

CITY OF LAGRANGE, GEORGIA
REGULAR MEETING OF THE MAYOR AND COUNCIL

July 28, 2020

IN ORDER TO MAINTAIN SOCIAL DISTANCING, THE MAYOR AND COUNCIL HELD THEIR MEETING AT DEL AVANT, 141 MAIN STREET, LAGRANGE, GEORGIA.

Present: Mayor Jim Thornton; Council Members Nathan Gaskin, Tom Gore, Willie Edmondson, Jim Arrington, LeGree McCamey, and Mark Mitchell via Facetime

Also Present: City Manager Meg Kelsey; City Clerk Sue Olson; Assistant City Manager Bill Bulloch; Communications Manager Katie Van Schoor; City Attorney Jeff Todd; Director of Utilities Patrick Bowie

The meeting was called to order by Mayor Thornton, the invocation was given by Dr. Adam Roberts, LaGrange College Chaplain, and Mayor Thornton led the Pledge of Allegiance to the Flag.

On a motion by Mr. Edmondson seconded by Mr. Arrington, Council unanimously approved the minutes of the regular Council meeting held on July 14, 2020.

Mayor Thornton presented a 25 year service award to Billy East, Collections Superintendent. Mayor Thornton and members of the Council expressed their appreciation to Mr. East for his years of service to the citizens of LaGrange.

Ms. Van Schoor introduced three summer interns that have been working with the city. Wynton Heard is a recent Auburn University graduate, Jordan Perotti is a rising LaGrange High School senior and Chloe Harrell is a rising LaGrange Academy junior. Jordan and Chloe both contacted the Marketing/Communications Department about an internship, and expressed an interest in our animal shelter. Their internship was to work at the Animal Shelter by helping staff take pictures of the adoptable animals (both dogs and cats) and assist in uploading the pictures in their system as well as social media to allow more people to see these adoptable animals. Wynton Heard contacted us wanting to learn more about TV broadcasting and LGTV. His job was to shadow our weekly City Week show and also host City Scenes. He helped to write, produce and anchor his last show. He worked closely with LGTV staff and was a great addition, and he brought us our highest ratings for City Scenes. Ms. Van Schoor stated that she was very proud of the work they all did.

George Bailey, Chairman of the LaGrange Troup County Chamber of Commerce, came before the Council to introduce Connie Hensler, the recently appointed President of the Chamber. Mr. Bailey praised Ms. Hensler for her work thus far. Ms. Hensler thanked the Council for the good working relation between the City and the Chamber.

Frederick Manley came before the Council to speak on criminal justice reform, stating he wishes to help the community reimagine what criminal justice reform actually looks like. Mayor Thornton thanked Mr. Manley for his offer to help in the community.

Ms. Kelsey informed the Council that there were two ordinances on the agenda for second readings that would need to be tabled due to a technical issue. Those two ordinances are the annexation and zoning of property located adjacent to Cameron Mill Road. Ms. Kelsey also stated that the Council would need to change the August 11, 2020 Council meeting to August 10, 2020 in order to meet mandated deadlines for these ordinances. On a motion by Mr. Edmondson seconded by Mr. McCamey, Council voted unanimously to change the August 11, 2020 Council meeting and Work Session to August 10, 2020.

On a motion by Mr. Gore seconded by Mr. McCamey, Council voted unanimously to authorize the Mayor to execute an agreement for CARES funding. A copy of the agreement is on file in the City Manager's Office.

On a motion by Mr. McCamey seconded by Mr. Edmondson, Council voted unanimously to table the following ordinances until the August 10, 2020 Council meeting:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO ANNEX TO THE CITY COONTIGUOUS REAL PROPERTY OWNED BY SYNOVUS TRUST COMPANY AS TRUSTEE OF THE TESTAMENTARY TRUST UNDER THE WILL OF FULLER E. CALLAWAY, JR. AND LOCATED ADJACENT TO CAMERON MILL ROAD; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO CLASSIFY THE USE ZONE OF REAL ESTATE LOCATED ADJACENT TO CAMERON MILL ROAD AND OWNED BY SYNOVUS TRUST COMPANY AS TRUSTEE OF THE TESTEMENTARY TRUST CREATED UNDER THE WILL OF FULLER E. CALLAWAY, JR.; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

