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# ATLANTA CITY COUNCIL

## AGENDA

### July 15, 2002

#### **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**

Zoning Committee Debi Starnes 17

Finance/Executive Committee Felicia A. Moore 21

Committee on Council\*\* Anne Fauver 25

City Utilities Committee Clair Muller 28

Community Development/Human Resources Committee Cleta Winslow 31

Public Safety and Legal Administration Committee\* Ceasar C. Mitchell 34

Transportation Committee H. Lamar Willis 35

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**

#### **FINANCE/EXECUTIVE COMMITTEE - FELICIA A. MOORE, CHAIR**

**02O1255 (1)** An Ordinance by Councilmember C. T. Martin amending adopted Ordinance Number 02O0699 increasing the 2002 (Intergovernmental Grant Fund) Budget, Department of Planning, Development and Neighborhood Conservation by anticipating and appropriating \$156,194.00 from the State of Georgia, Department of Natural Resources to fund the City of Atlanta's participation in the Georgia Greenspace Program; and for other purposes.

**02O1256 (2)** An Ordinance by Councilmember C. T. Martin **as substituted by Finance/Executive Committee** authorizing the Chief Financial Officer to transfer between accounts within the 2002 (2001 Public Improvements Bond Funds) Budgets \$120,000.00 for the acquisition of two parcels of land for the Adamsville Recreation Center/Natorium; amending Ordinance # 01-O-1697 by transferring between accounts \$120,000.00 in funds designated for Greenspace Acquisition at the Adamsville Park site to the Account and Cost Center designated for the Utoy Creek Area Trail and Greenway Corridor and authorizing the Purchasing Agent to enter into an Agreement with Smith Real Estate Services, Inc. to negotiate and acquire the necessary properties with the project; and for other purposes.

**02O1262 (3)** An Ordinance by Councilmember Derrick Boazman **as substituted by Finance/Executive Committee**

amending the 2002 (Intergovernmental Grant Fund) Budget, Department of Mayor, by adding to anticipations and appropriations in the amount of \$14,000.00 from the Governor's Office of Community Affairs Emergency Fund Grant for the City of Atlanta for program expenses for the Joint Small Business Initiative between NAACP/Atlanta Branch and the Atlanta SCORE Chapter; to authorize the Mayor to sign all necessary Grant Agreements; and for other purposes.

#### **CITY UTILITIES COMMITTEE - CLAIR MULLER, CHAIR**

**02O0969 ( 4)** An Ordinance by Councilmember Carla Smith **as substituted and amended by City Utilities Committee** amending City of Atlanta Code of Ordinances Section 130-10 to require concrete trucks, cement trucks and dump trucks operating on public streets in the City of Atlanta to use appropriate spill protection devices; and for other purposes.

**02O1149 ( 5)** An Ordinance by Councilmembers Felicia A. Moore and H. Lamar Willis authorizing the Mayor or her designee to take the appropriate actions to have the proper signage put in place to honor Donald Lee Hollowell on all City documents and other documents that may be appropriate; and for other purposes.

#### **COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE - CLETA WINSLOW, CHAIR**

**02O1100 ( 6)** An Ordinance by Community Development/Human Resources Committee authorizing the Mayor to grant an updated existing permanent easement acquired by the Georgia Power Company in 1911 from Julian B. Thompson for parcels of land at 120 Hyacinth Avenue/21185 Verbena Street in Land Lot 179 of the 14<sup>th</sup> District, Fulton County, Georgia; presently owned by the City of Atlanta and known as the Verbena Street Playlot, so as to define the right-of-way width to 100' wide, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks; and for other purposes.

**02O1175 ( 7)** An Ordinance by Community Development and Human Resources Committee repealing Ordinance Number 02O0836 which established a moratorium on the acceptance and issuance of the Type III Certificate of Appropriateness Applications by the Atlanta Urban Design Commission on new buildings in all areas of the Cabbagetown Landmark District and adopting a moratorium on the Acceptance of Type III Certificate of Appropriateness Applications by the Atlanta Urban Design Commission for new construction of any type on vacant lots; new construction on lots where no primary structure already exists; reconstruction of a demolished primary structure which is demolished after May 28, 2002; and the development of site parking, in all areas of the Cabbagetown Landmark District; and for other purposes.

#### **TRANSPORTATION COMMITTEE - H. LAMAR WILLIS, CHAIR**

**02O1105 ( 8)** An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Adkins Road, NW and Crosby Drive an All-Way Stop.

**02O1109 ( 9)** An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Antone Street, NW and Tallulah Street an All-Way Stop.

**02O1110 (10)** An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Murray Hill Avenue, NE and Wisteria Way an All-Way Stop.

**02O1111 (11)** An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Beaverbrook Drive, NW and Brookview Drive an All-Way Stop.

**02O1112 (12)** An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Berkeley Avenue, NW, Forrest Street and Forrest Way an All-Way Stop.

**02O1113 (13)** An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Delaware Avenue, SE and Palatine Avenue an All-Way Stop.

[02O1114 \(14\)](#) An **Amended** Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Delaware Avenue, SE and Gilbert Street an All-Way Stop.

[02O1115 \(15\)](#) An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Federal Terrace, SE and Park Avenue an All-Way Stop.

[02O1116 \(16\)](#) An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of Harold Avenue, NE and Marlbrook Drive an All-Way Stop.

[02O1117 \(17\)](#) An Ordinance by Transportation Committee authorizing the Mayor or her designee to make the intersection of LaFrance Street, NE and Mayson Avenue an All-Way Stop.

[02O1144 \(18\)](#) An Ordinance by Councilmembers Natalyn Archibong, H. Lamar Willis and Anne Fauver **as amended by Transportation Committee** to provide for a Signalized Pedestrian Crosswalk at the Woodruff Arts Center located at 1280 Peachtree Street, NE; and for other purposes.

## **RESOLUTIONS**

### **FINANCE/EXECUTIVE COMMITTEE - FELICIA A. MOORE, CHAIR**

[02R0363 \( 1\)](#) A Resolution by Councilmembers Felicia A. Moore, Mary Norwood, Derrick Boazman, C. T. Martin, Carla Smith, Jim Maddox, Natalyn Archibong, Ivory L. Young, Jr., Anne Fauver, Cleta Winslow, Howard Shook and H. Lamar Willis **as amended by Finance/Executive Committee** urging the Fulton County Commission and the Fulton County Tax Commissioner to terminate the practice of selling tax liens against owner-occupied residential properties to third parties; and for other purposes.

[02R1225 \( 2\)](#) A Resolution by Finance/Executive Committee authorizing refunds for the outstanding credit of Business License Fees to Radio Station WNNX-FM;, #003084LGB, in the amount of \$27,336.29; and for other purposes.

[02R1249 \( 3\)](#) A **Substituted** Resolution by Finance/Executive Committee authorizing the Mayor to issue a Notice to Proceed with Kissberg Construction, Inc. for FC-7382-01, annual contract for Citywide Demolition Services in an amount not to exceed \$890,000.00 based on unit prices on behalf of the Department of Aviation for the demolition of the United States Postal Service and Gate Gourmet/Eastern Cargo Facilities at Hartsfield Atlanta International Airport. All contracted work shall be charged to and paid from Fund, Account and Center Number 2H21 574001 R21E0104999.

