

# ATLANTA CITY COUNCIL

## ACTION/MINUTES

### FEBRUARY 01, 2010

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, February 01, 2010. The Meeting convened at 1:09 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

**PRESIDER (S):** The Honorable Council President Ceasar C. Mitchell presided.

**Attendance:**

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

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| <b>The Honorable Kwanza Hall</b>             | <b>The Honorable Felicia A. Moore</b>      |
| <b>The Honorable Ivory L. Young, Jr.</b>     | <b>The Honorable C. T. Martin</b>          |
| <b>The Honorable Cleta Winslow *1:15</b>     | <b>The Honorable Keisha Lance Bottoms</b>  |
| <b>The Honorable Natalyn Archibong *1:35</b> | <b>The Honorable Joyce Sheperd</b>         |
| <b>The Honorable Alex Wan</b>                | <b>The Honorable Michael J. Bond *1:20</b> |
| <b>The Honorable Howard Shook</b>            | <b>The Honorable Aaron Watson *1:52</b>    |
| <b>The Honorable Yolanda Adrean</b>          | <b>The Honorable H. Lamar Willis *1:12</b> |

*Councilmember Carla Smith was absent.*

**\*Arrival Time:** - indicates arrival after convening roll call.

**INVOCATION:** Reverend Joanna M. Adams of the Morningside Presbyterian Church gave the invocation.

**PLEDGE OF ALLEGIANCE:** In unison, lead by Councilmember C. T. Martin, the Council recited the Pledge of Allegiance to the flag of the United States of America.

**REPORT OF THE JOURNAL:** Rhonda Dauphin Johnson, Municipal Clerk, certified to the Council and the Committee on Council that the **Action/Minutes** of the **January 19, 2010** Regular Meeting are true and correct. The Minutes were **FILED** without objection.

**ADOPTION OF AGENDA:** Council President Ceasar C. Mitchell entertained a **Motion for the Adoption of the Agenda**. Councilmember Moore made the Motion. It was properly Seconded and CARRIED by a roll call vote of 12 yeas; 0 nays.

# **COMMUNICATIONS**

Council President Ceasar C. Mitchell Presided

**COMMUNICATIONS**

- 10-C-0230 (1) A Communication by **Chief Procurement Officer Adam L. Smith** submitting the January 2010 Monthly Contracts Report to the Atlanta City Council and Clerk of Council pursuant to Section 2-1142 of the Atlanta City Code of Ordinances.  
**FILED WITHOUT OBJECTION**
- 10-C-0231 (2) A Communication by **Councilmember H. Lamar Willis** appointing Ms. Yvonne Jackson Dragon 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.  
**REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION**
- 10-C-0318 (3) A Communication by **Mayor Kasim Reed** appointing Mr. R. Roger Bhandari as acting City Attorney.  
**FILED WITHOUT OBJECTION**

# **VETOED LEGISLATION**

**Council President Ceasar C. Mitchell Presided**

**VETOED LEGISLATION**

**NONE**

# **UNFINISHED BUSINESS**

**Council President Ceasar C. Mitchell Presided**

**UNFINISHED BUSINESS**

**NONE**

**CONSENT AGENDA  
SECTION I**

Council President Cesar C. Mitchell Presided

**CONSENT AGENDA**

There will be no separate discussion of these items. If discussion on any item is desired, the item will be removed from the Consent Agenda and will be 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 Young, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd, Bond, Watson and Willis: **0 Nays.**

**SECTION I**

**ORDINANCES FOR SECOND READING**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**IVORY L. YOUNG, JR., CHAIR**

10-O-0118 (1) An Ordinance by **Public Safety and Legal Administration Committee** amending the 2010 (Intergovernmental Grant Fund) Budget Department of Police, by adding to anticipations and appropriations in the amount of \$92,820.00 for a Grant Award from the Governor's Office of Highway Safety and matching funds in the amount of \$139,230.00 from the General Fund Budget, to fund the Highway Enforcement of Aggressive Traffic; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

10-O-0119 (2) An Ordinance by **Public Safety and Legal Administration Committee** amending the FY10 (Intergovernmental Grant Fund) Budget for the City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations in the amount of \$126,980.00, from the Georgia Department of Behavioral Health and Developmental Disabilities ("DBHDD") for the purpose of continuing Clinical Assessment Services for Criminal Defendants participating in Community Court; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

10-O-0120 (3) An Ordinance by **Public Safety and Legal Administration Committee** amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$1,375,120.00 for an Edward Byrne Memorial Justice Assistance Grant ("JAG") Award from the United States Department of Justice; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**TRANSPORTATION COMMITTEE**

**C. T. MARTIN, CHAIR**

10-O-0121 (4) An Ordinance by **Transportation Committee** to anticipate and appropriate Reimbursement Funds in the amount of \$161,817.12 from the City of College Park, Georgia for the reimbursement of costs for work performed on their behalf on the Georgia International Convention Center (GICC) Station Project; and for other purposes.

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

10-O-0122 (5) A **Substitute** Ordinance by **Transportation Committee** to anticipate and appropriate Grant Funds in the total amount of \$656,421.00 to be received from the Federal Aviation Administration's Offer Via Grant Agreement AIP 3-13-0008-92, for the payment of the United States' share of 75% of Allowable Costs incurred in accomplishing the project listed as "Airport GIS"; and for other purposes.

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

10-O-0123 (6) An Ordinance by **Transportation Committee** to anticipate and appropriate TSA Grant Funds in the amount of \$20,000,000.00 from the Transportation Security Administrations' (TSA) to reimburse the City 90% for Allowable Cost of the Design, Management and Construction associated with the new Checked Baggage Inspection System Project (CBIS) at the Hartsfield-Jackson Atlanta International Airport; and for other purposes.

