

# City of Mansfield

## AGENDA

City Council Meeting Agenda  
August 14, 2017 – 6:30 p.m.  
Mansfield Community Center  
Page 1 of 1

- I. Call to Order: Mayor Jefferson Riley
- II. Agenda Revisions and Approval – Revised 5/0
- III. Invocation & Pledge of Allegiance
- IV. Newton County Sheriff Report
- V. Mayor's Welcome and Comments: Mayor Jefferson Riley
  - a. Sewer Treatment Plant Inspection on 07/18/17 went great there are 6 items noted, that we are required to address.
  - b. NPDES Permit is in the renewal process. The EPD made a few changes in our monitoring – this will affect our lab fees by a small amount.
- VI. Citizen's Comments: Limited to 3 minutes each
- VII. Approval of Minutes:
  - a. June 12, 2017 Council Meeting Minutes – 5/0
  - b. July 10, 2017 Council Meeting was called for NO QUORUM – There are no minutes
- VIII. New Business:
  - a. Alcohol License – (This must be read aloud) – 4/1 (H. Robertson)  
Retail Sales for Off-Premises Consumption  
Blackwell and Bruce Inc d/b/a Blackwell MarketPlace  
Mr Thomas Wayne Blackwell  
4420 Highway 213  
Mansfield GA 30055
  - b. Approve Official Zoning Map – 5/0
  - c. Approve Zoning Ordinance Text Amendments – 5/0
  - d. Approve Roll Back Mil Rate of 4.424 for Tax Year 2017 -5/0
  - e. Resolution for Telecommunications & ROW Management Service with GMA – 5/0
- IX. Unfinished Business:
  - a. Dump Truck
- X. Adjournment

# City of Mansfield

## MINUTES

City Council Meeting Minutes  
August 14, 2017 – 6:30 p.m.  
Mansfield Community Center  
Page 1 of 4

**PRESENT:** Jefferson Riley, Lisa Dunn, Perry Lunsford, Chris Fulmer, Helen Robertson, Bryan Hale

**OTHERS PRESENT:** Cathy Farmer, Deborah Riley, Wayne Blackwell, Scott Sirotkin, Tim Lawrence, Paul & Brenda Campbell, Elsie Smith, Walter Tuggle, Ashlan Troutman, Bret Dunn, Greg & Vicki Cowan, Amy Morgan, Newton County Deputy Edwards

The honorable-mayor Jefferson R Riley called the meeting to order at 6:30 pm. He then asked Councilman Chris Fulmer to give the invocation and lead in the pledge. With there being no item for the Newton County Sheriff Report, the honorable-mayor Jefferson Riley revised the agenda to insert the report as item IV and number subsequent items down. Councilman Chris Fulmer made a Motion to accept the revised agenda. Mayor-pro Tem Perry Lunsford gave the Second. All Council voted 'aye'. The Motion Passed.

Newton County Deputy Edwards began by saying that she has replaced Deputy Bower in reporting the Sheriff's report to our City and would be attending the Council Meetings from now on. Deputy Edwards indicated that she had nothing to report, but reminded everyone present that her real purpose in attending our meetings is to take back any concerns we have, to the Sheriff. No one had anything to report. Deputy Edwards also said that the Town of Newborn has contacted the Sheriff about assigning a deputy to this area.

The honorable-mayor Jefferson R Riley welcomed everyone to the meeting and made the announcements listed on the agenda as well as commenting that we have a lot going on in our little City. Highway 11 is on the Georgia DOT's radar as a heavy traffic thoroughfare. It is being used as an I-75/I-85 short cut. The County also recognizes the amount of traffic. He then asked for Citizen's Comments regarding the Agenda items only to which there were no comments.

Mayor-pro Tem Perry Lunsford made the Motion to approve the June 12, 2017 Council Meeting Minutes and Councilwoman Lisa Dunn gave the Second. All Council voted 'aye'. The Motion Passed. The July 10, 2017 Council Meeting was cancelled for NO QUORUM therefore there were no Minutes.

