

# ATLANTA CITY COUNCIL

## ACTION/MINUTES

### JANUARY 06, 2003

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, January 06, 2003. The Meeting convened at 1:08 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

**PRESIDER:** The Honorable Cathy Woolard, Council President presided. The Honorable Felicia A. Moore, Council President Pro-Temp and The Honorable Jim Maddox, Acting Council President Pro-Temp presided a portion of the meeting.

**Attendance:**

The following (15) voting members were present at the Meeting:

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

**INVOCATION:** Chaplain Lewis of the Chaplaincy Core 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 December 02, 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 January 06, 2003 meeting was ADOPTED without objection.

# **COMMUNICATIONS**

Council President Cathy Woolard Presided

**COMMUNICATIONS**

03-C-0052 ( 1) A Communication by **Councilmember C. T. Martin** appointing Mrs. Henrietta Antoinin to serve as a member of the Atlanta Commission on Women Board of 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 COMMITTEE ON COUNCIL WITHOUT OBJECTION**

**The following items (03-C-0053 and 03-C-0054) were taken as a collective vote.**

03-C-0053 ( 2) A Communication by **Mayor Shirley Franklin** re-appointing Councilmember Ceasar Mitchell to serve as a member of the Budget Commission of the City of Atlanta. This appointment is for a term of one (1) year.

**There was a Motion to Confirm the above communication. It was properly Seconded and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.**

**CONFIRMED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

03-C-0054 ( 3) A Communication by **Mayor Shirley Franklin** re-appointing Councilmember Debi Starnes to serve as a member of the Budget Commission of the City of Atlanta. This appointment is for a term of one (1) year.

**There was a Motion to Confirm the above communication. It was properly Seconded and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.**

**CONFIRMED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

03-C-0055 ( 4) A Communication by **Felicia Strong-Whitaker**, Director for the Bureau of Purchasing and Real Estate submitting the monthly contract status report for November 2002 to the Atlanta City Council and Clerk of Council in accordance with Section 2-1142 of the Code of Ordinances for the City of Atlanta.

**FILED WITHOUT OBJECTION**

03-C-0056 ( 5) A Communication by **Councilmember Felicia A. Moore** submitting written notification of her abstention on voting on the recompense fee of the Tree Ordinance, legislation 02-O-1039.

**FILED WITHOUT OBJECTION**

# **VETOED LEGISLATION**

**Council President Cathy Woolard Presided**

**VETOED LEGISLATION**

**NONE**

# **UNFINISHED BUSINESS**

Acting Council President Pro-Temp Jim Maddox Presided

**UNFINISHED BUSINESS**

02-R-2124 ( 1) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to execute an appropriate contractual agreement for FC-5717-02, Food Services for the City of Atlanta Detention Center (RFP), a Joint Procurement with Fulton County, with Trinity Services Group, Inc., a Division of Compass Group in an amount not to exceed \$1,577,968.00 to furnish all food, labor, materials and supplies necessary to provide food services to inmates on behalf of the Department of Corrections; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1A01 524001 I21003.

**At the Regularly Scheduled meeting of the Atlanta City Council held on December 02, 2002, Councilmember Boazman served notice to reconsider 02-R-2124 at this meeting. During this meeting, Councilmember Boazman made a Motion to Reconsider. It was properly Seconded and a brief discussion ensued. Following, the Motion to Reconsider CARRIED by a roll call vote of 8 yeas; 4 nays. The item was before Council. After which, Councilmember Moore made a Motion to discuss the above resolution with the Public Safety and Legal Administration committee report. The Motion CARRIED Without Objection. During the Public Safety and Legal Administration Committee report, Councilmember Moore offered an Amendment to reflect the correct amount of money to "\$150,000.00." It was properly Seconded and the Moore Amendment CARRIED by a roll call vote of 11 yeas; 0 nays. Following, the Motion to Adopt as Amended CARRIED by a roll call vote of 12 yeas; 0 nays.**

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

**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-O-1853, 02-R-1770, 02-R-2007 and 02-R-2056 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: **11 Yeas:** *Councilmembers Smith, Starnes, Winslow, Archibong, Fauver, Shook, Moore, Martin, Maddox, Boazman, and Norwood* **0 Nays.**

**SECTION I**

**ORDINANCES FOR SECOND READING**

**CITY UTILITIES COMMITTEE**

**CLAIR MULLER, CHAIR**

02-O-2008 ( 1)      A **Substitute** Ordinance by **City Utilities Committee** authorizing the Mayor to enter into an agreement with the Metropolitan North Georgia Water Planning District and to make payments on a per capita basis to fund the activities of the District.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

02-O-2071 ( 2)      An Ordinance by **City Utilities Committee** amending the 2001 (Water and Sewer Bond Construction Fund) Budget in the amount of \$1,262,000.00 for Professional Services for Greenway Acquisition costs related to the Supplemental Environmental Program under the Combined Sewer Overflow Consent Decree; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

02-O-2175 ( 3)      An Ordinance by **Councilmembers Anne Fauver and Clair Muller** amending the City of Atlanta Code of Ordinances by replacing any reference to “Sanitary Service Charge (s)” with “Solid Waste Service Charge (s)” wherever it occurs; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 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**

**FELICIA A. MOORE, CHAIR**

02-O-1853 ( 4) An **Amended** Ordinance by **Finance/Executive Committee** amending Chapter 110, Parks and Recreation of the Code of Ordinances, Article I, Section 110.3(A)(2), Fee Schedule specifically to reflect newly revised, increased fee schedules for the Department of Parks, Recreation and Cultural Affairs, Bureau of Cultural Affairs by increasing fees and creating new fees for the Chastain Arts and Crafts Gallery; by creating a Subsection 110.3(A)(2A) for the purpose of creating fees for the Southeast Arts Center; all revenues derived from these fees shall be deposited into the Consolidated Arts Trust Account Number 3P02 464101 N41S0608QNA0 and expended from Trust Account Number 3P02 524001 N41S0608QNA0, on behalf of the Department of Parks, Recreation and Cultural Affairs; and for other purposes.