On a motion by Mr. Gaskin seconded by Mr. McCamey, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO RECLASSIFY THE USE ZONE OF REAL ESTATE LOCATED AT 610 GREENVILLE STREET AND OWNED BY BLACKWELL REALTY & LANDHOLDING COMPANY, LLC; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the zoning map and ordinances of the City of LaGrange be amended so as to reclassify from use zone G-I (general industrial) to C-3 (general commercial) the following described real estate, to wit:

All that tract or parcel of land lying and being in Land Lot 107 of the 6th Land District of Troup County, Georgia, known as 610 Greenville Street and designated as Troup County Tax Map Parcel 050-3A-016-001.

SECTION 2:

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

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor _____

ATTEST: /s/ Sue Olson, City Clerk _____

On a motion by Mr. Gore seconded by Mr. Gaskin, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO RECLASSIFY THE USE ZONE OF REAL ESTATE LOCATED AT 105 COOLEY OWNED AND OWNED BY JAMES AND CONNIE STOTHARD; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the zoning map and ordinances of the City of LaGrange be amended so as to reclassify from use zone C-1 (neighborhood commercial district) to R-2 (residential district) the following described real estate, to wit:

All that tract or parcel of land lying and being in Land Lot 138 of the 6th Land District of Troup County, Georgia, known as 105 Cooley Road and designated as Troup County Tax Map Parcel 051-1B-008-024.

SECTION 2:

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

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. McCamey seconded by Mr. Edmondson, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO RECLASSIFY THE USE ZONE OF REAL ESTATE LOCATED AT 407 NORTH GREENWOOD STREET AND OWNED BY DIXIE MILL DEVELOPMENT LLC; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the zoning map and ordinances of the City of LaGrange be amended so as to reclassify from use zone OIR-1 (office-institutional-residential district) to C-1 (neighborhood commercial district) the following described real estate, to wit:

All that tract or parcel of land lying and being in Land Lot 109 of the 6th Land District of Troup County, Georgia, known as 407 North Greenwood Street and designated as Troup County Tax Map Parcel 061-4A-003-012.

SECTION 2:

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

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. Edmondson seconded by Mr. Gaskin, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING ORDINANCE OF THE CITY SO AS TO MODIFY THE SIZE OF RESTAURANT OR EATING ESTABLISHMENT ALLOWED WITHIN THE C-1 DISTRICT; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That subparagraph i. of subsection (1) of Section 25-35-63 of the Zoning Ordinance of the City be amended by deleting said paragraph, in its entirety, and inserting in lieu thereof a new Section 25-35-63 (1) i. to read as follows:

“i. Restaurants, delicatessens, soda fountains or eating establishments (other than drive-in), provided that no outside speaker system is used, and catering businesses; provided, however, that no use described within this paragraph shall be allowed if more than 2,000 square feet are devoted to the use;”

SECTION 2:

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

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor _____

ATTEST: /s/ Sue Olson, City Clerk _____

On a motion by Mr. McCamey seconded by Mr. Arrington, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE SIGN ORDINANCE SO AS TO CLARIFY THAT BUILDING SIGNS ARE ALLOWED WITHIN THE C-1 DISTRICT

IF VISIBLE FROM A PUBLICLY MAINTAINED MULTI-USE TRAIL; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That subparagraph (1) of subsection (b) of Section 25-10-21 be amended by deleting said subparagraph in its entirety and inserting in lieu thereof a new Chapter 25-10-21(b)(1) to read as follows:

- “(1) The maximum sign area allowed on each building elevation visible from a public street, private street or publicly maintained multi-use trail is as follows:
 - a. For single-occupant buildings (or multiple tenants sharing common space through a common entrance), the maximum allowable area for building signage is ten (10) percent of the area of the wall (including windows and doors) up to a maximum of two hundred (200) square feet, whichever is more restrictive.
 - b. For multi-tenant buildings where each tenant possesses a separate exterior entrance, the maximum allowable area for building signage is ten (10) percent of the front façade of each individual business, including windows and doors, up to a maximum of two hundred (200) square feet, whichever is more restrictive.”

