

ATLANTA CITY COUNCIL

ACTION/MINUTES

JULY 15, 2002

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, July 15, 2002. The Meeting convened at 1:11 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 (15) voting members were present at the Meeting:

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

INVOCATION: Chaplain El-Shair Pollard 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 **July 01, 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 **July 15, 2002** meeting was **ADOPTED** without objection.

COMMUNICATIONS

Council President Cathy Woolard Presided

COMMUNICATIONS

- 02-C-1280 (1) A Communication by **Mayor Shirley Franklin** appointing Ms. Linda DiSantis as City Attorney.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE; PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1281 (2) A Communication by **Mayor Shirley Franklin** appointing Mr. Richard J. Anderson as Chief Financial Officer for the City of Atlanta.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION
- 02-C-1301 (3) A Communication by **Mayor Shirley Franklin** appointing Ms. Lynnette W. Young as Chief Operating Officer.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE AND COMMITTEE ON COUNCIL 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

After information was provided by Acting City Attorney Ross Ruebens-Newell, Councilmember Martin made a Motion for the above item to remain on the Table. Without Objection, the Motion CARRIED.

TABLED AS AMENDED WITHOUT OBJECTION

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

After information was provided by Acting City Attorney Ross Ruebens-Newell, Councilmember Martin made a Motion for the above item to remain on the Table. Without Objection, the Motion CARRIED.

TABLED SUBSTITUTE WITHOUT OBJECTION

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 and it 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 item 02-R-1278 which was 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, Winslow, Archibong, Fauver, Shook, Muller, Moore, Maddox, Mitchell, Norwood and Willis* **0 Nays.**

The previous vote for the Consent Agenda was recorded by a unanimous roll call vote of 15 yeas; 0 nays. However, Councilmember Moore made a Motion to reconsider the Consent Agenda for the purpose of removing legislation by Councilmember Muller. It was properly Seconded and CARRIED by a roll call vote of 11 yeas; 0 nays. The Consent Agenda was then before the Council. Councilmember Muller removed item 02-R-1278, thereafter, the Motion to Adopt the Consent Agenda was CARRIED by a roll call vote of 13 yeas; 0 nays.

SECTION I

ORDINANCES FOR SECOND READING

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, CHAIR

02-O-1255 (1) An Ordinance by **Councilmember C. T. Martin** amending adopted Ordinance Number 02-O-0699 increasing the 2002 (Intergovernmental Grant Fund) Budget, Department of Planning, Development and Neighborhood Conservation by anticipating and appropriating \$156,194.00 from the State of Georgia, Department of Natural Resources to fund the City of Atlanta's participation in the Georgia Greenspace Program; and for other purposes.

**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)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, CHAIR

02-O-1256 (2) An Ordinance by **Councilmember C. T. Martin as Substituted by Finance/Executive Committee** authorizing the Chief Financial Officer to transfer between accounts within the 2002 (2001 Public Improvements Bond Funds) Budgets \$120,000.00 for the acquisition of two parcels of land for the Adamsville Recreation Center/Natatorium; amending Ordinance # 01-O-1697 by transferring between accounts \$120,000.00 in funds designated for Greenspace Acquisition at the Adamsville Park site to the Account and Cost Center designated for the Utoy Creek Area Trail and Greenway Corridor and authorizing the Purchasing Agent to enter into an Agreement with Smith Real Estate Services, Inc. to negotiate and acquire the necessary properties with the project; and for other purposes.

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

02-O-1262 (3) An Ordinance by **Councilmember Derrick Boazman as Substituted by Finance/Executive Committee** amending the 2002 (Intergovernmental Grant Fund) Budget, Department of Mayor, by adding to anticipations and appropriations in the amount of \$14,000.00 from the Governor's Office of Community Affairs Emergency Fund Grant for the City of Atlanta for program expenses for the Joint Small Business Initiative between NAACP/Atlanta Branch and the Atlanta SCORE Chapter; to authorize the Mayor to sign all necessary Grant Agreements; and for other purposes.

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

CITY UTILITIES COMMITTEE

CLAIR MULLER, CHAIR

02-O-0969 (4) An Ordinance by **Councilmember Carla Smith as Substituted and Amended by City Utilities Committee** amending City of Atlanta Code of Ordinances Section 130-10 to require concrete trucks, cement trucks and dump trucks operating on public streets in the City of Atlanta to use appropriate spill protection devices; and for other purposes.

ADOPTED SUBSTITUTE 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)

ORDINANCES FOR SECOND READING (CONT'D)

CITY UTILITIES COMMITTEE (CONT'D)

CLAIR MULLER, CHAIR

- 02-O-1149 (5) An Ordinance by **Councilmembers Felicia A. Moore and H. Lamar Willis** authorizing the Mayor or her designee to take the appropriate actions to have the proper signage put in place to honor Donald Lee Hollowell on all City documents and other documents that may be appropriate; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

CLETA WINSLOW, CHAIR

- 02-O-1100 (6) An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor to grant an updated existing permanent easement acquired by the Georgia Power Company in 1911 from Julian B. Thompson for parcels of land at 120 Hyacinth Avenue/21185 Verbena Street in Land Lot 179 of the 14th District, Fulton County, Georgia; presently owned by the City of Atlanta and known as the Verbena Street Playlot, so as to define the right-of-way width to 100' wide, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

- 02-O-1175 (7) An Ordinance by **Community Development and Human Resources Committee** repealing Ordinance Number 02-O-0836 which established a moratorium on the acceptance and issuance of the Type III Certificate of Appropriateness Applications by the Atlanta Urban Design Commission on new buildings in all areas of the Cabbagetown Landmark District and adopting a moratorium on the Acceptance of Type III Certificate of Appropriateness Applications by the Atlanta Urban Design Commission for new construction of any type on vacant lots; new construction on lots where no primary structure already exists; reconstruction of a demolished primary structure which is demolished after May 28, 2002; and the development of site parking, in all areas of the Cabbagetown Landmark District; and for other purposes.
**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)

TRANSPORTATION COMMITTEE

H. LAMAR WILLIS, CHAIR

- 02-O-1105 (8) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Adkins Road, NW and Crosby Drive an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1109 (9) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Antone Street, NW and Tallulah Street an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1110 (10) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Murray Hill Avenue, NE and Wisteria Way an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1111 (11) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Beaverbrook Drive, NW and Brookview Drive an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1112 (12) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Berkeley Avenue, NW, Forrest Street and Forrest Way an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1113 (13) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Delaware Avenue, SE and Palatine Avenue an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1114 (14) An **Amended** Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Delaware Avenue, SE and Gilbert Street an All-Way Stop.
**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)

ORDINANCES FOR SECOND READING (CONT'D)

TRANSPORTATION COMMITTEE (CONT'D)

H. LAMAR WILLIS, CHAIR

- 02-O-1115 (15) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Federal Terrace, SE and Park Avenue an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1116 (16) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Harold Avenue, NE and Marlbrook Drive an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1117 (17) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of LaFrance Street, NE and Mayson Avenue an All-Way Stop.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 02-O-1144 (18) An Ordinance by **Councilmembers Natalyn Archibong, H. Lamar Willis and Anne Fauver as Amended by Transportation Committee** to provide for a Signalized Pedestrian Crosswalk at the Woodruff Arts Center located at 1280 Peachtree Street, NE; and for other purposes.
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

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, CHAIR

02-R-0363 (1) A Resolution by **Councilmembers Felicia A. Moore, Mary Norwood, Derrick Boazman, C. T. Martin, Carla Smith, Jim Maddox, Natalyn Archibong, Ivory L. Young, Jr., Anne Fauver, Cleta Winslow, Howard Shook and H. Lamar Willis as Amended by Finance/Executive Committee** urging the Fulton County Commission and the Fulton County Tax Commissioner to terminate the practice of selling tax liens against owner-occupied residential properties to third parties; and for other purposes.

