

**13-R-0286**  
 (Do Not Write Above This Line)

A RESOLUTION 13-R-\_\_\_\_\_

BY THE PUBLIC SAFETY AND LEGAL  
 ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE  
 SETTLEMENT OF ALL CLAIMS AGAINST  
 THE CITY OF ATLANTA IN THE CASE OF  
ANNSONITA ROBINSON V. CITY OF  
 ATLANTA, CIVIL ACTION FILE NUMBER  
 1:10-CV-2036, UNITED STATES DISTRICT  
 COURT, NORTHERN DISTRICT OF  
 GEORGIA, ATLANTA DIVISION, IN THE  
 AMOUNT OF \$45,000.00; AUTHORIZING  
 PAYMENT OF \$45,000.00 TO BE CHARGED  
 TO AND PAID FROM FUND 1001 (GENERAL  
 FUND), CENTER NUMBER 200101 (NON-  
 DEPARTMENTAL), ACCOUNT 5212005  
 (LITIGATION EXPENSES) and FUNCTIONAL  
 ACTIVITY NUMBER 151200 (ACCOUNTING);  
 AUTHORIZING THE CHIEF FINANCIAL  
 OFFICER TO DISTRIBUTE THE  
 SETTLEMENT AMOUNT; AND FOR OTHER  
 PURPOSES.

Eric Richardson, Deputy City Attorney

**ADOPTED BY**  
**FEB 18 2013**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred To \_\_\_\_\_

**PSLA** Committee \_\_\_\_\_

Date 2/12/13 \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (See rev.side) \_\_\_\_\_

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (See rev.side) \_\_\_\_\_

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (See rev.side) \_\_\_\_\_

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (See rev.side) \_\_\_\_\_

Other \_\_\_\_\_

Members \_\_\_\_\_

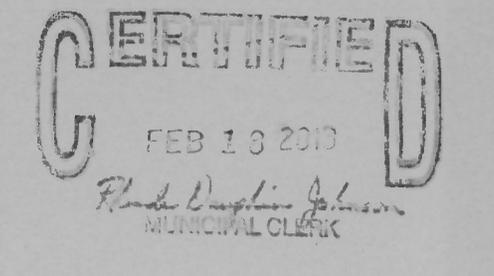
Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

2<sup>ND</sup>  1<sup>ST</sup> & 2<sup>ND</sup>  3<sup>RD</sup>

Readings

Consent  V Vote  RC Vote



MAYOR'S ACTION

**APPROVED**

FEB 25 2013

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ANNSONITA ROBINSON V. CITY OF ATLANTA, CIVIL ACTION FILE NUMBER 1:10-CV-2036, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$45,000.00; AUTHORIZING PAYMENT OF \$45,000.00 TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), ACCOUNT 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 151200 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Annsionita Robinson v. City of Atlanta*, is a case in which the Plaintiff, Annsionita Robinson, sought remedy and redress for alleged Race Discrimination in Employment; and

WHEREAS, Plaintiff has agreed to accept \$45,000.00 in full settlement of all claims against the City of Atlanta, inclusive of interest and attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, the City Attorney considered it to be in the best interest of the City to pay the amount of \$45,000.00 to settle all claims against the City of Atlanta and its police officer.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

**SECTION 1.** The City Attorney is hereby authorized to settle and execute all necessary settlement documentation in the case of *Annsionita Robinson v. City of Atlanta* in the amount of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00).

**SECTION 2.** Said payment is to be charged, paid and issued as follows:



The Chief Financial Officer is authorized to make payment from **Fund 1001 (General Fund), Center Number 200101 (Non-Departmental), Account 5212005 (Litigation Expenses) and Functional Activity Number 1512000 (Accounting). A check in the amount of \$45,000.00 made payable to Law Offices of John D. Wales, P.C.**

Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former employees.

A true copy,

A handwritten signature in black ink, appearing to be "K. Sullivan", is written over the text "A true copy," and extends down to the title "Deputy Clerk".

Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

FEB 18, 2013  
FEB 27, 2013

House Bill 176

By: Representatives Parsons of the 44<sup>th</sup>, Abrams of the 89<sup>th</sup>, Smith of the 134<sup>th</sup>, Dudgeon of the 25<sup>th</sup>, Martin of the 49<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as change certain provisions applicable to counties and municipal corporations related to  
3 advanced broadband collocation; to provide for a short title; to provide for definitions; to  
4 make changes related to streamlined processing; to standardize certain procedures related to  
5 new wireless facilities; to place limitations on the time allowed for the review of new  
6 wireless facilities; to limit fees charged for review of wireless facilities; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
11 by revising Chapter 66B, relating to advanced broadband collocation, as follows:

12 "CHAPTER 66B

13 36-66B-1.

14 This chapter shall be known and may be cited as the '~~Advanced Broadband Collocation~~  
15 ~~Act~~' 'Mobile Broadband Infrastructure Leads to Development (BILD) Act.'

16 36-66B-2.

17 (a) The General Assembly finds that the enactment of this chapter is necessary to:

- 18 (1) Ensure the safe and efficient integration of facilities necessary for the provision of  
19 broadband and other advanced wireless communication services throughout this state;  
20 (2) Ensure the ready availability of reliable wireless communication services to the  
21 public to support personal communications, economic development, and the general  
22 welfare; and



23 (3) Encourage where feasible the modification or collocation of wireless facilities on  
24 existing wireless support structures over the construction of new wireless support  
25 structures in the deployment or expansion of commercial wireless networks.

26 (b) While recognizing and confirming the purview of local governments to exercise  
27 zoning, land use, and permitting authority within their territorial boundaries with regard to  
28 the location, construction, and modification of wireless communication facilities, it is the  
29 intent of this chapter to establish procedural standards for the exercise of such authority so  
30 as to streamline and facilitate the construction or modification of such facilities, including  
31 the placement of new or additional wireless facilities on existing wireless support  
32 structures. It is not the intent of this chapter to limit or preempt the scope of a local  
33 government's review of zoning, land use, or permitting applications for the siting of  
34 wireless facilities or wireless support structures or to require a local government to exercise  
35 its zoning power.

36 36-66B-3.

37 As used in this chapter, the term:

38 (1) 'Accessory equipment' means any equipment serving or being used in conjunction  
39 with a wireless facility or wireless support structure and includes, but is not limited to,  
40 utility or transmission equipment, power supplies, generators, batteries, cables, equipment  
41 buildings, cabinets, and storage sheds, shelters, or similar structures.

42 (2) 'Antenna' means communications equipment that transmits, receives, or transmits  
43 and receives electromagnetic radio signals used in the provision of all types of wireless  
44 communication services.

45 (3) 'Application' means a formal request submitted to the local governing authority to  
46 construct, ~~collocate~~ collocate, or modify a wireless support structure or a wireless facility.  
47 An application ~~shall be deemed complete when~~ may include all documents, information,  
48 and fees specifically enumerated in the local governing authority's regulations,  
49 ordinances, and forms pertaining to the location, construction, collocation, modification,  
50 or operation of wireless facilities ~~are~~ submitted by the applicant to the local governing  
51 authority.

52 (4) ~~'Collocation'~~ 'Collocate' or 'collocation' means the placement or installation of new  
53 wireless facilities on previously approved and constructed wireless support structures,  
54 including monopoles and towers, both self-supporting and guyed, in a manner that  
55 negates the need to construct a new freestanding wireless support structure. Such term  
56 includes the placement of accessory equipment within an existing equipment compound.

57 (5) 'Equipment compound' means an area surrounding or adjacent to the base of a  
58 wireless support structure within which accessory equipment is located.



59 (6) 'Local governing authority' means a municipality or county that has adopted land use  
60 or zoning regulations for all or the majority of land uses within its jurisdiction or has  
61 adopted separate regulations pertaining to the location, construction, collocation,  
62 modification, or operation of wireless facilities.

63 (7) 'Modification' or 'modify' means the improvement, upgrade, expansion, or  
64 replacement of existing wireless facilities on an existing wireless support structure or  
65 within an existing equipment compound, ~~provided such improvement, upgrade,~~  
66 ~~expansion, or replacement does not increase the height of the wireless support structure~~  
67 ~~or increase the dimensions of the equipment compound.~~

68 (8) 'Registry' means any official list, record, or register of wireless facilities, equipment  
69 compounds, or wireless support structures maintained by a local governing authority.

