

CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
February 14, 2024 @ 6:30PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL REGULAR MEETING AGENDA

1. **CALL TO ORDER** Mayor Michael Owens
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA**
6. **CONSENT AGENDA:**
 - a. *Approval of January 24, 2024 Special Called Transitional City Council Meeting Minutes*
7. **PUBLIC COMMENTS**
8. **NEW BUSINESS:**
 - a. *Resolution Authorizing Membership in the Georgia Interlocal Risk Management Agency*
 - b. *Authorization for Mayor Owens to Finalize Employment Screening Services*
9. **DISCUSSION:**
 - a. *Authorization for Mayor Owens to Waive Occupation Tax Penalties, Interest and Late Fees through April 30, 2024*

Public comments are limited to 2 minutes per speaker. Anyone wishing to make a public comment should complete and submit the public comment card to the City Clerk prior to the start of the meeting.

10. CITY ATTORNEY COMMENTS

11. CITY CLERK COMMENTS

12. CITY COUNCIL COMMENTS

13. EXECUTIVE SESSION (IF NEEDED) FOR:

Litigation O.C.G.A. 50-14-3 (b)(1)(A)

Real Estate O.C.G.A. 50-14-3 (b)(1)

Personnel O.C.G.A. 50-14-3 (b)(2)

Exemptions O.C.G.A. 50-14-3 (b)(4)&(5)

14. OLD BUSINESS CONT'D:

a. SECOND READ: Ordinance Granting Franchise to Georgia Power Company

15. ADJOURNMENT

Public comments are limited to 2 minutes per speaker. Anyone wishing to make a public comment should complete and submit the public comment card to the City Clerk prior to the start of the meeting.

CITY OF MABLETON, GEORGIA

Riverside EpiCenter

135 Riverside Pkwy, Austell, GA 30168

Date @ 6:30 PM

SPECIAL CALLED

TRANSITIONAL CITY COUNCIL MEETING MINUTES DRAFT

1. **CALL TO ORDER** Mayor Michael Owens

2. **ROLL CALL**

The Honorable Michael Owens, Mayor - Present
The Honorable Ron Davis, District 1 Councilmember - Present
The Honorable Dami Oladapo, District 2 Councilmember - Present
The Honorable Keisha Jeffcoat, District 3 Councilmember - Present
The Honorable Patricia Auch, District 4 Councilmember - Present
The Honorable TJ Ferguson, District 5 Councilmember – Present
The Honorable Debora Herndon, District 6 Councilmember – Present

3. **INVOCATION** - Led by Councilmember Ron Davis

4. **PLEDGE OF ALLEGIANCE** – Led by Mayor Pro Tem Keisha Jeffcoat

5. **APPROVAL OF AGENDA** –

Motion was made by Councilmember Auch to accept the agenda with an amendment to the removal of item 9c *Resolution Establishing Committees for Effective Governance*. Councilmember Herndon seconded the motion. Yeas: Herndon, Oladapo, Auch
Nays: Owens, Davis, Jeffcoat, Ferguson

Mayor Owens stated since the nays for an amendment have it, the agenda will be as submitted.

6. **CONSENT AGENDA**

a. *Approval of November 30, 2023 Special Called Transitional City Council Meeting Minutes*

b. *Approval of December 11, 2023 Special Called Transitional City Council Meeting Minutes*

- c. *Approval of December 18, 2023 Special Called Transitional City Council Meeting Minutes*
- d. *Approval of December 19, 2023 Special Called Transitional City Council Meeting Minutes*
- e. *Approval of January 2, 2024 Special Called Transitional City Council Meeting Minutes*

Mayor Owens asked if there were any questions or discussion about the Consent Agenda. There was none. By acclamation, the council voted unanimously to approve the Consent Agenda.