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

**FINANCE/ EXECUTIVE COMMITTEE**

**YOLANDA ADREAN, CHAIR**

10-O-0126 (7) A **Substitute** Ordinance by **Finance/Executive Committee** amending the 2010 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations in an amount of \$50,000.00 for 'Pass Through' Grant Award from the Georgia Environmental Protection Division for the construction of a GreenGrid Roof System at the Woodruff Arts Center; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**FINANCE/ EXECUTIVE COMMITTEE (CONT'D)**

**YOLANDA ADREAN, CHAIR**

10-O-0127 (8) A **Substitute** Ordinance by **Finance/Executive Committee** authorizing the Chief Financial Officer to amend the FY 2010 (2004 Water and Wastewater Bond Fund-5058) Budget in the amount of \$23,000,000.00 to transfer funds from the Capital Projects Reserve (5058) for Appropriations and to add to appropriation funds for repairs to the RM Clayton WTP due to 2009 Flood Related Damage; and for other purposes.

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

10-O-0128 (9) A **Substitute** Ordinance by **Finance/Executive Committee** for the City of Atlanta authorizing the Mayor to execute a Correction Deed to cure an incorrect legal description on a deed authorized by Ordinance 94-O-1280, executed on November 3, 1994 and recorded on November 7, 1994 approving the transfer of the Finch Elementary School Property to the Atlanta Board of Education; and for other purposes.

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

10-O-0129 (10) A **Substitute** Ordinance by **Finance/Executive Committee** to authorize the termination of that certain Interest Rate Exchange Agreement related to the City's outstanding Water and Wastewater Revenue Bonds, Series 1999A, and the payment of a Swap Termination Fee in connection with the termination of said Interest Rate Exchange Agreement; all payments shall be charged to and paid from Watershed Water and Wastewater Sinking Fund; authorizing the Execution and Confirmation Letter to ISDA Master Agreement delineating the terms associated with the payment of said Swap Termination Fee in connection with the termination of said Interest Rate Exchange Agreement; granting the Mayor the authority to approve and execute any and all other documents and certificates with respect to the termination of said Interest Rate Exchange Agreement; authorizing certain officials and employees of the City to take all actions required in connection with the termination of said Interest Rate Exchange Agreement; providing certain other details with respect thereto; providing an effective date; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**FINANCE/ EXECUTIVE COMMITTEE (CONT'D)**

**YOLANDA ADREAN, CHAIR**

10-O-0220 (11) An Ordinance by **Councilmember Howard Shook** authorizing the purchase of Permanent and Temporary Construction Easements and the necessary rights-of-way from various property owners for the completion of the Wieuca Road Sidewalk Improvements Project; to authorize the Mayor, or his designee, to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney, or his designee, to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4; to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; and for other purposes.

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

10-O-0221 (12) An Ordinance by **Councilmember Howard Shook** amending the 2010 (General Government Capital Outlay Fund) Budget in the Departments of Planning and Community Development and Public Works by transferring between accounts the sum of \$300,000.00 for the purposes of funding Sidewalk Improvements along Wieuca Road; and for other purposes.

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

**CITY UTILITIES COMMITTEE**

**NATALYN M. ARCHIBONG, CHAIR**

10-O-0057 (13) A **Substitute** Ordinance by **City Utilities Committee** to amend Chapter 74, Article VI "Flood Area Regulations" to reduce or avoid future flood losses, enhance the function of the floodplain; and for other purposes.

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

10-O-0135 (14) An Ordinance by **Councilmembers Michael J. Bond and Ivory L. Young, Jr. as Substituted by City Utilities Committee** to rename Raymond Street, SW in its entirety, to SNCC (Student Nonviolent Coordination Committee) Way, SW; to waive Section 138-8(b) of the Code of Ordinances; and for other purposes. (Public Hearing held 1/26/10)

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

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**  
**IVORY L. YOUNG, JR., CHAIR**

- 10-R-0134 (1) A Resolution by **Councilmembers Michael J. Bond, Ivory L. Young, Jr., H. Lamar Willis, Kwanza Hall, C. T. Martin, Yolanda Adrean and Aaron Watson** requesting the Atlanta Police Department, Office of the Chief and the Field Operations Division, to develop and submit to the Mayor and the City Council, a Zone and Beat Redesign Plan within 180 days of adoption of said resolution; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0162 (2) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor to renew a Lease Agreement with the Georgia Tech Foundation, on behalf of the Atlanta Police Department, for the rental of 2,665 square feet of office space located at 398 Centennial Olympic Park Drive, Atlanta, Georgia, for the Department of Police Zone Five Investigations Precinct, from April 1, 2010, until March 31, 2013, at a rental rate of \$1 per year, to be charged to and paid from 1001 (General Fund), 240421 (APD Police Precinct Zone 5), 5223102 (Operating/ Lease Rental Land), 3223000 (Patrol); and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0227 (3) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Susan Cotton v. City of Atlanta Civil Action File No. 2009-CV-165304, Fulton County Superior Court, in the amount of \$113,000.00; authorizing said payment to be paid from Fund 1001 (General Fund), Center Number 200101 (Non-Departmental), Account 5212005 (Litigation Expenses), 1512000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS (CONT'D)**

**TRANSPORTATION COMMITTEE**

**C. T. MARTIN, CHAIR**

10-R-0164 (4) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Airport Use License Agreement with Vision Airlines, Inc. for Operations at Hartsfield-Jackson Atlanta International Airport; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;  
0 NAYS**

10-R-0165 (5) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Amendment No. 17 to the Central Passenger Terminal Complex Lease Agreement with Northwest Airlines, Inc. covering the permanent surrender to the City of Atlanta of a portion of Northwest Airlines exclusive leased premises located on the Apron Level of the North Terminal Building at Hartsfield-Jackson Atlanta International Airport; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;  
0 NAYS**

10-R-0166 (6) A Resolution by **Transportation Committee** authorizing the Aviation General Manager, or his designee, to issue Task Orders under Contract No. FC-3007000038-D, Managing General Contractors, with Turner Construction Company, Inc./Davis & Associates, Inc., a Joint Venture, in a collective amount not to exceed \$2,500,000.00 to provide renovation and expansion of the Department of Aviation Security Division at Hartsfield-Jackson Atlanta International Airport. All services will be charged to and paid from PTAE0 and FDOA Numbers listed; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;  
0 NAYS**

