

AN ORDINANCE

BY MICHAEL BOND,

Cleta Henslow
C. T. Martin *J. M. [Signature]*

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FRANCHISE AGREEMENT WITH CITYNET TELECOMMUNICATIONS, INC., FOR THE PROVISION OF TELECOMMUNICATIONS INFRASTRUCTURE USING PUBLIC SEWERS; AND FOR OTHER PURPOSES.

WHEREAS, CityNet Telecommunications, Inc. ("CityNet") has applied for a franchise to construct telecommunications broadband infrastructure in the sewer system of the City of Atlanta;

WHEREAS, CityNet proposes to install, maintain and operate an underground telecommunications infrastructure using existing public sewers and, in turn, avoid the need for repeated construction in the public right-of-way for this purpose; and

WHEREAS, the City has determined that CityNet's proposal is governed by the comprehensive ordinance enacted by the City which governs the use of its right-of-way, pursuant to the federal Telecommunications Act, providing access to its right-of-way, on a non-discriminatory basis; and

WHEREAS, CityNet is negotiating a franchise agreement with the City which provides such access and preserves the rights of the City;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

Section 1: That the Mayor be and is hereby authorized to negotiate and execute a franchise agreement with CityNet Telecommunications, Inc. for use of the public sewer system for the purpose of installing, maintaining and operating telecommunications infrastructure.

Section 2: That such franchise agreement shall expire and terminate on April 1, 2003.

Section 3: That CityNet Telecommunications, Inc. shall pay a franchise fee of 3%, represented by 2.5% of all revenues generated by the telecommunications infrastructure, with .5% to be provided in in-kind services.

Section 4: That the City Attorney shall prepare a franchise agreement document, which shall be approved by the City Attorney as to form.

Section 5: That said franchise agreement shall not be binding on the City of Atlanta until approved by the Mayor and delivered to CityNet Telecommunications, Inc.

RCS# 3281
11/19/01
3:12 PM

Atlanta City Council

Regular Session

01-0-1297

Franchise Agreement with CityNet
Telecommunications, Inc.

ADOPT

YEAS: 7
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 4

FAILED

Y McCarty	B Dorsey	N Moore	N Thomas
B Starnes	Y Woolard	Y Martin	N Emmons
B Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	N Muller	Y Boazman	NV Pitts

01-0-1297

RCS# 3280
11/19/01
3:11 PM

Atlanta City Council

Regular Session

01-0-1297

Franchise Agreement with CityNet
Telecommunications, Inc.

ADVERSE

YEAS: 3
NAYS: 7
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 4

FAILED

N McCarty	B Dorsey	Y Moore	N Thomas
B Starnes	NV Woolard	N Martin	Y Emmons
B Bond	B Morris	N Maddox	N Alexander
N Winslow	Y Muller	N Boazman	NV Pitts

01-0-1297

01-0 -1297

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCIL MEMBER MICHAEL BOND *Clota*
Andrew
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TO ENTER INTO A FRANCHISE
AGREEMENT WITH CITYNET
TELECOMMUNICATIONS, INC., FOR THE
PROVISION OF TELECOMMUNICATIONS
INFRASTRUCTURE USING PUBLIC
SEWERS, AND FOR OTHER PURPOSES.

**FAILED
DUE TO LACK OF
MAJORITY VOTE**

NOV 19 2001

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

8/6/01

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee *City Utilities*
Date *8-14-01*
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

Committee *City Utilities*
Date *11/13/01*
Chair *David Muller*
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: *No*
Members *Ms. Conner*
John M. Stamps
Refer To *2nd Reading / 1st Adoption*

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
NOV 19 2001
ATLANTA CITY COUNCIL PRESIDENT
Richard A. Pitts

CERTIFIED
NOV 19 2001
Phyllis Davidson Johnson
MUNICIPAL CLERK

MAYOR'S ACTION