[02R1250 \( 4\)](#) A Resolution by Finance/Executive Committee ratifying the Mayor's signature on an Amendment to the 2002 State of Georgia Greenspace Program Grant Award which applied for and accepted a Supplemental Grant Award in the amount of \$156,194.00 in addition to the City's Award for Fiscal Year 2002; authorizing the Mayor to apply for and accept any future Supplemental Grants; and for other purposes.

[02R1251 \( 5\)](#) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to issue a Notice to Proceed with Morley Environmental for FC-6856-97, annual contract for Citywide Asbestos Abatement Services in an amount not to exceed \$155,000.00 based on unit prices on behalf of the Department of Aviation for the Asbestos Abatement of the United States Postal Service and Gate Gourmet/Eastern Cargo Facilities at Hartsfield Atlanta International Airport. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2H21 574001 R21E0149999.

[02R1263 \( 6\)](#) A Resolution by Councilmember Felicia A. Moore expressing the intent of the Atlanta City Council to fund a Pay and Classification Study of the salaries of City Employees; and for other purposes.

[02R1276 \( 7\)](#) A Resolution by Finance/Executive Committee stating the position of the City of Atlanta that the formula for distribution of revenue from the Local Option Sales Tax for 2003 and subsequent years be based upon population according to the 2000 Federal Census, with each municipality and unincorporated Fulton County receiving allocations of the revenues based on their respective shares of the total county population; and for other purposes.

[02R1277 \( 8\)](#) A Resolution by Finance/Executive Committee authorizing the City Attorney to pursue legal action against Jonathan Dodd and all other necessary parties responsible for embezzling more than \$400,000.00 rightfully and legally belonging to the City of Atlanta; authorizing the Interim City Attorney to take all necessary and reasonable action in order to diligently pursue legal action against persons responsible for embezzling more than \$400,000.00 belonging to the City of Atlanta; and for other purposes.

[02R1278 \( 9\)](#) A Resolution by Finance/Executive Committee authorizing the Mayor to purchase land from the Trust for Public Land in the Ardmore Park Neighborhood adjacent to existing Ardmore Park, to accept grant proceeds funded by the Arthur M. Blank Family Foundation to defray a portion of the purchase price for said land, and to dedicate said land as an open greenspace in perpetuity for the residents of the City of Atlanta; and for other purposes.

#### **CITY UTILITIES COMMITTEE - CLAIR MULLER, CHAIR**

[02R1214 \(10\)](#) A Resolution by City Utilities Committee authorizing the Mayor or her designee to install a sewer connection to serve property located at 3201 Martin Luther King, Jr. Drive as requested by the property owner.

[02R1215 \(11\)](#) A Resolution by City Utilities Committee authorizing the Mayor or her designee to install a sewer connection to serve property located at 2384 County Line Road as requested by the property owner.

[02R1274 \(12\)](#) A Resolution by City Utilities Committee to authorize payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$5,000.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.

#### **PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR**

[02R1211 \(13\)](#) A Resolution by Public Safety and Legal Administration Committee authorizing payment in the amount of \$1,280.00 in settlement of the claim of Donna Lemon, against the City of Atlanta; and for other purposes.

[02R1212 \(14\)](#) A Resolution by Public Safety and Legal Administration Committee authorizing payment in the amount of \$2,000.00 in settlement of the claim of Charles Fleming, through his attorney, Peggy Golden against the City of Atlanta; and for other purposes.

[02R1227 \(15\)](#) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to renew a Lease Agreement with IPF/Bolton Limited Partnership, for the rental of 2,484 square feet of office space located at 2555 Bolton Road, Suite #10, Atlanta, Georgia, for the Department of Police Zone Two Mini-Precinct, from August 1, 2002, until July 31, 2003, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42002.

[02R1228 \(16\)](#) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to renew the Lease Agreement with TCC-Campbellton Plaza Limited Partnership, from August 1, 2002, through July 31, 2003, for the rental of 795 square feet of office space, for the Police Zone Four Mini-Precinct, at 2014 Campbellton Road, Atlanta, Georgia, in an amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42004.

[02R1229 \(17\)](#) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to renew the Lease Agreement with World Products, Inc., Pension Plan and Trust, from August 1, 2002, through July 31, 2003, for the rental of 3100 square feet of office space, for the Police Zone Three Mini-Precinct, at 2827 Metropolitan Avenue, Atlanta, Georgia, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42003.

[02R1230 \(18\)](#) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to renew a Lease Agreement with the Atlanta Housing Authority for the rental of 2564 square feet of office space located at 676 Fair Street, Atlanta, Georgia, for the Department of Police Zone One Mini-Precinct, from August 1, 2002, until July

31, 2003, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42001.

**02R1231 (19)** A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to renew a Lease Agreement with the Halpern-Oppenheimer Family Foundation, for the rental of 700 square feet of office space located at 3565-10 MLK, Jr. Drive, Atlanta, Georgia, for the Department of Police Zone Four Mini-Precinct, from August 1, 2002, until July 31, 2003, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42004.

**02R1252 (20)** A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to apply for and accept a grant from the Governor's Office of Highway Safety Program not to exceed \$250,000.00 for a program to increase public awareness about pedestrian safety and intensify enforcement of pedestrian safety laws in the City of Atlanta; and for other purposes.

**Claims with Favorable Recommendations:**

**02R1183 ( 1)** Claim of **State Farm Insurance Company as subrogee of Jonathan Buck and Nazer Mathews Buck**, for damages alleged to have been sustained as a result of a vehicular accident on September 25, 2001 at 897 Welch Street. **\$994.66**

**02R1184 ( 2)** Claim of **Sana Ullah**, for damages alleged to have been sustained as a result of vehicular damage due to driving over a broken catch basin on July 27, 2001 at 301 10<sup>th</sup> Street, NW. **\$1,408.14**

**02R1185 ( 3)** Claim of **Majestic C. Lenderman**, for damages alleged to have been sustained as a result of property damage due to a sewer backup on January 5, 2002 at 2553 Springdale Road, SW. **\$847.19**

**02R1186 ( 4)** Claim of **Darius A. Williams**, for damages alleged to have been sustained as a result of a vehicular accident on March 2, 2002 at Spring Street and Armstead Place. **\$2,000.00**

**02R1187 ( 5)** Claim of **Metlife Auto and Home as subrogee of Larry J. Ferrell**, for damages alleged to have been sustained as a result of a vehicular accident on October 30, 2001 at Courtland Avenue and Ellis Street. **\$2,000.00**

**02R1188 ( 6)** Claim of **Vernon B. Gates**, for damages alleged to have been sustained as a result of an automobile accident on April 22, 2002 at 753 Plainville Way, SW. **\$1,119.01**

**02R1189 ( 7)** Claim of **Electra Y. Walker**, for damages alleged to have been sustained as a result of a vehicular accident on May 9, 2002 at North Avenue and Luckie Street. **\$1,832.97**

**Claims with Favorable Recommendations:**

**02R1190 ( 8)** Claim of **Tamineta Dabney**, for damages alleged to have been sustained as a result of an automobile accident on May 2, 2002 at 808 Cherokee Avenue. **\$1,187.10**

**02R1191 ( 9)** Claim of **State Farm Insurance Company as subrogee of Anh V. Nguyen**, for damages alleged to have been sustained as a result of an automobile accident on February 1, 2002 at Bartlett Street, NW and 14<sup>th</sup> Street, NW. **\$2,000.00**

**02R1192 (10)** Claim of **Marco Masi**, for damages alleged to have been sustained as a result of driving over a pothole in the road on March 3, 2001 at Williams Street. **\$800.00**