At-this-time, the honorable-mayor Jefferson R Riley read aloud the item VIII a. Alcohol License for Retail Sales for Off-Premises Consumption, Blackwell and Bruce Inc d/b/a Blackwell MarketPlace, Mr. Thomas Wayne Blackwell, 4420 Highway 213, Mansfield GA 30055. This is for retail sales of Beer and Wine. Mayor-pro Tem Perry Lunsford made the Motion to approve the Alcohol License. Councilwoman Lisa Dunn gave the Second. There was no discussion. Councilman Bryan Hale voted 'aye', Councilwoman Helen Robertson voted 'nay', Councilman Chris Fulmer voted 'aye', Councilwoman Lisa Dunn voted 'aye', and Mayor-pro Tem Perry Lunsford vote 'aye'. With the vote of 4/1 the Motion Passed.

At-this-time, Miss Ashlan Troutman, Secretary of the Mansfield Planning Commission addressed the Mayor and Council regarding the Commission's recommendation on items VIII b. Approve Official Zoning Map and VIII c. Approve Zoning Ordinance Text Amendments. Miss Troutman stated that in the Planning Commission's July 24<sup>th</sup> meeting both recommendations passed with unanimous vote, however, there was a question regarding the zoning of the parcel 3211 Hwy 11, the residence of Mr. and Mrs. W K Robertson and their business, Robertson's Lawnmower Repair shop. Miss Troutman read aloud a portion of the City attorney's, Mr. Scott Cole, explanation regarding this question. The Planning Commission Minutes and the City Attorney's Explanation are attached to these Minutes.

On item VIII b. Councilman Chris Fulmer made the Motion to approve the Official Zoning Map. Mayor-pro Tem Perry Lunsford gave the Second. There were a few questions from Councilwoman Lisa Dunn regarding the Public/Institutional Use on the Map Legend and what it was. Mayor-pro Tem Perry Lunsford explained that it is City or County owned properties. With no further discussion, all Council voted 'aye'. The Motion Passed.

On item VIII c. Councilman Chris Fulmer made the Motion to approve the Zoning Ordinance Text Amendments. Mayor-pro Tem Perry Lunsford gave the Second. With no discussion, all Council voted 'aye'. The Motion Passed.

Mayor-pro Tem Perry Lunsford made the Motion to approve the Roll Back Mil Rate of 4.424 for Tax Year 2017. Councilman Bryan Hale gave the Second. With no discussion, all Council voted 'aye'. The Motion Passed.

Mayor-pro Tem Perry Lunsford made the Motion to approve the Resolution for Telecommunications & Right of Way Management Service with GMA. Councilman Bryan Hale gave the Second. There was a brief discussion that was favorable to the agreement as a good investment. All Council voted 'aye'. The Motion Passed.

At-this-time, Councilman Chris Fulmer made a Motion to revise the Agenda to add item IX. Budget, item X. Appeals Board. Councilwoman Helen Robertson gave the Second. Councilman Chris Fulmer asked Council to include the items and change item VIII. Unfinished Business to item XI. and Adjournment to item XII. All Council voted 'aye'. The Motion Passed and the Agenda was revised.

Councilman Chris Fulmer explained that the Budget needed to be amended to balance and made the Motion to amend the 2017-2018 Budget. Mayor-pro Tem Perry Lunsford gave the Second. There was a brief discussion. All Council voted 'aye'. The Motion Passed.

Councilman Chris Fulmer made the Motion that the City Council be the appeals board to the Planning Commission. Mayor-pro Tem Perry Lunsford gave the Second. There was a lengthy discussion among the Mayor and Council as well as several comments from others in attendance on the need and role of the Appeals Board. It was determined that clarity is needed from the City attorney, however, all Council voted 'aye'. The Motion Passed to make the City Council the Appeals Board.

At-this-time, the honorable-mayor Jefferson R Riley commented that for clarity and transparency he wanted to remind everyone present that Councilman Bryan Hale applied for a variance long before there were any moratoriums in place. He stated that Councilman Hales family owns several acres of property and that Bryan himself has a little over 2 acres. Councilman Hale would like to build a house on his property and has requested a variance on the City's size requirement of 1,800 sq.ft. Mayor-pro Tem Perry Lunsford called for a Point of Order and made a Motion to begin the advertising process for Councilman Hale's Variance request. Councilwoman Helen Robertson gave the Second. The honorable-mayor commented that he wanted to make sure everything was done in the proper way and reminded Councilman Hale that he would have to recuse himself from the vote. All Council voted 'aye' – Councilman Hale recused. The vote was 4/0. The Motion Passed.

