

CITY UTILITIES COMMITTEE

MINUTES

SEPTEMBER 25, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, September 25, 2007 at 9:19 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Clair Muller
The Honorable Howard Shook
The Honorable Natalyn M. Archibong

The following member was absent:

The Honorable Ivory L. Young, Jr.

Others present at the meeting were: Stefanie Grant, M. Theresa Stewart and Renee Sheperd, Law Department; Deputy Commissioners Shelia Pierce and George Barnes, Department of Watershed Management; Nursef Kedir, Department of Public Works; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:17 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- E. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING**

07-O-1821 (1) An Ordinance by City Utilities Committee to **abandon** a portion of Tazor Street, NW located between Neal Street and North Avenue, consisting of 0.6754 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 114 of the 14th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 9/25/07)**
(Councilmember Shook made a motion to approve.)

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PUBLIC HEARINGS (CONT'D)

- 07-O-1928 (2) An Ordinance by City Utilities Committee to **abandon** portions of Lakeside Drive between Kingsboro Road and East Paces Ferry Road and a portion of Oak Valley Road between Kingsboro Road and Wright Avenue; to accept land for the purpose of future public road purposes; to provide for the installation of traffic signals; and for other purposes. **(Public Hearing held 9/25/07)**
(Councilmember Shook made a motion to approve.)

FAVORABLE

F. COMMUNICATION

- 07-C-1942 (1) A Communication by Councilmembers Felicia A. Moore, District 9; Councilmember C. T. Martin, District 10 and Councilmember H. Lamar Willis, Post 3 At-Large appointing **Mrs. Rhudine Marilyn Crawford** to serve as a member of the Water and Sewer Appeals Board. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
(Councilmember Mitchell made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

G. ORDINANCES FOR SECOND READING

- 07-O-1929 (1) An Ordinance by City Utilities Committee authorizing the City Attorney to institute necessary legal action through Condemnation by Declaration of Taking Method, pursuant to O.C.G.A. §22-3-140 and §32-3-4 to obtain necessary property interests in the real property described and identified herein below, said property being located in Land Lot 21 of the 14th District of Fulton County, Georgia, in the City of Atlanta, and necessary for public use in connection with acquiring access to a sewer easement in the Stockade Sewer Basin for the City of Atlanta; to authorize the City Attorney to use the services of outside counsel, where necessary, for said acquisition; to authorize the acquisition of title reports, surveys, appraisals and other items necessary for said acquisition; and for other purposes.
(Councilmember Smith made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

07-O-2016 (2) An Ordinance by Councilmember Felicia A. Moore to **abandon** portions of Smokey Road, NW between Church Street and Dead-End of Smokey Road and Church Street, NW between Smokey Road and Perry Boulevard and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 252 of the 17th District, Fulton County, Georgia; and for other purposes. **(To be advertised for a Public Hearing)**
(Councilmember Smith made a motion to hold.)

HELD

07-O-2017 (3) An Ordinance by Councilmember Kwanza Hall **as amended by City Utilities Committee** authorizing the City of Atlanta to waive the provisions contained in Chapter 138, Article II, Division 6, Section 138-60(a) of the City of Atlanta Code of Ordinances to allow the Commissioner of the Department of Public Works, to issue a permit for the placement of Banners containing limited advertising in the public right-of-way; and for other purposes.
(Councilmember Muller made a motion to approve as amended.)

FAVORABLE AS AMENDED

07-O-2022 (4) An Ordinance by Councilmember Carla Smith, authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-07-20, (731 & 753 Knox Drive, SE) applicant deposit a dollar amount (\$7,370.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes.
(Councilmember Muller made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

07-O-2023 (5) An Ordinance by Councilmember Carla Smith, authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-83, (701 Pershing Avenue, SE) applicant deposit a dollar amount (\$5,870.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes.
(Councilmember Smith made a motion to hold for further review.)

HELD

H. RESOLUTION

07-R-1944 (1) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 3 for the agreement with Southeast Energy Assistance for FC-6005007948, Care and Conserve Program, on behalf of the Department of Watershed Management to provide for the continued administration of the program in an amount not to exceed \$977,561.60 to charge to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Smith made a motion to hold for further review.)

HELD

I. ORDINANCE FOR FIRST READING

07-O-1953 (1) A Resolution by City Utilities Committee to amend Chapter 138, Section 138-20 and Appendix B of the Code of Ordinances to authorize the imposition of certain fees for encroachments in the right-of-way, to modify certain provisions; and for other purposes.

