



AGENDA
COUNCIL MEETING
4040 S. BERKELEY LAKE RD.
BERKELEY LAKE, GEORGIA 30096
MAY 18, 2023

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) Initiation of 2024 Comprehensive Plan Update

CONSENT AGENDA

- a) Minutes of April 20, 2023, Council Meeting
- b) Financial Statements of March 2023 – Unaudited
- c) Finance – Authorization to Establish Money Market Account at Ameris Bank for Receipt of 2023 SPLOST Program Funds

OLD BUSINESS

- a) O-23-246, Proposed 2022 Budget Amendment

NEW BUSINESS

- a) O-23-247, Proposed Animal Ordinance Amendment
- b) O-23-248, Proposed Zoning Ordinance Amendments pursuant to H.B. 1405
- c) Public Safety: Ratification of City Marshal Vehicle and associated items of \$51,288.96 purchased with ARPA Funds

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.



COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
DRAFT MINUTES
APRIL 20, 2023

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

Members of the Public: 0

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 8:03 PM. A quorum of council members was in attendance.

AGENDA

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

- a) O-23-246 - Proposed 2022 Budget Amendment

Salter noted that there were no citizens in attendance to comment.

CONSENT AGENDA

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

- a) Minutes of March 16, 2023, Council Meeting

b) Financial Statements of February 2023 – Unaudited

Spitler 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

a) O-23-246 - Proposed 2022 Budget Amendment

Threadgill: *O-23-246 is a housekeeping measure to identify a final status of expenses and revenues for 2022. I am requesting that the council place the item on second read.*

Smith made a motion to place O-23-246, an ordinance to amend the budget for the year 2022, to repeal conflicting ordinances, to provide for an effective date and for other purposes, on second read. Spitler seconded the motion. All were in favor and the motion passed.

NEW BUSINESS

a) Keck & Wood Proposal for Citywide Pavement Assessment and Maintenance Program

Threadgill: *The last citywide pavement assessment was conducted in 2018, and the city's streets have experienced wear and tear since that time. The proposal before you tonight is to authorize the city engineer to conduct a current citywide pavement assessment as well as to develop a maintenance program for the city's road infrastructure. In addition, for the re-paving project identified as the top priority, this proposal includes preparation of construction plans and construction administration. In addition, this could be paid for with American Rescue Plan Act funding category revenue replacement for provision of government services.*

McDaniel made a motion to accept the proposal and authorize Keck & Wood to perform the described services at a cost not to exceed \$22,500 to be funded with American Rescue Plan Act funds. Lee 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. Lee seconded the motion. All were in favor and the motion passed.

Salter adjourned the meeting at 8:07 PM.

Submitted by:

Leigh Threadgill, City Clerk

DRAFT

City of Berkeley Lake

Budget vs. Actuals as of May 11, 2023: 2023 Capital and Operating Budget - FY23 P&L

January - December 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
100 100 General	309,887	1,108,566	-798,679	28.00 %
230.33.2100 ARP Act 230.33.2100		620,348	-620,348	
320 320 SPLOST Income	115,980	1,449,093	-1,333,113	8.00 %
Total Income	\$425,867	\$3,178,007	\$ -2,752,140	13.00 %
GROSS PROFIT	\$425,867	\$3,178,007	\$ -2,752,140	13.00 %
Expenses				
1 Gen Govt	148,618	565,826	-417,208	26.00 %
2 Judicial	970	9,190	-8,220	11.00 %
230 ARP Act Expenses 230	110,732	620,348	-509,616	18.00 %
3 Public Safety	30,225	170,031	-139,806	18.00 %
4 Public Works	25,583	158,643	-133,060	16.00 %
6 Culture and Recreation	4,598	22,463	-17,865	20.00 %
7 Housing and Development	4,565	125,102	-120,537	4.00 %
9000.61.1100 Xfer Out - Reserve Fund		57,315	-57,315	
SPLOST Expenses		1,449,093	-1,449,093	
Total Expenses	\$325,290	\$3,178,011	\$ -2,852,721	10.00 %
NET OPERATING INCOME	\$100,577	\$ -4	\$100,581	-2,514,414.00 %
NET INCOME	\$100,577	\$ -4	\$100,581	-2,514,414.00 %

