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ATLANTA CITY COUNCIL

AGENDA

February 4, 2001

Order of Business for the Atlanta City Council

Monday, February 4, 2002

The Honorable Cathy Woolard, Presiding

1:00 P. M.

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Proclamations, Commendations and other Special Awards
6. Remarks by the Public
7. Report of the Journal
8. Communications
9. Adoption of Agenda
10. Consideration of Vetoed Legislation
11. Unfinished Business
12. Consent Agenda
13. **Report of Standing Committees Committee Chairs Page**

Community Development/Human

Resources Committee Cleta Winslow 12

Public Safety and Legal

Administration Committee Ceasar C. Mitchell 13

Transportation Committee H. Lamar Willis 14

Zoning Committee Debi Starnes 15

Finance/Executive Committee Felicia A. Moore 23

Committee on Council** Anne Fauver 26

City Utilities Committee Clair Muller 27

14. Personal Papers and General Remarks

15. Announcements

16. Adjournment: Roll Call

*** No Report**

**** No Report at Time of Agenda Preparation**

C O N S E N T A G E N D A

There will be no separate discussion of these items. If discussion on any item is desired, the item will be removed from the Consent Agenda and will be considered separately - excerpt from 11.3, Consent Agenda; Rules for the Conduct of Business for the Council of the City of Atlanta.

SECTION I

ORDINANCES FOR SECOND READING

PUBLIC SAFETY AND LEGAL

ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR

02O0169 An Ordinance by Councilman C. T. Martin to amend Sections 30-1485, 30-149 and 16-28.008 of the Atlanta City Code so as to allow a vendor permitted to conduct business on a specific parcel of private property to conduct business at that location indefinitely; and for other purposes.

TRANSPORTATION COMMITTEE - H. LAMAR WILLIS, CHAIR

02O0004 An Ordinance by Transportation Committee granting to Georgia Power Company an easement across real property owned by the City of Atlanta in Land Lot 58 of the 13th District of Clayton County to provide service to the Airport Lift Station #2 at 4890 Riverdale Road at Hartsfield Atlanta International Airport; authorizing the Mayor to execute an appropriate instrument to evidence the granting of such easement; and for other purposes.

02O0006 An Ordinance by Transportation Committee amending the 2001 (Airport Renewal & Extension Fund) Budget by transferring to and from appropriations the amount of \$31,030,000.00 for the purpose of funding Reimbursable Agreement No. SO-0470-07X with the Federal Aviation Administration (FAA) for costs incurred by the FAA for construction of the Airport Traffic Control Tower at Hartsfield Atlanta International Airport; and for other purposes.

CONSENT AGENDA SECTION I (CONT'D)

RESOLUTIONS

COMMUNITY DEVELOPMENT/HUMAN

RESOURCES COMMITTEE - CLETA WINSLOW, CHAIR

02R0088 A Resolution by Councilmember Clair Muller as **substituted by Community Development/Human Resources Committee** acknowledging that the Buckhead Rotary Club has been and shall continue to maintain and clean the apparently abandoned historically significant Harmony Grove Cemetery, located at 214 West Paces Ferry Road, NW; to provide that the City's acknowledgment and participation with respect to this effort shall be at no cost to the City; and for other purposes.

PUBLIC SAFETY AND LEGAL

ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR

02R0146 A Resolution by Public Safety and Legal Administration Committee authorizing payment in the amount of \$4,393.91 in settlement of the claim of Thomas Flewellyn against the City of Atlanta; and for other purposes.

02R0147 A Resolution by Public Safety and Legal Administration Committee authorizing payment in the amount of \$12,179.98 in settlement of the claim of Gloria Jean Cannon against the City of Atlanta; and for other purposes.

TRANSPORTATION COMMITTEE - H. LAMAR WILLIS, CHAIR

02R0005 A **Substitute** Resolution by Transportation Committee authorizing the Mayor to execute Reimbursable Agreement No. SO-0470-07X with the Federal Aviation Administration (FAA) for reimbursement by the City to the FAA of the cost incurred by the FAA for construction of the Airport Traffic Control Tower at Hartsfield Atlanta International Airport up to an estimated amount not to exceed \$31,030,000.00 to be paid from Fund, Account and Center Number: 2H21 529010 R21E05069999; and for other

purposes.

02R0179 A Resolution by Transportation Committee expressing the support of the City Council for the inclusion of the Emory/Atlanta/South Dekalb/Belt Line Light Rail Study in the 2003-2005 Transportation Improvement Program (TIP); and for other purposes.

CONSENT AGENDA SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE - FELICIA A. MOORE, CHAIR

02R0193 A Resolution by Finance/Executive Committee urging the 2002 Georgia General Assembly to support the City of Atlanta's 2002 Legislative Package.

02R0105 A **Substitute** Resolution by Finance/Executive Committee **as amended** to express the Council's intent to include in the City of Atlanta's 2002 Legislative Package the various pieces of legislation listed below; and for other purposes.

