



CITY OF KINGSLAND, GEORGIA

CITY COUNCIL

AGENDA • JULY 11, 2022

Regular Meeting

City Council Chamber

6:00 PM

107 South Lee Street - City Hall, Kingsland, GA 31548

I. CALL TO ORDER AND WELCOME GUESTS

II. ROLL CALL

Charles Grayson Day Jr.
James W Galloway
Farran Fullilove
Kristy Chance
Alex Blount

Mayor
Councilman
Councilman
Councilwoman
Mayor Pro Tem

III. INVOCATION AND PLEDGE TO THE FLAG

IV. CONSENT DOCKET

- A.** Approve the Council Minutes of the last regular Council Meeting
- B.** Approve the Agenda as Presented
- C.** Approve the Payments of Accounts Payable as Due and Funds Available

V. PRESENTATION

- 1. Presentation: ARPA Community Needs Assessment -

Presentation by Steven Sainz with Camden Connection regarding the American Recovery Plan Act (ARPA) Community Needs Assessment.

VI. GRANTING AUDIENCE TO THE PUBLIC

VII. OLD BUSINESS

VIII. PLANNING AND ZONING

1. Home Occupation-213 Lake Wisteria Drive - Map & Parcel 107S 044 -

Robert Lastinger & Jennifer Noyes have applied for a Home Occupation Permit for a pool service business known as "Flamingo Pool Service". The applicants have been notified and agrees to the requirements of a Home Occupation as noted in KLADO. Zoning is PD/R-1. *Planning Commission recommends approval.*

IX. NEW BUSINESS

1. Appointment Of: Kingsland Chief of Police -

Appointment of Mr. Rickey M. Evans as Kingsland Chief of Police

2. Oath of Office - Mr. Rickey M. Evans, Chief of Police -

3. Approval Of: Ordinance 2022-11 to Amend Chapter 11, Article II, Section 11-28 -

An amendment to remove regulatory fees associated with the Kingsland Coin Operated Machine Ordinance in compliance with State law.

4. Approval Of: Telecommunications and Right of Way Management Services Agreement -

An agreement between the City of Kingsland and the Georgia Municipal Association to provide Local Franchise Management, State Issued Franchise Management, Cellular Tower and PCS Tower Site Consultation Services, Franchise Compliance Monitoring Services, and Right of Way Ordinance Development services.

Staff recommends approval.

5. Approval Of: Resolution 2022-07 - Authorization to Execute Telecommunications & Right of Way Management Agreement -

This resolution authorizes the Mayor to Execute a Telecommunications & Right of Way Management Agreement.

X. MAYOR AND COUNCIL ANNOUNCEMENT

XI. ADJOURNED



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 07/11/22 06:00 PM
Department: City Manager
Category: Presentation
Prepared By: Lee Spell
Initiator: Lee Spell
Sponsors:
DOC ID: 3918

AGENDA ITEM (ID # 3918)

Presentation: ARPA Community Needs Assessment

Presentation by Steven Sainz with Camden Connection regarding the American Recovery Plan Act (ARPA) Community Needs Assessment.



City of Kingsland Council Progress Report 7/11/22 –ARPA & LMI

Executive Overview

Camden Connection is currently engaged in facilitating part of the funding requirements of two distinct federally funded projects. Project 1: “ARPA Community Needs Assessment” and “Project 2: CDBG-LMI” concentrated study. The timeline for Project 1 has been modified to include a Low Moderate Income (LMI) study based on requirements of Project 2. The secondary data phase has been fully completed. A primary data tool has been developed and is now ready for collection. Collection of data will occur in the months of July and August with a target minimum of 400 qualified responses.

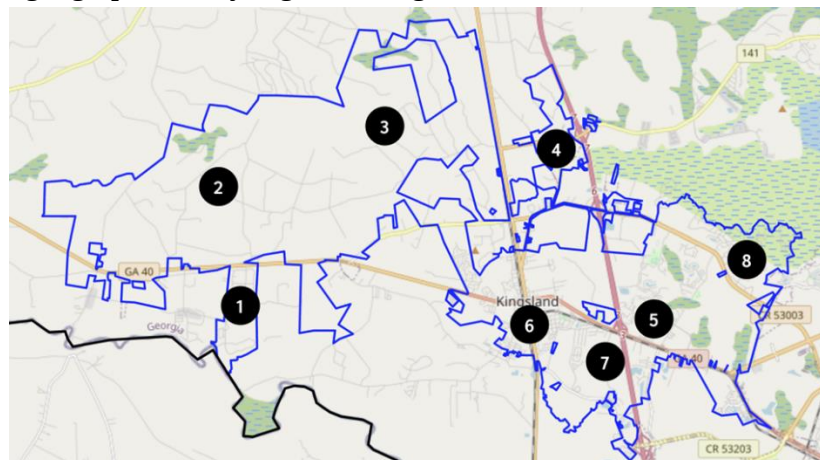
Phase One: Data Summery – Reference Full Data Package