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

02-R-1225 (2) A Resolution by **Finance/Executive Committee** authorizing refunds for the outstanding credit of Business License Fees to Radio Station WNNX-FM; #003084LGB, in the amount of \$27,336.29; and for other purposes.

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

02-R-1249 (3) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to issue a Notice to Proceed with Kissberg Construction, Inc. for FC-7382-01, annual contract for Citywide Demolition Services in an amount not to exceed \$890,000.00 based on unit prices on behalf of the Department of Aviation for the demolition of the United States Postal Service and Gate Gourmet/Eastern Cargo Facilities at Hartsfield Atlanta International Airport. All contracted work shall be charged to and paid from Fund, Account and Center Number 2H21 574001 R21E0104999.

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

02-R-1250 (4) A Resolution by **Finance/Executive Committee** ratifying the Mayor's signature on an Amendment to the 2002 State of Georgia Greenspace Program Grant Award which applied for and accepted a Supplemental Grant Award in the amount of \$156,194.00 in addition to the City's Award for Fiscal Year 2002; authorizing the Mayor to apply for and accept any future Supplemental Grants; and for other purposes.

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 (CONT'D)

FELICIA A. MOORE, CHAIR

02-R-1251 (5) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to issue a Notice to Proceed with Morley Environmental for FC-6856-97, annual contract for Citywide Asbestos Abatement Services in an amount not to exceed \$155,000.00 based on unit prices on behalf of the Department of Aviation for the Asbestos Abatement of the United States Postal Service and Gate Gourmet/Eastern Cargo Facilities at Hartsfield Atlanta International Airport. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2H21 574001 R21E0149999.

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

02-R-1263 (6) A Resolution by **Councilmember Felicia A. Moore** expressing the intent of the Atlanta City Council to fund a Pay and Classification Study of the salaries of City Employees; and for other purposes.

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

02-R-1276 (7) A Resolution by **Finance/Executive Committee** stating the position of the City of Atlanta that the formula for distribution of revenue from the Local Option Sales Tax for 2003 and subsequent years be based upon population according to the 2000 Federal Census, with each municipality and unincorporated Fulton County receiving allocations of the revenues based on their respective shares of the total county population; and for other purposes.

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

02-R-1277 (8) A Resolution by **Finance/Executive Committee** authorizing the City Attorney to pursue legal action against Jonathan Dodd and all other necessary parties responsible for embezzling more than \$400,000.00 rightfully and legally belonging to the City of Atlanta; authorizing the Interim City Attorney to take all necessary and reasonable action in order to diligently pursue legal action against persons responsible for embezzling more than \$400,000.00 belonging to the City of Atlanta; and for other purposes.

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 (CONT'D)

FELICIA A. MOORE, CHAIR

02-R-1278 (9) A Resolution by **Finance/Executive Committee** authorizing the Mayor to purchase land from the Trust for Public Land in the Ardmore Park Neighborhood adjacent to existing Ardmore Park, to accept grant proceeds funded by the Arthur M. Blank Family Foundation to defray a portion of the purchase price for said land, and to dedicate said land as an open greenspace in perpetuity for the residents of the City of Atlanta; and for other purposes.

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

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

CITY UTILITIES COMMITTEE

CLAIR MULLER, CHAIR

02-R-1214 (10) A Resolution by **City Utilities Committee** authorizing the Mayor or her designee to install a sewer connection to serve property located at 3201 Martin Luther King, Jr. Drive as requested by the property owner.

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

02-R-1215 (11) A Resolution by **City Utilities Committee** authorizing the Mayor or her designee to install a sewer connection to serve property located at 2384 County Line Road as requested by the property owner.

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

02-R-1274 (12) A Resolution by **City Utilities Committee** to authorize payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$5,000.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.

**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)

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

- 02-R-1211 (13) A Resolution by **Public Safety and Legal Administration Committee** authorizing payment in the amount of \$1,280.00 in settlement of the claim of Donna Lemon, against the City of Atlanta; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1212 (14) A Resolution by **Public Safety and Legal Administration Committee** authorizing payment in the amount of \$2,000.00 in settlement of the claim of Charles Fleming, through his attorney, Peggy Golden against the City of Atlanta; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1227 (15) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to renew a Lease Agreement with IPF/Bolton Limited Partnership, for the rental of 2,484 square feet of office space located at 2555 Bolton Road, Suite #10, Atlanta, Georgia, for the Department of Police Zone Two Mini-Precinct, from August 1, 2002, until July 31, 2003, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42002.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1228 (16) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to renew the Lease Agreement with TCC-Campbellton Plaza Limited Partnership, from August 1, 2002, through July 31, 2003, for the rental of 795 square feet of office space, for the Police Zone Four Mini-Precinct, at 2014 Campbellton Road, Atlanta, Georgia, in an amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42004.
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)

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

- 02-R-1229 (17) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to renew the Lease Agreement with World Products, Inc., Pension Plan and Trust, from August 1, 2002, through July 31, 2003, for the rental of 3100 square feet of office space, for the Police Zone Three Mini-Precinct, at 2827 Metropolitan Avenue, Atlanta, Georgia, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42003.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1230 (18) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to renew a Lease Agreement with the Atlanta Housing Authority for the rental of 2564 square feet of office space located at 676 Fair Street, Atlanta, Georgia, for the Department of Police Zone One Mini-Precinct, from August 1, 2002, until July 31, 2003, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42001.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1231 (19) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to renew a Lease Agreement with the Halpern-Opppenheimer Family Foundation, for the rental of 700 square feet of office space located at 3565-10 MLK, Jr. Drive, Atlanta, Georgia, for the Department of Police Zone Four Mini-Precinct, from August 1, 2002, until July 31, 2003, in the amount not to exceed \$1 a year, to be charged and paid from Fund, Account and Center Number: 1A01 525001 X42004.
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)

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

02-R-1252 (20) A **Substitute** Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to apply for and accept a grant from the Governor's Office of Highway Safety Program not to exceed \$250,000.00 for a program to increase public awareness about pedestrian safety and intensify enforcement of pedestrian safety laws in the City of Atlanta; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Claims with Favorable Recommendations:

02-R-1183 (1) Claim of **State Farm Insurance Company as subrogee of Jonathan Buck and Nazer Mathews Buck**, for damages alleged to have been sustained as a result of a vehicular accident on September 25, 2001 at 897 Welch Street. **\$994.66**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-R-1184 (2) Claim of **Sana Ullah**, for damages alleged to have been sustained as a result of vehicular damage due to driving over a broken catch basin on July 27, 2001 at 301 10th Street, NW. **\$1,408.14**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-R-1185 (3) Claim of **Majestic C. Lenderman**, for damages alleged to have been sustained as a result of property damage due to a sewer backup on January 5, 2002 at 2553 Springdale Road, SW. **\$847.19**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

02-R-1186 (4) Claim of **Darius A. Williams**, for damages alleged to have been sustained as a result of a vehicular accident on March 2, 2002 at Spring Street and Armstead Place. **\$2,000.00**
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 Favorable Recommendations: (Cont'd)

