



**CITY OF JONESBORO
Work Session
170 SOUTH MAIN STREET
December 2, 2019 – 6:00 PM**

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at rclark@jonesboroga.com should you need assistance.

Agenda

- I. CALL TO ORDER - MAYOR JOY B. DAY**
- II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER**
- III. INVOCATION**
- IV. INTRODUCTION/SWEARING-IN - ACTING CHIEF WILFRED NORWOOD**
- V. ADOPTION OF AGENDA**
- VI. WORK SESSION**
 1. Council to discuss a variance #19-VAR-005 for maximum sign height, maximum sign face area, and minimum distance from the existing building for a ground sign by Total Imaging, Inc., for property located at 190 Jonesboro Road (Parcel No. 12048C A004), Jonesboro, Georgia 30236.
 2. Council to discuss a proposed text amendment to Chapter 6, Alcoholic Beverages, designed to regulate the license for package sales of distilled spirits.
 3. Council to discuss to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding the revision of Article III ("Telecommunications Towers and Antennas") of Chapter 70 ("Telecommunications"), Sections 70-51, 70-52, 70-54, 70-69), 70-70, 70-71, 70-72 and 70-76, of the City of Jonesboro Code of Ordinances.
 4. Discussion regarding personal leave and sick leave accrual policies.
 5. Discussion regarding a Memorandum of Understanding by and between the City of Jonesboro and Five Point Solutions for online processing of probation payments.
 6. Discussion regarding the proposed City of Jonesboro Credit Card Service Fee Policy
 7. Discussion regarding Incode Purchasing Requisition System.

8. Discussion regarding approval of the FY' 2020 Holiday Calendar.

VII. OTHER BUSINESS

A. Executive Session

VIII. ADJOURNMENT



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-1

6.1

COUNCIL MEETING DATE
December 2, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to discuss a variance #19-VAR-005 for maximum sign height, maximum sign face area, and minimum distance from the existing building for a ground sign by Total Imaging, Inc., for property located at 190 Jonesboro Road (Parcel No. 12048C A004), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Chapter 86 – Zoning; Article XVI - Signs

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes

Beautification, Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Agency recommendation – **Approval of sign variances;** Recently, Mr. Patel of Total Imaging, Inc. informed me of proposed exterior modifications (mainly paint) to the existing Citgo gas station at 190 Jonesboro Road (corner of Jonesboro Road and Old Morrow Road). The color schemes would essentially remain the same. **The biggest change would be upgrading the existing ground sign along Jonesboro Road, which requires the Mayor and Council to consider several variances for the newer sign.**

- Replacing the whole sign (including the frame) along North Main Street would cause the new sign to have to comply with the height, size, and location restrictions.** The height could not exceed 6 feet tall without an approved variance. The sign must be at least 10 feet off the right-of-way (not the pavement line) and at least 50 feet from the building. Also, the sign face totals could not exceed 35 square feet each side, without an approved variance. Changeable copy shall not exceed 33 percent of the area of the sign face. An electronic message center sign shall not exceed 33 percent of the total sign face area of the freestanding sign on which the electronic message center sign is located. Each message (electronic changeable copy) displayed on an electronic message center sign shall remain static for at least ten seconds following the completion of its transition from the previous message. No display of flashing or moving graphics or animation shall be allowed.

The subject of whether a replacement ground sign in the same location was discussed. The exact date of the original sign framework is not listed in the property file. I also found no official City permit in the file that addresses the location of the original sign nor the approval of a 20-foot height, well above the 6-foot height. (Another permit to again replace the panels on this sign was approved by the City in 2013, but a variance was not referenced.) In light of these facts, the City is requiring a variance application for future documentation of signs on this property.

Sec. 86-491. Nonconforming signs.

Non-conforming signs may continue in existence subject to the following restrictions:

- No change may be made in the location, shape, height, size, or design of any nonconforming sign, or replacement of or change in the face or message panel of a nonconforming sign except to bring the sign into compliance with the provisions of this article, and a sign permit granted.**

After a few revisions to the original replacement sign proposal, the Design Review Commission verbally approved the revised sign design but are not comfortable with a variance approval for a sign height above 12 feet. (They will formally vote on the design on December 4th.) There are a number of commercial signs in the

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

December, 2, 2019

Signature

City Clerk's Office

Summary of sign requirements:

Total height (with base) – 12 feet (variance required)

Approx. 30 feet from building (variance required); There is only 50 feet total from the building to the Jonesboro Road pavement edge. With the minimum 10 feet from the right-of-way being met, that would make the sign only about 30 feet from the building. However, with a 12-foot height and being separated from the pavement by a curb, the new sign should pose no threat to passing vehicles or the building.

Total sign face each side – 50 square feet (variance required) (maximum 32 square feet each side); Fifty square feet would be appropriately scaled for this commercial corridor, but still give the store adequate visibility for approaching vehicles.

The total changeable copy for each face (manual and electronic) would be just less than the 33% maximum allowed, thus requiring no additional variance.

Electronic displays must not change quicker than 10 seconds, but there are only gas prices being displayed, so this should not be a factor.

The end result should be an upgrade to what is becoming a run-down looking sign. The replacement sign face would also have less changeable copy and significantly lower height, even with an approved variance.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Private owner

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- New Ground Sign
- Original Proposal
- Site Pictures
- Design Review Minutes
- Citgo Sign Variance - 190 Jonesboro Road - Legal Notice
- Zoning Sign

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval



CITY OF JONESBORO
 124 North Avenue
 Jonesboro, Georgia 30236
 City Hall: (770) 478-3800
 Fax: (770) 478-3775
www.jonesboroga.com

VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Clerk for further information.

Property Information:

Address: 190 Jonesboro Rd, Jonesboro, GA 30236

Parcel Identification Number: 12048C4004

Size: _____

Owner: Race N Go Citgo

Note: If applicant is not the owner, the applicant must provide written permission from the owner – notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.

Applicant Information:

Applicant Name: Total Imaging Inc

Mailing Address: 2054 Atlas Circle, Gainesville, GA 30501

Email Address: ppatel@totalimaginginc.com Telephone: 770-536-7906

PROJECT INFORMATION:

Section of Ordinance in which variance is needed: _____

Requesting Variance from: _____

- 6ft OAH
- 32 sign face area
- 50 ft from existing building
- 12ft OAH
- to:- 50 sqft sign face area
- less than 50ft from existing building

Reason for Variance Request: _____

Performing full refresh of gas station

VARIANCE REQUEST

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

We are performing a full refresh of this gas station. We would like to install a new price sign to replace the existing grandfathered sign. The existing sign is 20ft tall and we are allowed to reface it. However, we would prefer to install a new sign to go along with the rest of the upgrades being performed. Going from a 20ft tall sign to a 6ft sign with 32 sqft would irreparably damage the business of this gas station as price competition is the life blood of a gas station. A 6ft price sign with 32 sqft would have the price blocked by traffic.

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

Currently grandfathered 20ft tall price sign with 121 sqft of sign face area

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

4. Demonstrate how a variance prevents reasonable use of the property.

5. Please explain the reasoning for the variance and state whether it is a result of the applicant.

6. Demonstrate how the variance is the only result to allow reasonable use of the property.

This variance would allow the station to advertise prices as they are now along with improving the overall look of the station to meet the City's newer guidelines

7. Will the granting of the requested variance be injurious to the public health, safety or welfare?

This variance will not affect public health, safety, or welfare

8. Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?

We believe this variance is the best compromise for the current situation. We get rid of the old, grandfathered sign and install a new one, which would improve the look of this property to match the aesthetic goals of the city of Jonesboro. And the store sales will not be affected by going to a smaller, monument sign as the proposed 12ft height will be visible enough to customers.

Imran Ramji

PRINT NAME



SIGNATURE

11/12/2019

DATE

\$ 700.00

FEE AMOUNT

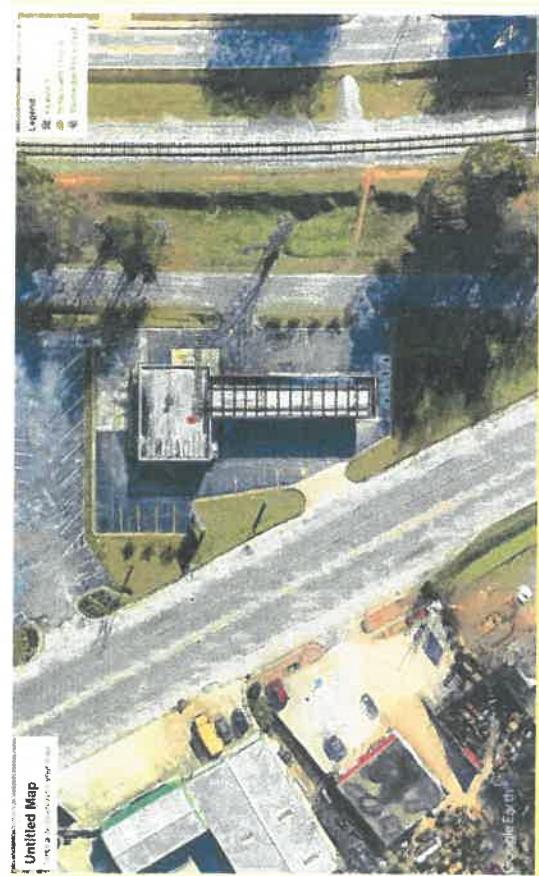
FOR OFFICE USE ONLY:

Date Received: 11/14/2019

Information Reviewed By: 

Actions Taken By:

Misc. Notes:



CITGO Standard Colors

<input checked="" type="checkbox"/> PMS 032 RED	<input type="checkbox"/> PMS Red 187	<input type="checkbox"/> PMS Blue 286
<input type="checkbox"/> Black	<input type="checkbox"/> Orange 158	<input type="checkbox"/> White

Customer Approval:

Date: _____
Print Name: _____

Signature: _____
I understand that by signing this drawing I am giving my approval for the process with this request for my site or area for permitting & material procurement. I understand that any changes or requests due to permitting or fuel blend requirements will be communicated to me by TI and may require additional re-signing.

Please initial here _____
Customer Approval: _____

Address: 190 Jonesboro Rd
Jonesboro, GA
Customer: NEXT LEVEL PETROLEUM
Drawn by: JH

7/24/19
Job Number: N.L.P.-20197-CI
Date: 7/24/19

Revisions:
Rev. 0 - Original Drawing





SCOPE OF WORK

Remove existing sign cabinets & poles. Install new 5' x 10' Citgo Euro style sign system on new TI supplied footer. New sign to include 3-product (Reg Cash/Reg Credit/Diesel) LED price digits. Sign not to exceed 12" OAH. Bottom of sign to be encased with brick.

150' Between Poles
144-1/4"



EXISTING:



*12" red/green LED Digits

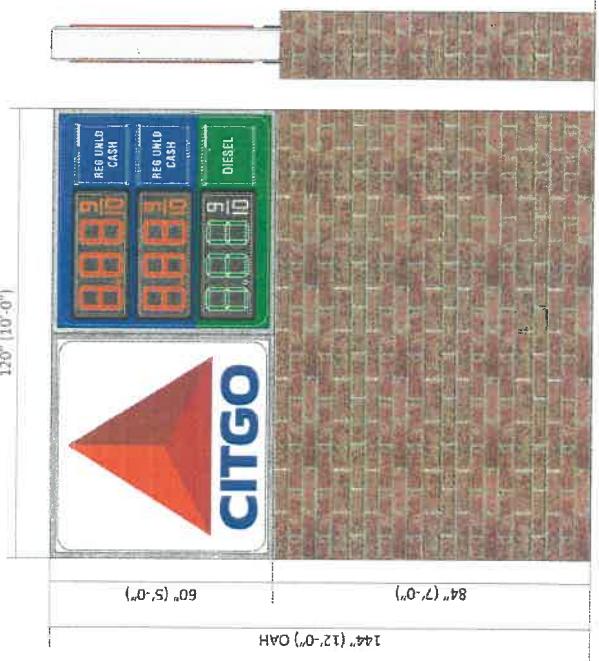
12" NUMBERS

2
DROP-IN LEDS

Square Footage Totals:
Existing: 121 sq ft
Proposed: 65 sq ft



PROPOSED:



144" (12'-0") OAH
84" (7'-0") OAH
60" (5'-0")

120" (10'-0")

36-1/4"
48-1/4"
36-1/4"

236" (19'-8") OAH

36-1/4"

48-1/4"

150' Between Poles
144-1/4"

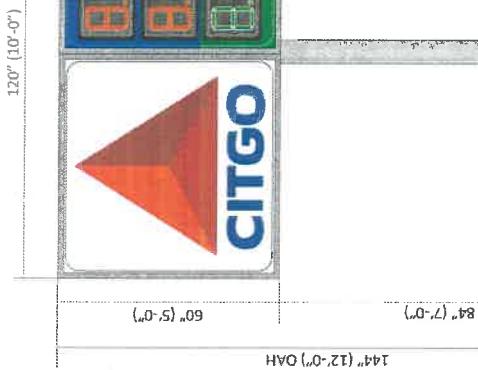
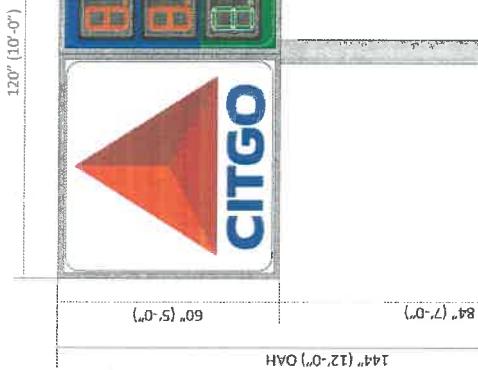
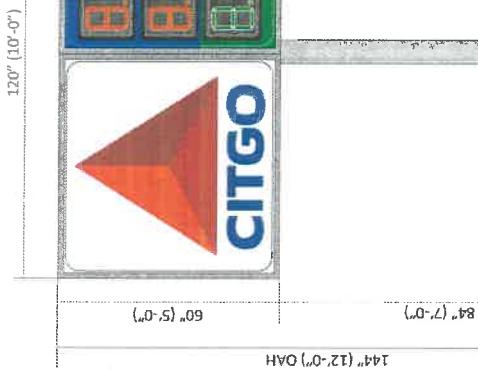
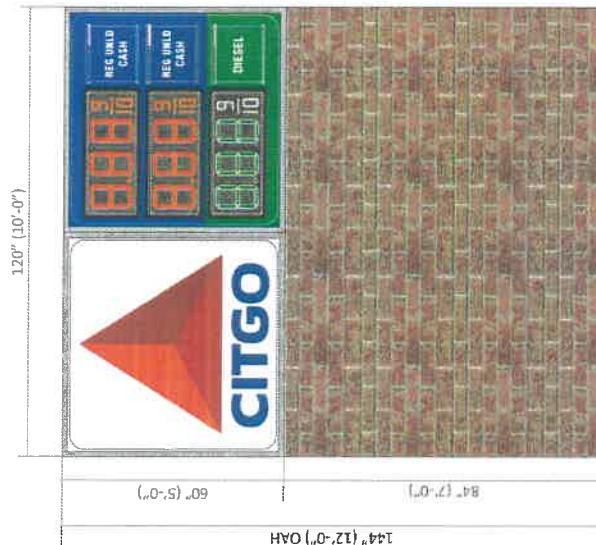
Revisions:

Rev. 0 - Original Drawing	7/24/19
Rev. 1 - Updated MID measurements	8/16/19
Rev. 2 - changed to 7ft sign system on torsion bar	10/21/19
Rev. 3 - changed to 6' tall sign w/ OAH of 12ft on 1' footer, 1' new footer	11/8/19
Rev. 4 - Changed to 5x10 w/ OAH of 12ft on new footer	11/13/19

Address: 190 Jonesboro Rd	Job Number: NLP-20197 CI
Jonesboro, GA	Date: 7/24/19
Customer: NEXT LEVEL PETROLEUM	
Drawn by: LH	

This original drawing is property of TI and is not to be exhibited, copied, or reproduced, without permission.
Customer Approval: <input type="checkbox"/> Please initial here

FOOTER INFO



POLE & FOUNDATION SPECIFICATIONS

STANDARD

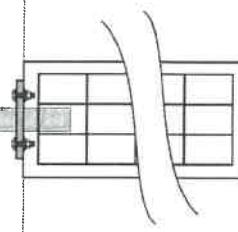
Design Windload: 100 MPH

Pole Supports: 8 x 6 x 7/8 x 12

Baseplates: 1/4 x 18 x 18

Anchor Bolts: 1 x 42

Foundation: 30 Dia. x 5 Deep



Address: 190 Jonesboro Rd
Jonesboro, GA

Job Number: NLP-20197-CI

Date: 7/24/19

Customer: NEXT LEVEL PETROLEUM

Drawn by: JH

11/11/19

7/24/19

8/16/19

10/21/19

11/8/19

11/11/19

Revisions:
Rev. 0 - Original Drawing
Rev. 1 - Updated MD measurements
Rev. 2 - changed to 7ft sign system on torsion bar
Rev. 3 - changed to 5ft sign w/ OAH of 12ft on 1 existing footer
Rev. 4 - changed to 5x10 w/ OAH of 12ft on new footer



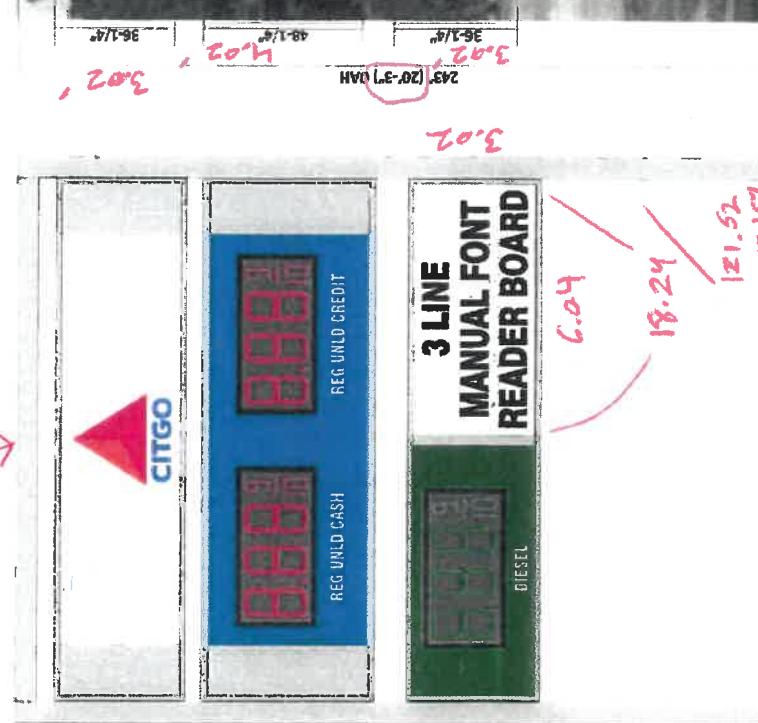
Original Proposal



SCOPE OF WORK

Reface existing sign to include new Citgo logo, 2-product (Regular/Diesel) LED pricers w/ 7-tier pricing for cash/credit pricing for Regular and new 3 line manual font reader board faces. Sign to maintain existing OAH and Sq Ft.

