

ATLANTA CITY COUNCIL

ACTION/MINUTES

NOVEMBER 04, 2002

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, November 04, 2002. The Meeting convened at 1:12 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

PRESIDER: **The Honorable Cathy Woolard, Council President** presided. **The Honorable Cleta Winslow, Council President Pro-Temp** and **The Honorable Clair Muller, Acting Council President Pro-Temp** presided a portion of the meeting.

Attendance:

The following (14) voting members were present at the Meeting:

The Honorable Carla Smith	The Honorable Clair Muller
The Honorable Debi Starnes	The Honorable Felicia Moore
The Honorable Ivory Lee Young, Jr.	The Honorable C. T. Martin
The Honorable Cleta Winslow	The Honorable Jim Maddox
The Honorable Natalyn Mosby Archibong	The Honorable Derrick Boazman
The Honorable Anne Fauver	The Honorable Ceasar C. Mitchell
The Honorable Charles Howard Shook	The Honorable H. Lamar Willis

Councilmember Mary Norwood was absent.

INVOCATION: **Thomas E. Houston** of the Atlanta Fire Department Chaplaincy Program gave the invocation.

PLEDGE OF ALLEGIANCE: **In unison**, the **Council** recited the Pledge of Allegiance to the flag of the United States of America.

REPORT OF THE JOURNAL: **Mrs. Rhonda Dauphin Johnson, Municipal Clerk**, certified to the Council and the Committee on Council, that the **Action/Minutes** of the **October 21, 2002** Regular Meeting of the Atlanta City Council are true and correct. The Minutes were **FILED** without objection.

THE ADOPTION OF THE AGENDA: The **Agenda** for the **November 04, 2002** meeting was **ADOPTED** without objection.

COMMUNICATIONS

Council President Cathy Woolard Presided

COMMUNICATIONS

02-C-1980 (1) A Communication by **Councilmember Felicia Moore** nominating Ms. Zeda Sartor to the Atlanta Commission on Women. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
RERERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

02-C-1981 (2) A Communication by Municipal Clerk **Rhonda Dauphin Johnson** submitting the Administrative Corrections to previously adopted legislation during the time period occurrence between the regular Council meeting dates of October 21, 2002 and November 04, 2002 to the Atlanta City Council in accordance with Section 2-275 of the Code of Ordinances of the City of Atlanta.
FILED WITHOUT OBJECTION

VETOED LEGISLATION

Council President Cathy Woolard Presided

VETOED LEGISLATION

NONE

UNFINISHED BUSINESS

Council President Cathy Woolard Presided

UNFINISHED BUSINESS

02-O-0883 (1)
CDP-02-15

An **Amended** Ordinance by **Community Development/ Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2002 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **54 and 34 Fairburn Road, SW**, from the "Single Family Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation; and for other purposes. **(Public Hearing held on 6/10/02) (Favorable by CD/HR Committee 6/11/02)**

NPU-H

Council District 10

Councilmember Martin made a Motion to remove the above item from the Table. It was properly Seconded and the Motion CARRIED by a roll call vote of 12 yeas; 0 nays. 02-O-0883 was before the Council. Following, Councilmember Martin made a Motion to File. It was Seconded by Councilmember Boazman and a discussion ensued, during which, Councilmember Starnes made a Substitute Motion to Refer the item back to the Community Development/Human Resources Committee for a two-week time certain. It was properly Seconded and a brief discussion ensued. Thereafter, the Motion to Refer FAILED by a roll call vote of 2 yeas; 11 nays. After which, Councilmember Archibong made a Motion to Reconsider 02-O-0883 to reflect Councilmember's Fauver vote. It was properly Seconded and the Motion CARRIED by a roll call vote of 10 yeas; 2 nays. The legislation was then before the Council. The Motion to Refer was CARRIED and FAILED by a roll call vote of 1 yea; 11 nays. Therefore, the original Motion to File was in order and CARRIED by a roll call vote of 11 yeas; 2 nays. Later during the meeting, Councilmember Martin made a Motion to Reconsider 02-O-0883 and 02-O-0477. It was properly Seconded and the Reconsider vote CARRIED by a roll call of 12 yeas; 0 nays. Both items were before the Council. Mr. Martin then made a Motion to Adverse 02-O-0883. It was properly Seconded and the Motion CARRIED by a roll call vote of 12 yeas; 1 nay.

**ADVERSED AS AMENDED BY A ROLL CALL VOTE OF 12 YEAS;
1 NAY**

Council President Cathy Woolard Presided

UNFINISHED BUSINESS (CONT'D)

02-O-0477 (2)
Z-02-13

A **Substitute** Ordinance by **Zoning Committee** to rezone from the RG-2 (Residential General-Sector 2) District to the C-1 (Community Business) District, property located at **18-34-54 Fairburn Road, SW**, fronting 406.32 feet on the east side of Fairburn Road beginning 243.2 feet south from the southeast corner of Martin Luther King, Jr. Drive.

Depth: Varies
Area: 2.19 Acres More or Less
Land Lot: 243, 14th District, Fulton County, Georgia
Owner: Dwight Jackson
Applicant: Byron Washington
NPU-H Council District 10

Councilmember Martin made a Motion to remove the above item from the Table. It was Seconded by Councilmember Boazman and the Motion CARRIED by a roll call vote of 13 yeas; 1 nay. 02-O-0477 was then before the Council. Following, Councilmember Martin made a Motion to File. It was Seconded by Councilmember Boazman and the Motion CARRIED by a roll call vote of 12 yeas; 2 nays. Later during the meeting, Councilmember Martin made a Motion to Reconsider 02-O-0477 and 02-O-0883. It was properly Seconded and the Reconsider vote CARRIED by a roll call of 12 yeas; 0 nays. Both items were before the Council. Mr. Martin then made a Motion to Adverse 02-O-0477. It was properly Seconded and the Motion CARRIED by a roll call vote of 12 yeas; 1 nay.

ADVERSED SUBSTITUTE BY A ROLL CALL VOTE OF 12 YEAS; 1 NAY

02-O-0083 (3)

An Ordinance by **Councilmember Clair Muller as Substituted #2 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.

Councilmember Muller made a Motion for the above item to remain on the Table. It was properly Seconded and the Motion CARRIED Without Objection.

TABLED SUBSTITUTE WITHOUT OBJECTION

**CONSENT AGENDA
SECTION I**

Council President Cathy Woolard Presided

CONSENT AGENDA

There was no separate discussion of the following items with the exception of items 02-R-1871, 02-R-1885 and 02-O-1879, which were removed from the Consent Agenda, and considered separately per Rules for the Conduct of Business of the Council of the City of Atlanta (As Amended), Rule XI; Order of Business, SECTION 11.2; Consent Agenda.

The following CONSENT AGENDA SECTION I received a Favorable Recommendation and was Adopted in accordance with Section 11.2 by the following roll call vote: **13 Yeas:** *Councilmembers Smith, Starnes, Young, Archibong, Fauver, Shook, Muller, Moore, Martin, Maddox, Boazman, Mitchell and Willis* **0 Nays.**

The original vote of the Consent Agenda was CARRIED by a roll call of 13 yeas; 0 nays. However, later during the meeting, Councilmember Moore made a Motion to Reconsider the Consent Agenda and it was Seconded by Councilmember Young. The Motion to Reconsider was then CARRIED by a roll call vote of 13 yeas; 0 nays. The Consent Agenda was before the Council. Councilmember Moore removed item 02-O-1879 and the Consent Agenda was CARRIED by a roll call vote of 13 yeas; 0 nays.

SECTION I

ORDINANCES FOR SECOND READING

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE
CLETA WINSLOW, CHAIR

02-O-1730 (1) An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor to grant a permanent construction and maintenance easement to Georgia Power Company, for the purpose of moving existing overhead utility poles from behind the curb to a point thirteen feet behind the curb and installing the utility poles approximately three feet behind the City right-of-way on City of Atlanta parkland, so as to allow Georgia Power Company to move the utility line to improve the appearance of the line and reduce the number of utility poles by five, located in Land Lots 54 and 106 of the 17th District, Fulton County, Georgia; the Piedmont Park Conservancy, Inc., organization and the Midtown Alliance Group will pay all costs associated with this removal, installation and maintenance services required for this easement request on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
CLETA WINSLOW, CHAIR

02-O-1733 (2) A **Substitute** Ordinance by **Community Development Human Resources Committee as Amended** amending the 2002 (Home Investment Trust Fund) Budget by anticipating and appropriating \$101,515.28 and transferring to and from appropriations in the amount of \$298,484.72 to HM-10, Multi-Unit Housing Program for the purpose of funding the Moreland Square Project in Reynoldstown for an amount not to exceed \$400,000.00; and for other purposes.