**FINANCE/ EXECUTIVE COMMITTEE**

**YOLANDA ADREAN, CHAIR**

10-R-0169 (7) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor or his designee to enter into a thirty-six (36) month Financing Agreement on behalf of the Department of Information Technology with CSI Leasing, Incorporated, for the purchase of 473 Desktop Computers and 50 Notebook Computers from CDW Government, Incorporated. In an amount not to exceed \$599,826.62; all payments shall be charged to and paid from the FDOA Numbers listed; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE  
OF 13 YEAS; 0 NAYS**

Council President Cesar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE (CONT'D)**

**YOLANDA ADREAN, CHAIR**

- 10-R-0170 (8) A Resolution by **Finance/ Executive Committee** authorizing the Mayor or his designee to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1608 et seq. of the City of Atlanta Code of Ordinances, utilizing GSA Contract GS-35F-0195J with CDW Government for a lease of 473 Desktop Computers and 50 Notebook Computers for three years to replace obsolete computers with the most current and reliable hardware technology on behalf of the Department of Information Technology, in an amount not to exceed \$599,826.62; all costs to be financed through CSI Leasing, Inc., subject to separate Council authorization; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0171 (9) A Resolution by **Finance/ Executive Committee** authorizing the Mayor to enter into an Agreement with Oracle USA, Inc., utilizing Federal GSA Contract GS-35F-0009T for Software Update Licenses & Support Services, on behalf of the Department of Watershed Management, Bureau of Drinking Water, in an amount not to exceed \$87,626.61; all contracted work will be charged to and paid from the FDOA Number listed; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0222 (10) A Resolution by **Councilmember Howard Shook** authorizing the Mayor to issue a Notice to Proceed with Arcadis/ Brindley Pieters & Associates, a Joint Venture for FC-4906A, Annual Contract for Architectural, Engineering and Design Services, for additional Right-of-Way Services for the Wieuca Road Improvements Project, and for additional Construction Administration Services for the Lakewood Heights Town Center Project on behalf of the Department of Public Works, in an amount not to exceed \$152,382.21; with all contracted work to be charged to and paid from the FDOA and PTAE0 Numbers listed; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0228 (11) A Resolution by **Finance/ Executive Committee** adopting and approving a Supplement to the City of Atlanta's Interest Rate Management Plan; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with favorable recommendations:**

- 10-R-0173 (1) Claim of **Elizabeth Salvati and Stephen Samp**, for vehicle damages alleged to have been sustained as a result of a water main repair on June 11, 2009 at 3122 Argonne Drive. **\$1,482.91**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0174 (2) Claim of **Abel Barron**, for vehicle damages alleged to have been sustained as a result of driving over a recessed manhole on October 6, 2009 at 2893 Castlewood Drive. **\$1,338.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0175 (3) Claim of **Manuel Patino**, for damages alleged to have been sustained as a result of striking a pothole on October 29, 2009 at Chattahoochee Avenue, NW and Permalume Place, NW. **\$1,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0176 (4) Claim of **Matthew D. Arden**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 6, 2009 at 718 Ponce de Leon Avenue, NE. **\$726.08**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0177 (5) Claim of **Drake Coggins**, for damages alleged to have been sustained as a result of striking a damaged water manhole on September 30, 2009 at 718 Ponce de Leon Avenue, NE. **\$715.93**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**
- 10-R-0178 (6) Claim of **Monica and Anthony D. Miles**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 20, 2009 at 718 Ponce de Leon Avenue, NE. **\$685.62**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;**  
**0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with favorable recommendations: (Cont'd)**

10-R-0179 (7) Claim of **Ina L. Russell**, for vehicular damages alleged to have been sustained after driving over a pothole on November 28, 2009 at Chattahoochee Avenue, NW and Permalume Place, NW. **\$648.91**

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

10-R-0180 (8) Claim of **Reza Mohammad**, for damages alleged to have been sustained as a result of striking a pothole on November 14, 2009 at 1785 Mount Paran Road, NW. **\$577.84**

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

10-R-0181 (9) Claim of **Jaclyn Bradley and Rayfield Goss**, for damages alleged to have been sustained as a result of striking a pothole on September 26, 2009 at 3405 Lenox Road. **\$559.84**

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

**Claims with unfavorable recommendations:**

10-R-0182 (10) Claim of **Richard Hackett**, for damages alleged to have been sustained as a result of a sewer backup on December 29, 2008 at 2480 Oldfield Road.

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

10-R-0183 (11) Claim of **Roy D. McCreary**, for damages alleged to have been sustained as a result of a sewer backup on July 12, 2009 at 1130 Los Angeles Avenue, NE.

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

10-R-0184 (12) Claim of **Fulton Lodge aka Efficiency Lodge, through its attorney, Jennifer FitzGerald, Esq.**, for damages alleged to have been sustained as a result of a water service account dispute between 2005 and 2009 at 4050 Wendell Drive, SW.

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

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0185 (13) Claim of **Dorothy Hollis**, for bodily injuries alleged to have been sustained from a trip-and-fall incident during a road repaving project on September 4, 2009 at 497 Glenwood Place.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0186 (14) Claim of **Antonio Chapman, a minor, by his guardian, Rana Miller, through her attorney, Felicia Rowe**, for damages alleged to have been sustained as a result of an assault on August 24, 2009 at Woodson Elementary School, 1605 Donald Lee Hollowell Parkway.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0187 (15) Claim of **Cedric Arnold**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 14, 2009 at 718 Ponce de Leon Avenue, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0188 (16) Claim of **A. D. Nichols**, for damages alleged to have been sustained as a result of flooding on July 6, 2005 at 172 Atlanta Avenue.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0189 (17) Claim of **Marcela Cofield, through her attorney, David Hodgins**, for damages alleged to have been sustained as a result of an automobile accident on April 24, 2009 at Windsor Street and Bass Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0190 (18) Claim of **Hilton Miller**, for damages alleged to have been sustained as a result of a vehicular accident on April 23, 2009 at 2194 Browns Mill Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**