70 (9) 'Substantially change the size' means:

71 (A) The mounting or installation of proposed antennas on an existing wireless support  
72 structure that would increase the height of such existing wireless support structure by  
73 more than 10 percent, or by the height of one additional antenna array with separation  
74 from the nearest existing antenna exceeding 20 feet, whichever is greater;

75 (B) The mounting or installation of proposed antennas on an existing wireless support  
76 structure involving the addition of an appurtenance to the body of such existing wireless  
77 support structure that would protrude from the edge of such existing wireless support  
78 structure by more than 20 feet, or more than the width of such existing wireless support  
79 structure at the level of such appurtenance, whichever is greater;

80 (C) The expansion of the boundaries of the existing equipment compound surrounding  
81 the existing wireless support structure by more than 30 linear feet in any direction or  
82 excavation outside such expanded boundaries or outside any existing access or utility  
83 easement related to the existing wireless support structure; or

84 (D) The addition of more than the standard number of new equipment cabinets for the  
85 technology involved, not to exceed four, or the addition of more than one new  
86 equipment compound in association with the mounting of a proposed antenna.

87 (8)(10) 'Wireless facility' means the set of equipment and network components, exclusive  
88 of the underlying wireless support structure, including antennas, transmitters, receivers,  
89 base stations, power supplies, cabling, and accessory equipment, used to provide wireless  
90 data and telecommunication services.

91 (9)(11) 'Wireless support structure' means a freestanding structure, such as a monopole,  
92 tower, either guyed or self-supporting, or suitable existing building or alternative  
93 structure designed to support or capable of supporting wireless facilities. ~~Such term shall~~  
94 ~~not include any electrical utility pole or tower used for the distribution or transmission~~  
95 ~~of electrical service.~~



96 36-66B-4.

97 (a) Applications for collocation or modification of a wireless facility entitled to  
98 streamlined processing under this Code section shall be reviewed for conformance with  
99 applicable site plan and building permit requirements, including zoning and land use  
100 conformity, but shall not otherwise be subject to the issuance of additional zoning, land  
101 use, or special use permit approvals beyond the initial zoning, land use, or special permit  
102 approvals issued for such wireless support structure or wireless facility. The intent of this  
103 Code section is to allow previously approved wireless support structures and wireless  
104 facilities to be modified or ~~accept~~ collocations thereto to be accepted without additional  
105 zoning or land use review beyond that which is typically required by the local governing  
106 authority for the issuance of building or electrical permits.

107 (b) The streamlined process set forth in subsection (a) of this Code section shall apply to  
108 applications for ~~all~~ proposed modifications and to applications for ~~all~~ proposed collocations  
109 that meet the following requirements:

110 (1) The proposed modification or collocation shall not ~~increase the overall height or~~  
111 ~~width~~ substantially change the size of the wireless support structure to which the wireless  
112 facilities are to be attached;

113 (2) The proposed modification or collocation shall not ~~increase the dimensions~~  
114 substantially change the size of the equipment compound initially approved by the local  
115 governing authority;

116 (3) The proposed collocation shall comply with applicable conditions of approval, if any,  
117 applied to the initial wireless facilities and wireless support structure, as well as any  
118 subsequently adopted amendments to such conditions of approval; and

119 (4) The proposed collocation shall not exceed the applicable weight limits for the  
120 wireless support structure, as demonstrated by a letter from a structural engineer licensed  
121 to practice in this state.

122 A modification or collocation, once approved, shall not differ from the modification or  
123 collocation proposed in the application without filing a subsequent application.

124 (c) A local governing authority's review of an application to modify or collocate wireless  
125 facilities on an existing wireless support structure shall not include an evaluation of the  
126 technical, business, or service characteristics of such proposed wireless facilities. A local  
127 governing authority shall not require an applicant to submit radio frequency analyses or any  
128 other documentation intended to demonstrate the proposed service characteristics of the  
129 proposed wireless facilities, to illustrate the need for such wireless facilities, or to justify  
130 the business decision to collocate such wireless facilities; provided, however, that the local  
131 governing authority may require the applicant to provide a letter from a radio frequency

132 engineer certifying the applicant's proposed wireless facilities will not interfere with  
133 emergency communications.