- 02-R-1187 (5) Claim of **Metlife Auto and Home as subrogee of Larry J. Ferrell**, for damages alleged to have been sustained as a result of a vehicular accident on October 30, 2001 at Courtland Avenue and Ellis Street. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1188 (6) Claim of **Vernon B. Gates**, for damages alleged to have been sustained as a result of an automobile accident on April 22, 2002 at 753 Plainville Way, SW. **\$1,119.01**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1189 (7) Claim of **Electra Y. Walker**, for damages alleged to have been sustained as a result of a vehicular accident on May 9, 2002 at North Avenue and Luckie Street. **\$1,832.97**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1190 (8) Claim of **Tamineta Dabney**, for damages alleged to have been sustained as a result of an automobile accident on May 2, 2002 at 880 Cherokee Avenue. **\$1,187.10**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1191 (9) Claim of **State Farm Insurance Company as subrogee of Anh V. Nguyen**, for damages alleged to have been sustained as a result of an automobile accident on February 1, 2002 at Bartlett Street, NW and 14th Street, NW. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1192 (10) Claim of **Marco Masi**, for damages alleged to have been sustained as a result of driving over a pothole in the road on March 3, 2001 at Williams Street. **\$800.00**
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 Favorable Recommendations: (Cont'd)

02-R-1193 (11) Claim of **Evan Arrindell, President Worldwide Business Forms**, for damages alleged to have been sustained as a result of a City worker causing a lawn mower to strike his vehicle on March 14, 2002 at 800 Cherokee Avenue. **\$1,710.10**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

02-R-1194 (12) Claim of **Edith Winfrey, through her attorney, Peggy Golden, Esq.**, for damages alleged to have been sustained as a result of a vehicular accident on January 29, 2002 at Allene Avenue and Elbert Street. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

02-R-1195 (13) Claim of **Dometria Winfrey**, for damages alleged to have been sustained as a result of a vehicular accident on January 29, 2002 at Allene Avenue and Elbert Street. **\$2,000.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

02-R-1196 (14) Claim of **Steven Christnacht**, for damages alleged to have been sustained as a result of money alleged to have been found by the claimant on October 9, 2001 at Hartsfield Atlanta International Airport. **\$650.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Claims with Unfavorable Recommendations:

02-R-1197 (15) Claim of **Thomas Martin, through his attorney, Derek M. Wright**, for damages alleged to have been sustained as a result of personal injuries due to a fall on an uncovered drainage hole on June 7, 2001 at 1371 Kimberly Way. **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-1198 (16) Claim of **Jack Snowden, through his attorney, Jeffrey K. Cease**, for damages alleged to have been sustained as a result of a vehicular accident on June 29, 2002 at Edgewood Avenue and Bell Street.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1199 (17) Claims of **Florentino Hernandez and Shumante Mechanical, Inc., through their Insurance Carrier, Kemper Insurance Companies**, for damages alleged to have been sustained as a result of injuries due to a fallen tree limb on April 22, 2002 at 1200 Mt. Paran Road, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1200 (18) Claim of **Anthony McDowell and Shumante Mechanical, Inc.**, for damages alleged to have been sustained as a result of injuries due to a fallen tree limb on April 22, 2002 at 1200 Mt. Paran Road, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1201 (19) Claim of **Barringer Place Apartments**, for damages alleged to have been sustained as a result of property damage due to road construction in November, 2001 at 6210 Peachtree Dunwoody Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1202 (20) Claim of **Enriko Ponder**, for damages alleged to have been sustained as a result of the theft of claimant's vehicle on May 25, 2002 at 820 Murphy Avenue.
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-1203 (21) Claim of **Leo Norene Hypes, through her attorney, Michael J. Gorby**, for damages alleged to have been sustained as a result of personal injuries due to a fall while boarding a Delta Airlines flight on November 27, 2001 at the Atlanta Airport.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1204 (22) Claim of **Leroy Lindsay**, for damages alleged to have been sustained as a result of personal injuries due to cutting grass May, 1998 at 191 Torrence Street, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1205 (23) Claim of **City of College Park, through its attorney, Steven M. Fincher**, for damages alleged to have been sustained as a result of discrepancies in the ownership and operation of the Camp Creek Waste Water Treatment Plant.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1206 (24) Claim of **Angela Collins**, for damages alleged to have been sustained as a result of slipping and falling in the gallery of City Hall East on October 10, 2001 at 675 Ponce de Leon Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1207 (25) Claim of **Maria J. Kotora**, for damages alleged to have been sustained as a result of driving her vehicle over a pothole in the road on September 25, 2001 at Peachtree Road near Piedmont Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 02-R-1208 (26) Claim of **Gabriel A. Rincon-Mora, Ph.D.**, for damages alleged to have been sustained as a result of driving his vehicle over a pothole in the road on approximately January 21, 2002 at West Peachtree Street.
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-1209 (27) Claim of **Alfred L. Heard**, for damages alleged to have been sustained as result of driving his vehicle over a pothole in the road on January 28, 2002 at James Jackson Parkway.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

02-R-1210 (28) Claim of **Geraldine Perry**, for damages alleged to have been sustained as a result of driving over an unsecured construction plate in the road on February 12, 2002 at Benjamin Mays Drive, SW.
**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

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, CHAIR

02-O-1221 (1) An Ordinance by **Finance/Executive Committee** amending Chapter 38, Cemeteries, of the Code of Ordinances, Article II, Municipal Cemeteries, Division 2, Oakland Cemetery, Section 38-44, Schedule of Charges for Cemetery Services and Section 38-45, Schedule of Charges for Guided Tours, specifically to reflect newly revised, increased fee scheduled for the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks by increasing/creating fees under Section 38-44, for Internment-Opening and Closing, Disinterment-Opening and Closing, Cremation Space, Infant/Children-Opening and Closing and Disinterment of Cremains; and to create Vault Installation Fee; create a Marker Installation Fee; and to create a charge for the use of Tents and Chairs Fee; under Section 38-45; to increase the students (ages 7-22) rate to \$3.00 to increase Senior Citizens (age 55 and above) rate to \$3.00; and to increase the adult (ages 23-54) rate to \$5.00, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks; and for other purposes. **(Advertised for a Public Hearing 7/30/02)**
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

02-O-1222 (2) An Ordinance by **Finance/Executive Committee** amending Chapter 110, Parks and Recreation of the Code of Ordinances, Article 1, Section 110.3 Fee Schedule specifically to reflect newly revised, increased fee schedules for the Department of Parks, Recreation and Cultural Affairs by increasing fees for Ballfields (lighted and unlighted), Picnic Pavilions, Show Mobiles, Tournament Ballfields, Camp Best Friends, Aquatics, Tennis Centers, Youth Sports, Candler Park Golf Course, The Gilbert House, Atlanta Cyclorama Admissions, After School Tutorial Programs, Lake Allatoona Resident Camp, Park Vending Permit Fees for all parks except Piedmont Park; to create a special activity fee; to create rental fees for tax exempt non resident and all other non resident organizations for (unlighted and lighted) ballfields; to create a Tee Time Surcharge, Putting Green Fee and Equipment Storage Fee at the Candler Park Golf Course; and to create a Lake Allatoona Cabin Rental Fee on behalf of the Department of Parks, Recreation and Cultural Affairs; and for other purposes. **(Advertised for a Public Hearing 7/30/02)**
REFERRED TO FINANCE/EXECUTIVE 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 (CONT'D)
FELICIA A. MOORE, CHAIR