12.08'
145'



Chargeable
Copy

15 15 30



Revisions:
Rev. 0 - Original Drawing

Job Number: NLP-20197-C
Date: 7/24/19
Customer: NEXT LEVEL PETROLEUM
Drawn by: H

Customer Approval: _____

Please initial here: _____

Square Footage Totals:
Existing: 121.5 sq ft
Proposed: 121.5 sq ft

This original drawing is property of T.L. and is not to be embodied, copied, or reproduced without permission.

Please initial here: _____

6.1.c







DESIGN REVIEW COMMISSION
MEETING MINUTES

The Design Review Commission held their Regular Meeting on Wednesday October 2, 2019. The meeting was held at 4:30 p.m. at the Jonesboro City hall, 124 North Avenue, Jonesboro, Georgia.

Committee Present:

Joel Aviles – Chairman
 Bonnie Shekarabi – Vice Chair
 Barbara Casey Lane – Committee Member
 Ricky L. Clark Jr. Executive Director
 Kimberly Lightford – Committee Member (via conference)

Also present was Cable Brooks to record the meeting minutes

I. Meeting was called to order by Joel Aviles at 4:37 p.m.

II. Approval of Agenda

Bonnie Shekarabi made a motion to approve the agenda with the following amendments.

Under Old Business: Add Item B. Citco Gas Station new sign.

Said motion seconded by Barbara Casey-Lane. Motioned carried unanimously.

III. Approval of October 2, 2019 Meeting Minutes

Barbara Casey-Lane made a motion to accept the October 2, 2019 Regular meeting minutes. Said motion was seconded by Barbara Casey. Motion carried unanimously.

IV. OLD BUSINESS

a. **New Outlook Upscale Thrift** – 282 North Main Street; Parcel No. 13209C B01; Signs at commercial building.

Upon Discussion:

Bonnie Shekarabi made a motion to accept staff recommendation to approve the commercial building sign based on the redesign with the following recommendations, said motion was seconded by Kimberly Lightford. Motion carried unanimously.

- Landscaping and lighting recommended

b. **Citco Gas Station** – 190 Jonesboro Rd; Parcel No.

Upon Discussion:

Bonnie Shekarabi made a motion to accept staff recommendation to approve the commercial building sign with the following recommendations, said motion was seconded by Kimberly Lightford. Motion carried unanimously.

Possible variance on the sign height maybe a factor for review in December. Must comply with new sign standards. If Variance is approved the maximum height must not exceed 12 feet.

V. NEW BUSINESS – Action Items

a. **Susan's Home Gallery** – 250 North Main Street; parcel No. 13240B E006A; Wall sign on existing frame at commercial center.

Upon Discussion:

Barbara Casey-Lane made a motion to accept staff recommendations based upon an improvement of the design as indicated, said motion was seconded by Bonnie Shekarabi. Motion carried unanimously.

Noted recommendations:

- Lighter Background
- Lessen advertised items to three
- Recommend goose neck lighting
- Re-submit design for approval

b. **Kelley's Kreationz** – 1287 Highway 138, Suite 11; parcel No. 12048A 1010; Wall sign on existing frame at commercial center.

Upon Discussion:

Barbara Casey-Lane made a motion to accept staff recommendations for a new wall sign, said motion was seconded by Kimberly Lightford. Motion carried unanimously.

c. **Supplies Unlimited** – 1457 Stockbridge Road; Parcel No. 12017B A004; Modifications to existing sign framework.

Upon Discussion:

Bonnie Shekarabi made a motion to accept staff recommendation to modify the existing sign framework, said motion was seconded by Barbara Casey Lane. Motion carried unanimously.

Noted recommendations:

- Sign not to exceed 12 feet in height
- Use the existing foundation

d. **Daniel Residence** - 114 chestnut Street; parcel No. 05241B B003 Concrete work to front of residence.

Upon Discussion:

Bonnie Shekarabi made a motion to accept staff recommendation to approve concrete work to the front of the residence, said motion was seconded by Barbara Casey Lane. Motion carried unanimously.

Noted conditions:



DESIGN REVIEW COMMISSION
MEETING MINUTES

The Design Review Commission held their Regular Meeting on **Wednesday September 4, 2019**. The meeting was held at 4:30 p.m. at the Jonesboro City Hall, 124 North Avenue, Jonesboro, Georgia.

Committee Present:

Joel Aviles – Chairman

Bonnie Shekarabi – Vice Chair

Barbara Casey Lane – Committee Member

Kimberly Lightford – Committee Member

David Allen – Community Development Director

Also present was Cable Brooks to record the meeting minutes

I. Meeting was called to order by Joel Aviles at 4:40 p.m.

II. Approval of Agenda

Bonnie Shekarabi made a motion to amend the agenda as follows:

- Add Harbin Auto Sales to Old Business
- Review Items in order of applicants in attendance due to their time limits.

Said motion seconded by Kimberly Lightford. Motioned carried unanimously.

III. Approval of August 7, 2019 Design Review Meeting Minutes – Barbara Casey Lane made a motion to approve the August 7, 2019 meeting minutes correcting Bonnie Shekarabi as present, said motion seconded by Bonnie Shekarabi. Motioned carried unanimously.

A. Old Business – Hardin Auto Sales - 291 North Main Street; Parcel No. 13209C C005; New ground sign

Upon Discussion:

Barbara Casey Lane made a motion to accept staff recommendation for a new ground sign, with the following recommendations:

- Sign to be centered in the landscaped island

Said motion seconded by Bonnie Shekarabi. Motion carried unanimously.

IV. New Business – Action Items

B. Artofmore Properties, LLC – 137 West Mill Street; parcel No. 13241D B008; New ground sign for commercial property.

Upon Discussion:

Bonnie Shekarabi made a motion to table this item for redesign and review at the October meeting, said motion was seconded by Barbara Casey- Lane. Motion carried unanimously.

Noted Concerns:

- Verify the parking spaces
- Confirm the right a way width
- Externally illuminate the redesigned sign

C. Segner Residence – 125 North Avenue; parcel No. 13240D D019; Replacement roof (metal) for residence.

Bonnie Shekarabi made a motion to accept staff recommendation for the replacement of a metal roof, seconded by Kimberly Lightford. Motion carried unanimously.

D. Adorn Beauty Enhancements – 202 South Main Street; Parcel No. 05241B A008; Changes to ground sign panels.

Upon discussion:

Kimberly Lightford made a motion to accept staff recommendation for a replacement ground sign and wall sign panel with the following recommendations:

- Landscaping below the sign
- Paint the post to match the existing railing and color of the building
- Keep the external lighting

Said motion was seconded by Bonnie Shekarabi. Motion carried unanimously.

E. Amazon Lockers – No specific address or parcel; Package storage lockers attached to various businesses within the City.

Upon discussion:

As several questions were raised conceding location and quantity, the commission is interested in seeing more information on this request.

F. Citgo Gas Station – 190 Jonesboro Road; Parcel No. 12048C A004; Upgrade of exterior graphics on store exterior and canopy; Upgrade of existing sign to digital; Upgrade of light poles;

Upon Discussion:

Bonnie Shekarabi made a motion to table the sign request and accept staff recommendations to upgrade the exterior graphics on store exterior and canopy, said motion was seconded by Barbara Casey Lane. Motion carried unanimously.

G. KFC – 8687 Tara Boulevard; Parcel No. 13242D A01; Changes to exterior paint color.

Upon discussion:

Kimberly Lightford made a motion to accept staff recommendations for proposed changes to exterior paint color, said motion was seconded by Bonnie Shekarabi. Motion carried unanimously.

H. Yuppie Puppy – 178 North McDonough Street; parcel No. 13240D A031; Exterior renovations to business.

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on December 9, 2019 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider variances concerning the maximum height, maximum sign face area, and minimum distance from the existing building, for a proposed sign at an existing gas station by Race N Go Citgo for property located at 190 Jonesboro Road (Parcel No. 12048C A004), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on December 2, 2019.

David Allen
Community Development Director

Publish 11/20/19



CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR Variances

Concerning the Maximum Height, Sign Face Area
Minimum Distance from the Building, for Proposed
Sign by Race N Go Citgo for Property located:

190 Jonesboro Rd Jonesboro, Ga. 30236

LOCATION

170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236

DATE: 12-9-19.

TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-2

6.2

COUNCIL MEETING DATE
December 2, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to discuss a proposed text amendment to Chapter 6, Alcoholic Beverages, designed to regulate the license for package sales of distilled spirits.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Text Amendment Adoption

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

On November 6, 2019, the liquor store referendum passed. Attached are the revisions to Chapter 6, Alcoholic Beverages, designed to regulate the license for package sales of distilled spirits.

Section 6-2: Includes the phrase "distilled spirits" in the definitions of retail package dealer and retail package sale.

Section 6-3: Removes the outright prohibition of retail package sales of distilled spirits from the City Code.

Section 6-8: Removes the prohibition of the consumption of distilled spirits on certain premises from the City Code.

Section 6-9: Clarifies the sale of distilled spirits, malt beverages, and wine, relative to consumption on premises.

Section 6-12: Clarifies the language on required signage concerning alcoholic beverages at retail sale establishments.

Section 6-36: Establishes an annual license fee for retail package sales of distilled spirits (\$4500.00)

Section 6-43: Clarifies license eligibility standards.

Section 6-44: Restricts the location of retail sales of packaged distilled spirits to only C-2 zoned parcels on Tara Boulevard. Requires a conditional use for retail sales of packaged distilled spirits.

Section 6-51: Eliminates the ten-day window for appeals for a denial of an application to be filed.

Section 6-75: Establishes additional physical and geographical requirements for retail establishments selling packaged distilled spirits.

Section 6-76: Clarifies the sale of alcoholic beverages in pool rooms / billiard parlors.

Section 6-134: Eliminates the ten-day window for appeals for a suspension, revocation, or probation of an application.

Section 6-151: Establishes an excise tax for the sale of distilled spirits. Established reporting procedures for the sale of distilled spirits.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

n/a

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title
Ricky L. Clark, City Manager

Date
December, 2, 2019

Signature

City Clerk's Office

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Ordinance for Distilled Spirits Retail Package Regulations
- RESOLUTION 2019-007 (002)

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

1 STATE OF GEORGIA

2 CITY OF JONESBORO

ORDINANCE NO. _____

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO,
5 GEORGIA BY AMENDING VARIOUS PROVISIONS OF CHAPTER 6 (ALCOHOLIC
6 BEVERAGES AND TOBACCO PRODUCTS) TO AUTHORIZE AND REGULATE
7 LICENSING FOR PACKAGE SALES OF DISTILLED SPIRITS; PROVIDE FOR
8 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
9 EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

10 **WHEREAS**, the duly elected governing authority of the City of Jonesboro, Georgia (the
11 “City”) is the Mayor and Council thereof;
12

13 **WHEREAS**, the City has the power to adopt reasonable regulations promoting the public
14 health, safety and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II
15 of the 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-
16 35-1 *et seq.*); and Section 1.13(11) of the City's Charter;

17 **WHEREAS**, the City's current alcoholic beverage regulations do not authorize package
18 sales of distilled spirits in the City;

19 **WHEREAS**, in order to authorize distilled spirit sales in the City, the Mayor and City
20 Council recently authorized a Referendum election pursuant to Title 3, Chapter 4 of the
21 O.C.G.A. and a Petition filed with the city requesting same;

22 **WHEREAS**, the Referendum election on November 5, 2019, by a majority vote,
23 authorized the Mayor and City Council to adopt regulations for licensing of retail package sales
24 of distilled spirits;

25 **WHEREAS**, the Mayor and City Council desire to regulate same as provided in
26 Resolution 2018-06, adopted by the Mayor and City Council on May 14, 2018; and

27 **WHEREAS**, the public health, safety and general welfare of the citizens of the City will
28 be positively impacted by the adoption of this Ordinance.

29 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
30 **THE CITY OF JONESBORO, GEORGIA**, and by the authority thereof:

31 **Section 1.** **That the City Code, Chapter 6, Alcoholic Beverages and Tobacco**
32 **Products, is hereby amended by revising Article I, In General, Sections 6-2 (“Definitions”),**
33 **6-3 (“Sales of Package Distilled Spirits Prohibited”), 6-8 (“Quantity Possessed Restricted”),**
34 **6-9 (“Sale of distilled spirits, malt beverages, or wine by the drink for consumption only on**
35 **the premises; combining retail package and retail consumption licenses prohibited”) and 6-**
36 **12 (“Signs to be Posted”) to read as follows:**

37 **ARTICLE I. IN GENERAL**

39 **Sec. 6-2. Definitions.**

40 . . .

41 . . .

42 *Retail package dealer:* Any person who sells distilled spirits, malt beverages
43 and/or wines in unbroken packages for consumption off the premises at retail,
44 namely via retail package sales.

45 *Retail package sale:* The sale of distilled spirits, malt beverages and/or wine
46 in unbroken packages for consumption off the premises at retail and not for resale.

47 Such sales must be in connection with sales of other products as further described
48 below.

49
50

52 **Sec. 6-3. Sale of packaged distilled spirits prohibited. Reserved.**

53
54 The retail package sale of distilled spirits, except as provided herein, is hereby
55 prohibited and made unlawful within the incorporated limits of this city. Only
56 malt beverages and/or wine may be sold via retail package sale within the city.

57
58
59
60

61
62 **Sec. 6-8. Quantity possessed restricted.**

63 It shall be unlawful for any person to be found in possession or control of more
64 than one standard case of 1.75 liter, 1 liter, or 750 milliliter size containers of
65 distilled spirits but not more than eight individual containers of distilled spirits of
66 a size of 200 milliliter or four individual containers of distilled spirits of a size of
67 500 milliliters. Any distilled spirits found in the possession of any person shall
68 have been purchased by the person for use and consumption from a lawful and
69 authorized retailer and properly stamped. This prohibition shall not apply to
70 possession of distilled spirits in a properly licensed premises only by the licensee,
71 its representatives, or its employees ~~for consumption of distilled spirits on the~~
72 ~~premises~~, or by a properly licensed wholesaler or its employees making deliveries
73 to a properly licensed premises.

74
75

76 **Sec. 6-9. - Sale of distilled spirits, malt beverages, or wine by the drink for**
77 **consumption only on the premises; combining retail package and retail**
78 **consumption licenses prohibited.**

80 (a) No person shall be allowed to sell, distribute, or give away distilled spirits,
81 malt beverages, or wine by the drink for consumption on the premises
82 except as set forth in this chapter.

83 (b) No business licensed for the retail package sale ~~of malt beverages and/or~~
84 ~~wine~~ may hold a license permitting the sale of alcoholic beverages for
85 consumption on the premises or otherwise allow the retail consumption of
86 alcoholic beverages on the premises.

87 (c) No business licensed to sell alcoholic beverages for consumption on the
88 premises may hold a license permitting the sale of ~~malt beverages and/or~~
89 ~~winealcoholic beverages~~ via retail package sale.

90 (d) No license to sell ~~malt beverages and/or winealcoholic beverages~~ via retail
91 package sales shall be issued for, or in connection with, any restaurant,
92 golf club, hotel, or private club.

93
94

95 **Sec. 6-12. Signs to be posted.**

96 (a) Each outlet for the retail sale of packaged ~~alcoholic beverages~~
97 ~~malt beverages and/or wine~~ shall post in a conspicuous place within the outlet a
98 sign with letters at least two inches high reading: "Sale of ~~malt beverages~~
99 ~~or winealcoholic beverages~~ to persons under 21 years of age is
100 prohibited."

103 (b) Each outlet for the retail sale of alcoholic beverages by the drink for
104 consumption on the premises shall post in a conspicuous place within the
105 outlet, a sign with letters at least two inches high reading: "Sale of malt
106 beverages, wine or distilled spirits to persons under 21 years of age is
107 prohibited."

108
109

110 **Section 2. That the City Code, Chapter 6, Alcoholic Beverages and Tobacco**
111 **Products, is hereby further amended by revising Article II, Licensing, Sections 6-36**
112 **(“Licenses required to sell alcoholic beverages”), 6-43 (“Persons who are not eligible to**
113 **obtain a license”), 6-44 (“Compliance with zoning regulations”) and 6-51 (“Denial of**
114 **application; appeal from decision of mayor and council”) to read as follows:**

115 **ARTICLE II. LICENSING.**

116 **Sec. 6-36. Licenses required to sell alcoholic beverages.**

117 Any person desiring to sell alcoholic beverages in the city, whether for
118 consumption on the premises or via retail package sale, shall apply for and obtain
119 a license from the city prior to commencing operations. Operating without a
120 license shall be a violation of this chapter and shall be punishable as provided in
121 sections 6-181 and 6-182.

122 (1) Licenses for the sale of alcoholic beverages shall be issued by the city
123 clerk or his designee at an annual license fee as established herein:
124 a. Retail consumption on the premises (distilled spirits, malt
125 beverages, and wine) \$4,500.00

150 (4) Both the licensee and/or license representative shall be the authorized and
151 duly constituted agent for service of all notices and processes required to
152 be served on or given hereunder for any action or proceeding or uses of
153 any nature whatsoever permitted under the provisions of this Chapter or
154 under any other provisions of this Code.