7. **PUBLIC COMMENTS** - City Clerk Hiott announced information about the time limit and asked those who spoke to announce their address and district. Those who spoke were:
- Jo Lahmon, Regional Manager for South Cobb Region provided information about the Cobb County Public Library being recognized as 2023 Library of the Year by the Georgia Public Library Service.
 - Rebecca Clark of District 2 expressed she was glad the discussion was held at the last meeting about having council meetings at the South Cobb Library. She did not like the tone of the discussion, and expressed she was glad the councilwoman spoke up for the residents.
 - Peggy Hines of District 6 requested that some of the council meetings be at the Mableton Library.
 - Denny Wilson of District 2 read portions of the Charter regarding Boards, Commissions, and Authorities. She explained why the resolution (*9c Establishing Committees for Effective Governance*) currently on the agenda was in violation of the Charter.
 - Monique Lester of District 2 commented about the care of the property of the apartment complexes, pointing out there were broken windows.
 - Trent B. Walker of District 2 spoke about his need for rental assistance.
 - Sulenia Alexander of District 4 spoke about the elephant in the room, concern about the minority of black and brown minorities being displaced. She asked how this could be prevented.
 - Jasmine Burdraye of District 2 spoke about being in court and was waiting for rental assistance. She asked what she could do to allow more time to pay.
 - Angela Wynn of District 2 addressed the rental assistance issue and she hoped for a better year to come up with common grounds to fix the problem and that things get better. She spoke about the importance of engagement, communication, and participation.
 - Monica Delancey spoke about Cobb County's code regarding apartments being inspected. She pointed out there were broken windows in the apartments.

8. **OLD BUSINESS:**

a. *SECOND READ: Ordinance Establishing a Year 2024 Regular Meeting Schedule*
Mayor Owens announced the item and provided background. This was a second read. The meeting schedule and location were the same as presented in the first read. There were work sessions in the schedule. The schedule was meetings to be held the second and fourth Wednesday of the month. The meeting location must be consistent to meet the needs of the meetings such as being accessible to having audio visual, space, dates available, and scheduled security in place. Although the EpiCenter is not central, it meets the audio visual requirements. Being an election year has caused conflicts with the South Cobb Library as well as the recreation center. For those who don't feel comfortable with the EpiCenter location, he noted there was security in the back and onsite security by the facility.

Mayor Owens asked for comments. Councilmember Ferguson expressed he was concerned about the meeting on February 14th. Councilmember Auch commented the construction of a new City Hall would be many years in the future and asked if there could be consideration to have a centralized location. She also asked for an agenda packet schedule. Mayor Owens explained in 2025 or later 2024 will consider all options for meeting. The City will be in a different situation next year with more staff and will have the City's own AV equipment. Councilmember Herndon commented that constituents had concerns about driving in the dark in the area. She asked if the Council could have meetings in both locations so it could accommodate all constituents. Mayor Owens explained consistency was important. Mayor Owens explained there was a contractual obligation to be considered. He added the meetings are streamed with quality for people to see the meeting. There will be other types of meetings in other locations.

Motion was made by Councilmember Jeffcoat to approve the Ordinance Establishing a Year 2024 Regular Meeting Schedule. Councilmember Davis seconded the motion. The motion was carried unanimously.

Councilmember Ferguson announced the meetings would be listed on the City's website, and Councilmember Auch requested that there be an agenda process established. She noted the mayor has added items to the agenda and she would like to have something in place so the Council could also submit agenda items. Mayor Owens stated that would be addressed with the City Attorney and City Clerk.

9. **NEW BUSINESS:**

a. *Resolution Approving an Intergovernmental Agreement with Cobb County for Zoning Verifications*

Mayor Owens announced the item and provided background information and recognized City Attorney Emilia Walker-Ashby. Ms. Walker-Ashby recapped the retreats, discussions, ordinances adopted, decisions for the business license source of revenue, licensing and setting up the software, data transferred from the County, collaboration with

the County, and now reaching the milestone of the City's Business License service from the City. The mayor has waived license fees and penalties for the month of January and intends to for February. The County charges \$100 for zoning verifications, but the City has negotiated with the County to charge \$25 for the zoning verifications for new applications. The agreement will allow the lower cost for businesses. The request is for consent to give the mayor the authority to sign and execute the agreement.

Attorney Walker-Ashby provided an additional explanation of why the City does not have a stability luxury of having time driven and proven processes in place to weekly put out materials. The particular item was discussed with the county for the last month, and the document from the County was not available until Thursday. The meetings are scheduled anticipating that the documentation will be ready in time for the meetings. Mayor Owens stressed how the City wanted to make the business license easy and how the City did not want the business owners to pay \$100. The County was gracious to reduce the zoning verification fee to \$25.

Per Councilmember Herndon's question, answer and discussion continued about consideration, timeline, and steps and processes for when the City would take on the responsibility of Zoning.