SECTION 2:

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

SECTION 3:

This Ordinance after adoption by the Council and approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. Edmondson seconded by Mr. McCamey, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND ARTICLE III OF CHAPTER 10-20 IN ORDER TO CREATE SHORT-TERM PARKING WITHIN THE CENTRAL BUSINESS DISTRICT; TO AUTHORIZE THE CITY MANAGER TO DETERMINE THE LOCATION AND NUMBER

OF SAID PARKING SPACES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That Article III of Chapter 10-20 of the code be amended by creating therein a new Section 10-20-108 to read as follows:

“Sec. 10-20-108. – Central business district short-term parking.

- (a) It shall be unlawful for any person to park a vehicle for more than 15 minutes in parking spaces on the public streets of the central business district which are designated and signed as short-term parking. The city manager is authorized by the governing authority to create and locate up to one (1) such space per restaurant operating within said district, and to erect appropriate signage to provide notice thereof.
- (b) Any person who shall violate this code section shall, upon conviction, be punished as provided in Section 1-1-6 of this code.”

SECTION 2:

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

SECTION 3:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. McCamey seconded by Mr. Arrington, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ALCOHOLIC BEVERAGES ORDINANCE IN ORDER TO REMOVE THE BARRIER REQUIREMENT FROM SIDEWALK CAFÉ REGULATIONS; TO MODIFY THE DEFINITION OF PREMISES TO ALLOW CERTAIN OUTSIDE SALES WITHOUT A PHYSICAL BARRIER; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY
ORDAIN AS FOLLOWS:

SECTION 1:

That subsection (3) of Section 35-5-319 of the code be amended by deleting said subsection, in its entirety, and renumbering the remaining subsections appropriately.

SECTION 2:

That Section 30-7-20 of the code be amended by deleting from said section the definition of *Premises*, in its entirety, and inserting a new entry and definition for *Premises*, in proper alphabetical order, as follows:

“*Premises*, as pertains to both a class A retail package store and to a class B retail pouring outlet, for the sale of spirituous liquors, alcoholic beverages, malt beverages, beer, or wine shall mean the definite closed or partitioned-in locality wherein the same is sold and for which the license therefor is issued whether the same is a room, shop, or building. Additionally, in-so-far as a class B retail pouring outlet (on-premises consumption) is concerned, premises shall also include an open area or patio connected to the premises and containing direct ingress and egress to and from the licensed premises. Any licensee desiring to use a patio or open sales area shall submit plans and specifications therefor to the assistant city manager for approval prior to use and such plans and specifications shall otherwise meet and comply with all appropriate rules and regulations of the city relating to zoning and the safe and orderly operation of the premises.

For outdoor entertainment facilities with seating capacity of over 700, owned or operated by the Downtown Development Authority of the City of LaGrange, premises shall include those boundaries as approved by the city manager, and may include outdoor areas not otherwise described herein.”

SECTION 3:

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

SECTION 4:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. Mitchell seconded by Mr. Arrington, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND ARTICLE I OF CHAPTER 10-20 IN ORDER TO PROHIBIT CERTAIN OFF-ROAD VEHICLES FROM OPERATING ON PUBLIC STREETS, SIDEWALKS AND OTHER AREAS; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That Article I of Chapter 10-20 of the code be amended by creating therein a new Section 10-20-14 to read as follows:

“Sec. 10-20-14. - Operation of off-road vehicles.

