

ATLANTA CITY COUNCIL

ACTION/MINUTES

JUNE 03, 2002

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, June 03, 2002. The Meeting convened at 1:03 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.

Attendance:

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

The Honorable Carla Smith	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 Mary Norwood
The Honorable Clair Muller	The Honorable H. Lamar Willis

Councilmember Debi Starnes was absent.

INVOCATION: Chaplain Thomas 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 **May 20, 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 **June 03, 2002** meeting was **ADOPTED** without objection.

COMMUNICATIONS

Council President Cathy Woolard Presided

COMMUNICATIONS

- 02-C-1041 (1) A Communication by **Councilmembers Carla Smith, Debi Starnes and Ceasar Mitchell** appointing Mr. John Threadgill to the Urban Design Commission for a term of three (3) years, scheduled to begin on the date of Council confirmation.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1044 (2) A Communication by **Mayor Shirley Franklin** submitting her nomination of Richard J. Pennington as Chief of Police.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1045 (3) A Communication by **Mayor Shirley Franklin** appointing Michelle Uchiyama to serve as a member of the People TV Board for the City of Atlanta. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
REFERRED TO CITY UTILITIES AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1046 (4) A Communication by **Mayor Shirley Franklin** appointing Richard Laub to serve as a member of the Urban Design Commission of the City of Atlanta in the historic preservationist position. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1047 (5) A Communication by **Mayor Shirley Franklin** appointing Pamela Powell to serve as a member of the Urban Design Commission of the City of Atlanta in the position of Artist. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1048 (6) A Communication by **Mayor Shirley Franklin** re-appointing John Turner to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMUNICATIONS (CONT'D)

02-C-1049 (7) A Communication by **Mayor Shirley Franklin** re-appointing Angelique Pullen to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION

02-C-1050 (8) A Communication by **Mayor Shirley Franklin** appointing Jacquelyn Saylor to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION

02-C-1051 (9) A Communication by **Mayor Shirley Franklin** appointing Christopher Walker to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION

02-C-1052 (10) A Communication by **Mayor Shirley Franklin** re-appointing Shelley Stanley to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION

02-C-1053 (11) A Communication by **Mayor Shirley Franklin** appointing Charlie Flemming and John Gilman to serve as members of the Atlanta Workforce Development Board of the City of Atlanta. These appointments are for a term of two (2) years and do not require Council confirmation, and thus, are scheduled to begin on May 16, 2002.

FILED WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMUNICATIONS (CONT'D)

- 02-C-1054 (12) A Communication by **Mayor Shirley Franklin** re-appointing Rollin Carter to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1055 (13) A Communication by **Mayor Shirley Franklin** re-appointing the following to serve as members of the Atlanta Workforce Development Board of the City of Atlanta for a term of two (2) years. These re-appointments do not require Council confirmation, and thus, scheduled to begin on May 16, 2002. The following are: Ron Branch, William Cheeks, Alvin Darden, Dan DeBardelaben, Vickie Johnson, Joyce McCloud, Rosalind Oquendo, Irvine Porter, Arthur Queen, Patricia Sermon, Yvonne Wiltz.
FILED WITHOUT OBJECTION
- 02-C-1056 (14) A Communication by **Mayor Shirley Franklin** re-appointing Rosel Fann to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1057 (15) A Communication by **Mayor Shirley Franklin** appointing Ms. Buszeda Hudson to serve as a member of the Supplemental Environmental Projects (SEP) Advisory Committee of the City of Atlanta. This appointment is for a term of one (1) year and does not require Council confirmation, and thus, is scheduled to begin on May 17, 2002.
FILED WITHOUT OBJECTION
- 02-C-1058 (16) A Communication by **Mayor Shirley Franklin** re-appointing Pamela Smith to serve as a member of the One Stop Capital Shop Board of the City of Atlanta. This appointment is for a term of one (1) year and does not require Council confirmation, and thus, is scheduled to begin on May 17, 2002.
FILED WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMUNICATIONS (CONT'D)

02-C-1059 (17) A Communication by **Mayor Shirley Franklin** introducing her additions to staff in the Department of Mayor. Mr. Gary S. Cox as Deputy Chief Operating Officer, effective April 15, 2002. Ms. Claire McLeveighn as Director of Intergovernmental Affairs, effective May 28, 2002. Ms. Sandra Walker as Director of the Office of Communications, effective June 1, 2002.

FILED WITHOUT OBJECTION

02-C-1060 (18) A Communication by **Felicia Strong-Whitaker**, Director for the Bureau of Purchasing and Real Estate submitting the monthly contract status report for April 2002 to the Atlanta City Council and Clerk of Council in accordance with Section 2-1142 of the City of Atlanta Code of Ordinances.

FILED WITHOUT OBJECTION

VETOED LEGISLATION

Council President Cathy Woolard Presided

VETOED LEGISLATION

NONE

UNFINISHED BUSINESS

Council President Cathy Woolard Presided

UNFINISHED BUSINESS

02-O-0083 (1) 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 and it CARRIED Without Objection.

TABLED SUBSTITUTE WITHOUT OBJECTION

02-O-0473 (2)
Z-02-08 A **Substitute** Ordinance by **Zoning Committee** to rezone from the C-1 (Community Business) District to the C-2-C (Commercial Service-Conditional) District, property located at **2004 Metropolitan Parkway, S.W.**, fronting 65 feet on the East side of Metropolitan Parkway beginning 140 feet North from the Northeast corner of Saint John's Avenue. Depth: 187.10 feet; Area: 12161.5 square feet; Land Lot 90, 14th District, Fulton County, Georgia. Owner: Macarthur Hollis; Applicant: same; NPU-X Council District 12.

Councilmember Boazman made a Motion to remove the above item from the Table. It was properly Seconded and CARRIED by a roll call vote of 13 yeas; 0 nays. The legislation was now before the Council. A discussion ensued in which Councilmember Boazman offered an Amendment to add conditions to 02-O-0473. It was properly Seconded and a friendly Amendment was then offered by Council President Woolard to add the word "curbing" in condition #9. Mr. Boazman accepted the friendly Amendment and the Motion to approve the Boazman Amendment CARRIED by a roll call vote of 14 yeas; 0 nays. Following, 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

**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-0974 and 02-O-0952 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: **14 Yeas:** *Councilmembers Smith, Young, Winslow, Archibong, Fauver, Shook, Muller, Moore, Martin, Maddox, Boazman, Mitchell, Norwood and Willis* **0 Nays;** with the exception of item 02-R-0974 in which Councilmember Mitchell noted his abstention on said item due to a potential conflict of interest. Therefore, a separate vote was taken 02-R-0974 by a roll call vote of **13 Yeas:** *Councilmembers Smith, Young, Winslow, Archibong, Fauver, Shook, Muller, Moore, Martin, Maddox, Boazman, Norwood and Willis;* **0 Nays; 1 Abstention:** *Councilmember Mitchell.*