Motion was made by Councilmember Ferguson to approve the Resolution Approving an Intergovernmental Agreement with Cobb County for Zoning Verifications. The motion was seconded by Councilmember Oladapo. The motion was carried unanimously.

b. Resolution to General Assembly Requesting Authorization for 8% Hotel Motel Tax, as consistent with neighboring Cobb County Municipalities, O.C.G.A. § 48- 13- 51(b) and other Applicable Laws

Mayor Owens announced the item and explained the Mableton motel hotel taxes were at 8% when Mableton was located as being in the unincorporated County. When the City was incorporated, and an ordinance was passed, the hotel motel tax became 5%. The General Assembly was in session now. The City must pass a resolution to ask the General Assembly to pass a bill to change the tax to 8%. He provided an explanation of what happened with the tax money, noting the mandated percentages provide certain revenue for the City's General Fund, another restricted percentage must be used for tourism. A third percentage is dedicated restricted funds for physical capital projects. City Attorney Walker-Ashby added the 8% tax would be consistent with other Cobb County jurisdictions.

Mayor Owens asked for any discussion. There was none.

Motion was made by Councilmember Auch to approve the *Resolution to General Assembly Requesting Authorization for 8% Hotel Motel Tax* as consistent with neighboring Cobb County Municipalities. Councilmember Ferguson seconded the motion. The motion was carried unanimously.

Mayor Owens recognized Holly Quinlan, President & Chief Executive Officer of Cobb Travel & Tourism, who was in the audience.

c. Resolution Establishing Committees for Effective Governance

Mayor Owens announced the item. He referenced Section 2.20 (b) of the Charter: indicating the resolution establishing mayoral committees was different than in Section 3.11 Boards, commissions, and authorities. The sections below were referenced throughout the discussion.

Charter - 2.20 (b) All committees of the city council shall be appointed in a manner determined by the city council. The city council may elect to directly appoint members of some committees while delegating appointments of other committees. The city council may also opt to allow each elected official to appoint an equal number of members to a committee.

Charter - 3.11 (a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary, and shall by ordinance establish the composition, period of existence, duties, and powers thereof. **(b)** All members of boards, commissions, and authorities of the city shall be appointed by a majority vote of the city council, except where otherwise prescribed by this charter or by law.

Mayor Owens explained the mayoral committees would have very little to no power. The committees would look at issues, initiatives, bringing in expertise about community health, technology, and transportation. The mayoral committees would not have resident requirements. He provided additional examples of his need for mayoral committees. He explained the difference between committees and commissions, boards, and authorities. He named examples of commissions and boards that were quasi judicial. A list was given out at the meeting and is available in the record. The resolution was specifically for mayoral committees. It was a way to bring in thought leadership to assist the role of the mayor. There will be additional committees later on such as the steering committee for the Comprehensive Plan.

Mayor Owens asked Attorney Walker-Ashby if she had any comments and she did not. He opened the floor for council discussion:

- Councilmember Jeffcoat questioned if the mayoral committees were advisory committees for subject matter experts as it relates to duties of the mayor. Mayor Owens confirmed.
- Councilmember Auch explained why she disagreed with the interpretation of committees vs boards, commissions, and authorities. She opined an advisory board should follow the Charter.
- Councilmember Herndon explained how the resolution was shifting the spirit of the Charter related to the composition of committees.
- Councilmember Oladapo expressed all were interpreting differently. The contention is the language being used in the resolution to clarify what mayoral committees do.

- Mayor and Council continued to deliberate the resolution for creation of mayoral committees.
- Mayor Owens reiterated the resolution was for mayoral committees only.
- Councilmember Herndon explained the resolution for mayoral committees was too broad. The Charter is using the City Council as a collective for creation of committees.
- Councilmember Herndon explained that the Charter does not address specifically mayoral committees.
- Councilmember Auch expressed the mayor does not have to have a committee to meet with consultants and experts.
- Councilmember Ferguson explained how the mayoral committee could have members that lived outside the city and why it was good to have expertise from outside the City.
- Councilmember Oladapo also expressed that the resolution was too broad.
- Councilmember Jeffcoat asked if the item could be tabled for additional review and discussion.
- Attorney Walker-Ashby explained the mayor had to get the council's permission to create the mayoral committees. She explained that a committee can not be investigative or a quasi judicial legislative committee. She provided examples of committees noting there is a difference between research and investigative, and to keep those words separate. She recommended that the resolution be tabled.
- Councilmember Ferguson agreed the resolution should be tabled.
- City Attorney Walker-Ashby explained the difference between research vs investigative actions. Council continued to discuss when a committee would be researching and/or investigative.
- Attorney Walker-Ashby confirmed the committee's documents and records would be public. A provision should be added to the resolution that there is a level of assurance that there would be transparency. Upon the request, materials of the committee would be available to any councilmember and/or city manager.
- A provision should be added that the Council should be provided notice before a committee is created.