**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0191 (19) Claim of **AT&T**, for damages alleged to have been sustained as a result of the construction of a catch basin on May 27, 2008 at 418 Simpson Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0192 (20) Claim of **Stephen Mitchell, III**, for damages alleged to have been sustained as a result of driving over a pothole on October 13, 2009 at Interstate 85 South entrance ramp at Piedmont Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0193 (21) Claim of **Glorietta Glover**, for damages alleged to have been sustained as a result of driving over a pothole on September 21, 2009 at East Ponce de Leon Avenue and on November 4, 2009 at Jimmy Carter Boulevard near Highway 78.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0194 (22) Claim of **Ayanna Dixon**, for damages alleged to have been sustained as a result of driving over a water meter on September 15, 2009 at 8001 Roswell Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0195 (23) Claim of **Kathryn Wright**, for damages alleged to have been sustained as a result of the lane striping on the roadway on August 13, 2009 at Wieuca Road and North Ivy Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0196 (24) Claim of **Valerie Williams**, for damages alleged to have been sustained as a result of a personal injury on a private water valve cut-off on June 13, 2009 at 1181 Barnes Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0197 (25) Claim of **Christopher E. Johnson**, for vehicular damages alleged to have been sustained from driving over a pothole on August 19, 2009 at 341 Ponce de Leon Avenue, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0198 (26) Claim of **Liberty Mutual Fire Insurance Company, as subrogee of Ashley Schiavone**, for property damages alleged to have been sustained from an automobile accident on July 21, 2009 at Peachtree Street and 5<sup>th</sup> Street, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0199 (27) Claim of **Joshua Byrd, Amy Gunderson, and Meghan Truesdale, through their attorney, Tyler B. Kaspers, Esq., Kaspers & Associates**, for damages alleged to have been sustained when a dog was taken from his owner on September 2, 2008 at 187 13<sup>th</sup> Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0200 (28) Claim of **Nelu McDowell, through her attorney, Michael G. Regas, II, Esq., Houck, Ilardi & Regas, LLC**, for bodily injuries alleged to have been sustained from a slip and fall incident on June 10, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0201 (29) Claim of **Alfa Mutual Insurance Company, as subrogee of Jorge Ferreira**, for property damages alleged to have been sustained when a light fixture fell from its pole onto an automobile on October 1, 2009 at 1300 Inner Loop Road, Hartsfield-Jackson Atlanta International Airport.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0202 (30) Claim of **Sarah Gooley, through her attorney, Marc S. Sedwick, Esq., Trail Lawyer**, for bodily injuries alleged to have been sustained from a slip and fall incident on June 16, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

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

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0203 (31) Claim of **Kellie A. Ali**, for vehicular damages alleged to have been sustained from driving through wet paint after a road-striping project on June 30, 2009 at 10<sup>th</sup> Street and Monroe Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0204 (32) Claim of **April Mitchell, Jarius Mack, Dexter Taylor, Jr., Dexter Taylor, Sr. and Courtney Martin, through their attorney, Courtney Martin, Esq., Willis and Associates, Law Group, LLC**, for damages alleged to have been sustained from a residential fire on May 9, 2009 at 526 Dollar Mill Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-R-0205 (33) Claim of **Norris L. Wright, through his attorney, James J. Kelleher, Esq., Morgan & Morgan**, for bodily injuries alleged to have been sustained when a tree limb fell on October 6, 2009 at 250 Georgia Avenue, SE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

**CONSENT AGENDA  
SECTION II**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA**

**SECTION II**

**ORDINANCES FOR FIRST READING**

**All items on Consent Agenda II (1 through 10 as follows) were Referred to the appropriate committees as a collective vote.**

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**

**JOYCE SHEPERD, CHAIR**

10-O-0153 (1) An Ordinance by **Community Development/ Human Resources Committee** to correct Ordinance Number 08-O-2417 adopted by the City Council on February 2, 2009 and approved by the Mayor on February 10, 2009, by deleting the incorrect Department, Organization and Expenditure Number and Description, and inserting in lieu thereof the correct Department, Organization and Expenditure Number and Description; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

10-O-0154 (2) An Ordinance by **Community Development/ Human Resources Committee** to correct Ordinance Number 09-O-1500 adopted by the City Council on September 21, 2009 and approved by the Mayor on September 25, 2009, by deleting the incorrect Department, Organization and Expenditure Number and Description, and inserting in lieu thereof the correct Department, Organization and Expenditure Number and Description; and correcting the Grant Award to \$277,162.00; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

10-O-0155 (3) An Ordinance by **Community Development/ Human Resources Committee** to correct Ordinance Number 09-O-1501 adopted by the City Council on September 21, 2009 and approved by the Mayor on September 25, 2009, by deleting the incorrect Department, Organization and Expenditure Number and Description, and inserting in lieu thereof the correct Department, Organization and Expenditure Number and Description; and correcting the Grant Award to \$321,359.00; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION II (CONT'D)**

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

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE (CONT'D)**  
**JOYCE SHEPERD, CHAIR**

- 10-O-0156 (4) An Ordinance by **Community Development/ Human Resources Committee** to correct Ordinance Number 09-O-1502 adopted by the City Council on September 21, 2009 and approved by the Mayor on September 25, 2009 by deleting the incorrect Department, Organization and Expenditure Number and Description, and inserting in lieu thereof the correct Department, Organization and Expenditure Number and Description; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-O-0157 (5) An Ordinance by **Community Development/ Human Resources Committee** amending the 2010 (Intergovernmental Grant Fund) Budget, by adding to anticipations and appropriations in the amount of \$750,000.00 in Community Development Block Grant (CDBG) Supplemental Disaster Recovery Funds, awarded to the City by the Georgia Department of Community Affairs (DCA); and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**
- 10-O-0158 (6) An Ordinance by **Community Development/ Human Resources Committee** amending the 2010 (Dislocated Worker Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipation and appropriations in the amount of \$699,836.00 in the Workforce Investment Act Dislocated Worker Fund from the Georgia Department of Labor, to provide job training and other skills to local dislocated workers; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION II (CONT'D)**

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

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE (CONT'D)**  
**JOYCE SHEPERD, CHAIR**