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

**SEE FINANCE/EXECUTIVE COMMITTEE REPORT**

02-O-2170 ( 5) An Ordinance by **Councilmember Ceasar C. Mitchell as Substituted and Amended by Finance/Executive Committee** to rescind Ordinance 00-O-0590 adopted by City Council on June 5, 2000 and approved by the Mayor on June 13, 2000 in order to correct anticipations and appropriations decreasing the amount by \$50,000.00; and for other purposes.

**ADOPTED SUBSTITUTE AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

02-O-2171 ( 6) An Ordinance by **Councilmember Ceasar C. Mitchell as Substituted and Amended by Finance/Executive Committee** to reduce the 2001 (Intergovernmental Grant Fund) Budget by decreasing anticipations and appropriations in the amount of \$50,000.00.

**ADOPTED SUBSTITUTE AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 11 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-2024 ( 7) An Ordinance by **Transportation Committee** amending the 2002 (Airport Renewal and Extension Fund) and the (2000 Airport Revenue Bond Fund) Budgets by transferring to and from appropriations the amount of \$1,788,175.00 to provide adequate and proper funding for the Automated Guideway Transit (AGT) Tube Smoke Removal System Modifications' Project (FC-7501-02) at the Hartsfield Atlanta International Airport.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

02-O-2172 ( 8) An Ordinance by **Councilmember Carla Smith** authorizing the Mayor or her designee to make segments of the following streets within the City of Atlanta, Residential Permit Parking Only: 9:00 a.m. – 7:00 p. m., Monday – Friday: Fraser Street, SE, Fulton Street, SE, Hammock Place, SE, Martin Street, SE, Reed Street, SE and Richmond Street, SE

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

Council President Cathy Woolard Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS**

**CITY UTILITIES COMMITTEE**

**CLAIR MULLER, CHAIR**

02-R-2007 ( 1) A Resolution by **City Utilities Committee** authorizing the Mayor or designee to approve a Notice to Proceed with CH2M Hill, Inc./TOC, Inc., - JV for FC-6710-96A, Annual Contract for Architectural and Engineering Services to provide additional Construction Management Services for the Infrastructure Sewer Capital Projects on behalf of the Department of Public Works in an amount not to exceed \$2,428,460.00; all contracted work shall be charged to and paid from Fund, Account and Center Numbers: 1C33 524001 M24I014892BB (\$211,981.32); 1C37 524001 M24I014892BB (\$705,558.68) and 2J26 573001 M24I02239999 (\$1,510,920.00).

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

**SEE CITY UTILITIES COMMITTEE REPORT**

02-R-2056 ( 2) A Resolution by **City Utilities Committee** establishing the compensation limits for US Infrastructure, Inc. for Contract FC-7259-00, Professional Services for Greenway Acquisition during Phase I of the Contract for January 1, 2003 through December 31, 2003 pursuant to the terms and conditions of the Contract, in an amount not to exceed \$1,262,000.00 to be charged and paid from Fund, Account and Center Number: 2J26 524001 M51I04019999.

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

**SEE CITY UTILITIES COMMITTEE REPORT**

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-1770 ( 3) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to enter into Agreement FC-7096-99A, Wrecker Services for Vehicles over two (2) tons with Southern Towing Services, Inc., for Zones 3, 4, 6 and 7; all work for said contracts shall be paid to Fund, Account and Center Number: Towing 1A01 462316 B00001, Sales Overages: 1A01 469101 B00001.

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

**SEE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE REPORT**

02-R-2130 ( 4) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to apply for and accept funding from the Governor’s Office of Highway Safety in an amount not to exceed \$80,000.00 for the Atlanta Police Department to implement a program to participate in statewide “Click It or Ticket” Safety Belt Enforcement Activities; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

02-R-2157 ( 5) A Resolution by **Public Safety and Legal Administration Committee** authorizing payment in the amount of \$2,772.70 to Brenda Scott in settlement of her claim against the City of Atlanta.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

02-R-2158 ( 6) A Resolution by **Public Safety and Legal Administration Committee** authorizing payment in the amount of \$2,000.00 in settlement of the claim of Billie W. Schell, through her attorney, Ronald L. Hilley against the City of Atlanta.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 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-2159 ( 7) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of the claim of Grady L. Gamble in the amount of \$2,134.00 against the City of Atlanta arising from a sewer backup.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

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

02-R-2186 ( 8) A Resolution by **Finance/Executive Committee** urging the 2003 Georgia General Assembly to support strong anti-predatory lending legislation.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

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

02-R-1964 ( 9) A Resolution by **Councilmember Anne Fauver** requesting that the Department of Public Works perform a traffic and cost analysis, make recommendations on improvements to the Rock Springs Road East Corridor; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

02-R-1965 (10) A Resolution by **Councilmember Anne Fauver** requesting that the Department of Public Works perform a traffic and cost analysis, make recommendations on improvements to the Moreland Avenue Corridor; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

Council President Cathy Woolard Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS (CONT'D)**

**TRANSPORTATION COMMITTEE (CONT'D)**

**H. LAMAR WILLIS, CHAIR**

- 02-R-2067 (11) A **Substitute** Resolution by **Transportation Committee** authorizing the Mayor to execute an appropriate contractual agreement with W. B. Wallis & Company for FC-7501-01, Automated Guideway Transit (AGT) Tube Smoke Removal System on behalf of the Department of Aviation in an amount not to exceed \$3,340,000.00. All contracted work shall be charged to and paid from Fund, Account and Center Numbers: 2H27 574001 R21E010393CG (\$1,670,000.00) and 2H21 574001 R21E01039999 (\$118,175.00).  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**CEASAR C. MITCHELL, CHAIR**