ADOPTED SUBSTITUTE AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-1734 (3) A **Substitute** Ordinance by **Community Development/Human Resources Committee** amending the 2002 (Community Development Fund) Budget by reducing anticipations and reducing appropriations in the amount of \$30,000.00 for the HUD Special Purpose Grant (B-00-SP-GA-0100) for the Martin Luther King, Jr. Community Center; anticipating and appropriating \$249,450.00 for HUD Special Purpose Grant (B-00-SP-GA-0152) for the Martin Luther King, Jr. Community Center; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-1891 (4) An Ordinance by **Councilmember Carla Smith** to amend Appendix E, Atlanta Housing Code, Article II, Section 25 so as to prohibit the repair or servicing of a motor vehicle on private property, to repeal conflicting ordinances; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-1537 (5)
UEZ-02-03 A **Substitute** Ordinance by **Community Development/ Human Resources Committee** to create the “**Misty Amber Senior Apartments Housing Enterprise Zone**”; to be located at 3704 (a.k.a. 3712) Martin Luther King, Jr. Drive; and for other purposes. **(Public Hearing held 9/23/02)**

NPU-H

Council District 10

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
CLETA WINSLOW, CHAIR

02-O-1550 (6) An Ordinance by **Community Development/Human**
UEZ-02-11 **Resources Committee** to create the “**Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone**”; to be located at Castleberry Hill (property that is bounded generally by Northside Drive, Larkin Street, Walker Street and McDaniel Street); and for other purposes. **(Public Hearing held 9/23/02)**

NPU-M Council District 2, 3 and 4

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

FINANCE/EXECUTIVE COMMITTEE
FELICIA A. MOORE, CHAIR

02-O-1587 (7) An Ordinance by **Councilmember C. T. Martin as Substituted by Finance/Executive Committee** to update the Public Safety Employee Work Rules by amending Chapter 98, Article II, Division One, Section 98-26 of the Code of Ordinances of the City of Atlanta, “Duties of Police Chief”, and Chapter 98, Article IV, Division Two, Section 98-153, of the Code of Ordinances of the City of Atlanta, “Duties of Chief of Corrections”, to authorize the Chiefs of Police and Corrections to make administrative changes in the employee work rules; to repeal conflicting ordinances; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-1879 (8) An Ordinance by **Councilmember Felicia A. Moore as Substituted by Finance/Executive Committee** to anticipate and appropriate proceeds of the Series 2002 Airport Bond Anticipation Notes (BAN'S) in the amount of \$300,000,000.00; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Moore.

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, CHAIR

- 02-O-1893 (9) An Ordinance by **Councilmember Natalyn Archibong as Substituted by Finance/Executive Committee** to authorize the purchase of property, known as the Grant Park Primary School from the Atlanta Board of Education, located at 701 Kirkwood Avenue, SE, in Land Lot 20 of the 14th District, Fulton County, Georgia; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

RESOLUTIONS

CITY UTILITIES COMMITTEE

CLAIR MULLER, CHAIR

- 02-R-1857 (1) A Resolution by **City Utilities Committee** authorizing the sale of abandoned Squire Place, NE, in Land Lot 49 of the 17th District, Fulton County, Georgia to Innkash Buckead, Inc.; Innkash, Inc. the abutting property owners.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS
- 02-R-1858 (2) An **Amended** Resolution by **City Utilities Committee** authorizing the Mayor or her designee to enter into an Intergovernmental Agreement with the U. S. Geological Survey, United States Department of the Interior, in an amount not to exceed \$2,812,850.00, for a Water Quality and Water Quantity Long-Term Monitoring Network to install monitoring equipment for the Department of Watershed Management. All contracted work shall be charged to and paid from Various Fund, Account and Center Numbers listed.
ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

CITY UTILITIES COMMITTEE (CONT'D)

CLAIR MULLER, CHAIR

02-R-1871 (3) A Resolution by **Councilmembers Clair Muller, Carla Smith, Debi Starnes, Anne Fauver, Howard Shook, Ceasar C. Mitchell, Cleta Winslow, H. Lamar Willis and Jim Maddox** supporting Mayor Shirley Franklin and the Clean Water Atlanta Five Point Plan.

The above item was removed from the Consent Agenda by request of Councilmember Boazman.

SEE CITY UTILITIES COMMITTEE REPORT

02-R-1883 (4) A Resolution by **Councilmember Debi Starnes** authorizing the Mayor to negotiate and execute temporary and permanent easements and deeds to the Georgia Department of Transportation as needed to accomplish the 17th Street Bridge and Extension Project in the City of Atlanta; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

02-R-1901 (5) 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 at the Clear Creek CSO Facility on October 13, 2002 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.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE
CLETA WINSLOW, CHAIR

- 02-R-1851 (6) A Resolution by **Community Development/Human Resources Committee** authorizing the Mayor to enter into an appropriate contractual agreement with Matriarch Construction Company, Inc., for FC-7435-02, Center Hill Park Site Improvements, on behalf of the Department of Parks, Recreation and Cultural Affairs in an amount not to exceed \$742,000.00, all contracted work shall be charged to and paid from Fund, Account and Center Number 1B01 529002 N12D1610A22A.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1852 (7) A Resolution by **Community Development/Human Resources Committee** authorizing the Mayor to apply for and accept a grant from the National Recreation and Park Association, National Football League Youth Football Fund on behalf of the City of Atlanta Department of Parks, Recreation and Cultural Affairs, Bureau of Recreation in an amount not to exceed \$2,500.00 for the purpose of assisting in the procurement of uniforms for a city-wide recreation drill team; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1729 (8) A Resolution by **Community Development/Human Resources Committee** authorizing the Mayor to apply for and accept grant funds from the Georgia Greenspace Program; adopting the City of Atlanta's portion of Fulton and DeKalb Counties' Greenspace Programs; authorizing the Mayor to submit the program application to Fulton and DeKalb Counties and to the Georgia Department of Natural Resources; and for other purposes.
(Favorable by CD/HR on 10/15/02) (Referred back by Council on 10/21/02)
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
CLETA WINSLOW, CHAIR

02-R-1910 (9) A Resolution by **Community Development/Human Resources Committee** scheduling a Public Hearing in connection with the proposed adoption of the Northwest Atlanta Redevelopment Plan and creation of Tax Allocation District Number Three – Northwest Atlanta; to establish the purpose of said Public Hearing; to direct the Municipal Clerk to advertise the Public Hearing; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

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

02-R-1846 (10) A Resolution by **Public Safety and Legal Administration Committee** authorizing payment in the amount of \$4,061.25 to Baxter P. Jones in settlement of this claim against the City of Atlanta.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

02-R-1862 (11) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to apply for and accept a grant on behalf of the Atlanta Police Athletic League from the J. C. Downing Foundation in an amount not to exceed \$86,000.00 to establish Youth Sports Programs for young people in the City of Atlanta; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, CHAIR

02-R-1626 (12) A Resolution by **Councilmembers Derrick Boazman and Carla Smith** authorizing the Mayor or her designee to enter into a Lease Agreement with the Fulton County Library Board to re-locate the Carver Homes Library Branch to the John Birdine Neighborhood Facility; to accept leasehold improvements in lieu of rent; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

02-R-1855 (13) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to approve Renewal Agreement No. 2 with Republic/City Wide Parking, a Joint Venture for FC-6762-97, Taxi Starter Services for the Department of Aviation in the amount not to exceed \$360,000.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2H01 523001 R12009.

**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE
OF 13 YEAS; 0 NAYS**

02-R-1876 (14) A Resolution by **Councilmembers H. Lamar Willis, Mary Norwood, Ceasar C. Mitchell, Carla Smith, Derrick Boazman, Cleta Winslow, Jim Maddox, Howard Shook, Anne Fauver, Ivory Lee Young, Jr., Natalyn Mosby Archibong and Debi Starnes** expressing the City Council's support for the establishment of a National Housing Trust Fund, which would serve as a source of revenue for the production of new housing and the preservation and/or rehabilitation of existing housing that is affordable for low income persons.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

02-R-1885 (15) A Resolution by **Councilmembers Mary Norwood, H. L. Willis and Ceasar C. Mitchell as Amended by Finance/Executive Committee** expressing the intent of the City Council to give priority funding to the essential functions of Atlanta City Government as mandated by the City Charter.