134 (d) Within 90 calendar days of the date an application for modification or collocation of  
135 wireless facilities is filed with the local governing authority, unless another date is  
136 specified in a written agreement between the local governing authority and the applicant,  
137 the local governing authority shall:

138 (1) Make its final decision to approve or disapprove the application; and

139 (2) Advise the applicant in writing of its final decision.

140 (e) Within 30 calendar days of the date an application for modification or collocation is  
141 filed with the local governing authority, the local governing authority shall notify the  
142 applicant in writing of any information required to complete ~~the~~ such application. To the  
143 extent additional information is required to complete the application, the time required by  
144 the applicant to provide such information shall not be counted toward the 90 calendar day  
145 review period set forth in subsection (d) of this Code section.

146 (f) If a local governing authority fails to make a final decision to approve or disapprove  
147 an application for modification or collocation of wireless facilities pursuant to the  
148 provisions of subsection (d) of this Code section, then such application shall be deemed  
149 approved as submitted.

150 (g) Notwithstanding anything to the contrary in this chapter, pole attachments of wireless  
151 facilities to a pole owned or operated by a utility are solely governed by the requirement  
152 of 47 U.S.C. Section 224.

153 36-66B-5.

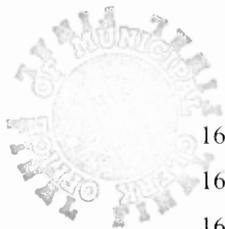
154 In the regulation of the placement or construction of any new wireless facility or wireless  
155 support structure, a local governing authority shall not:

156 (1) Place conditions on the approval of any application beyond those specified in Code  
157 Section 36-66B-4 for any subsequent application for collocation or modification;

158 (2) Evaluate an application based on the availability of other potential locations for the  
159 placement of wireless support structures or wireless facilities;

160 (3) Require the removal of existing wireless support structures or wireless facilities as  
161 a condition to approval of an application for a new wireless facility or wireless support  
162 structure unless such existing wireless support structure or wireless facility is abandoned  
163 and owned by the applicant;

164 (4) Impose any requirements or restrictions with respect to objects in navigable airspace  
165 that are greater than or in conflict with the requirements or restrictions imposed by the  
166 Federal Aviation Administration; or



167 (5) Impose surety requirements, including bonds, escrow deposits, letters of credit, or  
168 any other type of financial surety, to ensure that abandoned or unused wireless facilities  
169 or wireless support structures can be removed, unless the local governing authority  
170 imposes similar requirements on other permits for other types of commercial  
171 development or land uses.

172 36-66B-6.

173 (a) In reviewing an application or request for a new wireless facility or wireless support  
174 structure, a local governing authority shall not require the applicant to place an antenna or  
175 other wireless communications equipment on publicly owned land or on a publicly or  
176 privately owned water tank, building, or electric transmission tower as an alternative to the  
177 location proposed by the applicant.

178 (b) Within 150 calendar days of the date an application for a new wireless facility or  
179 wireless support structure is filed with the local governing authority, unless another date  
180 is specified in a written agreement between the local governing authority and the applicant,  
181 the local governing authority shall:

182 (1) Make its final decision to approve or disapprove the application; and

183 (2) Advise the applicant in writing of its final decision.

184 (c) Within 30 calendar days of the date an application for a new wireless facility or  
185 wireless support structure is filed with the local governing authority, the local governing  
186 authority shall notify the applicant in writing of any information required to complete such  
187 application. To the extent additional information is required to complete the application,  
188 the time required by the applicant to provide such information shall not be counted toward  
189 the 150 calendar day review period set forth in subsection (b) of this Code section.

190 (d) If a local governing authority fails to make its final decision to approve or disapprove  
191 an application for a new wireless facility or wireless support structure pursuant to the  
192 provisions of subsection (b) of this Code section, then such application shall be deemed  
193 approved as submitted.

194 36-66B-7.

195 A local governing authority shall not charge an applicant:

196 (1) A zoning, permitting, or other fee for review or inspection of a new or existing  
197 wireless facility or wireless support structure in an amount greater than the reasonably  
198 approximate cost incurred by the local governing authority in connection with such  
199 review or inspection; or

200 (2) Any fee in excess of the zoning, permitting, or other fees charged for similar  
201 activities involving other land uses.