Motion was made by Councilmember Ferguson to table the *Resolution Establishing Committees for Effective Governance* until provisions are included and a new version of resolution could be created. Councilmember Jeffcoat seconded the motion. The motion carried 5-2. Nays: Auch and Owens Yeas: Davis, Oladapo, Jeffcoat, Ferguson, and Herndon

10. **DISCUSSION:**

a. *City of Mableton Comprehensive Plan Scope of Work and Request for Qualifications - Mayor Owens*

Mayor Owens announced the item and explained the RFQ was for companies to submit their qualifications for a statement of work for the creation of the City of Mableton Comprehensive Plan 2045. The cost could be up to \$500,000 and could take a year to create the plan. This process needs to be started quickly. The dates in the document will shift. He provided additional information about the requirement for the Mableton 2045

Comprehensive Plan. Attorney Walker-Ashby recommended that the mayor get a vote of recommendation to submit the RFQ from the Council. Questions and discussion followed. Councilmember Oladapo asked about the advertising and who would review the RFQs and the mayor stated notice would be on the City's website and others and the council would review, interview, and award. Councilmember Auch asked about the project branding for the Comp Plan stated in the RFQ. Mayor explained the branding related to the Comp Plan only. Attorney Walker-Ashby clarified once the Council selects the vendor, a second process will occur and come before the council.

Motion was made by Councilmember Jeffcoat to approve the mayor to send out the Request for Qualifications and Councilmember Oladapo seconded the motion. The motion passed unanimously.

b. Update on GIRMA and Retirement Plan - City Clerk

City Clerk Susan Hiott referenced memos sent to the Mayor and Council and summarized the memos. The Georgia Interlocal Risk Management Agency (GIRMA) application to Georgia Municipal Association (GMA) had been sent.

So far, we have obtained for employees:

- Workers Compensation
- GMEBS Basic Life/AD&D and Optional Life, Short Term Disability
- and Health Insurance, Vision, Dental
- We still need to address:
 - Retirement plans for employees

Other benefits to address:

- Annual Leave and Sick Leave Accrual
- Long Term Disability
- Employee Assistance Program (EAP)
- Flexible Spending Account
- Tuition Program
- And others TBD

Retirement Plan:

- If the City wants to consider the pension route with a pension plan (defined benefit), there's a lot of things that have to be determined for a formula such as vesting years, a benefit multiplier, how old you have to be to retire, whether to have a death benefit, disability, and other considerations that would play into how much the plan would cost. So if the City wanted to do a cost study on a pension plan, then the City would need to determine what all the City was interested in looking at. GMA can do a cost study for a pension plan for \$2500. The City can offer other plans: pension (defined benefit) and 457 or 401 and 457.

- Staff needs direction: Go with GMA, and consider if the City wants a defined plan, 401, 457 or offer one of each; and do a cost study. Does the council want to get another company to run numbers?
- GMA has helped us with the services we need in the position that the City is in.
- The City can change later. The Mayor and Council expressed that they agreed to go with GMA.
- There would be a two month timeline for any of the retirement plans to be implemented.

Following questions and discussion, the Council directed that the item would be addressed after the Executive Session.