SECTION I

ORDINANCES FOR SECOND READING

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE
CLETA WINSLOW, CHAIR

02-O-0726 (1) An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor to grant a temporary 20' x 170' construction and maintenance easement to the Atlanta Public Schools for the purpose of installing two (2) portable classrooms in the Benteen Park on City of Atlanta property, located in Land Lot 24 of the 14th District of Fulton County, Georgia so as to allow the Atlanta Public Schools to complete their expansion of the Benteen Elementary School which is adjacent to Benteen Park; to occupy the temporary 20' x 170' easement area for a maximum period of three (3) years, 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 14 YEAS;
0 NAYS**

02-O-0723 (2) A **Substitute** Ordinance by **Community Development/Human Resources Committee** amending the 2002 (Community Development Fund) Budget by transferring appropriations in the amount of \$54,000.00 from CD-23A, Business Improvements Loan Fund to CD-23B, BILF Administration; transferring funds in the amount of \$123,375.60 from BILF Administration to the BILF Revolving Account; and for other purposes.

**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE
OF 14 YEAS; 0 NAYS**

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

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

02-O-0694 (3) An Ordinance by **Public Safety and Legal Administration Committee** authorizing settlement of all claims of Stephen Joy in the case of Stephen G. Joy vs. K. L. West, Case Number 1:00-CV-0925-JTC in the United States District Court, Northern District of Georgia, Atlanta Division, Appeal Docket No. 02-103990 in the United States Court of Appeals for the Eleventh Circuit; to cause payment to be made in the amount of \$11,000.00; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

02-O-0854 (4) An Ordinance by **Councilmember Carla Smith** to amend Chapter 10, Article II, Section 10-92(B) of the City of Atlanta Code of Ordinances to provide an exemption from the distance requirements from store to store for establishments licensed to sell malt beverages and/or wine by the package which are located within a certain area; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

02-O-0952 (5) An **Amended** Ordinance by **Public Safety and Legal Administration Committee** authorizing a (120) day moratorium on enforcement at Turner Field, of that portion of Section 30-1409 of the City Code which prohibits a vendor from conducting business on public space in an area no larger than three feet by seven feet; and for other purposes.

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

SEE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE REPORT

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

TRANSPORTATION COMMITTEE

H. LAMAR WILLIS, CHAIR

02-O-0709 (6) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make segments of the following street within the City of Atlanta No Parking Anytime: Euharlee Street, SW.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-O-0710 (7) An Ordinance by **Transportation Committee** amending Atlanta City Code Section 22-87(b) so as to increase the Non-Signatory Landing Fee Rate from .89 to .93 per 1,000 pounds maximum certified gross landing weight of any aircraft operating at Hartsfield Atlanta International Airport which is not covered by an Airport Use Agreement with the City of Atlanta; repealing conflicting ordinances; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-O-0711 (8) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Berean Avenue, SE and Woodward Avenue an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-O-0712 (9) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of North Ivy Road, NE and North Stratford Road an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-O-0713 (10) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Carter Drive, NE and Club Valley Drive an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-O-0714 (11) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of East Rhinehill Road, SE and Rhinehill Road an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

TRANSPORTATION COMMITTEE (CONT'D)

H. LAMAR WILLIS, CHAIR

- 02-O-0715 (12) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Hardendorf Avenue, NE and Marlbrook Drive an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-O-0716 (13) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Cameron Street, SE and Woodward Avenue an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-O-0717 (14) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Angelo Drive, NE and Club Valley Drive an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-O-0953 (15) An Ordinance by **Councilmember Natalyn M. Archibong** authorizing the Mayor or her designee to make the street segment of Sanders Avenue, SE between Moreland Avenue and Glenwood Place, within the City of Atlanta, No Parking Anytime; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, CHAIR

- 02-O-0719 (16) An Ordinance by **Finance/Executive Committee** amending the 2002 (1994 Referendum General Obligation Bond Fund) Budget in the amount of \$119,363.68 for FC-6949-98 Peachtree Creek Drainage and Streambank Improvements Contract #4, Change Order 1; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

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-0720 (17) A **Substitute** Ordinance by **Finance/Executive Committee** anticipating and appropriating Georgia Department of Transportation funds in the amount of \$452,000.00 for the purpose of funding Transportation Corridor Studies for Martin Luther King, Jr. Drive, Ponce de Leon Avenue, Northside Drive and Moreland Avenue; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-O-0722 (18) An **Amended** Ordinance by **Finance/Executive Committee** amending the 2002 (1999 Water and Sewer Bond Fund) Budget in an amount not to exceed \$255,920.22 to fund construction of the Peachtree Creek Interceptor Sewer; and for other purposes.

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

02-O-0959 (19) An Ordinance by **Councilmembers Carla Smith and Cleta Winslow as Amended by Finance/Executive Committee** authorizing the Mayor to enter into a contract agreement with Sci-Trek Science Museum in an amount not to exceed \$749,477.00 for the purpose of designing and constructing an exhibit, Challenger Learning Center, located inside the existing facility at 395 Piedmont Avenue, NE; Atlanta, Georgia 30308.

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

02-O-0962 (20) An Ordinance by **Councilmembers Debi Starnes and Carla Smith as Substituted and Amended by Finance/Executive Committee** to transfer funds from the District 2 Councilmember Operations Account to the Department of Parks and Recreation, to erect a neighborhood identification sign at the Boulevard/Wabash Pocket Park and to purchase uniforms and equipment (swim suits and t-shirts) for the Atlanta Dolphins at the Martin Luther King, Jr. Natatorium.