City of Berkeley Lake

Income & Expense

March 2023

	TOTAL
Income	
100 100 General	110,216.82
320 320 SPLOST Income	40,638.42
Total Income	\$150,855.24
GROSS PROFIT	\$150,855.24
Expenses	
1 Gen Govt	22,561.17
2 Judicial	225.00
230 ARP Act Expenses 230	32,504.64
3 Public Safety	4,652.73
4 Public Works	6,457.52
6 Culture and Recreation	361.35
7 Housing and Development	1,416.25
Total Expenses	\$68,178.66
NET OPERATING INCOME	\$82,676.58
NET INCOME	\$82,676.58

City of Berkeley Lake

Balance Sheet

As of March 31, 2023

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Debt Service Fund	0.00
General Fund	4,182,004.65
SPLOST Fund	1,113,569.04
Suspense 1.11.1000	0.00
Total Bank Accounts	\$5,295,573.69
Accounts Receivable	
Accounts Rec 1.11.1900.1	23,916.23
Total Accounts Receivable	\$23,916.23
Other Current Assets	
1.11.27 Grant Receivable	0.00
Accounts Rec - SPLOST 1.11.2000	73,604.91
AccountsRec-OtherTax1.11.1900.2	0.00
Franchise Tax Rec 1.11.1550	36,000.00
Interest Receivable 1.11.1400	0.00
Prepaid Expense 1.11.3600	0.00
Prepaid items 1.11.3800	0.00
Taxes Receivable 1.11.1600	8,714.33
Undeposited Funds 1.11.1114	272.48
Total Other Current Assets	\$118,591.72
Total Current Assets	\$5,438,081.64
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	121,737.28
Total Fixed Assets	\$11,403,760.18
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	\$16,841,841.82
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	

City of Berkeley Lake

Balance Sheet

As of March 31, 2023

	TOTAL
Accounts Payable	
Accounts Payable 1.12.1100	12,545.23
Operating AP	0.00
SPL2005 Admin Facil- City H-AP*	0.00
SPLOST account - Suntrust-AP*	0.00
Total Accounts Payable	\$12,545.23
Credit Cards	
BOZEMAN, MARTY (0241)	81.59
Hiller Credit Card (4916)	128.13
Hunter Credit Card (8185)	239.43
Threadgill Credit Card (3322)	656.46
Wilhite Credit Card (1132)	0.00
Total Credit Cards	\$1,105.61
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	8,961.60
Direct Deposit Payable	-0.01
MyGov	-868.00
Payroll Liabilities	66.10
PR Tax Payable - Fed 1.12.1300	0.00
PR Tax Payable - State 1.12.1310	0.00
PTO Accrual	-1,103.33
Regulatory Fees Payable	4,546.64
Retainage Payable	0.00
Total Other Current Liabilities	\$11,603.00
Total Current Liabilities	\$25,253.84
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	\$25,253.84
Equity	

City of Berkeley Lake

Balance Sheet

As of March 31, 2023

	TOTAL
Fund Bal Unrsvd 1.13.4220	3,655,542.60
Investmt in fixedassets 1.13.4K	11,275,940.89
Opening Bal Equity	0.00
Reserve for prepaids 1.13.4125	0.00
Reserved for Debt Service	0.00
Restricted for Debt Svc 1.13.4105	0.00
Restricted4CapitalProj 1.13.4155	1,630,979.09
Retained Earnings 1.13.3000	32,962.92
Net Income	221,162.48
Total Equity	\$16,816,587.98
TOTAL LIABILITIES AND EQUITY	\$16,841,841.82