The above item was removed from the Consent Agenda by request of Councilmember Martin.

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

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

Claims with Favorable Recommendations:

- 02-R-1815 (1) Claim of **Denise Wilson**, for damages alleged to have been sustained as a result of vehicular damages from an automobile accident on August 21, 2002 at 1160 Moreland Avenue. **\$1,504.70**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1816 (2) Claim of **Devery Ragland**, for damages alleged to have been sustained as a result of an automobile accident on June 24, 2002 at 1634 Lakewood Avenue, SE. **\$1,364.41**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1817 (3) Claim of **Acceptance Insurance as subrogee of Randall Mosley**, for damages alleged to have been sustained as a result of a vehicular accident on May 29, 2002 at University Avenue and Metropolitan Parkway. **\$547.52**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1818 (4) Claim of **Sherese Lewis**, for damages alleged to have been sustained as a result of driving over a manhole that was partially open on May 14, 2002 at West Peachtree and 7th Streets, NE. **\$1,219.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1819 (5) Claim of **Progressive Insurance Company, as subrogee of Kathie Dorsey**, for damages alleged to have been sustained from an automobile accident on April 29, 2002 at 337 Moreland Avenue, SE. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
CEASAR C. MITCHELL, CHAIR

Claims with Unfavorable Recommendations:

- 02-R-1820 (6) Claim of **Carl L. Reiner**, for damages alleged to have been sustained when an errant rock struck and cracked a windshield on August 30, 2002 at Roswell Road, NE and Interstate 285 Eastbound.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1821(7) Claim of **Keith Powell, through his attorney, Bruce A. Hagen, Esq.**, for damages alleged to have been sustained from driving over a pothole on September 9, 1999 at Alexander and McCaffee Streets, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1822 (8) Claim of **Oliver Hart**, for damages alleged to have been sustained as a result of an automobile accident on August 28, 2002 at Bankhead Highway, NW and Bolton Road, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1823 (9) Claim of **T. Wood Lovell, c/o Griffin/Olvell Realty & Management Company**, for damages alleged to have been sustained when a City vehicle side-swiped an apartment building on January 16, 1999 at 2045 Graham Circle, SE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1824 (10) Claim of **Victoria J. Bryant**, for damages alleged to have been sustained from driving over a metal plate in the road on October 1, 2002 at Pryor Street and Martin Luther King, Jr. Drive.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1825 (11) Claim of **Marie A. Obiekwe**, for damages alleged to have been sustained when another vehicle caused gravel to strike a window on May 28, 2002 at Pool Drive and Wieuca Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
CEASAR C. MITCHELL, CHAIR

Claims with Unfavorable Recommendations: (Cont'd)

- 02-R-1826 (12) Claim of **Barbara Bretherton**, for damages alleged to have been sustained as a result of driving over a pothole in front of a storm sewer catch basin on July 20, 2001 at Glenn and Pryor Streets.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1827 (13) Claim of **Julia M. Brown**, for damages alleged to have been sustained when a tree on City property fell on a fence on August 3, 2002 at 98 Warren Street, NE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1828 (14) Claim of **Earl C. Johnson**, for damages alleged to have been sustained from driving through an open construction site in the road that was left in an unsafe condition on December 9, 2000 at 986 East Ponce de Leon Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1829 (15) Claim of **Mary Roberts, through her attorney, Feldman & Associates, P.C.**, for damages alleged to have been sustained from a fall on a broken sidewalk on December 4, 2001 at 80 Jesse Hill, Jr. Drive, SE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1830 (16) Claim of **Chris Smith, through his attorney, Terry E. Williams, E. Williams, & Associates, P.C.**, for damages alleged to have been sustained from an excessive use of force incident with Atlanta Police on March 24, 2002 at 1021 Peachtree Street, NE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1831 (17) Claim of **Cesar Solomon**, for damages alleged to have been sustained from a pothole in the road on March 12, 2002 at Bankhead Highway, NW and Mildred Drive, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
CEASAR C. MITCHELL, CHAIR

Claims with Unfavorable Recommendations: (Cont'd)

- 02-R-1832 (18) Claim of **David W. Cree**, for damages alleged to have been sustained as a result of vehicular damage due to striking a fallen tree on August 2, 2002 at Boulder Park Drive, SW and Cushman Circle, SW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1833 (19) Claim of **Michael Clinkscales**, for damages alleged to have been sustained as a result of property damage due to a fallen tree on December 2, 2001 and February 9, 2002 at 661 Center Hill Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1834 (20) Claim of **Yancy M. Lewis**, for damages alleged to have been sustained as a result of personal injuries due to a fall on a driveway apron on October 28, 1996 at 818 Oglethorpe Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1835 (21) Claim of **Greta Lollis, through her attorney, Rita Tucker Williams**, for damages alleged to have been sustained as a result of the wrongful death of claimant's son Patkin Lollis, on May 24, 2002 at 195 Fairburn Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1836 (22) Claim of **Cousins Properties, on behalf of, Anita Nicholson, through its insurance carrier, St. Paul Guardian Insurance Company**, for damages alleged to have been sustained as a result of personal injuries due to a slip and fall accident on January 30, 2002 at 600 West Peachtree Street.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
CEASAR C. MITCHELL, CHAIR

Claims with Unfavorable Recommendations: (Cont'd)

- 02-R-1837 (23) Claim of **Greg Davis, through his attorney, Jason R. Schultz**, for damages alleged to have been sustained as a result of personal injuries due to an elevator incident on March 3, 2002 at Hartsfield Atlanta International Airport.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1838 (24) Claim of **Mast Properties/Citizen's Associates, through its attorney, Linda Hinson Ambrose**, for damages alleged to have been sustained as a result of property damage due to the failure of a back flow prevention valve on September 16, 2000 at 75 Piedmont Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1839 (25) Claim of **Samuel Moses**, for damages alleged to have been sustained as a result of a vehicular accident due to a tree in the roadway on January 24, 2002 at 1957 Northside Drive.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1841 (26) Claim of **Randall Mosely**, for damages alleged to have been sustained as a result of a vehicular accident on May 29, 2002 at University Avenue and Metropolitan Parkway.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1842 (27) Claim of **Barbara S. Warren**, for damages alleged to have been sustained as a result of a water meter that was improperly covered on November 27, 1999 at 1740 Langston Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1843 (28) Claim of **Roy E. Wann, through his insurance carrier, Kemper Auto and Home**, for damages alleged to have been sustained as a result of vehicular damage due to a fallen tree on August 6, 2002 at Central Park Place and Pine Street.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
CEASAR C. MITCHELL, CHAIR

Claims with Unfavorable Recommendations: (Cont'd)

02-R-1844 (29) Claim of **Brian Monteiro**, for damages alleged to have been sustained as a result of driving through an open construction site in the road that was left in an unsafe condition on December 9, 2000 at 980 East Ponce de Leon Avenue.

**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

02-R-1845 (30) Claim of **Harriett Reaves**, for damages alleged to have been sustained as a result of property damage due to a fallen tree on July 16, 2002 at 1756 Evans Drive.

**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

**CONSENT AGENDA
SECTION II**

Council President Cathy Woolard Presided

CONSENT AGENDA

SECTION II

ORDINANCES FOR FIRST READING

TRANSPORTATION COMMITTEE

H. LAMAR WILLIS, CHAIR

02-O-1863 (1) An Ordinance by **Transportation Committee** granting to College Park Power an easement across real property owned by the City of Atlanta in Clayton County to provide for permanent relocation of overhead distribution lines 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.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-O-1864 (2) An Ordinance by **Transportation Committee** amending the 2002 (Airport Passenger Facility Charge Fund) Budget by transferring to and from appropriations a total amount of \$18,913,073.00 to provide adequate funding for the International Terminal Project (formerly known as the Concourse "E" Expansion and Landside Access (CEELA) Project) entitled, International Terminal Georgia Power Substation Relocation and Network at the Hartsfield Atlanta International Airport; and for other purposes.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

CLETA WINSLOW, CHAIR

02-O-1903 (3)
CDP-02-29 An Ordinance by **Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate properties located in the **Reynoldstown Neighborhood Master Plan**, adopted by the Atlanta City Council January 16, 2001, from Various Land Use Designation to Various Land Use Designations; and for other purposes.

NPU-N

Council District 5

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
CLETA WINSLOW, CHAIR

02-O-1904 (4)
CDP-02-30 An Ordinance by **Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate properties located at **620-628 John Wesley Dobbs Avenue, NE**, from the allowable 9-16 Units Per Acre to 0-32 Units Per Acre; and for other purposes.