155
156
157
158
159
160
161

162 Sec. 6-43. Persons who are not eligible to obtain a license.

163 It shall be unlawful to grant a license for the sale of alcoholic beverages to:

164 (1) A person who is not of good character and reputation in the community in
165 which he resides.

166 (2) A person who has entered a plea of nolo contendere within a five-year
167 period prior to the date of application for license, entered a guilty plea or
168 been convicted of a felony, crime involving illegal drugs or of a crime
169 opposed to decency and morality; or who has entered a plea of nolo
170 contendere within a five-year period prior to the date of application for a
171 license, entered a guilty plea or been convicted of a crime involving
172 violation of the ordinances of the city relating to the use, sale,
173 manufacture, distribution, taxability or possession of beer, wine or liquor
174 or violations of the laws of the state and federal government pertaining to
175 the manufacture, possession, transportation, use, or sale of beer, wine or
176 intoxicating liquors, or taxability thereof.

178 (3) A person whose license under this chapter has been revoked for cause or
179 who has had a license under this chapter revoked for cause.

180 (4) A person whose place or business is conducted by a manager or agent
181 unless such manager or agent qualifies as the license representative.

182 (5) Any person who is under the age of 21 years old or a person who is not of
183 sound mind and memory.

184 (6) Any law enforcement officer or employee of the city, or any elected or
185 appointed official of the city.

186 (7) Any person who is not eligible for a state alcoholic beverage license or
187 whose license has been revoked by the State.

188
189 **Sec. 6-44. Compliance with zoning regulations.**

190 (a) No license under this Chapter shall be issued unless the location of the
191 proposed premises meets currently applicable provisions of the zoning
192 code of the city as amended; further, no license shall be issued unless the
193 location of the proposed premises is within the areas of the city zoned C1,
194 C2, H1, H2, M1, or within the Tara Boulevard Overlay District, which
195 zones are further described in the city's zoning code. Notwithstanding the
196 foregoing, licenses for package sales of distilled spirits shall not be issued
197 unless the location of the proposed premises is within the C-2 zoning
198 district and located on Tara Boulevard, and only upon issuance of a
199 conditional use permit pursuant to the provisions of the zoning code.

200 (b) The provisions of this section shall not apply to those business
201 establishments holding a valid license to conduct retail package sales on

203 the date of adoption of this chapter provided that such license remains
204 current and does not become and remain inactive for a period exceeding
205 12 months from the date last issued.

206 (c) It shall be prohibited to obtain a microbrewery license within the
207 following areas of the city:

208 (1) Any area not authorized for the location and operation of
209 microbreweries pursuant to section 86-114. "A-E Zone (Arts and
210 Entertainment District Overlay)" of chapter 86, "zoning," of the
211 city Code. Any microbrewery not in compliance with said
212 provisions of chapter 86 shall not receive a license from the city
213 and shall not open or operate.

214 (2) Within any area prohibited by state law.

215

216

217

218

219

220

221

222 **Sec. 6-51. Denial of application; appeal from decision of mayor and council.**

223 (a) Whenever an application for license is denied by the mayor and council,
224 the reasons for such denial shall be stated in writing and entered upon the
225 minutes. A written notice of the denial shall also be mailed to the applicant
226 at the address listed in the application, or personally delivered to the
227 applicant, within seven calendar days of the decision to deny the
228

229 application. Upon denial, the applicant may not re-apply for a license
230 under this chapter for 24 months after the date of the denial.

231 (b) Should the applicant desire to appeal a decision of mayor and council to
232 deny the applicant's initial application for a license under this chapter, the
233 applicant may appeal said decision to the Superior Court of Clayton
234 County by filing a petition for writ of certiorari with said Superior Court
235 in accordance with State Law. Said appeal must be made within ten
236 calendar days from the date of the written notice of the denial of the
237 application by mayor and council or it shall be deemed waived.

238
239
240
241
242
243

244 **Section 3. That the City Code, Chapter 6, Alcoholic Beverages and Tobacco**
245 **Products, is hereby further amended by revising Article III, Regulations of Package Sales,**
246 **Sections 6-71 (“Sale of package malt beverages, wine conducted in conjunction with other**
247 **business”), 6-75 (“Reserved”), and 6-76 (“Sale in poolrooms and billiard parlors**
248 **prohibited”) to read as follows:**

249 **ARTICLE III. REGULATION OF PACKAGE SALES.**

250
251 **Sec. 6-71. Sale of package malt beverages, wine conducted in conjunction**
252 **with other business.**

253
254 No person shall be allowed to sell at retail package malt beverages, or foreign and
255 domestic wines unless the same be sold in conjunction with foodstuffs which the

256 inventory of which has at least a wholesale value of \$3,500.00, or unless it is part
257 of a licensed retail establishment selling packaged distilled spirits.

258
259
260
261

262 **Sec. 6-75. ReservedAdditional Requirements for Retail Establishments**
263 **selling distilled spirits by the package.**

264

265 (a) Any establishment licensed to sell distilled spirits by the package shall be
266 contained in a free-standing building no less than 10,000 square feet in
267 area that is no older than twenty (20) years old since original construction.

268 (b) No more than one retail package distilled spirits license shall be issued for
269 each 2,400 residents in the City of Jonesboro on a first-come, first-served
270 basis.

271

272 **Sec. 6-76. Sale in poolrooms and billiard parlors prohibited.**

273

274 It shall be unlawful to conduct retail package sales ~~of malt beverages and/or~~
275 ~~wine~~alcoholic beverages in poolrooms or billiard parlors.

276

277 **Section 4. That the City Code, Chapter 6, Alcoholic Beverages and Tobacco**
278 **Products, is hereby further amended by revising Article V, Suspension, Revocation and**
279 **Probation of Licenses; Due Process; Hearing, Section 6-134 (“Appeal from final decision of**
280 **mayor and council”)** to read as follows:

281

282 **ARTICLE V. SUSPENSION, REVOCATION AND PROBATION OF**
283 **LICENSES; DUE PROCESS; HEARING.**

284
285
286

287 **Sec. 6-134. Appeal from final decision of mayor and council.**

288 Should the licensee desire to appeal the decision of mayor and council regarding
289 the licensee's violation, the licensee may appeal said decision to the Superior
290 Court of Clayton County by filing a petition for writ of certiorari with said
291 Superior Court in accordance with State Law. ~~Said appeal must be made within~~
292 ~~ten calendar days from the date of the written notice of the decision by mayor and~~
293 ~~council or it shall be deemed waived.~~

295 **Section 5. That the City Code, Chapter 6, Alcoholic Beverages and Tobacco**

296 **Products, is hereby further amended by revising Article VI, Taxation of Package Sales,**

297 **Section 6-151 (“Excise tax report; penalty for failure to file; payment”) to read as follows:**

298 **ARTICLE VI. TAXATION OF PACKAGE SALES.**

299 **Sec. 6-151. Excise tax report; penalty for failure to file; payment.**

300 (a) In addition to the annual retail license fee required for the sale of alcoholic
301 beverage, there is hereby levied and imposed upon all wholesale dealers
302 selling malt beverages within the city a specific excise tax in the amount
303 of \$0.004166 per ounce on malt beverages sold by each wholesale dealer
304 except when malt beverages are sold in individual containers with a
305 capacity of 15½ gallons or more, the excise tax shall be \$6.00 per 15½
306 gallon container, or if the container is larger than 15½ gallons, the tax
307 shall be proportioned at the rate of \$0.387 per each additional gallon or
308 portion of a gallon capacity of the container. However, malt beverages
309 which contain less than one-half of one percent alcohol by volume shall
310 not be subject to any tax levied under this section.

313 (b) An excise tax is hereby imposed on wine and distilled spirits sold within
314 the limits of the city at the rate of \$0.22 per liter, and a proportionate tax at
315 the same rate on all fractional parts of a liter. However, the taxes imposed
316 by this section shall not be levied with respect to:

317 (1) Wine sold to, and used by, established and recognized churches
318 and synagogues for use in sacramental services only.

319 (2) Any sale of wine which is exempt from taxation by the state under
320 the Constitution of the United States;

321 (3) Wine sold to persons outside this state for resale or consumption
322 outside this state; or

323 (4) Wines which contain less than one-half of one percent alcohol by
324 volume.

325 (c) Each wholesale dealer selling malt beverages within the city limits shall
326 file a report by the tenth day of each month showing for the preceding
327 calendar month the exact quantities of malt beverages by size and type of
328 container and the exact quantities of wine and distilled spirits, constituting
329 a beginning and ending inventory for the month, sold within the
330 incorporated city limits. Each wholesale dealer shall remit to the city on
331 the tenth day for the month succeeding the calendar month in which such
332 sales were made, the amount of excise tax due in accordance with the
333 section. Reports shall include all sales to any retail dealer in the City,
334 whether delivered to the retail dealer's place of business in the City or
335 elsewhere for resale in the City.

336 (d) The excise tax provide for in this section shall be in addition to any license
337 fee, occupation tax or other charge which may now or in the future be
338 imposed upon the business of selling malt beverages, distilled spirits or
339 wines at retail or wholesale, within the city.

340 (e) The failure to make a timely report and remittance shall render a
341 wholesale dealer liable for a penalty of ten percent of the total amount due
342 during the first 30-day period following the date such report and
343 remittance were due and a further penalty of ten percent of the amount of
344 such remittance for each successive 30-day period or any portion thereof,
345 during which such report and remittance are not filed. The filing of a false
346 or fraudulent report shall render the wholesale dealer making such report
347 liable for a penalty equal to 50 percent of the amount of the remittance
348 which would be required under an accurate and truthful report.

349 **Section 6.** The preamble of this Ordinance shall be considered to be and is hereby
350 incorporated by reference as if fully set out herein.

351 **Section 7.** (a) It is hereby declared to be the intention of the Mayor and Council that all
352 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
353 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

354 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
355 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
356 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
357 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
358 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

359 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
360 of this Ordinance.

361 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
362 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
363 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
364 express intent of the Mayor and Council that such invalidity, unconstitutionality or
365 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
366 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
367 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
368 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
369 enforceable, and of full force and effect.

370 **Section 8.** All ordinances and parts of ordinances in conflict herewith are hereby
371 expressly repealed.

372 **Section 9.** This Ordinance shall be codified in a manner consistent with the laws of the
373 State of Georgia and the City of Jonesboro, Georgia.

374 **Section 10.** The effective date of this Ordinance shall be the date of adoption unless
375 otherwise specified herein.

376 **ORDAINED** this _____ day of _____, 2019.

377

CITY OF JONESBORO, GEORGIA

Joy Day, Mayor

ATTEST:

Ricky L. Clark, Jr., City Manager

APPROVED AS TO FORM:

Steven M. Fincher, City Attorney

378

STATE OF GEORGIA
COUNTY OF CLAYTON
CITY OF JONESBORO

RESOLUTION NO. 2019 – 007

A RESOLUTION AUTHORIZING CITY OF JONESBORO ELECTION SUPERINTENDENT TO ISSUE CALL FOR REFERENDUM ELECTION TO AUTHORIZE SALE OF DISTILLED SPIRITS IN THE CITY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Jonesboro, Georgia (the “City”) is the Mayor and Council thereof; and

WHEREAS, the current laws of the City prohibit the package sale of distilled spirits within the City; and

WHEREAS, in order to authorize the issuance of licenses for the sale of distilled spirits in the City, O.C.G.A. §3-4-41 requires that same be initiated by filing of a petition containing the signatures of at least 35 percent of the registered and qualified voters in the City requesting authorizing for said licensing; and

WHEREAS, a Petition containing the requisite number of signatures of the registered and qualified voters of the City has been submitted and verified by the City’s Elections Superintendent; and

WHEREAS, pursuant to Georgia law, the City desires to pose the question concerning licensing of package sales of distilled spirits within the City; and

WHEREAS, the health, safety, and welfare of the citizens of Jonesboro, Georgia, will be positively impacted by the adoption of this resolution.

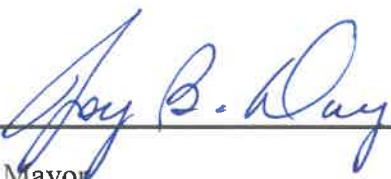
NOW THEREFORE IT IS HEREBY FULLY RESOLVED by the Mayor and Council of the City of Jonesboro, Georgia, and by the authority thereof as follows:

Section 1: That pursuant to O.C.G.A. §3-4-41, the City's Elections Superintendent is hereby authorized and directed to issue a call for a Referendum election to authorize the issuance of licenses for the package sale of distilled spirits, to be conducted in conjunction with the General Municipal Election on November 4, 2019.

Section 2: That said call for the Referendum Election shall be noticed by publishing the date and purpose of said Referendum Election in the City's legal organ no earlier than September 4 and no later than October 4, 2019, and also that the same be advertised in the City's legal organ once a week for two consecutive weeks immediately preceding the date of the Referendum election.

SO RESOLVED, this 12th day of August, 2019.

CITY OF JONESBORO, GEORGIA



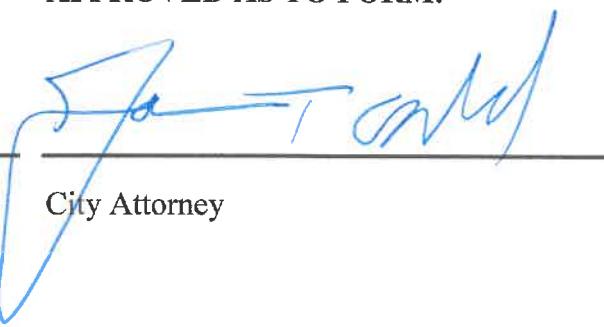
Joy Day, Mayor

ATTEST:



Ricky L. Clark, Jr., City Manager/Clerk

APPROVED AS TO FORM:



John T. Worthy
City Attorney



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-3

6.3

COUNCIL MEETING DATE
December 2, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to discuss to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding the revision of Article III ("Telecommunications Towers and Antennas") of Chapter 70 ("Telecommunications"), Sections 70-51, 70-52, 70-54, 70-69), 70-70, 70-71, 70-72 and 70-76, of the City of Jonesboro Code of Ordinances.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Text Amendment Adoption

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Transportation Infrastructure

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

In October 2019, the State of Georgia made official new Federal Communications Commission standards (Senate Bill 66) for the placement of telecommunications structures in public rights-of-way, "to streamline the deployment of wireless broadband in the public rights of way."

Section 70-51: Strikes out unnecessary language concerning past local policies concerning the placement of telecommunications structures in public rights-of-way

Section 70-52: Provides new definitions of the following terms – decorative pole, micro wireless facility, and pole.

Section 70-54: Establishes a timeline and processes for a telecommunications right-of-way installation that has been become inoperable or abandoned.

Section 70-69: Strikes out further requirements for right-of-way applications for modifying and/or co-locating telecommunication facilities for small cell installations or other installations not resulting in a substantial increase in size

Section 70-70: Strikes out further requirements for right-of-way applications for modifying, and/or co-locating telecommunication antennas which would result in a substantial increase in size.

Section 70-71: Strikes out further requirements for right-of-way applications for erecting new telecommunication support structures and alternative telecommunication support structures.

Section 70-72: Prevents the City from requiring any telecommunications facility owner to sign an agreement of any kind as pre-condition for access to the City's right-of-way. Eliminates franchise fees, indemnification, and the requirement to restore disturbed City rights-of-way or property.

Section 70-76: Places caps on the initial amount and rate of increase of fees for telecommunications structures in the right-of-way, including occupancy rates.

This will be statewide requirements.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

n/a

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

December, 2, 2019

Signature

City Clerk's Office

- Telecom Code SB 66 related revisions
- General Assembly Page
- Legal Notice - Telecom Ordinance December 2019

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

1 STATE OF GEORGIA

2 CITY OF JONESBORO

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
5 JONESBORO, GEORGIA BY REVISING CERTAIN PROVISIONS OF CHAPTER 70
6 ("TELECOMMUNICATIONS") ARTICLE III ("TELECOMMUNICATION TOWERS
7 AND ANTENNAS") TO COMPLY WITH REQUIREMENTS OF NEWLY ADOPTED
8 STATE LAW ON RIGHT OF WAY TELECOMMUNICATION MANAGMENET; TO
9 PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO
10 PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO
11 PROVIDE FOR OTHER LAWFUL PURPOSES.

12 **WHEREAS**, the duly elected governing authority of the City of Jonesboro, Georgia (the
13 “City”) is the Mayor and Council thereof; and

14 **WHEREAS**, the City has the power to regulate the development, siting and use of
15 telecommunications towers and related equipment and facilities within its limits pursuant to its
16 exclusive zoning and planning authority granted by the 1983 Constitution of the State of
17 Georgia, including, but not limited, to Article IX, Section II, Paragraph IV and Article IX,
18 Section II, Paragraph III; the authority granted by the General Assembly of the State of Georgia,
19 including, but limited to, O.C.G.A. § 36-70-3; the authority granted under the Charter of the City
20 of College Park, including but not limited to Sections 1.13(11) and 1.13(23); as well as the
21 general police powers of the City and other authority provided by federal, state, and local laws
22 applicable hereto; and

23 **WHEREAS**, the City previously exercised such power, having adopted a comprehensive
24 code governing the manner in which people and entities develop, site, and use
25 telecommunications towers and related equipment and facilities that presently is codified in
26 Chapter 70 (“Telecommunications”), Article III (“Telecommunications Towers and Antennas”)
27 in the Code of Ordinances, City of Jonesboro, Georgia, and revised same to comply with the
28 rulings of the FCC; and

[0387-0100/309327/1]

29

30 **WHEREAS**, the State of Georgia Legislature, in the 2019 Legislative Session, adopted
31 SB 66, creating additional regulatory measures for placement of cellular telecommunication
32 equipment in rights-of-way and requiring certain regulatory changes in local ordinances to match
33 the requirements of the state law; and

34 **WHEREAS**, as a result of SB 66, the City desires to revise its regulations as dictated by
35 the new regulatory requirements; and

36 **WHEREAS**, the health, safety, and general welfare of the citizens of the City will be
37 positively impacted by the adoption of this Ordinance.