PUBLIC SAFETY AND LEGAL

ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR

Claims with Favorable recommendations:

02R0137 Claim of **Yolanda Woodard**, for damages alleged to have been sustained as a result of a vehicular accident on October 9, 2001 at 4150 Snapfinger Woods Drive. **\$880.84**

02R0138 Claim of **Freddie Howard**, for damages alleged to have been sustained as a result of a vehicular accident on September 5, 2001 at Katherwood and Melrose Drives, SW. **\$2,000.00**

02R0139 Claim of **Michael L. Johnson**, for damages alleged to have been sustained as a result of a vehicular accident on August 2, 2001 at Central Avenue north of Garnett Street, SW. **\$650.00**

02R0140 Claim of **Michael Lee McGee**, for damages alleged to have been sustained as a result of driving over a large pothole in the roadway on July 21, 2001 at Wells Street and Ralph David Abernathy Boulevard. **\$2,000.00**

02R0141 Claim of **Thomas J. Dorris**, for damages alleged to have been sustained as a result of vehicular damage caused by the malfunction of an electronic gate on September 19, 2001 at 6000 South Terminal Parkway, Gate 79. **\$2,000.00**

02R0142 Claim of **Mike Blackburn**, for damages alleged to have been sustained as a result of an automobile incident on July 16, 2001 at 1189 Moreland Avenue. **\$1,600.89**

CONSENT AGENDA SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL

ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR

Claims with Favorable recommendations:

02R0143 Claim of **Monique Terry**, for damages alleged to have been sustained as a result of a vehicular accident on October 26, 2001 at Interstate 75 northbound at Spring Street.

\$1,135.26

02R0144 Claim of **Jauanchella Groome-Holt**, for damages alleged to have been sustained as a result of a fire hose falling from a fire vehicle on October 11, 2001 at Martin Luther King, Jr. Drive between Whitehouse Drive and Ollie Street. **\$1,110.90**

02R0145 Claim of **Kimberly Jackson**, for damages alleged to have been sustained as a result of a vehicular accident on August 23, 2001 at Neely Avenue and Semmens Street. **\$2,000.00**

Claims with Unfavorable recommendations:

02R0117 Claim of **Sharman M. Meade**, for damages alleged to have been sustained as a result of an undisclosed loss on October 14, 1988 and an undisclosed location.

02R0118 Claim of **Torrente Furniture, through its attorney, Richard N. Hubert**, for damages alleged to have been sustained as a result of relocation expenses incurred under an agreement with MARTA for property located at 508-R Armour Circle, NE.

02R0119 Claim of **Leatra J. Dennard**, for damages alleged to have been sustained when a vehicle struck a displaced manhole cover that was located in the roadway on February 28, 2000 at Woodward Avenue, SE and Kelly Street, SE.

02R0120 Claim of **Fireman's Fund Insurance Company as subrogee of James P. Ryan**, for damages alleged to have been sustained as a result of a metal plate that was located in the roadway on December 23, 2000 at North Highland Avenue.

CONSENT AGENDA SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL

ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR

Claims with Unfavorable recommendations:

02R0121 Claim of **Raymond I. Halaby**, for damages alleged to have been sustained as a result of an automobile accident on August 28, 2001 at Lenox and Crane Roads, NE.

02R0122 Claim of **Marie Dobbins, through her insurance company c/o Clever Botex, Paragon Subrogation Services, Inc.**, for damages alleged to have been sustained as a result of a sanitation truck backing into her detached garage on June 6, 2000 at 250 Sunset Avenue, NW.

02R0123 Claim of **Tristar of America, Inc., through its attorney, Alfred A. Malena, Jr.**, for damages alleged to have been sustained as a result of not being awarded a contract for the Carver Homes Phase IV Remediation /Demolition project.

02R0124 Claim of **Corey L. Turner**, for damages alleged to have been sustained from an automobile accident on September 4, 2001 at Claire Drive, SE and Lakewood Terrace, SE.

02R0125 Claim of **United Services Automobile Association as subrogee of insured, Angela M. King**, for damages alleged to have been sustained as a result of a vehicular accident on September 25, 2001 at Memorial Drive and Second Avenue, SE.

02R0126 Claim of **Jessica Mastrodomenico**, for damages alleged to have been sustained as a result of driving over a construction ditch in the roadway on October 21, 2001 at Spring and 14th Streets.

02R0127 Claim of **Rasheedrah Martin**, for damages alleged to have been sustained as a result of driving over an unsecured construction plate in the road on September 10, 2001 at Auburn and Courtland Avenues.

02R0128 Claim of **Chad Purvis**, for damages alleged to have been sustained as a result of a vehicular incident on January 8, 2001 at Peachtree Street between Lindberg Drive and Lakeview Avenue.

CONSENT AGENDA SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL

ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR

Claims with Unfavorable recommendations:

02R0129 Claim of **Deuward G. F. Bultman, III**, for damages alleged to have been sustained as a result of a tree falling onto his property on April 17, 2001 at 55 Alden Avenue.

02R0130 Claim of **Charles W. Cross**, for damages alleged to have been sustained as a result of vehicular damage due to a pothole in the roadway on May 4, 2001 on the Atlanta University Center Campus at Westview Drive.

02R0131 Claim of **State Farm Insurance Companies, and Yolanda Holt, through their attorney, D. Todd Markel, Miller & Markel, L.L.P.**, for damages alleged to have been sustained as a result of raw sewage backing up into claimant's home on May 7, 1999 at 3318 Hazelwood Drive, SW.

02R0132 Claim of **Our Lady of Lourdes Catholic School**, for damages alleged to have been sustained as a result of sewage backing up into claimant's school and yard on June 4, 2001 at 29 Boulevard.