- 10-O-0159 (7) An Ordinance by **Community Development/ Human Resources Committee** amending the 2010 (Adult Worker Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipation and appropriations in the amount of \$1,530,073.00 in the Workforce Investment Act Adult Worker Fund from the Georgia Department of Labor, to provide job training and other skills to local adult workers; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

**TRANSPORTATION COMMITTEE**  
**C. T. MARTIN, CHAIR**

- 10-O-0163 (8) An Ordinance by **Transportation Committee** authorizing the Mayor to grant an easement to Delta Air Lines, Inc., over and under property located at Hartsfield-Jackson Atlanta International Airport for the purpose of housing fiber communications equipment that will connect the Airport Terminals and Concourses with various Delta facilities on and around the Airport and that will provide the City with a right to use Delta's communications duct for the City's connectivity needs at Hartsfield-Jackson Atlanta International Airport; and for other purposes.  
**REFERRED TO TRANSPORTATION COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

**FINANCE/ EXECUTIVE COMMITTEE**  
**YOLANDA ADREAN, CHAIR**

- 10-O-0167 (9) An Ordinance by **Finance/ Executive Committee** to authorize the Mayor or his designee to enter into an In-Building Radio Distribution Agreement to allow better radio systems performance for Atlanta Police Department ("APD") Personnel at the 3493 Donald Lee Hollowell Parkway Annex for APD at no expense to the City of Atlanta.  
**REFERRED TO FINANCE/ EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION II (CONT'D)**

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

**FINANCE/ EXECUTIVE COMMITTEE (CONT'D)**  
**YOLANDA ADREAN, CHAIR**

- 10-O-0229 (10) An Ordinance by **Finance/ Executive Committee** submitting the Twelfth Supplemental Bond Ordinance to ratify, reaffirm, supplement that certain Master Bond Ordinance adopted on March 31, 1999, as supplemented and amended by that certain First Supplement Bond Ordinance adopted on March 5, 2001, that certain Series 2001 Bond Ordinance adopted on December 5, 2001, that certain Series 2004 Bond Ordinance adopted on August 16, 2004, as supplemented by that certain Supplemental Series 2004 Bond Ordinance adopted on September 15, 2004, that certain Fifth Supplemental Bond Ordinance adopted on November 19, 2007, that certain Series 2008 Bond Ordinance adopted on March 17, 2008, that certain Seventh Supplemental Bond Ordinance adopted on October 6, 2008, that certain Series 2009 Bond Ordinance adopted on May 4, 2009, as supplemented by that certain Supplemental Series 2009 Bond Ordinance adopted on June 17, 2009, and that certain Series 2009B Bond Ordinance adopted on October 5, 2009, as Supplemented by that certain Supplemental Series 2009B Bond Ordinance adopted on October 14, 2009; to authorize the execution and delivery by the City of Atlanta of Amendments to an Interest Rate Swap Agreement that hedged a portion of the City's Water and Wastewater Revenue Bonds; and for other purposes.  
**REFERRED TO FINANCE/ EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

# COMMITTEE REPORTS

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS**

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE (1)**  
**JOYCE SHEPERD, CHAIR**

Attendance at the January 26, 2010 meeting of the Community Development/Human Resources Committee was as follows:

Present: Councilmembers Sheperd (Chair), Wan, Young, Winslow, Bond and Hall

Absent: None

**RESOLUTION**

10-R-0161 ( 1) A Resolution by **Community Development/ Human Resources Committee** authorizing the Mayor to enter into a Memorandum of Understanding with Atlanta Development Authority (ADA) for fund and project management of the 2009 Brownfield Revolving Loan Fund (BRLF) Grant awarded to the City by the United States Environmental Protection Agency (EPA), for Brownfield Redevelopment in an amount not to exceed \$860,000.00; and for other purposes.

**Note: Councilmember Hall stated for the record his abstention to Resolution 10-R-0161 was due to a potential conflict of interest.**

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

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (1)**

**IVORY L. YOUNG, JR., CHAIR**

Attendance at the January 26, 2010 meeting of the Public Safety and Legal Administration Committee was as follows:

Present: Councilmembers Young (Chair), Willis, Adrean, Bottoms, Martin and Archibong

Absent: Councilmember Sheperd

**RESOLUTION**

10-R-0219 (1) A Resolution by **Councilmember Cleeta Winslow** authorizing the Mayor or his designee to accept a donation of office furniture worth a value of \$\_\_\_\_\_ from Wachovia Bank, on behalf of the Department of Police; and for other purposes.

**Chairperson Young sounded the caption to Resolution 10-R-0219 and stated the committee recommendation was Favorable on Condition (receipt of dollar value). Following, Chairperson Young offered Amendment #1/#1 to add the value of the office furniture. It was Seconded by Councilmember Winslow. An extensive discussion ensued, during which, Council deferred the resolution to later during the meeting. Returning back to Resolution 10-R-0219, the original Amendment #1/#1 was withdrawn Without Objection. Councilmember Winslow was then recognized and offered Amendment #1/#1 as follows: (1) to replace in the caption from Mayor and his designee to "Atlanta Police Foundation;" (2) In the Second Whereas Clause; to replace Department of Police with "Atlanta Police Foundation," as well as the Resolve Clause and; (3) add in the caption, the Fifth Whereas Clause and the Resolve Clause the amount of \$10,000. It was Seconded by Councilmember Young and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. Subsequently, Councilmember Winslow made a Motion to Adopt as Amended. It was Seconded by Councilmember Young and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.**

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

**Council President Ceasar C. Mitchell Presided**

**COMMITTEE REPORTS (CONT'D)**

**TRANSPORTATION COMMITTEE (1)**

**C. T. MARTIN, CHAIR**

Attendance at the January 27, 2010 meeting of the Transportation Committee was as follows:

Present: Councilmembers Martin (Chair), Bottoms, Moore, Willis, Smith and Archibong

Absent: Councilmember Bond

**The Standing Committee of Transportation did not have a report.**

**2/1/10 Action Minutes**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (1)**

**AARON WATSON, CHAIR**

Attendance at the January 27, 2010 meeting of the Zoning Committee was as follows:

Present: Councilmembers Watson (Chair), Winslow, Young, Shook, Bottoms and Smith

Absent: None

**ZONING REVIEW BOARD SUMMARY REPORT**

10-O-0038 (1) An Ordinance by **Zoning Committee** to rezone property from the  
Z-09-37 RG-2 (Residential General-Sector 2) District, to the R-LC (Residential-Limited Commercial) District, for property located at **4591 Wieuca Road, NE**, fronting approximately 70 feet on the northeasterly side of Wieuca Road, beginning 506 feet easterly and southeasterly from the southeast corner of a 15 foot alley.