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

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-0966 (21) An Ordinance by **Councilmember Carla Smith as Substituted by Finance/Executive Committee** rescinding 00-R-0463, and transferring to and from appropriations in the 2002 (General Government Capital Outlay Fund) Budget, Department of Fire Services \$811,678.00 for the purpose of funding work elements to correct subsurface ground conditions and design/build changes for Fire Station No. 4 located at Fort and Edgewood Streets; and to authorize Change Order No. 2 for Fire Station No. 4 located at Fort and Edgewood Streets and Fire Station No. 14 located at Lee and Avon Streets in an amount not to exceed \$476,052.00. All contracted work shall be charged to and paid from Fund, Account, Center Numbers 1C44 574001 W11C020492AK (\$238,026.00) and 1C44 574001 W11C021492AK (\$238,026.00)

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-O-0967 (22) An Ordinance by **Councilmember Felicia A. Moore** amending the 2002 (1994 Referendum G. O. Bond Fund) Budget for the amount of \$112,182.00 to provide the City's Match for a Federal Emergency Management Agency Grant to mitigate the impact of flooding on some City of Atlanta Homeowners; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

CITY UTILITIES COMMITTEE

CLAIR MULLER, CHAIR

02-O-0730 (23) An Ordinance by **City Utilities Committee** to abandon a portion of the right-of-way of Joyland Place said portion being approximately 0.350 acre in area, running between Joyland Avenue and I-75/85 a distance of approximately 15,279.69 feet and located in Land Lots 72, 73, 88 & 89 of the 14th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 05/28/02)**

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

CITY UTILITIES COMMITTEE (CONT'D)

CLAIR MULLER, CHAIR

02-O-0958 (24) An Ordinance by **Councilmembers Debi Starnes and Carla Smith** authorizing the Commissioner of Public Works, on behalf of the Mayor, to waive paragraphs four (4) and seven (7) of Section 138-60 of the Code of Ordinances of the City of Atlanta, for the issuance of a Banner Permit to the National Black Arts Festival (NBAF); and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-O-0961 (25) An Ordinance by **Councilmembers Debi Starnes and Carla Smith as Amended by City Utilities Committee** authorizing the Commissioner of Public Works, on behalf of the Mayor, to waive paragraph four (4) of Section 138-60 of the Code of Ordinances of the City of Atlanta, for the issuance of a Banner Permit to the First Congregational Church, United Church of Christ; and for other purposes.
**ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE
OF 14 YEAS; 0 NAYS**

RESOLUTIONS

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

CLETA WINSLOW, CHAIR

02-R-0894 (1) A Resolution by **Community Development/Human Resources Committee** authorizing the Mayor to apply for and accept a grant from the U.S. Department of Interior, National Park Service, Urban Park and Recreation Recovery Program, in the amount of \$826,000.00 for the purpose of rehabilitating the South Bend Neighborhood Facility, located at 1955 Compton Drive, SE, Atlanta, GA 30315; and to provide for grant matching funds; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

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

- 02-R-0948 (2) A Resolution by **Public Safety and Legal Administration Committee** authorizing payment in the amount of \$9,317.04 in settlement of the claim of Danny K. Stephenson against the City of Atlanta.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0949 (3) A Resolution by **Public Safety and Legal Administration Committee** authorizing payment in the amount of \$2,000.00 in settlement of the claim of Laketa Johnson, through her attorney, Robert Altman against the City of Atlanta; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0905 (4) A 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 Programs in an amount not to exceed \$132,645.00 for a program to continue the operation of the City's participation in the Metro Atlanta Multi-Jurisdictional DUI Task Force; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0906 (5) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor or her designee to accept on behalf of the Atlanta Fire Department the donation of used furniture and other household items in satisfactory condition valued at not more than \$3,000.00 from Providence Missionary Baptist Church for use at Fire Station Twenty-Five (25); and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 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-0904 (6) An **Amended** Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an appropriate Contractual Agreement with MCI/WorldCom for the purchase of and installation of necessary equipment and services to expand the existing PBX System at the City Hall Complex on behalf of the Department of Administrative Services, Telecommunications Division in an amount not to exceed \$784,723.00. All contracted work shall be charged to and paid from Fund, Account, Center Number: 1A01 575001 T31002.

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

02-R-0954 (7) A Resolution by **Councilmember Natalyn Mosby Archibong as Substituted by Finance/Executive Committee** supporting the Mayor or her designee in discussions with the Atlanta Board of Education for the purpose of swapping or acquiring the property known as the Grant School in Cabbagetown; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-R-0974 (8) A Resolution by **Finance/Executive Committee** authorizing the Interim City Attorney to execute a Retainer Agreement in an amount not to exceed \$100,000.00 with the Law Firms of Sutherland, Asbill & Brennan and Thomas, Kennedy, Sampson & Patterson to serve as Bond Counsel to the City of Atlanta in connection with public finance transaction (including the issuance of bonds and notes) for the Department of Aviation; to authorize the Chief Financial Officer to pay fees and costs for legal services rendered pursuant to said retainer agreement; to rescind conflicting resolutions; and for other purposes.

Councilmember Mitchell noted for the record his abstention to the above item due to a potential conflict of interest.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS; 1 ABSTENTION

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

CITY UTILITIES COMMITTEE
CLAIR MULLER, CHAIR

- 02-R-0801 (9) A Resolution by **City Utilities Committee** authorizing the Mayor to apply for and accept a grant in the amount of \$7,500.00 from BellSouth Advertising and Publishing intended for the development of a program to recycle used telephone directories.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0892 (10) A Resolution by **City Utilities Committee** authorizing the Mayor or her designee to enter into Amendment Number 1 with Insituform Technologies, Inc., for FC-7063-99, Annual Contract for Cured-In-Place Pipe; on behalf of the Department of Public Works in an amount not to exceed \$1,250,000.00; and to increase the scope of services to be provided by the contractor as reflected in the proposal; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J26 574001 M24I02449999.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0895 (11) A Resolution by **City Utilities Committee** authorizing the Mayor or her designee to install a six-inch sanitary sewer tap to serve property located at 190 Marietta Street as requested by the property owner.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0896 (12) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into an appropriate contractual agreement with Roland Pugh Construction Company, Inc., for FC-6818-97, Tenth Ward Sanitary Sewer Improvements, Phase II, Contract 2, in an amount not to exceed \$1,693,266.21. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2J26 573001 M24I02469999.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 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-0897 (13) A Resolution by **City Utilities Committee** authorizing the Mayor or designee to issue a Notice to Proceed with Delon Hampton & Associates/W. L. Jordan and Company, Inc., - JV for FC-6710-96C, Annual Contract for Architectural and Engineering Services to provide a GDOT Concept Report and Survey for Howell Mill Road/Chattahoochee Avenue Intersection Improvements on behalf of the Department of Public Works in an amount not to exceed \$103,080.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1C34 574001 M22F013992BA.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-R-0898 (14) A Resolution by **City Utilities Committee** authorizing the Mayor or designee to enter into Amendment Agreement No. 4 with Metcalf & Eddy, Inc., for FC-6433-95, Design Services for Summerhill/Peopletown, Mechanicsville and Intrenchment Creek, Stage 1 and Stage 2 to provide additional Stormwater System Improvements for the Sandy Creek Drainage Basin in an amount not to exceed \$10,081.00. All contracted work shall be charged to and paid from Fund Account and Center Number: 1A01 524001 M21001.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-R-0903 (15) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into Amendment Number One for FC-7322-01, Orme Street Combined Trunk Relief Sewer, Phase III, Construction Management Services with the Integral Partnership of Atlanta, a Joint Venture, in an amount not to exceed \$217,462.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2J26 574001 M24I02169999.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 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-0950 (16) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into Renewal Agreement No. 3 with Consolidated Resource Recovery for FC-6528-96, Yard Trimmings Diversion Program on behalf of the Department of Public Works for a rate of \$29.00 per ton of yard waste collected; \$31.00 per ton for oversize loads; and a rate of \$13.00 per ton for emergency mobile grinding. All contracted work shall be charged to and paid from Various Fund, Account and Center Numbers.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-R-0968 (17) A Resolution by **Councilmember Felicia A. Moore** requesting that the Mayor or her designee provide sewer basin information to all developers applying to construct new or rehabilitated development in the City of Atlanta; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