02R0133 Claim of **Linda Burgess, through her attorney, Eric D. Miller**, for damages alleged to have been sustained as a result of stepping on a metal bolt on the sidewalk on March 6, 2001 near Courtland Street.

02R0134 Claim of **Courtney Darby, through her attorney, Delmarie A. Griffin**, for damages alleged to have been sustained when the City failed to provide for the issuance of Certificates of Public Necessity and Convenience from January 1996 to present at the Bureau of Taxicabs and Vehicles for Hire Office.

02R0135 Claim of **Curtis Virgil, Jr.**, for damages alleged to have been sustained as a result of a police arrest on September 12, 2001 at 1030 Piedmont Avenue, NE.

02R0136 Claim of **Terry E. Jones**, for damages alleged to have been sustained as a result of sewage backing up into claimant's garage and basement on March 24, 2001 at 281 Holly Road, NW.

CONSENT AGENDA SECTION II

ORDINANCES FOR FIRST READING

COMMUNITY DEVELOPMENT/HUMAN

RESOURCES COMMITTEE - CLETA WINSLOW, CHAIR

02O0148 An Ordinance by Community Development/Human Resources Committee authorizing the Mayor to enter into a contract amendment with Habitat for Humanity, Inc. for CD-542, Habitat for Humanity Acquisition in an amount not to exceed \$218,749.00 and to enter into a contract amendment with Alternate Life Paths, Inc. for CD-700, Independent Living Skills Apartments in an amount not to exceed \$191,329.75; and for other purposes.

TO BE REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

02O0149 An Ordinance by Community Development/Human Resources Committee authorizing the Mayor to direct the Department of Planning, Development and

Neighborhood Conservation (Bureau of Neighborhood Conservation) to clean the premises and close the various structures, pursuant to Article III of the Atlanta Housing Code and a hearing conducted by the In Rem Review Board on December 27, 2001.

1307 Chattahoochee Avenue 09

961 Conley Road, SE 12

1925 Harbin Road, SW 10

2940 Old Jonesboro Road, SE 12

1255 Plaza Avenue, SW 10

TO BE REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

02O0150 An Ordinance by Community Development/Human Resources Committee authorizing the Mayor to direct the Department of Planning, Development and Neighborhood Conservation (Bureau of Neighborhood Conservation) to demolish and clean the premises of various structures, pursuant to Article III of the Atlanta Housing Code and a hearing conducted by the In Rem Review Board on December 27, 2001.

CONSENT AGENDA SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN

RESOURCES COMMITTEE - CLETA WINSLOW, CHAIR

2390 Baker Road, NW 09

3387 Oakcliff Road, NW 10

1175 Osborne Street, SW 12

TO BE REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

TRANSPORTATION COMMITTEE - H. LAMAR WILLIS, CHAIR

02O0151 An Ordinance by Transportation Committee amending the Code of Ordinances of the City of Atlanta, Georgia, Chapter 22, Aviation, Section 22-85, Aircraft Parking Fees and Section 22-168, Taxiing and Ground Rules, so as to ratify and affirm existing fees and to require Aircraft Operators to pay Aircraft and Equipment Parking Fees established by the Aviation General Manager for the use of common-use aircraft parking and equipment storage areas; and for other purposes.

TO BE REFERRED TO TRANSPORTATION COMMITTEE

FINANCE/EXECUTIVE COMMITTEE - FELICIA A. MOORE, CHAIR

02O0155 An Ordinance by Finance/Executive Committee amending the 2002 (1997 G. O. Public Improvement Bond) Budget in the amount of \$276,284.76 for Storm Drainage Construction; and for other purposes.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

02O0184 An Ordinance by Finance/Executive Committee to adopt the 2002 Recommended Budget and for other purposes.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

CONSENT AGENDA SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE - FELICIA A. MOORE, CHAIR

02O0185 An Ordinance by Finance/Executive Committee to amend Section 146-26 (b), (c), (d), (e), and (f) of the Code of Ad Valorem Tax Rate of Real and Personal Property for the General Levy, City Parks Levy, Education Levy, and the Special Tax District Levy for providing library services in that portion of the City of Atlanta, which lies within Dekalb County, to provide that the tax rates established herein shall remain fixed each year until amended or repealed, to repeal conflicting laws; and for other purposes. **(To be advertised for a Public Hearing 2/13/02 at 2:00 p.m. in Committee Room #2.)**

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

02O0186 An Ordinance by Finance/Executive Committee to amend the Charter of the City of Atlanta adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965 (Ga. Laws 1965, P. 298, et. seq.) as amended to amend Part 1, Subpart A, Article VI, Chapter 3, Section 6-301(b)(2), Section 6-302(c) and Section 6-304(b) of the Charter of the City of Atlanta, Georgia (Ga. Laws 1966, P. 4469, et. seq.) approved April 15, 1996, as amended so as to add a requirement for the Budget Commission to allocate funds for a restricted General Fund Reserve equal to five (5) percent of the proposed General Fund Budget; and for other purposes.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

0200187 An Ordinance by Finance/Executive Committee to amend the Charter of the City of Atlanta adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965 (Ga. Laws 1965, P. 298, et. seq.) as amended to amend Part 1, Subpart A, Article VI, Chapter 3, Section 6-301(b) of the Charter of the City of Atlanta, Georgia (Ga. Laws 1966, P. 4469, et. seq.) approved April 15, 1996, as amended, so as to add a Section 6-301(b)(6), which reads "The Members of the Budget Commission shall be personally liable for the over-anticipation of receipts."