Depth: Varies  
Area: 0.40 Acre  
Land Lot: 95, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Tom Hicks  
Applicant: Tom Hicks  
NPU-B Council District 7

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

**The following items (2 through 5 as follows) were taken as a collective vote.**

10-O-0027 (2) An **Amended** Ordinance by **Zoning Committee** granting a  
U-09-16 Special Use Permit for a Personal Care Home pursuant to Section 16-06.005 (1)(g) for property located at **350 Schoen Street, SE** fronting approximately 108.5 feet on the north side of Schoen Street at the southwest corner of the intersection of Schoen Street and Charleston Avenue.

Depth: Approximately 170 feet  
Area: 0.42 Acre  
Land Lot: 39, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Annie L. Barber  
Applicant: Annie L. Barber  
NPU-Y Council District 1

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

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (2)**

**AARON WATSON, CHAIR**

**ZONING REVIEW BOARD SUMMARY REPORT (CONT'D)**

10-O-0032 (3) An **Amended Ordinance by Zoning Committee** to amend  
U-09-18 Ordinance 98-O-0067 (U-97-69) which granted a Special Use Permit for a Communication Tower in a C-2 (Commercial Service) District for property located at **2664 Donald Lee Hollowell Parkway** (formerly known as Bankhead Highway); and for other purposes.

Owner: Horatio Lawson  
Applicant: T-Mobile South, LLC C/O SAI  
Communication  
NPU-I Council District 9

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

10-O-0028 (4) An Ordinance by **Councilmember Aaron Watson as Amended**  
U-09-19 **by Zoning Committee** granting a Special Use Permit for a Private School pursuant to Section 16-06.005 (1)(L) and Section 16-05.005(1)(L) for property located at **4776 Campbellton Road** (Parcel Id #14F-0065-0001-003-0 & 14F-0065-0001-002), **4774 Campbellton Road, S.W.** (Parcel Id #14F-0065-0001-004 & 14F-0065-0001-005-0 (**A.K.A. Campbellton Rd. Rear**), 14F-0076-LL-008-8 (**A.K.A. Kenny Rd. Rear**) and 14F-0065-0001-024 (**Kenny Rd. S.W.**) fronting approximately 365 feet on the western side of Campbellton Road S.W.; and for other purposes.

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

10-O-0034 (5) An **Amended Ordinance by Zoning Committee** granting a  
U-09-21 Special Use Permit for a Church pursuant to Section 16-06.005 (1)(c) for property located at **1280 Benteen Way, SE**, fronting approximately 269 feet on the north side of Benteen Way and approximately 410 feet on the east side of Boulevard.

Depth: Varies  
Area: Approximately 2.0 Acres  
Land Lot: 24, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Abundant Life Center  
Applicant: James McDougald  
NPU-W Council District 1

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

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (3)**

**AARON WATSON, CHAIR**

**ZONING REVIEW BOARD SUMMARY REPORT (CONT'D)**

10-O-0029 ( 6)  
Z-09-35            A **Substitute** Ordinance by **Zoning Committee** to amend the Castleberry Hill Landmark District Regulations (Chapter 20N) of the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to create a definition of Off-Leash Dog Park and allow such a use in Subarea 1 of the Castleberry Hill Landmark District; and for other purposes.  
**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

10-O-0033 ( 7)  
U-09-20            An Ordinance by **Zoning Committee** granting a Special Use Permit for a Day Care Center pursuant to Section 16-06.005 (1)(g) for property located at **3797 Adamsville Drive, SW.**, fronting approximately 90 feet on the north side of Adamsville Drive, approximately 760 feet west of the intersection of Martin Luther King, Jr. Drive and Adamsville Drive.

Depth:            Approximately 200 feet  
Area:             Approximately 0.41 Acre  
Land Lot:        14, 14FFth District, Fulton County, Georgia  
Owner:           Unity Realty Specialist (Ben Lawrence)  
Applicant:      April Ingraham  
NPU-H            Council District 10

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



Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE (1)**

**YOLANDA ADREAN, CHAIR**

Attendance at the January 27, 2010 meeting of the Finance/Executive Committee was as follows:

Present: Councilmembers Adrean (Chair), Martin, Moore, Watson, Shook, Wan and Willis

Absent: None

**RESOLUTIONS**

10-R-0136 (1) A Resolution by **Councilmembers Michael Julian Bond, H. Lamar Willis, Kwanza Hall, Ivory Lee Young, Jr., and Aaron Watson as Substituted by Full Council** amending the 2010 City of Atlanta, Georgia General Assembly Legislative Package so as to express the City of Atlanta's support for a Municipal Option Sales Tax ("MOST") for the creation of a Public Safety Improvement Fund; and for other purposes.

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

10-R-0168 (2) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into a Contractual Agreement with LAZ Parking/ Georgia, LLC, on behalf of the Department of Planning and Community Development, Bureau of Code Compliance, for the lease of thirty-five (35) parking spaces for its fleet vehicles at 211 Trinity Avenue, SW as a Special Procurement pursuant to City Code Section 2-1191.1 and in an amount not to exceed \$33,000.00; all contracted services shall be charged to and paid from the FDOA Number listed; and for other purposes.