NPU-M

Council District 2

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1905 (5)
CDP-02-31 An Ordinance by **Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate properties located at **2451 Bankhead Highway, NW**, from the "Low Density Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation; and for other purposes.

NPU-J

Council District 9

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1906 (6)
CDP-02-33 An Ordinance by **Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate properties located at **677 Somerset Terrace, NE**, from the "Low Density Residential 0-8 Units Per Acre" Land Use Designation to the "Medium Density Residential 0-64 Units Per Acre" Land Use Designation; and for other purposes.

NPU-N

Council District 6

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
CLETA WINSLOW, CHAIR

02-O-1907 (7)
CDP-02-34 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate properties located within **Neighborhood Planning Unit "N"**, from the "Single Family" Land Use Designation to the "Open Space" Land Use Designation; and for other purposes.

NPU-N

Council District 5

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1908 (8)
CDP-02-35 An Ordinance by **Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate properties located at **661 Meldrum Street, NW/516 Elm Street, NW/511 Elm Street, NW**, from the "Medium Density Residential" Land Use Designation to the "High Density Residential" Land Use Designation; and for other purposes.

NPU-L

Council District 3

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1909 (9)
CDP-02-36 An Ordinance by **Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate properties located at **920 Sells Avenue, SW**, from the "Medium Density Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation; and for other purposes.

NPU-T

Council District 4

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

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

02-O-1859 (10) An Ordinance by **Public Safety and Legal Administration Committee** amending the 2002 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations in the amount of \$40,000.00 for a grant from the Governor's Children and Youth Coordinating Council for a program to reduce underage drinking in the City of Atlanta; and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

02-O-1860 (11) An Ordinance by **Public Safety and Legal Administration Committee** to amend the 2002 (Intergovernmental Grant Fund) Budget, Department of Police, Corrections and Planning, Development and Neighborhood Conservation by adding to anticipations and appropriations in the amount of \$564,000.00 as awarded by the U. S. Department of Justice for the Comprehensive Homicide Reduction Initiative, and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

02-O-1861 (12) An Ordinance by **Public Safety and Legal Administration Committee** authorizing the Mayor to accept and appropriate a \$130,000.00 grant from the Governor's Office of Highway Safety to fund the Car Safety Seat Fitting Station Program Development by the Atlanta Fire Department; and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, CHAIR

02-O-1853 (13) An Ordinance by **Finance/Executive Committee** amending Chapter 110, Parks and Recreation of the Code of Ordinances, Article I, Section 110.3(A)(2), Fee Schedule specifically to reflect newly revised, increased fee schedules for the Department of Parks, Recreation and Cultural Affairs, Bureau of Cultural Affairs by increasing fees and creating new fees for the Chastain Arts and Crafts Gallery; by creating a Subsection 110.3(A)(2A) for the purpose of creating fees for the Southeast Arts Center; all revenues derived from these fees shall be deposited into the Consolidated Arts Trust Fund Account Number 3P02 464101 N41S0608QN0 and expended from Trust Account Number 3P02 524001 N41S0608QNAO, on behalf of the Department of Parks, Recreation and Cultural Affairs; and for other purposes. (Public Hearing To Be Held 11/13/02, Referred to NPU'S)

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

02-O-1902 (14) An Ordinance by **Finance/Executive Committee** authorizing the Mayor and the Chief Financial Officer to supervise the expenditure of funds and assure the orderly financial close out of Fiscal Year 2002; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (1)

H. LAMAR WILLIS, CHAIR

Attendance at the October 30, 2002 meeting of the Transportation Committee was as follows:

Present: Councilmembers Willis (Chair), Shook, Moore, Smith, Fauver and Boazman

Absent: Councilmember C. T. Martin

RESOLUTIONS

02-R-1854 (1) An **Amended** Resolution by **Transportation Committee** authorizing the Mayor to enter into an appropriate contractual agreement with Segway LLC, for the purchase of ten (10) Segway Human Transporters on behalf of the Department of Aviation, in an amount not to exceed \$55,782.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2H21 575001 R11001.

The above item was forwarded from committee with a Favorable as Amended on Condition recommendation. Chairperson Willis stated the condition (receipt of maintenance and operational manual) has been met. Therefore, made a Motion to Adopt as Amended. Without Objection, the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 12 YEAS;
0 NAYS**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (2)
H. LAMAR WILLIS, CHAIR

RESOLUTIONS (CONT'D)

02-R-1870 (2) A Resolution by **Transportation Committee** authorizing the Mayor to enter into an appropriate contractual agreement with ADT Security Services, Inc., for FC-7405-02, Automated External Defibrillators (AED) on behalf of the Department of Aviation in an amount not to exceed \$651,200.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2H21 575001 W32003; and to rescind Resolution 02-R-1346 in its entirety.

The above item was forwarded with a Favorable on Condition recommendation from committee. Chairperson Willis stated the condition (receipt of operational manual) has been met. Therefore, made a Motion to Adopt. Without Objection, the Motion CARRIED by a roll call vote of 9 yeas; 0 nays; 1 abstention.

Note: Councilmember Young served notice of his abstention to the above item due to a potential conflict of interest.

ADOPTED BY A ROLL CALL VOTE OF 9 YEAS; 0 NAYS; 1 ABSTENTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (1)
DEBI STARNES, CHAIR

Attendance at the October 30, 2002 meeting of the Zoning Committee was as follows:

Present: Councilmembers Starnes (Chair), Young, Willis, Shook, Smith, Norwood and Archibong

Absent: None

ORDINANCES FOR SECOND READING

The following items (02-O-1355 and 02-O-1594) were taken as a collective vote.

02-O-1355 (1) An Ordinance by **Zoning Committee** to rezone from the I-2
Z-02-58 (Heavy Industrial) District to the R-5 (Two-Family Residential) District, property located at **104-110 Kenyon Street, S. E.**, fronting 69.70 feet on the East side of Kenyon Street beginning 498.84 feet South from the Southeast corner of Wylie Street. Depth: 85.12 feet; Area: 0.1362 acres; Land Lot 13, 14th District, Fulton County, Georgia. Owner: Allen Sheppard; Applicant: Lee M. Mayweather; NPU-N Council District 5.
ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-1594 (2) An Ordinance by **Councilmember Howard Shook** to amend
Z-02-66 Section 16-29.001 (17) of the City of Atlanta Zoning Code so as to add a new numbered sub-section 16-29.001 (17) 8.
ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

The following items (3 – 5) were taken as a collective vote.

02-O-1604 (3) A **Substitute** Ordinance by **Zoning Committee** to amend
Z-02-61/Z-01-28 Ordinance Z-01-28, adopted by City Council September 4, 2001 and approved by operation of law September 13, 2001, rezoning from the I-1 (Light Industrial) District to the C-2-C (Commercial Service-Conditional) District, property located at **949 and 961 Confederate Avenue, S.E. and 655 Mead Street, S. E.**, for the purpose of approving a site plan amendment. Owner: Mead Street City Homes, LLC; Applicant: Jolly Development Corporation, Inc. NPU-W Council District 1.
ADOPTED SUBSTITUTE BY A ROLL CALLVOTE OF 14 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (2)

DEBI STARNES, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

02-O-1609 (4)
U-02-23/U-98-29 A **Substitute** Ordinance by **Zoning Committee** to amend Ordinance U-98-29, by City Council January 19, 1999 and approved by operation of law January 27, 1999, granting a special use permit for a Rehabilitation Center, property located at **150 Moore Street, S. E. and 276 Decatur Street, S. E.**, for the purpose of approving a change of conditions. Owner: Chapel of Christian Love, Inc.; Applicant: Community Concerns, Inc. NPU-M Council District 2.

ADOPTED SUBSTITUTE BY A ROLL CALLVOTE OF 14 YEAS; 0 NAYS

02-O-1610 (5)
U-02-24/U-80-70 A **Substitute** Ordinance by **Zoning Committee** to amend Ordinance U-80-70, adopted by City Council March 16, 1981 and approved by the Mayor March 21, 1981, granting a special use permit for Parking Church, property located at **2435 Cascade Road, S. W.**, for the purpose of approving a site plan amendment. Owner: Hillside Chapel and Truth Center, Inc.; Applicant: Michael O Ndukuba; NPU-I Council District 11.