- 02-O-1226 (3) An Ordinance by **Finance/Executive Committee** amending the 2002 (Intergovernmental Grant) Budget by adding to anticipations and appropriations in the amount of \$4,615.00 to fund a recycling program for telephone directories for one year; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 02-O-1247 (4) An Ordinance by **Finance/Executive Committee** authorizing the Aviation General Manager to make Performance Payments to Department of Aviation Employees and/or Employee Teams who have demonstrated their ability to make significant contributions to the City of Atlanta's Department of Aviation either individually or as a team; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 02-O-1248 (5) An Ordinance by **Finance/Executive Committee** to authorize the payment of select exempt employees for accrued compensatory time on a one-time basis using a Reimbursement Grant awarded to the City of Atlanta's Hartsfield International Airport by the Federal Aviation Administration in the amount of \$7,037,180.00 for security related expenses as a result of the events of September 11, 2001; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 02-O-1272 (6) An Ordinance by **Finance/Executive Committee** to authorize the assessment of penalties and interest, and the levy of liens for unpaid Sanitary Service Assessments; and for other purposes
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

CITY UTILITIES COMMITTEE

CLAIR MULLER, CHAIR

02-O-1213 (7) An Ordinance by **City Utilities Committee** authorizing the Mayor or her designee to assess certain property owners for work performed by the Department of Public Works; and for other purposes.

REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

02-O-1245 (8) An Ordinance by **City Utilities Committee** amending the 2002 (Intergovernmental Grant Fund) Budget by anticipating and appropriating funding in the amount of \$288,730.00 from the U. S. Federal Emergency Management Agency (FEMA), on behalf of the Department of Public Works to elevate some flood-prone homes in the City of Atlanta; and for other purposes.

REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

CLETA WINSLOW, CHAIR

02-O-1223 (9) An Ordinance by **Community Development/Human Resources Committee** amending the 2002 (Job Training Grant Fund) Budget by anticipating and appropriating \$1,998,340.00 in the Workforce Investment Act (WIA) Youth Funds.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1219 (10) An Ordinance by **Community Development/Human Resources Committee** adopting the 2003 City of Atlanta Capital Improvement Program; and for other purposes. (Scheduled for a Worksession 7/16/02 at 2 p. m. in Committee Room #2)

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1220 (11) An Ordinance by **Community Development/Human Resources Committee** to change the effective date of creation for the "Custer Avenue Subdivision Housing Enterprise Zone" from January 1, 2002 to January 1, 2003; and for other purposes.

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

01-O-1273 (12) An Ordinance by Public Safety and Legal Administration Committee amending the 2002 (Intergovernmental Grant Fund) budget by adding to anticipations and appropriations in the amount of \$21,007.00 from the Edward Byrne Memorial Grant Program to fund the Criminal History Research (CHR) Enhancement Project developed by the Atlanta Pre-trial Services, and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

TRANSPORTATION COMMITTEE
H. LAMAR WILLIS, CHAIR

02-O-1224 (13) An Ordinance by **Transportation Committee** conveying to Georgia Power Company for property sites owned by the City of Atlanta in Land Lots 38, 39, 57, 58 and 59 of the 13th District of Clayton County to provide for relocation of power lines and a substation in the area of the Fifth Runway Project at Hartsfield Atlanta International Airport; authorizing the Mayor or her designee to execute appropriate Warranty Deeds to evidence the conveyance; and for other purposes.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-O-1232 (14) An Ordinance by **Transportation Committee** amending the 2002 (2000 Airport Revenue Bond Fund) Budget by transferring to and from appropriations the amount of \$692,506.00 for the purpose of funding Amendment One to Reimbursable Agreement No. SO-0420-07L with the Federal Aviation Administration (FAA) for reimbursement by the City to the FAA of the cost incurred by the FAA for additional design of the new Airport Traffic Control Tower at Hartsfield Atlanta International Airport.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

TRANSPORTATION COMMITTEE (CONT'D)

H. LAMAR WILLIS, CHAIR

02-O-1233 (15) An Ordinance by **Transportation Committee** granting to Georgia Power Company an easement across real property owned by the City of Atlanta in Land Lots 40, 41 and 42 of the 13th District of Clayton County, to provide for permanent relocation of distribution lines that run across the Fifth Runway Project at Hartsfield Atlanta International Airport; authorizing the Mayor to execute appropriate instruments to evidence the granting of such easement; and for other purposes.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-O-1253 (16) An Ordinance by **Transportation Committee** granting to Atlanta Gas Light Services Company an easement across real property owned by the City of Atlanta in Clayton County, to provide for relocation of a Natural Gas Main in the area of the Fifth Runway Project at Hartsfield Atlanta International Airport; authorizing the Mayor or her designee to execute appropriate instruments to evidence the granting of such easement; and for other purposes.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

COMMITTEE REPORTS

Council President Cathy Woolard Presided

COMMITTEE REPORTS

ZONING COMMITTEE (1)
DEBI STARNES, CHAIR

Attendance at the July 10, 2002 meeting of the Zoning Committee was as follows:

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

Absent: Councilmembers Shook and Norwood

ORDINANCE FOR SECOND READING

02-O-1180 (1) An Ordinance by **Zoning Committee** to amend Ordinance U-79-12, adopted by City Council August 20, 1979 and approved by the Mayor August 28, 1979, granting a Special Use Permit for a Day Care Center, property located at **2062 Childress Drive, SW**, for the purpose of approving a Transfer of Ownership.

NPU-R Council District 11

ADOPTED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

ORDINANCES FOR FIRST READING

02-O-1266 (1) An Ordinance by **Zoning Committee** to rezone from the R-3 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **Willis Mill Road, SW**, fronting approximately 250 feet on the easterly side of Willis Mill Road beginning 2,622.4 feet southeasterly from the southeast corner of Wilson Drive.

Z-02-38

Depth: Varies
Area: Approximately 7.5 Acres
Land Lot: 200, 14th District, Fulton County, Georgia
Owner: Ronald L. Smith
Applicant: William E. Wilson
NPU-R Council District 11

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (2)
DEBI STARNES, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

02-O-1267 (2)
Z-02-52 An Ordinance by **Zoning Committee** to rezone from the R-5 (Two-Family Residential) District to the C-2 (Commercial Service) District, property located at **2451 Bankhead Highway, NW**, fronting 427.92 feet on the northwesterly side of Bankhead Highway beginning 137 feet northeasterly from the northeast corner of Hall Street.

Depth: Varies
Area: 5.53 Acres
Land Lot: 177, 14th District, Fulton County, Georgia
Owner: Salem Baptist Church of Atlanta, Inc.
Applicant: Same
By: Joseph G. Mattarella, Esq., Attorney
NPU-J Council District 9

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

02-O-1268 (3)
Z-02-53 An Ordinance by **Zoning Committee** to rezone from the R-5 (Two-Family Residential) District to the RG-3 (Residential General-Sector 3) District, property located at **677 Somerset Terrace, NE**, fronting 115.75 feet on the east side of Somerset Terrace beginning 210 feet south from southeast corner of Ponce de Leon Avenue.