**Chairperson Adrean sounded the caption to Resolution 10-R-0168 and stated the resolution should be an ordinance. Therefore, Ms. Adrean made a Substitute Motion to File. It was properly Seconded and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.**

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

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE (2)**  
**YOLANDA ADREAN, CHAIR**

**RESOLUTIONS (CONT'D)**

10-R-0218 (3) A Resolution by **Councilmembers Michael Julian Bond, Ivory Young, Jr., H. Lamar Willis and Aaron Watson as Substituted by Finance/ Executive Committee** amending the 2010 City of Atlanta Georgia General Assembly Legislative Package so as to express the City of Atlanta's support for a Municipal Option Sales Tax ("MOST") for the creation of both a Public Safety Improvement Fund and a Public Infrastructure Fund; and for other purposes.

**Chairperson Adrean sounded the caption to Resolution 10-R-0218 and stated it was forwarded from committee with a Favorable on Substitute on Condition (receipt of a new substitute) recommendation. Following, Councilmember Moore was recognized and made a Motion to bring forth the Substitute. It was Seconded by Councilmember Bond and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. The Substitute was before Council. After a brief discussion, the Motion to Adopt on Substitute CARRIED by a roll call vote of 13 yeas; 0 nays. Later during the meeting, Councilmember Bond made a Motion to Reconsider 10-R-0218. It was properly Seconded and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. The resolution was before Council. Councilmember Bond then offered Amendment #1/#1 to add Councilmember Adrean as a co-sponsor to the legislation. It was properly Seconded and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. After which, Councilmember Bond made a Motion to Adopt on Substitute as Amended. It was properly Seconded and CARRIED by a roll call vote of 13 yeas; 0 nays.**

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

## 2/1/10 Action Minutes

Council President Ceasar C. Mitchell Presided

### COMMITTEE REPORTS (CONT'D)

#### COMMITTEE ON COUNCIL (1)

FELICIA A. MOORE, CHAIR

Attendance at the February 01, 2010 meeting of the Committee on Council was as follows:

Present: Councilmembers Moore (Chair), Wan, Bond, Winslow, Sheperd and Hall

Absent: None

### COMMUNICATIONS

**The following communications (1 through 5 as follows) were taken as a collective vote.**

10-C-0048 (1) A Communication from **Clerk Mark Massey to the Fulton County Board of Commissioners to Council President Ceasar C. Mitchell** submitting the Fulton County Board of Commissioners' re-appointment of Mrs. Hazel Jacobs (Position 4) to serve as the County's representative on the BeltLine Affordable Housing Advisory Board. This re-appointment is for a term of two (2) years, retroactive to May 01, 2009 and expires on April 30, 2011. (Favorable by CD/HR Committee 1/12/10; Referred back by Council 1/19/10; Favorable by CD/HR Committee 1/26/10.)  
**CONFIRMED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

10-C-0149 (2) A Communication from **Elizabeth B. Coyle, Chair, BeltLine Network, to Council President Ceasar C. Mitchell and Members of Council** submitting their appointment of Dr. Kelly Hill to serve as their representative on the BeltLine Tax Allocation District (TAD) Advisory Committee. This appointment is for a term of two (2) years, retroactive to January 01, 2010. (Favorable by CD/HR Committee 1/26/10.)  
**CONFIRMED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

10-C-0152 (3) A Communication from **Andy Schneggenburger, Executive Director, Atlanta Housing Association of Neighborhood-Based Developers (AHAND) to Municipal Clerk Rhonda Dauphin Johnson**, jointly with the Atlanta Neighborhood Development Partnership (ANDP), appointing Ms. Kate S. Little to serve as their representative on the BeltLine Tax Allocation District (TAD) Affordable Housing Advisory Board. This appointment is for a term of two (2) years, retroactive to May 01, 2009 and expires April 30, 2011. (Favorable by CD/HR Committee 1/26/10.)  
**CONFIRMED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

## 2/1/10 Action Minutes

Council President Ceasar C. Mitchell Presided

### COMMITTEE REPORTS (CONT'D)

#### COMMITTEE ON COUNCIL (2)

FELICIA A. MOORE, CHAIR

### COMMUNICATIONS (CONT'D)

10-C-0208 (4) A Communication from **John O'Callaghan, President and CEO, Atlanta Neighborhood Development Partnership, Inc., (ANDP) to Municipal Clerk Rhonda Dauphin Johnson**, jointly with the Atlanta Housing Association of Neighborhood-based Developers (AHAND), appointing Mr. Derrick Duckworth to serve as their representative on the BeltLine Tax Allocation District (TAD) Affordable Housing Advisory Board. This appointment is for a term of two (2) Years, retroactive to May 01, 2009 and expires April 30, 2011. (Favorable by CD/HR Committee 1/26/10.)

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

10-C-0209 (5) A Communication by **Councilmembers Natalyn M. Archibong, District 5; Alex Wan, District 6; Howard Shook, District 7; Yolanda Adrean, District 8 and Aaron Watson, Post 2 At-Large**, re-appointing Mr. Andy Schneggenburger to serve as their representative on the BeltLine Tax Allocation Affordable Housing Advisory Board. This appointment is for a term of two (2) years, retroactive to May 01, 2009 and expires April 30, 2011. (Favorable by CD/HR Committee 1/26/10.)

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

### RESOLUTIONS

10-R-0223 (1) A Resolution by **Councilmembers C. T. Martin, Ivory Lee Young, Jr., Aaron Watson, Yolanda Adrean, Alex Wan, Joyce Sheperd, Clea Winslow, Keisha Lance Bottoms, H. Lamar Willis, Howard Shook, Kwanza Hall and Michael Julian Bond as Substituted by Committee on Council** authorizing the creation of a commission to determine an appropriate honor memorializing Reverend James Orange in the City of Atlanta; and for other purposes.