38 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF
39 THE CITY OF JONESBORO, GEORGIA and by the authority thereof:**

40 **Section 1.** The Code of Ordinances, City of Jonesboro, Georgia is hereby amended by revising
41 Article III (“Telecommunications Towers and Antennas”) of Chapter 70
42 (“Telecommunications”), Sections 70-51 (Purpose), 70-52 (Definitions), 70-54 (Removal of
43 Abandoned Telecommunication Facilities), 70-69 (Applications for Permit to Modify or Co-
44 locate Telecommunication Facilities for Small Cell Installations or other Installations Not
45 Resulting in a Substantial Increase in Size), 70-70 (Application for permits for Modification,
46 and/or Co-location of Telecommunication Antennas which would result in a Substantial Increase
47 in Size), 70-71 (Applications for Permits to Erect New Telecommunication Support Structures
48 and Alternative Telecommunication Support Structures), 70-72 (Access to the Public Rights of
49 Way) and 70-76 (Fees) to read as follows:

50 **Sec. 70-51. Purpose.**

51 The purpose of this Article is to establish guidelines and regulations for the
52 siting of all wireless, cellular, television, and radio telecommunications facilities,
53 including all equipment and network components, any underlying support structure,
54 such as antennas, transmitters, receivers, base stations, power supplies, cabling,
55 accessory equipment, or other mechanisms used to provide and or aid the transmission
56 of wireless data, cellular, television, radio, or other telecommunications services. The
57 mayor and council recognize that the city is to provide for the siting of
58 telecommunication facilities, support structures, and antennas pursuant to the mandates
59 of the Telecommunications Act of 1996, as amended. While mandated to make such
60 provisions, the mayor and council also recognize that telecommunications facilities,
61 such as towers and monopoles, telecommunication support structures, and antennas
62 may negatively impact the aesthetic appearance of the city, and may reduce the
63 property value of lots proximately located to such telecommunication support
64 structures, particularly when they are sited adjacent to residential areas.

65 The goals of this Article, therefore, are:

- 66 (a) To encourage the location of telecommunications facilities, including all
67 telecommunication support structures, equipment, and/or antenna(s) in
68 nonresidential areas;
- 69 (b) To promote the health, safety, and general welfare of the public by
70 regulating the siting of and establishing development standards for
71 wireless facilities and related wireless support structures, equipment, and
72 infrastructure;

73 (c) To minimize the total number of telecommunication support structures
74 within the community necessary to provide adequate personal wireless
75 services to residents of the city;

76 (d) To encourage the joint use of new and existing telecommunication
77 support structure sites among providers;

78 (e) To locate telecommunication facilities and antennas in areas where
79 adverse impacts on the community are minimized;

80 (f) To encourage the design and construction of telecommunication facilities
81 and antennas in a manner that minimizes adverse visual impacts;

82 (g) To follow and promote policies embodied in Section 704 of the Federal
83 Telecommunications Act of 1996 and O.C.G.A. § 36-66B-1, et al., in
84 such a manner as not to unreasonably discriminate between providers of
85 functionally equivalent wireless services or to prohibit or have the effect
86 of prohibiting personal wireless services in the city;

87 (h) To encourage the location of telecommunication support structures on
88 municipal property but not in public parks; and

89 (i) To enhance the ability of the providers of telecommunications services to
90 deliver such services to the community effectively, efficiently and safely.

91 (j) ~~To establish a local policy concerning applications for the erection or
92 modification of telecommunication facilities, including
93 telecommunication support structures, in any public rights of way in
94 accordance with the Federal Telecommunications Act of 1996 and
95 O.C.G.A. §§ 32-4-92 and 46-5-1; permit and manage reasonable access~~

96 ~~to the city's public rights of way for telecommunications purposes on a~~
97 ~~competitively neutral and non discriminatory basis; assure the city can~~
98 ~~continue to fairly and responsibly protect public health, safety, and~~
99 ~~welfare; promote competition in telecommunications; and establish clear~~
100 ~~guidelines for applicants seeking a permit with respect to any public~~
101 ~~rights of way. To comply in good faith with the provisions of SB66,~~
102 ~~codified in Georgia Law as O.C.G.A. §36-66C-1, et. seq., the~~
103 ~~"Streamlining Wireless Facilities and Antennas Act" ("ACT"). If any~~
104 ~~provisions of this section or Article as a whole conflict with the provisions~~
105 ~~of the ACT, the provisions of the ACT shall control.~~

106 **Sec. 70-52. Definitions.**

107 (a) Except as specifically defined herein, all words used in this Section shall be as
108 defined in The Latest Illustrated Book of Development Definitions (2007,
109 Rutgers). Words not defined herein or in the above-referenced text shall be
110 construed to have the meaning given by common and ordinary usage and shall be
111 interpreted within the context of the sentence, section and Section in which they
112 occur.

113 (b) Definitions:

114 *Alternative Telecommunication Support Structure:* Clock telecommunication
115 support structures, bell telecommunication support structures, church steeples,
116 light/power poles, electric transmission telecommunication support structures, man-made
117 trees and similar natural or man-made alternative-design mounting structures that
118 camouflage or conceal the presence of Antennas or Telecommunication Support

119 Structures. An Alternative Telecommunication Support Structure may include a pre-
120 existing building.

121 *Antenna:* Any Equipment designed for wireless telecommunication, radio, or
122 television communications through the sending and/or receiving of electromagnetic
123 waves or beams of visible or invisible light and radio signals used in the provision of all
124 types of Telecommunication Services, including standalone Equipment and Equipment
125 affixed to or proposed to be affixed to existing Telecommunication Support Structures
126 and/or authorized Alternative Telecommunication Support Structures.

127 *Applicant:* A person or entity with an application for the permit of the erection of,
128 Modification of, or Co-location of Telecommunication Facilities in the City, whether
129 located on private lands or in a Public Right-of-Way. For purposes of this Section, this
130 term shall include any Co-Applicant or party with an ownership interest in a proposed or
131 affected existing Telecommunication Facility, including, but not limited to, property
132 owners, telecommunication support structure owners, and any proposed tenants for the
133 facility.

134 *Chief Building Inspector:* the building official as designated and defined by
135 Section 16-31 of this Code.

136 *City Property:* All real property owned by the City, other than public streets and
137 utility easements as those terms are defined herein, and all property held in a proprietary
138 capacity by the City, are not subject to right-of-way access.

139 *Co-location or Co-locate:* The placement or installation of new
140 Telecommunications Facilities, including, but not limited to, Antennas, upon a single
141 Telecommunication Support Structure or Alternative Telecommunication Support

142 Structure previously approved and constructed, including towers and Monopoles, both
143 self-supporting and guyed, in a manner that negates the need to construct a new
144 freestanding telecommunications support structure in the City.

145 *Commission:* The Georgia Public Service Commission.

146 *Decorative Pole:* A pole owned by the City of College Park that is specially
147 designed and placed for aesthetic purposes.

148 *Department:* The Office of the City Manager of the City of Jonesboro and any
149 designated building officials and zoning administrators.

150 *Equipment:* Any device or telecommunications infrastructure component serving
151 or being used in conjunction with the delivery or transmission of all types of
152 Telecommunication Services, including, but not limited to, Antennas, utility transmission
153 devices, power supplies, generators, batteries, cables, storage sheds, shelters or similar
154 structures, small cell devices, and similar wireless transmitters or conduits.

155 *FAA:* The Federal Aviation Administration.

156 *FCC:* The Federal Communications Commission.

157 *Geographic Search Area:* The geographic area within which the placement of
158 Equipment is necessary to meet the engineering requirements of an Applicant's cellular
159 network or other broadcasting need.

160 *Grantee:* Applicant in receipt of written authorization from the City to erect,
161 operate, and/or maintain Telecommunication Facilities in Public Rights-of-Way.

162 *Guyed Structure:* A style of telecommunication support structure consisting of a
163 single truss assembly composed of sections with bracing incorporated. The sections are

164 attached to each other, and the assembly is attached to a foundation and supported by a
165 series of wires that are connected to anchors placed in the ground or on a building.

166 *Height:* When referring to a telecommunication support structure or other
167 structure, shall mean the distance measured from ground level to the highest point on the
168 telecommunication support structure or Alternative Telecommunication Support
169 Structure, including all Antennas or lightning rods.

170 *Micro Wireless Facility: A Small Wireless Installation not larger in dimension*
171 *than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior*
172 *antenna, if any, no longer than 11 inches.*

173 *Modification or Modify:* The change, or proposed change, of any portion of an
174 existing Telecommunication Facility from its description as previously approved by the
175 City, including improvements, upgrades, expansions, or the replacement of any existing
176 telecommunication Equipment, conduit, or infrastructure apparatus, provided such
177 improvement, upgrade, expansion, or replacement does not increase the Height of the
178 telecommunication support structure.

179 *Monopole:* A style of freestanding telecommunication support structure that
180 consists of a single shaft usually composed of two or more hollow sections that are in
181 turn attached to a foundation. This type of support structure is designed to support itself
182 without the use of guy wires or other stabilization devices. These facilities are mounted
183 to a foundation that rests on or in the ground or on the roof of a building.

184 *Pole: A vertical pole, such as a utility, lighting, traffic, or similar pole made of*
185 *wood, concrete, metal or other material that is lawfully located or to be located within a*
186 *right of way, including without limitation a replacement pole and an authority pole. Such*

187 term shall not include any other Telecommunication Support Structure or Alternative
188 Telecommunication Support Structure, as otherwise defined herein, Decorative Pole, or
189 electric transmission structure.

190 *Preexisting Telecommunication Support Structures and Antennas:* Structures as
191 set forth in Section 70-53(c) of this Article.

192 *Private Street:* A privately owned street, road, highway, boulevard, freeway,
193 lane, path, alley, court, sidewalk, parkway, or drive constructed to City standards.

194 *Provider:* Any legal entity authorized and/or engaged in the provision of
195 Telecommunication Services.

196 *Public Officer:* As used in O.C.G.A. §§ 41-2-7—41-2-17, shall mean the City
197 Manager and/or Chief Building Inspector of the City, as designated.

198 *Public Right-of-Way or Public Rights-of-Way:* Means and includes all public
199 streets and utility easements, as defined in this Section, now or hereafter owned by or
200 granted to the City, but only to the extent of the City's right, title, interest or authority to
201 authorize or permit an Applicant to occupy and use such streets and easements for the
202 erection and operation of Telecommunication Facilities.

203 *Public Street:* A street, road, highway, boulevard, freeway, lane, path, alley,
204 court, sidewalk, parkway, or drive which is owned by a public entity or to which a public
205 entity has an easement for street purposes, and with respect to which, and to the extent
206 that, the City has a right to grant use of the surface of and space above and below in
207 connection with an authorized Provider of Telecommunications Services and/or owner of
208 Telecommunication Facilities.

209 *Small Cell or Small Cell Installations:* An antenna facility that meets the
210 following conditions:

211 (a) Mounted on structures 50 feet or less in height, including their antennas;
212 or
213 (b) Mounted on structures no more than 10 percent taller than other adjacent
214 structures; or
215 (c) Do not extend existing structures on which they are located to a height of
216 more than 50 feet or by more than 10 percent, whichever is greater;
217 AND
218 (d) Each antenna, excluding associated Equipment, is no more than three
219 cubic feet in volume; and
220 (e) All wireless equipment associated with the structure, including any pre-
221 existing associated Equipment on the structure, is no more than 28 cubic
222 feet in volume.

223 *Substantial Increase in Size:* Shall mean:

224 i. Any increase in an existing telecommunication support structure Height
225 by more than 10% or 10 feet (on private property) or 20 feet (on Right-of-
226 Way), whichever is greater, as previously approved by the City, or
227 increase in the width of the added appurtenances more than 20 feet on
228 private property or 6 feet on the Right-of-Way as a result of Modification
229 or Co-location of Antennas or similar telecommunication Equipment;
230 ii. An increase in the dimensions of a Telecommunication Facility's
231 Equipment compound as approved by the City as a result of Modification

232 or Co-location by more than 10%, inclusive of the increase due to
233 placement of an additional Equipment compound or, if in the Right-of-
234 Way, an installation of any Equipment compound where none existed
235 prior to the Modification or Co-location;

236 iii. A Modification or Co-location that will, as proposed, violate condition(s)
237 of approval of an existing Telecommunication Facility, including any
238 subsequently adopted amendments;

239 iv. A Modification or Co-location of Equipment that, as proposed, will
240 exceed the applicable weight limits for an existing Telecommunication
241 Facility, as approved by the City;

242 v. The addition of more than four (4) new Equipment cabinets or one (1) new
243 shelter; and/or

244 vi. The excavation outside existing leased or owned property and current
245 easements.

246 vii. For concealed or stealth-designed facilities, if a Modification or Co-
247 location would defeat the concealment elements of the wireless tower or
248 base station.

249 *Telecommunication Facility or Facilities:* Any physical component utilized in the
250 provision of all types of telecommunications services, including all telecommunication
251 support structures, Alternative Telecommunication Support Structures, Antennas,
252 Equipment, infrastructure apparatus, base support mechanism, accessory Equipment,
253 towers, Monopoles, Small Cell Installations, and physical attachments necessary for the
254 provision of such Telecommunications Services.

255 *Telecommunication Facility Owner:* Any person or entity that directly or
256 indirectly owns, controls, operates, or manages Telecommunications Facilities, including
257 any related Equipment or property within the City, used or to be used for the purpose of
258 offering or transmitting signals used in the provision of any Telecommunication Services.

259 *Telecommunications Service(s):* The transmittal of voice, data, image, graphic,
260 and video programming between or among points by wire, cable, fiber optics, laser,
261 microwave, radio, satellite, or other facilities. This term shall include commercial mobile
262 radio services, unlicensed wireless services, and common carrier wireless exchange
263 services as identified in the Telecommunications Act of 1996.

264 *Telecommunication Support Structure:* Any freestanding structure that is designed
265 to support or capable of supporting and constructed primarily for the purpose of
266 supporting telecommunication Equipment; this term shall include self-supporting, guyed,
267 and Monopole support structures. The term includes, and is not limited to, radio and
268 television transmission telecommunication support structures, microwave
269 telecommunication support structures, common-carrier telecommunication support
270 structures, cellular telecommunication support structures, man-made trees, Alternative
271 Telecommunication Support Structures, and other similar structures. In the Public
272 Rights-of-Way, only Telecommunication Support Structures erected for the installation
273 of Small Cells shall be permitted.

274 *Utility:* Any person, corporation, municipality, county, or other legal entity, or
275 department thereof or entity related or subordinate thereto, providing retail or wholesale
276 electric, data, cable, or Telecommunications Services, or otherwise subject in any way to
277 the lawful jurisdiction of the Commission.

278 *Utility Easement:* Any easement owned by the City and acquired, established,
279 dedicated, or devoted for public utility purposes not inconsistent with
280 Telecommunication Facilities, Telecommunication Support Structures, Alternative
281 Telecommunication Support Structures, and any Antennas.

282 *Visual Quality:* The appropriate design, arrangement, and location of
283 telecommunication support structures in relation to the built or natural environment to
284 avoid abrupt or severe differences.

285

286 **Sec. 70-54. Removal of Abandoned Telecommunication Facilities.**

288 (a) Any telecommunication support structure or antenna that is not operated for a
289 continuous period exceeding six months, or in case of a right of way installation
290 for a period exceeding 12 months, shall be considered abandoned, and the owner
291 of such telecommunication facility shall place the applicable antenna or
292 telecommunication support structure into operation or remove the same within
293 6090 days of receipt of written notice by certified mail from the city manager
294 notifying the owner of such abandonment. If all applicable telecommunication
295 support structure(s) or antenna(s) are not removed within said 6090 days, the
296 city may, at the direction of the city manager or designee, and in the manner
297 provided in the O.C.G.A. §§ 41-2-7—41-2-17, remove such antenna or
298 telecommunication support structure at the owner or co-owners' expense, plus
299 an additional penalty of \$500. If there are two or more users of a single
300 telecommunication support structure, this provision shall not become effective
301 unless and until all users cease utilizing the telecommunication support
302 structure.

303 (b) Until the Owner pays said expense and penalty, the Owner shall not be entitled to
304 apply for, or receive, any future permits under this Article.

305 **Sec. 70-69. Applications for Permit to Modify or Co-locate Telecommunication**
306 **Facilities for Small Cell Installations or other Installations Not Resulting in a**
307 **Substantial Increase in Size on Private Property**

309 (a) *Application of Section.* The City Manager or designee may approve the erection
310 of additional Antennas or otherwise telecommunications Equipment upon existing
311 Telecommunication Support Structures or Alternative Telecommunication
312 Support Structures under this Section that do not result in a Substantial Increase in
313 Size as defined in this Article to any existing Telecommunication Facility or that
314 are deemed to be Small Cell Installations pursuant to the definitions herein on
315 private property.

316 (b) *Setback Adjustments.* As part of any approval under this Section, the City
317 Manager or designee may reduce setback requirements for applications ~~not in the~~
318 ~~Right of Way~~ by up to ten (10) percent to compensate for irregularly shaped lots
319 or parcels.