11. CITY ATTORNEY COMMENTS - NONE

12. CITY CLERK COMMENTS – NONE

13. CITY COUNCIL COMMENTS

- Councilmember Davis commented about hearing a multitude of concerns, but it was going to take time and asked everyone to be patient. All must work together.
- Councilmember Oladapo thanked all for attending. Keep getting involved. She congratulated the library and all employees for their hard work.
- Councilmember Jeffcoat thanked everyone for attending. She recognized Dr. Martin Luther King and his family and commented about Black History Month. She addressed the importance of serving. She spoke about staying focused and having a heart to serve. She provided details about the groundbreaking and information about the Cobb Works Center to open summer 2024.
- Councilmember Ferguson expressed he was proud to have the EpiCenter in the City of Mableton. The EpiCenter just celebrated ten years. He provided information about the EpiCenter happenings. He commented about partnering with Cobb Works, and expressed appreciation for the Cobb Police and Cobb Sheriff's office.
- Councilmember Herndon thanked everyone for attending.
- Mayor Owens commended the Cobb County Police and Sheriff's Office and noted the City of Mableton was a safe place to live. He thanked Executive Assistant, Lily Smith, and Cobb Works staff and Dr. Boyd for the job fair. He reported on attending the 92nd annual US Conference of Mayors. He noted Mableton had the highest property value increase in Georgia. He spoke about Mableton being 80,000 people and a large city in the state and needing to move with a pace and get things done. Keep doing what all are doing, get involved.

14. EXECUTIVE SESSION (IF NEEDED) FOR:

- Litigation O.C.G.A. 50-14-3 (b)(1)(A)*
- Real Estate O.C.G.A. 50-14-3 (b)(1)*
- Personnel O.C.G.A. 50-14-3 (b)(2)*
- Exemptions O.C.G.A. 50-14-3 (b)(4)&(5)*

Motion was made by Councilmember Oladapo to go into Executive Session for the purpose of litigation, real estate, and personnel. Councilmember Herndon seconded the motion. The motion passed . Yeas: Davis, Oladapo, Jeffcoat, Owens, Ferguson, Herndon and Auch (9:10 p.m.)

Motion was made by Councilmember Jeffcoat to close the Executive Session and seconded by Councilmember Herndon. Yeas: Councilmember Davis, Oladapo, Jeffcoat, Owens, Ferguson, Herndon, and Auch.

Motion was made by Councilmember Ferguson to authorize the Mayor to approve a cost study and retirement benefit package offered by the Georgia Municipal Association. Councilmember Davis seconded the motion. The motion passed unanimously.

15. ADJOURNMENT

Motion was made by Councilmember Jeffcoat to adjourn. Councilmember Oladapo seconded. The motion passed 7-0.

The meeting was adjourned at 10:45 p.m.

Approved:

Attest:

Susan Hiott, Interim City Clerk

Michael Owens, Mayor

**A RESOLUTION AUTHORIZING MEMBERSHIP IN THE GEORGIA INTERLOCAL
RISK MANAGEMENT AGENCY**

WHEREAS, Article 9, Section 3, Paragraph 1 of the Constitution of Georgia authorizes municipalities and other political subdivisions to contract with each other for activities which the contracting parties are authorized by law to undertake; and,

WHEREAS, Chapter 85 of Title 36 of the Official Code of Georgia Annotated authorizes public entity to execute intergovernmental contracts to form and become members of an interlocal risk management agency for the purpose of sharing liability, motor vehicle and property damage risks in whole or in part with those of other public entities; and,

WHEREAS, municipalities within Georgia have found it increasingly difficult to obtain commercial insurance protection, and have found the costs of such protection often exceeds the ability of a public entity to pay; and,

WHEREAS, public entities in Georgia need a stable method for managing their risks to avoid the unpredictable and cyclical nature of the commercial insurance market; and,

WHEREAS, many Georgia public entities do not have sufficient resources to self-insure their risks on an individual basis; and,

WHEREAS, the Georgia Municipal Association has studied the possibility of creating an intergovernmental risk management agency so that Georgia public entities may self-insure their risks and has concluded that such an agency is economically feasible; and,

WHEREAS, the City of Mableton is desirous of becoming a Member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and,

WHEREAS, the governing authority of the City of Mableton has reviewed the intergovernmental contract and the bylaws of GIRMA and finds that the goals of GIRMA and the obligations imposed upon this public entity are in accordance with the philosophy and public policy objectives of this community; and;

WHEREAS, the governing authority of the City of Mableton finds that it is in the best interest of its citizens to become a member of GIRMA.

