

**MINUTES
REGULAR MEETING OF THE MONTEZUMA
CITY COUNCIL
April 13, 2021**

NOTE: THIS MEETING WAS HELD VIA ZOOM

CALL TO ORDER: Mayor Smith called the meeting to order at 6:00 PM.

INVOCATION: Mayor Smith said a prayer.

PRESENT VIA ZOOM: Mayor Larry Smith, Council Members, Nealie Johnson, Cleveland Hobbs, Roy Barker and Charles Ivey; Special Projects Manager, Mel Fulghom; Clerk/Administrator, Joyce Hardy; City Attorney, Jon Coogle; Public Works Chief, Tim Goodman; Police Chief, Eric Finch; W/WW Plants Chief, Terry Cross; and W & S Line Maintenance Chief, Lonnie Shaw

ABSENT: Council Member Byron Thompson & Council Member Danny Levie; Fire Chief Matthew Moye; DDA/Tourism Director, Angie Mathews.

CONSENT AGENDA

MOTION # 1 TO ACCEPT ALL ISSUES ON THE CONSENT AGENDA, AS FOLLOWS:

TO APPROVE MINUTES OF REGULAR COUNCIL MEETING OF MARCH 9, 2021, AS RECEIVED BY ALL MEMBERS.

TO ADOPT ORDINANCE #395, SETTING FORTH MONTEZUMA'S EXPRESSION OF LOCAL SUPPORT FOR EXPANSION OF BROADBAND SERVICE. *A copy of Ordinance # is attached to and made a part of these Minutes. Attachment #1*

MOTION BY: Mr. Ivey

SECOND BY: Mr. Hobbs

VOTE: UNANIMOUS, IN FAVOR OF

ADJOURN: With no further business, the meeting was adjourned.



Larry J. Smith - Mayor



Joyce Hardy - City / Administrator

ORDINANCE #395

AN ORDINANCE OF THE CITY OF MONTEZUMA, GA SETTING FORTH MONTEZUMA'S EXPRESSION OF LOCAL SUPPORT FOR EXPANSION OF BROADBAND SERVICE

As used in this ordinance, "broadband network project" means any deployment of broadband services.

As used in this ordinance, "political subdivision" means a county, municipal corporation, consolidated government, or local authority.

As used in this ordinance, "applicant" means a person applying for a permit for a broadband network project.

As used in this ordinance, "permit" means any local permit, license, certificate approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

As used in this ordinance, "designation" means deemed by the Georgia Department of Community Affairs to be a "Broadband Ready Community" for purposes of promoting deployment of broadband services.

(1) Single Point of Contact.

The City of Montezuma, Georgia, (City) shall appoint a single point of contact for all matters related to a broadband network project:

- a) The single point of contact documentation shall include:
 - i. City Administrator (chief administrative officer)
 - ii. City of Montezuma
 - iii. Telephone Number(s) (478-472-8144)
 - iv. Email(s) (cityofmtz@windstream.net)
 - v. Website URL <https://www.montezuma-ga.org/Administration.aspx>
- b) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and
- c) The single point of contact information must be current to maintain designation, by updating the Georgia Department of Community Affairs with such change in contact information on web pages and associated sources, within 15 calendar days of change.

(2) Application Completeness Review.

- a) The City shall determine whether an application is complete or incomplete and notify the applicant, by email, of the determination within 10 calendar days of receiving an application.
- b) If the City does not respond to the applicant on whether the application is incomplete within 10 calendar days, the application shall be assumed to be complete on the 11th day.

(3) Notification of Incomplete Application.

- a) If the City determines that an application is incomplete, the notification by email to the applicant shall specify all required components of the submitted application that were considered 'incomplete'.
- b) The City response shall include a checklist of sequenced items that resulted in the application being deemed 'incomplete' and the review timeline shall be as follows:
 - i. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond with corrections; and
 - ii. If the applicant does not respond within 40 calendar days, the application is deemed canceled.
- c) If within 10 calendar days the City does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
- d) The City shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

(4) Approval or Denial Notification.

If, on or before the 11th day as described in 2 (b), an application is deemed complete, the City shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the City is deemed necessary.

- a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification of completeness and the joint meeting shall include:
 - i. Where applicant is going to conduct work,
 - ii. When the work will be conducted,
 - iii. What type of work will be done,
 - iv. Who the City can contact for specific details or related questions, and
 - v. Any permit seeking approval under application.

Following a joint meeting between the applicant and the City, the City Council shall deny or approve the application within 10 calendar days.

- b) Upon final approval, any required permit permitted shall be deemed issued.

(5) Related Fees.

- a) Any fee imposed by the City to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.
- b) Any application fee that exceeds \$100.00 shall be considered unreasonable unless the City can provide documentation justifying such fee based on a specific cost.

(6) Other Information.


- a) **Double Fee:** The City shall not require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the single point-of-contact prior to access of right-of-way within the City jurisdiction.
- b) **Application Validity Timeline:** Any approved application shall be valid for six months from the date of approval. Should a provider not commence the service request qualified in the approved application within six months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
- c) **Single Service Drop:** The City shall not require a permit for a broadband service provider to perform an installation of broadband service at an individual customer's service address if the facility being utilized transverses only a *de minimis* portion of the public right-of-way to reach the customer's property. The provider must still comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A.

(7) The City acknowledges:

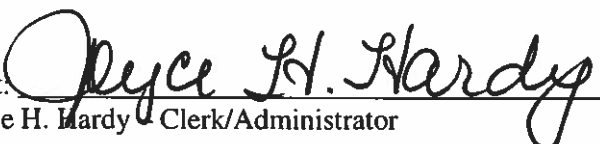
- a) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of its request for designation; and
- b) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of the City's Broadband Ready Designation, should the certification be granted.

(8) This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

PASSED AND SO ORDERED, this 13th day of April, 2021



Mayor Larry J. Smith

Attest: 

Joyce H. Hardy Clerk/Administrator