- (a) *Off-road vehicle defined.* As used in this section, the term "off-road vehicle" means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain, which vehicle is not intended for use predominantly on public roads. It includes, but is not limited to, motorcycles characterized as dirt bikes, four-wheel drive or low-pressure tire vehicles, three- and four-wheel "all terrain" type vehicles, and any other means of transportation deriving power from any source other than muscle or wind. However this term shall not include any motorboat; any military, fire, or law enforcement vehicles; any vehicle used exclusively on airports; farm machinery and farm tractors; self-propelled equipment for harvesting and transportation of forest products, for clearing land, for planting crops, for utility services and maintenance, for earth moving, construction or mining; and, self-propelled lawnmowers, garden or lawn tractors, or golf carts; while such vehicles are being used exclusively for their designed purposes.
- (b) *Restrictions.* Any person operating an off-road vehicle under any of the following conditions shall be deemed to be in violation of this section and subject to the penalties provided elsewhere in this Code for ordinance violations. It shall be unlawful to operate an off-road vehicle:
 - (1) On any private property within the express written permission of the owner or occupant of the property, or of his or her agent. Failure to post signs does not imply consent for off-road motor vehicle use on private property.
 - (2) On city streets, road or utility right of way, or sidewalks within the city, public playgrounds, public recreational areas, and like public property.
 - (3) *Responsibility of vehicle owner.* The owner of any off-road vehicle shall not authorize nor shall the owner permit any other person to operate such vehicle in violation of any of the provisions of this section.
- (c) *Enforcement; punishment.* It shall be the duty of the chief of police

of the city to ensure the enforcement of this section at all times, to assure the cessation of nuisances emanating from or created by the types of vehicles herein described, which are found to be operating illegally or in a manner not consistent with this Code. Any person who shall violate this code section shall, upon conviction, be punished as provided in Section 1-1-6 of this code, but the fine therefor shall not be less than \$500 per violation.”

SECTION 2:

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

SECTION 3:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. Gaskin seconded by Mr. Arrington, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE CITY UTILITIES CHAPTER OF THE CODE TO ADOPT A TARIFF IN SUPPORT OF THE SOUL ENERGY EFFICIENCY PROGRAM; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That Chapter 20-1 of the code be amended by creating therein a new Section 10-1-12 to read as follows:

“Sec. 20-1-12. – SOUL Energy Efficiency Tariff.

Eligibility: Provided on an optional and voluntary basis to any residential customer who receives service under any electric or natural gas rate subject to availability of budgeted funds.

Participation: To participate in the Program, a customer must request from the City or its designee a cost-effectiveness analysis, satisfy the terms and conditions of this Tariff, and sign an Efficiency Upgrade Agreement that defines customer benefits and obligations.

Energy Efficiency Plans: The City or its designee will perform a cost-effectiveness analysis and prepare an Energy Efficiency Plan (“Plan”) identifying recommended upgrades (“Upgrades”) to improve energy efficiency and lower energy costs.

Net Savings: Recommended Upgrades shall be limited to those where the annual SOUL Tariff charge, including Program fees and the City’s cost for capital, are no greater than 80% of the estimated annual benefit from reduction to customer annual utility charges based on current utility rates.

Copay Option: If proposed Upgrades do not meet the Net Savings criterion mentioned above, customers may pay an upfront portion of the project cost so that it qualifies for the Program. The City will assume no responsibility for such upfront payments to the contractor performing the Upgrades.

Ownership: If the customer is not the building owner, the building owner must sign an Owner Agreement consenting to not remove or damage the Upgrades, to maintain them, and to provide notice of the benefits and obligations associated with the Upgrades at the location to any subsequent owner or occupant/customer before the sale or rental of the property.

Notice: The building owner must agree in writing as part of the Efficiency Upgrade Agreement (if the Owner is the customer) or Owner’s Agreement that a Notice of the SOUL Tariff will be attached to their property records. Failure to obtain the signature of a successor customer who is renting the premises on the Notice Form provided by the City or its designee will constitute the owner’s acceptance of consequential damages and permission for a tenant or purchaser to break their lease or sales agreement without penalty.

Existing Buildings: Projects that address upgrades to existing buildings deemed unlikely to be habitable or to serve their intended purpose for the duration of City cost recovery will not be approved unless other funding can effect necessary repairs. If a building is a manufactured home, to be eligible it must be affixed to a permanent foundation, fabricated after 1982 and, in the sole opinion of the City, expected to remain at the same location for the term of the customer’s Efficiency Upgrade Agreement.

Approved Program Operator: City may operate the Program directly with its own staff resources or designate an experienced Program Operator to implement the Program.

Approved Contractor: Should the customer determine to proceed with implementing a Plan, the City shall determine the appropriate monthly SOUL Tariff charge as described below. The customer shall sign the Efficiency Upgrade Agreement and select a contractor from the City or its designee’s list of approved contractors.

