order: Substantial Completion: <u>75</u> Ready for Final Payment: <u>90</u> days
Increase of this Change Order: \$199,875.00	Increase of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days
Contract Price incorporating this Change Order: \$915,489.65	Contract Times with all approved Change Orders: Substantial Completion: <u>75</u> Ready for Final Payment: <u>90</u> days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u><i>Alan Sutton</i></u>	By: _____	By: <u><i>Michel Costa</i></u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Associate VP</u>	Title: _____	Title: <u>CFO</u>
Date: <u>9/9/24</u>	Date: _____	Date: <u>9/11/24</u>