



AGENDA  
COUNCIL MEETING  
4040 S. BERKELEY LAKE RD.  
BERKELEY LAKE, GEORGIA 30096  
NOVEMBER 18, 2021

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-21-241 - Proposed Budget for 2022

**CONSENT AGENDA**

- a) Minutes of October 21, 2021 Council Meeting
- b) Financial Reports for September 2021, Unaudited

**OLD BUSINESS**

- a) O-21-240 - Amendment to Chapter 34-19, Insurance License Fees
- b) O-21-241 - Proposed Budget for 2022

**NEW BUSINESS**

- a) Planning & Zoning Commission By-Laws Amendment

**EXECUTIVE SESSION *(if needed)***

**CITIZEN COMMENTS**

**ADJOURNMENT**



**COUNCIL MEETING  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
DRAFT MINUTES  
OCTOBER 21, 2021**

**ATTENDANCE**

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Mayor: Lois Salter

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

City Officials: Leigh Threadgill - City Administrator, Richard Carothers – Attorney, Lila Hunter – Assistant to the City Administrator

Members of the Public: 1

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 8:05PM. A quorum of council members was in attendance.

**AGENDA**

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

**CONSENT AGENDA**

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

- a) Minutes of August 19, 2021 Council Meeting
- b) Financial Reports for July 2021, Unaudited
- c) Financial Reports for August 2021, Unaudited
- d) Amendment to Fee Schedule – Addition of Photovoltaic Cell (Solar) Permit Fees

**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**

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- a) O-21-240 – Amendment to Chapter 34-19, Insurance License Fees

Threadgill: *O-21-240 is an amendment to the flat fee that state law allows cities to charge insurers conducting business in the city. With the city population now exceeding 2,000 based on the 2020 census, the City can charge \$40, versus the current \$25 rate, beginning January 1, 2022.*

**Lee made a motion to place O-21-240, an ordinance to amend Chapter 34-19, Insurance License Fees, to repeal conflicting ordinances, to provide for an effective date and for other purposes, on first read. Smith seconded the motion. All were in favor and the motion passed.**

- b) O-21-241 – Proposed Budget for 2022

Threadgill: *O-21-241 is the proposed budget for 2022. The measure as presented anticipates no increase in the real property tax millage rate for 2022 over the rollback rate for 2021. The measure is presented for first read consideration.*

**Smith made a motion to place O-21-241, an ordinance to establish the budget for the year 2022, to repeal conflicting ordinances, to provide for an effective date and for other purposes, on first read and to schedule a public hearing on the matter for Thursday, November 18<sup>th</sup> at 8:00 PM. McDaniel seconded the motion. All were in favor and the motion passed.**

## **PUBLIC COMMENTS**

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Matt Yarborough, 4778 Pacetree Lane in Acworth, Georgia congratulated the council members-elect and shared that Congresswoman Boudeaux is working on a Gwinnett Municipal Summit to talk about ARPA funds and other potential grants that will be available. He also offered support regarding Treasury guidance related to ARPA.

## **ADJOURNMENT**

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

Salter adjourned the meeting at 8:12 PM.

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Leigh Threadgill  
City Clerk