Depth: 181 Feet
Area: Approximately 20, 815 Square Feet
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert H. Troy
Applicant: Same
NPU-N Council District 2

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (3)
DEBI STARNES, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

02-O-1269 (4)
Z-02-54 An Ordinance by **Zoning Committee** to rezone from the I-2 (Heavy Industrial) District to the O-I (Office-Institutional) District, property located at **854, 856, 856 (Rear), 874, 878, 882, 886 Ernest Street, NW**, fronting approximately 380 feet on the southside of Ernest Street beginning 382.34 feet west from the southwest corner of West Lane.

Depth: Varies
Area: 1.699 Acres
Land Lot: 150, 17th District, Fulton County, Georgia
Owner: The Howard School, Inc. et al.
Applicant: The Howard School, Inc.
By: Nathan V. Hendricks, III Esq., Attorney
NPU-D Council District 9

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

02-O-1270 (5)
U-02-16 An Ordinance by **Zoning Committee** granting a Special Use Permit for a Transfer Station (Section 16-16.005(1)(d)), property located at **72 Milton Avenue, SE**, fronting 456.03 feet on the northeasterly side of Milton Avenue beginning approximately 350 feet southeasterly from the northeast corner of Hank Aaron Drive.

Depth: Varies
Area: 6.288 Acres
Land Lot: 55, 14th District, Fulton County, Georgia
Owner: Lawrence Smith Planing Mill, Inc. et al.
Applicant: Federal Road Transfer Stations, LLC
By: Douglas Dillard, Esq., Attorney
NPU-V Council District 1

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (4)
DEBI STARNES, CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

02-O-1271 (6) An Ordinance by **Zoning Committee** granting a Special Use
U-02-17 Permit for a Rehabilitation Center (Section 16-6.005(1)(g)),
property located at **1301 Monroe Drive, NE/678 Courtenay
Drive, NE/690 Courtenay Drive, NE**, fronting approximately
383.87 feet on the northwesterly side of Courtenay Drive
beginning 173.6 feet southwesterly from the northwest corner of
Middlesex Drive. Property also fronts approximately 405 feet on
the east side of Monroe Drive. Property also fronts 25 feet and 55
feet on the northside of Amsterdam Avenue.

Depth: Varies
Area; 13.2502 Acres
Land Lot: 52, 17th District, Fulton County, Georgia
Owner: Hillside, Inc.
Applicant: Same
By: Carl E. Westmoreland, Jr., Esq., Attorney
NPU-F Council District 6

**REFERRED TO ZONING REVIEW BOARD AND ZONING
COMMITTEE WITHOUT OBJECTION**

02-O-1275 (7) An Ordinance by **Zoning Committee** to correct Ordinance Z-01-
42 (01-O-1099), adopted by City Council November 19, 2001 and
approved by Operation of Law November 28, 2001, rezoning from
R-4 (Single-Family Residential) District to the R-4B-C (Single-
Family Residential-Conditional) District, property located at **Mt.
Gilead Place, SW**, so as to correct the Zoning Designation shown
in Section 1 of said Ordinance to which said property is to be
rezoned; and for other purposes.

**REFERRED TO COMMITTEE ON COUNCIL WITHOUT
OBJECTION**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

Attendance at the July 10, 2002 meeting of the Finance/Executive Committee was as follows:

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

Absent: None

ORDINANCES FOR SECOND READING

02-O-0565 (1) An Ordinance and Charter Amendment by **Councilmembers H. Lamar Willis, Mary Norwood and Ceasar C. Mitchell** adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965 Official Code of Georgia Section 36-35-1, et seq., as amended, so as to amend the Charter of the City of Atlanta, Georgia 1996 Ga. Laws p. 4469, et seq., by amending Section 3-505 to exempt retired sworn public safety personnel from the one-year limitation of temporary employment; to repeal conflicting ordinances; and for other purposes.

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

02-O-1260 (2) An Ordinance by **Councilmember Jim Maddox** amending the 2002 (1994, 1996 and 1997 Referendum General Obligation Bond Fund) Budget in the amount of \$3,058,122.14 for FC-7237-00B, Campbellton Road Phase II Widening Project, Change Order 1; and for other purposes.

Chairperson Moore sounded the caption to the above item and stated it was forwarded from committee with No Recommendation. Councilmember Moore then offered a Substitute to 02-O-1260. It was Seconded by Councilmember Starnes and the Motion to bring forth the Substitute was CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before the Council. An extensive discussion ensued, during which, Council deferred the item to later in the meeting. Returning back to the ordinance, along with Resolution 02-R-1302, Councilmember Moore made a Motion to enter Committee of the Whole to discuss both (02-O-1260 and 02-R-1302). It was Seconded by Councilmember Fauver and Without Objection the Motion CARRIED.

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

ORDINANCES FOR SECOND READING (CONT'D)

02-O-1260 (2)
(Cont'd) An Ordinance by **Councilmember Jim Maddox** amending the 2002 (1994, 1996 and 1997 Referendum General Obligation Bond Fund) Budget in the amount of \$3,058,122.14 for FC-7237-00B, Campbellton Road Phase II Widening Project, Change Order 1; and for other purposes.

COMMITTEE OF THE WHOLE

In Committee of the Whole, Councilmember Moore offered an Amendment to “insert in the first transfer to section, the line 1C33 774001 M22F013992BA Howell Mill Road Widening \$9,787.21. Delete 1C33 792001 T11X023192BA Restricted Reserve \$263,361.94 and insert in lieu thereof 1C33 792001 T11X023192BA Restricted Reserve \$253,574.13.”It was properly Seconded and the Moore Amendment CARRIED by a unanimous roll call vote of 15 yeas; 0 nays. Subsequently, the Motion to Adopt on Substitute as Amended CARRIED by a unanimous roll call vote of 15 yeas; 0 nays. Following, Chairperson Moore made a Motion to exit Committee of the Whole, properly Seconded the Motion CARRIED by a unanimous roll call vote of 15 yeas; 0 nays.

REGULAR SESSION

During Regular Session, Chairperson Moore made a Motion to Adopt on Substitute as Amended. It was properly Seconded and the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. After the vote, Councilmember Boazman stated his vote did not record. Therefore, Councilmember Maddox, who voted on the prevailing side, made a Motion to Reconsider 02-O-1260. It was properly Seconded and the Motion to Reconsider CARRIED by a roll call vote of 14 yeas; 0 nays. The ordinance was before the Council. Councilmember Maddox was recognized and made a Motion to Adopt on Substitute as Amended. It was properly Seconded and the Motion 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)

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

RESOLUTION

02-R-1302 (1) A Resolution by **Committee of the Whole as Amended by Full Council** authorizing the Mayor to execute Change Order 1 with The Lions Group, Inc. for FC-7237-00, Campbellton Road in an amount not to exceed \$3,048,334.93; all contracted work shall be charged to and paid from Fund, Account and Center Numbers: 1C33 574001 M22F013192BA, \$465,143.19, 1C37 574001 M22F013192BA, \$2,241,380.63, 1C39 574001 M22F013192BA, \$341,811.11; and for other purposes.

Councilmember Moore made a Motion to enter Committee of the Whole to discuss both (02-R-1302 and 02-O-1260). It was Seconded by Councilmember Fauver and Without Objection the Motion CARRIED.