02-R-0975 (18) 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 \$13,500.00 as stipulated penalties for violations of CSO Fecal Coliform Operational Standards and CSO Sampling 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 14 YEAS;
0 NAYS**

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS

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

Claims with Favorable Recommendations:

- 02-R-0910 (1) Claim of **Christine Spokes and Danny E. Cargal**, for damages alleged to have been sustained as a result of a vehicular accident on April 10, 2002 at West Lake Avenue and Calloway Drive. **\$661.38**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0911 (2) Claim of **GMAC Insurance as subrogee of Tina Weaver**, for damages alleged to have been sustained as a result of an automobile accident on January 2, 2002 at Lakewood Avenue, SE and Lakewood Freeway ramp. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0912 (3) Claim of **The Woods at Glenrose Apartments**, for damages alleged to have been sustained as a result of a vehicular accident on January 26, 2002 at 50 Mount Zion Road. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0913 (4) Claim of **Sally Ferguson**, for damages alleged to have been sustained as a result of a vehicular accident on November 21, 2001 at 1369 Miller Avenue, NE. **\$650.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0914 (5) Claim of **Jonathan Wright**, for damages alleged to have been sustained from as a result of a construction site in the roadway that was left in an open and unsafe condition on January 26, 2002 at 1365 Peachtree Street, NE. **\$843.09**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0915 (6) Claim of **Timothy Moone**, for damages alleged to have been sustained as a result of a sanitary sewer backup on March 31, 2001 at 2156 Honeysuckle Lane, SW. **\$1,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 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 Favorable Recommendations: (Cont'd)

- 02-R-0916 (7) Claim of **Christopher H. Privette**, for damages alleged to have been sustained as a result of a vehicular accident on February 17, 2002 at 825 Piedmont Avenue, NE. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0917(8) Claim of **Jaime A. Saunders**, for damages alleged to have been sustained as a result of a vehicular accident on March 13, 2002 at Memorial Drive and Central Avenue. **\$1,818.25**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0918 (9) Claim of **Kevin B.D. Banks**, for damages alleged to have been sustained as a result of riding over a pothole and being thrown from his bicycle on October 3, 2001 at Bolton Road and Main Street, NW. **\$1,161.51**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0919 (10) Claim of **USAA Casualty Insurance Company as subrogee for Shelley S. Sawyer**, for damages alleged to have been sustained as a result of driving over an unsecured sewer construction site on September 13, 2001 at 455 Peachtree Battle Avenue, NE. **\$675.62**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0920 (11) Claim of **Doris Grady**, for damages alleged to have been sustained as a result of a vehicular accident on March 22, 2002 at 2690 Campbellton Road, SW. **\$879.10**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0921 (12) Claim of **Janel Jennings**, for damages alleged to have been sustained as a result of a sewer backup on July 20, 2001 at 2487 Fernleaf Court. **\$1,025.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 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 Favorable Recommendations: (Cont'd)

02-R-0922 (13) Claim of **Lawrence Martin, through his attorney, Margot S. Roberts**, for damages alleged to have been sustained as a result of a vehicular accident on May 11, 2000 at Peachtree and 15th Streets. **\$1,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

02-R-0923 (14) Claims of **State Farm Insurance Companies as subrogee of Delecia Smith**, for damages alleged to have been sustained as a result of a vehicular accident on September 20, 2001 at Juniper and 4th Streets. **\$1,048.15**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Claims with Unfavorable Recommendations:

02-R-0924 (15) Claim of **Antoine Pressley, through his attorney, Melanie A. Webre**, for damages alleged to have been sustained as a result of personal injuries due to a beating on December 8, 2001 on Atlanta Housing Authority property located on Jonesboro Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

02-R-0925 (16) Claim of **Jonathon Roseville, through his attorney, Scott G. Monge**, for damages alleged to have been sustained as a result of a vehicular accident on March 26, 2001 at 2780 Peachtree Road, NE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