# City of Berkeley Lake

## Budget vs. Actuals: 2021 Capital and Operating Budget - FY21 P&L

January - September, 2021

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
<b>Income</b>				
100 100 General	1,027,793	1,008,469	19,324	102.00 %
230.33.2100 ARP Act 230.33.2100	400,884		400,884	
320 320 SPLOST Income	298,484	652,017	-353,533	46.00 %
<b>Total Income</b>	<b>\$1,727,161</b>	<b>\$1,660,486</b>	<b>\$66,675</b>	<b>104.00 %</b>
<b>GROSS PROFIT</b>	<b>\$1,727,161</b>	<b>\$1,660,486</b>	<b>\$66,675</b>	<b>104.00 %</b>
<b>Expenses</b>				
1 Gen Govt	297,920	480,926	-183,006	62.00 %
2 Judicial	140	9,190	-9,050	2.00 %
230 ARP Act Expenses 230	81,201		81,201	
3 Public Safety	85,709	135,833	-50,124	63.00 %
4 Public Works	76,032	152,392	-76,360	50.00 %
6 Culture and Recreation	7,052	20,580	-13,528	34.00 %
7 Housing and Development	126,879	169,934	-43,055	75.00 %
9000.61.1100 Xfer Out - Reserve Fund		39,614	-39,614	
SPLOST Expenses	113,924	652,017	-538,093	17.00 %
<b>Total Expenses</b>	<b>\$788,857</b>	<b>\$1,660,486</b>	<b>\$ -871,629</b>	<b>48.00 %</b>
<b>NET OPERATING INCOME</b>	<b>\$938,304</b>	<b>\$0</b>	<b>\$938,304</b>	<b>0%</b>
<b>NET INCOME</b>	<b>\$938,304</b>	<b>\$0</b>	<b>\$938,304</b>	<b>0%</b>

# City of Berkeley Lake

## Income & Expense

September 2021

	TOTAL
Income	
100 100 General	193,778.01
320 320 SPLOST Income	35,124.03
<b>Total Income</b>	<b>\$228,902.04</b>
GROSS PROFIT	<b>\$228,902.04</b>
Expenses	
1 Gen Govt	32,176.07
2 Judicial	35.00
3 Public Safety	8,502.05
4 Public Works	6,840.64
6 Culture and Recreation	361.35
7 Housing and Development	1,345.65
SPLOST Expenses	3,580.44
<b>Total Expenses</b>	<b>\$52,841.20</b>
NET OPERATING INCOME	<b>\$176,060.84</b>
NET INCOME	<b>\$176,060.84</b>

# City of Berkeley Lake

## Balance Sheet

As of September 30, 2021

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
General Fund	2,950,490.98
SPLOST Fund	429,472.22
<b>Total Bank Accounts</b>	<b>\$3,379,963.20</b>
Accounts Receivable	
Accounts Rec 1.11.1900.1	167,607.92
<b>Total Accounts Receivable</b>	<b>\$167,607.92</b>
Other Current Assets	
Accounts Rec - SPLOST 1.11.2000	69,930.23
Franchise Tax Rec 1.11.1550	101,250.00
Prepaid Expense 1.11.3600	1,491.76
Prepaid items 1.11.3800	3,579.00
Taxes Receivable 1.11.1600	336,378.40
Undeposited Funds 1.11.1114	2,721.22
<b>Total Other Current Assets</b>	<b>\$515,350.61</b>
<b>Total Current Assets</b>	<b>\$4,062,921.73</b>
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
<b>Total Fixed Assets</b>	<b>\$11,403,760.18</b>
<b>TOTAL ASSETS</b>	<b>\$15,466,681.91</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable 1.12.1100	20,480.43
<b>Total Accounts Payable</b>	<b>\$20,480.43</b>
Other Current Liabilities	
Deferred revenue 1.12.2500	2,581.90
Direct Deposit Payable	-0.01
Payroll Liabilities	5,437.55
PTO Accrual	7,042.12
Regulatory Fees Payable	10,003.83
<b>Total Other Current Liabilities</b>	<b>\$25,065.39</b>
<b>Total Current Liabilities</b>	<b>\$45,545.82</b>
<b>Total Liabilities</b>	<b>\$45,545.82</b>
Equity	

# City of Berkeley Lake

## Balance Sheet

As of September 30, 2021

	TOTAL
Fund Bal Unrsvd 1.13.4220	2,507,085.36
Investmt in fixedassets 1.13.4K	11,275,940.89
Reserve for prepaids 1.13.4125	5,056.62
Restricted4CapitalProj 1.13.4155	819,789.58
Retained Earnings 1.13.3000	-125,040.26
Net Income	938,303.90
<b>Total Equity</b>	<b>\$15,421,136.09</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$15,466,681.91</b>