The western and southern areas of Kingsland show the most indicators of concern, therefore a greater opportunity for intervention due to their overrepresentation in the data. It is interesting to note that these same areas report the least amount of in-home broadband access. Internet access is important as work, school, and general communication become increasingly remote (Pew Research Center,2021). Potential rationales for uninsured citizens are being unemployed or falling in between the gap of being able to afford private insurance and qualifying for state insurance. The low population density of some area may indicate a lack of access for many services or resources that would be beneficial to them.

Transportation is often an issue when local families are in need, and public transportation is scarce. These areas also have less virtual access as the levels of in-home broadband are lower than other areas of the community. The examiner would also like to include a community wide concern of housing access/homelessness, which is listed as a need to be addressed. Western Kingsland seems to carry a great deal of housing burden, in addition to an area of town that reflects as having a higher median income. Housing problems can result in high mobility, overcrowded homes, and general familial instability.

Phase Two: Data Collection & Analysis

The attached survey will be to collect and analyze conditions that secondary data is not available or reliable for. The data will be analyzed through our partnership with Valdosta State University and Neighborhood Nexus. The below graphic notes geographical city regions being utilized for distinction in the LMI targeted areas.



- Connecting Camden -



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 07/11/22 06:00 PM
Department: Planning and Zoning
Category: Home Office Occupancy
Prepared By: Natalie Moreland
Initiator: Natalie Moreland
Sponsors:

AGENDA ITEM (ID # 3931)

DOC ID: 3931

Home Occupation-213 Lake Wisteria Drive - Map & Parcel 107S 044

Robert Lastinger & Jennifer Noyes have applied for a Home Occupation Permit for a pool service business known as "Flamingo Pool Service". The applicants have been notified and agrees to the requirements of a Home Occupation as noted in KLADO. Zoning is PD/R-1. *Planning Commission recommends approval.*



The City of Kingsland, GA
107 South Lee Street
P.O. Box 250
Kingsland, GA 31548
Ph: 912-729-5613
Fax: 912-729-7618

Planning and Community Development Staff Report

Planning Commission Meeting Date: July 5, 2022

City Council Meeting Date: July 11, 2022

Agenda Item: Home Occupation for 213 Lake Wisteria Drive, Map & Parcel 107S 044

Summary:

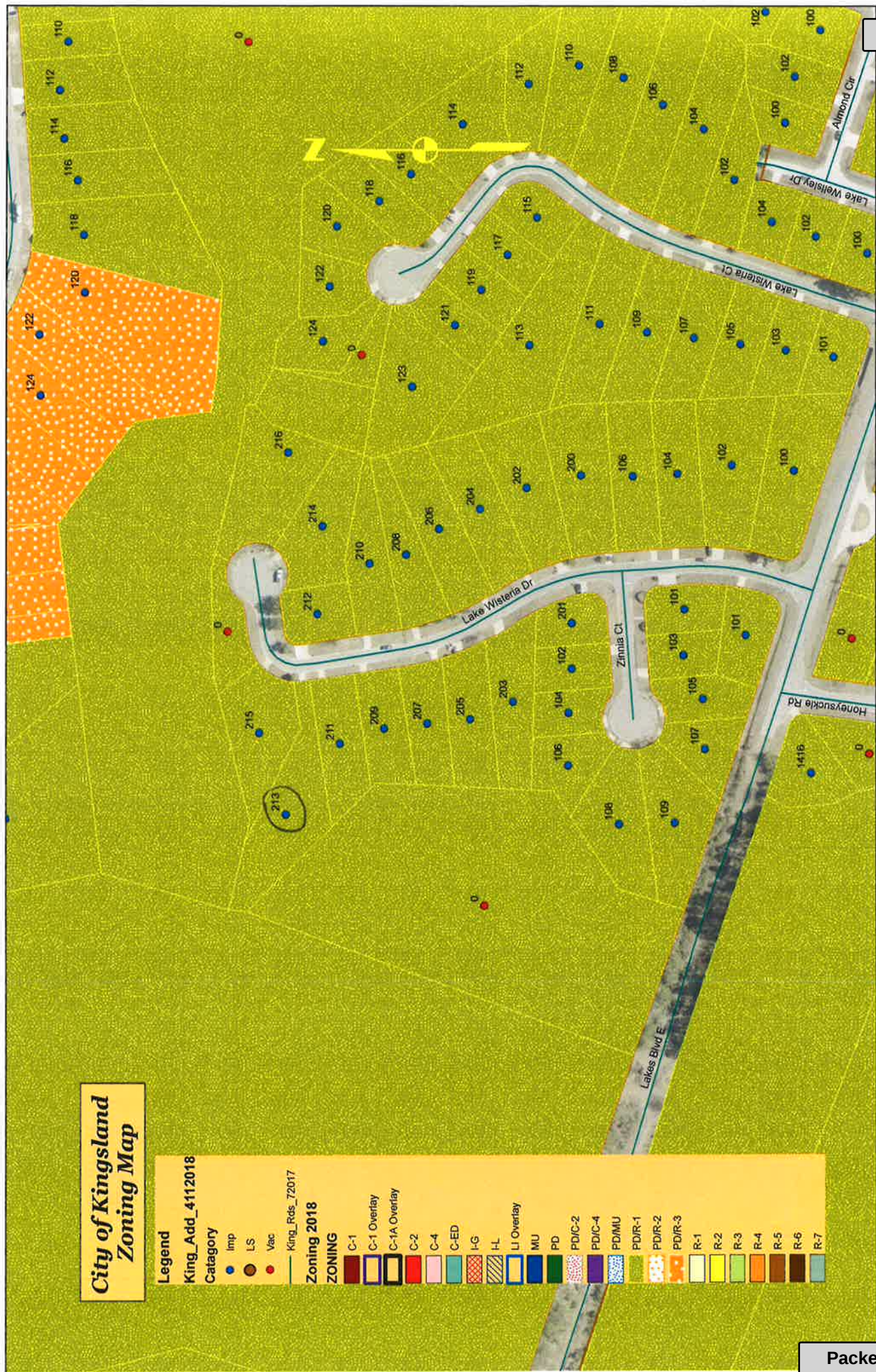
Robert Lastinger and Jennifer Noyes have applied for a Home Occupation Permit for a pool service business known as “Flamingo Pool Service”. The applicants have been notified and agrees to the requirements of a Home Occupation as noted in KLADO.