**02R1193 (11)** Claim of **Evan Arrindell, President Worldwide Business Forms**, for damages alleged to have been sustained as a result of a City worker causing a lawn mower to strike his vehicle on March 14, 2002 at 800 Cherokee Avenue. **\$1,710.10**

**02R1194 (12)** Claim of **Edith Winfrey, through her attorney, Peggy Golden, Esq.**, for damages alleged to have

been sustained as a result of a vehicular accident on January 29, 2002 at Alleve Avenue and Elbert Street. **\$2,000.00**

**02R1195 (13)** Claim of **Dometria Winfrey**, for damages alleged to have been sustained as a result of a vehicular accident on January 29, 2002 at Allene Avenue and Elbert Street. **\$2,000.00**

**02R1196 (14)** Claim of **Steven Christnacht**, for damages alleged to have been sustained as a result of money alleged to have been found by the claimant on October 9, 2001 at Hartsfield Atlanta International Airport. **\$650.00**

**Claims with Unfavorable Recommendations:**

**02R1197 (15)** Claim of **Thomas Martin, through his attorney, Derek M. Wright**, for damages alleged to have been sustained as a result of personal injuries due to a fall on an uncovered drainage hole on June 7, 2001 at 1371 Kimberly Way.

**02R1198 (16)** Claim of **Jack Snowden, through his attorney, Jeffrey K. Cease**, for damages alleged to have been sustained as a result of a vehicular accident on June 29, 2002 at Edgewood Avenue and Bell Street.

**02R1199 (17)** Claims of **Florentino Hernandez and Shumante Mechanical, Inc., through their Insurance Carrier, Kemper Insurance Companies**, for damages alleged to have been sustained as a result of injuries due to a fallen tree limb on April 22, 2002 at 1200 Mt. Paran Road, NW.

**02R1200 (18)** Claim of **Anthony McDowell and Shumante Mechanical, Inc.**, for damages alleged to have been sustained as a result of injuries due to a fallen tree limb on April 22, 2002 at 1200 Mt. Paran Road, NW.

**02R1201 (19)** Claim of Barringer Place Apartments, for damages alleged to have been sustained as a result of property damage due to road construction in November, 2001 at 6210 Peachtree Dunwoody Road.

**02R1202 (20)** Claim of Enriko Ponder, for damages alleged to have been sustained as a result of the theft of claimant's vehicle on May 25, 2002 at 820 Murphy Avenue.

**02R1203 (21)** Claim of Leo Norene Hypes, through her attorney, Michael J. Gorby, for damages alleged to have been sustained as a result of personal injuries due to a fall while boarding a Delta Airlines flight on November 27, 2001 at the Atlanta Airport.

**02R1204 (22)** Claim of Leroy Lindsay, for damages alleged to have been sustained as a result of personal injuries due to cutting grass May, 1998 at 191 Torrence Street, NW.

**02R1205 (23)** Claim of City of College Park, through its attorney, Steven M. Fincher, for damages alleged to have been sustained as a result of discrepancies in the ownership and operation of the Camp Creek Waste Water Treatment Plant.

**02R1206 (24)** Claim of **Angela Collins**, for damages alleged to have been sustained as a result of slipping and falling in the gallery of City Hall East on October 10, 2001 at 675 Ponce de Leon Avenue.

**02R1207 (25)** Claim of **Maria J. Kotora**, for damages alleged to have been sustained as a result of driving her vehicle over a pothole in the road on September 25, 2001 at Peachtree Road near Piedmont Road.

**02R1208 (26)** Claim of **Gabriel A. Rincon-Mora, Ph.D.**, for damages alleged to have been sustained as a result of driving his vehicle over a pothole in the road on approximately January 21, 2002 at West Peachtree Street.

**02R1209 (27)** Claim of **Alfred L. Heard**, for damages alleged to have been sustained as result of driving his vehicle over a pothole in the road on January 28, 2002 at James Jackson Parkway.

**02R1210 (28)** Claim of **Geraldine Perry**, for damages alleged to have been sustained as a result of driving over an unsecured construction plate in the road on February 12, 2002 at Benjamin Mays Drive, SW.

## **CONSENT AGENDA SECTION II**

### **ORDINANCES FOR FIRST READING**

#### **FINANCE/EXECUTIVE COMMITTEE - FELICIA A. MOORE, CHAIR**

**02O1221 ( 1)** An Ordinance by Finance/Executive Committee amending Chapter 38, Cemeteries, of the Code of Ordinances, Article II, Municipal Cemeteries, Division 2, Oakland Cemetery, Section 38-44, Schedule of Charges for Cemetery Services and Section 38-45, Schedule of Charges for Guided Tours, specifically to reflect newly revised, increased fee scheduled for the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks by increasing/creating fees under Section 38-44, for Internment-Opening and Closing, Disinterment-Opening and Closing, Cremation Space, Infant/Children-Opening and Closing and Disinterment of Cremains; and to create Vault Installation Fee; create a Marker Installation Fee; and to create a charge for the use of Tents and Chairs Fee; under Section 38-45; to increase the students (ages 7-22) rate to \$3.00 to increase Senior Citizens (age 55 and above) rate to \$3.00; and to increase the adult (ages 23-54) rate to \$5.00, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks; and for other purposes. **(Advertised for a Public Hearing 7/30/02)**

#### **TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE**

**02O1222 (2)** An Ordinance by Finance/Executive Committee amending Chapter 110, Parks and Recreation of the Code of Ordinances, Article 1, Section 110.3 Fee Schedule specifically to reflect newly revised, increased fee schedules for the Department of Parks, Recreation and Cultural Affairs by increasing fees for Ballfields (lighted and unlighted), Picnic Pavilions, Show Mobiles, Tournament Ballfields, Camp Best Friends, Aquatics, Tennis Centers, Youth Sports, Candler Park Golf Course, The Gilbert House, Atlanta Cyclorama Admissions, After School Tutorial Programs, Lake Allatoona Resident Camp, Park Vending Permit Fees for all parks except Piedmont Park; to create a special activity fee; to create rental fees for tax exempt non resident and all other non resident organizations for (unlighted and lighted) ballfields; to create a Tee Time Surcharge, Putting Green Fee and Equipment Storage Fee at the Candler Park Golf Course; and to create a Lake Allatoona Cabin Rental Fee on behalf of the Department of Parks, Recreation and Cultural Affairs; and for other purposes. **(Advertised for a Public Hearing 7/30/02)**

#### **TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE**

**02O1226 ( 3)** An Ordinance by Finance/Executive Committee amending the 2002 (Intergovernmental Grant) Budget by adding to anticipations and appropriations in the amount of \$4,615.00 to fund a recycling program for telephone directories for one year; and for other purposes.

#### **TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE**

**02O1247 ( 4)** An Ordinance by Finance/Executive Committee authorizing the Aviation General Manager to make Performance Payments to Department of Aviation Employees and/or Employee Teams who have demonstrated their ability to make significant contributions to the City of Atlanta's Department of Aviation either individually or as a team; and for other purposes.

#### **TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE**

**02O1248 ( 5)** An Ordinance by Finance/Executive Committee to authorize the payment of select exempt employees for accrued compensatory time on a one-time basis using a Reimbursement Grant awarded to the City of Atlanta's Hartsfield International Airport by the Federal Aviation Administration in the amount of \$7,037,180.00 for security related expenses as a result of the events of September 11, 2001; and for other purposes.