320 (c) *Contents of Applications on private property.* All applications for permits to
321 Modify an existing Telecommunication Facility and/or Co-locate
322 telecommunication Equipment onto an existing Telecommunication Support
323 Structure or Alternative Telecommunication Support Structure shall contain or
324 have attached thereto the following information:

325 (1) Name, address and telephone number of a principal office and local agent
326 of the Applicant;

327 (2) An affirmative indication that the Applicant seeks either to Modify an
328 existing Telecommunication Facility or Co-locate a Telecommunication
329 Facility or Facilities on an existing Telecommunication Support Structure
330 or Alternative Telecommunication Support Structure as well as an
331 affirmative indication that the proposed plans do not result in a Substantial
332 Increase in Size;

333 (3) The Physical Address of the Telecommunication Support Structure or
334 Alternative Telecommunication Support Structure to be modified or upon
335 which a proposed Antenna(s) is to be installed;

336 (4) Name of the person, firm, corporation or association performing
337 Modifications to existing Telecommunication Support Structures or
338 Alternative Telecommunication Support Structures or erecting the
339 Antenna(s);

340 (5) Written consent of the owner of the existing Telecommunication Support
341 Structure or Alternative Telecommunication Support Structure, and any
342 party with an ownership interest in the applicable Telecommunication
343 Support Structure or Alternative Telecommunication Support Structure to
344 be modified or upon which the Antenna(s) is to be erected;

345 (6) Proof of and/or certified copies of any required approval and registration,
346 to provide such services in the State of Georgia, where applicable, and any
347 other required FAA, FCC, or otherwise state and federal approval,
348 registration, and/or licensure required to erect, Modify, or Co-locate the
349 proposed Telecommunication Facility;

350 (7) A description of the Telecommunication Services to be provided by and
351 through, or otherwise in connection with, the proposed
352 Telecommunication Facility or Modified, existing Telecommunication
353 Support Structure or Alternative Telecommunication Support Structure;
354 (8) An affirmative declaration that the Applicant shall comply with all
355 applicable federal, state, and local laws and regulations, including all
356 applicable provisions of the City's Code of Ordinances and conditions
357 imposed by the City regarding the erection and maintenance of
358 Telecommunication Facilities consistent with federal standards and, if
359 applicable, applied equally to all users of the Public Rights-of-Way;
360 (9) Applications for permits to co-locate through the erection of new
361 Antenna(s) or other Telecommunication Facilities onto an existing
362 Telecommunication Support Structure or Alternative Telecommunication
363 Support Structure, shall contain or have attached thereto six (6) sets of
364 accurate scale drawings including a scaled site plan and a scaled elevation
365 view and other supporting drawings, calculations, and other
366 documentation including, but not limited to, the method of construction
367 and attachment to the Telecommunication Support Structure for the
368 proposed Telecommunication Facility or Facilities. Plans for Co-location
369 shall be certified by an independent registered structural engineer licensed
370 in the State of Georgia as meeting all current safety and design standards
371 of all applicable federal, state, and City codes and regulations; and

372 (10) Any other information as the City Manager or designee may require to
373 demonstrate full compliance with this Article, all other ordinances of the
374 City and all applicable requirements of state or federal law.

375 (d) *Additional requirements for Right of Way applications.* Applicants seeking to
376 ~~Modify or Co-locate Telecommunication Facilities on City property and/or in any~~
377 ~~Public Right of Way within the municipal limits of the City shall provide the~~
378 ~~following, in addition to the requirements of subsection (c):~~

379 (1) ~~Proof of adequate insurance or self insurance of the Applicant to defend~~
380 ~~and cover all claims of third parties against the Applicant and/or City~~
381 ~~personnel related to the use of the Public Rights of Way;~~

382 (2) ~~A description of the Applicant's service area, where applicable, which~~
383 ~~shall be sufficiently detailed so as to allow the City to respond to~~
384 ~~subscriber or end user inquiries. For the purpose of this paragraph, an~~
385 ~~Applicant providing Telecommunication Services may, in lieu of or as a~~
386 ~~supplement to a written description, provide a map on 8 1/2 by 11 inch~~
387 ~~paper that is clear and legible and that fairly depicts the service area within~~
388 ~~the municipal limits of the City. If such service area is less than the~~
389 ~~municipal limits of the City, the map shall describe the boundaries of the~~
390 ~~geographic area to be served in clear and concise terms;~~

391 (3) ~~Proof of the existence of a valid telecommunications franchise to locate~~
392 ~~utilities in the public Rights of Way of the City, as applicable, in~~
393 ~~accordance with State law.~~

394 (ed) *Administrative Fee.* All applications for permits governed by this Section shall be
395 accompanied by an administrative fee as provided for in Section 70-76.

396 (fe) *Review Procedures.*

397 (1) Pre-Application Conference. Prior to submitting any application governed
398 by this Section, all Applicants are encouraged to attend a pre-application
399 meeting with the Chief Building Inspector and applicable City staff to
400 discuss the requirements for the application.

401 (2) Deficiencies in Applications.

402 (i) Non-Small Cell Installations. The City Manager or designee shall
403 notify an Applicant submitting an application governed by this
404 subsection of any identified deficiencies therein within thirty (30)
405 calendar days of receipt of such an application. If the City
406 Manager or designee determines an application is not complete, he
407 shall notify the Applicant in writing of any information required to
408 complete the application. To the extent additional information is
409 required, the time required for an Applicant to provide such
410 information shall not be counted toward the sixty (60) calendar day
411 review period set forth herein. Upon any resubmittal of an
412 application, the City Manager shall have ten (10) additional
413 calendar days to give notice as to the completeness of the revised
414 submission. If the application remains incomplete after
415 resubmission, said incompleteness may serve as valid reason for
416 denial of the application.

417 (ii) Small-Cell Installations. The City Manager or designee shall
418 notify an Applicant submitting an application for a Small Cell
419 Installation of any identified deficiencies therein within ten (10)
420 calendar days of receipt of such an application. If the City
421 Manager or designee determines an application is not complete, he
422 shall notify the applicant in writing of said deficiencies. Upon
423 resubmission of the application, the initial ten (10) day period shall
424 not be counted towards the 60-day review period defined herein.
425 The City Manager shall have an additional ten (10) calendar days
426 to notify Applicant of any other deficiencies in the re-submitted
427 application. To the extent additional information is required after
428 resubmission, the time required for an Applicant to provide such
429 information shall not be counted toward the sixty (60) calendar day
430 review period set forth herein. If the application remains
431 incomplete after the second resubmission, said incompleteness
432 may serve as valid reason for denial of the application.

433 (3) Determination by the City. Within sixty (60) calendar days after receiving
434 an application under this Section, unless otherwise deemed incomplete and
435 denied for that purpose after resubmission, the City Manager, at the
436 direction of the Chief Building Inspector or designee, shall issue a written
437 determination granting, granting subject to enumerated condition(s), or
438 denying the application in whole or in part. To the extent an application is
439 denied for non-Small Cell Installations, the written determination shall be

440 based solely on whether the installation results in a Substantial Increase in
441 Size as defined in this Article and said basis shall be included in the
442 written determination.

443 (g) Appellate Rights. An Applicant may appeal the City Manager's decision with
444 respect to an application, including any denial or conditional approval of an
445 application, to the Mayor and Council by filing a written notice of appeal within
446 ten (10) calendar days of the issuance of said decision with the City Manager.
447 Failure to file a notice of appeal within ten (10) calendar days of the decision shall
448 constitute a waiver of the Applicant's appeal rights.

449 (h) Appellate Procedure. The Mayor and Council shall hold a public hearing at the
450 next available Council Meeting, but in no circumstance more than thirty (30)
451 calendar days of receipt of the notice of appeal of an application as provided in
452 subsection (d). Official notice of the public hearing shall be given in accordance
453 with the Zoning Procedures Law of the State of Georgia. In addition, said official
454 notice of the public hearing shall include the location of the proposed facility.
455 The Mayor and City Council shall review the appeal on the record and its
456 determination shall be based on the same Substantial Increase in Size factors as
457 the decision of the City Manager.

Sec. 70-70. Application for permits for Modification, and/or Co-location of Telecommunication Antennas which would result in a Substantial Increase in Size.

461 (a) *Contents of Application.* Applications for permits to erect new
462 telecommunication Antennas, including, but not limited to, Small Cells and
463 Network Infrastructure, excluding any Telecommunication Support Structure or
464 Alternative Telecommunication Support Structure, which as proposed would

465 result in a Substantial Increase in Size, shall contain or have attached thereto the
466 following information:

467 (1) Name, address and telephone number of a principal office and local agent
468 of the Applicant;

469 (2) An indication of whether the Applicant seeks Modify existing
470 Telecommunication Facilities or Co-locate Telecommunication Facilities
471 on an existing Telecommunication Support Structure or an Alternative
472 Telecommunication Support Structure as well as an indication that the
473 proposed plans result in a Substantial Increase in Size;

474 (3) Address of Telecommunication Support Structure or Alternative
475 Telecommunication Support Structure to be modified or upon which the
476 proposed Antenna(s) is to be installed;

477 (4) Name of the person, firm, corporation or association installing the
478 Antenna(s);

479 (5) Written consent of the owner of the Telecommunication Support Structure
480 or Alternative Telecommunication Support Structure to be Modified or
481 upon which a proposed Antenna(s) is to be erected, and any party with an
482 ownership interest therein whose rights and/or use will be impacted
483 through the City's approval of the application;

484 (6) Proof of and/or certified copies of any required approval, registration,
485 and/or licensure from the Commission for any Provider of
486 Telecommunications Service to provide Telecommunication Services in
487 the State of Georgia, where applicable, and any other required FAA, FCC,

488 or otherwise state and federal approval, registration, and/or licensure
489 required to erect or Modify the proposed Telecommunication Facility;

490 (7) A certified statement prepared by an engineer licensed in Georgia or other
491 qualified industry professional that the erection and operation of the
492 proposed Antenna(s) on an existing Telecommunication Support Structure
493 or Alternative Telecommunication Support Structure, including reception
494 and transmission functions, will not interfere with public safety
495 communications or the usual and customary transmission or reception of
496 radio, television, or other Telecommunication Service enjoyed by adjacent
497 properties;

498 (8) A description of all Telecommunication Services to be provided by and
499 through, or otherwise in connection with, the proposed
500 Telecommunication Facility or Modified, existing Telecommunication
501 Support Structure or Alternative Telecommunication Support Structure;

502 (9) A declaration that the Applicant shall comply with all applicable federal,
503 state, and local laws and regulations, including all City ordinances and
504 conditions imposed by the City regarding the erection and maintenance of
505 Telecommunication Facilities;

506 (10) Applications shall contain or have attached thereto six (6) sets of accurate
507 scale drawings including a scaled site plan and a scaled elevation view and
508 other supporting drawings, calculations, and other documentation
509 including, but not limited to, the method of construction and attachment to
510 the telecommunication support structure for the proposed Equipment.

515 (11) Any other information as the City Manager or designee may require to
516 demonstrate full compliance with this Article, all other ordinances of the
517 City and all applicable requirements of state or federal law.

518 (b) *Additional requirements for Right of Way applications.* Applicants seeking to
519 ~~Modify or Co-locate Telecommunication Facilities on City property within the~~
520 ~~municipal limits of the City, resulting in substantial increase in size, shall provide~~
521 ~~the following, in addition to the requirements of subsection (a):~~

522 (1) ~~Proof of adequate insurance or self insurance of the Applicant to defend~~
523 ~~and cover all claims of third parties against the Applicant and/or City~~
524 ~~personnel related to the use of the City Property;~~

525 (2) A description of the Applicant's service area, where applicable, which
526 shall be sufficiently detailed so as to allow the City to respond to
527 subscriber or end user inquiries. For the purpose of this paragraph, an
528 Applicant providing Telecommunication Services may, in lieu of or as a
529 supplement to a written description, provide a map on 8 1/2 by 11 inch
530 paper that is clear and legible and that fairly depicts the service area within
531 the municipal limits of the City. If such service area is less than the
532 municipal limits of the City, the map shall describe the boundaries of the
533 geographic area to be served in clear and concise terms;

534 (eb) *Administrative Fee.* All applications for permits governed by this Section shall be
535 accompanied by an administrative fee as provided for in Section 70-76.

536 (dc) *Considerations in Approval or Denial of an Application.* Any denial of a request
537 to modify an existing Telecommunication Support Structure or Co-locate an
538 Antenna(s) onto an existing Telecommunication Support Structure that would
539 result in a Substantial Increase in Size shall be issued by the City Manager in
540 writing and supported by substantial evidence. The City Manager shall consider,
541 but is not limited to, the following factors in acting upon an application under the
542 provisions of this Section:

543 (1) The nature of uses, as well as the Height of existing structures, on adjacent
544 and nearby properties;

545 (2) The surrounding topography;

546 (3) The surrounding tree coverage and foliage;

547 (4) The design of the existing Telecommunication Facility, with particular
548 reference to design characteristics that have the effect of reducing or
549 eliminating visual obtrusiveness, where applicable;

550 (6) The availability of suitable existing Telecommunication Support
551 Structures or other Alternative Telecommunication Support Structures for
552 Antenna Co-location that would not need modification that would
553 Substantially Increase in Size as defined in this Article;

554 (7) The evidence submitted regarding the need for the Telecommunication
555 Facility in the area, including but not limited to, propagation maps and
556 other similar materials, where applicable;

557 (8) The effect, if any, on health, safety, and welfare if the proposed
558 Modification or Co-location is permitted;

559 (9) Applicable federal, state, and local telecommunications laws, regulations,
560 and policies;

561 (10) Such other factors as the Department may reasonably deem in the
562 community interest.

563 (ed) *Procedure for Issuance of permits.*

564 (1) Pre-Application Conference. Prior to submitting any application governed
565 by this Section, all Applicants are encouraged to attend a pre-application
566 meeting with the Chief Building Inspector and applicable City staff to
567 discuss the requirements for the application.

568 (2) Review for Completeness. The City Manager shall notify an Applicant
569 submitting an application governed by this Section of any identified
570 deficiencies therein within thirty (30) calendar days of receipt of such an
571 application. If the City Manager or designee determines an application is
572 not complete, the City Manager shall notify the Applicant in writing of
573 any information required to complete the application. To the extent
574 additional information is required, the time required for an Applicant to
575 provide such information shall not be counted toward the applicable
576 review period set forth herein. Upon any resubmittal of an application, the
577 Department shall have ten (10) additional calendar days to give notice as
578 to the completeness of the revised submission. If an application is not

579 complete upon resubmission, said incompleteness may serve as reason for
580 immediate denial of the application.

581 (3) Period of Review. Within ninety (90) calendar days after receiving a
582 complete application for the Modification, or Co-location of a
583 Telecommunications Facility governed by this Section, the City Manager
584 shall issue a written determination granting or denying the application in
585 whole or in part, including imposing any conditions. Any decision by the
586 City Manager to deny an application shall be in writing, shall include
587 reasons for denial, and shall be supported by substantial evidence
588 contained in a written record.

589 (4) Appellate Rights. The City Manager's decision to deny an application
590 may be appealed to the Mayor and Council by filing a written notice of
591 appeal within ten (10) calendar days of the denial. Failure to file a notice
592 of appeal within ten (10) calendar days of such a denial shall constitute a
593 waiver of the Applicant's appeal rights.

594 (5) Appellate Procedure. The Mayor and Council shall hold a public hearing
595 within at the next available scheduled Council Meeting, but not later than
596 thirty (30) calendar days of receipt of the notice of appeal of an
597 application as provided in subsection (d)(3). Official notice of the public
598 hearing shall be given in accordance with the state Zoning Procedures
599 Law. In addition, said official notice of the public hearing shall include
600 the location of the proposed facility.

601

Sec. 70-71. Applications for Permits to Erect New Telecommunication Support Structures and Alternative Telecommunication Support Structures on Private Property.

Prior to submitting any application governed by this Section, all Applicants are encouraged to attend a pre-application meeting with the Chief Building Inspector and applicable City staff to discuss the requirements for the application. .

(a) *Contents of Applications.* Applications for permits to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of a principal office and local agent of the Applicant;
- (2) Physical address of the parcel upon which the proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure is to be erected;
- (3) Name of the person, firm, corporation, or association erecting the Telecommunication Support Structure or Alternative Telecommunication Support Structure, including all parties with a prospective ownership interest in the proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure;
- (4) Written consent of all parties with an existing ownership interest, including all underlying land owners and owners or licensees of any affected, existing Telecommunication Support Structures or Alternative Telecommunication Support Structures, allowing the application;

626 (5) A site plan showing existing vegetation to be removed from the site and
627 vegetation to be replanted to replace the vegetation that will be removed;

628 (6) A certified statement prepared by an engineer licensed in Georgia or other
629 qualified industry professional indicating that the erection and operation of
630 the proposed Telecommunication Support Structure or Alternative
631 Telecommunication Support Structure, including reception and
632 transmission functions, will not interfere with public safety
633 communications or the usual and customary transmission or reception of
634 radio, television, or other Telecommunication Service enjoyed by adjacent
635 properties;

636 (7) Proof of and/or certified copies of any required approval, registration,
637 and/or licensure from the Commission for any Provider of
638 Telecommunications Services to provide such services in the State of
639 Georgia, where applicable, and any other required FAA, FCC, or
640 otherwise state and federal approval, registration, and/or licensure required
641 to erect the proposed new Telecommunication Support Structure or
642 Alternative Telecommunication Support Structure;

643 (8) Written certification that all emissions from any Antenna on the
644 Telecommunication Support Structure will comply with FCC frequency
645 emissions standards;

646 (9) The Applicant shall provide photo-simulated post-construction renderings
647 of the completed proposed Telecommunication Support Structure,
648 Equipment compound and/or Equipment cabinets, ancillary structures, and

landscaping, if any, from locations determined at the pre-application conference, if held. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four (4) vantage points (generally north, south, east, and west). Based on the information provided at the pre-application conference, the Applicant may be required to provide other pictorial representations from other viewpoints, including, but not limited to, state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents;

662 (10) The City Manager may, at its sole discretion, require a balloon test to be
663 conducted at any time during which an application is pending before the
664 City for Telecommunication Support Structures on private property;
665 (11) Applications for permits to erect a Telecommunication Support Structure
666 shall contain or have attached thereto the following information:
667 (i) Six (6) sets of accurate scale drawings including a scaled site plan
668 and a scaled elevation view and other supporting drawings,
669 calculations, and other documentation including, but not limited to,
670 the method of construction and attachment to the ground for the
671 Telecommunication Support Structure. The plans for the

672 Telecommunication Support Structure construction shall be
673 certified by a registered structural engineer licensed in the State of
674 Georgia as meeting all current safety and design standards of all
675 applicable federal, state, and City codes, and shall show the
676 location and dimensions of all improvements, including
677 information concerning topography, radio frequency coverage,
678 Telecommunication Support Structure Height requirements,
679 setbacks, drives, parking, fencing, landscaping, adjacent uses, and
680 other information deemed by the City Manager or designee to be
681 necessary to assess compliance with this Section. In addition, the
682 report from the structural engineer must contain:
683 a. Telecommunication Support Structure Height and design,
684 including technical, engineering, economic, and other
685 pertinent factors governing selection of the proposed
686 design. A cross-section of the Telecommunication Support
687 Structure shall be included;
688 b. Total anticipated capacity of the structure, including
689 number and types of Antenna(s) which can be
690 accommodated;
691 c. Evidence of structural integrity of the proposed
692 Telecommunication Support Structure; and

693 d. Failure characteristics of the Telecommunication Support
694 Structure and demonstration that site and setbacks are of
695 adequate size to contain debris.