**Claims with Favorable Recommendations:**

- 02-R-2134 (1) Claim of **Doris L. Lassetter**, for damages alleged to have been sustained as a result of an automobile accident on October 7, 2002 at Interstate 75 North Ramp and Jonesboro Road. **\$1,715.91**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2135 (2) Claim of **Dietre Grant Ffrench and Dale F. Grant**, for damages alleged to have been sustained as a result of an automobile accident on April 17, 2002 at 675 Ponce de Leon Avenue NE. **\$1,233.73**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2136 (3) Claim of **Gary Culp and Helen McBride Richter**, for damages alleged to have been sustained as a result of a vehicular accident on August 13, 2002 at 1820 Ponce de Leon Avenue. **\$2,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 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-2137 ( 4)      Claim of **MetLife Auto and Home as subrogee of Carolyn J. Horton**, for damages alleged to have been sustained as a result of a vehicular accident on August 7, 2002 at North Avenue, NE and Parkway Drive, NE.      **\$2,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2138 ( 5)      Claim of **Mary Moss**, for damages alleged to have been sustained as a result of a vehicular accident on March 18, 2002 at Northside Drive and Fair Street.      **\$2,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2139 ( 6)      Claim of **Lewis Durden**, for damages alleged to have been sustained as a result of an automobile accident on March 18, 2002 at Northside Drive and Fair Street.      **\$1,850.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2140 ( 7)      Claim of **Michael Hendrix, through his attorney, John K. Saunders**, for damages alleged to have been sustained as a result of a vehicular accident on February 15, 2002 at 1355 Ralph David Abernathy Boulevard, SW.      **\$2,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2141 ( 8)      Claim of **Donna M. Ajo**, for damages alleged to have been sustained as a result of a vehicular accident on May 17, 2002 at McDonough Boulevard and Milton Avenue.      **\$768.46**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**



Council President Cathy Woolard Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/CLAIMS (CONT'D)**

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

**Claims with Unfavorable Recommendations:**

- 02-R-2142 ( 9)      Claim of **Tim Liao, through his attorney, Paula J. McGill, Esq., the McGill Law Firm, LLC.**, for damages alleged to have been sustained as a result of an excessive use of force incident by Atlanta Police on April 22, 2002 at East Paces Ferry Road and North Druid Hills.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2143 (10)      Claim of **Peni King**, for damages alleged to have been sustained as a result of a tree that had fallen across the street during the Dogwood Festival on April 8, 2002 at Piedmont Park.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2144 (11)      Claim of **Ruby Hill**, for damages alleged to have been sustained from a sewer backup on July 6, 2001 at 1669 Simpson Road, NW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2145 (12)      Claim of **Jeff Muenster**, for damages alleged to have been sustained when a fence was damaged by a tree that fell from City property on May 3, 2002 at 272 Bridgewater Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2146 (13)      Claim of **Yasushi Fukunaga**, for damages alleged to have been sustained as a result of driving over a manhole that was above the surface of the street during a re-paving project on August 7, 2002 at 14<sup>th</sup> and Center Streets, NW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 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-2147 (14) Claim of **Brent M. Runnels & Frances Levine**, for damages alleged to have been sustained due to the City's sewer line that is located underneath the residence at 1035 Austin Avenue on May 8, 2002.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
  
- 02-R-2148 (15) Claim of **Laurie Coggins**, for damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on August 14, 2001 at 2290 Bohler Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
  
- 02-R-2149 (16) Claim of **Vivian L. Baldwin, through her attorney, Robert G. Petix, Jr.**, for damages alleged to have been sustained as a result of property damage during repair and construction of a sewer line between October, 1997 and May, 1998 at 543 Willard Avenue, SW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
  
- 02-R-2150 (17) Claim of **Richard C. Freeman**, for damages alleged to have been sustained as a result of an unpaid attorney's fee due to termination of services in May, 2002.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
  
- 02-R-2151 (18) Claim of **Anne Allouchery, through her attorney, Charles L. Ruffin, Esq.**, for damages alleged to have been sustained from riding a bicycle over the opening of a storm sewer that was negligently constructed on April 18, 2000 at North Avenue and West Peachtree Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 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-2152 (19) Claim of **Kim Killebrew**, for damages alleged to have been sustained as a result of a water meter leak at 719 Buff Drive on June 15, 1999.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2153 (20) Claim of **Dimitriyka Dushkova Stoyanova, her husband and family, through their attorney, Sherrod G. Patterson**, for damages alleged to have been sustained as a result of a vehicular accident on December 30, 2000 at 653 Lindbergh Drive, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2154 (21) Claim of **Demetrius Morgan, through his attorney, Aileen Page**, for damages alleged to have been sustained as a result of a vehicular accident on August 18, 2001 at 3417 Maynard Road, NW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2155 (22) Claim of **Heath Thomas, through his attorney, Robert G. Rubin**, for damages alleged to have been sustained as a result of an arrest on April 29, 2001 at the Marriott Marquis Hotel.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 02-R-2156 (23) Claim of **Jill Harbin**, for damages alleged to have been sustained as a result of vehicular damage due to driving over a pothole on April 13, 2002 at Interstate 285 and Martin Luther King, Jr. Drive.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**CONSENT AGENDA  
SECTION II**

Council President Cathy Woolard Presided

**CONSENT AGENDA**

**SECTION II**

**ORDINANCES FOR FIRST READING**

**CITY UTILITIES COMMITTEE**

**CLAIR MULLER, CHAIR**

- 02-O-2128 ( 1)      An Ordinance by **City Utilities Committee** to exchange certain areas of existing right-of-way and accept the dedication of replacement right-of-way on East Lake Boulevard, SE between Lakeside Village Drive and Memorial Drive necessitated by the realignment of said roadway; and for other purposes.  
**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**

**COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**CLETA WINSLOW, CHAIR**

- 02-O-2129 ( 2)      An Ordinance by **Community Development/Human Resources Committee** amending the 2003 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations an amount of \$231,792.00 which is the one year budget authority authorized by the U.S. Department of Housing and Urban Development (HUD) for the City of Atlanta Section 8 Moderate Rehabilitation Program; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

**TRANSPORTATION COMMITTEE**

**H. LAMAR WILLIS, CHAIR**

- 02-O-2132 ( 3)      An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to make the intersection of Holtzclaw Street, SE, Mauldin Street and Saseen Street an All-Way Stop.  
**REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION**
- 02-O-2133 ( 4)      An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to install Stop Signs at the following intersection: Lavender Drive, NW and Childs Drive.  
**REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION**

# **COMMITTEE REPORTS**

Council President Cathy Woolard Presided

**COMMITTEE REPORTS**

**CITY UTILITIES COMMITTEE (1)**

**CLAIR MULLER, CHAIR**

Attendance at the December 10, 2002 meeting of the City Utilities Committee was as follows:

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

Absent: Councilmember Willis

**ORDINANCE FOR SECOND READING**

02-O-1880 ( 1) An Ordinance by **Councilmember Debi Starnes** to abandon all or portion of the following streets in and around the Georgia Tech Campus – Lamber Street, Strong Street, Techway Drive, Gray Street, McAfee Street, Ponders Avenue, Plum Street and Peachtree Place. **(Public Hearing held 12/10/02)**

**The above item was forwarded with No Recommendation on Condition. Chairperson Muller stated the condition (to enter the value of the abandon streets) has been met, therefore, made a Motion to Adopt. 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**

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**CITY UTILITIES COMMITTEE (2)**  
**CLAIR MULLER, CHAIR**

**ITEMS REMOVED FROM CONSENT AGENDA**

02-R-2056 ( 1)      A Resolution by **City Utilities Committee** establishing the compensation limits for US Infrastructure, Inc. for Contract FC-7259-00, Professional Services for Greenway Acquisition during Phase I of the Contract for January 1, 2003 through December 31, 2003 pursuant to the terms and conditions of the Contract, in an amount not to exceed \$1,262,000.00 to be charged and paid from Fund, Account and Center Number: 2J26 524001 M51I04019999.

**The above item was removed from the Consent Agenda by request of Councilmember Moore. An extensive discussion ensued followed by Chairperson Muller's Motion to Refer 02-R-2056 back to the City Utilities Committee. It was Seconded by Councilmember Boazman and the Motion CARRIED by a roll call vote of 14 yeas; 1 nay.**

**REFERRED TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 1 NAY**



Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**CITY UTILITIES COMMITTEE (3)**  
**CLAIR MULLER, CHAIR**

**ITEMS REMOVED FROM CONSENT AGENDA (CONT'D)**

02-R-2007 ( 2)      A Resolution by **City Utilities Committee** authorizing the Mayor or designee to approve a Notice to Proceed with CH2M Hill, Inc./TOC, Inc., - JV for FC-6710-96A, Annual Contract for Architectural and Engineering Services to provide additional Construction Management Services for the Infrastructure Sewer Capital Projects on behalf of the Department of Public Works in an amount not to exceed \$2,428,460.00; all contracted work shall be charged to and paid from Fund, Account and Center Numbers: 1C33 524001 M24I014892BB (\$211,981.32); 1C37 524001 M24I014892BB (\$705,558.68) and 2J26 573001 M24I02239999 (\$1,510,920.00).

**The above item was removed from the Consent Agenda by request of Councilmember Moore. A discussion ensued, in which, Chairperson Muller made a Motion to Refer 02-R-2007 back to the City Utilities Committee. It was Seconded by Councilmember Moore and discussion continued, during which, Councilmember Muller withdrew her Motion to Refer, like wise, the Second by Councilmember Moore was withdrawn. The original Motion to Adopt was before the Council. Another discussion ensued, followed by Councilmember Moore offering an Amendment to the Caption. It was Seconded by Councilmember Muller and the Moore Amendment CARRIED by a roll call vote of 12 yeas; 1 nay. Thereafter, the Motion to Adopt as Amended CARRIED 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)**

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

Attendance at the December 10, 2002 meeting of the Community Development/Human Resources Committee was as follows:

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

Absent: Councilmembers Archibong, Young and Boazman

**ORDINANCES FOR SECOND READING**

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

02-O-0520 ( 1) An Ordinance by **Community Development/Human Resources Committee** amending the City of Atlanta Tree Protection Ordinance, Article 2 of Chapter 158 of the Atlanta City Code (1995), so as to exempt affordable housing units and economic development projects from recompense fees; and for other purposes. **(Held 4/09/02)**  
**(Work Session held 5/8/02)**

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

02-O-0599 ( 2) An Ordinance by **Community Development/Human Resources Committee** amending the Atlanta Outdoor Festivals Ordinance of 2000 so as to provide that the Commissioner of the Department of Parks, Recreation and Cultural Affairs shall perform the functions presently delegated to the Chief of Staff; and for other purposes. **(Favorable by CD/HR on 4/9/02) (Referred back by Council 5/6/02)**

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

02-O-1039 ( 3) An Ordinance by **Councilmember Carla Smith** waiving the Financial Recompense requirements of the Tree Protection Ordinance in connection with the application of Early Learning Property Management, Inc., for permits to remove trees for construction; and for other purposes.

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

02-O-1147 ( 4) An Ordinance by **Councilmember Carla Smith** waiving the Financial Recompense requirements of the Tree Protection Ordinance in connection with the application of Youth Incorporated, and Atlanta Youth Academies, Inc., for permits to remove trees for construction; and for other purposes.

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

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

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

**ORDINANCES FOR SECOND READING (CONT'D)**

02-O-1777 ( 5)     An Ordinance by **Councilmembers Cleta Winslow and Natalyn Archibong as Amended by Community Development/Human Resources Committee** repealing the Outdoor Festivals Ordinance of 2000 and enacting the Outdoor Festivals Ordinance of 2003; and for other purposes. (Four Work Sessions held on 10/22/02 11/6/02, 11/19/02 and 12/10/02)

The above item was forwarded from committee with No Recommendation as Amended on Condition. Chairperson Winslow stated the Condition has been met. Ms. Winslow made a Motion to bring forth a Substitute. It was properly Seconded and CARRIED by a unanimous roll call vote of 15 yeas; 0 nays. The Substitute was before the Council. A discussion ensued, during which, Councilmember Archibong offered an Amendment in Section 138-201(a). It was properly Seconded and CARRIED by a unanimous roll call vote of 15 yeas; 0 nays. Following, Councilmember Muller offered an Amendment to add a new Section C. It was properly Seconded and an extensive discussion ensued, during which, Councilmember Norwood Called the Question. The Motion of the Question was then CARRIED by Voice Vote. Subsequently, the Muller Amendment CARRIED and FAILED by a roll call vote of 4 yeas; 9 nays. Another discussion ensued, in which, Councilmember Archibong offered Amendment #2 which added information in Paragraph #2. It was properly Seconded and CARRIED by a roll call vote of 12 yeas; 1 nay. After which, Councilmember Fauver offered an Amendment to Appendix 18. It was properly Seconded and Councilmember Starnes was recognized and offered a Friendly Amendment to add the language "but not later than" in the legislation. It was accepted by Councilmember Fauver and a discussion ensued. Following, Councilmemeber Fauver amended her Amendment to add additional language. Another discussion ensued, during which, Councilmember Fauver withdrew her Amendment and Councilmember Norwood withdrew her Second. Councilmember Winslow was then recognized an offered an Amendment regarding the definition of "Outdoor Festival Ordinance." It was properly Seconded and the Winslow