**ORDINANCE NO. O-21-240**

AN ORDINANCE TO AMEND CHAPTER 34 – LICENSING AND BUSINESS REGULATION, SECTION 34-19, INSURANCE LICENSE FEES, OF THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO IMPOSE LICENSE FEES ON INSURERS CONDUCTING BUSINESS WITHIN THE CITY OF BERKELEY LAKE, GEORGIA; TO IMPOSE A GROSS PREMIUMS TAX ON INSURERS OPERATING WITHIN THE STATE OF GEORGIA; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND OTHER PURPOSES.

Section 1. It is hereby ordained by the governing authority of the City of Berkeley Lake that Chapter 34, Section 34-19 of the Code of the City of Berkeley Lake be deleted in its entirety and replaced with the following.

Sec. 34-19. – Insurance license fees.

- (a) *Generally.* There is hereby levied for the year 2022 and for each year thereafter an annual license fee upon each insurer doing business within the City of Berkeley Lake, Georgia in the amount of forty dollars (\$40). For each separate business location in excess of one not covered by subsection (b), which is operating on behalf of such insurers within the City of Berkeley Lake, Georgia, there is hereby levied a license fee in the amount of forty dollars (\$40). For the purposes of this ordinance, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. Sec. 33-3-5.
- (b) *License fees for insurers insuring certain risks at additional business locations.* For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee of fourteen dollars (\$14) per location for the year 2022 and for each year thereafter.
- (c) *Gross premiums tax imposed on life insurers.* There is hereby levied for the year 2022 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec.33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec.33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a) of this ordinance.
- (d) *Gross premiums tax, all other insurers.* There is hereby levied for the year 2022 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. Sec.33-3-5, doing business within the State of Georgia in an amount equal to two and one-half percent



(2.5%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec.33-8-8.2. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec.33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a) of this ordinance.

(e) *Due date for license fees.* License fees imposed in subsections (a) and (b) of this ordinance shall be due and payable on the first day of 2022 and on the first date of each subsequent year.

Section 2. The City Clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within 45 days of its enactment.

Section 3. This ordinance shall become effective January 1, 2022.

Section 4. In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of Berkeley Lake, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 5. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the Mayor and Council of the City of Berkeley Lake, Georgia.

\_\_\_\_\_  
LOIS D. SALTER  
Mayor

Attest: \_\_\_\_\_

\_\_\_\_\_  
LEIGH THREADGILL  
City Clerk

I hereby certify that the foregoing is a true and accurate copy of an ordinance of the City of Berkeley Lake, Georgia adopted on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City Seal

\_\_\_\_\_  
LEIGH THREADGILL  
City Clerk

1<sup>st</sup> Reading: October 21, 2021

2<sup>nd</sup> Reading and Adoption:

## City of Berkeley Lake - 2022 Proposed Budget Highlights

Please be advised of the following items of note regarding the proposed 2022 budget:

### General

The City Treasurer and the Citizen Finance Committee approved the proposed 2022 budget as presented.

### Revenues

- 1) The proposed budget anticipates no increase in the real property tax millage rate for 2022 over the rollback rate for 2021.
- 2) *Title Ad Valorem Taxes* have been increased by \$5,000 or 8% due to 2021 pacing.
- 3) *Occupation Taxes* have been increased by \$4,275 or 14% due to the addition of local businesses, Technicolor and Aard & Winter.
- 4) *Insurance Premium Taxes* have been increased by \$10,732 or 7% in the 2022 budget over the actuals from 2020 in anticipation of added revenues due to premium increases and an increase in the 2020 census numbers.
- 5) *Insurance License Fees* have been increased by \$2,720 or 68% in the 2022 budget over the 2021 budget due to the 2020 census numbers allowing for a rate increase.
- 6) *Interest Revenues* have been decreased by \$8,220 or 69% in the 2022 budget over the 2021 budget due to interest rates dropping.
- 7) *SPLOST Revenues* have been increased by \$63,108 or 19% due to 2021 pacing.
- 8) The full amount of the *American Rescue Plan Act (ARPA)* grant has been budgeted for 2022 and will be rolled over in subsequent years for any unused funds. Monies must be obligated by December 31, 2024 and disbursed by December 31, 2026.