02-R-0926 (17) Claim of **Charles Beaumont, through his attorney, Darrell T. Carver**, for damages alleged to have been sustained as a result of personal injuries during an arrest on June 10, 2001 at 2329 Cheshire Bridge Road, NE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-0927 (18) Claim of **Robert Thomas, through his attorney, William T. Mitchell**, for damages alleged to have been sustained as a result of personal injuries during an arrest on June 30, 2001 at West Peachtree and 10th Streets.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0928 (19) Claim of **Gaye Allen**, for damages alleged to have been sustained as a result of driving over a pothole in the road on January 11, 2002 at 2075 Bankhead Highway.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0929 (20) Claim of **Samantha Lockridge**, for damages alleged to have been sustained as a result of a vehicular damage due to an unsecured metal plate in the roadway on March 18, 2001 at 2492 Habersham Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0930 (21) Claim of **Chris Witmer**, for damages alleged to have been sustained as a result of vehicular damage due to an unsecured metal plate in the roadway on March 10, 2001 at 2492 Habersham Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0931 (22) Claim of **Marjorie C. Henson**, for damages alleged to have been sustained as a result of vehicular damage due to an unsecured metal plate in the roadway on March 15, 2001 at 2492 Habersham Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-0932 (23) Claim of **Peggy D. Murray, through his attorney, Donald C. Beskin**, for damages alleged to have been sustained as a result of personal injuries due to walking through a glass panel on September 24, 2001 at the Atlanta Civic Center.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0933 (24) Claim of **The Sembler Company, through its attorneys, Rush S. Smith, Jr. and Paul R. Koster**, for damages alleged to have been sustained as a result of the flooding of property belonging to Affairs to Remember, Inc., on January 22, 2001 at 680 Ponce de Leon Avenue.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0934 (25) Claim of **Linda D. Harvey**, for damages alleged to have been sustained as a result of loss of personal property on August 10, 2001 at 675 Ponce de Leon Avenue, NE.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0935 (26) Claim of **Woodrow and Edith Kay Wells and Metlife Auto and Home**, for damages alleged to have been sustained as a result of property damage due to a fire on March 8, 2000 at 34 Peachtree Circle.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0936 (27) Claim of **Sandro G. Longo, Jr.**, for damages alleged to have been sustained as a result of damage to a laptop computer on January 14, 2002 at the Atlanta Airport.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-0937 (28) Claim of **Collette "Lorie" McDonald, through her attorney, Gregory V. Soderberg**, for damages alleged to have been sustained as a result of personal injuries due to a fall on a cement barrier on April 26, 2001 in the South Terminal Parking lot at the Atlanta Airport.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0938 (29) Claim of **Andy Philhower**, for damages alleged to have been sustained as a result of driving over a manhole cover on October 8, 2001 at Peachtree and East Paces Ferry Roads, NE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0939 (30) Claim of **Charlton Whitlock Dunbar**, for damages alleged to have been sustained as a result of driving over a pothole in the roadway on March 30, 2001 at Foundry and Marietta Streets.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0940 (31) Claim of **Valencia M. Wilson**, for damages alleged to have been sustained when a City vehicle drove over a limb causing it to pop up and strike the vehicle behind it on December 26, 2001 at 2615 Bankhead Highway, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0941 (32) Claim of **Regina Babalade through her attorney, Thomas F. Jones, Esq.**, for damages alleged to have been sustained as a result of stepping into a pothole on July 2, 2000 at 785 Pearce Street.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 02-R-0942 (33) Claim of **Classic Design Services, Inc.**, for damages alleged to have been sustained as a result of driving over a pothole on March 14, 2001 at 342 Armour Drive.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-0943 (34) Claim of **Octavia White**, for damages alleged to have been sustained as a result of an automobile accident on March 21, 2001 at 1977 Martin Luther King, Jr. Drive, SW.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0944 (35) Claim of **Tina Cunningham, through her attorney, Kevin L. Ward**, for damages alleged to have been sustained as a result of police misconduct on September 27, 2001 at 4650 ASR Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0945 (36) Claim of **Robin Henry, Charlotte Henry and Sahara Henry surviving children of Robert Charles Henry, through their attorney, W. James Moore**, for damages alleged to have been sustained as a result of the shooting death of their father on November 2, 2001 at 885 Bouldercrest Drive.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0946 (37) Claim of **Melvynne C. Reed**, for damages alleged to have been sustained as a result of a vehicular accident on April 19, 2002 at Interstate 20 between Moreland Avenue and the Glenwood Memorial Connector.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 02-R-0947 (38) Claim of **Yvette W. Patterson**, for damages alleged to have been sustained as a result of vehicular damage due to a pothole on October 8, 2001 at Edgewood Avenue and Butler Street.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

**CONSENT AGENDA
SECTION II**

Council President Cathy Woolard Presided

CONSENT AGENDA

SECTION II

ORDINANCES FOR FIRST READING

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

- 02-O-0973 (1) An Ordinance by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against Officer J. A. Veerkamp in the case of Louis Bray v. Officer J. A. Veerkamp et al., filed in the Superior Court of Fulton County, Civil Action File No.: 00VS002758G, to cause payment to be made in the amount of (\$30,000.00); to waive conflicting ordinances; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

TRANSPORTATION COMMITTEE
H. LAMAR WILLIS, CHAIR

- 02-O-0908 (2) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Joe Louis Drive, NW and Pansy Street an All-Way Stop.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION
- 02-O-0909 (3) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Eastwood Avenue, SW and Eden Avenue an All-Way Stop.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

CITY UTILITIES COMMITTEE
CLAIR MULLER, CHAIR

- 02-O-0901 (4) An Ordinance by **City Utilities Committee** amending the 2002 (2001 Water and Wastewater Bond Fund) Budget in an amount not to exceed \$13,000,000.00 to fund the Citywide Insituform Improvements; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

COMMITTEE REPORTS

Council President Cathy Woolard Presided

COMMITTEE REPORTS

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

Attendance at the May 28, 2002 meeting of the Community Development/Human Resources Committee was as follows:

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

Absent: None

ORDINANCE FOR SECOND READING

02-R-0893 (1) A Resolution by **Community Development/Human Resources Committee** authorizing the Mayor to enter into a contract with the participating organizations of the Atlanta Business Development Initiative (ABDI) for the delivery of training, technical support and financial assistance for start-up and existing businesses and for expanding female and minority owned businesses in an amount not to exceed \$615,716.00; and for other purposes.

The above item was forwarded Without Recommendation on Condition of receiving an information package from the Atlanta One Stop Capital Shop. The condition being met, Chairperson Winslow made a Motion to Adopt. It was Seconded by Councilmember Young and an extensive discussion ensued. Following, the Motion to Adopt CARRIED by a roll call vote of 13 yeas; 1 nay.

ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 1 NAY

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

Attendance at the May 28, 2002 meeting of the Public Safety and Legal Administration Committee was as follows:

Present: Councilmembers Mitchell (Chair), Martin, Archibong, Winslow, Smith and Young

Absent: Councilmember Shook

ITEM REMOVED FROM CONSENT AGENDA

02-O-0952 (1) An **Amended** Ordinance by **Public Safety and Legal Administration Committee** authorizing a (120) day moratorium on enforcement at Turner Field, of that portion of Section 30-1409 of the City Code which prohibits a vendor from conducting business on public space in an area no larger than three feet by seven feet; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Moore. Ms. Moore stated her removal of 02-O-0952 from the Consent Agenda was to record her Nay vote. A brief discussion ensued followed by the Motion to Adopt as Amended by a roll call vote of 11 yeas; 2 nays.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 11 YEAS;
2 NAYS**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (1)

H. LAMAR WILLIS, CHAIR

Attendance at the May 29, 2002 meeting of the Transportation Committee was as follows:

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

Absent: Councilmember Fauver

ITEM REMOVED FROM HELD STATUS

02-O-0839 (1) An Ordinance by **Councilmember Clair Muller** to provide for “No Parking Anytime” signs along both sides of 6th Street from Peachtree Street to West Peachtree Street, bordering the Post Biltmore; and for other purposes. **(Held 5/15/02)**

Councilmember Muller made a Motion to remove the above item from the Held Status. It was properly Seconded and the Motion CARRIED by a roll call vote of 11 yeas; 0 nays. The legislation was before the Council. Councilmember Muller made a Motion to Adopt. It was properly Seconded and a brief discussion ensued. Following, Councilmember Muller offered an Amendment to add “temporary” before no parking anytime throughout the legislation; and add at the end “until such time as a parking meter program can be developed in the City of Atlanta.” It was properly Seconded and the Muller Amendment CARRIED by a roll call vote of 13 yeas; 0 nays. After which, the Motion to Adopt as Amended CARRIED by a roll call vote of 13 yeas; 0 nays.