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J. PAPERS HELD IN COMMITTEE

- 06-O-0306 (1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller)**
- 06-R-0563 (2) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns)**
- 06-O-0937 (3) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**
- 06-O-1454 (4) An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges, to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author)**
- 06-O-1573 (5) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1947 (6) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department)**
- 07-R-0002 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**
- (8) Appraisal of the **abandoned** portion of Lakeside Drive, NE, consisting of 19.50 acres proposed assemblage tract or \$1,300,000.00 per acre, or \$29.84 per square foot. **(Held 1/9/07 for further review)**
- 07-R-0750 (9) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Players & Company, for FC-6006007947, Annual Contract for Major Mechanical Services for the Bureau of Wastewater Treatment and Collections, on behalf of the Department of Watershed Management, in an amount not to exceed \$122,280.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Held 5/1/07 at the request of the Department)**
- 07-O-0979 (10) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Fair Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.093 acre more or less, and being more specifically described as Tract "1" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-0980 (11) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Castleberry Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.115 acre more or less, and being more specifically described as Tract "4" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**
- 07-R-1214 (12) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**
- 07-O-1330 (13) An Ordinance by Councilmember Ivory L. Young, Jr. to **abandon** that portion of James P. Brawley Drive, SW, between Parsons Street and Beckwith, lying in Land Lot 109, 14th District, Fulton County, Georgia, consisting of approximately 0.363 acre and being more specifically described in the attached Exhibit "A"; and for other purposes. **(Held 6/26/07 for a Public Hearing)**
- 07-O-1335 (14) An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** to amend Chapter 130 of the Solid Waste Management Code, Section 130-38, to clarify recycling requirements and City's enforcement powers regarding multi-family dwellings. **(Held 6/26/07 at the request of the author for further review.) (Substituted and held 8/28/07, awaiting a review from the Condominium Association.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-1477 (15) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**
- 07-O-1521 (16) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work session was held 9/13/07)**
- 07-O-1907 (17) An Ordinance by Councilmember Cleta Winslow to **abandon** public streets known as Abbott Street and Baldwin Place, located in the City of Atlanta and to convey said abandoned streets at no cost to the Housing Authority of the City of Atlanta, Georgia; to waive the provisions of Section 2-1578 of the City Code provided, however, that Section 2-1578 (c)(3) requiring certain notifications and Section 138-9 insofar as it relates to the advertisement and public hearing requirement, shall not be waived; and for other purposes. **(Held 9/11/07 for a Public Hearing)**
- 07-R-1911 (18) A Resolution by Councilmember Carla Smith authorizing 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 \$_____ 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. **(Held 9/11/07)**

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K. APPRAISALS

(1) Appraisal of **abandoned** portion of West Road, Right-of-Way which consist of 14,445 square feet and the Appraiser has estimated total fair market value at \$130,000.00 which is \$9.00 per square foot.

(Councilmember Shook made a motion to accept.)

(2) Appraisal of **abandoned** portion of Bolling Way, NE which consist of 20,770 square feet and the Appraiser has estimated total fair market value at \$4,550,000.00 which is \$219.00 per square feet.

(Councilmember Smith made a motion to hold.)

HELD

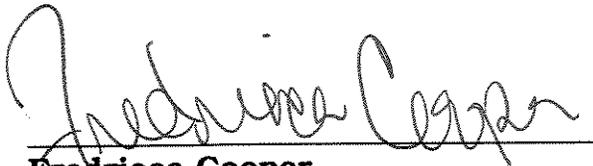
L. REQUESTED ITEMS

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.
2. Councilmember Muller made a request to the Department of Finance and Department of Public Works to present to the Committee a status report on the 1994 G. O. Bond Projects.
3. Councilmember Mitchell made a request to do a joint presentation from the Department of Watershed, Atlanta Gas Light Company and Department of Public Works in 30 days on the process on how the work is done in the right-of-way from the start to finish.
4. Councilmember Smith requested a status report on recycling from the Department of Public Works

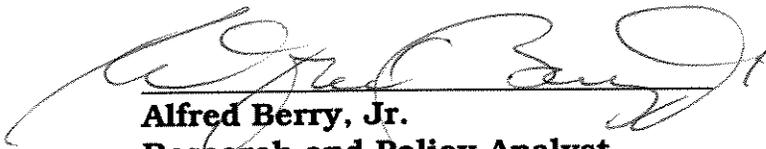
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There being no further business to come before the Committee, the meeting was adjourned at 9:48 a.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Alfred Berry, Jr.
Research and Policy Analyst**



**The Honorable Carla Smith, Chair
City Utilities Committee**