ADOPTED SUBSTITUTE BY A ROLL CALLVOTE OF 14 YEAS; 0 NAYS

02-O-1358 (6)
U-02-19 A **Substitute** Ordinance by **Zoning Committee** granting a special use permit for a Rooming House (Section 16-11.005 (1) (h), property located at **173 Boulevard, N. E.**, fronting 150.2 feet on the East side of Boulevard beginning at the Southeast corner of John Wesley Dobbs Avenue. Depth: 206.90 feet; Area: .71 acres; Land Lot 46, 14th District, Fulton County, Georgia. Owner: Atlanta Carpenters J.A.T.C.; Applicant: Genesis Shelter, Inc.; By: Amy L. Hillman, Attorney; NPU-M Council District 2.

The above item was forwarded from committee with No Recommendation. Councilmember Starnes was recognized and made a Motion to Amend to add conditions to the ordinance. It was Seconded by Councilmember Maddox. A brief discussion ensued followed by the Starnes' Amendment vote of 14 yeas; 0 nays. After which, the Motion to Adopt as Amended was moved, properly Seconded, and CARRIED by a roll call vote of 14 yeas; 0 nays.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (3)
DEBI STARNES, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

The following items (02-O-1606 and 02-O-1354) were taken as a collective vote.

02-O-1606 (7)
Z-02-63

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 **513 Boulevard, S. E.**, fronting 49.94 feet on the West side of Boulevard beginning 150 feet South from the Southwest corner of Sydney Street. Depth: 190.43 feet; Area: 0.217 acres; Land Lot 44, 14th District, Fulton County, Georgia. Owner: Alvin Morris; Applicant: same; NPU-W Council District 1.

ADVERSED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-O-1354 (8)
Z-02-57

An Ordinance by **Zoning Committee** to rezone from the SPI-11, Sub Area 6 (Ashby Station Special Public Interest, Washington Park Single-Family Residential) District to the SPI-11, Sub Area 7 (Ashby Station Special Public Interest, Multi-Family Residential) District, property located at **1094-1100 Mayson-Turner Road, N.W.** fronting approximately 160 feet on the Southwesterly side of Mayson-Turner Road beginning at the Southwest corner of Mobile Street. Depth: 621.56 feet; Area: 3.1696 acres; Land Lot 115, 14th District, Fulton County, Georgia. Owner: Washington Heights Townhomes LLC; Applicant: Marvin Greer; NPU-K Council District 3.

ADVERSED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-O-0591 (9)
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.

FILED BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (1)

ANNE FAUVER, CHAIR

Attendance at the November 04, 2002 meeting of the Committee on Council was as follows:

Present: Councilmembers Fauver (Chair), Mitchell, Maddox, Muller and Archibong

Absent: Councilmembers Boazman and Norwood

COMMUNICATIONS

The following items (1 - 4) were taken as a collective vote.

- 02-C-1402 (1) A Communication by **Mayor Shirley Franklin** appointing Mr. Sam Matchett to serve as a member of the Municipal Market Board of Directors (Lawyer Slot) of the City of Atlanta for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Forward Without Recommendation by Community Development/Human Resources Committee, 8/27/02) (Held 9/3/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 02-C-1865 (2) A Communication by **Councilmember Cleta Winslow** appointing Mrs. Carolyn Long Banks to serve as a member of the Atlanta Commission on Women. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 02-C-1866 (3) A Communication by **Councilmember Derrick Boazman** re-appointing Mrs. Olivia Parks Woods to serve as a member of the Atlanta Commission on Women. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 02-C-1867 (4) A Communication by **Councilmembers Clair Muller, Howard Shook and Mary Norwood** submitting their nomination of Mr. Abe J. Schear to fill the attorney position of the Urban Design Commission. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation. **(Favorable by Community Development/Human Resources Committee 10/29/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (2)

ANNE FAUVER, CHAIR

ORDINANCES FOR SECOND READING

The following items (02-O-0840 and 02-O-0841) were taken as a collective vote.

02-O-0840 (1) 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)**
FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

02-O-0841 (2) 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 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. **(2nd Reading, 1st Adoption) (Held 5/20/02)**
FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

ORDINANCE FOR FIRST READING

02-O-1911 (1) An Ordinance by **Committee on Council** to amend the 2001 City of Atlanta Precinct and Polling Places in Precinct 7J; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (1)

CLAIR MULLER, CHAIR

Attendance at the October 29, 2002 meeting of the City Utilities Committee was as follows:

Present: Councilmembers Muller (Chair), Mitchell, Shook, Willis, Smith, Winslow and Maddox

Absent: None

ORDINANCE FOR SECOND READING

02-O-0685 (1) 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. **(Public Hearing held 10/29/02)**

The above item was forwarded with a Favorable on Condition recommendation by committee. Chairperson Muller stated the condition (receipt of list) has been met. A discussion ensued, in which, Councilmember Muller made a Motion to Amend 02-O-0685 “ in Section 1 everything after Scott Street.” It was properly Seconded and the Muller Amendment CARRIED by a roll call vote of 12 yeas; 0 nays. Subsequently, the Motion to Adopt as Amended CARRIED by a roll call vote of 14 yeas; 0 nays,

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (2)
CLAIR MULLER, CHAIR

RESOLUTION

02-R-1847 (1) A Resolution by **City Utilities Committee** authorizing the Mayor to issue a Notice to Proceed with CH2M Hill, Inc./TOC, Inc., - JV for FC-6710-96A, Annual Contract for Architectural and Engineering Services to provide Design Services, Contract Administration Services, Construction Phase Services and Post Construction Phase Services for South River and Intrenchment Creek WRCS' Improvements on behalf of the Department of Public Works in an amount not to exceed \$863,800.00; all contracted work shall be charged to and paid from Fund, Account and Center Numbers: 2J27 573001 M55I18099999 (\$578,746.00) and 2J27 573001 M56I21059999 (\$285,054.00).

FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (3)
CLAIR MULLER, CHAIR

ITEM REMOVED FROM CONSENT AGENDA

02-R-1871 (1) A Resolution by **Councilmembers Clair Muller, Carla Smith, Debi Starnes, Anne Fauver, Howard Shook, Ceasar C. Mitchell, Cleta Winslow, H. Lamar Willis and Jim Maddox** supporting Mayor Shirley Franklin and the Clean Water Atlanta Five Point Plan.

The above item was removed from the Consent Agenda by request of Councilmember Boazman. A discussion ensued, during which, Councilmember Moore made a Substitute Motion to Refer 02-R-1871 back to the City Utilities Committee. It was Seconded by Councilmember Boazman and another discussion ensued. Following, Councilmember Shook Called the Question and the Motion CARRIED by Voice Vote. Subsequently, the Motion to Refer the resolution back to the City Utilities Committee CARRIED by a roll call vote of 8 yeas; 6 nays. After which, Councilmember Maddox made a Motion to Reconsider the item. It was properly Seconded and the Motion to Reconsider CARRIED by a roll call vote of 10 yeas; 4 nays. The legislation was before the Council. The vote was then CARRIED to Refer by a roll call of 4 yeas; 10 nays; the Motion to Refer FAILED. Thereafter, Councilmember Muller made a Motion to Adopt. It was properly Seconded and a discussion ensued, during which, Councilmember Shook Called the Question and the Motion CARRIED by a tie roll call vote of 7 yeas; 7 nays; Council President Woolard voting in the Affirmative, the Motion was recorded by a roll call of 8 yeas; 7 nays. Therefore, the Question was in order and the Motion to Adopt was then CARRIED by a roll call vote of 9 yeas; 4 nays.

ADOPTED BY A ROLL CALL VOTE OF 9 YEAS; 4 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (1)
CLETA WINSLOW, CHAIR

Attendance at the October 29, 2002 meeting of the Community Development/Human Resources Committee was as follows:

Present: Councilmembers Winslow (Chair), Moore, Archibong, Young, Norwood, Starnes and Boazman

Absent: None

ORDINANCES FOR SECOND READING

The following items (02-O-1731 and 02-O-1732) were taken as a collective vote.

02-O-1731 (1) An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor to direct the Department of Planning and Community Development 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 August 29, 2002.

956 Beckwith Street, SW	04
909 Cherokee Avenue, SE	01
653 Clifton Road, SE	05
2 Felker Ward St., NW (a.k.a. 2 Pittman St.)	09

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

02-O-1732 (2) An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor to direct the Department of Planning and Community Development to demolish and clean the various structures pursuant to Article III of the Atlanta Housing Code and a hearing conducted by the In Rem Review Board on August 29, 2002.