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

CONSENT AGENDA SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE - FELICIA A. MOORE, CHAIR

0200188 An Ordinance by Finance/Executive Committee reaffirming the necessity of the \$1.50 monthly surcharge on telephone bills for the operation of the "911" System and directing Southern Bell, a Bellsouth Company, and all of the telephone companies providing telephone service in the City of Atlanta, to continue collecting the surcharge for the period January 1 through December 31, 2002.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

0200189 An Ordinance by Finance/Executive Committee imposing a \$1.00 surcharge upon each wireless telecommunication connection subscribed to telephone subscribers, whose billing address is within the City of Atlanta pursuant to the authorization granted in Sections 46-5-133 (A) and 46-5-134 (A)(2)(A) of the official Code of Georgia annotated; and for other purposes.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

0200190 An Ordinance by Finance/Executive Committee to amend Chapter 10 and Appendix B of the City of Atlanta Code of Ordinances to delete existing fees pertaining to certain types of Alcoholic Beverage Licenses; and to increase existing fees pertaining to various types of Alcoholic Beverage Licenses. **(To be advertised for a Public Hearing 2/25/02 at 6 p.m.)**

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

0200191 An Ordinance by Finance/Executive Committee to amend Section 8-2071, Building Code; Section 8-2101, Electrical Code; Section 8-2141, Plumbing Code; Section 2161, Heating, Ventilation and Air Conditioning Code; Section 8-2221, Gas Code, of the Atlanta City Code of Ordinances; to increase fees and for other purposes. **(To be advertised for a Public Hearing 2/25/02 at 6 p.m.)**

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

CONSENT AGENDA SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

CITY UTILITIES COMMITTEE - CLAIR MULLER, CHAIR

0200154 An **Amended** Ordinance by City Utilities Committee authorizing the City Attorney to institute condemnation proceedings under the Declaration of Taking Method authorized by O.C.G.A § 32-3-1, et seq. to acquire a certain parcel of land located near the intersection of Welcome All Road and Fairburn Road, SW, for the purpose of constructing a Water Booster Pump Station; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

0200156 An Ordinance by City Utilities Committee amending the 2002 (1994 Referendum General Obligation Bond Fund) Budget in the amount of \$894,930.08 for closeout of accounts associated with completed projects; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

0200157 An Ordinance by City Utilities Committee amending the 2002 (1994 Referendum General Obligation Bond Fund) Budget in the amount of \$1,832,441.18 for Program Management Services; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

0200158 An Ordinance by City Utilities Committee amending the 2002 (Project Bond Funds) Budget in the amount of \$401,108.78 for construction services for Lakewood Avenue Bridge Replacement; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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COMMUNITY DEVELOPMENT/HUMAN

RESOURCES COMMITTEE CLETA WINSLOW, CHAIR

ORDINANCES FOR SECOND READING

0200001 An Ordinance by Community Development/Human Resources Committee authorizing the Mayor to direct the Department of Planning, Development and Neighborhood Conservation (Bureau of Neighborhood Conservation) to demolish and clean the premises of various structures, pursuant to Article III of the Atlanta Housing Code and a hearing conducted by the In Rem Review Board on November 29, 2001.

696 English Avenue, NW 03

334 Holderness Street, SW 04

401 Mary Street, SW 04

811 North Avenue, NW 03

FAVORABLE

02O0002 An Ordinance by Community Development/Human Resources Committee authorizing the Mayor to direct the Department of Planning, Development and Neighborhood Conservation (Bureau of Neighborhood Conservation) to clean the premises and close the various structures, pursuant to Article III of the Atlanta Housing Code and a hearing conducted by the In Rem Review Board on November 29, 2001.

2539 Abner Place, NW 09

33 Gould Street, SE 01

118 Martin Avenue, SE 01

136 South Avenue, SE 01

FAVORABLE

PAPER HELD IN COMMITTEE

02O0084 (1) An Ordinance by Councilmembers Clair Muller and Anne Fauver authorizing the establishment of the Arts Council of the City of Atlanta; for the purpose of providing guidance and support for the arts in the City of Atlanta; for the selection of members; and for other purposes. (Held 1/15/02)

MEMBERS PRESENT: WINSLOW, NORWOOD, BOAZMAN, MOORE, YOUNG, STARNES & ARCHIBONG

PUBLIC SAFETY AND LEGAL

ADMINISTRATION COMMITTEE CEASAR C. MITCHELL, CHAIR

ORDINANCE FOR SECOND READING

02O0104 An **Amended** Ordinance by Public Safety and Legal Administration Committee to amend the City of Atlanta Code of Ordinances, Chapter 74, Article, IV, Noise Control, granting an exemption to the Metropolitan Atlanta Rapid Transit Authority (MARTA) from the existing noise ordinance for noises resulting from maintenance operations on the MARTA Rail System; and for other purposes.

FAVORABLE AS AMENDED (6 YEA'S) (1 ABSTENTION)

RESOLUTION

02R0170 A Resolution by Councilman C. T. Martin authorizing the Mayor to study and determine a timeframe for implementation of the Atlanta Fire Department's 4 year Pension and Salary Improvement Plan; and for other purposes.