#### **TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE**

**02O1272 (6)** An Ordinance by Finance/Executive Committee to authorize the assessment of penalties and interest, and the levy of liens for unpaid Sanitary Service Assessments; and for other purposes



**TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE**

**CITY UTILITIES COMMITTEE - CLAIR MULLER, CHAIR**

**02O1213 ( 7)** An Ordinance by City Utilities Committee authorizing the Mayor or her designee to assess certain property owners for work performed by the Department of Public Works; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**02O1245 ( 8)** An Ordinance by City Utilities Committee amending the 2002 (Intergovernmental Grant Fund) Budget by anticipating and appropriating funding in the amount of \$288,730.00 from the U. S. Federal Emergency Management Agency (FEMA), on behalf of the Department of Public Works to elevate some flood-prone homes in the City of Atlanta; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE - CLETA WINSLOW, CHAIR**

**02O1223 ( 9)** An Ordinance by Community Development/Human Resources Committee amending the 2002 (Job Training Grant Fund) Budget by anticipating and appropriating \$1,998,340.00 in the Workforce Investment Act (WIA) Youth Funds.

**TO BE REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**02O1219 (10)** An Ordinance by Community Development/Human Resources Committee adopting the 2003 City of Atlanta Capital Improvement Program; and for other purposes. **(Scheduled for a Worksession 7/16/02 at 2 p. m. in Committee Room #2)**

**TO BE REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**02O1220 (11)** An Ordinance by Community Development/Human Resources Committee to change the effective date of creation for the "Custer Avenue Subdivision Housing Enterprise Zone" from January 1, 2002 to January 1, 2003; and for other purposes.

**TO BE REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE - CEASAR C. MITCHELL, CHAIR**

**02O1273 (12)** An Ordinance by Public Safety and Legal Administration Committee amending the 2002 (Intergovernmental Grant Fund) budget by adding to anticipations and appropriations in the amount of \$21,007.00 from the Edward Byrne Memorial Grant Program to fund the Criminal History Research (CHR) Enhancement Project developed by the Atlanta Pre-trial Services, and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**TRANSPORTATION COMMITTEE - H. LAMAR WILLIS, CHAIR**

**02O1224 (13)** An Ordinance by Transportation Committee conveying to Georgia Power Company for property sites owned by the City of Atlanta in Land Lots 38, 39, 57, 58 and 59 of the 13<sup>th</sup> District of Clayton County to provide for relocation of power lines and a substation in the area of the Fifth Runway Project at Hartsfield Atlanta International Airport; authorizing the Mayor or her designee to execute appropriate Warranty Deeds to evidence the conveyance; and for other purposes.

**TO BE REFERRED TO TRANSPORTATION COMMITTEE**

**02O1232 (14)** An Ordinance by Transportation Committee amending the 2002 (2000 Airport Revenue Bond Fund) Budget by transferring to and from appropriations the amount of \$692,506.00 for the purpose of funding Amendment One to Reimbursable Agreement No. SO-0420-07L with the Federal Aviation Administration (FAA) for reimbursement by the City to the FAA of the cost incurred by the FAA for additional design of the new Airport Traffic Control Tower at Hartsfield Atlanta International Airport.

**TO BE REFERRED TO TRANSPORTATION COMMITTEE**

**02O1233 (15)** An Ordinance by Transportation Committee granting to Georgia Power Company an easement across real property owned by the City of Atlanta in Land Lots 40, 41 and 42 of the 13<sup>th</sup> District of Clayton County, to provide for permanent relocation of distribution lines that run across the Fifth Runway Project at Hartsfield Atlanta International Airport; authorizing the Mayor to execute appropriate instruments to evidence the granting of such easement; and for other purposes.

**TO BE REFERRED TO TRANSPORTATION COMMITTEE**

**02O1253 (16)** An Ordinance by Transportation Committee granting to Atlanta Gas Light Services Company an easement across real property owned by the City of Atlanta in Clayton County, to provide for relocation of a Natural Gas Main in the area of the Fifth Runway Project at Hartsfield Atlanta International Airport; authorizing the Mayor or her designee to execute appropriate instruments to evidence the granting of such easement; and for other purposes.

**TO BE REFERRED TO TRANSPORTATION COMMITTEE**

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**ZONING COMMITTEE DEBI STARNES, CHAIR**

**ORDINANCE FOR SECOND READING**

**02O1180 ( 1)** An Ordinance by Zoning Committee to amend Ordinance U-79-12, adopted by City Council August 20, 1979 and approved by the Mayor August 28, 1979, granting a Special Use Permit for a Day Care Center, property located at **2062 Childress Drive, SW**, for the purpose of approving a Transfer of Ownership.

**NPU-R Council District 11**

**FAVORABLE**

**ORDINANCES FOR FIRST READING**

**02O1266 ( 1) Z-02-38** An Ordinance by Zoning Committee to rezone from the R-3 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **Willis Mill Road, SW**, fronting approximately 250 feet on the easterly side of Willis Mill Road beginning 2,622.4 feet southeasterly from the southeast corner of Wilson Drive.

Depth: Varies

Area: Approximately 7.5 Acres

Land Lot: 200, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Ronald L. Smith

Applicant: William E. Wilson

**NPU-R Council District 11**

**TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

**02O1267 ( 2 ) Z-02-52** An Ordinance by Zoning Committee to rezone from the R-5 (Two-Family Residential) District to the C-2 (Commercial Service) District, property located at **2451 Bankhead Highway, NW**, fronting 427.92 feet on the northwesterly side of Bankhead Highway beginning 137 feet northeasterly from the northeast corner of Hall Street.

Depth: Varies

Area: 5.53 Acres

Land Lot: 177, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Salem Baptist Church of Atlanta, Inc.

Applicant: Same

By: Joseph G. Mattarella, Esq., Attorney

**NPU-J Council District 9**

**TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

**02O1268 ( 3 ) Z-02-53** An Ordinance by Zoning Committee to rezone from the R-5 (Two-Family Residential) District to the RG-3 (Residential General-Sector 3) District, property located at **677 Somerset Terrace, NE**, fronting 115.75 feet on the east side of Somerset Terrace beginning 210 feet south from southeast corner of Ponce de Leon Avenue.

Depth: 181 Feet

Area: Approximately 20, 815 Square Feet

Land Lot: 17, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Robert H. Troy

Applicant: Same

**NPU-N Council District 2**

**TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

**02O1269 ( 4 ) Z-02-54** An Ordinance by Zoning Committee to rezone from the I-2 (Heavy Industrial) District to the O-I (Office-Institutional) District, property located at **854, 856, 856 (Rear), 874, 878, 882, 886 Ernest Street, NW**, fronting approximately 380 feet on the southside of Ernest Street beginning 382.34 feet west from the southwest corner of West Lane.

Depth: Varies

Area: 1.699 Acres

Land Lot: 150, 17<sup>th</sup> District, Fulton County, Georgia

Owner: The Howard School, Inc. et al.

Applicant: The Howard School, Inc.

By: Nathan V. Hendricks, III Esq., Attorney

## **NPU-D Council District 9**

### **TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

**02O1270 ( 5) U-02-16** An Ordinance by Zoning Committee granting a Special Use Permit for a Transfer Station (Section 16-16.005(1)(d)), property located at **72 Milton Avenue, SE**, fronting 456.03 feet on the northeasterly side of Milton Avenue beginning approximately 350 feet southeasterly from the northeast corner of Hank Aaron Drive.

Depth: Varies

Area: 6.288 Acres

Land Lot: 55, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Lawrence Smith Planing Mill, Inc. et al.