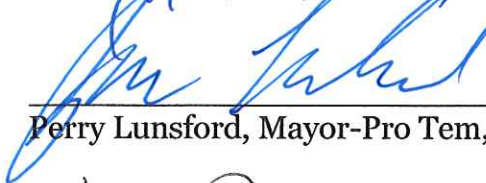
Mayor-pro Tem Perry Lunsford commented that after a lengthy discussion with Councilman Chris Fulmer, he was convinced that the City needed a gasoline dump truck. He then made a Motion to appropriate \$39,000 for the purchase of a dump truck based on the bids the City Clerk has received. City Clerk, Ms Jeana Hyde, read the bid from Bellamy Strickland of \$38,188.50 and the bid from Hardy Chevrolet Inc of \$38,894.00. Councilman Bryan Hale gave the Second. With no further discussion, all Council voted 'aye'. The Motion Passed.

With no further business to discuss, the honorable-mayor Jefferson R Riley opened the podium a second time for Citizen's to comment on anything they would like to share

with the Mayor and Council. Mrs. Brenda Campbell, 3809 Hwy 213, asked if there will be public notices of when Planning Commission meetings will be held. The honorable-mayor Jefferson R Riley answered, 'yes'. The next person to comment was Ms. Amy Morgan, 524 Kellogg Ave, Ms. Morgan asked if the City knew what Hays Tractor planned to do about their building. She commented that it seems like it is a safety hazard that is not being addressed. The honorable-mayor Jefferson R Riley's answer was that the City would check with the City attorney about the matter.


With no further comments, the meeting was adjourned at 7:33 pm.

  
Jefferson Riley, Mayor

  
Perry Lunsford, Mayor-Pro Tem, Post 1

  
Helen Robertson, Post 2

\_\_\_\_\_  
Christopher Fulmer, Post 3

  
Lisa Dunn, Post 4

  
Bryan Hale, Post 5

**AN ORDINANCE TO AMEND THE MANSFIELD ZONING ORDINANCE, TO MODIFY THE PETITIONS REQUIRING SUBMISSION TO THE MANSFIELD PLANNING COMMISSION, MODIFYING THE NUMBER OF TIMES A PUBLIC HEARING MUST BE ADVERTISED, AND ADOPTING A NEW OFFICIAL ZONING MAP**

**WHEREAS**, the City Council of Mansfield, has determined to consider its application to amend the Mansfield Zoning Ordinance (here after "The Ordinance") in order to (1) modify the types of matters that are submitted to the Mansfield Planning Commission, (2) change the number of times a proposed amendment must be advertised, and (3) adopt a new Official Zoning Map;

**WHEREAS**, the Mansfield Planning Commission has reviewed said application: and

**WHEREAS**, a public hearing regarding said application was held after due notice before the Mansfield City Council on the 24 day of JULY 2017; and

**WHEREAS**, after a public hearing and upon consideration of the arguments and evidence presented and the recommendation of the Mansfield Planning Commission, it appears that said amendments comply with applicable State Statutes,

**THEREFORE**, we, the members of the City Council for the City of Mansfield, Georgia, **HEREBY ORDAIN AS FOLLOWS**:

**Section 1:** Section 18.1 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

This Zoning Ordinance, including the Official Zoning Map, may be amended by the City Council of the City of Mansfield: (1) on its own motion, (2) on petition, or (3) on recommendation of the Mansfield Planning Commission after a Public Hearing before the City Council. No amendment to the Zoning Map shall become effective unless it shall have been proposed by or shall have been submitted to the Mansfield Planning Commission for review and recommendation. No amendments shall become effective except by the favorable vote of four-fifths of the City Council.

- (a) Legal Notice – Due notice of the public hearing before the City Council of the City of Mansfield shall be published in a newspaper of general circulation within the City. Said notice shall appear at least fifteen (15) and not more than forty-five (45) days prior to the public hearing and shall be published for at least two (2) consecutive issues. The notice shall contain: if a text amendment – a summary of the proposed amendment, and if a map amendment – the location of the property, its area, name of the owner, the current zoning classification, and its proposed zoning classification.

**Section 2:** Section 18.4 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

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18.4 Referral to Mansfield Planning Commission - Within five (5) days after acceptance for filing of any complete application for an amendment to the Zoning Map, the administrative official shall submit two (2) copies thereof to the Planning Commission for its review and recommendation to the Town Council. No amendment to the Zoning Map shall become effective until it is first submitted to the Planning Commission.