COMMITTEE OF THE WHOLE

In Committee of the Whole, Chairperson Moore read the caption to the above item. An extensive discussion ensued, during which, Councilmember Moore offered an Amendment to 02-R-1302 to add in the caption "The Lions Group, Inc." Without Objection, the Moore Amendment was accepted as a Friendly Amendment. Following, Councilmember Young was recognized and Called the Question. The Motion of the Question was then CARRIED by Voice Vote. After which, Councilmember Moore made a Motion to approve as amended. It was Seconded by Councilmember Maddox and the Motion to Adopt as Amended CARRIED by a roll call vote of 14 yeas; 1 nay. Following, Chairperson Moore made a Motion to exit Committee of the Whole, properly Seconded the Motion CARRIED by a unanimous roll call vote of 15 yeas; 0 nays.

REGULAR SESSION

During Regular Session, Chairperson Moore made a Motion to Adopt as Amended. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 1 nay.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS;
1 NAY**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

ITEM REMOVED FROM CONSENT AGENDA

02-R-1278 (1) A Resolution by **Finance/Executive Committee** authorizing the Mayor to purchase land from the Trust for Public Land in the Ardmore Park Neighborhood adjacent to existing Ardmore Park, to accept grant proceeds funded by the Arthur M. Blank Family Foundation to defray a portion of the purchase price for said land, and to dedicate said land as an open greenspace in perpetuity for the residents of the City of Atlanta; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Muller. Chairperson Moore was recognized and made a Motion to bring forth a Substitute. It was properly Seconded and Without Objection the Substitute was before the Council. Councilmember Muller was then recognized and offered a Friendly Amendment to change the Center Number. The Muller Friendly Amendment was accepted Without Objection. 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

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (1)
ANNE FAUVER, CHAIR

Attendance at the July 15, 2002 meeting of the Committee on Council was as follows:

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

Absent: None

COMMUNICATIONS

The following items (1 – 7) were taken as a collective vote.

02-C-1236 (1) A Communication by **Mayor Shirley Franklin** appointing Ms. Deborah D. Jensen to serve as a member of the Municipal Market Board of Directors of the City of Atlanta for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Favorable by Community Development/Human Resources Committee 7/09/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-C-1237 (2) A Communication by **Mayor Shirley Franklin** appointing Ms. Patrice D. Russell to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Favorable by Public Safety and Legal Administration Committee, 7/9/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-C-1238 (3) A Communication by **Mayor Shirley Franklin** appointing Ms. Joy Barnes to serve as a as a member of the License Review Board for the City of Atlanta for a period of two years, scheduled to begin on the date of Council confirmation. **(Favorable by Public Safety and Legal Administration Committee, 7/9/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-C-1242 (4) A Communication by **Mayor Shirley Franklin** appointing Mr. Cecil Phillips to serve as a member of the Atlanta Housing Authority Board of Commissioners for a term of five (5) years, scheduled to begin on the date of Council confirmation. **(Favorable by Community Development/Human Resources Committee, 7/09/02)**
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-1161 (5) A Communication by **Mayor Shirley Franklin** appointing Ms. Joyce M. Sheperd to serve as a member of the Citizens Service Planning Review Commission. This appointment is for a staggered term of one-to-three (1-3) years to be subsequently determined, and is scheduled to begin on the date of Council confirmation. **(Forward without recommendation by Finance/Executive Committee, 6/26/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-C-1163 (6) A Communication by **Mayor Shirley Franklin** appointing Ms. Lynda P. Cotton to serve as a member of the Citizens Service Planning Review Commission. This appointment is for a staggered term of one-to-three (1-3) years to be subsequently determined, and is scheduled to begin on the date of Council confirmation. **(Forward without recommendation by Finance/Executive Committee, 6/26/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

02-C-1165 (7) A Communication by **Mayor Shirley Franklin** appointing Ms. Shawnalea Garvin-Campbell to serve as a member of the Citizens Service Planning Review Commission. This appointment is for a staggered term of one-to-three (1-3) years to be subsequently determined, and is scheduled to begin on the date of Council confirmation. **(Forward without recommendation by Finance/Executive Committee, 6/26/02)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

ORDINANCES FOR SECOND READING

02-O-1234 (1) A **Substitute** Ordinance by **Committee on Council** to amend the 2001 City of Atlanta Precinct and Polling Places in Precincts 1C1, 1C2, 1E1, 1E2, 1J, 1P, 1R, 2A, 2B, 2C, 2E, 2F 2P, 2W, 2X, 3N, 4B1, 4B2, 4D, 4X2, 6J, 7A, 7B, 7C, 7E, 7F, 7G, 7N, 8B, 8C, 8D, 8E, 8L, 9J, 9J1, 9J2, 9K, 9L, 9N, 10A, 10B, 10H, 10M1, 10M2, 10R, 11A, 11B, 11C, 11C2, 11D, 11E, 11H, 12C, 12D, 12E, 12F, 12E1, 12E2, 12H, 12U by creating, renaming, combining, re-designating, splitting, and/or eliminating Precincts 1C, 1C1, 1C2, 1E1, 1E2, 1E, 2A, 2A1, 2A2, 2H, 2W, 2W1, 2W2, 3N, 3N1, 3N2, 4B1, 4B2, 4B, 6S, 7E1, 7E2, 7L, 7N, 7N1, 7N2, 8N 8S, 8T, 9J, 9J1, 9J2, 11A, 11A1, 11A2, 11C, 11C1, 11C2, 11E, 11E1, 11E2, 12C, 12C1, 12C2, 12E1, 12E2, 12E3.
ADOPTED SUBSTITUTE BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (3)
ANNE FAUVER, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

O2-O-1235 (2) A **Substitute** Ordinance by **Committee on Council** to authorize the Mayor to enter into a contract with Fulton County to conduct a Special Election for the City of Atlanta to be held on August 20, 2002 to approve or not approve a Homestead Exemption from certain City of Atlanta Ad Valorem Taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for certain residents who are 65 years of age or older and whose annual household income does not exceed \$39,000.00; and for other purposes.

The above Ordinance does state in the body of the legislation that the governing authority of the City, the Atlanta City Council, in accordance with Section 21-2-70.1(b) of the State of Georgia Elections Code does hereby appoint the Fulton County Board of Registration and Elections with the Fulton County Department of Registration and Elections acting as its agent as the Municipal Election Superintendent for the 2002 City of Atlanta Special Municipal Election to be held in conjunction with the state-wide General Primary Election on August 20, 2002, and that said appointment shall be recorded in the minutes of the Council's meeting, whereby this ordinance is adopted.

**ADOPTED SUBSTITUTE BY A UNANIMOUS ROLL CALL VOTE
OF 15 YEAS; 0 NAYS**

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (1)
CLAIR MULLER, CHAIR

Attendance at the July 09, 2002 meeting of the City Utilities Committee was as follows:

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

Absent: Councilmember Shook

ORDINANCES FOR SECOND READING

02-O-0664 (1) An Ordinance by **Councilmembers Debi Starnes and Anne Fauver as Substituted by City Utilities Committee** to amend the City of Atlanta Code of Ordinances by establishing and adopting a new Article VIII of Chapter 138 entitled "Bicycle Racks Within The City Right-Of-Way"; and for other purposes. **(Referred back by Council 7/1/02)**
FILED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Pro-Temp Cleta Winslow Presided

02-O-0900 (2) An Ordinance by **Councilmember Clair Muller** authorizing the Mayor to execute a Change of Control Agreement between the City of Atlanta, MediaOne of Colorado, Inc., an indirect subsidiary of AT&T Corp. and AT&T Comcast Corporation, whereby the City will consent to the change of control of the cable franchise from AT&T Corp. to AT&T Comcast Corporation. **(Public Hearings held 05/28/02 and 6/25/02)**

Chair Muller read the caption to 02-O-0900 and stated it was forwarded from committee with No Recommendation. Chair Muller then offered an Amendment to delete Section 2 in its entirety and replace with a new Section 2 with a list of conditions. It was properly Seconded and a discussion ensued. Following, the Muller Amendment CARRIED by a unanimous roll call vote of 15 yeas; 0 nays. Thereafter, the Motion to Adopt as Amended CARRIED by a unanimous roll call vote of 15 yeas; 0 nays.