696 (12) Substantial and detailed showing of need for the new Telecommunication
697 Support Structure or Alternative Telecommunication Support Structure
698 and the reason the Telecommunication Facility cannot be Co-located on an
699 existing Telecommunication Support Structure or Alternative
700 Telecommunication Support Structure, including written proof of contact
701 made with owners of existing Telecommunication or Alternative
702 Telecommunication Support Structures, reasons for why Co-location on
703 said structures was denied or unavailable, and any engineering
704 documentation showing that Co-location on existing structures was not
705 feasible for the Geographic Search Area, the needed design of the
706 Telecommunication Facility, was inadequate for the necessary provision
707 of service to the affected customers and any other substantially convincing
708 evidence that erection of a new Telecommunication or Alternative
709 Telecommunication Support Structure is the only way to provide the
710 needed telecommunication services to affected customers.

(b) *Additional requirements for Right of Way applications.* Applicants seeking to erect New Telecommunication Support Structures or Alternative Telecommunication Support Structures on City property and/or in any Public Right of Way within the municipal limits of the City, shall provide the following, in addition to the requirements of subsection (a):

716 (1) ~~Proof of adequate insurance or self insurance of the Applicant to defend~~
717 ~~and cover all claims of third parties against the Applicant and/or City~~
718 ~~personnel related to the use of the Public Rights of Way;~~

719 (2) ~~A description of the Applicant's service area, where applicable, which~~
720 ~~shall be sufficiently detailed so as to allow the City to respond to~~
721 ~~subscriber or end user inquiries. For the purpose of this paragraph, an~~
722 ~~Applicant providing Telecommunication Services may, in lieu of or as a~~
723 ~~supplement to a written description, provide a map on 8 1/2 by 11 inch~~
724 ~~paper that is clear and legible and that fairly depicts the service area within~~
725 ~~the municipal limits of the City. If such service area is less than the~~
726 ~~municipal limits of the City, the map shall describe the boundaries of the~~
727 ~~geographic area to be served in clear and concise terms;~~

728 (3) ~~Proof of the existence of a valid telecommunications franchise to locate~~
729 ~~utilities in the public Rights of Way of the City, as applicable, in~~
730 ~~accordance with State law.~~

731 (eb) *Administrative Fee.* All applications for permits to erect new Telecommunication
732 Support Structure or Alternative Telecommunication Support Structures shall be
733 accompanied by an administrative fee as provided for in Section 70-76.

734 (edc) Deficiencies in Applications.

735 (i) Non-Small Cell Installations. The City Manager or designee shall notify
736 an Applicant submitting an application governed by this subsection of any
737 identified deficiencies therein within thirty (30) calendar days of receipt of
738 such an application. If the City Manager or designee determines an

739 application is not complete, he shall notify the Applicant in writing of any
740 information required to complete the application. To the extent additional
741 information is required, the time required for an Applicant to provide such
742 information shall not be counted toward the 150 calendar day review
743 period set forth herein. Upon any resubmittal of an application, the City
744 Manager shall have ten (10) additional calendar days to give notice as to
745 the completeness of the revised submission.

746 (ii) Small-Cell Installations. The City Manager or designee shall notify an
747 Applicant submitting an application for a Small Cell Installation of any
748 identified deficiencies therein within ten (10) calendar days of receipt of
749 such an application. If the City Manager or designee determines an
750 application is not complete, he shall notify the applicant in writing of said
751 deficiencies. Upon resubmission of the application, the initial ten (10) day
752 period shall not be counted towards the 90-day review period defined
753 herein. The City Manager shall have an additional ten (10) calendar days
754 to notify Applicant of any other deficiencies in the re-submitted
755 application. To the extent additional information is required after
756 resubmission, the time required for an Applicant to provide such
757 information shall not be counted toward the ninety (90) calendar day
758 review period set forth herein. If the application remains incomplete after
759 the second resubmission, said incompleteness may serve as valid reason
760 for denial of the application.

761 (ed) *Considerations in Approval or Denial of an Application.* Any approval or denial
762 of a request to erect a new Telecommunication or Alternative Telecommunication
763 Support Structure in any mixed use, office institutional, commercial or industrial
764 zoning district, or for a Small Cell Installation, shall be issued by the City
765 Manager in writing and supported by substantial evidence. For a request to erect
766 a new Telecommunication or Alternative Telecommunication Support Structure
767 in a residential zoning district, the Applicant shall apply for same via an
768 application for a Conditional Use Permit in accordance with the requirements of
769 Article VI of Chapter 86 (Zoning) of the City of Jonesboro Code of Ordinances.
770 The City Manager or Mayor and City Council, as applicable, shall consider, but is
771 not limited to, the following factors in acting upon an application under the
772 provisions of this Section:

- 773 (1) The Height and setbacks of the proposed Telecommunication Support
774 Structure and appurtenances thereon. In case of placement on the Right-
775 of-Way, the height of the proposed Telecommunication Support Structure
776 shall not exceed the height of the nearest existing utility pole;
- 777 (2) The proximity of the proposed Telecommunication Support Structure to
778 residential structures and residential district boundaries, where applicable;
- 779 (3) The nature of uses, as well as the Height of existing structures, on adjacent
780 and nearby properties;
- 781 (4) The surrounding topography;
- 782 (5) The surrounding tree coverage and foliage;

783 (6) The design of the proposed Telecommunication Support Structure, with
784 particular reference to design characteristics that have the effect of
785 reducing or eliminating visual obtrusiveness, where applicable. In case of
786 placement on the Public Rights-of-Way, the design must be substantially
787 similar to the nearest utility poles and any deviations therefrom shall be at
788 the sole discretion of the City Manager;

789 (7) The proposed ingress and egress;

790 (8) The availability of suitable existing Telecommunication Support
791 Structures or other Alternative Telecommunication Support Structures for
792 Antenna Co-location;

793 (9) The evidence submitted regarding the need for the Telecommunication
794 Support Structure and Facility in the area, including but not limited to,
795 propagation maps and other similar materials, where applicable;

796 (10) The effect, if any, on health, safety, and welfare if the proposed
797 Telecommunication Support Structure is permitted;

798 (11) Applicable federal, state, and local telecommunications laws, regulations,
799 and policies;

800 (12) The proposed Telecommunication Support Structure's effect on property
801 values of any adjacent and nearby residential properties;

802 (13) Structural safety concerns associated with the proposed
803 Telecommunication Support Structure, including design features which
804 minimize risks to surrounding areas in the event of major structural
805 failure; and

806 (14) ~~The public interest in minimizing the cost and disruption of construction~~
807 ~~within the Public Rights of Way, if applicable;~~

808 (15) ~~If for a Support Structure in the Public Right of Way, the likelihood, if~~
809 ~~any, that the proposed Telecommunication Facility or Modification would~~
810 ~~obstruct free and clear vision from pedestrians or motor vehicle operators,~~
811 ~~interfere with the free flow of pedestrian or vehicular traffic, or otherwise~~
812 ~~pose a risk to pedestrians or motor vehicle operators; and~~

813 (146) Such other factors as the City Manager or Mayor and Council, as
814 applicable, may reasonably deem in the interest of the health, safety and
815 welfare of the residents of the City and, if applicable, factors as may affect
816 the City's management of its Public Rights-of-Way in the community
817 interest;

818 (fe) *Procedure for Issuance.*

819 (1) Pre-Application Conference. Prior to submitting any application governed
820 by this Section, all Applicants are encouraged to attend a pre-application
821 meeting with the Chief Building Inspector and applicable City staff to
822 discuss the requirements for the application.

823 (2) Period of Review. Within one hundred and fifty (150) calendar days after
824 receiving a complete application for the erection of a new
825 Telecommunications or Alternative Telecommunications Support
826 Structure, or ninety (90) days if the application is for a Small Cell
827 Installation, the City Manager or Mayor and City Council, as applicable,
828 shall issue a written determination granting or denying the application in

829 whole or in part, including imposing any conditions. Any decision to deny
830 an application shall be in writing, shall include reasons for denial, and
831 shall be supported by substantial evidence contained in a written record.

832 (3) Appellate Rights. The City Manager's decision to deny an application in
833 mixed use, office and institutional, commercial and industrial zones, as
834 well as for Small Cell Installations, may be appealed to the Mayor and
835 Council by filing a written notice of appeal within thirty (30) calendar
836 days of the denial. Failure to file a notice of appeal within thirty (30)
837 calendar days of such a denial shall constitute a waiver of the Applicant's
838 appeal rights.

839 (5) Appellate Procedure. The Mayor and Council shall hold a public hearing
840 within at the next available and scheduled Council Meeting, but in no
841 respect later than thirty (30) calendar days following the receipt of the
842 notice of appeal of an application as provided in subsection (f)(3).
843 Official notice of the public hearing shall be given in accordance with the
844 state Zoning Procedures Law. In addition, said official notice of the
845 public hearing shall include the location of the proposed facility.

846 **Sec. 70-72. Access to Public Rights of Ways.**

847
848 The City shall not require any Telecommunications Facility Owner to sign an agreement
849 of any kind as pre-condition for access to the City's Right of Way. The provisions of this
850 section and the ACT shall serve as the only pre-conditions for location of
851 Telecommunication Facilities in the Rights-of-Way. Any Telecommunications Facility
852 Owner may, voluntarily, enter into any such Right of Way access agreement with terms

853 that deviate from the provisions of the ACT or this section, so long as said agreements
854 are available for public inspection and are non-discriminatory as to terms and conditions
855 with different Telecommunication Facility Owners.(a) *Franchise fees.* Pursuant to
856 ~~O.C.G.A § 46-5-1(b)~~ and in accordance with applicable state law, providers of
857 telecommunication services and applicants for same in the public rights of way shall
858 provide the city due compensation for use of, and access to, a public right of way. Such
859 compensation shall not be assessed in a discriminatory fashion with respect to the
860 telecommunication services to be provided or transmitted by or through a proposed
861 telecommunication facility, in accordance with applicable state law. Said compensation
862 for the use of the public right of way shall be paid by the applicant within 30 days after
863 the end of each calendar quarter.

864 (b) *Restoration of public rights of way and city property.* When a grantee
865 authorized to construct telecommunication facilities in public rights of way, or
866 any person acting on behalf of a grantee, does any work affecting any public
867 right of way or city property, it shall, at its own expense, promptly remove any
868 obstructions therefrom and restore such public right of way or city property to
869 as good a condition as existed before the work was undertaken, unless otherwise
870 directed by the city manager or designee. Restoration will be consistent with
871 standards required by the city.

872 (c) *Indemnification.* Each applicant shall, upon receiving a permit to erect or
873 modify telecommunication facilities in a public right of way, and to the extent
874 permitted by law, as a condition of such access, expressly undertake to defend,
875 indemnify, and hold the city and its officers, appointed officials, agents,

876 ~~employees, and assigns harmless from and against any and all damages, losses,~~
877 ~~and expenses, including reasonable attorney's fees and costs of suit or defense,~~
878 ~~arising out of, resulting from or alleged to arise out of or result from the~~
879 ~~negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of~~
880 ~~the applicant or its affiliates, officers, employees, agents, contractors, or~~
881 ~~subcontractors in the construction, operation, maintenance, repair, or removal of~~
882 ~~any telecommunication facilities in public rights of way, whether such acts are~~
883 ~~authorized, allowed, or prohibited by this article.~~

884

885 **Sec. 70-76. Fees.**

886
887 (a) Private Property. For applications seeking to modify an existing
888 Telecommunication Support Structure or Alternative Telecommunication Support
889 Structure or seeking to Co-locate Equipment onto an existing Telecommunication
890 Support Structure or Alternative Telecommunication Support Structure, not resulting in a
891 Substantial Increase in Size as governed by this Article, or for a Small Cell Installation
892 (whether co-location or for new structure), the fee shall be five hundred dollars (\$500.00)
893 for review and inspection of each site for the first five (5) requested sites, regardless of
894 whether an application contains multiple site requests or multiple applications submitted
895 concurrently request one site per application. The fee for any additional site requested in
896 an application or concurrent applications shall be \$100 per site. The fee for applications
897 seeking to modify an existing Support Structure or Co-locate Equipment on an
898 existing Support Structure resulting in a Substantial Increase in Size, the fee shall be one
899 thousand dollars (\$1,000) for review and inspection. The fee for applications seeking to
900 erect a new Telecommunication Support Structure or Alternative Telecommunication

901 Support Structure shall be the same as the fee for filing a Conditional Use Permit under
902 the Zoning Ordinance, plus an additional fee for the City retaining an expert to assist in
903 assessing Applicant's data on the demonstrated need for erection of a new Support
904 Structure, not to exceed \$5,000 for proposed Telecommunications Support Structures or
905 \$2,500 for proposed Alternative Telecommunication Support Structures. These fees shall
906 be in addition to any building permit-related fees or any applicable occupation taxes
907 otherwise levied by the City pursuant to the provisions of this Code of Ordinances.

908 **(b) Right of Way.**

909 **(1) Application Fee for co-location of a Small Cell Installation on an existing**
910 **pole: \$100 for each facility.**

911 **(2) Application Fee for each replacement pole with an associated Small Cell**
912 **Installation: \$250.00.**

913 **(3) Application Fee for each new pole with an associated Small Cell**
914 **Installation: \$1,000 per pole.**

915 **(4) Right of Way Occupancy Rate:**

916 **(i) Co-Located Small Cell Installation on existing or replacement**
917 **pole: \$100.00 per year.**

918 **(ii) New Pole with associated Small Cell Installation: \$200.00 per**
919 **year.**

920 **(5) Annual Attachment rate for poles owned by the City: \$40.00 per year per**
921 **Small Cell Installation.**

922 **(6) On January 1, 2021, each of the fees delineated above shall increase 2.5**
923 **percent annually.**

926 **Section 2.** The Code of Ordinances, City of Jonesboro, Georgia is hereby further amended by
927 revising Article III (“Telecommunications Towers and Antennas”) of Chapter 70
928 (“Telecommunications”), to add new Sections 70-95 (Contents of Right of Way Application),
929 70-96 (Exemption from acquiring of Right of Way Permit), 70-97 (Procedure after Submission
930 of Right of Way Permit Application), 70-98 (Time for Review of Right of Way Permit
931 Application), 70-99 (Standards of Review of Right of Way Permit Application), 70-100
932 (Expiration of Right of Way Permit), 70-101 (Relocation, Recondition and Replacement of Right
933 of Way Facilities), 70-102 (Public Safety), 70-103 (Alternate Locations) and 70-104 (First
934 Come, First Served Requests) to read as follows:

935 **Sec. 70-95. Contents of Right of Way Application.**

936 The Application pursuant to this section shall be submitted to the Department and contain
937 the following:

938 (a)

939 (1) The Applicant’s name, address, telephone number, and email address,
940 including emergency contact information;

941 (2) The names, addresses, telephone numbers, and email addresses of all
942 consultants, if any, acting on behalf of the Applicant with respect to the
943 filing of the Application.

944 (3) A general description of the proposed work and the purposes and intent of
945 the proposed facility. The scope and detail of such description shall be
946 appropriate to the nature and character of the physical work to be
947 performed, with special emphasis on those matters likely to be affected or
948 impacted by the physical work proposed.

949 (4) Detailed construction drawings regarding the proposed use of the right of
950 way.

951 (5) To the extent the proposed installation involves co-location on a pole,
952 decorative pole, or support structure, a structural report performed by a
953 duly licensed engineer evidencing that the pole, decorative pole, or
954 support structure will structurally support the co-location, or that the pole,
955 decorative pole, or support structure may and will be modified to meet
956 structural requirements, in accordance with applicable codes.

957 (6) Visual depictions or representations if such are not included in the
958 construction drawings.

959 (7) Information indicating the horizontal and approximate vertical location,
960 relative to the boundaries of the right of way, of the Small Cell Installation
961 for which the application is being submitted.

962 (8) If the application is for the installation of a new pole or decorative pole, a
963 certification that the Applicant has determined, after diligent investigation,
964 that it cannot meet the service objectives of the permit by co-locating on
965 an existing pole or support structure on which:

966 (i) The Applicant has the right to co-locate subject to reasonable terms
967 and conditions; and

968 (ii) Such co-location would not impose technical limitations or
969 significant additional costs.

973 (9) A certification that the Applicant has permission from the owner to co-
974 locate on the structure or pole.

975 (10) If the Applicant is not a provider of wireless services, a certification that a
976 wireless service provider has requested in writing that the Applicant co-
977 locate the Small Cell Installation or install, modify, or replace the pole or
978 decorative pole at the requested location.

979
980 (b) Any material change to information contained in an Application shall be
981 submitted in writing to the Department within 30 days after the events
982 necessitating the change. Failure to do so shall be a violation of this Article.

Sec. 70-96. Exemption from Acquiring of Right of Way Permit.

984 (a) An Application shall not be required for the following activities, provided
985 that applicable electrical or encroachment permits may still be required
986 pursuant to the provisions of the City Code:

987 (1) With respect to a pole or decorative pole on which the Small Cell
988 Installation is co-located, inspections, testing, repairs and
989 modifications that maintain functional capacity and aesthetic and
990 structural integrity, provided that modifications are limited by the
991 structural load analysis supplied by the Applicant in its prior
992 Application for installation of the Facility; and

994 (2) Inspections, testing, or repairs that maintain functional capacity or the
995 replacement or upgrade of Antennas or other components of the Small
996 Cell Installation such as a swap out or addition of Antennas and radio
997 equipment as required by the Applicant, with Antennas and other
998 components that are substantially similar in color, aggregate size, and
999 other aesthetics to that previously permitted by the City and consistent
1000 with the Height and volume limits for Cell Wireless Installations under
1001 this Article, so long as the pole, decorative pole, or support structure will
1002 structurally support, or prior installation will be modified to support, the
1003 structural load in accordance with the structural load analysis supplied by
1004 the Applicant in its prior Application for the Installation.