**Section 3:** Section 18.5(a) of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

Legal Notice – Due notice of a public hearing before the Mansfield Planning Commission shall be published in a newspaper of general circulation within the Town. Said notice shall appear at least fifteen (15) and not more than forty-five (45) days prior to the public hearing. The notice shall contain: the location of the property, its area, name of the owner, the current zoning classification, and its proposed zoning classification.

**Section 4:** Section 18.6 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

18.6 Public Hearing - The Mansfield Planning Commission is authorized to hold all required public hearings in connection with amendments to the Zoning Map. This is a fact-finding hearing which shall result in recommendation of the Planning Commission to the City Council as to whether or not a proposed map amendment should receive approval. Procedures for conduct of public hearings are as follows:

- a. The meetings must be conducted in accordance with an established agenda.
- b. All persons present must be allowed to speak. The Chairman of the Planning Commission is to set time limits of equal duration for proponents and opponents of the zoning legislation.
- c. Minutes of the meeting shall be maintained and the decision of the Planning Commission entered upon the minutes by official approval.
- d. The standards set out in subsection 9 (below) must be considered carefully in the decision-making process.
- e. A tape recording of the hearing may be made and kept as permanent record.
- f. Any written or other tangible materials presented at the hearing must be kept as permanent record.

**Section 5:** Section 18.7 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

18.7 Written Report - The Planning Commission shall submit a written report on the requested amendment to the members of the Mansfield Town Council immediately following the public hearing. The report shall describe the nature of the requested change, consider it with regard to each of the six (6) standards outlined in subsection 9 (below), and state a recommendation for approval or denial of the proposed amendment. If the Planning Commission fails to submit a report within the required thirty (30) day period, it shall be deemed to have approved the requested amendment.

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- a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property;
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- e. If there is an adopted plan, whether the proposed amendment is in conformity with the policy and intent of the land use plan; and,
- f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

**Section 6:** The City Council of the City of Mansfield hereby adopts the map dated the \_\_\_\_ day of May, 2017, and bearing the inscription required by Section 10.2 of the Mansfield Zoning Ordinance (an 11x17 copy of which is attached hereto) as the Official Zoning Map of the City of Mansfield, which map shall be maintained in accordance with Section 10 of the Mansfield Zoning Ordinance.

**Section 7:** All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

**Section 8:** Such amendment shall be effective as of the day adopted by the City Council for the City of Mansfield, Georgia,

This Ordinance is adopted this 14 day of AUGUST, 2017.

CITY OF MANSFIELD, GEORGIA

By: Jefferson Riley, Mayor  
Jefferson Riley, Mayor

ATTEST:

Jeana Hyde, Clerk  
Jeana Hyde, City Clerk



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JULY 24, 2017, 5:30 PM

Honorable Mayor Riley, City Clerk Hyde, and Planning Commissioners Davis, Robertson, Fulmer, Troutman, Anderson, and Blackwell were in attendance.

- I. Honorable Mayor Riley called the meeting to order at 5:37 PM, welcomed the congregation, and introduced Tim Lawrence and Scott Sirotkin from the Newton County GIS department as well as the Planning Commissioners.

Honorable Mayor Riley led the congregation in the invocation and Pledge of Allegiance to the United States of America.

- II. Honorable Mayor Riley asked for nominations for the positions of Chair, Vice-Chair & Secretary. Nominations for Chair were Commissioner Davis and Commissioner Fulmer, Vice-Chair was Commissioner Anderson, and Secretary was Commissioner Troutman. Commissioner Fulmer removed his nomination.

- Motion made by Commissioner Anderson seconded by Commissioner Troutman to approve nominations. Motion passed unanimously.

Chairman Davis assumed meeting.

- Motion made by Commissioner Fulmer seconded by Commissioner Anderson to amend agenda to add item h. Variance Request from Bryan Hale. Motion passed unanimously.

Chairman Davis called for comments in favor of the new zoning map. Commissioner Blackwell expressed concern regarding the zoning of the home business operated at Commissioner Robertson's home. The map shows the property zoned residential. Scott Sirotkin addressed the Commission with information regarding how Newton County zones home businesses.

Chairman Davis called for comments in opposition to the new zoning map. There were no comments.