ADOPTED AS AMENDED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (2)
CLAIR MULLER, CHAIR

RESOLUTIONS

02-R-1151 (1) A Resolution by **Councilmember Derrick Boazman** recommending disapproval by the City of Atlanta of the proposed Change of Control Agreement between the City of Atlanta, MediaOne of Colorado, Inc., and indirect subsidiary of AT&T Corp.; recommending disapproval of FCC Form 394; rescinding conflicting resolutions; and for other purposes.

The above item was forwarded with No Recommendation from committee. However, Councilmember Boazman requested the item be Filed. Councilmember Muller, as prerogative as Chair, made that Motion. Without Objection, the Motion CARRIED by a unanimous roll call vote of 15 yeas; 0 nays.

FILED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS

02-R-1246 (2) A Resolution by **City Utilities Committee** authorizing the Mayor or her designee to enter into an agreement with Norfolk Southern Corporation for the purpose of obtaining acceptable engineering and construction documents for replacement of Roxboro Road Underpass on behalf of the Department of Public Works, in an amount not to exceed \$202,434.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2J26 573001 M23F012992BA.

The above item was forwarded from committee with No Recommendation. Chair Muller stated the Account Numbers listed in the legislation are incorrect, therefore, made a Motion to Refer 02-R-1246 back to the City Utilities Committee. Without Objection, the Motion 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

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

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

Attendance at the July 09, 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-O-0851 (1) An Ordinance by **Councilmembers Cleta Winslow and Mary Norwood as Amended by Community Development/Human Resources Committee** adopting the 2003 City of Atlanta Comprehensive Development Plan; and for other purposes. (3rd Reading, Final Adoption)

The above item was forwarded from committee with No Recommendation as Amended. Councilmember Winslow, as prerogative as Chair, made a Motion to Adopt as Amended. It was Seconded by Councilmember Boazman and a discussion ensued, during which, the Motion to Adopt as Amended CARRIED by a roll call vote of 11 yeas; 3 nays.

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

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (1)

CEASAR C. MITCHELL, CHAIR

Attendance at the July 09, 2002 meeting of the Public Safety and Legal Administration Committee was as follows:

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

Absent: Councilmembers Archibong, Winslow and Shook

The Standing Committee of Public Safety and Legal Administration had no report.

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (1)

H. LAMAR WILLIS, CHAIR

Attendance at the July 10, 2002 meeting of the Transportation Committee was as follows:

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

Absent: Councilmember Shook

ORDINANCE FOR SECOND READING

02-O-1108 (1) A **Substitute #2** Ordinance by **Transportation Committee** amending the 2002 (Airport Renewal & Extension Fund) Budget by transferring to and from appropriations the amount of \$39,988,850.00 to adjust for funding omitted from the Aviation Section of the 2002 Adopted Budget; and for other purposes.
ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

RESOLUTIONS

02-R-1123 (1) A Resolution by **Transportation Committee** increasing the Compensation Limit for International Aviation Consultants, LLC, under Contract FC-7068-99, Program Management Services for the Hartsfield Development Program during the third year of the term from February 1, 2002, through January 31, 2003, pursuant to the terms and conditions of the Contract, in an additional amount not to exceed \$5,000,000.00 to be charged to and paid from Fund, Account and Center Number: 2H21 524001 R21E01219999; and for other purposes.

The above item was forwarded with No Recommendation from committee. Councilmember Willis, as prerogative as Chair, made a Motion to Table. Without Objection, the Motion CARRIED by a tie roll call vote of 7 yeas; 7 nays. However, Councilmember Woolard voted in the affirmative to record the vote as 8 yeas; 7 nays. After the end of the report, Councilmember Martin made a Motion to remove 02-R-1123 from the Table. It was Seconded by Councilmember Maddox. Councilmember Woolard then pose a question to Acting City Attorney Ross Ruebens-Newell to see if Councilmember Martin's Motion was in order. After discussion and response

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (2)

H. LAMAR WILLIS, CHAIR

RESOLUTIONS (CONT'D)

02-R-1123 (1)
(Cont'd)

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

from Acting City Attorney Ruebens-Newell, Council President Woolard ruled that Councilmember Martin's Motion to remove from the Table was in order. Thereafter, the call of the vote was CARRIED by a roll call of 8 yeas; 7 nays. The resolution was before the Council. Councilmember Maddox was recognized and made a Motion to enter Committee of the Whole. It was Seconded by Councilmember Boazman and the Motion CARRIED by a roll call vote of 10 yeas; 5 nays.

COMMITTEE OF THE WHOLE

In Committee of the Whole, An extensive discussion ensued, during which, Councilmember Moore Called the Question but withdrew in order for other Councilmembers to speak on the legislation. After which, Councilmember Martin Called the Question and the Motion CARRIED by Voice Vote. Councilmember Willis then made a Motion to Exit Committee of the Whole. It was properly Seconded and CARRIED Without Objection.

REGULAR SESSION

During Regular Session, Chairperson Willis made a Motion to Refer 02-R-1123 back to the Transportation Committee for a two-week time certain. It was properly Seconded and the Motion FAILED by a roll call vote of 4 yeas; 10 nays. Councilmember Martin was recognized and made a Motion to Adopt. It was properly Seconded and the Motion CARRIED by a roll call vote of 11 yeas; 3 nays.

ADOPTED BY A ROLL CALL VOTE OF 11 YEAS; 3 NAYS

Council President Cathy Woolard Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (3)
H. LAMAR WILLIS, CHAIR

RESOLUTIONS (CONT'D)

02-R-1218 (2) A Resolution by **Transportation Committee** giving consent and approval of the Sublease between Bank of America, N. A., as Landlord and Aviation Consulting Engineering (ACE) a Joint Venture of Williams-Russell and Johnson, Inc., Bechtel Infrastructure Corporation and Delon Hampton & Associates, Chartered, as tenant, for a portion of that building, known as the Loop Road Building, located at 1075 Inner Loop Road, in Clayton County, City of College Park, Georgia; authorizing the Aviation General Manager to execute an appropriate instrument evidencing such consent and approval of behalf of the City of Atlanta, the Ground Lease Landlord; and for other purposes.

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

ADOPTED 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-1284 (1) A Resolution by **Councilmembers Carla Smith and Debi Starnes** authorizing the City Attorney to file a complaint for an injunction against Gregory Stalls, Melvin Stalls Peoplestown Parking, Inc. for an illegal park-for-hire lot operated by them at 866-872 Washington Street, Atlanta, Georgia; and for other purposes.

Councilmember Smith made a Motion to Adopt the above resolution. It was Seconded by Councilmember Starnes and an extensive discussion ensued, during which, Councilmember Young Called the Question. The Motion of the Question was CARRIED by Voice Vote. Subsequently, the Motion to Adopt CARRIED by a roll call vote of 10 yeas; 1 nay.