NOW, THEREFORE BE IT RESOLVED by the Public Officials of the City of Mableton, Georgia:

Section 1: That the mayor of the City of Mableton is authorized to execute on behalf of the City of Mableton the intergovernmental contract to become a Member of GIRMA. A copy of the contract and bylaws of GIRMA are attached to and made part of this resolution as Appendix 1. Section 2: The powers

of GIRMA, unless the contract and bylaws are amended, shall be limited to those contained in the documents attached as Appendix 1, those authorized by Chapter 85 of Title 36 of the Official Code of Georgia Annotated and the rules and regulations of the Insurance Commissioner of the State of Georgia. Section 3: The commencement of operations and the continuing operations of GIRMA and the obligation of the City of Mableton to fully participate in such operations shall be effectuated in accordance with the contract and bylaws. Section 4: The **City Clerk, Susan Hiott** is designated as the representative to GIRMA. The City of Mableton may change its representative by informing GIRMA of the change in writing.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, sentences, paragraphs or sections of this Resolution.

Section 3. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 4. The effective date of this Resolution shall be the date of adoption, unless required otherwise by the City Charter, state and/or federal law.

Section 5: This resolution shall be effective upon its passage and approval.

Adopted this 14th day of February of 2024.

ATTEST: CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

ORDINANCE GRANTING FRANCHISE

To

GEORGIA POWER COMPANY

By

CITY OF MABLETON

On

_____, 2023

The within franchise accepted on

_____, 2023.

GEORGIA POWER COMPANY

By: _____
Chairman, President and CEO

ORDINANCE GRANTING PERMISSION AND CONSENT to Georgia Power Company, a Georgia corporation, and its successors, lessees, and assigns (hereinafter referred to collectively as the "Company") to occupy the streets and public places of the City of Mableton, Georgia, a municipality and political subdivision of the State of Georgia (hereinafter referred to as the "City"), in constructing, maintaining, operating, and extending poles, lines, cables, equipment, and other apparatus for transmitting and distributing electricity and for other purposes.

SECTION I. Be it ordained by the governing authority of the City that the authority, right, permission, and consent are hereby granted to the Company, for a period of thirty-five (35) years from the date of the Company's acceptance hereof, to occupy and use the streets, alleys, and public places of the City within the present and future corporate limits of the City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation, and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections, and other apparatus (hereinafter referred to collectively as the "Company's Facilities") for the business and purpose of transmitting, conveying, conducting, using, supplying, and distributing electricity for light, heat, power, and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys, and public places from time to time as the Company may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service.

SECTION II. Be it further ordained that the rights, permission, and consents herein contained are granted for the following considerations and upon the following terms and conditions:

1. The Company shall pay into the treasury of the City (a) on or before the first day of March in each year following the granting of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential and commercial rate schedules (as prescribed by the Georgia Public Service Commission) within the corporate limits of the City during the preceding calendar year and four percent (4%) of the gross sales of electric energy to customers served under industrial rate schedules (as so prescribed) within the corporate limits of the City during the period beginning on the first day of the month following the granting of this franchise and ending on December 31 thereafter and (b) on or before the first day of March of each year thereafter during the term of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential, commercial, and industrial rate schedules (as so prescribed) within the corporate limits of the City during the preceding calendar year, on condition that in the event the City shall grant to any other entity the right to use and occupy the City's streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.

2. The amount, if any, of any tax, fee, charge, or imposition of any kind required, demanded, or exacted by the City on any account, other than ad valorem taxes on property, shall operate to reduce to that extent the amount due from the percentage of gross sales provided for in paragraph 1 of this Section II.

3. The Company shall fully protect, indemnify, and save harmless the City from all damages to persons or property caused by the construction, maintenance, operation, or extension of the Company's Facilities, or conditions of streets, alleys, or public places resulting therefrom, for which the City would otherwise be liable.

4. The Company shall, in constructing, maintaining, operating, and extending the Company's Facilities, submit and be subject to all reasonable exercises of the police power by the City. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.

5. For purposes of paragraph 6 of this Section II, the term "Distribution Facilities" means poles, lines, wires, cables, conductors, insulators, transformers, appliances, equipment, connections, and other apparatus installed by or on behalf of the Company (whether before or after the adoption of this ordinance) in the streets, alleys, or public places of the City for the purpose of distributing electricity within the present and future corporate limits of the City. Distribution Facilities do not include any of the following: (i) electric transmission lines with a design operating voltage of 46 kilovolts or greater (hereinafter referred to as "Transmission Lines"); (ii) poles, towers, frames, or other supporting structures for Transmission Lines (hereinafter referred to as "Transmission Structures"); (iii) Transmission Lines and related wires, cables, conductors, insulators, or other apparatus attached to Transmission Structures; (iv) lines, wires, cables, or conductors installed in concrete-encased ductwork; or (v) network underground facilities.