Applicant: Federal Road Transfer Stations, LLC

By: Douglas Dillard, Esq., Attorney

## **NPU-V Council District 1**

### **TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

**02O1271 ( 6) U-02-17** An Ordinance by Zoning Committee granting a Special Use Permit for a Rehabilitation Center (Section 16-6.005(1)(g)), property located at **1301 Monroe Drive, NE/678 Courtenay Drive, NE/690 Courtenay Drive, NE**, fronting approximately 383.87 feet on the northwesterly side of Courtenay Drive beginning 173.6 feet southwesterly from the northwest corner of Middlesex Drive. Property also fronts approximately 405 feet on the east side of Monroe Drive. Property also fronts 25 feet and 55 feet on the northside of Amsterdam Avenue.

Depth: Varies

Area; 13.2502 Acres

Land Lot: 52, 17<sup>th</sup> District, Fulton County, Georgia

Owner: Hillside, Inc.

Applicant: Same

By: Carl E. Westmoreland, Jr., Esq., Attorney

## **NPU-F Council District 6**

### **TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

**02O1275 ( 7)** An Ordinance by Zoning Committee to correct Ordinance Z-01-42 (01-O-1099), adopted by City Council November 19, 2001 and approved by Operation of Law November 28, 2001, rezoning from R-4 (Single-Family Residential) District to the R-4B-C (Single-Family Residential-Conditional) District, property located at **Mt. Gilead Place, SW**, so as to correct the Zoning Designation shown in Section 1 of said Ordinance to which said property is to be rezoned; and for other purposes.

### **TO BE REFERRED TO COMMITTEE ON COUNCIL**

### **PAPERS HELD IN COMMITTEE**

**02O0110 ( 1 ) Z-01-101** An Ordinance by Zoning Committee to rezone from the 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. **(Held 5/15/02) (Held for two weeks time certain 7/10/02)**

Depth: Varies

Area: 28.4079 Acres

Land Lot: 69, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Louis P. Gangarosa

Applicant: Same

NPU-Z Council District 12

**02O0181 ( 2 ) Z-02-07** An Ordinance by Zoning Committee designating the Medical Arts Building, located at **384 Peachtree Street, NW**, Land Lot 50 of the 14<sup>th</sup> 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. **(Held 5/15/02) (Held for one Month 7/10/02)**

**02O0591 ( 3 ) Z-02-28** An Ordinance by Zoning Committee to amend the 1982 City of Atlanta Zoning Ordinance, as amended, so as to amend Section 16-28.008 (10) so as to permit a vendor permitted to conduct business on a specific parcel of property to conduct business at that location indefinitely. **(Held 6/26/02) (Held for four weeks time certain 6/26/02)**

**MEMBERS PRESENT: STARNES, YOUNG, ARCHIBONG, SMITH & WILLIS**

**FINANCE/EXECUTIVE COMMITTEE FELICIA A. MOORE, CHAIR**

**ORDINANCES FOR SECOND READING**

**02O0565 ( 1 )** An Ordinance and Charter Amendment by Councilmembers H. Lamar Willis, Mary Norwood and Ceasar C. Mitchell adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965 Official Code of Georgia Section 36-35-1, et seq., as amended, so as to amend the Charter of the City of Atlanta, Georgia 1996 Ga. Laws p. 4469, et seq., by amending Section 3-505 to exempt retired sworn public safety personnel from the one-year limitation of temporary employment; to repeal conflicting ordinances; and for other purposes.

**FILE**

**02O1260 ( 2 )** An Ordinance by Councilmember Jim Maddox amending the 2002 (1994, 1996 and 1997 Referendum General Obligation Bond Fund) Budget in the amount of \$3,058,122.14 for FC-7237-00B, Campbellton Road Phase II Widening Project, Change Order 1; and for other purposes.

**FORWARDED WITH NO RECOMMENDATION (2 NAY'S)**

**PAPERS HELD IN COMMITTEE**

**02O0037 ( 1 )** 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) (Held for Work Session)**

**02O0373 ( 2)** An Ordinance by Councilmember C. T. Martin **as amended by Finance/Executive Committee** to establish an Atlanta in Fulton County, and an Atlanta in Dekalb Taxation Commission to undertake a comprehensive review of the appraisal and assessment process. **(Amended and Held 2/27/02) (Held for Work Session)**

**02O0375 ( 3)** An Ordinance and Charter Amendment by Councilmember Clair Muller 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 Section 6-302 (entitled Adoption of Budget) of the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, P. 4469, et seq.), approved April 15, 1996, as amended so as to change the dates by which the Mayor shall prepare and submit the Proposed Annual Budget Ordinance to the governing body as provided in Subsection (A) thereof, and to change the date by which the governing body shall adopt the annual budget of the ensuing Fiscal Year as provided in Subsection (D) thereof; to repeal conflicting ordinances and Charter Provisions; and for other purposes. **(2<sup>nd</sup> Reading, 1<sup>ST</sup> Adoption (Held 2/27/02)**

**02O0385 ( 4)** An Ordinance by Councilmember Howard Shook to create a Task Force to identify city services that may be more efficiently provided through privatization and consolidation, and committing to a mechanism and timetable for enactment; and for other purposes. **(Held 2/27/02)**

**02O0459 ( 5)** An Ordinance by Councilmembers C. T. Martin, H. Lamar Willis, Mary Norwood, Ceasar C. Mitchell and Ivory Lee Young, Jr. **as amended by Finance/Executive Committee** to amend the Pension Acts applicable to the City of Atlanta so as to provide for a Temporary Early Retirement Program based upon a combination of age and years of service for employees in the General Employees Pension Fund; and for other purposes. **(Held 3/13/02) (Referred to Pension Board)**

**02O0679 ( 6)** An Ordinance by Councilmember Clair Muller to amend Ordinance No. 94-O-0445 so as to provide that any contract between the City of Atlanta and the City of Atlanta Solid Waste Management Authority be for any purpose for which the authority is authorized to undertake pursuant to O.C.G.A. §12-8-56, to repeal conflicting ordinances; and for other purposes. **(No Recommendation by City Utilities 4/9/02) (Referred to Finance/Executive Committee 5/6/02) (Held 5/15/02)**

**02O0683 ( 7)** An Ordinance by Councilmember Clair Muller amending Article 1, Section 2 of the Code of Ordinances to add a new provision requiring the registration and identification of Lobbyists on City property; to repeal conflicting ordinances to the extent of the conflict with this ordinance; and for other purposes. **(Held 4/10/02)**

**02O0791 ( 8)** An Ordinance by Finance/Executive Committee to amend the General Employees Pension Fund Law Adopted by Ga. L. 1927, et seq. so as to amend Ordinance Number 01-O-0064, the establishment of a Defined Contribution Retirement Plan, so as to provide for the inclusion of all elected and appointed officials; to clarify the rights of General Employees Pension Fund provided for the transfer of the present actuarial value of an employee's plan benefit under the General Employees Pension Fund into the defined contribution plan; to incorporate, by reference, the provisions of the plan document; and for other purposes. **(Held 5/29/02) (Referred to General Employee Pension Fund)**

**02O0955 ( 9)** An Ordinance by Councilmember Derrick Boazman to amend Section 2-1105(b) of the Code of Ordinances of the City of Atlanta, so as to require that all persons, organizations/entities which operate, oversee or otherwise with the City, adhere to the rules, regulations and the operational procedures of the City's Purchasing Code. **(Held 5/29/02)**