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

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

**ORDINANCES FOR SECOND READING (CONT'D)**

02-O-1777 ( 5)  
(Cont'd)

An Ordinance by **Councilmembers Cleta Winslow and Natalyn Archibong as Amended by Community Development/Human Resources Committee** repealing the Outdoor Festivals Ordinance of 2000 and enacting the Outdoor Festivals Ordinance of 2003; and for other purposes. (Four Work Sessions held on 10/22/02 11/6/02, 11/19/02 and 12/10/02)

**Amendment CARRIED by a roll call vote of 9 yeas; 0 nays. Discussion continued, in which, Council deferred 02-O-1777 to later during the meeting. Resuming back to the above item, Councilmember Fauver was recognized and offered an Amendment which added language to Sections 138-201 and 138-201(a). It was properly Seconded and a brief discussion ensued, during which, Councilmember Starnes offered a Friendly Amendment to add the language “completed application.” It was accepted by Councilmember Fauver, followed by, the Call of the Question by Councilmember Maddox. The Motion of the Question was then CARRIED by Voice Vote. Subsequently, the Fauver Amendment CARRIED by a roll call vote of 12 yeas; 2 nays. After which, Councilmember Boazman Called the Question and the Motion CARRIED by Voice Vote. Consequently, the Motion to Adopt as Amended was CARRIED by a roll call vote of 13 yeas; 1 nay.**

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

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

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

**ORDINANCES FOR SECOND READING (CONT'D)**

02-O-1778 ( 6) An Ordinance by **Councilmembers Cleta Winslow and Howard Shook as Substituted by Community Development/Human Resources Committee** to amend Article II of Chapter 158 of the Code of Ordinances of the City of Atlanta, Georgia (1995), entitled "Tree Protection", so as to adjust the recompense requirements; and for other purposes. **(Public Hearing held 12/10/02)**

**Note: Councilmember Moore served notice of her abstention to the above item due to a potential conflict of interest.**

**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS; 1 ABSTENTION**

**RESOLUTION**

02-R-1895 ( 1) A Resolution by **Councilmember Clair Muller** to amend the operation contract for the Chastain Amphitheater to set a permanent maximum sound level that is allowed to escape from the Amphitheater into the neighborhood; and for other purposes. **(Two Work Sessions held 11/6/02 and 11/19/02)**

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

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

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

Attendance at the December 10, 2002 meeting of the Public Safety and Legal Administration Committee was as follows:

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

Absent: Councilmembers Archibong, Young and Winslow

**ORDINANCE FOR SECOND READING**

02-O-2102 ( 1) An **Ordinance** and **Charter Amendment** by **Councilmember Ceasar C. Mitchell** 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(a) so as to exempt retired personnel from the 520 business day limitation of temporary employment; to repeal conflicting ordinances; and for other purposes.  
**ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS; FOR 3<sup>RD</sup> READING; FINAL ADOPTION**

**ITEM REMOVED FROM CONSENT AGENDA**

02-R-1770 ( 1) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to enter into Agreement FC-7096-99A, Wrecker Services for Vehicles over two (2) tons with Southern Towing Services, Inc., for Zones 3, 4, 6 and 7; all work for said contracts shall be paid to Fund, Account and Center Number: Towing 1A01 462316 B00001, Sales Overages: 1A01 469101 B00001.

**The above item was removed from the Consent Agenda by request of Councilmember Boazman. Mr. Boazman made a Substitute Motion to Refer 02-R-1770 back to the Public Safety and Legal Administration Committee. It was Seconded by Councilmember Winslow and the Motion CARRIED by a roll call vote of 10 yeas; 0 nays.**

**REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS**

Acting Council President Pro-Temp Jim Maddox Presided

**COMMITTEE REPORTS (CONT'D)**

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

Attendance at the December 11, 2002 meeting of the Finance/Executive Committee was as follows:

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

Absent: None

**REPORT**

02-TR-2187 ( 1) Report to the **Chief Financial Officer** the Transfer of Appropriations from One Line Item to another Line Item to various funds as approved under Section 6-304(b) of the Charter of the City of Atlanta.  
**FILED BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS**

**ORDINANCES FOR SECOND READING**

02-O-1889 ( 1) An Ordinance by **Councilmember Jim Maddox** to amend Article IX, Division 4 Borrowing and Indebtedness so as to pre-determine minority participation of underwriters on municipal bonds; and for other purposes.  
**FILED BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS**

02-O-2174 ( 2) An Ordinance by **Councilmember Felicia A. Moore as Substituted by Finance/Executive Committee** anticipating and appropriating Bond proceeds in the amount of \$8,000,000.00 from the Annual 2002 General Obligation Bond Issue to fund various municipal projects; and for other purposes.  
**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 8 YEAS; 3 NAYS**

Acting Council President Pro-Temp Jim Maddox Presided

**COMMITTEE REPORTS (CONT'D)**

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

**RESOLUTION**

02-R-2188 ( 1) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an appropriate contractual agreement with \_\_\_\_\_ for FC-7530-02, Audit of Financial Statements and Professional Accounting Services on behalf of the Department of Finance, in an amount not to exceed \$\_\_\_\_\_. All contracted work shall be charged to and paid from Fund, Account and Center Number: 1A01 524001 T31001; and for other purposes.