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

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (1)

IVORY LEE YOUNG, VICE-CHAIR

Attendance at the May 29, 2002 meeting of the Zoning Committee was as follows:

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

Absent: Councilmember Young

ORDINANCES FOR SECOND READING

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

02-O-0819 (1) An Ordinance by **Councilmember Debi M. Starnes as Amended**
U-02-08 by **Zoning** granting a Special Use Permit for a Community Service Facility (Section 16-06.005 (1) (k)), property located at **2606 Alston Drive, S.E.**, fronting 104.40 feet on the North side of Alston Drive beginning at the Northeast corner of Green Avenue. Depth: 213.10 feet; Area: approximately 22,247 square feet; Land Lot 181, 15th District, DeKalb County, Georgia. Owner: East Lake Investments, Inc.; Applicant: East Lake Community Foundation, Inc.; By: David C. Kirk, Esq.; NPU-O Council District 5.
ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-0818 (2) An Ordinance by **Councilmember Debi Starnes** granting a
U-02-09 Special Use Permit for a Community Service Facility (Section 16-06.005 (1) (k)) property located at **2750 Alston Drive, S.E./264 East Lake Drive, S.E.**, fronting 115 feet on the North side of Alston Drive beginning at the Northwest corner of East Lake Drive. Depth: 167.90 feet; Area: approximately 19,309 square feet; Land Lot 181, 15th District, DeKalb County, Georgia. Owner: East Lake Investments, Inc.; Applicant: East Lake Community Foundation, Inc.; By: David C. Kirk, Esq.; NPU-O Council District 5.
ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (2)

IVORY LEE YOUNG, VICE-CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

02-O-0815 (3)
U-02-11 An Ordinance by **Councilmember Debi M. Starnes** granting a Special Use Permit for a private school (Sections 16-05.005 (1) (1) and 16-08.005 (1) (k)), property located at **3160 and part of 3254 Northside Drive, N.W.**, fronting 737.07 feet on the Southwesterly side of Northside Parkway and 65.89 feet on the Southwesterly side of Northside Parkway (non-contiguous frontage) beginning approximately 900 feet Northwesterly from the Southwest corner of Moores Mill Road. Property also fronts 125 feet on the North side of Howell Mill Road. Depth: varies; Area: 11.15 acres; Land Lot 182, 17th District, Fulton County, Georgia. Owner: Atlanta Speech School; Applicant: same; NPU-C Council District 8.
ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-0816 (4)
U-02-12 An Ordinance by **Councilmember Debi M. Starnes** granting a Special Use Permit for a private school (Section 16-05.005 (1) (1)), property located at **3254 Northside Parkway, N.W.**, fronting approximately 712.74 feet on the Southwesterly side of Northside Parkway beginning approximately 1,200 Southeasterly from the Southeast corner of Howell Mill Road. Depth: varies; Area: 6.10 acres; Land Lot 182, 17th District, Fulton County Georgia; Owner: Trinity School; Applicant: Atlanta Girls School and Atlanta Speech School; NPU-C Council District 8.
ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-O-0821 (5)
Z-02-27 An Ordinance by **Councilmember Debi Starnes** to rezone from the C-4-C (Central Area Commercial Residential-Conditional) District to the PD-H (Planned Development-Housing) District, property located **on the South side of 16th Street, N.W. between Atlantic Drive, N.W. and Fowler Street, N.W.** (forming part of the Atlantic Station Site) fronting approximately 1183.2 feet (excluding intersecting rights-of-way) on the South side of 16th Street beginning at the Southeast corner of Atlantic Drive. Depth: varies; Area: 4.446 acres; Land Lot 108, 17th District, Fulton County, Georgia. Owner: Atlantic Station, LLC; Applicant: same; By: Carl E. Westmoreland, Jr., Esq. and Nancy J. Walsh, Attorneys; NPU-E Council District 2.
ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (3)

IVORY LEE YOUNG, VICE-CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

The following items (02-O-0823 and 02-O-0817) were taken as a collective vote.

02-O-0823 (6) A **Substitute** Ordinance by **Zoning Committee** to amend
Z-02-25/Z-00-68 Ordinance Z-00-68, adopted by City Council January 2, 2001 and
approved by operation of law January 10, 2001, rezoning from the
I-1 (Light Industrial) District and the I-2 (Heavy Industrial) District
to the PD-MU (Planned Development-Mixed Use) District, property
located **at the Northeast corner of Glenwood Avenue and the
Glenwood-Wylie Connector, S.E.** for the purpose of approving a
site plan amendment and a change of conditions. Owner: Green
Street Properties, LLC; Applicant: same; By: Katharine W. Kelley;
NPU-W Council District 5.
**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 0
NAYS**

02-O-0817 (7) A **Substitute** Ordinance by **Zoning Committee** to amend
U-02-10/U-99-33 Ordinance U-99-33, adopted by City Council March 6, 2000 and
approved by operation of law March 15, 2000, granting a Special
Use Permit for a day care center, property located at **3900 Bakers
Ferry Road, S.W.**, for the purpose of approving a change of
conditions. Owner: Malaja D. Philips d/b/a Kiddi Kademy Early
Learning Center; Applicant: Malaja D. Philips; NPU-H Council
District 10.
**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 0
NAYS**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (4)

IVORY LEE YOUNG, VICE-CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

The following items (02-O-0823 and 02-O-0817) were taken as a collective vote.

02-O-0360 (8) A **Substitute** Ordinance by **Zoning Committee as Amended** by
Z-02-01/Z-86-34 **Full Council** to amend Ordinance Z-86-34, adopted by City
Council July 7, 1986 and approved by the Mayor July 8, 1986,
rezoning from the C-3 (Commercial-Residential) and C-1-C
(Community Business-Conditional) Districts to the PD-OC
(Planned Development-Office Commercial) District, property
located at **3260-3316 Peachtree Road, N.E. and 3317 and 3349
Piedmont Road, N.E.** for the purpose of approving a revised site
plan and change of conditions. Owner: BRE/Atlanta, LLC;
Applicant: same; By: Charles F. Palmer, Esq., Attorney; NPU-B
Council District 7.

**The above item was forwarded from committee with a
Favorable on Substitute as Amended recommendation.
Councilmember Shook was recognized and offered an
Amendment to add the following condition: "The applicant
shall not transfer sanitary sewage to another sewer basin
unless the requirements of the First Amended Consent Decree
(Section VIII.B.8 – Capacity Certification Program) to assure
adequate sewer capacity are satisfied." It was properly
Seconded and the Motion to approve the Shook Amendment
CARRIED by a roll call vote of 13 yeas; 0 nays. Following, 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**

The following items (02-O-0046 and 02-O-0826) were taken as a collective vote.