FAVORABLE (6 YEA'S) (1 ABSTENTION)

PAPERS HELD IN COMMITTEE

02O0086 An Ordinance by Councilmember Clair Muller to replace Division 7, entitled "Animal Drawn Vehicles", of Sections 162-146 through 162-161, of Chapter 162 of the City of Atlanta's Code of Ordinances, with new language, so as to strengthen regulations in this trade; and for other purposes. **(Held 1/15/02)**

02R0153 A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to apply for and accept funding from the Office of the Governor's Children and Youth Coordinating Council for the continuation of the Weed and Seed Intensive Surveillance Officers Program. **(Held 1/29/02)**

MEMBERS PRESENT: MITCHELL, MARTIN, ARCHIBONG, YOUNG, WINSLOW, SMITH & SHOOK

TRANSPORTATION COMMITTEE H. LAMAR WILLIS, CHAIR

RESOLUTION

02R0152 A Resolution by Transportation Committee authorizing the Mayor or her designee to execute an Airport Use License Agreement with Comair, Inc., covering the use

of runways, taxiways and other common airfield facilities at Hartfield Atlanta International Airport; and for other purposes.

FAVORABLE (1 NAY)

PAPER HELD IN COMMITTEE

02O0162 An Ordinance by Councilmembers Ivory L. Young, Jr. and H. Lamar Willis authorizing the Mayor or her designee to make the intersection at Pinedale Drive, NW and Dixie Hill Circle, NW an All-Way Stop; and for other purposes. **(1/30/02)**

MEMBERS PRESENT: WILLIS, SMITH, MOORE, SHOOK, MARTIN & BOAZMAN

ZONING COMMITTEE DEBI STARNES, CHAIR

FAVORABLE

02-O-0060	Z-01-94/Z-93-38	Castleberry Hill (M-3)	Change of Conditions	Approval		Favorable
02-O-0053	U-01-48	1629 Beecher Street, SW (T-10)	Day Care Center	Approval - Conditional	Approval	Favorable
02-O-0058	U-01-52	2751 Peyton Road, NW (D-9)	Child Development Center	Approval - Conditional	Approval	Favorable

FAVORABLE ON

SUBSTITUTE

02-O-0057	U-01-53/U-64-25	140 (a.k.a. 154) Hemphill School Road, NW (H-10)	Site Plan Amendment	Approval - Conditional	Approval - Conditional	Favorable on Substitute
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ADVERSE

02-O-0039	Z-01-74	1930 DeFoor Avenue, NW (D-9)	RG-2 to RG-3*	Deny	Deny	Adverse
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FILE

02-O-0056	U-01-51	1111 Ridge Avenue, SW (V-2)	Solid Waste Transfer Station	File	File	File
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HELD

02-O-0040	Z-01-76		Text Amendment (Create Live/Work District)	Approval - Substitute	See list	Favorable on Substitute
02-O-0041	Z-01-77		Text Amendment (Create Residential/Commercial Mix District)	Approval - Substitute	See list	Favorable on Substitute
02-O-0042	Z-01-87	154-158 Carroll Street, SE (N-5)	LD-20A, Subarea 3 to LD-20A, Subarea 4-C	Approval - Conditional	Deny	Favorable on Substitute
02-O-0061	Z-01-93	806 Murphy Avenue, SW (V-4)	I-1/HD-20I to C-1-C/HD-20I*	Approval - Conditional	Approval	Favorable on Substitute

ORDINANCES FOR FIRST READING

02O0106 An Ordinance by Zoning Committee to rezone from the

Z-01-95 R-4 (Single-Family Residential) District to the R-LC (Residential-Limited Commercial) District, property located at **2030 Rockledge Street, NE**, fronting 49.22 feet on the northwesterly side of Rockledge Street beginning 100 feet southwesterly from the southwest corner of Bismark Road.

Depth : 149.92 Feet

Area: 7,379 Square Feet

Land Lot: 50, 17th District, Fulton County, Georgia

Owner: Maxwell R. Calloway

Applicant: Same

By: G. Douglas Dillard, Attorney

NPU-F Council District 6

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

[0200107](#) An Ordinance by Zoning Committee to rezone from the R-4

Z-01-98 (Single-Family Residential) District to the RG-3 (Residential General-Sector 3) District, property located at **3607-3617-3625-3633 Habersham Road, NW/23-31-41 Honour Avenue, NW/3542-3550 Roswell Road, NW**, fronting 141.65 feet on the west side of Roswell Road beginning at the northwest corner of Honour Avenue. Property also fronts approximately 315 feet on the southeasterly side of Habersham Road.

Depth: Varies

Area: 2.125 Acres

Land Lot: 98, 17th District, Fulton County, Georgia

Owner: Various

Applicant: Eagle Real Estate Partners, LLC

NPU-B Council District 8

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

[0200108](#) An Ordinance by Zoning Committee to rezone from the

Z-01-99 I-2 (Heavy Industrial) District to the PD-MU (Planned Development-Mixed Use) District, property located at **882-966 Marietta Street, NW**, fronting approximately 1,159 feet on the southwesterly side of Marietta Street beginning at the southwest corner of Northside Drive.