1005 (b) A permit shall not be required for the installation, placement, maintenance,
1006 operation or replacement of Micro Wireless Facilities that are suspended on
1007 cables that are strung between poles or support structures in the right of way in
1008 compliance with applicable codes, subject to the requirement that other applicable
1009 permits, such as electrical, excavation, street closure, or as otherwise required by
1010 this Code, be obtained.

1011 **Sec. 70-97. Procedure After Submission of Right of Way Permit Application.**

1012 (a) Within 20 days of receipt of a written application pursuant to this Chapter, the
1013 Department shall:
1014 (1) Notify the Applicant in writing of the commencement and completion
1015 dates of any widening, repair, reconstruction, or relocation of the

applicable right of way that is scheduled to commence, or is anticipated in good faith to commence, within 24 months after the Application is filed;

- (2) Notify the Applicant of any aspect of the Application that appears to be grounds for the denial of the Application pursuant to this section; and
- (3) Determine whether the Application is complete and inform the Applicant of its determination in writing.

(b) If the Application is deemed incomplete, the Department shall specifically identify in writing all missing information within such 20 day period.

(c) If notified of incompleteness, the Applicant may submit such missing information within 20 days of the receipt of the notification from the Department, and, upon resubmission, any subsequent review for completeness shall be limited to the previously missing information. If the Application remains incomplete or is materially changed other than to address the missing information, the Department shall notify the Applicant of such within 10 days of the resubmission and such notice shall constitute an official denial of the Application.

Sec. 70-98. Time for Review of Right of Way Permit Application.

(a) Within 30 days of the Department's written determination that the Application is complete, or upon it becoming complete by operation of law 20 days after submission, for a co-location, and within 70 days for installation, modification or replacement of a pole or decorative pole, the Department shall make the determination whether to approve or deny the Application.

1038 (b) A decision to deny the Application shall be in writing, shall identify all reasons
1039 for denial, and shall identify the provision(s) of this Chapter on which the denial
1040 was based.

1041 (c) If the Department fails to act on an application within the review period provided
1042 in this section, the Applicant may provide the City written notice that the time
1043 period for acting has lapsed, and the Department shall then have 20 days after
1044 receipt of said notice to render a written decision. If the Department does not act
1045 within that additional 20 days, the Application shall be deemed to be approved by
1046 operation of law.

1047
1048 **Sec. 70-99. Standards of Review of Right of Way Permit Application.**

1049 (a) The Department shall approve the Application unless the co-location of a Small
1050 Cell Installation or requested installation, modification, or replacement of a pole
1051 or decorative pole:

1052 (1) Interferes with the operation of traffic control equipment;

1053 (2) Interferes with the sight lines or clear zones for transportation or
1054 pedestrians;

1055 (3) Fails to comply with the Americans with Disabilities Act, 42 U.S.C.
1056 Section 12101, et. seq., or similar laws of general applicability regarding
1057 pedestrian access or movement;

1058 (4) Requests that ground-mounted equipment be located more than 7.5 feet in
1059 radial circumference from the base of the pole, decorative pole, or support
1060 structure to which the Antenna would be attached, provided that this shall
1061 not serve as reason for denial if the Applicant can show that the greater

1062 distance is necessary to avoid interfering with sight lines or clear zones for
1063 transportation or pedestrians or to otherwise protect public safety;

1064 (5) Fails to comply with applicable codes;

1065 (6) Fails to comply with the maximum limitations of what is defined as a Small
1066 Cell Installation under this Article or otherwise refuses to locate the
1067 facilities underground in those areas where the City requires same of all
1068 utilities in the right of way;

1069 (7) With respect to an Application to install a pole or decorative pole,
1070 interferes with the widening, repair, reconstruction, or relocation of a
1071 public road or highway by the City or GDOT that has been advertised for
1072 bid and scheduled for completion within six months after the Application is
1073 filed;

1074 (8) With respect to an Application to install a pole or decorative pole,
1075 interferes with a public works construction project governed by Chapter 91
1076 of Title 36 of the O.C.G.A. and scheduled for completion within six
1077 months after the application is filed;

1078 (9) Fails to comply with aesthetic requirements or alternate location
1079 requirements of this Chapter;

1080 (10) Fails to comply with laws of general applicability that address pedestrian
1081 and vehicular traffic and safety requirements; or

1082 (11) Fails to comply with laws of general applicability that address the
1083 occupancy or management of the right of way and that are not otherwise
1084 inconsistent with this Article or the ACT.

1085 **Sec. 70-100. Expiration of Right of Way Permit.**

1086 The co-location, installation, modification or replacement for which a permit is issued
1087 under this Chapter shall be completed within six (6) months after issuance, provided that
1088 the City shall grant an extension for up to an additional six (6) months upon written
1089 request made before the expiration of the initial six-month period if a delay results from
1090 circumstances beyond the reasonable control of the Applicant.

1091 **Sec. 70-101. Relocation, Recondition and Replacement of Right of Way Facilities.**

1092 (a) If the City requires any widening, repair, reconstruction, or relocation of a public
1093 road or highway, or relocation of poles, support structures, or Small Cell
1094 Installations as a result of a public project, the Telecommunication Facility Owner
1095 shall relocate poles and support structures that have been installed in the right of
1096 way at no cost to the City in case said poles and support structures are found to
1097 unreasonably interfere with the widening, repair, reconstruction or relocation
1098 project or the public project. The Telecommunication Facility Owner shall
1099 relocate the poles or support structures:

1100 (1) By the date designated in a written notice by the City that contains a good
1101 faith estimate of the date by which the City intends to commence work so
1102 long as the time frames are applied to all utilities in the right of way,
1103 provided, however, that the date designated for relocation shall be at least
1104 45 days after the City provides written notice of same; or

1105 (2) Within the time frame that the Telecommunication Facility Owner
1106 estimates in good faith is reasonably needed to complete the relocation, so
1107 long as such good faith estimate is provided to the City in writing within

1111 (b) The Telecommunication Facilities Owner shall reasonably cooperate with the
1112 City to carry out reconditioning work activities for any poles or decorative poles
1113 owned by the City in a manner that minimizes interference with the approved use
1114 of the facility. The City shall use reasonable effort to provide the
1115 Telecommunication Facility Owner with written notice of reconditioning work at
1116 least 120 days before such work begins. Upon receiving such notice, it shall be
1117 the Telecommunication Facility Owner's sole responsibility to provide adequate
1118 measures to cover, remove, or otherwise protect the facility from the
1119 consequences of the reconditioning work, including but not limited to paint and
1120 debris fallout. The City reserves the right to require removal of all facilities from
1121 the City's pole and surrounding premises during reconditioning work, provided
1122 that the requirement to remove such is contained in the written notice required
1123 herein. All costs associated with the protection measures shall be the sole
1124 responsibility of the Telecommunication Facility Owner.

1125 (c) In the case of the City needing to replace its poles or decorative poles, the City
1126 shall provide the Telecommunication Facility Owner with at least 120 days
1127 written notice of same before the City may remove the Facility. The City shall
1128 promptly notify the Telecommunication Facility Owner when the poles have been
1129 replaced and the equipment can be reinstalled. During the replacement work, the
1130 Telecommunication Facility Owner may maintain a temporary communications

1131 facility on the property, or, after approval by the City, on any land owned or
1132 controlled by the City in the vicinity of the property.

1133 (d) If the Telecommunication Facility Owner fails to relocate a support structure as
1134 required in this section, or fails to provide a good faith estimate of the time
1135 needed to relocate, the City shall have the right, ten (10) days after written notice
1136 of same, to cut power or move any support structure or pole located in the right of
1137 way as the City may determine to be necessary, appropriate, or useful in order to
1138 commence work on the public project.

1139 **Sec. 70-102. Public Safety.**

1140 (a) An Applicant in the right-of-way shall employ due care during the installation and
1141 maintenance process and shall comply with all safety and right of way protection
1142 requirements in the City codes and regulations and State Law.

1143 (b) An Applicant or permittee pursuant to this Chapter shall not place any Small Cell
1144 Installations, support structures, poles or decorative poles where they will
1145 interfere with any existing infrastructure or equipment and shall locate its lines
1146 and Equipment in such a manner as not to interfere unnecessarily with the usual
1147 vehicular or pedestrian traffic patterns or with the rights or reasonable
1148 convenience of owners of property that abuts any right of way.

1149 (c) If the City determines that a Telecommunication Facility Owner's activity in the
1150 right of way pursuant to this Chapter creates an imminent risk to public safety, the
1151 City shall provide written notice to the Facility Owner requiring the Facility
1152 Owner to address said risk. If the Facility Owner fails to address the issue within

1153 24 hours of the written notice, the City shall be authorized to address said issue at
1154 the Facility Owner's expense.

1155 (d) Any damage to the right of way caused by the activities of the
1156 Telecommunication Facility Owner while occupying, installing, repairing or
1157 maintaining Small Cell Installations, poles, or support structures shall be repaired
1158 promptly by the Facility Owner. If the Facility Owner fails to conduct such
1159 repairs within 90 days of receipt of a written notice from the City notifying the
1160 Facility Owner of the damage to the right of way, the City shall be authorized to
1161 correct and repair the damage at the Facility Owner's expense, plus a \$500.00
1162 penalty. Failure of the Facility Owner to pay the City's expenses under those
1163 circumstances, as well as the penalty, shall result in the Facility Owner being
1164 prohibited from applying for, or receiving, any further permits under this section
1165 until the full amount is paid to the City.

1166 **Sec. 70-103. Alternate Locations.**

1167 For application for new poles in the right of way in areas zoned for residential use, the
1168 City may propose an alternate location in the right of way within 100 feet of the location
1169 set forth in the application, and the Applicant shall use the City's proposed alternate
1170 location unless the location imposes technical limits or significant additional costs, a fact
1171 the Applicant must certify to have determined in good faith, based on the assessment of a
1172 licensed engineer, and shall provide a written summary of the basis for such
1173 determination.

1174 **Sec. 70-104. First Come, First Served Requests.**

1175 If multiple Applications are received by the City to install two or more poles or
1176 decorative poles at the same location or to co-locate two or more Small Cell Installations
1177 on the same pole, decorative pole or support structure, the Applications shall be
1178 considered in the order they were received once deemed complete and, if a permit is
1179 granted for the first completed application, the subsequent completed applications for the
1180 same location shall be deemed to be automatically denied.

1181 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated
1182 by reference as if fully set out herein. All other provisions of Article III of Chapter 70 no
1183 explicitly revised herein shall remain the same as they existed on the date of adoption of this
1184 Ordinance.

1185 **Section 4.**

1186 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
1187 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
1188 enactment, believed by the Mayor and Council to be fully valid, enforceable and
1189 constitutional.

1190 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
1191 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of
1192 this Ordinance is severable from every other section, paragraph, sentence, clause or
1193 phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor
1194 and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
1195 clause or phrase of this Ordinance is mutually dependent upon any other section,
1196 paragraph, sentence, clause or phrase of this Ordinance.

1197 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
1198 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
1199 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
1200 the express intent of the Mayor and Council that such invalidity, unconstitutionality or
1201 unenforceability shall, to the greatest extent allowed by law, not render invalid,
1202 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
1203 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
1204 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
1205 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

1206 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
1207 repealed.

1208 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless otherwise
1209 specified herein.

1210 **SO ORDAINED** this ____ day of _____, 2019.

1211
1212 **CITY OF JONESBORO, GEORGIA**
1213
1214
1215

1216

JOY DAY, Mayor

1217 **ATTEST:**

1220
1221

RICKY L. CLARK, JR., City Clerk

1223
1224 **APPROVED AS TO FORM:**

1225
1226
1227
1228

STEVE FINCHER, City Attorney

Georgia General Assembly

2019-2020 Regular Session - SB 66 "Streamlining Wireless Facilities and Antennas Act"

Sponsored By

(1) Gooch, Steve 51st
(4) Dugan, Mike 30th

(2) Ginn, Frank 47th
(5) Cowser, Bill 46th

(3) Lucas, David 26th
(6) Miller, Butch 49th

Sponsored In House By

Harrell, Brett 106th

Committees

SC: Regulated Industries and Utilities

HC: Energy, Utilities & Telecommunications

First Reader Summary

A BILL to be entitled an Act to amend Title 36 of the O.C.G.A., relating to local government, so as to enact the "Streamlining Wireless Facilities and Antennas Act"; to streamline the deployment of wireless broadband in the public rights of way; to address any perceived conflicts between this Act and Chapter 66B of Title 36; to provide that nothing in this Act relieves any person of any duties provided for in Chapter 9 of Title 25; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Status History

Oct/01/2019 - Effective Date
Apr/26/2019 - Act 53
Apr/26/2019 - Senate Date Signed by Governor
Apr/05/2019 - Senate Sent to Governor
Mar/25/2019 - House Passed/Afforded
Mar/25/2019 - House Third Readers
Mar/13/2019 - House Committee Favorably Reported
Feb/27/2019 - House Second Readers
Feb/26/2019 - House First Readers
Feb/25/2019 - Senate Passed/Afforded By Substitute
Feb/25/2019 - Senate Third Read
Feb/19/2019 - Senate Read Second Time
Feb/15/2019 - Senate Committee Favorably Reported By Substitute
Feb/07/2019 - Senate Read and Referred
Feb/06/2019 - Senate Hopper

Footnotes

03/25/2019 Modified Structured Rule; Bill has additional effective date 4/26/2019.

Votes

Mar/25/2019 - House Vote #280	Yea(159)	Nay(3)	NV(3)	Exc(15)
Feb/25/2019 - Senate Vote #58	Yea(53)	Nay(0)	NV(2)	Exc(1)

Versions

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on December 9, 2019 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding the revision of Article III (“Telecommunications Towers and Antennas”) of Chapter 70 (“Telecommunications”), Sections 70-51 (Purpose), 70-52 (Definitions), 70-54 (Removal of Abandoned Telecommunication Facilities), 70-69 (Applications for Permit to Modify or Co-locate Telecommunication Facilities for Small Cell Installations or other Installations Not Resulting in a Substantial Increase in Size), 70-70 (Application for permits for Modification, and/or Co-location of Telecommunication Antennas which would result in a Substantial Increase in Size), 70-71 (Applications for Permits to Erect New Telecommunication Support Structures and Alternative Telecommunication Support Structures), 70-72 (Access to the Public Rights of Way) and 70-76 (Fees), of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Publish 11/20/19



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item

- 4

6.4

COUNCIL MEETING DATE

December 2, 2019

Requesting Agency (Initiator)

Sponsor(s)

Office of the City Manager

Requested Action (*Identify appropriate Action or Motion, purpose, cost, timeframe, etc.*)
Discussion regarding personal leave and sick leave accrual policies.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes Innovative Leadership

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

As we continue to streamline processes and introduce digital platforms for efficiency purposes, several clarifications of policy have come up.

Leave Policies:

(Personal Leave) All full-time regular employees shall be entitled to earn and accrue personal leave. An employee must complete six (6) months of continuous service before being eligible to take accrued personal leave. Personal leave will accrue retroactive to the individual's employment date. Part-time regular employees and temporary/seasonal employees are not eligible for accrual of leave. **ACCUMULATION RATE:** Full-time employees shall be entitled to earn personal leave with pay at the rate of four (4) hours per pay period. In addition to the regular accrual, each eligible employee shall receive an additional one (1) day of annual leave for each two (2) years of full-time service with the City, not to exceed twenty-two (22) days per year. This bonus leave will be credited to the employee's account as of the day following the employee's employment anniversary date with the City.

(Sick Leave) 1. **DEFINITION:** Sick leave is paid leave that is earned and to be used only for (a) actual sickness or injury of the employee; (b) visiting a physician, dentist, optical examination, EAP or hospital by the employee; (c) legal quarantine; (d) care of an immediate family member, to include spouse, children, parents and siblings, required for any of the above reasons; or (e) funeral for an immediate family member. **ELIGIBILITY:** All full-time regular employees shall be entitled to earn and accrue sick leave. Sick leave will become retroactive to the individual's employment date. Part-time and Temporary/seasonal employees are not eligible for accrual of leave. **ACCUMULATION RATE:** All full-time regular employees shall earn sick leave with pay at the rate of four (4) hours per pay period of the employee's service. In addition to the normal accrual, each employee shall receive one (1) additional day of sick leave for each two (2) years of service with the City not to exceed twenty-two (22) days per year. This bonus leave will be credited to the employee's account the day following the employee's anniversary of employment with the City. Employees will not accrue sick leave during unpaid leaves of absence.

Clarification:

At current, all full-time employees work the standard 40 hour work week with the exception of the Sworn Police Officers. The officers currently work 12 hour shifts. When a regular employee uses sick and/or annual leave, it is utilized at the amount of hours they are off (i.e. Employee Calls in Sick, 8 hours of sick leave is taken and applied to their timesheet).

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date December, 2, 2019	
Signature	City Clerk's Office	

When a Police Officer takes sick and/or vacation leave, the same 8 hours is applied. The City has kicked in the additional four hours to get the total 12 hour work day. This practice is an unfunded liability and staff is seeking to clarify this process. With the new ADP system, there is no way to calculate the additional 4 hours as there is no "leave bank" to take it from. 6.4

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

-

Staff Recommendation (Type Name, Title, Agency and Phone)**Approval**



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-5

6.5

COUNCIL MEETING DATE
December 2, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding a Memorandum of Understanding by and between the City of Jonesboro and Five Point Solutions for online processing of probation payments.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Approval and Signatures

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes

Safety, Health and Wellbeing

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between: FivePoint Payments, LLC “FivePoint” having the address of 1718 Peachtree St NW, STE 235, Atlanta, GA 30309 and The City of Jonesboro having the address of 170 South Main Street, Jonesboro, GA 30236.

A. Purpose.

The purpose of this MOU is to create an agreement between parties that will enable participants to make payments online or over the counter.