02-O-0046 (9) An Ordinance by **Zoning Committee** rezoning from the RG-2
Z-01-69 (Residential General-Sector 2) District to the RG-3 (Residential
General-Sector 3) District, property located at **3663-3667
Peachtree Road, N.E.** fronting approximately 162 feet on the
Southerly side of Peachtree Road beginning approximately 680 feet
Easterly and Northeasterly from the Southeast corner of Roxboro
Road. Depth: approximately 372 feet; Area: approximately 1.4
acres; Land Lot 10, 17th District, Fulton County, Georgia. Owner:
3663 Peachtree, LLC; Applicant: Robert J. Denson; NPU-B
Council District 7.

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

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (5)

IVORY LEE YOUNG, VICE-CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

02-O-0826 (10)
Z-02-22 An Ordinance by **Councilmember Debi Starnes** to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located **at the rear of 647 Darlington Circle, N.E.** property has no frontage on a public street, but fronts 117.9 feet on the Easterly side of Darlington Commons Court (a private street). Depth: varies; Area: 0.207 acre; Land Lot 47, 17th District, Fulton County, Georgia. Owner: Lisa Read; Applicant: Brock Built, LLC; NPU-B Council District 7.
FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

ORDINANCE FOR FIRST READING

02-O-0976 (1)
Z-02-49 An Ordinance by **Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to expand the West End Historic District, 20G; to enact, by reference and incorporation, a map establishing the boundaries of said expansion of the West End Historic District; and to designate and zone all properties lying within the boundaries of said expansion to the underlying zoning category of Historic District (HD) pursuant to the Chapter 20 of the Zoning Ordinance of the City of Atlanta, rezoning from R5 (Two-Family Residential) and RG-3-C (Residential General District, Sector 3, Conditional) to R5/HD (Two-Family Residential/Historic District) and RG-3-C/HD (Residential General District, Sector 3, Conditional/Historic District), HD20G West End Historic District; to repeal conflicting laws; and for other purposes.
REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

Attendance at the May 29, 2002 meeting of the Finance/Executive Committee was as follows:

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

Absent: None

REPORT

02-TR-0977 (1) Report of the **Chief Financial Officer** to transfer 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 10 YEAS; 0 NAYS

RESOLUTION

02-R-0902 (1) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an appropriate contractual agreement for FC-6819-97, Tenth Ward Sanitary Sewer Improvements, Phase II, Contract 3 with Site Engineering, Inc., in an amount not to exceed \$522,177.50. All contracted work shall be charged to and paid from the following Fund, Account and Center Number: 2J26 573001 M24I02469999.

The above item was forwarded with No Recommendation on Condition. Chairperson Moore stated the condition has been met, therefore, made a Motion to Adopt. Without Objection, the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

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

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (1)
ANNE FAUVER, CHAIR

Attendance at the June 03, 2002 meeting of the Committee on Council was as follows:

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

Absent: None

COMMUNICATIONS

02-C-0741 (1) A Communication by **Mayor Shirley Franklin** appointing Mr. Frank McComb to the License Review Board. This appointment is for a term of two years, scheduled to begin on the date of Council confirmation. **(Favorable by Public Safety and Legal Administration Committee 5/28/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

The following items (2 – 5) were taken as a collective vote.

02-C-0799 (2) A Communication by **Council President Cathy Woolard** appointing Mr. Alexander F. Levy to the City's Tree Conservation Commission. This appointment is for a term of two years, scheduled to begin on the date of Council confirmation. **(Favorable by Community Development/ Human Resources Committee, 5/28/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-C-0890 (3) A Communication by **Councilmembers Felicia A. Moore, C. T. Martin and H. Lamar Willis** appointing Mrs. Jean **Delois Redding** to the Atlanta Urban Design Commission in the category of Neighborhood Representative. This appointment is for a term of three years, scheduled to begin on the date of Council confirmation. **(Favorable by Community Development/Human Resources Committee 5/28/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-C-0891 (4) A Communication by **Councilmembers Ceasar Mitchell, Ivory Lee Young, Jr. and Clea Winslow** appointing Ms. Cheryl McAfee-Mitchell to the Atlanta Urban Design Commission in the category of Architect I for a term of three years, scheduled to begin on the date of Council confirmation. **(Favorable by Community Development/Human Resources Committee 5/28/02)**
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

COMMUNICATIONS (CONT'D)

02-C-0970 (5) A Communication by **Councilmember Cleta Winslow** correcting a previously adopted communication by appointing Mr. Davey L. Gibson, if it is the Council's will to the Atlanta Development Authority Board of Directors. This appointment is for a term of four years, scheduled to begin on the date of Council confirmation. **(Favorable by Community Development/Human Resources Committee 5/28/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

ORDINANCES FOR THIRD READING

02-O-0848 (1) An Ordinance by **Councilmembers Anne Fauver and Howard Shook** amending the Charter of the City of Atlanta, adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965 (Ga. Laws 1965, P. 298, et seq.) as amended, to amend Section 2-308(b), Chapter 3, Article 2, 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 restructure the personnel operations in the Office of the President of the Atlanta City Council; to repeal conflicting ordinances; and for other purposes. **(3rd Reading, Final Adoption)**
ADOPTED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-O-0860 (2) An Ordinance by **Councilmember Anne Fauver** amending the Charter of the City of Atlanta adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965 (Ga. Laws 1965, P. 298, et seq.) as amended, to amend Section 3-401, Chapter 4, Article 3, 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 delete Section 3-401 entitled "General", under Chapter 4-Boards and Commissions, in its entirety and replace it with a new and expanded Section 3-401-General; to repeal conflicting ordinances; and for other purposes. **(3rd Reading, Final Adoption)**
ADOPTED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (1)
CLAIR MULLER, CHAIR

Attendance at the May 28, 2002 meeting of the City Utilities Committee was as follows:

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

Absent: Councilmember Shook

ORDINANCES FOR SECOND READING

02-O-0602 (1) A **Substitute** Ordinance by **City Utilities Committee** enacting street and sidewalk design standards for Traditional Neighborhood Developments; and for other purposes.

The above item was forwarded with a Favorable on Substitute on Condition recommendation by committee. However, Chairperson Muller made a Substitute Motion to Refer 02-O-0602 back to the City Utilities Committee. It was Seconded by Councilmember Moore and the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.

REFERRED SUBSTITUTE TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-O-0868 (2) An Ordinance by **City Utilities Committee** authorizing the Mayor to execute a Franchise Agreement with Cogent Fiber Services, Inc. of Georgia, a Georgia Corporation, providing telecommunications services using public right-of-way; and for other purposes. (2ND READ/1ST ADOPTION)

The above item was Referred by a roll call vote of 13 yeas; 1 nay; however, A Motion to reconsider was moved Without Objection in order for Councilmember Willis to record his vote correctly. The Motion to Refer 02-O-0868 back to the City Utilities Committee for 3rd Read/Final Adoption was then CARRIED by a roll call vote of 14 yeas; 0 nays.