### Expenses

- 1) A total of \$17,000 in *Contingency* funds has been distributed over most departments.
- 2) *General Fund* expenses overall will be increased by 1.9% following a 2.1% decrease in the prior year. The increase is due to increased costs of tax collection, implementation of modern document management and on-line systems for citizen and business interaction, a 6% cost of living adjustment, and an unexpected change in auditing firms.

	2021 Budget	2021 Forecast	2022 Budget	2022 vs 2021 Budget
100 General	1,008,469	1,106,275	1,034,800	2.6%
100 Reserves	-	-	-	
230 ARPA	-	400,884	400,884	
230 Reserves	-	-	319,464	
320 SPLOST	332,892	395,225	396,240	19.0%
320 Reserves	319,125	-	585,968	83.6%
<b>Total Revenue</b>	<b>1,660,486</b>	<b>1,902,384</b>	<b>2,737,356</b>	64.9%
General Government	480,927	441,270	546,565	13.6%
Judicial	9,190	2,740	9,190	0.0%
Public Safety	135,835	122,056	141,819	4.4%
Public Works	152,394	136,847	149,869	-1.7%
Culture & Recreation	20,580	10,926	20,580	0.0%
Housing & Development	169,934	131,354	119,100	-29.9%
<b>General Expenses</b>	<b>968,860</b>	<b>845,193</b>	<b>987,123</b>	1.9%
SPLOST Public Works	337,320	145,000	586,333	73.8%
SPLOST Admin Facilities	257,004	2,500	321,448	25.1%
SPLOST Public Safety	57,693	-	74,427	29.0%
<b>SPLOST Expenses</b>	<b>652,017</b>	<b>147,500</b>	<b>982,208</b>	50.6%
<b>ARPA Expenses</b>	<b>-</b>	<b>81,420</b>	<b>720,348</b>	
<b>Total Expenses</b>	<b>1,620,877</b>	<b>1,074,113</b>	<b>2,689,679</b>	65.9%
Addition to General Reserves	39,609	261,082	47,677	20.4%
Addition to SPLOST Reserves	-	247,725	-	

ORDINANCE

AN ORDINANCE TO ESTABLISH A 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:

<u>Revenues</u>	
General	1,034,800
American Rescue Plan Act	720,348
SPLOST	<u>982,208</u>
Total Revenues	\$2,737,356
<u>Expenditures</u>	
General Government	546,565
Judicial	9,190
Public Safety	141,819
Public Works	149,869
Culture & Recreation	20,580
Housing & Development	119,100
Additions to General Reserves	47,677
SPLOST – Public Works	586,333
SPLOST – Admin Facilities	321,448
SPLOST – Public Safety	74,427
American Rescue Plan Act	<u>720,348</u>
Total Expenditures	\$2,737,356

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 16<sup>th</sup> day of December 2021.

ATTEST:

\_\_\_\_\_  
Lois D. Salter, Mayor

\_\_\_\_\_  
Leigh Threadgill, City Clerk

First Read: October 21, 2021  
Second Read/Hearing: November 18, 2021  
Adoption: December 16, 2021



## PLANNING AND ZONING COMMISSION BY-LAWS AND RULES OF PROCEDURE

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### PREAMBLE

These by-laws shall constitute the official By-Laws of the Berkeley Lake Planning and Zoning Commission and are hereby adopted and established to serve as the internal rules for the operation of and transaction of business by the Planning and Zoning Commission.