2160 Spinks Street, NW	09
292 Hasty Place, NW (a.k.a. 1626 Hasty Pl.)	03

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (2)
CLETA WINSLOW, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

02-O-1670 (3) A **Substitute Ordinance by Community Development/Human Resources Committee as Amended** amending the 2002 (Community Development Fund) Budget by transferring appropriations in the amount of \$2,483,285.00, amending the 2002 (Home Investment Trust Fund) Budget by transferring \$447,000.00 and amending the 2002 (Intergovernmental Grant Fund) Budget by transferring appropriations in the amount of \$520,478.00 for the purpose of reprogramming various CDBG, HOME and HOPWA Projects for inclusion in the Year 2003 Annual Action Plan for the 2000-2004 Consolidated Plan; and for other purposes. **(Public Hearing held 10/14/02) (Work Session held 10/22/02)**

The above item was forward with a Favorable on Substitute as Amended recommendation. Councilmember Starnes was recognized an offered an Amendment to “subtract \$20,000 from St. Judes and add that amount to The Trinity House expansion project.” It was properly Seconded and a brief discussion ensued followed by the Call of the Question by Councilmember Boazman. The Motion of the Question CARRIED Without Objection, Therefore, the Starnes’ Amendment was CARRIED by a roll call vote of 10 yeas; 3 nays. Following, Councilmember Moore offered an amendment to “remove all amendments in the legislation and revert it back to the original version.” It was properly Seconded and a discussion ensued, during which, Councilmember Boazman Called the Question. The Motion was then CARRIED Without Objection, subsequently, the Moore Amendment FAILED by a roll call vote of 4 yeas; 9 nays. After which, the Motion to Adopt as Amended was moved and properly Seconded. Following, Councilmember Boazman Called the Question and it CARRIED Without Objection. Subsequently, the Motion to Adopt on Substitute as Amended CARRIED by a roll call vote of 12 yeas; 0 nays.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (3)
CLETA WINSLOW, CHAIR

RESOLUTION

02-R-1671 (1) A **Substitute** Resolution by **Community Development/Human Resources Committee as Amended** authorizing the Mayor to submit to the U.S. Department of Housing and Urban Development Atlanta's Year 2003 Annual Action Plan to the 2000-2004 Consolidated Plan to include application for the 2003 Community Development Block Grant (CDBG) Program, 2003 Emergency Shelter Grant (ESG) Program, 2003 Home Investment Partnership (HOME) Program, and the 2003 Housing Opportunities for Persons with AIDS (HOPWA) Program; and for other purposes. **(Public Hearing held 10/14/02) (Work Session held 10/22/02)**

The above item was forwarded from committee with a Favorable on Substitute as Amended recommendation. Councilmember Starnes was recognized and offered an Amendment to "restore the original funding for the (5) agencies and add \$26,000 to ACORE and delete that amount from the Taskforce of the Homeless." A discussion ensued, during which, the Starnes' Amendment CARRIED by a roll call vote of 10 yeas; 3 nays. Following, an extensive discussion ensued, in which, Councilmember Boazman made a Motion to hold until the Breast of Council. Without Objection, the Motion CARRIED.

Resuming back to the item, Councilmember Winslow made a Motion to enter Committee of the Whole to discuss Resolution 02-R-1671. It was properly Seconded and the Motion CARRIED by a roll call vote of 11 yeas; 0 nays.

COMMITTEE OF THE WHOLE

In Committee of the Whole, Council also discussed 02-R-1671 which was listed on the Community Development/Human Resources Committee report. A discussion ensued, in which, Council posed questions to Mr. Phil Smith, Director, Bureau of Planning. During which, Councilmember Young offered an Amendment "that funds not be committed until the June 30th date in which the commitment of money is set." Another discussion ensued, in which, Councilmember Boazman made a Motion to exit Committee of the Whole. It was properly Seconded and the Motion CARRIED by a roll call vote of 11 yeas; 0 nays.

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (4)
CLETA WINSLOW, CHAIR

RESOLUTION (CONT'D)

02-R-1671 (1)
(Cont'd)

A **Substitute** Resolution by **Community Development/Human Resources Committee as Amended** authorizing the Mayor to submit to the U.S. Department of Housing and Urban Development Atlanta's Year 2003 Annual Action Plan to the 2000-2004 Consolidated Plan to include application for the 2003 Community Development Block Grant (CDBG) Program, 2003 Emergency Shelter Grant (ESG) Program, 2003 Home Investment Partnership (HOME) Program, and the 2003 Housing Opportunities for Persons with AIDS (HOPWA) Program; and for other purposes. **(Public Hearing held 10/14/02) (Work Session held 10/22/02)**

REGULAR SESSION

During Regular Session, Councilmember Winslow made a Motion to accept the Young Amendment "that funds not be committed until the June 30th date in which the commitment of money is set." It was Seconded by Councilmember Young and the Amendment CARRIED by a roll call vote of 14 yeas; 0 nays. Subsequently, the Motion to Adopt on Substitute as Amended CARRIED by a roll call vote of 14 yeas; 0 nays.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

ITEM REMOVED FROM HELD STATUS

02-O-1892 (19)
CDP-02-38

An Ordinance by **Councilmember Natalyn M. Archibong** to amend the Land Use Map of the 2003 City of Atlanta Comprehensive Development Plan (CDP) as amended so as to re-designate certain property in **Land Lot 209 of the 15th District DeKalb County, City of Atlanta** to the Mixed-Use Land Use Designation, with specific provisions; and for other purposes. **(Held 10/29/02) (Advertised for a Public Hearing 11/25/02)**

Councilmember Winslow made a Motion to enter Committee of the Whole to bring forth a Substitute for the above item. It was properly Seconded and the Motion CARRIED by a roll call vote of 11 yeas; 0 nays.

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (5)
CLETA WINSLOW, CHAIR

ITEM REMOVED FROM HELD STATUS (CONT'D)

02-O-1892 (19) An Ordinance by **Councilmember Natalyn M. Archibong** to
CDP-02-38 amend the Land Use Map of the 2003 City of Atlanta
(Cont'd) Comprehensive Development Plan (CDP) as amended so as to re-
designate certain property in **Land Lot 209 of the 15th District
DeKalb County, City of Atlanta** to the Mixed-Use Land Use
Designation, with specific provisions; and for other purposes. **(Held
10/29/02) (Advertised for a Public Hearing 11/25/02)**

COMMITTEE OF THE WHOLE

In Committee of the Whole, Councilmember Winslow offered a Substitute to 02-O-1892. It was Seconded by Councilmember Maddox and a brief discussion ensued followed by the vote to bring forth the Substitute of 13 yeas; 0 nays. The Substitute was before the Council. Councilmember Winslow then made a Motion to Refer 02-O-1892 back to the Community Development/Human Resources Committee. Without Objection the Motion CARRIED. The Substitute will remain in Held Status until brought forward to the Full Council.

ITEM REMAINED IN HELD STATUS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (1)
CEASAR C. MITCHELL, CHAIR

Attendance at the October 29, 2002 meeting of the Public Safety and Legal Administration Committee was as follows:

Present: Councilmembers Mitchell (Chair), Smith, Shook and Young

Absent: Councilmembers Martin, Archibong and Winslow

ORDINANCE FOR SECOND READING

O2-O-1784 (1) An Ordinance and Charter Amendment by **Councilmember Caesar C. Mitchell** adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1963, O.C.G.A. 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 Article Three, Chapter Five, Section 3-505(a) so as to exempt retired sworn public safety personnel from the 520 business day limitation of temporary employment; to repeal conflicting ordinances; and for other purposes.

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS FOR 3RD READING; FINAL ADOPTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (1)
FELICIA A. MOORE, CHAIR

Attendance at the October 30, 2002 meeting of the Finance/Executive Committee was as follows:

Present: Councilmembers Moore (Chair), Maddox, Muller, Starnes, Fauver and Norwood

Absent: Councilmember Martin

REPORT

02-TR-1912 (1) A Report of the **Chief Financial Officer** of the transfer of appropriations from one Line Item to another Line Item to various funds as approved under Section 6-304(b) of the Charter of the City of Atlanta.

FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

ORDINANCES FOR SECOND READING

02-O-1590 (1) An Ordinance by **Councilmember Clair Muller as Substituted by Finance/Executive Committee** to amend Article "V" Classification Plan, Section 114-477, of the Code of Ordinances, City of Atlanta, Georgia, so as to transfer certain positions; and for other purposes.