ORDINANCE

AN ORDINANCE TO AMEND THE BUDGET FOR THE YEAR 2022; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Be it ordained by the Mayor and the City Council of the City of Berkeley Lake that the 2022 Budget shall be appropriated as follows:

Revenues		
	General	1,158,235.31
	SPLOST	465,287.58
	ARPA	<u>400,884.00</u>
	Total Revenues	\$2,024,406.89
Expenditures		
	General Government	425,957.52
	Judicial	1,407.48
	Public Safety	109,716.33
	Public Works	101,133.49
	Culture & Recreation	13,264.01
	Housing & Development	24,276.48
	Additions to Reserves	482,480.00
	ARPA	205,019.87
	ARPA – Addition to Reserves	195,864.13
	SPLOST – Admin Facilities	4,608.63
	SPLOST – Public Safety	8,037.79
	SPLOST – Public Works	1,625.00
	SPLOST – Addition to Reserves	<u>451,016.16</u>
	Total Expenditures	\$2,024,406.89

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of any such conflict. This ordinance shall be effective upon adoption by the Council of the City of Berkeley Lake. So ordained, this 18th day of May, 2023.

ATTEST:

Lois D. Salter, Mayor

Leigh Threadgill, City Clerk

First Read: March 16, 2023
Second Read/Hearing: April 20, 2023
Adoption: May 18, 2023

ORDINANCE NO. 23-247

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND CHAPTER 10, "ANIMALS," TO ADOPT REGULATIONS PERTAINING TO LIVESTOCK; 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 10 of the Code of Ordinances, entitled "Animals," shall be amended as follows:

- a. Subsection 10-1(a) shall be amended by deleting the title and text thereof in its entirety and inserting in lieu thereof the following:
 - (a) The city hereby adopts the animal control ordinance of Gwinnett County in effect on the date of this article, and any subsequent revisions thereto, exclusive of Sec.10-10, Livestock. A copy of the county ordinance is attached hereto and incorporated by reference.
 - b. There shall be a new Section 10-4 that shall read as follows:

Sec. 10-4. Livestock

- (a) Definition. Livestock means and includes horses, cows, goats, pigs, or any other hoofed animal used for pleasure or profit. Fowl and rabbits are expressly included within this definition.
- (b) Prohibition. Livestock raising or keeping shall not be permitted within the City of Berkeley Lake.
- (c) Enforcement. This section shall be enforced by the ordinance enforcement officer. Citizen complaints shall be directed in writing.
- ~~(a)~~(d) Penalties. For the first violation of the provisions of this section, the ordinance enforcement officer shall issue a written warning to the violator ordering him or her to re-home the livestock. For a second and each subsequent violation of the provisions of this section, the violator shall be issued a citation to appear in municipal court and shall be subject to a fine not to exceed \$1,000.00. Each day a violation occurs shall constitute a separate offense.

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 _____ 2023.

LOIS D. SALTER
Mayor

ATTEST:

LEIGH THREADGILL
City Clerk

1st Reading: May 18, 2023
2nd Reading: June 15, 2023
Council Adoption: June 15, 2023

ORDINANCE NO. 23-248

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND THE CHAPTER 78. “ZONING,” TO COMPLY WITH STATE LAW; TO ADOPT DEFINITIONS; TO PROVIDE NOTICE; TO PROVIDE FOR APPEALS; TO PROVIDE PROCEDURE FOR HEARING SPECIAL EXCEPTIONS, VARIANCES AND OTHER APPEALS; TO PROVIDE FOR CONCURRENT VARIANCES; TO PROVIDE FOR PROCEDURES FOR HEARINGS; TO PROVIDE FOR PROCEDURES AND NOTICE FOR CERTAIN REZONINGS; 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 78-366(b) shall be amended by deleting the title and text thereof in its entirety and inserting in lieu thereof the following:
 - (b) *Required notification.* Before the planning and zoning commission acts upon an application for a variance:
 - (1) The notice of the time and place of the hearing shall be published at least 15 days and not more than 45 days prior to the hearing in the official organ of the county in which the sheriff's advertisements are published.
 - (2) The chair of the planning and zoning commission shall ensure that a sign is erected in a conspicuous place on the property involved, which shall contain information as to the variance applied for and the time and place of the hearing. This required sign shall be erected at least 15 days and not more than 45 days prior to the hearing. Failure to erect and maintain the sign as specified shall invalidate any subsequent determination by the planning and zoning commission.
 - (3) Written notice must be sent via first class mail to the subject property owner at least 30 days before the public hearing to be held by the planning commission. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.

