

AN ORDINANCE

BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE DIRECTING THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO GIVE 365 DAYS NOTICE OF TERMINATING THE CURRENT CONTRACT FOR LEASE OF THE CHASTAIN AMPHITHEATER; AND FOR OTHER PURPOSES.

WHEREAS, Contract FC-4907-90, Chastain Park Amphitheater Management Agreement, was executed in December of 1990 to continue "until December 31, 2000"; and

WHEREAS, the contract specifies that "the parties shall have the option to renegotiate and renew this agreement in good faith for two additional five-year periods"; and

WHEREAS, the contract specifies that if the term is not extended "on terms substantially as favorable" to the contractor, as contained in the original agreement, the "City shall pay" the amount of principal remaining for cost of improvements at the facility plus interest; and

WHEREAS, the contract specifies that the agreement "may be terminated for cause by the City upon 365 days written notice"; and

WHEREAS, the provision of the contract which allows "during the season" only 4 concerts per week, except for 4 weeks when 5 concerts per week are allowed, has been violated in 1998 and 1999 and notice was given; and

WHEREAS, the provision of the contract which requires posting of concert days so that the adjoining neighbors can schedule their own use of their backyards on "no concert evenings" has been violated for several years and notice was given; and

WHEREAS, the provision of the contract which specifies the "maximum number of hours which live performance level sound may be emitted from the facility" has been violated and notice has been given; and

WHEREAS, the provision of the contract which states that the contractor require "all sub-lessees to utilize (the City's) digital delay system for sound augmentation and to utilize said speaker positions as the exclusive such system and positions for purposes of performance" has been violated; and

WHEREAS, a maximum decibel level for performances was never written into the original contract but two sound studies were performed and a maximum of 85 decibels was recommended; and

WHEREAS, traffic control issues were not written into the original contract.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
GEORGIA as follow:

SECTION 1: That the City terminate, for causes listed above, the existing contract with 365 days written notice and begin the process of writing a contract more favorable to the City and the city residents who live in close proximity to the Chastain Amphitheater.

SECTION 2: That the City issue a Request for Proposal for the management and operation of the Chastain Amphitheater, pursuant to this new contract devised by the City for the benefit of the City and the citizens of Atlanta.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith be hereby repealed.

99-0-1718

(Do Not Write Above This Line)

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10/10/00 - Cmbr. Muller as pro rogative of Sponsor Brought 99-0-1718 Forward from Held Status. Subsequent Motion to Refer was Made, Seconded and CARRIED without objection

FILED BY CITY COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

DEC 03 2001

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

CD/HR

10/16/00

Finance/Executive

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee CD/HR
Date 10/13/99
Chair _____
Action: Hold (see rev. side)
Other: _____
Members _____
Refer To _____

10/27/99
11/10/99
11/29/99
12/15/99

Committee CD/HR
Date 11/12/00
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) 9/13/00
Other: _____
Members _____
Refer To 7/12/00, 8/16/00, 5/2/00

4/27/00

4/2/00, 4/12/01, 2/11/00, 5/10/00, 3/11/00, 5/21/00, 3/17/00, 6/14/00, 3/29/00, 6/28/00

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
DEC 3 2001

ATLANTA CITY COUNCIL CLERK

Robert A. Pratt

CERTIFIED
DEC 03 2001

Frank
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

Committee FIN/EX/RC
Date 11/1/00
Chair _____
Action: Hold (see rev. side)
Other: _____
Members _____
Refer To _____

11/27/00

Committee FIN/EX/RC
Date 11/27/00
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

11/27/00

11/27/00