ZONING COMMITTEE (2) DEBI STARNES, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies

Area: 10.914 Acres

Land Lots: 81 & 112, 14th District, Fulton County, Georgia

Owner: Byron Kopman and Mark Cohen

Applicant: David P. Baycura

By: Carl E. Westmoreland, Jr.

NPU-E Council District 3

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

[0200109](#) An Ordinance by Zoning Committee to rezone from the R-5

Z-01-100 (Two-Family Residential) District to the C-2 (Commercial Service) District, property located at **585 Ezzard Street, SE**, fronting approximately 40 feet on the southeasterly side of Ezzard Street beginning approximately 210 feet northeasterly from the southeast corner of Bradley Street.

Depth: Approximately 115 Feet

Area: Approximately 4,600 Square Feet

Land Lot: 45, 14th District, Fulton County, Georgia

Owner: Warren L. Williams

Applicant: Troy A. Thomas

NPU-M Council District 2

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

0200110 An Ordinance by Zoning Committee to rezone from the

Z-01-101 R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **2515 Old Hapeville Road, SW**, fronting approximately 655 feet on the westerly side of Old Hapeville Road beginning approximately 391.26 feet northeasterly from the northwest corner of Judy Lane. Property also fronts approximately 197.35 feet on the south side of Pryor Road/Pegg Road Right-of-Way.

Depth: Varies

Area: 28.4079 Acres

Land Lot: 69, 14th District, Fulton County, Georgia

Owner: Louis P. Gangarosa

Applicant: Same

NPU-Z Council District 12

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

ZONING COMMITTEE (3) DEBI STARNES, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

0200111 An Ordinance by Zoning Committee to rezone from the

Z-01-102 R-4 (Single-Family Residential) District to the R-LC-C (Residential-Limited Commercial-Conditional) District, property located at **1023 Dill Avenue, SW**, fronting 50 feet on the north side of Dill Avenue beginning 1,050 feet west from the northwest corner of Sylvan Road.

Depth: 200 Feet

Area: 10,000 Square Feet

Land Lot: 120, 14th District, Fulton County, Georgia

Owner: James L. Byrd

Applicant: Same

By: Robert L. Zoeckler, Attorney

NPU-X Council District 12

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

0200112 An Ordinance by Zoning Committee granting a Special

U-01-54 Use Permit for a Church (Section 16-06.005 (1)(c)), property located at **17-31 Meldon Avenue, SE and 20 Parks Avenue, SE**, fronting 260 feet on the southwesterly side of Lansing Street beginning at the northwest corner of Meldon Avenue.

Depth: Varies

Area: 1.045 Acres

Land Lot: 57, 14th District, Fulton County, Georgia

Owner: Mt. Pleasant Baptist Church

Applicant: Same

NPU-Y Council District 1

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

0200113 An Ordinance by Zoning Committee granting a Special

U-01-56 Use Permit for a Scrap Metal Processor (Recycling Facility) (Section 16-17.005 (1)(c)), property located at **1211-1215 Sylvan Road, SW**, fronting 600.15 feet on the west side of Sylvan Road beginning at the southwest Corner of Avon Avenue.

Depth: Varies

Area: 6.547 Acres

Land Lot: 120, 14th District, Fulton County, Georgia

Owner: Byron Kopman

Applicant: Metal Asset Acquisition LLC

By: Carl E. Westmoreland, Jr.

NPU-X Council District 12

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

ZONING COMMITTEE (4) DEBI STARNES, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

02O0114 An Ordinance by Zoning Committee granting a Special Use

U-01-57 Permit for a Community Recreation Facility (Section 16-07.005 (1)(k)), property located at **181 Flat Shoals Avenue, SE**, fronting 213.99 feet on the southwesterly side of Howell Drive beginning at the southeast corner of Wilbur Avenue.

Depth: Varies

Area: 0.91 Acre

Land Lot: 13, 14th District, Fulton County, Georgia

Owner: Andrew P. Steward Center, Inc.

Applicant: Same

By: Carl E. Westmoreland, Jr.

NPU-N Council District 5

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

02O0115 An Ordinance by Zoning Committee granting a Special Use

U-01-58 Permit for a Day Care Center (Section 16-05.005 (1) (b)), property located at **3050 Cascade Road, SW**, fronting 428.12 feet on the south side of Cascade Road beginning at the southwest corner of Adams Drive.

Depth: 550 Feet

Area: 5.24 Acres

Land Lot: 233, 14th District, Fulton County, Georgia

Owner: Emmanuel Lutheran Church

Applicant: Jane Moyo

NPU-I Council District 11

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

02O0116 An Ordinance by Zoning Committee granting a Special Use

U-01-59 Permit for a Community Service Facility (Section 16-07.005 (1) (k)), property located at **327 Saint Paul Avenue, SE**, fronting 100 feet on the south side of Saint Paul Avenue beginning 115 feet west from the southwest corner of Grant Street. The property also fronts 30 feet on the north side of Orleans Street.

Depth: 238 Feet

Area: Approximately 19,100 Square Feet

Land Lot: 44, 14th District, Fulton County, Georgia

Owner: Federal Home Loan Mortgage Corp.