6. In the event that the City or any other entity acting on behalf of the City requests or demands that the Company relocate any Distribution Facilities from their then-current locations within the streets, alleys, and public places of the City in connection with a public project or improvement, then the Company shall relocate, at its expense, the Distribution Facilities affected by such project or improvement. The Company's obligations under this paragraph 6 shall apply without regard to whether the Company has acquired, or claims to have acquired, an easement or other property right with respect to such Distribution Facilities and shall not affect the amounts paid or to be paid to the City under the provisions of paragraph 1 of this Section II. Notwithstanding the foregoing provisions of this paragraph 6, the Company shall not be obligated to relocate, at its expense, any of the following: (i) Distribution Facilities that are located on private property at the time relocation is requested or demanded; (ii) Distribution Facilities that are relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to or associated with road widenings, the creation of new turn lanes, or the addition of acceleration/deceleration lanes); (iii) streetscape projects or other projects undertaken primarily for aesthetic purposes; or (iv) Distribution Facilities that are converted from an overhead configuration or installation to an underground configuration or installation.

7. The City and the Company recognize that both parties benefit from economic development within the City. Accordingly, when it is necessary to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) within the City, the City and the Company shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, the City and the Company shall communicate in a timely fashion to coordinate projects included in the City's five-year capital improvement plan, the City's short-term work program, or the City's annual budget in an effort to minimize relocation of the Company's Facilities. Such communication may include, but is not limited to, (i) both parties' participation in the Georgia Utilities Coordinating Council, Inc. (or any successor organization) or a local utilities coordinating council (or any successor organization) and (ii) both parties' use of the National Joint Utility Notification System (or any successor to such system mutually acceptable to both parties).

8. With regard to each streetscape project undertaken by or on behalf of the City, the City shall pay the Company in advance for the Company's estimated cost to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) in

connection with such project. For each streetscape project, the Company shall estimate in good faith the amount of incremental base revenue, if any, that the Company will realize as a result of new customer load or expansion of existing customer load attributable to such project; and such estimate shall be based on tariffs in effect at the time that construction of such project begins and shall not include fuel recovery charges, non-electric service billings, or taxes. If such estimate indicates that the Company will realize incremental base revenue, the Company shall do one of the following, whichever results in greater cost savings to the City: (i) reduce the City's advance payment to the Company for relocation costs by ten percent (10%); or (ii) where the City has developed a bona fide marketing plan within twelve (12) months after construction of such project begins, either refund the amount of the Company's incremental base revenue during such twelve-month period to the City or credit such amount against any future payment due from the City to the Company. The City and the Company acknowledge and agree that the amount of any refund or credit calculated pursuant to clause (ii) of the foregoing sentence of this paragraph 8 shall not exceed the amount of the City's advance payment to the Company for relocation costs associated with such project.

SECTION III. Be it further ordained that nothing contained in this ordinance shall limit or restrict the right of customers within the corporate limits of the City to select an electric supplier as may hereafter be provided by law.

SECTION IV. Be it further ordained that from time to time after the approval of this ordinance, the Company and the City may enter into such additional agreements as the Company and the City deem reasonable and appropriate; provided, however, that such agreements shall not be inconsistent with the terms and conditions of the franchise granted in this ordinance, shall not extend beyond the term of the franchise, and shall be enforceable separate and apart from the franchise.

SECTION V. Be it further ordained that the Company shall, within ninety (90) days from the approval of this ordinance, file the Company's written acceptance of the franchise granted in this ordinance with the Clerk of the City, so as to form a contract between the Company and the City.

SECTION VI. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the Company and the City with respect to the Company's use of the City's streets, alleys, and public places, in actual conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

Adopted by the City Council of the City of Mableton, Georgia, at a meeting held on

_____, 2023.

Approved: _____, 2023.

Mayor

I, _____, Clerk of the City of Mableton, Georgia, hereby certify that I was present at the meeting of the City Council of the City of Mableton, Georgia, held on _____, 2023, which meeting was duly and legally called and held, and at which a quorum was present, and that an ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by the City Council of the City of Mableton, Georgia, at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the corporate seal of the City of Mableton, County of Cobb, State of Georgia, this _____ day of _____, 2023.

Clerk