**The above item was forwarded from committee with No Recommendation. Councilmember Moore, as prerogative as Chair, made a Motion to Refer 02-R-2188 back to the Finance/Executive Committee. It was properly Seconded and the Motion CARRIED by a roll call vote of 10 yeas; 0 nays.**

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS**



Acting Council President Pro-Temp Jim Maddox Presided

**COMMITTEE REPORTS (CONT'D)**

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

**ITEM REMOVED FROM CONSENT AGENDA**

02-O-1853 ( 1) An **Amended** Ordinance by **Finance/Executive Committee** amending Chapter 110, Parks and Recreation of the Code of Ordinances, Article I, Section 110.3(A)(2), Fee Schedule specifically to reflect newly revised, increased fee schedules for the Department of Parks, Recreation and Cultural Affairs, Bureau of Cultural Affairs by increasing fees and creating new fees for the Chastain Arts and Crafts Gallery; by creating a Subsection 110.3(A)(2A) for the purpose of creating fees for the Southeast Arts Center; all revenues derived from these fees shall be deposited into the Consolidated Arts Trust Account Number 3P02 464101 N41S0608QNA0 and expended from Trust Account Number 3P02 524001 N41S0608QNA0, on behalf of the Department of Parks, Recreation and Cultural Affairs; and for other purposes.

**The above item was removed from the Consent Agenda by request of Councilmember Boazman. Mr. Boazman's concerns being answered, the Motion to Adopt as Amended was then CARRIED by a roll call vote of 10 yeas; 1 nay.**

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

Acting Council President Pro-Temp Jim Maddox Presided

**COMMITTEE REPORTS (CONT'D)**

**TRANSPORTATION COMMITTEE (1)**

**H. LAMAR WILLIS, CHAIR**

Attendance at the December 11, 2002 meeting of the Transportation Committee was as follows:

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

Absent: None

**RESOLUTION**

02-R-2131 ( 1) A Resolution by **Transportation Committee** authorizing the Mayor or her designee to enter into an appropriate contractual agreement with Georgia Power Company on behalf of the City of Atlanta for the permanent relocation of existing Georgia Power Company Infrastructure to accommodate the development of the International Terminal and Concourse "E" at Hartsfield Atlanta International Airport, in an amount not to exceed \$29,262,317.00. All contracted work shall be charged to and paid from Fund, Account and Center Numbers: 2H26 574001 R21E010496AA (\$18,913,073.00), 2H27 574001 R21E010493CG (\$10,336,034.00) and 2H21 574001 R21E01049999 (\$13,210.00); and for other purposes.

**ADOPTED BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (1)**

**DEBI STARNES, CHAIR**

Attendance at the December 11, 2002 meeting of the Zoning Committee was as follows:

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

Absent: Councilmember Archibong

**ORDINANCE FOR SECOND READING**

02-O-1811 ( 1) An Ordinance by **Zoning Committee** granting a Special  
U-02-26 Use Permit for a Poolroom and Game Room (Section 6-11.005(1)(d), property located at **2721 Metropolitan Parkway, SW**, fronting 125 feet on the west side of Metropolitan Parkway beginning 300 feet south from the southwest corner of Cleveland Avenue. **(Favorable by Zoning Committee 11/26/02) (Referred back by Council 12/2/02)**

Depth: 181.5 Feet  
Area: .52 Acre; Land Lots: 93 and 100 14<sup>th</sup>  
District, Fulton County, Georgia  
Owner: Jerry Ragsdale  
Applicant: Cliff F. Entrekin; By: Alan Begner, Esq.  
Attorney  
NPU-X Council District 12

**ADVERSED BY A ROLL CALL VOTE OF 9 YEAS; 0 NAYS**

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (2)**  
**DEBI STARNES, CHAIR**

**ORDINANCES FOR FIRST READING**

02-O-2176 ( 1)  
Z-02-83      An Ordinance by **Zoning Committee** to rezone from the I-2 (Heavy Industrial), I-1-C (Light-Industrial-Conditional) and the RG-2 (Residential General-Sector 2) Districts to the C-3 (Commercial Residential) District, property located at **1219 Caroline Street, NE**, fronting 1,420 feet on the east side of Moreland Avenue beginning at the southeast intersection of the east right-of-way of Moreland Avenue with the south right-of-way of the CSX Railroad.

Depth:           Varies  
Area:             41.9 Acres  
Land Lot:        209, 15<sup>th</sup> District, DeKalb County, Georgia  
Owner:           Atlanta Gas Light Company, et al.  
Applicant:       The Sembler Company  
By:               Larry M. Dingle, Esq., Attorney  
NPU-O           Council District 5

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

02-O-2177 ( 2)  
Z-02-85      An Ordinance by **Zoning Committee** to rezone from the R-4 (Single-Family Residential) District to the C-1 (Community Business) District, property located at **579 North Highland Avenue, NE**, fronting 51 feet on the east side of North Highland Avenue beginning 287.09 feet south from the southeast corner of North Avenue.

Depth:           175.01 Feet  
Area:             8,925 Square Feet  
Land Lot         15, 14<sup>th</sup> District, Fulton County, Georgia  
Owner:           Chris Colbert  
Applicant:       Steve S. Franklin  
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-2178 ( 3)      An Ordinance by **Zoning Committee** to amend Ordinance  
Z-02-86/              Z-00-77 adopted by City Council December 4, 2002  
Z-00-77              and approved by Operation of Law December 13, 2000,  
                             rezoning from the I-1 (Light Industrial) District to the RG-3-  
                             C (Residential General-Sector 3-Conditional) District,  
                             property located at **675-695 Greenwood Avenue, NE**, for  
                             the purpose of approving a Revised Site Plan.

Owner:              675 Greenwood Avenue, Assoc., LLC  
Applicant:         South Coast Development Intl., Inc.  
NPU-F              Council District 6

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

02-O-2179 ( 4)      An Ordinance by **Zoning Committee** to rezone from the  
Z-02-87              R-3 (Single-Family Residential) District to the R-LC  
                             (Residential-Limited Commercial) District, property located  
                             at **3700 Powers Ferry Road, NW**, fronting 83 feet on the  
                             southwesterly side of Powers Ferry Road beginning 466.2  
                             feet northwesterly from the southwest corner of Roswell  
                             Road.

Depth:              290.7 Feet  
Area:                Approximately 23,000 Square Feet  
Land Lot:          97, 17<sup>th</sup> District, Fulton County Georgia  
Owner:              Grady and Margaret Clinkscales, Jr.  
Applicant:         Grady S. Clinkscales, Jr.  
NPU-A              Council District 8

**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-2180 ( 5)      An Ordinance by **Zoning Committee** to rezone from the  
Z-02-88              R-LC (Residential-Limited Commercial) District to the C-2  
                             (Commercial Service) District, property located at **545  
Pharr Road, NE**, fronting 59.90 feet on the south side of  
Pharr Road beginning 58 feet east from the southeast  
corner of Hardman Court.