REFERRED TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS FOR 3RD READ/FINAL ADOPTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (2)
CLAIR MULLER, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

02-O-0964 (3) An Ordinance by **Councilmember Clair Muller as Substituted by City Utilities Committee** to codify the requirements for Storm Water Management and Hydrological Analysis for developments permitted in the City of Atlanta; and for other purposes.

The above item was forwarded on Substitute with No Recommendation by committee. Chairperson Muller made a Motion to bring forth a Substitute. It was properly Seconded and CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before the Council. Councilmember Muller made a Motion to approve the Substitute and an extensive discussion ensued. After which, Councilmember Smith made a Substitute Motion to Refer Ordinance 02-O-0964 back to the City Utilities Committee. It was properly Seconded and another discussion ensued in which Councilmember Shook Called the Question. The Motion of the Question was then CARRIED by Voice Vote. Subsequently, the Motion to Refer CARRIED by a roll call vote of 14 yeas; 0 nays.

REFERRED SUBSTITUTE TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

RESOLUTION

02-R-0899 (1) A Resolution by **City Utilities Committee** authorizing the Mayor or designee to issue a Notice to Proceed with Mayes, Sudderth & Etheredge, Inc./Harrington, George & Dunn, PC – JV for FC-6710-96B, Annual Contract for Architectural and Engineering Services to provide Combined Sewer Evaluation and Conceptual Design of Sewer Separations on behalf of the Department of Public Works in an amount not to exceed \$6,777,500.00; all contracted work shall be charged to and paid from Fund, Account and Center Numbers: 2J26 524001 M56I21049999, 2J26 524001 M56I21019999, 2J27 574001 M24I02679999 and 2J27 574001 M24I02689999.

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

PERSONAL PAPERS

Council President Cathy Woolard Presided

PERSONAL PAPERS

RESOLUTIONS/ADOPTED

02-R-1027 (1) A Resolution by **Councilmembers Jim Maddox and Felicia A. Moore** requesting that the existing Ethics Board Members remain in office until the extended effective date of the new Ethics Code.

Councilmember Maddox made a Motion to Adopt the above item. It was Seconded by Councilmember Boazman and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.

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

02-R-1028 (2) A Resolution by **Councilmember Anne Fauver** authorizing the Mayor to execute a Local Government Project Agreement with the Georgia Department of Transportation for the funding of a Transportation Improvement Program for the Tenth Street/Piedmont Avenue Streetscape Improvements from Juniper Avenue/Tenth Street to Monroe Drive/Westminster Avenue 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 Local Government Project Agreement costs; and for other purposes.

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

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

ORDINANCES/REFERRED

02-O-1029 (1) An Ordinance by **Councilmember C. T. Martin** to amend Article "V", Classification Plan, Section 114-477, of the Code of Ordinances, City of Atlanta, Georgia, so as to move the Police Chief to the Executive Salary Schedule and authorize above entry hiring; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

02-O-1031 (2) An Ordinance by **Councilmember Clair Muller** to amend Article "V", Classification Plan, Section 114-477, of the Code of Ordinances, City of Atlanta, Georgia, so as to create and abolish certain positions; 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-1032 (3) An Ordinance by **Councilmember Jim Maddox** amending Section 2-824 of the Code of Ordinances so as to extend the effective date of the new Ethics Code; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

02-O-1034 (4) An Ordinance by **Councilmember C. T. Martin** authorizing the Mayor or her designee to install an all-way stop sign at the intersection of South Gordon Street, SW and Rogers Street, SW; and for other purposes.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-O-1035 (5) An Ordinance by **Councilmember Felicia A. Moore** to amend Section 2-824 of the Code of Ordinances of the City of Atlanta so as to extend the effective date of the new Ethics Code; require the interim Ethics Officer to provide training by July 31, 2002; extend time for new Ethics Board Member nominations to August 5, 2002; and to authorize the current Ethics Board to remain in effect until August 5, 2002; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

02-O-1036 (6) An Ordinance by **Councilmember Natalyn M. Archibong** to amend Chapter 150, Article VIII, Section 150-296 of the Code of Ordinances of the City of Atlanta prohibiting cruising by including Whitefoord Avenue as a “no cruising zone”; to repeal conflicting ordinances; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

02-O-1037 (7) An Ordinance by **Councilmembers Howard Shook, Ceasar Mitchell, Carla Smith, Clair Muller, H. L. Willis, Cleta Winslow, Derrick Boazman, C. T. Martin, Natalyn Archibong, Jim Maddox, Felicia A. Moore, Mary Norwood and Anne Fauver** amending the Charter of the City of Atlanta adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965 (Ga. Laws 1965, p. 298, et. seq.) as amended, to amend Section 2-303, Chapter 3, Article 2, 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 alter the recess cycles for the Atlanta City Council; to repeal conflicting ordinances; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

02-O-1038 (8) 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.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-O-1039 (9) An Ordinance by **Councilmember Carla Smith** waiving the tree replacement 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.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1040 (10) 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.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1043 (11) An Ordinance by **Councilmembers Debi Starnes and Carla Smith** authorizing the Commissioner of Public Works, on behalf of the Mayor, to waive Paragraph Four (4) of Section 138-60 of the Code of Ordinances of the City of Atlanta, for the issuance of a banner permit to the Sweet Auburn Market; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

RESOLUTIONS/REFERRED

02-R-1030 (1) A Resolution by **Councilmember C. T. Martin** authorizing the Mayor to execute an employment agreement with Richard J. Pennington to memorialize the terms of his service as Police Chief; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/REFERRED (CONT'D)

02-R-1033 (2) A Resolution by **Councilmembers C. T. Martin, H. L. Willis, Mary Norwood and Ceasar C. Mitchell** authorizing the enforcement of laws governing the compliance with traffic control devices through the use of cameras or other imaging technology as authorized by State Law.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-R-1042 (3) A Resolution by **Councilmembers Debi Starnes and Carla Smith** authorizing the Mayor to enter into a renewal lease agreement with Masquerade, Inc. for use during certain hours of a City parking lot located on the South side of North Avenue and West side of Angier Avenue, N.E., known as parcel No. 14-18-1-21 in Land Lot 18 of the 14th District of Fulton County, Georgia; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

ADJOURNMENT

Council President Cathy Woolard Presided

ADJOURNMENT

There being no further business to discuss the June 03, 2002 meeting of the Atlanta City Council was adjourned at 3:55 p.m.

ADJOURNMENT ROLL CALL: Council President Cathy Woolard (1); Councilmembers Smith, Young, Winslow, Archibong, Fauver, Shook, Muller, Moore, Martin, Maddox, Boazman, Mitchell, Norwood and Willis (14).