202 36-66B-8.  
203 In the event a local governing authority engages a consultant to assist in reviewing any  
204 application, permit, or registry for a wireless facility or wireless support structure, the local  
205 government authority shall not seek reimbursement or payment from the applicant for any  
206 consulting fees in excess of the reasonably approximate costs incurred, and in no event  
207 shall an applicant be required to pay or reimburse consulting fees that are based on a  
208 contingency or similar fee.

209 36-66B-9.  
210 No state or local governing authority shall charge a wireless service provider or wireless  
211 infrastructure provider any rental, license, or other fees to locate a wireless facility or  
212 wireless support structure on such government entity's property in excess of the current  
213 market rates for rental or use of similarly situated property. If a state or local governing  
214 authority and the applicant do not agree on the applicable market rate on any such  
215 government property, the market rate shall be determined by mediation in which the  
216 applicant and the government entity shall submit their respective positions regarding the  
217 appropriate market rate for the property in question to a mediator mutually agreed upon by  
218 the parties who will determine the appropriate market rate. If the parties cannot mutually  
219 agree on a mediator, one shall be chosen in accordance with the procedures of the  
220 American Arbitration Association. Any such mediation shall be concluded within 150  
221 calendar days from the date the applicant first tenders its proposed lease rate to the  
222 government entity."

223

**SECTION 2.**

224 All laws and parts of laws in conflict with this Act are repealed.

RCS# 2559  
2/18/13  
2:03 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; 2/18/2013

ALL ITEMS

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-18-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0126	35. 13-R-0189	67. 13-R-0241
2. 13-O-0129	36. 13-R-0210	68. 13-R-0242
3. 13-O-0175	37. 13-R-0211	69. 13-R-0243
4. 12-O-1314	38. 13-R-0212	70. 13-R-0244
5. 13-O-0132	39. 13-R-0213	71. 13-R-0245
6. 13-O-0276	40. 13-R-0214	72. 13-R-0246
7. 13-O-0279	41. 13-R-0215	73. 13-R-0247
8. 13-O-0283	42. 13-R-0216	74. 13-R-0248
9. 13-R-0193	43. 13-R-0217	75. 13-R-0249
10. 13-R-0201	44. 13-R-0218	76. 13-R-0250
11. 13-R-0202	45. 13-R-0219	77. 13-R-0251
12. 13-R-0203	46. 13-R-0220	78. 13-R-0252
13. 13-R-0207	<b>ITEMS ADVERSED ON CONSENT</b>	79. 13-R-0253
14. 13-R-0286	47. 13-R-0221	80. 13-R-0254
15. 13-R-0007	48. 13-R-0222	81. 13-R-0255
16. 13-R-0011	49. 13-R-0223	82. 13-R-0256
17. 13-R-0013	50. 13-R-0224	83. 13-R-0257
18. 13-R-0204	51. 13-R-0225	84. 13-R-0258
19. 13-R-0205	52. 13-R-0226	85. 13-R-0259
20. 13-R-0208	53. 13-R-0227	86. 13-R-0260
21. 13-R-0209	54. 13-R-0228	87. 13-R-0261
22. 13-R-0195	55. 13-R-0229	88. 13-R-0262
23. 13-R-0196	56. 13-R-0230	89. 13-R-0263
24. 13-R-0197	57. 13-R-0231	90. 13-R-0264
25. 13-R-0198	58. 13-R-0232	91. 13-R-0265
26. 13-R-0277	59. 13-R-0233	92. 13-R-0266
27. 13-R-0181	60. 13-R-0234	93. 13-R-0267
28. 13-R-0182	61. 13-R-0235	94. 13-R-0268
29. 13-R-0183	62. 13-R-0236	95. 13-R-0269
30. 13-R-0184	63. 13-R-0237	96. 13-R-0270
31. 13-R-0185	64. 13-R-0238	97. 13-R-0271
32. 13-R-0186	65. 13-R-0239	98. 13-R-0272
33. 13-R-0187	66. 13-R-0240	
34. 13-R-0188		