Quality Assurance: When the energy Upgrades are completed and approved following an on-site or telephone inspection by the City or its designee, the contractor shall be paid according to its Service Provider Agreement.

SOUL Tariff Charge: The City will recover Program costs through monthly SOUL Tariff charges assigned to the locations where upgrades are installed and paid by customers receiving utility service at these locations. SOUL Tariff charges will be set for a duration not to exceed 80% of the estimated life of Upgrades or the length of a full parts and labor warranty, whichever is greater, and in no case longer than twelve years. The SOUL Tariff charge and duration of payments will be included in the customer’s Efficiency Upgrade Agreement.

Cost Recovery: No sooner than 45 days after approval by the City or its designee, the customer shall be billed the monthly SOUL Tariff charge specified in the Efficiency Upgrade Agreement. The City will bill and collect SOUL Tariff charges

until Program cost recovery is complete except in certain cases of failed or damaged upgrades as described in this Tariff.

Eligible Upgrades: All upgrades must have Energy Star certification, if applicable. The City or its designee may seek to negotiate with contractors or suppliers for extended warranties to minimize the risk of upgrade failure on behalf of all customers.

Maintenance of Upgrades: Participating customers and building owners (if the customer is not the building owner) must agree, when signing the Efficiency Upgrade Agreement or the Owner Agreement, to keep the upgrades in place for the duration of SOUL Tariff charges, to maintain the Upgrades per manufacturers' instructions, and report the failure of any upgrades to the City or its designee as soon as possible. If the upgrade fails, the City or its designee is responsible for determining its cause and for repairing the equipment in a timely manner as long as the owner, customer or occupants did not damage the Upgrades.

Termination of Service Charge: Once all Program costs at a location have been recovered, including the City's cost of capital and any repair expenses associated with the Upgrades as described below, the monthly SOUL Tariff charge shall no longer be billed except as otherwise described in this tariff.

Vacancy: If a location at which upgrades have been installed becomes vacant for any reason and utility service is disconnected, SOUL Tariff charges will be suspended until a successor customer takes occupancy. If a building owner maintains utility service at the location, the building owner will be billed SOUL Tariff charges as part of any charges it incurs while utility service is turned on.

Extension of SOUL Tariff Charge: If the monthly SOUL Tariff charge is reduced or suspended for any reason, the number of total monthly payments shall be extended until all Program costs at the location, including the City's cost of capital and any repair expenses associated with the Upgrades, are recovered.

Tied to the Location: Until Program cost recovery for upgrades at a location is complete or the upgrades fail as described below, the terms of this tariff shall be binding on the metered structure or facility and any future customer who shall receive service at that location.

Disconnection for Non-Payment: The SOUL Tariff charges shall be considered an essential part of the customer's bill for utility service, and the City may disconnect the account for non-payment of SOUL Tariff charges under the same provisions as for any other utility service.

Repairs: Should at any future time during the billing of SOUL Tariff charges, the City or its designee determine that the installed Upgrades are no longer functioning as intended and that the occupant, or building owner if different, did not damage or fail to maintain the Upgrades in place, the City shall reduce or suspend the SOUL Tariff charge until such time as the City can repair the Upgrades. If the Upgrades cannot be repaired or replaced cost effectively, the City will waive remaining SOUL Tariff charges. If the City or its designee determines the occupant, or building owner if different, did damage or fail to maintain the Upgrades, the SOUL Tariff charge will remain in effect until all Program costs at the location, including the City's cost of capital and any repair expenses associated with the Upgrades, are recovered."

SECTION 2:

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

SECTION 3:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ July 14, 2020 _____

SUBMITTED TO MAYOR AND ADOPTED _____ July 28, 2020 _____

SUBMITTED TO MAYOR AND APPROVED _____ July 28, 2020 _____

BY: /s/ James C. Thornton, Mayor _____

ATTEST: /s/ Sue Olson, City Clerk _____

Teara Harris spoke to the Council to remind them and the public of the programs that are offered for racial trust building. Ms. Harris encouraged citizens to reach out to them they will gladly assist in any way possible.

Yvonne Lopez came before the Council to thank them for their continued support for the community.

There was no other business and the meeting was adjourned by Mayor Thornton.

Mayor

City Clerk