**02O0963 (10)** An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to implement an environmentally responsible purchasing policy; and for other purposes. **(Held 5/29/02)**

**02O0965 (11)** An Ordinance by Councilmember Clair Muller to amend the Festival Ordinance to provide for additional

permit requirements for municipal services for festival organizers. (Held 5/29/02) (Referred to NPU's and APAB)

**02R1137 (12)** A Resolution by Councilmembers Clair Muller and C. T. Martin to place an item on the City's Legislative Package for the Georgia General Assembly for 2003; the exemption from school taxes for Atlanta citizens 65 years of age and over. (Held 6/26/02)

**02O1181 (13)** An Ordinance by Finance/Executive Committee to amend Section 6-1007, Fees of the City of Atlanta Code of Ordinances so as to establish application fees for the LW (Live Work), MR (Mixed Residential Commercial) and MR (Multi-Family Residential) Districts. (Referred by Zoning Committee 6/26/02) (Held 7/10/02) (Advertised for a Public Hearing 7/30/02)

**02O1258 (14)** An Ordinance by Councilmember Anne Fauver amending the 2002 (Intergovernmental Grant Fund) Budget, Department of the Mayor, by adding to anticipations and appropriations in the amount of \$20,000.00 from the Governor's Office of Community Affairs Discretionary Fund Grant for the City of Atlanta for program expenses for assisting with the Gay Tourism Initiative; to authorize the Mayor to sign all necessary Grant Agreements; and for other purposes. (Held 7/10/02)

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

### COMMITTEE ON COUNCIL ANNE FAUVER, CHAIR

#### COMMUNICATIONS

**02C1236 ( 1)** A Communication by Mayor Shirley Franklin appointing **Ms. Deborah D. Jensen** to serve as a member of the Municipal Market Board of Directors of the City of Atlanta for a term of two (2) years, scheduled to begin on the date of Council confirmation. (Favorable by Community Development/Human Resources Committee 7/09/02)

**02C1237 ( 2)** A Communication by Mayor Shirley Franklin appointing **Ms. Patrice D. Russell** to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta for a term of two (2) years, scheduled to begin on the date of Council confirmation. (Favorable by Public Safety and Legal Administration Committee, 7/9/02)

**02C1238 ( 3)** A Communication by Mayor Shirley Franklin appointing **Ms. Joy Barnes** to serve as a as a member of the License Review Board for the City of Atlanta for a period of two years, scheduled to begin on the date of Council confirmation. (Favorable by Public Safety and Legal Administration Committee, 7/9/02)

**02C1242 ( 4)** A Communication by Mayor Shirley Franklin appointing **Mr. Cecil Phillips** to serve as a member of the Atlanta Housing Authority Board of Commissioners for a term of five (5) years, scheduled to begin on the date of Council confirmation. (Favorable by Community Development/Human Resources Committee, 7/09/02)

#### ORDINANCES FOR SECOND READING

**02O1234 ( 1)** An Ordinance by Committee on Council to amend the 2001 City of Atlanta Precinct and Polling Places in Precincts 1C1, 1C2, 1E1, 1E2, 1J, 1P, 1R, 2A, 2B, 2C, 2E, 2F 2P, 2W, 2X, 3N, 4B1, 4B2, 4D, 4X2, 6J, 7A, 7B, 7C, 7E, 7F, 7G, 7N, 8B, 8C, 8D, 8E, 8L, 9J, 9J1, 9J2, 9K, 9L, 9N, 10A, 10B, 10H, 10M1, 10M2, 10R, 11A, 11B, 11C, 11C2, 11D, 11E, 11H, 12C, 12D, 12E, 12F, 12E1, 12E2, 12E, 12H, 12U by creating, renaming, combining, re-designating, splitting, and/or eliminating Precincts 1C, 1C1, 1C2, 1E1, 1E2, 1E, 2A, 2A1, 2A2, 2H, 2W, 2W1, 2W2, 3N, 3N1, 3N2, 4B1, 4B2, 4B, 6S, 7E1, 7E2, 7L, 7N, 7N1, 7N2, 8N 8S, 8T, 9J, 9J1, 9J2, 11A, 11A1, 11A2, 11C, 11C1, 11C2, 11E, 11E1, 11E2, 12C, 12C1, 12C2, 12E1, 12E2, 12E3.

**02O1235 ( 2)** An Ordinance by Committee on Council to authorize the Mayor to enter into a contract with Fulton County to conduct a Special Election for the City of Atlanta to be held on August 20, 2002 to approve or not approve a Homestead Exemption from certain City of Atlanta Ad Valorem Taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such

homestead for certain residents who are 65 years of age or older and whose annual household income does not exceed \$39,000.00; and for other purposes.

[02O1264 \( 3\)](#) An Ordinance by Councilmember Felicia Moore to authorize the Mayor to enter into a contract between the Atlanta Board of Education and the City of Atlanta for the purpose of having the City of Atlanta Municipal Clerk, acting as Municipal Election Superintendent, to call a Special Election to fill the vacated Atlanta Board of Education District 1 Seat; to provide services in regards to qualifying candidates for election, to such vacated seat; to provide that all costs related to this election shall be borne by the Atlanta Board of Education; and for other purposes.

### PAPERS HELD IN COMMITTEE

[02O0237 \( 1\)](#) An Ordinance by Councilmember Clair Muller to amend Chapter Two, Article II, Division 2 of the Code of Ordinances of the City of Atlanta by amending Section 2-66; to set a time limit for the Conduct of Regular City Council Meetings; to repeal conflicting ordinances; and for other purposes. **(Held 2/18/02)**

[02O0240 \( 2\)](#) An Ordinance by Councilmember Clair Muller to amend Chapter Two, Article II, Division 2, of the Code of Ordinances of the City of Atlanta by amending Section 2-66; to set a time limit for the Conduct of Regular City Council Meetings; to repeal conflicting ordinances; and for other purposes. **(Held 2/18/02)**

[02O0840 \( 3\)](#) An Ordinance by Councilmember Clair Muller amending Section 2-813(b) and Section 2-814(b) of Chapter 2 of the City Code of Ordinances entitled "Standards of Conduct". **(Held 5/20/02)**

[02O0841 \( 4\)](#) An Ordinance by Councilmember Clair Muller to effectuate a Home Rule Charter Amendment 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 Section 1-102 (entitled Powers) of the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, P. 4469, et seq.), approved April 15, 1996, as amended, so as to change the City's authority to accept gifts to the City on the donor's terms and conditions to the City's authority to accept gifts to the City on the City's terms and conditions, to repeal conflicting ordinances and charter provisions; and for other purposes. **(2<sup>nd</sup> Reading, 1<sup>st</sup> Adoption) (Held 5/20/02)**

[02C1161 \( 5\)](#) A Communication by Mayor Shirley Franklin appointing **Ms. Joyce M. Sheperd** to serve as a member of the Citizens Service Planning Review Commission. This appointment is for a staggered term of one-to-three (1-3) years to be subsequently determined, and is scheduled to begin on the date of Council confirmation. **(Forwarded Without Recommendation by Finance/Executive Committee, 6/26/02) (Held 7/1/02)**

[02C1163 \( 6\)](#) A Communication by Mayor Shirley Franklin appointing **Ms. Lynda P. Cotton** to serve as a member of the Citizens Service Planning Review Commission. This appointment is for a staggered term of one-to-three (1-3) years to be subsequently determined, and is scheduled to begin on the date of Council confirmation. **(Forwarded Without Recommendation by Finance/Executive Committee, 6/26/02) (Held 7/1/02)**