- Motion made by Commissioner Blackwell seconded by Commissioner Fulmer to accept the zoning map as presented with recognition of Commissioner Robertson's zoning discrepancy with the recommendation to adjust his zoning for continuity of his business. Motion passed unanimously.

City Clerk Hyde addressed the Commission to explain the text amendments to the zoning ordinance.

Chairman Davis called for comments in favor of the text amendments to the zoning ordinance. There were no comments.

Chairman Davis called for comments in opposition of the text amendments to the zoning ordinance. There were no comments.

- Motion made by Commissioner Fulmer seconded by Commissioner Anderson to approve/recommend the text amendments to the zoning ordinance as presented.

City Councilman Bryan Hale addressed the Commission to ask for a square-footage variance to build a residential home at 46 Railroad Avenue. Councilman Hale provided the variance request application to City Hall on July 24, 2017. Honorable Mayor Riley spoke about a variance request for an in-law suite at a different location in the City limits approximately 40 years ago. Chairman Davis expressed that signs should be posted and there should be an allowance for citizen comments regarding the variance request.

The variance request was tabled until the proper procedures are completed to advertise request and hold public hearings.

III. There being no further business, the meeting was adjourned at 6:23 PM.

Hall Booth Smith, P.C.

**MEMORANDUM**

**TO:** Jeana Hyde  
**FROM:** Dargan "Scott" Cole, Sr.  
**DATE:** July 26, 2017  
**SUBJECT:** Planning Commission Meeting on July 24, 2017  
**CLIENT/MATTER:** City of Mansfield

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At the Planning Commission's meeting on July 24, 2017, one of the Commissioners suggested that the Robertson repair shop should be classified as "Business" instead of "Conservative Residential."

Section 23.19 of the Mansfield Zoning Ordinance defines a non-conforming use as "any use that existed before the adoption of this ordinance, which does not conform to the district regulations of this ordinance."

Under Section 9 of the Zoning Ordinance, "non-conforming uses may be continued, but shall not be: (a) changed to another non-conforming use ... (b) allowed to increase the number of on premise signs; (c) reestablished after its discontinuance for one year; (d) allowed to continue if a change of ownership occurs and the property is in a residential zone." Further, "[i]n order for a non-conforming use to rebuild or repair after damage has exceeded fifty percent (50%) of its assessed value, the non-conforming use shall be reconstructed only in conformity with the provisions of this ordinance."

As applied to the Robertson's Lawn Mower Repair Shop, it existed prior to the adoption of the Zoning Ordinance. The use is therefore a "non-conforming use" under the current Zoning Ordinance and may be allowed to stay in the current zoning classification provided it continues to meet the conditions for a non-conforming use.

If you have any questions, please do not hesitate to contact me.

DSC/tld



**CITY AND INDEPENDENT SCHOOL MILLAGE RATE CERTIFICATION FOR TAX YEAR 2017**

<http://www.dor.ga.gov>

Complete this form once the levy is determined, and if zero, report this information in Column 1. Mail a copy to the address below or fax to (404)724-7011 and distribute a copy to your County Tax Commissioner and Clerk of Court. This form also provides the Local Government Service Division with the millage rates for the distribution of Railroad Equipment Tax and Alternative Ad Valorem Tax.

Georgia Department of Revenue  
Local Government Services Division  
4125 Welcome All Road  
Atlanta, Georgia 30349  
Phone: (404) 724-7003 Fax: (404) 724-7011

CITY NAME <b>City of Mansfield</b>		ADDRESS <b>3146 Hwy 11 S</b>		CITY, STATE, ZIP <b>Mansfield GA 30055</b>		
FEI # <b>58-6000615</b>	CITY CLERK <b>Jeana Hyde</b>	PHONE NO. <b>770-786-7235</b>	FAX <b>770-786-1946</b>	EMAIL <b>jhyde@mansfieldga.gov</b>		
OFFICE DAYS / HOURS <b>M-F, 8am - 5pm</b>						
ARE TAXES BILLED AND COLLECTED BY THE (X) CITY OR ( ) COUNTY TAX COMMISSIONER? LIST VENDOR, CONTACT PERSON AND PHONE NO. <b>Jeana Hyde 770-786-7235</b>						
List below the amount & qualifications for each LOCAL homestead exemption granted by the City and Independent School System.						
CITY		INDEPENDENT SCHOOL				
Exemption Amount 2,343,493	Qualifications SF, SV, SN	Exemption Amount	Qualifications			
If City and School assessment is other than 40%, enter percentage millage is based on _____%. List below the millage rate in terms of mills. EXAMPLE: 7 mills (or .007) is shown as 7.000. PLEASE SHOW MILLAGE FOR EACH TAXING JURISDICTION EVEN IF THERE IS NO LEVY.						
CITY DISTRICTS	DISTRICT NO.	COLUMN 1 Gross Millage for Maintenance & Operations	COLUMN 2 Less Rollback for Local Option Sales Tax	COLUMN 3 Net Millage for Maintenance & Operation Purposes (Column 1 less Column 2)	COLUMN 4 Bond Millage (If Applicable)	COLUMN 5 Total Millage Column 3 + Column 4
List Special Districts if different from City District below such as CID's, BID's, or DA's	List District Numbers					
City Millage Rate	5	4.600	0.176	4.424	0.000	
Independent School System						
Special Districts						
**Local Option Sales Tax Proceeds must be shown as a mill rate rollback if applicable to Independent School.						