- b. Section 78-369 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-369. Appeals to the planning and zoning commission.

- (a) In cases of ordinance interpretations, planning and zoning commission chair decisions, enforcement officer or building inspector rulings, appeals to the planning and zoning commission may be made by any person aggrieved or by any official of the city affected by any decision of the ordinance enforcement, building inspector, or the planning and zoning commission chair. Such appeal shall be taken within 30 days by filing with the ordinance enforcement officer, building inspector or the planning and zoning commission chair, depending from which body's decisions the appeal is made, and with the City Clerk a notice of appeal specifying the grounds thereof. The ordinance enforcement officer, building inspector or the planning and zoning commission chair shall promptly transmit to the planning and zoning commission all the papers constituting the record upon which the action appealed from was taken. An appeal stays all legal proceedings in furtherance of the action appealed from unless the ordinance enforcement officer, building inspector or the planning and zoning commission chair certifies that, by reason of facts stated in the certificate, a stay would, in their opinion, cause immediate peril to life and property. In such case, proceedings shall not be stayed otherwise than by the planning and zoning commission or by restraining order that may be granted by the superior court of the county.
- (b) Before the planning and zoning commission may act upon an appeal to review any grant or denial of a permit, interpretation, ruling or decision:
- (1) A public hearing shall be held thereon. A notice of the time and place of the public hearing shall be published at least 15 days and not more than 45 days prior to the hearing in the official organ of the county in which the sheriff's advertisements are published.
 - (2) The applicant for a special exception, variance or appeal shall erect in a conspicuous place on the property involved, a sign which shall contain information as to the special exception applied for or the ruling being appealed and the time and place of the hearing. This required sign shall be erected at least 15 days and not more than 45 days prior to the hearing. Failure to erect and maintain the sign as specified above shall invalidate any subsequent determination by the mayor and council.
 - (3) Written notice must be sent via first class mail to the subject property owner at least 30 days before the public hearing to be held by the planning and zoning commission. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.

- c. Section 78-370 shall be amended by deleting the text thereof in its entirety and inserting the in lieu thereof the following:

The planning and zoning commission shall hear and decide requests for special exceptions to this chapter upon which the planning and zoning commission are required to pass.

- d. Section 78-371 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-371. Procedure before the planning and zoning commission under this article.

- (a) Meetings of the planning and zoning commission shall be at the call of the chair, and at such other times as the members of the planning and zoning commission may determine. The chair, or, in his absence, the vice chair, may administer oaths and compel the attendance of witnesses by subpoena. The planning and zoning commission shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating that fact.
- (b) The planning and zoning commission shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the city clerk and shall be a public record. The minutes required hereunder shall be kept separate from the minutes of the regular council meetings.
- (c) The planning and zoning commission shall establish rules of procedure for conducting hearings. Each side in any public hearing before the planning and zoning commission shall be allowed no less than 10 minutes per side to speak.

- e. Section 78-372 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-372. Reapplication to planning and zoning commission.

If an application for a special exception is denied by the planning and zoning commission, or an application for a variance is denied, a reapplication for such special exception or variance may not be made earlier than 12 months from the date of the original application.

- f. Section 78-373 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-373. Appeals from decisions of planning and zoning commission.