[02C1165 \( 7\)](#) A Communication by Mayor Shirley Franklin appointing **Ms. Shawnalea Garvin-Campbell** to serve as a member of the Citizens Service Planning Review Commission. This appointment is for a staggered term of one-to-three (1-3) years to be subsequently determined, and is scheduled to begin on the date of Council confirmation. **(Forwarded Without Recommendation by Finance/Executive Committee, 6/26/02)(Held 7/1/02)**

### CITY UTILITIES COMMITTEE CLAIR MULLER, CHAIR

#### ORDINANCES FOR SECOND READING

[02O0664 \( 1\)](#) An Ordinance by Councilmembers Debi Starnes and Anne Fauver **as substituted by City Utilities Committee** to amend the City of Atlanta Code of Ordinances by establishing and adopting a new Article VIII of Chapter 138 entitled "Bicycle Racks Within The City Right-Of-Way"; and for other purposes. **(Referred back by Council 7/1/02)**



## FILE

[02O0900 \( 2\)](#) An Ordinance by Councilmember Clair Muller authorizing the Mayor to execute a Change of Control Agreement between the City of Atlanta, MediaOne of Colorado, Inc., an indirect subsidiary of AT&T Corp. and AT&T Comcast Corporation, whereby the City will consent to the change of control of the cable franchise from AT&T Corp. to AT&T Comcast Corporation. **(Public Hearings held 05/28/02 and 6/25/02)**

## FORWARDED WITHOUT RECOMMENDATION

## RESOLUTIONS

[02R1151 \( 1\)](#) A Resolution by Councilmember Derrick Boazman recommending disapproval by the City of Atlanta of the proposed Change of Control Agreement between the City of Atlanta, MediaOne of Colorado, Inc., and indirect subsidiary of AT&T Corp.; recommending disapproval of FCC Form 394; rescinding conflicting resolutions; and for other purposes.

## FORWARDED WITHOUT RECOMMENDATION

[02R1246 \( 2\)](#) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into an agreement with Norfolk Southern Corporation for the purpose of obtaining acceptable engineering and construction documents for replacement of Roxboro Road Underpass on behalf of the Department of Public Works, in an amount not to exceed \$202,434.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2J26 573001 M23F012992BA.

## FORWARDED WITHOUT RECOMMENDATION

[02O0087 \( 1\)](#) 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 \( 2\)](#) An Ordinance by Councilmember Debi Starnes to **abandon** Johnson Avenue, between Randolph Street and the Dead End to the west. **(Public Hearing held 6/11/02) (Referred back by Council 6/17/02) (Held 6/25/02)**

[02O0262 \( 3\)](#) An Ordinance by Councilmember Derrick Boazman to amend an ordinance to abandon Casplan Street, SW from Metropolitan Parkway, SW to Harden Street, SW and to abandon Harden Street, SW from Casplan Street, SW to a point approximately 863 feet southeasterly, lying and being in Land Lot 89 of the 14<sup>th</sup> District of Fulton County, Georgia; and for other purposes. **(Held 2/12/02)**

[02O0268 \( 4\)](#) An Ordinance by Councilmember Debi Starnes **as substituted by City Utilities Committee** to change the name of Linden Avenue, between Piedmont Avenue and the I-75/85 Connector, to James A. Kaufmann Avenue; and for other purposes. **(Public Hearing held 3/26/02) (Substituted and held 3/26/02)**

[02O0685 \( 5\)](#) An Ordinance by Councilmember Derrick Boazman to **abandon** Adams Street from St. Johns Avenue to Climax Place lying and being in Land Lot 90 of District 14, Fulton County, Georgia; to **abandon** Climax Place from Metropolitan Parkway to Interstate 75/85 (Lakewood Freeway) lying and being in the Land Lot 90 of District 14, Fulton County, Georgia; to **abandon** Spring Place and Leola Street from Metropolitan Parkway toward Scott Street lying and being in Land Lot 90 of District 14, Fulton County Georgia; and for other purposes. **(Held 4/9/02) (To be advertised for a Public Hearing 00/00/02)**

[02O0867 \( 6\)](#) An Ordinance by Councilmember Debi Starnes to grant an encroachment easement to BellSouth Telecommunications, Inc. for encroachments into the right-of-way of Third Street; and for other purposes. **(Held 5/14/02)**

[02O0964 \( 7\)](#) An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** to amend certain provisions in the City of Atlanta's Code of Ordinances to codify additional requirements for Storm Water

Management and Hydrological Analysis for developments permitted in the City of Atlanta; amending Sections 74-38 and 74-107 of the Code; and for other purposes. **(Referred back by Council 6/3/02) (Held 6/11/02)**

**02O1257 ( 8)** An Ordinance by Councilmember Clair Muller authorizing the Mayor to execute a Franchise Agreement with Dominion Telecom, Inc. for the provision of telecommunications services, as defined in the Telecommunications Act of 1996 (47 U.S.C.§153) using public rights-of-way; and for other purposes. **(2<sup>nd</sup> Reading, 1<sup>st</sup> Adoption) (Held 7/9/02)**

**02O1261 ( 9)** An Ordinance by Councilmembers Debi Starnes, Felicia A. Moore, Ivory Lee Young, Jr., Mary Norwood, Carla Smith, Ceasar C. Mitchell and Clair Muller to amend Code Section 138, Streets, Sidewalks and the Pubic Right-of-Way, to allow property owners to assist the City in disposing of illegal newspaper boxes in front of their property. **(Held 7/9/02)**

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

**COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE CLETA WINSLOW , CHAIR**

**ORDINANCE FOR SECOND READING**

**02O0851 ( 1)** An Ordinance by Councilmembers Cleta Winslow and Mary Norwood **as amended by Community Development/Human Resources Committee** adopting the 2003 City of Atlanta Comprehensive Development Plan; and for other purposes. **(3<sup>rd</sup> Reading, Final Adoption)**

**FORWARDED WITHOUT RECOMMENDATION AS AMENDED (5-YEA'S) (1-NAY)**

**PAPERS 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)**

**02O0837 ( 2)** An Ordinance by Councilmember Clair Muller to amend the City of Atlanta Code of Ordinances, Section 110-60 to require that all City Parks close 30 minutes following sunset and open 30 minutes following sunrise; and for other purposes. **(Held 5/14/02)**

**02O0599 ( 3)** An Ordinance by Community Development/Human Resources Committee amending the Atlanta Outdoor Festivals Ordinance of 2000 so as to provide that the Commissioner of the Department of Parks, Recreation and Cultural Affairs shall perform the functions presently delegated to the Chief of Staff; and for other purposes.