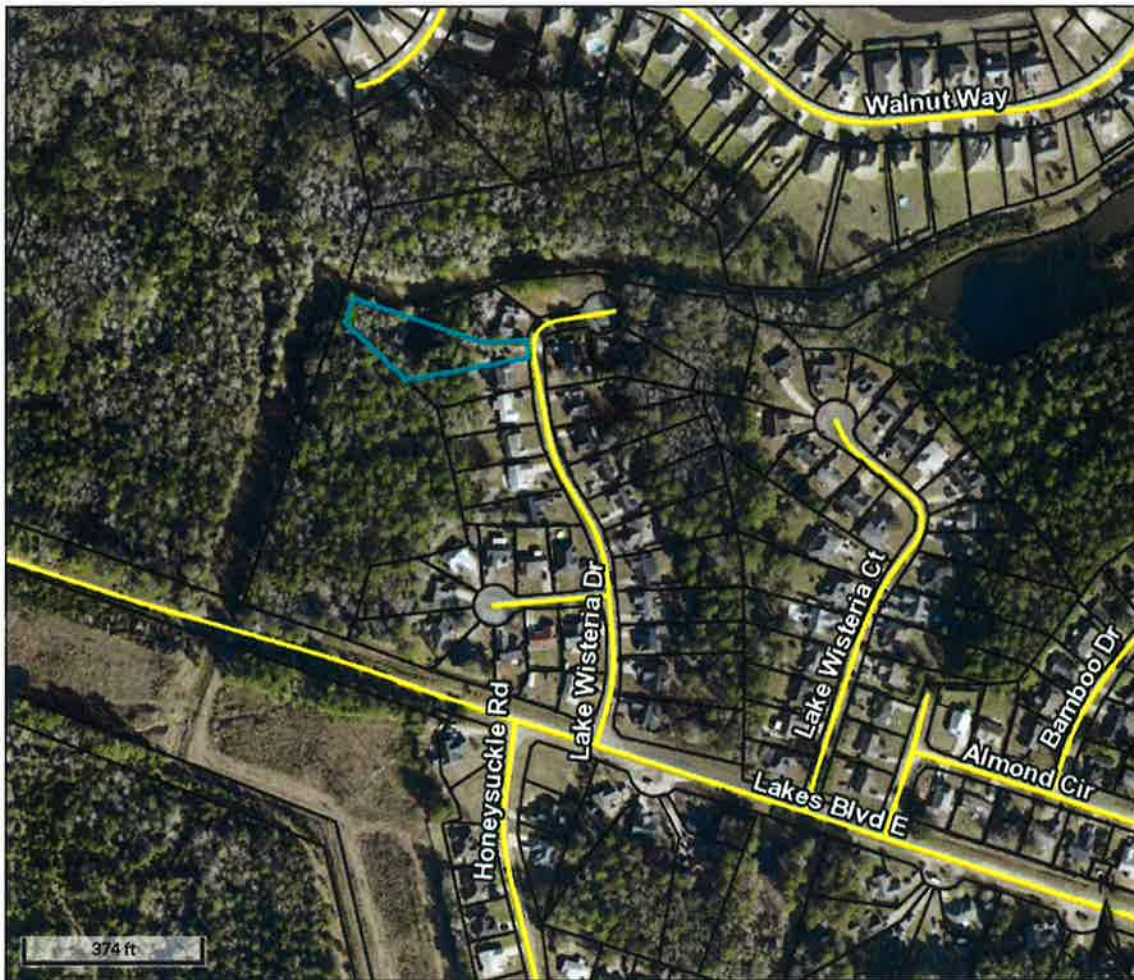
Zoning: PD/R-1

Is Proposal Consistent with the Comprehensive Plan? Yes

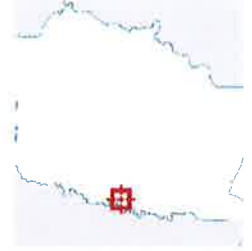
Staff Recommendation: Staff recommends approval

Scott L. Kimball
Planning & Zoning Director





Overview



Legend

-  Parcels
-  Roads
- USA Major Highways**
 -  Limited Access
 -  Highway
 -  Major Road
 -  Local Road
 -  Minor Road
 -  Other Road
 -  Ramp
 -  Ferry
 -  Pedestrian Way
-  City Labels

Parcel ID 107S 044
 Class Code Residential
 Taxing District KINGSLAND
 KINGSLAND
 Acres 0.13

Owner DRAPER JENNIFER K
 213 LAKE WISTERIA DRIVE
 KINGSLAND, GA 31548
 Physical Address 213 LAKE WISTERIA DR
 Assessed Value Value \$176707

Last 2 Sales		Reason	Qual
Date	Net Price		
11/26/2018	\$115000	FM	Q
12/15/2014	0	NM	U

(Note: Not to be used on legal documents)

Date created: 6/14/2022
 Last Data Uploaded: 6/14/2022 5:51:26 AM

Developed by  Schneider
 GEOSPATIAL



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 07/11/22 06:00 PM
Department: City Clerk
Category: Appointment
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 3932

AGENDA ITEM (ID # 3932)

Appointment Of: Kingsland Chief of Police

Appointment of Mr. Rickey M. Evans as Kingsland Chief of Police



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 07/11/22 06:00 PM
Department: City Clerk
Category: Miscellaneous
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 3933

AGENDA ITEM (ID # 3933)

Oath of Office - Mr. Rickey Evans, Chief of Police



OATH OF OFFICE

CHIEF OF POLICE

I, **Rickey M. Evans**, do solemnly swear that I will support and defend the Constitution of the State of Georgia; that I will faithfully perform all the duties of my office; that I will faithfully observe all the rules, orders and regulations of the City of Kingsland; and that I will faithfully enforce the laws of the State of Georgia and the ordinances of the City of Kingsland.

I do further swear that I am not the holder of any unaccounted for public money due this State or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other State, or any foreign state which, by the laws of the State of Georgia, I am prohibited from holding; and that I am otherwise qualified to be a police officer according to the Constitution and the laws of Georgia.

I do further swear that, as a Law Enforcement Police Officer, I will faithfully serve and protect, to the best of my ability, all citizens regardless of race, color or creed.

Rickey M. Evans, Chief of Police

Date

Attest

Jean Seigler, City Clerk

Attachment: Police Chief Oath of Office (3933 : Oath of Office - Mr. Rickey Evans, Chief of Police)



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 07/11/22 06:00 PM
Department: City Clerk
Category: Ordinance
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 3934

AGENDA ITEM (ID # 3934)

**Approval Of: Ordinance 2022-11 to Amend Chapter 11,
Article II, Section 11-28**

An amendment to remove regulatory fees associated with the Kingsland Coin Operated Machine Ordinance in compliance with State law.