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

02-R-1285 (2) A Resolution by **Councilmember H. Lamar Willis** authorizing the interim City Attorney to execute an amended retainer agreement 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 transactions (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 in an amount not to exceed \$150,000; to rescind Resolution 02-R-0974; and for other purposes.

Councilmember Willis made a Motion to Adopt 02-R-1285. It was properly Seconded and a brief discussion ensued. Following, the Motion to Adopt CARRIED by a roll call vote of 10 yeas; 1 nay; 1 abstention.

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

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

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/ADOPTED (CONT'D)

02-R-1286 (3) A Resolution by **Councilmembers Debi Starnes, Anne Fauver, Derrick Boazman, Mary Norwood, Ceasar Mitchell, Ivory Lee Young, Jr., Natalyn Archibong, Clea Winslow, Howard Shook and H. L. Willis** to authorize the City of Atlanta to accept from Midtown Alliance the donation of forty bicycle racks and their installation in the public right-of-way in various designated places within the City, at no cost to the City; and for other purposes.

Councilmember Starnes made a Motion to Adopt the above item. It was properly Seconded and CARRIED by a roll call vote of 9 yeas; 0 nays.

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

ORDINANCES/REFERRED

02-O-1282 (1) An Ordinance by **Councilmember Howard Shook** amending the 2002 (1994 General Government Capital Outlay Fund) Budget in the amount of \$204,434.00 as a part of the City of Atlanta's obligation to provide for construction services Roxboro Road Widening; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

02-O-1287 (2) An Ordinance by **Councilmember Anne Fauver** to waive Section 150-207 of the Code of Ordinances of the City of Atlanta so as to allow roller skating in the streets of Atlanta October 4, and October 6, 2002 for the 21st Annual Athens-To-Atlanta Road Skate; and for other purposes.

REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION

02-O-1289 (3) An Ordinance by **Councilmember Ivory Lee Young, Jr.** to amend Section 29 (a) of Section 8-2181 of the Code of Ordinances of the City of Atlanta, Georgia (The Atlanta Housing Code) so as to require that when a vacant, burned or otherwise damaged or deteriorated dwelling has been boarded, corrective action to bring the dwelling into full compliance with the Atlanta Housing Code shall begin within thirty (30) days after the dwelling has been boarded and shall be completed within a period of six (6) months from the date of the boarding; to provide that this amendment shall be retroactive; to repeal conflicting ordinances; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

Council President Cathy Woolard Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

02-O-1290 (4) An Ordinance by **Councilmember Ivory Lee Young, Jr.** to amend Section 8-2100 (The Atlanta Commercial, Institutional, and Industrial Building Maintenance Code) of the Code of Ordinances of the City of Atlanta Georgia so as to change the number of resident complainants required to cause an inspection of any building or structure in the City of Atlanta, from at least five (5), to one (1) or more; to repeal conflicting ordinances; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1291 (5) An Ordinance by **Councilmember Ivory Lee Young, Jr.** to amend Section 8-2095 (2) g. 3 of the Code of Ordinances of the City of Atlanta, Georgia (The Atlanta Commercial, Institutional, and Industrial Building Maintenance Code, hereinafter, "The Code") so as to require that when a vacant, burned or otherwise damaged or deteriorated building or structure has been boarded, corrective action to bring the building or structure into full compliance with the Code shall begin within thirty (30) days after the building or structure has been boarded and shall be completed within a period of six (6) months from the date of the boarding; to provide that this amendment shall be retroactive; to repeal conflicting ordinances; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

02-O-1292 (6) An Ordinance by **Councilmember Debi Starnes** to amend the Code of Ordinances, City of Atlanta, Georgia, Chapter 10, Article II, Division 5, Section 10-207, so as to make Section 10-207 applicable to lessees of premises licensed for the sale of alcoholic beverages; and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

02-O-1293 (7) An Ordinance by **Councilmember Debi Starnes** 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 Atlanta Falcons; 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-1294 (8) An Ordinance by **Councilmember Debi Starnes** authorizing the Commissioner of Public Works, on behalf of the Mayor, to waive Paragraph 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 Atlanta Beat; and for other purposes.

REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

02-O-1295 (9) An Ordinance by **Councilmember Debi Starnes** to amend Article II, Division 1, Section 130-37(b) of the Code of Ordinances of the City of Atlanta, so as require Multi-Family Complexes to contract with private haulers for pickup of bulky items that cannot be placed in the designated dumpsters; and for other purposes.

REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

02-O-1296 (10) A Charter Amendment Ordinance by **Councilmember Felicia A. Moore** an Ordinance and Charter Amendment adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965, 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 so as to authorize the reemployment of retirees under certain circumstances; to repeal conflicting ordinances; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

02-O-1297 (11) An Ordinance by **Councilmember Carla Smith** to amend Section 150-97 of the City of Atlanta Code of Ordinances so as to prohibit a truck or bus from idling for more than fifteen (15) minutes on any street or public place; and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

02-O-1298 (12) An Ordinance by **Councilmembers Howard Shook and Anne Fauver** amending the 2002 (Intergovernmental Grant Fund) Budget, Atlanta City Council, by adding to anticipations and appropriations in the amount of \$20,000.00 from the Governor's Office of Community Affairs Emergency Fund Grant for the City of Atlanta, Atlanta City Council, to assist with program expenses for software upgrades and licensing; to authorize the Mayor to sign all necessary grant agreements; 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-1300 (13) An Ordinance by **Councilmembers Anne Fauver and Howard Shook** amending the 2002 (Intergovernmental Grant Fund) Budget Department of the Mayor, by adding to anticipations and appropriations in the amount of \$23,973,00 from the Governor's Office of Community Affairs Emergency Fund Grant for the City of Atlanta Mayor's Office of Constituent Services to assist with program expenses for software upgrades and licensing; to authorize the Mayor to sign all necessary grant agreements; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

RESOLUTIONS/REFERRED

- 02-R-1283 (1) A Resolution by **Councilmember Debi M. Starnes** authorizing the Atlanta Police Department Zone 6 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.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 02-R-1288 (2) A Resolution by **Councilmember Natalyn Archibong** authorizing the Mayor or designee to approve a notice to proceed with Jordan, Jones and Goulding Inc.,/Engineering Design Technologies, Inc., - JV for FC-6710-96D, annual contract for architectural and engineering services to provide architectural/engineering services for Boulevard Drive/Kirkwood Drive Streetscapes on behalf of the Department of Planning, Development and Neighborhood Conservation in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00); all contracted work shall be charged to and paid from Fund, Account and Center Numbers: 1B01 574001 M22Q0277A59B.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 02-R-1299 (3) A Resolution by **Councilmembers Clair Muller and Derrick Boazman** recognizing the cable franchisee's obligation to adhere to the Federal Communications Commission Customer Service Standards when providing cable services to the Citizens of Atlanta.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

ADJOURNMENT

Council President Cathy Woolard Presided

ADJOURNMENT

There being no further business to discuss the July 15, 2002 meeting of the Atlanta City Council was adjourned at 8:07 p.m.

ADJOURNMENT ROLL CALL: Council President Cathy Woolard (1); Councilmembers Smith, Starnes, Young, Winslow, Shook, Moore, Maddox, Boazman, Mitchell, Norwood and Willis (11); Councilmembers Archibong, Fauver, Muller and Martin did not record their votes (4).