The above item was forwarded from committee with a Favorable on Substitute recommendation. A discussion ensued followed by the Motion to Adopt on Substitute by a roll call vote of 12 yeas; 1 nay.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 12 YEAS; 1 NAY

02-O-1629 (2) An Ordinance by **Councilmember Clela Winslow as Substituted by Finance/Executive Committee** amending the 2002 (Water and Sewer Revenue Fund) Budget in the amount of \$1,145,084.00 to provide funding for the transfer of twenty-two positions from the Sanitary Services Revenue Fund to the Water and Sewer Fund; and for other purposes.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 12 YEAS; 2 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

ORDINANCES FOR SECOND READING (CONT'D)

Council President Pro-Temp Cleta Winslow Presided

02-O-1643 (3) A **Substitute** Ordinance by **Finance/Executive Committee as Amended** to authorize the Director of the Bureau of Purchasing to purchase approximately 100 acres in the City of Atlanta known as the Lionel Hampton Tract, Whereas the total cost of acquisition is \$1,650,000.00 for the purposes set forth in the City of Atlanta Community Greenspace Program Application and the Supplemental Environmental Project (SEP) pursuant to the Consent Decree; and for other purposes.

The above item was forwarded from committee with a Favorable on Substitute as Amended on Condition recommendation. Chairperson Moore stated the Condition has been met. A discussion ensued, in which, the Call of the Question was made by Councilmember Moore. Without Objection, the Motion CARRIED. Subsequently, the Motion to Adopt on Substitute as Amended CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.

Note: Councilmember Maddox served notice of his abstention to the above item due to a potential conflict of interest.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

ORDINANCES FOR SECOND READING (CONT'D)

02-O-1875 (4) An Ordinance by **Councilmembers Cleta Winslow and Ivory Lee Young, Jr., as Substituted and Amended by Finance/Executive Committee** to reimburse building permit fees for homeowners whose residences were flooded on September 21, 2002; and for other purposes.

The above item was forwarded from committee with a Favorable on Substitute as Amended on Condition recommendation. A discussion ensued, during which, Council deferred the item to later in the meeting to get a certified list of homeowners. Later during the meeting, Council received the certified list of homeowners. Therefore, Councilmember Moore made a Motion to Amend 02-O-1875 to “attach Exhibit A which is the list of homeowners to the legislation.” It was properly Seconded and the Moore Amendment CARRIED by a roll call vote of 14 yeas; 0 nays. Subsequently, the Motion to Adopt on Substitute as Amended CARRIED by a roll call vote of 13 yeas; 0 nays.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

RESOLUTIONS

02-R-1894 (1) A Resolution by **Councilmember Ivory Lee Young, Jr.** establishing a City of Atlanta Hosea Williams Feed the Hungry and Homeless Fund with proceeds from voluntary contributions; to authorize the Chief Financial Officer to set up such fund; to disburse such funds; and for other purposes.

FILED BY A ROLL CALL VOTE OF 12 YEAS; 1 NAY

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (4)
FELICIA A. MOORE, CHAIR

RESOLUTIONS (CONT'D)

02-R-1856 (2) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor or her designee to enter into an Intergovernmental Agreement with Cooperative Personnel Services, a Joint Powers Agency in an amount not to exceed \$139,000.00 to assist the City in the strategic sourcing of major functions including Time and Attendance, Payroll/HRMS, and Workers Compensation Third Party Administration. All contracted work shall be charged to and paid from Fund Account and Center Numbers: 3P02 524001 D11T0608QNAO

The above item was forwarded from committee with a Favorable on Substitute recommendation. However, Councilmember Shook made a Substitute Motion to Refer 02-R-1856 back to the Finance/Executive Committee. It was Seconded by Councilmember Muller and a discussion ensued. During which, Councilmember Fauver offered a Friendly Amendment to add a two-week time certain on the Referral. The Friendly Amendment was accepted Without Objection. Subsequently, the Motion to Refer CARRIED by a roll call vote of 13 yeas; 1 nay.

REFERRED SUBSTITUTE AS AMENDED TO
FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE
OF 13 YEAS; 1 NAY

02-R-1470 (3) A Resolution by **Councilmembers C. T. Martin and Derrick Boazman** submitting a request to the 2003 Georgia General Assembly to amend the Georgia State Code to require that landlords, when evicting a tenant, store the tenant's belongings; to make said request a part of the City's 2003 Legislative Package; and for other purposes. **(Held 8/28/02) (Held 10/16/02) (Forwarded from Council to Finance/Executive Committee 10/21/02)**
FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (5)
FELICIA A. MOORE, CHAIR

RESOLUTIONS (CONT'D)

02-R-1814 (4) An **Amended** Resolution by Finance/Executive Committee urging the 2003 Georgia General Assembly to support the City of Atlanta's 2003 Legislative Package.

The above item was forwarded from committee with a Favorable as Amended recommendation. An extensive discussion ensued, during which, Councilmember Starnes offered an Amendment to "delete the prepare food tax item." It was properly Seconded and another discussion ensued, in which, Councilmember Fauver Called the Question. The Motion of the Question was then CARRIED by a roll call vote of 3 yeas; 10 nays. The Motion of the Question FAILED. Therefore, discussion continued and Councilmember Young was recognized and Called the Question. The Motion of the Question was CARRIED by Voice Vote. Subsequently, the Starnes' Amendment FAILED by a roll call vote of 3 yeas; 9 nays. The Motion to Adopt as Amended was moved and a brief discussion ensued followed by the Call of the Question by Councilmember Boazman. The Motion was CARRIED by Voice Vote. Subsequently, the Motion to Adopt as Amended CARRIED by a roll call vote of 12 yeas; 0 nays.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 12 YEAS;
0 NAYS**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (6)
FELICIA A. MOORE, CHAIR

RESOLUTIONS (CONT'D)

02-R-1877 (5) A Resolution by **Councilmembers Ceasar C. Mitchell, C. T. Martin and Anne Fauver** to add to the City's 2003 Legislative Package a request that the Georgia State Legislature re-evaluate the prescribed use of funds by the City Court of Atlanta generated by the collection of fines as outlined by the Georgia Constitution; and for other purposes.

The above item was forwarded from committee With No Recommendation. Councilmember Mitchell was recognized and offered a Substitute to 02-R-1877. It was properly Seconded and the Motion to bring forth the Substitute CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before the Council. An extensive discussion ensued, in which, Councilmember Boazman Called the Question. The Motion of the Question was CARRIED by Voice Vote. Subsequently, the Motion to Adopt on Substitute CARRIED by a roll call vote of 12 yeas; 2 nays.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 12 YEAS; 2 NAYS

02-R-1888 (6) A Resolution by **Councilmembers C. T. Martin, Jim Maddox, and Derrick Boazman** to add to the City's 2003 Legislative Package a request to adopt legislation authorizing counties and municipalities, in their discretion, to prohibit the placement of the possessions of evicted persons and/or entities within the right-of-way of such counties and municipalities; and for other purposes.

The above item was forwarded Without Recommendation by the committee. Councilmember Moore, as prerogative as Chair, made a Motion to Adopt. It was Seconded by Councilmember Boazman and a brief discussion ensued, during which, Councilmember Boazman Called the Question. The Motion of the Question was then CARRIED by Voice Vote. Subsequently, the Motion to Adopt CARRIED by a roll call vote of 13 yeas; 0 nays.

ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (7)
FELICIA A. MOORE, CHAIR

ITEMS REMOVED FROM CONSENT AGENDA

Acting Council President Pro-Temp Clair Muller Presided

02-R-1885 (1) A Resolution by **Councilmembers Mary Norwood, H. L. Willis and Ceasar C. Mitchell as Amended by Finance/Executive Committee** expressing the intent of the City Council to give priority funding to the essential functions of Atlanta City Government as mandated by the City Charter.

The above item was removed from the Consent Agenda by request of Councilmember Martin. A discussion ensued, during which, Councilmember Boazman Called the Question. The Motion of the Question was CARRIED by Voice Vote. Subsequently, The Motion to Adopt as Amended CARRIED by a roll call vote of 14 yeas; 0 nays.

ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-O-1879 (2) An Ordinance by **Councilmember Felicia A. Moore as Substituted by Finance/Executive Committee** to anticipate and appropriate proceeds of the Series 2002 Airport Bond Anticipation Notes (BAN'S) in the amount of \$300,000,000.00; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Moore. Ms. Moore offered a Substitute to 02-O-1879. It was properly Seconded and the Motion to bring forth the Substitute CARRIED by a roll call vote of 12 yeas; 0 nays. The Substitute was before the Council. A brief discussion ensued followed by Chairperson Moore Motion to Adopt. Without Objection, the Motion to Adopt on Substitute CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.