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

10-R-0224 (2) A Resolution by **Councilmembers C. T. Martin, Ivory Lee Young, Jr., Aaron Watson, Yolanda Adrean, Alex Wan, Joyce Sheperd, Clea Winslow, Keisha Lance Bottoms, H. Lamar Willis, Howard Shook, Kwanza Hall and Michael Julian Bond as Substituted by Committee on Council** authorizing the creation of a commission to determine an appropriate honor for Ms. Xernona Clayton in the City of Atlanta; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**CITY UTILITIES COMMITTEE (1)**

**NATALYN M. ARCHIBONG, CHAIR**

Attendance at the January 26, 2010 meeting of the City Utilities Committee was as follows:

Present: Councilmembers Archibong (Chair), Shook, Hall, Watson, Adrean and Smith

Absent: None

**The Standing Committee of City Utilities did not have a report.**

# **PERSONAL PAPERS**

Council President Ceasar C. Mitchell Presided

**PERSONAL PAPERS**

**ORDINANCES/ REFERRED**

- 10-O-0307 (1) An Ordinance by **Councilmembers C. T. Martin, Aaron Watson, H. Lamar Willis, Kwanza Hall and Ivory Lee Young, Jr.** to amend Chapter 62, Article II, Section 62-46 of the Code of Ordinances of the City of Atlanta, Georgia (Entitled “Pretrial Diversion Fee”) so as to specify the General Fund uses for which the fees shall be allocated; to waive conflicting ordinances; and for other purposes.  
**REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION**
- 10-O-0308 (2) An Ordinance by **Councilmembers C. T. Martin, Aaron Watson, Keisha Bottoms and Michael Julian Bond** to authorize a pay for performance payment to all City employees covered under the General Employee Salary Schedule that receive a rating of effective or better for FY2010; and for other purposes.  
**REFERRED TO FINANCE/ EXECUTIVE COMMITTEE WITHOUT OBJECTION**
- 10-O-0309 (3) An Ordinance by **Councilmember Kwanza Hall** to amend Chapter 150, Article IV, Division 3, Section 150-132 entitled “Parking Time Limits; Fees” of the Code of Ordinances; and for other purposes.  
**REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION**
- 10-O-0310 (4) An Ordinance by **Councilmember Kwanza Hall** authorizing the abandonment of a portion of Angier Avenue between Garden Park Drive, NE and Ashley Avenue, NE, consisting of approximately 13,183 square feet and being more specifically described in the attached Exhibit “A,” lying and being in Land Lot 18 of the 14<sup>th</sup> District of Fulton County, Georgia; waiving certain provisions of the Code of Ordinances; and for other purposes.  
**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**
- 10-O-0311 (5) An Ordinance by **Councilmember Kwanza Hall** authorizing the abandonment of a portion of Morgan Street between North Angier Avenue, NE and Garden Park Drive, NE, consisting of approximately 6,727 square feet and being more specifically described in the attached Exhibit “A,” lying and being in Land Lot 18 of the 14<sup>th</sup> District of Fulton County, Georgia; waiving certain provisions of the Code of Ordinances; and for other purposes.  
**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**

Council President Ceasar C. Mitchell Presided

**PERSONAL PAPERS (CONT'D)**

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

10-O-0312 (6) An Ordinance by **Councilmember Kwanza Hall** authorizing the abandonment of a portion of Edith Street between Rankin Street, NE and Angier Avenue NE, consisting of approximately 10,137 square feet and being more specifically described in the attached Exhibit "A," lying and being in Land Lot 18 of the 14<sup>th</sup> District of Fulton County, Georgia waiving certain provisions of the Code of Ordinances; and for other purposes.

**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**

10-O-0313 (7) An Ordinance and Charter Amendment by **Councilmembers Howard Shook and Felicia A. Moore** amending the Charter of the City of Atlanta adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965 (Ga. Laws 1965, p. 298, Et. Seq.) as amended, to amend Section 2-301, Chapter 3, Article 2, entitled "Organizational Meeting; Oath of Office; Mandatory Training" of the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, p. 4469, Et. Seq.) so as to provide that the Oath of Office for City of Atlanta Elected Officials set out at Charter Section 2-301(b) shall be revised; to repeal conflicting ordinances and charter amendments; and for other purposes.

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

10-O-0314 (8) An Ordinance by **Councilmembers Michael Julian Bond, Aaron Watson, H. Lamar Willis, Clea Winslow and Ivory Lee Young, Jr.** to amend the 1982 Atlanta Zoning Ordinance, as amended, by amending the use chart for SPI-11 Vine City & Ashby Station Special Public Interest District Regulations so as to provide that Pawn Shops are not permitted uses within Sub-Areas 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12; to provide a definition for such use; and for other purposes.

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

10-O-0317 (9) An Ordinance by **Councilmembers Carla Smith and Ivory Lee Young, Jr.** authorizing the Mayor on behalf of the Department of Public Works, to enter into an agreement with 880 Glenwood, LLC, for the construction and operation of a temporary tie-back support system and authorizing a subsequent encroachment agreement if modifications to the construction make such an agreement necessary; and for other purposes.

**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**

Council President Ceasar C. Mitchell Presided

**PERSONAL PAPERS (CONT'D)**

**RESOLUTIONS/ REFERRED**

10-R-0315 ( 1)      A Resolution by **Councilmembers Michael Julian Bond, Aaron Watson and H. Lamar Willis** to amend the City of Atlanta 2010 Georgia General Assembly Legislative Package so as to call for the repeal O.C.G.A. 16-11-173 (b) (1); and for other purposes.  
**REFERRED TO FINANCE/ EXECUTIVE COMMITTEE WITHOUT OBJECTION**

10-R-0316 ( 2)      A Resolution by **Councilmember Cleta Winslow** authorizing the Mayor to apply for and accept grant funding from the Governor's Office for Children and Families from the Juvenile Accountability Incentive Block Grant Program in an amount not to exceed \$39,800.00 and matched by the City in an amount not to exceed \$4,200.00 to develop and implement programs to benefit youth in the City of Atlanta; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

# ADJOURNMENT

**Council President Ceasar C. Mitchell Presided**

**ADJOURNMENT**

There being no further business to discuss, the February 01, 2010 meeting of the Atlanta City Council was adjourned at 3:21 p.m.

**ADJOURNMENT ROLL CALL: Council President Ceasar C. Mitchell (1); Councilmembers Hall, Young, Winslow, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd, Bond, Watson and Willis (13); Councilmember Archibong was excused (1).**