Depth:              135.21 Feet  
Area:                Approximately 8,100 Square Feet  
Land Lot:          60, 17<sup>th</sup> District, Fulton County Georgia  
Owner:              Nicholas W. Petty  
Applicant:         Robert M. Green  
NPU-B                Council District 7

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

02-O-2181 ( 6)      An Ordinance by **Zoning Committee** to rezone from the  
Z-02-89              RG-2 (Residential General-Sector 2) District and the R-3  
                             (Single-Family Residential) District to the RG-3-C  
                             (Residential General-Sector 3-Conditional) District, property  
                             located at **3714 Peachtree Road, NE/3705 Vermont  
Road, NE and 3718-3730 (a.k.a. 3724 Peachtree Road,  
NE**, fronting 465 feet on the northwesterly side of Peachtree  
Road beginning at the northeast corner of Vermont Road.

Depth:              Varies  
Area:                5.53 Acres  
Land Lot:          10, 17<sup>th</sup> District, Fulton County,  
Georgia  
Owner:              Worth Properties. LP  
Applicant:         Canterbury Court  
By:                   T. Michael Tennant and Harold  
Buckley, Jr. Attorneys  
NPU-B                Council District 7

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

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (5)**  
**DEBI STARNES, CHAIR**

**ORDINANCES FOR FIRST READING (CONT'D)**

02-O-2182 ( 7)      An Ordinance by **Zoning Committee** to amend Ordinance  
Z-02-90/ Z-89-10      Z-89-10, adopted by City Council April 3, 1989 and  
approved by the Mayor April 11, 1989 rezoning from the  
RG-2 (Residential General-Sector 2) District to the RG-3-C  
(Residential General-Sector 3-Conditional) District, property  
located at **3734-3760 (a.k.a. 3750) Peachtree Road, NE**,  
for the purpose of approving a Revised Site Plan.

Owner:            Canterbury Court  
Applicant:       Same  
By:                T. Michael Tennant    and    Harold  
Buckley, Jr. Attorneys  
NPU-B            Council District 7

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

02-O-2183 ( 8)      An Ordinance by **Zoning Committee** granting a Special  
U-02-35              Use Permit for Outdoor Dining (Section 16-11.005 (1)(g),  
property located at **3652 Roswell Road, NW**, fronting  
approximately 300 feet on the west side of Roswell Road  
beginning at the southwest corner of Blackland Road.

Depth:            Varies  
Area:              Approximately 1.5 Acres  
Land Lot:        97, 17<sup>th</sup> District, Fulton County,  
Georgia  
Owner:            Tommy Lambrou  
Applicant:       Richard J. Hoge  
NPU-A            Council District 8

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

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (6)**  
**DEBI STARNES, CHAIR**

**ORDINANCES FOR FIRST READING (CONT'D)**

02-O-2184 ( 9)      An Ordinance by **Zoning Committee** granting a Special  
U-02-36              Use Permit for Outdoor Dining (Section 16-11.005(1)(g),  
property located at **863 Ponce de Leon Avenue, NE**,  
fronting 122.29 feet on the south side of Ponce de Leon  
Avenue, beginning at the southwest corner of Barnett  
Street.

Depth:              Varies  
Area:                Approximately 11,200 Square Feet  
Land Lot:          17, 14<sup>th</sup> District, Fulton County,  
Georgia  
Owner:              Robert T. Budd  
Applicant:         Same  
NPU-N              Council District 2

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

02-O-2185 ( 10)    An Ordinance by **Zoning Committee** to amend Ordinance  
U-02-37/              U-89-1 adopted by City Council April 3, 1989 and approved  
U-89-1                by the Mayor April 11, 1989, granting a Special Use Permit  
for a Nursing Home. Property located at **3734-3760 (a.k.a.  
3750) Peachtree Road, NE**, for the purpose of approving a  
Revised Site Plan.

Owner:              Canterbury Court  
Applicant:         Same  
By:                  T. Michael Tennant and Harold  
Buckley, Jr. Attorneys  
NPU-B              Council District 7

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



Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**COMMITTEE ON COUNCIL (1)**  
**ANNE FAUVER, CHAIR**

Attendance at the January 06, 2003 meeting of the Committee on Council was as follows:

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

Absent: Councilmember Boazman

**COMMUNICATIONS**

**The following items (1 – 5) were taken as a collective vote.**

02-C-2160 ( 1) A Communication by **Councilmember Clair Muller** re-appointing Mrs. Ashley Bush to serve as a member of the Atlanta Commission on Women. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**CONFIRMED BY A ROLL CALL VOTE OF 8 YEAS; 0 NAYS**

02-C-2161 ( 2) A Communication by **Councilmember Mary Norwood** re-appointing Ms. Georgianne Thomas to serve as a member of the Atlanta Commission on Women. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**CONFIRMED BY A ROLL CALL VOTE OF 8 YEAS; 0 NAYS**

02-C-2162 ( 3) A Communication by **Councilmember Anne Fauver** appointing Ms. Melinda Moseley to serve as a member of the Atlanta Commission on Women. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**CONFIRMED BY A ROLL CALL VOTE OF 8 YEAS; 0 NAYS**

02-C-2164 ( 4) A Communication by **Mayor Shirley Franklin** appointing Ms. Tanya Washington to serve as a member of the Human Relations Commission of the City of Atlanta. This Class A appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.  
**CONFIRMED BY A ROLL CALL VOTE OF 8 YEAS; 0 NAYS**

Council President Cathy Woolard Presided

**COMMITTEE REPORTS (CONT'D)**

**COMMITTEE ON COUNCIL (2)**  
**ANNE FAUVER, CHAIR**

**COMMUNICATIONS (CONT'D)**

02-C-2165 ( 5)      A Communication by **Mayor Shirley Franklin** appointing Mr. Clayvon Croom to serve as a member of the Municipal Market Board of Directors of the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Forwarded Without Recommendation by Community Development/Human Resources Committee 12/10/02)**  
**CONFIRMED BY A ROLL CALL VOTE OF 8 YEAS; 0 NAYS**