Name of County(s) in which your city is located: Newton

I hereby certify that the rates listed above are the official rates for the Districts indicated for Tax Year 2017

*Jeana Hyde*  
Mayor or City Clerk

14-Aug-17  
Date

AGREEMENT BETWEEN  
THE CITY OF MANSFIELD  
AND  
THE GEORGIA MUNICIPAL ASSOCIATION, INC.  
FOR TELECOMMUNICATIONS & RIGHT OF WAY MANAGEMENT SERVICE

WHEREAS, the City of Mansfield ("City") desires to provide regulation and oversight of cable television and other telecommunications services being provided to the citizens of the City;

WHEREAS, the Georgia Municipal Association, Inc. ("GMA") has available a telecommunications and right of way management service; and,

WHEREAS, the City has a need for such telecommunications and right of way management services.  
THEREFORE, THE CITY AND GMA AGREE AS FOLLOWS:

Section 1. Services Provided to the City of Mansfield

GMA agrees to provide, either directly or through its agents or subcontractors, the following consulting services, (all of which are explained more fully below) which are to be known as GMA's Telecommunications and Right of Way Management Service:

- a) Local Franchise Management, as more fully described in Section 2 of this agreement;
- b) State Issued Franchise Management, as more fully described in Section 3 of this agreement;
- c) Cellular Tower and PCS Tower Site Consultation Services, as more fully described in Section 4 of this agreement;
- d) Franchise Compliance Monitoring Services as more fully described in section 5 of this agreement.
- e) Right of Way Ordinance Development as more fully described in Section 6 of this agreement.

Section 2. Local Franchise Management

Local Franchise Management shall include assisting the City with the following:

- a) Facilitating the City's compliance with the 1984 and 1992 Federal Cable Acts, the Telecommunications Act of 1996 and the rules of the FCC affecting municipal regulation of cable and video service providers;
- b) Regulating cable rates for basic service, equipment and installation, and performing rate analysis to determine compliance with the Federal Communications Commission ("FCC") rate regulations, if the city is a rate regulator;
- c) Evaluating and responding to requests for approval of franchise grant, transfer, modification or renewal;

- d) Recommending and developing customer service standards for cable and video service providers; and
- e) Assisting with Public Educational and Government Channel (PEG) development and implementation issues.

### Section 3. State Issued Franchise Management

State Issued Franchise Management shall include assisting the City as needed with the following based on O.C. G. A. 36-76-1 *et seq.*:

- a) Reviewing requests for state issued franchises submitted to the Secretary of State's Office to provide service within the city's corporate limits, including facilitating the Secretary of State's procedural processes related to the franchise fee percentage for a holder of a state issued franchise;
- b) Assisting with Public Educational and Government Channel (PEG) development and implementation issues;
- c) Reviewing requests for transfers of state issued franchises submitted to the Secretary of State's Office for service provided within the city's corporate limits; and
- d) Assisting with customer complaints rules as established by the Governor's Office of Consumer Affairs.

### Section 4. Cellular and PCS Tower Site Consultation Services

Cellular and PCS and Tower Site Consultation Services shall include:

- a) Negotiating agreement between the city and any cellular or PCS provider for use of the city's property by the provider;
- b) Advising Cities on the provisions of tower site agreements for the use of public land;
- c) Informing Cities concerning federal policies related to siting of wireless technologies; and
- d) Referring Cities to engineering or other professional resources on an as needed basis.