Any person or entity with an interest in the decision may seek review of such decision by petitioning the Gwinnett County Superior Court for a review, setting forth the alleged errors. The petition for review must be filed within 30 days of the date that the planning and zoning commission renders its final decision. When a petition for review is filed, the planning and zoning commission must be designated the respondent in the petition for review and the city the defendant in the petition for review. The secretary of the planning and zoning commission is authorized to approve or issue any form or certificate necessary to perfect the petition and to acknowledge service of a copy of the petition and writ on behalf of the planning and zoning commission, as respondent. Service upon the city as defendant may be upon the City Administrator or as otherwise provided by law.

- g. Section 78-392 shall be amended as follows:

Subsection 78-392(b) shall be amended by inserting after “15 days” the phrase “and not more than 45 days.”

Subsection 78-392(e) shall be amended by inserting after “15 days” the phrase “and not more than 45 days.”

There shall be a new Subsection 78-392(f) that shall read as follows:

- (f) In enacting an amendment to the zoning map and zoning ordinance for a particular property or properties, the mayor and council may consider any variances or conditions offered or sought in conjunction with that amendment without those variances or conditions being separately considered or approved by the planning and zoning commission. Nothing in this section shall preclude the planning and zoning commission from recommending variances or conditions in conjunction with an amendment. If there is an appeal related to any such amendment, variances or conditions offered or sought in conjunction with that amendment, shall be included as part of that appeal.

- h. Section 78-395 shall be amended as follows:

There shall be a new Subsection 78-395(a) that shall read as follows:

- (a) *Required notification.* Before the mayor and council acts upon an application:

- (1) The notice of the time and place of the hearing shall be published at least 15 days and not more than 45 days prior to the hearing in the official organ of the county in which the sheriff's advertisements are published.
- (2) The City Administrator shall ensure that a sign is erected in a conspicuous place on the property involved, which shall contain summary information as to the application and the time and place of the hearing. This required sign shall be erected at least 15 days and not more than 45 days prior to the hearing. Failure to erect and maintain the sign as specified shall invalidate any subsequent determination by the planning and zoning commission.

The currently designated Subsections 78-395(a), (b), (c), and (d) shall be redesignated respectively 78-395(b), (c), (d) and (e).

Newly redesignated Subsection 78-395(b) shall be amended by striking from the final sentence "78-367" and inserting in lieu thereof "78-394."

- i. There shall be a new Section 78-400 that shall read as follows:

Sec. 78-400. Special Provisions for City-Initiated Amendments for Applicable Zoning Decisions

(a) *Applicability.*

The provisions of this section shall apply to any amendments, initiated by the City of Berkeley Lake, that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the City of Berkeley Lake or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the City of Berkeley Lake to multifamily residential uses of property. This section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(b) *Public Hearings.*

Prior to the City council decision, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to the hearing required in Section 27-334.

(c) *Public Hearing Notices.*

(1) *Content of the Public Hearing Notices.*

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) *Published notice.* At least 15 days before but not more than 45 days before the date of the public hearing, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing.

(3) *Written (mailed) notice.* Written notice is required for all proposed amendments initiated by the city. The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property (or properties), as those property owners are listed on the tax records of the city. The notices must be mailed at least 15 days but not more than 45 days before the date of the public hearing. Written notices must indicate the nature of the proposed amendment and the date, time, place and purpose of the public hearing.

(4) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property (or properties), provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area, at least 15 days before the date of the public hearing. This notice sign must indicate the date, time, place and purpose of the public hearing.

(d) *City Council Decision.*

The amendment decision shall be adopted at two regular meetings of the City council, during a period of not less than 21 days apart.

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 _____ 2023.

LOIS D. SALTER
Mayor

ATTEST:

LEIGH THREADGILL
City Clerk

1st Reading: May 18, 2023

Planning Commission
Consideration: June 13, 2023

2nd Reading: June 15, 2023

Council Adoption: June 15, 2023