### ARTICLE 1: PURPOSES

The powers and duties of the commission shall include all powers and duties as set forth in Section 2-153(g) of the Code of Berkeley Lake. In addition, such powers and duties shall include hearing and deciding all variance requests to regulations of the zoning ordinance (Sections 78-366, 78-367, 78-368); recommendation of zoning ordinance amendments to the City Council of Berkeley Lake (City Council) (Section 78-392); recommendation of rezoning requests to City Council (Section 78-392); recommendation of subdivision plats to City Council (Section 14-215); and such other duties as required in the City Code of Ordinances.

### ARTICLE II: COMPOSITION

#### Section 1. *Membership*

The Planning and Zoning Commission shall be composed of five (5) members with three-year terms as specified in Section 2-153(b) of the Berkeley Lake Code. Members shall serve until their successors are appointed. Members shall be appointed by the Mayor with the advice and consent of City Council. All members must be residents of the City of Berkeley Lake. No commission member may hold any other public office in the City of Berkeley Lake nor be employed by the City of Berkeley Lake.

#### Section 2. *Vacancies*

Any vacancy in the membership shall be filled for the unexpired term in the same manner as initial appointments. A vacancy shall exist upon removal for cause by Mayor and Council, formal resignation, prolonged illness, permanent disability, or death. The following are justifications for removal for cause:

1. Failure to attend three (3) consecutive, regular meetings of the Planning and Zoning Commission;
2. Failure to maintain permanent residence within the City of Berkeley Lake, or

3. Violation of Commission By-Laws or Rules of Procedure.

ARTICLE III: OFFICERS

Section 1. *Chair*

The Commission shall elect one of its members as Chair, who shall serve for one year or until a successor is elected. The Chair shall preside at all official meetings of the Commission and at public hearings conducted by the Commission. The Chair shall serve as the principal officer of the Commission and, in general, shall act as the spokesperson for the Commission. The Chair shall decide all points of order and procedure subject to these by-laws, the Zoning Ordinance and Roberts Rules of Order. The Chair shall have the authority to determine the need to call for a roll call vote when a voice vote is inconclusive.

Section 3. *Vice-Chair*

The Commission shall elect one of its members as Vice-Chair, who shall serve for one year or until a successor is elected. In the event that the Chair is unable to attend a meeting or public hearing of the Commission, the Vice-Chair shall preside over the meeting or public hearing. Should the Chair's position become vacant for any reason, the Vice-Chair shall serve as the interim Chair of the Commission until a successor has been elected by the Commission at its earliest convenience. If the Vice-Chair vacates his/her position in order to serve as Chair, the Commission may, if deemed necessary, elect a new Vice-Chair.

Section 4. *Secretary*

The Commission shall appoint a Secretary, who may be an officer or employee of the City or of the Commission. The Secretary shall be responsible for the preparation of the meeting agendas, minutes of the meetings, provision of notice of meetings including required legal notices, and maintenance of the commission's files and records.

ARTICLE IV: AGENDA AND MINUTES

The Chair and Secretary shall determine the meeting agenda. The agenda shall be posted in a public location. All matters to be considered and/or acted upon by the Commission shall appear on the agenda, except that upon a motion by a member and approved by a vote from the Commission, non-agenda matters, which in the judgment of the Chair do not involve action directly affecting the public, may be discussed and voted thereon.

The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Commission shall keep records of its examinations and other such official actions sufficient for defense of decision should any decision be appealed. All of which shall be a public record.

ARTICLE V: CONDUCT

Section 1. *Meetings*

The Planning and Zoning Commission shall meet at the call of the Chair or at the call of the majority of the Commission. All meetings of the Planning and Zoning Commission shall be open to the public. However, members of the public shall not address the Commission unless invited to do so by the Chair.

Beginning January of 2010, regular meetings of the Commission shall be held on the second Tuesday of each month at City Hall, 4040 South Berkeley Lake Road. Special called meetings may be held as deemed necessary by the Chair.