Applicant: Atlanta Preservation Center

NPU-W Council District 1

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

ZONING COMMITTEE (5) DEBI STARNES, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

[02O0180](#) An Ordinance by Zoning Committee designating the Edward C. Peters House (a.k.a. Ivy Hall), located at **179 Ponce de Leon Avenue, NE**, Land Lot 49 of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the overlay zoning designation of Landmark Building or Site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from C2/LBS (Commercial Service/Landmark Building or Site) to C2/LBS (Commercial Service/Landmark Building or Site); to repeal conflicting laws; and for other purposes.

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

[02O0181](#) An Ordinance by Zoning Committee designating the Medical Arts Building, located at **384 Peachtree Street, NW**, Land Lot 50 of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the overlay zoning designation of Landmark Building or Site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from SPI-1 (Central Core) to SPI-1/LBS (Central Core/Landmark Building or Site); to repeal conflicting laws; and for other purposes.

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

[02O0182](#) An Ordinance by Zoning Committee granting a Special Use Permit for a Concrete Batch Plant (Section 16-17.005(1)(e)), property located at **2100 Forrest Park Road, SE**, fronting approximately 400 feet on the easterly side of Forrest Park Road, beginning at the southeast intersection of the Southern Railway Right-of-Way.

Depth: Varies

Area: 6 Acres

Land Lots: 6 and 7, 14th District, Fulton County, Georgia

Owner: Enprotech Corporation

Applicant: MC Precast, Inc.

NPU-Z Council District 1

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

ZONING COMMITTEE (6) DEBI STARNES, CHAIR

RESOLUTION

[02R0183 \(1\) A Resolution by Zoning Committee extending Interim Development Control for the proposed Landmark Building or Site known as the Medical Arts Building, from 120 to 180 days; to repeal conflicting resolutions; and for other purposes.](#)

FAVORABLE

PAPERS HELD IN COMMITTEE

[02O0074 \(1\) An Ordinance by Councilmember Debi Starnes granting a](#)

U-01-30 Special Use Permit for a Church (Sections 16-05.005(1)(c) and 16-06.005(1)(c)), property located at **2075 Austin Road, SW**, fronting approximately 600 feet on the west side of Austin Road beginning approximately 320 feet south from the southwest corner of King Arthur Road. **(Held 1/16/02)**

Depth: Varies

Area: Approximately 45.25 Acres

Land Lots: 7 and 31, 14thFF, District, Fulton County, Georgia

Owner: Ben Hill United Methodist Church

Applicant: John R. Mapp, Jr.

NPU-P Council District 11

[02O0079](#) An Ordinance by Councilmember Debi Starnes to rezone

Z-01-66 from the I-1 (Light Industrial) District and the R-4 (Single-Family Residential) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3217-3269 Browns Mill Road, SE**, fronting approximately 662.5 feet on the west side of Browns Mill Road beginning approximately 181 feet south from the southwest corner of Oak Drive. Property also fronts approximately 450 feet on the northeasterly side of Empire Boulevard. **(Held 1/16/02)**

Depth: Varies

Area: 56.5 Acres

Land Lots: 35, 62, 63 and 67, 14th District, Fulton County, Georgia

Owner: Williard C. Byrd, et al.

Applicant: The Knight Group

NPU-Z Council District 12

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ZONING COMMITTEE (7) DEBI STARNES, CHAIR

PAPERS HELD IN COMMITTEE (CONT'D)

0200080 (3) An Ordinance by Councilmember Debi Starnes rezoning

Z-01-70 from the I-2 (Heavy Industrial) District and the I-1 (Light Industrial) District to the I-1 (Light Industrial) District and the C-2 (Commercial Service) District, property known as **1721 Dekalb Avenue, NE**, and more particularly described as follows: (**Held 1/16/02**)

Tract 1 - From I-2 and I-1 to C-2, **Arizona Avenue, NE**, fronting 134.39 feet on the west side of Arizona Avenue beginning 575 feet south from the southwest corner of La France Street.

Depth: Varies

Area: 2.36063 Acres

Tract 2 - From I-2 and I-1 to C-2, **NE corner of Arizona Avenue and Rogers Street, NE**, fronting 153.92 feet on the easterly side of Arizona Avenue beginning at the northeast corner of Rogers Street.

Depth: Varies

Area: 0.78773 Acre

Tract 3 - From I-2 to I-1, **Arizona Avenue, NE**, fronting 513.35 feet on the east side of Arizona Avenue beginning at the southeast corner of Rogers Street.

Depth: 322.15 Feet

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MEMBERS PRESENT: STARNES, ARCHIBONG, WILLIS, SHOOK, YOUNG, SMITH & NORWOOD

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FINANCE/EXECUTIVE COMMITTEE FELICIA A. MOORE, CHAIR

RESOLUTIONS

02R0166 A Resolution by Councilmembers C. T. Martin and Jim Maddox **as substituted by Finance/Executive Committee** authorizing the inclusion in the City's 2002 Legislative Package a request that the Georgia State Legislature enact legislation that would amend the Georgia State Constitution so as to increase the amount of the City of Atlanta's Annual General Obligation Bond Issue from \$4 million to \$12 million dollars.

FILE

02R0168 A Resolution by Councilmember C. T. Martin **as substituted and amended by the Finance/Executive Committee** to express the intent of City Council to request for the Georgia State Legislature to create a Joint House/Senate Study Committee, to be appointed by the Governor, to study the issue of a commuter tax in cities with a population of 95,000 or more.