B. Roles and Responsibilities.

FivePoint agrees to:

- Provide an online web-based application “FivePoint Payment Portal” that will allow users the ability to make payments online toward a constituent’s case with Jonesboro Probation.
- Ensure that the FivePoint Payment Portal enforces the business rules and business logic requirements for submitting payments per the Jonesboro Probation specifications.
- Pay all the costs associated with the installation and maintenance of the FivePoint Payment Portal.
- Pay all associated credit card fees.

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

December, 2, 2019

Signature

City Clerk's Office

- Provide email and phone Helpdesk support of the FivePoint Payment Portal during normal FivePoint business hours (Monday-Friday 8am-5pm excluding FivePoint holidays).
- Charge users of the FivePoint Payment Portal a service fee of 5% of the payment amount to cover associated credit card fees, costs of integration, cost of maintenance, and support. A minimum of \$3.00 will be charged for any payment under \$60.

C. Funding

FivePoint will provide all services described in this MOU at no cost to Jonesboro Probation. FivePoint reserves the right to charge a service fee to any individual utilizing FivePoint's services. All funds will be automatically deposited to the bank account Jonesboro Probation provides. Funds are settled to the Jonesboro Probation bank account via the Federal Wire and therefore are subject to standard banking hours (no settlements on weekends or holidays).

D. Timeframe.

The term of this MOU begins on the Effective date of September 27 , 2019 and remains in effect until December 31st, 2019. Agreement automatically renews on the same terms and conditions for additional successive periods of one (1) year terms not to exceed the total yearly terms, unless either party gives the other party notice that the Agreement does not renew at least sixty (60) days before the end of the then applicable Term. This Agreement may be terminated at any time by either party with or without cause, and for any reason or no reason, with ninety (90) days written notification to the other party, or as otherwise provided by the terms of this agreement.

F. Confidentiality.

In order to ensure the safety of clients, all parties to the memorandum of understanding agree to adhere to the confidentiality expectations of a mutually agreed to Non-Disclosure Agreement “NDA”. The designated lead agency accepts full responsibility for the performance of the collaborative organizations/agencies.

This Memorandum of Understanding is the complete agreement between FivePoint and Jonesboro Probation and may be amended only by written agreement signed by each of the parties involved.

G. SIGNATURES

The MOU must be signed by all partners. Signatories must be officially authorized to sign on behalf of the agency and include title and agency name.

The City of Jonesboro

Authorized Official: _____

Signature Printed Name and Title

Address: _____

Telephone(s): _____

E-Mail Address: _____

FivePoint Payments, LLC

Authorized Official: _____

Signature Printed Name and Title

Address: _____

Telephone(s): _____

E-Mail Address: _____

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

There is no known fiscal impact to the City of Jonesboro for using this service. The fees for using the system will be charged to the probationer. The payments will automatically go into the JAG probation software.

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- five points payment correct mou

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval and Implementation

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between: FivePoint Payments, LLC “FivePoint” having the address of 1718 Peachtree St NW, STE 235, Atlanta, GA 30309 and The City of Jonesboro having the address of 170 South Main Street, Jonesboro, GA 30236.

A. Purpose.

The purpose of this MOU is to create an agreement between parties that will enable participants to make payments online or over the counter.

B. Roles and Responsibilities.

FivePoint agrees to:

- Provide an online web-based application “FivePoint Payment Portal” that will allow users the ability to make payments online toward a constituent’s case with Jonesboro Probation.
- Ensure that the FivePoint Payment Portal enforces the business rules and business logic requirements for submitting payments per the Jonesboro Probation specifications.
- Pay all the costs associated with the installation and maintenance of the FivePoint Payment Portal.
- Pay all associated credit card fees.
- Provide email and phone Helpdesk support of the FivePoint Payment Portal during normal FivePoint business hours (Monday-Friday 8am-5pm excluding FivePoint holidays).
- Charge users of the FivePoint Payment Portal a service fee of 5% of the payment amount to cover associated credit card fees, costs of integration, cost of maintenance, and support. A minimum of \$3.00 will be charged for any payment under \$60.

C. Funding

- FivePoint will provide all services described in this MOU at no cost to Jonesboro Probation. FivePoint reserves the right to charge a service fee to any individual utilizing FivePoint’s services. All funds will be automatically deposited to the bank account Jonesboro Probation provides. Funds are settled to the Jonesboro Probation bank account

D. Timeframe.

The term of this MOU begins on the Effective date of September 27 , 2019 and remains in effect until December 31st, 2019. Agreement automatically renews on the same terms and conditions for additional successive periods of one (1) year terms not to exceed the total yearly terms, unless either party gives the other party notice that the Agreement does not renew at least sixty (60) days before the end of the then applicable Term. This Agreement may be terminated at any time by either party with or without cause, and for any reason or no reason, with ninety (90) days written notification to the other party, or as otherwise provided by the terms of this agreement.

F. Confidentiality.

In order to ensure the safety of clients, all parties to the memorandum of understanding agree to adhere to the confidentiality expectations of a mutually agreed to Non-Disclosure Agreement “NDA”. The designated lead agency accepts full responsibility for the performance of the collaborative organizations/agencies.

This Memorandum of Understanding is the complete agreement between FivePoint and Jonesboro Probation and may be amended only by written agreement signed by each of the parties involved.

G. SIGNATURES

The MOU must be signed by all partners. Signatories must be officially authorized to sign on behalf of the agency and include title and agency name.

The City of Jonesboro

Authorized Official: _____

Signature Printed Name and Title

Address: _____

Telephone(s): _____

E-Mail Address: _____

FivePoint Payments, LLC

Authorized Official: _____

Signature Printed Name and Title

Address: _____

6.5

Telephone(s): _____

E-Mail Address: _____

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between: FivePoint Payments, LLC “FivePoint” having the address of 1718 Peachtree St NW, STE 235, Atlanta, GA 30309 and The City of Jonesboro having the address of 170 South Main Street, Jonesboro, GA 30236.

A. Purpose.

The purpose of this MOU is to create an agreement between parties that will enable participants to make payments online or over the counter.

B. Roles and Responsibilities.

FivePoint agrees to:

- Provide an online web-based application “FivePoint Payment Portal” that will allow users the ability to make payments online toward a constituent’s case with Jonesboro Probation.
- Ensure that the FivePoint Payment Portal enforces the business rules and business logic requirements for submitting payments per the Jonesboro Probation specifications.
- Pay all the costs associated with the installation and maintenance of the FivePoint Payment Portal.
- Pay all associated credit card fees.
- Provide email and phone Helpdesk support of the FivePoint Payment Portal during normal FivePoint business hours (Monday-Friday 8am-5pm excluding FivePoint holidays).
- Charge users of the FivePoint Payment Portal a service fee of 5% of the payment amount to cover associated credit card fees, costs of integration, cost of maintenance, and support. A minimum of \$3.00 will be charged for any payment under \$60.

C. Funding

- FivePoint will provide all services described in this MOU at no cost to Jonesboro Probation. FivePoint reserves the right to charge a service fee to any individual utilizing FivePoint’s services. All funds will be automatically deposited to the bank account Jonesboro Probation provides. Funds are settled to the Jonesboro Probation bank account via the Federal Wire and therefore are subject to standard banking hours (no settlements on weekends or holidays).

D. Timeframe.

The term of this MOU begins on the Effective date of September 27 , 2019 and remains in effect until December 31st, 2019. Agreement automatically renews on the same terms and conditions for additional successive periods of one (1) year terms not to exceed the total yearly terms, unless either party gives the other party notice that the Agreement does not renew at least sixty (60) days before the end of the then applicable Term. This Agreement may be terminated at any time by either party with or without cause, and for any reason or no reason, with ninety (90) days written notification to the other party, or as otherwise provided by the terms of this agreement.

F. Confidentiality.

In order to ensure the safety of clients, all parties to the memorandum of understanding agree to adhere to the confidentiality expectations of a mutually agreed to Non-Disclosure Agreement “NDA”. The designated lead agency accepts full responsibility for the performance of the collaborative organizations/agencies.

This Memorandum of Understanding is the complete agreement between FivePoint and Jonesboro Probation and may be amended only by written agreement signed by each of the parties involved.

G. SIGNATURES

The MOU must be signed by all partners. Signatories must be officially authorized to sign on behalf of the agency and include title and agency name.

The City of Jonesboro

Authorized Official: _____
Signature _____ Printed Name and Title _____
Address: _____
Telephone(s): _____
E-Mail Address: _____

FivePoint Payments, LLC

Authorized Official: _____
Signature _____ Printed Name and Title _____
Address: _____
Telephone(s): _____
E-Mail Address: _____



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-6

6.6

COUNCIL MEETING DATE

December 2, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding the proposed City of Jonesboro Credit Card Service Fee Policy

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes Innovative Leadership

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

City Hall has been accepting credit cards for almost three years as a convenience to customers and to enable quick and efficient payment collection. The current credit card service provider provides services under an agreement that originated as part of our banking contract. When we first began accepting credit cards, transaction volume and fees were low. Additionally, interest rates were higher enabling the City to earn credit from daily compensated balances at the bank to cover fees. However, due to historically low interest rates, combined with increased credit card payments, We have been incurring increasing direct costs for fees. To date, we have nearly paid over \$3,000 in Credit Card Fees for this year and last year the total year was only \$2800. Fees are expected to continue rising with higher volume, transaction values, and incentives/rewards offered by credit card companies.

We are recommending that effective January 1, 2020 we charge a flat fee of \$2 for each transaction utilizing a credit card.

VISA/Credit Card Association Regulations Regarding Credit Card Service Fees Each credit card association has different requirements for "surcharges" and "convenience fees". VISA has the most restrictive guidelines, defining a "surcharge" as an added cost for the privilege of paying by credit card and defining a "convenience fee" as a fee for the privilege of using an alternative/convenient payment method or channel that is not standard for the merchant (i.e. online or phone transaction instead of face-to-face).

Prior to settlement of a class action lawsuit in July 2012, VISA prohibited merchants from imposing surcharges on its cards, but allowed a convenience fee with requirements along with its Tax Payment Program. Other card associations also allowed a convenience fee with conditions. As a result of these regulations, we previously saw limited transactions with convenience fees imposed for credit card payments. The limited transactions included property tax payments, income tax, or utility payments from government agencies. In 2012, settlement of the class action lawsuit allowed merchants to impose a surcharge. Effective November 6, 2012, VISA expanded its Tax Payment Program and renamed it the Government and Higher Education Program, which includes eligibility for OCFA. Under this program, OCFA may pass credit card service/convenience fees to card users. In addition, other card associations' (MasterCard, Discover, and American Express) allow pass through of fees.

For our online payments, users are already charged the convenience fee.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

December, 2, 2019

Signature

City Clerk's Office

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

•

Staff Recommendation *(Type Name, Title, Agency and Phone)*

\$2 Credit Card Fee



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-7

6.7

COUNCIL MEETING DATE
December 2, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding Incode Purchasing Requisition System.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes Innovative Leadership

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Goal Statement

It is the intent of the City of Jonesboro to establish, foster, and maintain procedures of procurement that maximize value for each dollar of expenditure on necessary goods and services used by the City to provide governmental services for its citizens.

Objectives

1. To assure taxpayers that money provided to the City of Jonesboro and appropriated by City Council is spent wisely and effectively.
2. To provide instructions and guidance to all City personnel engaged in the purchasing and accounts payable process.
3. To establish levels of purchasing that relate to the procedural formality, cost of procurement activity, and levels of approval to the cost of the item(s) purchased.
4. To develop reliable, competitive sources of supply based upon fair and open vendor relations.
5. To establish ethical standards to assure that procurement is made without favoritism or inappropriate vendor inducements.
6. To remit payment to vendor in a timely manner without error, consistent with vendor terms and taking advantage of any discounts.
7. To establish and maintain internal controls over purchasing and vendor payments that deter misappropriation of City resources without creating unnecessary or excessive paperwork.

It is the responsibility of the Mayor & City Manager to assure that sound procedures are in place, to train and assist City departments in understanding the procedures, and to assure that the purchasing and accounts payable processes run smoothly. The foundation for effective purchasing and proper purchasing conduct is sound and well-communicated policy and procedures.

For the past several months, City Staff has utilized a new (paper) system for Purchasing Requisitions. This was done in an

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title
Ricky L. Clark, City Manager

Date

December, 2, 2019

Signature

City Clerk's Office

effort to ensure Department Heads were closely monitoring budget line items and competitive quotes were received for any/all purchases. After several months of testing this process, we quickly learned that in order to continue to become more efficient in our operations, digitizing this process and allowing the Department Directors to interface with the General Ledger, would make the process much easier.

6.7

In speaking with our current financial platform provider, Incode, we have learned of a patch that ties to our current system. This module allows administrators to define approval levels, user account levels, and input restrictions. It provides immediate access to vendor data and invoice history. Departmental duplication of efforts is reduced while tracking requisitions. Purchase Orders interfaces with INCODE General Ledger, Accounts Payable, and Project Accounting.

For implementation, the total cost of this system is \$5165 and will require an annual maintenance fee of \$825. If approved, this expense will be budgeted in the 2020 Budget System. Based upon the demand for this product, the earliest Incode can deploy the system is in March of 2020.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- IncodePurchaseOrders
- Jonesboro GA - Incode PO Module 11-13-19

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval



Incode Purchase Orders

Tyler's INCODE Purchase Orders manages, monitors, and maintains requisitions and encumbrances. This module allows administrators to define approval levels, user account levels, and input restrictions. It provides immediate access to vendor data and invoice history. Departmental duplication of efforts is reduced while tracking requisitions. Purchase Orders interfaces with INCODE General Ledger, Accounts Payable, and Project Accounting.

Information & Reports

- Provides validation of available budget at the individual account or group account level during requisition input with override capabilities.
- Distributes purchase orders to multiple funds and accounts.
- Generates multiple standard reports based on user-defined parameters: Requisition Audit, Purchase Order (PO) Status, PO Receipt, PO Variance, PO Aging, PO Claim Register, and PO Encumbrance Reports.
- Exports reports to Microsoft® Word, Excel, Access, XML, or CSV formatted files.
- The Budget Reserve Reports displays analysis of reserve amounts for selected G/L accounts based on purchase orders and requisitions that comprise budget reserve balances.
- The system properly accounts for amounts encumbered in the previous year and expensed in the current year.
- The system supports recurring POs and user-defined “templates” that facilitate distribution to predefined accounts based on flat amounts or percentages.

Transaction Efficiency

- Provides electronic routing of requisitions for approval based on established approval levels and user profiles.
- Determines and accounts for variances between purchase orders and invoices received.
- Supports multiple vendor sets for separate taxpayer ID numbers.
- Provides complete encumbrance accounting including partial or full liquidation of encumbrances.
- Generates pre-encumbrances against multiple funds and accounts at the lowest organization level on a single requisition.
- Provides analysis of open, closed, or voided POs as well as printing or reprinting of PO forms.
- As invoices are received against POs, receipts can be recorded as complete, partial, voided, and more.
- Facilitates flow of draft payments from the Purchase Orders system through to Accounts Payable.

...Continued on Reverse

Incode Purchase Orders

User Friendly

- System security is flexible, allowing for user-defined restrictions to programs.
- Users can look up purchase orders to inquire about the status of multiple and individual orders.
- The requisition system interfaces with Microsoft Exchange for email notification during the requisition approval process.
- Comments made within email notification are captured in the PO notes as well.
- Attaches and organizes documents associated with the procurement function for quick retrieval through integration with document management software.
- Several “standard” forms exist for printing purchase orders, or customers can have custom print programs developed for use with their existing forms.



Quoted By: DK Robertson
 Quote Expiration: 5/11/2020
 Quote Name: City of Jonesboro-LGD-FIN-PO
 Quote Number: 2019-97482
 Quote Description: Incode 901 Purchase Orders

Sales Quotation For

City of Jonesboro
 124 North Ave
 Jonesboro , GA 30236-8409
 Phone: +1 (770) 478-3800

Tyler Software and Related Services

Description	License	Impl Hours	Impl Cost	Data Conversion	Module Total	Maintenance
Financial Management Suite						
Purchase Orders	\$3,300	8	\$1,040	\$0	\$4,340	\$825
<i>Sub-Total:</i>	<i>\$3,300</i>		<i>\$1,040</i>	<i>\$0</i>	<i>\$4,340</i>	<i>\$825</i>
TOTAL:	\$3,300	8	\$1,040	\$0	\$4,340	\$825
Summary						
Total Tyler Software	\$3,300		\$825			
Total Tyler Services	\$1,040		\$0			
Total Third Party Hardware, Software and Services	\$0		\$0			
Summary Total	\$4,340		\$825			
Contract Total		\$5,165				

Comments

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms:

- License fees for Tyler and third party software are invoiced upon the earlier of (i) deliver of the license key or (ii) when Tyler makes such software available for download by the Client;
- Fees for hardware are invoiced upon delivery;
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware;
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software available for download by the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the Agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.
 - Implementation and other professional services fees shall be invoiced as delivered.
 - Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
 - Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
 - Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
 - If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
 - Notwithstanding anything to the contrary stated above, the following payment terms shall apply to services fees specifically for migrations: Tyler will invoice Client 50% of any Migration Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite.
- Expenses associated with onsite services are invoiced as incurred.



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-8

6.8

COUNCIL MEETING DATE
December 2, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding approval of the FY' 2020 Holiday Calendar.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Requires Adoption by Mayor & Council

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

The schedule set forth simply formalizes the FY' 20 Holiday Calendar. In addition, this year staff is recommending that employees be allowed to take their floating holiday any time within the year. Should the floating holiday not be used before the end of the year, the employee will lose the time.

- Wednesday, January 1, 2020 – New Year's Day
- Monday, January 20, 2020 – Martin Luther King Jr., Day
 - Monday, May 25, 2020 – Memorial Day
 - Friday, July 3, 2020 – Independence Day
 - Monday, September 7, 2020 – Labor Day
- Thursday November 26, 2020 – Thanksgiving Day
 - Friday November 27, 2020 – Thanksgiving
 - Thursday, December 24, 2020 – Christmas Eve
 - Friday, December 25, 2020 – Christmas Day

Part-time employees shall not be paid for holidays. When an observed holiday falls on a day on which a part-time employee is scheduled to work, the part-time employee may request to re-schedule their work with the appropriate Department Director.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

•

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

December, 2, 2019

Signature

City Clerk's Office