### Section 5. State and Local Franchise Compliance Monitoring Services

Franchise compliance monitoring services shall include systematically reviewing the cable operator's or video provider's compliance with the terms of certain aspects of a local or state issued franchise agreement to encompass the following:

- a) Upon receipt of revenue report forms from the city, monitor compliance with the definition of “gross revenue” and assist with recovery of any identified underpayments;
- b) Periodically perform a review of the franchisee’s books and records to determine compliance with the definition of gross revenue and assisting with recovery of any identified underpayment;
- c) Advising government concerning conducting the local performance review of an operator’s performance in compliance with provisions of a local franchise agreement;
- d) Reviewing funding or other issues related to the government channel, tower rental fees or pole agreement fees if applicable;
- e) Documenting operator’s carriage of appropriate insurance coverage;
- f) Checking and documenting the status of system construction timeframes, if applicable;
- g) Handling and resolving subscriber complaints as referred;
- h) Monitoring operator’s adherence to federal, state or local customer service standards;
- i) Notifying Cities of any identified areas of noncompliance and resolution of same or notification that the operator was found to be in compliance;

#### Section 6. Rights of Way Ordinance Development

- a) Review existing Rights of Way Ordinance to determine City’s current rights of way practices;
- b) Review existing permit process and other ordinances that impact use and restoration of the rights of way;
- c) Evaluate current Rights of Way practices and recommend changes; and
- d) Provide updated Rights of Way Ordinance based on the unique needs of the city

#### Section 7. Other Services

In addition to the services outlined above, the City may obtain technical performance auditing of a cable operator or telecommunications company and technical assistance in the development of public, educational and governmental access channels and institutional networks as well as engineering consulting services concerning cellular tower siting. These other services may be obtained from GMA, its agents, employees or subcontractors. The parties to the agreement may execute an addendum or addenda to this agreement for the City to obtain such services; provided, however, the additional fee for each such additional service shall not exceed \$10,000.

#### Section 8. Effective Date, Renewal and Termination.

- a) This Agreement shall terminate absolutely and without further obligation on the part of the City at the close of the Calendar year in which it was executed and at the close of each succeeding Calendar year for which it may be renewed as provided for herein.

- b) This Agreement shall commence as of \_\_\_\_\_, 2017. It is automatically renewed for successive one-year calendar terms thereafter, unless terminated by either GMA or the City by giving 30 days advance written notice of such termination to the other party. GMA shall be entitled to payment for services rendered to the City, including compensation due for additional services rendered to the City, including compensation due for additional services reasonably substantiated by GMA as of the effective date of termination.
- c) The total obligation of the City under this Agreement for the calendar year of execution shall initially be \$500. The total obligation of the City which will be incurred in each Calendar year renewal term shall be reflected in an annual invoice to be submitted to the City thirty (30) days prior to the due date. The invoice shall state the total amount of obligation for the upcoming year exclusive of amounts for any Other Services as the City may elect to obtain through the provisions of Section 7 of this agreement. The rendering of services by GMA or its subcontractors to the City after any renewal of this Agreement for such services shall result in additional obligations for the City.

#### Section 9. Hold Harmless and Indemnification.

Each party shall bear the responsibility for liability for negligence, errors or omissions of its own officers, agents, employees or subcontractors in carrying out this agreement. To the extent permitted by law, the City holds harmless GMA for liability for the negligence of the City, its officers, agents, employees, or subcontractors arising out of this agreement. GMA holds harmless the City for the negligence of GMA, its officers, agents, employees, or subcontractors arising out of this agreement. No agency relationship created for other purposes including but not limited to workers compensation and employee benefits and neither party or their officers, agents or employees shall be deemed employees of the other party.

#### Section 10. Agency

In addition by executing the attached Agent Representation Form the City designates GMA, its officers, agents, employees, and contractors as agents of the City for purposes of Section 635A of the Communications Act of 1934, as amended, the applicable provisions of the Local Government Antitrust Act of 1984 and O.C. G. A. 36-76-1 *et seq* known as the Georgia Consumer's Choice for Television Act of 2008.

#### Section 11. Amendments.

This contract may be amended by future written agreements executed on behalf of the City and GMA.