ORDINANCE NO. 2022-11

**AN ORDINANCE TO AMEND KINGSLAND CODE OF ORDINANCES, CHAPTER 11,
ARTICLE II, SECTION 11-28, "BUSINESS LICENSE ORDINANCE" AS IT RELATES
TO THE REGULATORY FEE STRUCTURE**

WHEREAS, in conforming with state laws governing regulatory fees for coin operated machine establishments in the State of Georgia, the Mayor and City Council desire to amend CHAPTER 11, ARTICLE II,, Section 11-28, sub-paragraph (c).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND as follows:

Chapter 11, Article II, Section 11-28, "Administrative and Regulatory Fee Structure", as it relates to sub-paragraph (c) is hereby amended for the purpose of deleting "Coin Operated Machines – Owner/Operator" and for deleting the regulatory fee as follows:

Remove "Coin Operated Machines – Owner/Operator.... \$15.00 per machine plus \$1,250.00 Flat Fee"

This ordinance does not change any other portion of CHAPTER 11, ARTICLE II,, as amended from time to time.

ORDAINED AND ADOPTED This 11th July, 2022 by the Mayor and Council of the City of Kingsland, Georgia.

Dr. C. Grayson Day, Jr., Mayor

ATTEST:

Jean Seigler, City Clerk



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

AGENDA ITEM (ID # 3929)

Meeting: 07/11/22 06:00 PM
Department: City Manager
Category: Agreement
Prepared By: Lee Spell
Initiator: Lee Spell
Sponsors:
DOC ID: 3929

9.4

Approval Of: Telecommunications and Right of Way Management Services Agreement

An agreement between the City of Kingsland and the Georgia Municipal Association to provide Local Franchise Management, State Issued Franchise Management, Cellular Tower and PCS Tower Site Consultation Services, Franchise Compliance Monitoring Services, and Right of Way Ordinance Development services.

Staff recommends approval.

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

WHEREAS, the City of Kingsland (“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 program; and,

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

Section 1. Services Provided to the City of Kingsland

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 Program:

- 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 _____, 20____. 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 \$10,000. 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

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 KINGSLAND THIS ____ DAY OF _____, 20____.

ATTEST:

CITY OF KINGSLAND:

City Clerk

By: _____
Authorized Signatory, Title

APPROVED AS TO FORM:

City Attorney

GEORGIA MUNICIPAL ASSOCIATION, INC.

By: _____
Larry H. Hanson, Executive Director

Georgia Municipal Association Telecommunications and Right of Way Management Program

AGENT REPRESENTATION FORM

The undersigned is a participant in the Georgia Municipal Association's (GMA) Telecommunications and Right of Way Management (TRM) program. GMA's TRM program provides assistance with all aspects of federal and state cable and video franchising, including but not limited to franchise renewals and modifications, state franchise application process, franchise fee reviews and customer service issues. As a participant in GMA's TRM program, authorization is hereby granted to allow GMA's staff and/or subcontractors to act on the Participants behalf as listed above.

This AGENT REPRESENTATION FORM is effective upon date signed and until further notice.

Name of City, Town or County

Street Address

City

Zip Code

Phone #

Fax #

Email Address

Submitted By – Print Name

Title

Signature

Date



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

Telecommunications and Right of Way Management
Name of Project

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

Executed on JANUARY, 15 2020, in Atlanta (city), Georgia (state).

Larry H. Hanson
BY: GMA Authorized Officer or Agent

1-15-20
Date

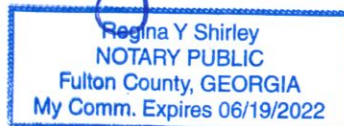
Larry H. Hanson, Executive Director
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN

BEFORE ME ON THIS THE
15 DAY OF January, 2020

Regina Y. Shirley
Notary Public

My Commission Expires:



SEAL



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

AGENDA ITEM (ID # 3940)

Meeting: 07/11/22 06:00 PM
Department: City Clerk
Category: Resolution
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 3940

9.5

Approval Of: Resolution 2022-07 - Authorization to Execute Telecommunications & Right of Way Management Agreement

This resolution authorizes the Mayor to Execute a Telecommunications & Right of Way Management Agreement.

RESOLUTION 2022-07

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

WHEREAS, the City of Kingsland 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 program to assist the City in such regulation;

NOW THEREFORE BE IT RESOLVED, that the Mayor of the City of Kingsland _____ is hereby authorized to execute a telecommunications and right of way management program 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 Kingsland this _____ day of _____, 20____.

ATTEST:

By: _____
City Clerk

Mayor: _____
City of Kingsland

(SEAL)