Note: Councilmember Mitchell served notice of his abstention to the above item due to a potential conflict of interest.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION

PERSONAL PAPERS

Council President Cathy Woolard Presided

PERSONAL PAPERS

RESOLUTIONS/ADOPTED

02-R-1956 (1) A Resolution by **Councilmembers Anne Fauver and Debi Starnes** authorizing the Mayor to execute a project management agreement with the Georgia Department of Transportation for the funding of Streetscape Improvements on Peachtree Street from Third Street to Tenth Street and West Peachtree Street from North Avenue to Seventeenth Street subject to the availability of grants to fund the City's participation; authorizing the Mayor to accept a grant from Midtown Business Association, Inc. ("Midtown Alliance") to fund the City's share of said project management agreement costs; and for other purposes.

Councilmember Fauver made a Motion to Adopt item 02-R-1956. It was properly Seconded and the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

02-R-1957 (2) A Resolution by **Councilmember Debi M. Starnes** authorizing The Georgia Alliance for Children and Councilmember Debi Starnes to utilize the Trolley Barn, without fee, as one of the twelve days reserved for exclusive use by the City, or other governmental agencies, pursuant to the agreement between the City and the Atlanta & Edgewood St. Railway Company.

Councilmember Starnes made a Motion to Adopt the above resolution. It was properly Seconded and the Motion CARRIED by a roll call vote of 10 yeas; 1 nay.

ADOPTED BY A ROLL CALL VOTE OF 10 YEAS; 1 NAY

02-R-1958 (3) A Resolution by **Councilmember H. Lamar Willis** authorizing the Mayor to initiate a program to inform citizens about the proposed clean water Five Point Plan.

Councilmember Willis made a Motion to Adopt Resolution 02-R-1958. It was properly Seconded and the Motion CARRIED by a roll call vote of 10 yeas; 0 nays.

ADOPTED BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/ADOPTED (CONT'D)

02-R-1959 (4) A Resolution by **Councilmember H. Lamar Willis** correcting numerical/clerical errors in previously adopted legislation, Resolution Number 96-R-0205 and Resolution Number 00-R-1485, regarding the City's lease agreements with concessions/Paschals Joint Venture FC-6033-94 and Host-Taco Joy Joint Venture FC-6034-94; and for other purposes.

Councilmember Willis made a Motion to Adopt the above item. It was Seconded by Councilmember Shook and the Motion CARRIED by a roll call vote of 10 yeas; 1 nay.

ADOPTED BY A ROLL CALL VOTE OF 10 YEAS; 1 NAY

ORDINANCES/REFERRED

02-O-1960 (1) An Ordinance by **Councilmember Felicia A. Moore** providing for: (1) the sale of \$8,000,000 City of Atlanta various purpose General Obligation Bonds, dated December 1, 2002; (2) the adoption of a form for the bonds; (3) the execution of the bonds; (4) the naming of a paying agent and a bond registrar; (5) the levy of a continuing direct annual tax without limit as to rate or amount on all taxable property within the corporate limits of the City sufficient to pay the principal of, redemption premium, if any, and interest on the bonds; (6) the execution and delivery of a continuing disclosure certificate; and (7) for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

02-O-1961 (2) An Ordinance by **Councilmember Felicia A. Moore** adopting the 2003 recommended budget.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

02-O-1962 (3) An Ordinance by **Councilmember C. T. Martin** to amend Ordinance 95-O-0990 adopted July 5, 1995 and approved July 11, 1995 authorizing the Mayor to negotiate the acquisition of certain properties needed for the construction of the Adamsville Recreation Center/Natatorium on behalf of the Department of Parks, Recreation and Cultural Affairs so as to correct the Tax I.D. Number for property located at **3211 M. L. King, Jr., Dr.** and to reference the property to be acquired in the "ordained" portion of said ordinance; to repeal conflicting ordinances; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 02-O-1963 (4) An Ordinance by **Councilmember C. T. Martin** to amend Article IV, Division 2 of the Code of Ordinances of the City of Atlanta by adding a new Section 114-113 entitled "Extra Help Positions" which requires that all requests for extra help positions be approved by the Mayor and the Atlanta City Council; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 02-O-1967 (5) An Ordinance by **Councilmember Clair Muller** to amend Article II, Section 130 of the City of Atlanta Code of Ordinances to provide for increased penalties for illegal dumping or deposits upon private property; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 02-O-1968 (6) An Ordinance by **Councilmember Clair Muller** to amend Article II, Section 130 of the City of Atlanta Code of Ordinances to provide for increased penalties for illegal dumping or deposits on streets, sidewalks or the public right-of-way; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 02-O-1969 (7) An Ordinance by **Councilmember Clair Muller** to amend Article II, Section 130-1 of the City of Atlanta Code of Ordinances; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 02-O-1971 (8) An Ordinance by **Councilmembers Natalyn Archibong and Cleta Winslow** transferring between accounts in the General Government Capital Outlay Fund Budget, Department of Planning and Community Development, the sum of \$214,394 for the purpose of acquiring a land parcel adjacent to a proposed park in the Cabbagetown Neighborhood and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 02-O-1972 (9) An Ordinance by **Councilmembers Natalyn Archibong and Cleta Winslow** extending the moratorium on the acceptance and issuance of Type III Certificates 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 off-site parking, in all areas of the Cabbagetown Landmark District for a period of sixty days; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 02-O-1974 (10) An Ordinance by **Councilmember Debi Starnes** to amend Section 30-1485 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 for no more than one year; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION
- 02-O-1975 (11) An Ordinance by **Councilmembers Jim Maddox, Ceasar Mitchell, Cleta Winslow and H. L. Willis** to amend Chapter Two of the Code of Ordinances of the City of Atlanta so as to amend Section 2-221, Qualification of Heads of Departments, Bureaus and Offices; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 02-O-1976 (12) An Ordinance by **Councilmember Jim Maddox** to amend various sections of Chapter 138 regarding Streets, Sidewalks and the Public Right-of-Way so as to clarify the intent of specific sections contained therein; to repeal conflicting sections; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 02-O-1977 (13) An Ordinance by **Councilmember Jim Maddox** authorizing the Mayor to execute a franchise agreement with Bellsouth Telecommunications, Inc., A Georgia Corporation, providing telecommunications services using Public Right-of-Way; specifying the compensation due the City of Atlanta by the franchise agreement and waiving certain provisions of the row for this instance only; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

02-O-1979 (14) An Ordinance by **Councilmember Ceasar C. Mitchell** authorizing the settlement of all claims in the lawsuit styled: Jerry S.Hornsby, Jr. V. Officer Johnny F. Hall filed in the United States District Court, for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1:99-CV-2629-CAP, in the aggregate amount of \$10,956.70; authorizing the Chief Financial Officer to disburse the amount of \$5,000.00; waiving City of Atlanta Code of Ordinances Section 2-783 (h) for this instance only; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESOLUTIONS/REFERRED

02-R-1964 (1) A Resolution by **Councilmember Anne Fauver** requesting that the Department of Public Works perform a traffic and cost analysis, make recommendations on improvements to the Rock Springs Road East Corridor; and for other purposes.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-R-1965 (2) A Resolution by **Councilmember Anne Fauver** requesting that the Department of Public Works, perform a traffic and cost analysis, make recommendations on improvements to the Moreland Avenue Corridor; and for other purposes.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-R-1966 (3) A Resolution by **Councilmember Carla Smith** authorizing the Mayor to apply for and accept a grant from U. S. Environmental Protection Agency for FY 2002 funding for security planning grants for large drinking water utilities not to exceed \$115,000.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

02-R-1970 (4) A Resolution by **Councilmember Clair Muller** 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) 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.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/REFERRED (CONT'D)

02-R-1973 (5) A Resolution by **Councilmember Debi Starnes** to authorize parking on Piedmont Avenue during off-peak hours between Pine Street and Ponce De Leon Avenue, on the West side of the street.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-R-1978 (6) A Resolution by **Councilmember Ceasar C. Mitchell** authorizing the creation of the City Court of Atlanta Planning and Advisory Committee; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

ADJOURNMENT

Council President Cathy Woolard Presided

ADJOURNMENT

There being no further business to discuss the November 04, 2002 meeting of the Atlanta City Council was adjourned at 7:18 p.m.

ADJOURNMENT ROLL CALL: Council President Cathy Woolard (1); Councilmembers Smith, Starnes, Young, Winslow, Archibong, Shook, Muller, Moore, Boazman, Mitchell and Willis (11); Councilmembers Fauver, Martin and Maddox did not record their votes (3).