#### Section 12. Georgia Security and Immigration Compliance Act

GMA attests compliance with the requirements of O.C.G.A. §13-10-91 and Rule 300-10-1-.02 by the execution of the contractor affidavit attached as Appendix A as shown in Rule 300-10-1-.07, or a substantially similar contractor affidavit, which document is attached to and made a part of this contract as Exhibit A.

GMA agrees that, in the event GMA employs or contracts with any subcontractor(s) in connection with the covered contract, GMA will secure from such subcontractor(s) attestation of the subcontractor's compliance with O.C.G.A. 13-10-91 and Rule 300-10-1-.02 by the subcontractor's execution of the subcontractor affidavit shown in Rule 300-10-1-.08 or a substantially similar subcontractor affidavit, and



maintain records of such attestation for inspection by the City at any time.

Section 13. Law Applicable.

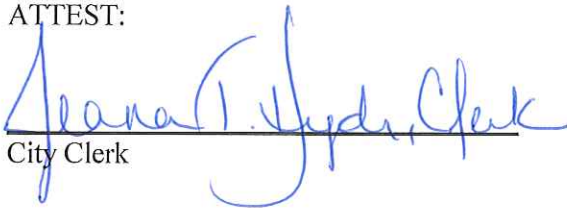
This agreement shall be construed under the laws of the State of Georgia.

Section 14. Consulting Services


None of the services provided pursuant to this agreement shall be regarded or treated as the practice of law or accountancy.

EXECUTED ON BEHALF OF THE CITY OF MANSFIELD THIS 14<sup>TH</sup> DAY OF AUGUST, 2017.

ATTEST:

  
\_\_\_\_\_  
City Clerk

CITY OF MANSFIELD:

By:   
\_\_\_\_\_  
Authorized Signatory, Title

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

GEORGIA MUNICIPAL ASSOCIATION, INC.

By: \_\_\_\_\_  
Interim Executive Director

A RESOLUTION OF THE CITY OF MANSFIELD THROUGH THE COUNCIL TO  
AUTHORIZE THE MAYOR OF SAID CITY TO EXECUTE A  
TELECOMMUNICATIONS & RIGHT OF WAY MANAGEMENT SERVICE  
AGREEMENT

WHEREAS, the City of Mansfield desires to regulate the provision of cable television and other telecommunications management services so as to assure that the citizens of said City receive quality service;

WHEREAS, the Georgia Municipal Association has available a telecommunications and right of way management service to assist the City in such regulation;

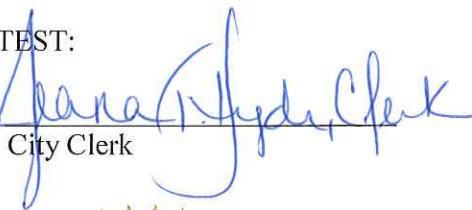
NOW THEREFORE BE IT RESOLVED, that the Mayor of the City of Mansfield is hereby authorized to execute a telecommunications and right of way management service agreement on behalf of the City, in substantially the same form as Appendix A which is attached to and made a part of this resolution.

RESOLVED by the Mayor and Council of the City of Mansfield this 14<sup>th</sup> day of AUGUST, 2017.

ATTEST:

By:

City Clerk



Mayor:

City of Mansfield







EXHIBIT A

GEORGIA MUNICIPAL ASSOCIATION  
FEDERAL WORK AUTHORIZATION PROGRAM COMPLIANCE AFFIDAVIT

By executing this affidavit, the Georgia Municipal Association, Inc. ("GMA") verifies its compliance with O.C.G.A. §13-10-91, stating affirmatively that GMA, which is engaged in the physical performance of services in Georgia, has registered with, is authorized to use and uses the federal work authorization program commonly known as E-verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. §13-10-91. Furthermore, GMA will continue to use the federal work authorization program throughout the contract period and will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. §13-10-91(b). GMA hereby attests that its federal work authorization user identification number and date of authorization are as follows:

69371 Federal Work Authorization User Identification Number      November 26, 2007 Date of Authorization

Cable and Telecommunications Management Services  
Name of Project

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on FEBRUARY 16, 2007, in Atlanta (city), Georgia (state).

Lamar Norton BY: GMA Authorized Officer or Agent      2.16.07 Date

Lamar Norton, Executive Director  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN

BEFORE ME ON THIS THE 16 DAY OF February, 2007

Dana Goodall  
Notary Public

My Commission Expires