**(Favorable by CD/HR on 4/9/02) (Referred back by Council 5/6/02) (Held 5/14/02)**

**02O0520 ( 4)** An Ordinance by Community Development/Human Resources Committee amending the City of Atlanta Tree Protection Ordinance, Article 2 of Chapter 158 of the Atlanta City Code (1995), so as to exempt affordable housing units and economic development projects from recompense fees; and for other purposes. **(Held 4/09/02) (Worksession held 5/8/02)**

**02R0597 ( 5)** A Resolution by Community Development/Human Resources Committee authorizing the Mayor to enter into a contract with the Mechanicsville Civic Association (MCA) to assist the City in implementing project activities under the Mechanicsville Urban Redevelopment/Section 108 Project in an amount not to exceed \$113,047.00; and for other purposes. **(Held 4/09/02)**

**02R0725 ( 6)** A Resolution by Community Development/Human Resources Committee amending the 2002 Home Owner Occupied Rehabilitation Program to give priority to residents of the Kirkwood and Center Hill Neighborhoods;

authorizing the Mayor to submit an amendment to the 2002 Annual Action Plan to the U.S. Department of Housing and Urban Development; and for other purposes. **(Held 5/14/02)**

[02O1039 \( 7\)](#) An Ordinance by Councilmember Carla Smith waiving the Financial Recompense requirements of the Tree Protection Ordinance in connection with the application of Early Learning Property Management, Inc., for permits to remove trees for construction; and for other purposes. **(Held 6/11/02)**

[02O1040 \( 8\)](#) An Ordinance by Councilmember Carla Smith waiving the Financial Recompense requirements of the Tree Protection Ordinance in connection with the application of Custer Avenue Holdings; for permits to remove trees for construction; and for other purposes. **(Held 6/11/02)**

[02O1147 \( 9\)](#) An Ordinance by Councilmember Carla Smith waiving the Financial Recompense requirements of the Tree Protection Ordinance in connection with the application of Youth Incorporated, and Atlanta Youth Academies, Inc., for permits to remove trees for construction; and for other purposes. **(Held 6/25/02)**

[02R1216 \(10\)](#) A Resolution authorizing the Mayor to enter into a loan funding agreement with Columbia at Peoplestown, L.P. (Columbia) in an amount not to exceed \$575,000.00 for the construction of Columbia at Peoplestown, consisting of 99 units located at 222 Tuskegee Street, SE; and further, the Commissioner of the Department of Planning, Development and Neighborhood conservation is authorized to sign the necessary documents to close the loan with Columbia at Peoplestown, L.P.; and for other purposes.

[02R1217 \(11\)](#) A Resolution by Community Development/Human Resources Committee authorizing the Mayor to enter into a Loan Funding Agreement with VentureCap Development, Inc. (VentureCap) in an amount not to exceed \$200,000.00 for the redevelopment of property located at Bradford Chase Townhomes (Inman Station), 2000 Perry Boulevard, into 106 For-Sale Townhomes; correcting Account Numbers contained in Resolution 01-R-0868 which provided additional funding for this Project; and further, the Commissioner of the Department of Planning, Development and Neighborhood Conservation is authorized to sign the necessary documents to close the loan with VentureCap; and for other purposes.

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

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE CEASAR C. MITCHELL, CHAIR**

**PAPERS HELD IN COMMITTEE**

[02O0675 \( 1\)](#) An **Amended** Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances, City of Atlanta, Georgia, Chapter 10, Article II, Division 2, Subdivision III, Section 10-109(h), so as to provide a method for an alcoholic beverage license applicant to certify that the property owner of the proposed licensed premises has been notified of Section 10-109(h); and for other purposes. **(Referred back by Council 5/6/02) (Held 5/14/02)**

[02O0957 \( 2\)](#) An Ordinance by Councilmember Debi Starnes to amend Chapter 150, Article VII, Section 150-296 of the Code of Ordinances of the City of Atlanta prohibiting cruising by including additional downtown areas identified as "No Cruising Zones" to repeal conflicting ordinances; and for other purposes. **(Held 5/28/02)**

[02O1139 \( 3\)](#) An Ordinance by Councilmember Debi Starnes amending Section 10-88.1, Subsection 1, to add the Sweet Auburn Curb Market to the list of retail stores exempt from the 1,500 feet distance requirement between package stores. **(Held 6/25/02)**

**MEMBERS PRESENT: MITCHELL, MARTIN, YOUNG & SMITH**

**TRANSPORTATION COMMITTEE H. LAMAR WILLIS, CHAIR**

**ORDINANCE FOR SECOND READING**

**02O1108 ( 1 )** A **Substitute #2** Ordinance by Transportation Committee amending the 2002 (Airport Renewal & Extension Fund) Budget by transferring to and from appropriations the amount of \$39,988,850.00 to adjust for funding omitted from the Aviation Section of the 2002 Adopted Budget; and for other purposes.

**FAVORABLE ON SUBSTITUTE - (1 ABSTENTION)**

**RESOLUTIONS**

**02R1123 ( 1 )** A Resolution by Transportation Committee increasing the Compensation Limit for International Aviation Consultants, LLC, under Contract FC-7068-99, Program Management Services for the Hartsfield Development Program during the third year of the term from February 1, 2002, through January 31, 2003, pursuant to the terms and conditions of the Contract, in an additional amount not to exceed \$5,000,000.00 to be charged to and paid from Fund, Account and Center Number: 2H21 524001 R21E01219999; and for other purposes.

**FORWARDED WITH NO RECOMMENDATION - (3 YEA'S) (3 NAY'S)**

**02R1218 ( 2 )** A Resolution by Transportation Committee giving consent and approval of the Sublease between Bank of America, N. A., as Landlord and Aviation Consulting Engineering (ACE) a Joint Venture of Williams-Russell and Johnson, Inc., Bechtel Infrastructure Corporation and Delon Hampton & Associates, Chartered, as tenant, for a portion of that building, known as the Loop Road Building, located at 1075 Inner Loop Road, in Clayton County, City of College Park, Georgia; authorizing the Aviation General Manager to execute an appropriate instrument evidencing such consent and approval of behalf of the City of Atlanta, the Ground Lease Landlord; and for other purposes.

**FAVORABLE (1 ABSTENTION)**

**TRANSPORTATION COMMITTEE (2) H. LAMAR WILLIS, CHAIR**

**PAPERS HELD IN COMMITTEE**

**02O0461 ( 1 )** An Ordinance by Councilmember Clair Muller setting City of Atlanta Policy regarding Land Inventory at Hartsfield International Airport. **(Held 3/13/02)**

**02O1034 ( 2 )** An Ordinance by Councilmember C. T. Martin **as amended by Transportation Committee** authorizing the Mayor or her designee to install an All-Way Stop sign at the intersection of South Gordon Street, SW and Rogers Avenue, SW; and for other purposes. **(Amended and Held 6/12/02)**

**02O1038 ( 3 )** An Ordinance by Councilmember Derrick Boazman authorizing the Mayor or her designee to install speed humps on Erin Avenue, SW and Melview Avenue, SW; and for other purposes. **(Held 6/12/02)**

**02O1106 ( 4 )** An Ordinance by Transportation Committee amending the 2002 (Airport Renewal & Extension Fund) Budget by transferring to and from appropriations the amount of \$ to provide adequate funding for the Financial Feasibility Consultant for the Hartsfield Development Program at Hartsfield Atlanta International Airport; and for other purposes. **(Held 7/10/02)**

**02O1259 ( 5 )** An Ordinance by Councilmembers Cleta Winslow and Ivory Lee Young, Jr. authorizing the Mayor or her designee to make the intersection of Fair Street, SW at Walker Street, SW an All-Way Stop; and for other purposes. **(Held 7/10/02)**

**02O1265 ( 6 )** An Ordinance by Councilmember Felicia A. Moore authorizing the Mayor or her designee to install a

painted crosswalk at 55 Trinity Avenue, for the protection and general welfare of the Citizens and Employees of the City of Atlanta; and for other purposes. (**Held 7/10/02**)

**MEMBERS PRESENT: WILLIS, MARTIN, MOORE, SMITH, FAUVER & BOAZMAN**

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*Questions or Comments for City Council*  
*([pryan@atlantaga.gov](mailto:pryan@atlantaga.gov))*

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Webmaster

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