02-C-2081 ( 6)      A Communication by **Mayor Shirley Franklin** appointing Mr. J. Michael Walls **as Amended by Transportation Committee** to serve on the MARTA Board of Directors of the City of Atlanta. This appointment is for a term of four (4) years, scheduled to begin on the date of Council confirmation. **(Favorable as amended by Transportation Committee 12/11 /02)**  
**CONFIRMED AS AMENDED BY A ROLL CALL VOTE OF 12 YEAS; 1 NAY**

02-C-2082 ( 7)      A Communication by **Mayor Shirley Franklin** appointing Ms. Gloria Leonard to serve on the MARTA Board of Directors of the City of Atlanta. This appointment is for a term of four (4) years, scheduled to begin on the date of Council confirmation. **(Favorable by Transportation Committee 12/11 /02)**  
**CONFIRMED BY A ROLL CALL VOTE OF 10 YEAS; 2 NAYS**

# **PERSONAL PAPERS**

Council President Cathy Woolard Presided

**PERSONAL PAPERS**

**RESOLUTION/ADOPTED**

03-R-0044 ( 1) A Resolution by **Councilmember Ceasar C. Mitchell** authorizing the Mayor to enter into an intergovernmental agreement with Fulton County whereby the City will loan one sixty (60) passenger prisoner bus to the County for a term not to exceed June 30, 2003.

**Councilmember Mitchell made a Motion to Adopt the above resolution. It was properly Seconded and the Motion CARRIED by a roll call vote of 11 yeas; 1 nay.**

**ADOPTED BY A ROLL CALL VOTE OF 11 YEAS; 1 NAY**

**ORDINANCES/REFERRED**

03-O-0040 ( 1) An Ordinance by **Councilmember Derrick Boazman** to amend Section 10-106 of Chapter 10, Article II, Division 2, to the Code of Ordinances, City of Atlanta, Georgia, so as to provide that all Calendar Year 2003 licenses issued to private clubs for the sale of alcoholic beverages be valid for a period of six months; and for other purposes.

**REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION**

03-O-0041 ( 2) An Ordinance by **Councilmembers Debi Starnes and Cleta Winslow** to amend the Land Use Element of the City of Atlanta 2003 Comprehensive Development Plan (CDP) so as to re-designate certain properties located within the Mechanicsville Neighborhood; 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)**

03-O-0042 ( 3) An Ordinance by **Councilmember Debi Starnes** to amend the General Employees Pension Laws (Georgia Laws 1927, P. 265, particularly as amended by Georgia Laws 1978, P. 4546 [and as has been further amended] and codified at Section 6-37 related laws section of Volume I, City Charter and Code] so as to provide that employees who have been furloughed or separated from the service of the City due to a reduction in force in accordance with Section 114-379 of the City Code, after January 1, 2002, and where the employees' positions have been abolished by action of the City Council and who shall have served 15 years in the active service of the City, and who shall not have attained the age of 60 years, may as a matter of right, within the two year reemployment rights period, retire from active service and receive an early retirement benefit as provided in this ordinance; to provide that similarly situated employees who were "riffed" after January 1, 2002 but prior to the enactment of this ordinance and who have requested and received a refund of their employee contributions, may be reinstated into the pension fund and shall be eligible to receive this benefit upon the full repayment within the two year reemployment rights period, of the amount of the refund plus interest at the rate of 7% per annum calculated from the date of the refund; and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

03-O-0045 ( 4) An Ordinance by **Councilmember Clair Muller** to amend Section 138-204 of the Outdoor Festival Code for the City of Atlanta to require compliance with the Noise Control Code of the City of Atlanta; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

03-O-0047 ( 5) An Ordinance by **Councilmember Clair Muller** to transfer the sidewalk requirements of Section 15.09.003 of the Code of Ordinances, for a residential subdivision to be located at 848 and 854 Woodley Drive, and to then construct a triangular, landscaped traffic island at the intersection of Woodley Drive and Howell Mill Roads in lieu of 1,872 square feet of sidewalks that would have been constructed on Woodley Drive.

**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**

Council President Cathy Woolard Presided

**PERSONAL PAPERS (CONT'D)**

**ORDINANCES/REFERRED (CONT'D)**

03-O-0048 ( 6) An Ordinance by **Councilmember Howard Shook** amending the 2002 (2000 Quality of Life Bond Fund) Budget in the amount of \$136,400.00 for intersection signals in District 7; and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

03-O-0049 ( 7) An Ordinance by **Councilmember Natalyn Archibong** authorizing an agreement between the City of Atlanta and Southstar Inc. for provision of design services for the East Atlanta Village Public Plaza and Greenspace Design Project; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

**RESOLUTIONS/REFERRED**

03-R-0043 ( 1) A Resolution by **Councilmember Debi Starnes** authorizing the Mayor to quitclaim to the Atlanta Board of Education the school property known as Highland School, located in Land Lot 16 of District 14, Fulton County, Georgia.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

03-R-0046 ( 2) A Resolution by **Councilmember Clair Muller** urging the 2003 Georgia General Assembly to support legislation amending the Georgia Code Section 40-6-14, allowing counties and municipalities within the State of Georgia to implement noise control standards requiring a maximum distance less than that provided by the State of Georgia.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

03-R-0050 ( 3) A Resolution by **Councilmember Natalyn Archibong** authorizing the creation of a task force to review the issue of a ban on smoking in all public places including restaurants in the City of Atlanta; and for other purposes.  
**REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION**

Council President Cathy Woolard Presided

**PERSONAL PAPERS (CONT'D)**

**RESOLUTIONS/REFERRED (CONT'D)**

03-R-0051 ( 4) A Resolution by **Councilmember Ivory Lee Young, Jr.** authorizing the creation of a task force for the purpose of reviewing the City's current policies on multi-family housing and to develop appropriate recommendations; and for other purposes.

**REFERRED TO ZONING COMMITTEE WITHOUT OBJECTION**

# **ADJOURNMENT**



**Council President Cathy Woolard Presided**

**ADJOURNMENT**

There being no further business to discuss the January 06, 2003 meeting of the Atlanta City Council was adjourned at 5:30 p.m.

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