Proper notice is required for special called meetings and any meeting in which a public hearing is held. For special called meetings, a notice shall be placed in the legal organ and a public location at the meeting site indicating the time, date, location and agenda for the special called meeting. For public hearings, the meeting shall be advertised at least 15 days in advance by the publication of a notice in the legal organ of the county as required in Section 78-366 of the Zoning Ordinance.

Whenever there is no business before the Commission, the Chair may dispense with a regular meeting by giving notice to all members not less than 24 hours prior to the time set for the meeting. A notice shall be placed in a public location at the meeting site indicating that the meeting has been canceled.

#### Section 2. *Voting*

A majority (3) of the members of the Commission shall constitute a quorum, and an affirmative vote of three (3) members shall be required to take any action. Any matter of business before the Commission not receiving the concurring vote of a majority of the full Commission membership to approve or allow shall be deemed denied. ~~The Chair's or interim Chair's vote shall count only when necessary to ensure a quorum or break a tie vote.~~

#### Section 3. *Order of Business at Meetings*

The normal order of business at meetings shall be

- A. Determination of a quorum.
- B. Election of Temporary Acting Chair, if necessary;
- C. Approval of minutes of previous meeting(s).
- D. Approval of the agenda. The Chair may change the order of the agenda or matters appearing on the agenda during the meeting if, in the Chair's judgment, time and purpose may be served.
- E. Old Business
  1. Voting on matters heard and postponed from previous public hearings.
  2. Public comment, discussion by the Planning & Zoning Commission, and voting on matters which have had their public hearings continued from a previous meeting.

- F. New business as follows:
  - 3. Variances.
  - 4. Other new business matters requiring a public hearing.
  - 5. Other new business matters not requiring a public hearing.
  - 6. Administrative business matters.

G. Adjournment

Section 4. *Rules of Procedure for Meetings*

Rules of Procedure as follows:

- A. The Chair shall call the matter before the Commission.
- B. The Chair shall then call parties in interest that shall have privilege on the floor after appearing before the Commission and identifying themselves by name, address and affiliation with any business or organization, which would be relative to the matter being considered.
- C. Proponents, which include the applicant(s), shall speak first. Opponents shall speak second. All comments and questions from the parties in interest shall be directed to the Commission. Neither proponents or opponents shall generally have more than ten (10) minutes total to present their interest and the Chair shall have the power to restrict or expand the period of time for presentations if, in his judgment, circumstances surrounding the matter shall warrant such action.
- D. The Chair shall call for questions from the Commission to the proponents or opponents immediately following their individual presentations.
- E. The Chair shall then call for discussion of the matter by the Commission and the voting thereon. Once discussion by the Commission has been called for, there shall be no further comment or presentation by parties in interest unless specifically requested by the Commission.
- F. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgment of the majority of the Commission, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
- G. The Commission may table a vote on a specific matter to a specified future date and time after a public hearing.

Section 5. *Conflict of Interest*

- A. Definitions: As used in this section the following definitions shall apply:
  - 1. "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.



2. "Financial Interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
  3. "Member of the family" means the spouse, mother, father, sister, brother, son or daughter of a Commission member.
  4. "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
  5. "Property interest" means the direct ownership of real property and includes any percentage of ownership less than total ownership.
  6. "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- B. A conflict of interest exists when a Commission member knew or reasonably should have known he or she:
1. Has a property interest in any real property affected by a Commission action which the Commission will have the duty to consider;
  2. Has a financial interest in any business entity which has a property interest in any real property affected by a Commission action which the Commission will have the duty to consider; or
  3. Has a member of the family having any interest described in paragraph 1 or 2 of this subsection.
- C. When a Commission member has a conflict of interest, the Commission member shall disqualify himself from voting on the action. The disqualified Commission member shall not take any other action on behalf of himself or any other person to influence action on the application.

ADOPTED AND MADE EFFECTIVE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, ~~2010~~2021.

BY: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Administrator