FAVORABLE ON SUBSTITUTE AS AMENDED - (5 YEA'S) (2 NAY'S)

ORDINANCE FOR SECOND READING

BUDGET RELATED

0200092 An Ordinance by Councilmember Clair Muller **as substituted by Finance/Executive Committee** establishing the 2001 (Water and Wastewater Bond Construction Fund) Budget by anticipating and appropriating Bond Proceeds, Premiums and Accrued Interest in the amount of \$971,039,183.59; to fund various consent decree projects to refund certain outstanding Water and Wastewater Revenue Bonds; and for other purposes.

FORWARD WITH NO RECOMMENDATION ON CONDITION ONs FURTHER EXPLANATION OF PROJECTS

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FINANCE/EXECUTIVE COMMITTEE (2) FELICIA A. MOORE, CHAIR

PAPERS HELD IN COMMITTEE

0200037 An Ordinance by Councilmember Felicia A. Moore to amend the Pension Laws applicable to Police Officers of the City of Atlanta so as to increase the monthly pension benefit of officers where a determination has been made by the Board of Trustees of the Police Officer's Pension Fund that an officer has become disabled as a result of a catastrophic injury received in the line of duty; to provide that said ordinance shall be retroactive; and for other purposes. (**Held 1/16/02**)

0200083 An Ordinance by Councilmember Clair Muller **as substituted by Finance/Executive Committee** amending Section 2-1292 of the City's Code of Ordinances to clarify procedures for authorizing the City's Purchasing Agent's execution of contract modifications and change orders to City contracts; to clarify certain errors and inconsistencies in the Code Section; and for other purposes. (**Held 1/16/02**) (**Substituted and Held 1/30/02**)

02O0091 An Ordinance by Councilmember Clair Muller anticipating and appropriating Bond Proceeds of the \$61,220,000.00 2000 Quality of Life Improvement Bonds sold on December 5, 2001 and closed on December 20, 2001; amending the 2002 (Sinking Fund) Budget for the purpose of anticipating the accrued interest and the appropriation of these funds toward payment of interest on the bonds; and for other purposes. **(Held 1/16/02)**

02O0090 An Ordinance by Councilmember Clair Muller **as substituted by Finance/Executive Committee** anticipating and appropriating bond proceeds in the amount of \$8,000,000.00 from the Annual 2001 General Obligation Bond Issue to fund various municipal projects; and for other purposes. **(Substituted and forwarded with No Recommendation 1/16/02) (Referred from Full Council 1/22/02) (Held 1/30/02)**

02R0163 A Resolution by Councilmember Debi Starnes to authorize the Mayor to negotiate a lease renewal option between the City of Atlanta and the Edgewood Rail Car Co., for the Trolley Barn located at 963 Edgewood Avenue. **(Held 1/30/02)**

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FINANCE/EXECUTIVE COMMITTEE (3) FELICIA A. MOORE, CHAIR

PAPERS HELD IN COMMITTEE (CONT'D)

02R0165 A Resolution by Councilmember Debi Starnes authorizing the Mayor to execute a lease agreement with Southface Energy Institute and the City of Atlanta. **(Held 1/30/02)**

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MEMBERS PRESENT: MOORE, MARTIN, MADDOX, MULLER, NORWOOD, FAUVER & STARNES

COMMITTEE ON COUNCIL ANNE FAUVER, CHAIR

COMMUNICATION

02C0175 A Communication by Council President Cathy Woolard appointing **Councilmember Felicia A. Moore**, Chair of the Finance Committee and **Ms. Lisa Borders** to the Buckhead Community Improvement District Board.

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MEMBERS PRESENT:

CITY UTILITIES COMMITTEE CLAIR MULLER, CHAIR

ORDINANCE FOR SECOND READING

02O0089 An Ordinance by Councilmember Clair Muller authorizing the Mayor to execute a Franchise Agreement with Broadwing Telecommunications Services, Inc. for the provision of telecommunications services using public right-of-way; and for other purposes.

FAVORABLE - 3RD READING, FINAL ADOPTION (1 NAY)

PAPERS HELD IN COMMITTEE

02O0087 An Ordinance by Councilmember Clair Muller amending Article II, Division 3 (Sanitary) Rates and Charges Section of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 1/15/02)**

02O0164 An Ordinance by Councilmember Debi Starnes to **abandon** Johnson Avenue, between Randolph Street and the Dead End to the west. **(Held 1/29/02) (To be Advertise for a Public Hearing)**

02O0167 An Ordinance by Councilmember Felicia A. Moore **as amended by City Utilities Committee** to **abandon** public streets known as Clarissa Drive, Drew Drive, Kerry Drive, Kerry Circle and Westmoreland Circle located in the Housing Authority of the City of Atlanta, Georgia Community known as Perry Homes and to convey said abandoned streets at no cost to the Housing Authority of the City of Atlanta, Georgia; to waive the provisions of Section 2-1578 of the City Code, provided however, that Section 2-1578(c)(3) requiring certain notifications and Sections 138-9(b) insofar as it pertains to the advertisement and public hearing requirement, shall not be waived; and for other purpose. **(Amended and Held 1/29/02) (To be Advertise for a Public Hearing)**

MEMBERS PRESENT: MULLER, MITCHELL, SMITH, WINSLOW, SHOOK, MADDOX & WILLIS

*Questions or Comments for City Council
(pryan@atlantaga.gov)*

Webmaster

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