

# ATLANTA CITY COUNCIL

## ACTION/MINUTES

### DECEMBER 16, 2010

The Atlanta City Council held a Special Called Meeting on Thursday, December 16, 2010. The Meeting convened at 10:14 a.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

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

**Attendance:**

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

<b>The Honorable Carla Smith</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 *10:18</b>	<b>The Honorable Keisha Bottoms</b>
<b>The Honorable Natalyn Archibong*10:15</b>	<b>The Honorable Joyce Sheperd</b>
<b>The Honorable Alex Wan</b>	<b>The Honorable Michael Bond *10:40</b>
<b>The Honorable Howard Shook</b>	<b>The Honorable Aaron Watson *10:14</b>
<b>The Honorable Yolanda Adrean</b>	<b>The Honorable H. Lamar Willis *10:18</b>

*Councilmember Kwanza Hall was Absent.*

**\*Arrival Time – indicates arrival after convening roll call.**

**INVOCATION:** Reverend Gerald L. Durley, Sr. Pastor of the Providence Missionary Baptist Church gave the invocation.

**PLEDGE OF ALLEGIANCE:** In unison, the Council recited the Pledge of Allegiance to the flag of the United States of America.

**THE ADOPTION OF THE AGENDA:** Councilmember Moore made a Motion to enter **Committee of the Whole** to hear from the Metropolitan Atlanta Rapid Transit Authority (MARTA) Board appointees. It was properly Seconded but **withdrawn** in order to Amend the Agenda accordingly. Following, Councilmember Martin made a Motion to **Amend the Agenda** by moving ordinances **10-O-1979 and 10-O-1981** to consider first. It was properly Seconded but was also **withdrawn** and the Second as well. A **Motion** was then made as suggested by Council President Ceasar C. Mitchell to first consider Ordinances 10-O-2092 and 10-O-1982, followed by, Communications 10-C-2242, 10-C-2243 and 10-C-2244 and then act on Ordinances 10-O-1979 and

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10-O-1981. Subsequently, the **Adoption of the Agenda as Amended** CARRIED by a roll call vote **13 yeas; 0 nays.**

# COMMUNICATIONS

Council President Ceasar C. Mitchell Presided

**COMMUNICATIONS**

10-C-2234 ( 1) A Communication by **Council President Ceasar C. Mitchell** calling for a Special Called Meeting of the Atlanta City Council on Thursday, December 16, 2010 at 10:00 a.m. to consider the following: 10-O-2092, 10-O-1982, 10-O-1980, 10-O-1979, 10-O-1981, 10-O-2130, 10-O-2131, 10-C-2242, 10-C-2243 and 10-C-2244.

**FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

**Councilmember Moore made a Motion to enter Committee of the Whole to hear from the appointees to the Metropolitan Atlanta Rapid Transit Authority (MARTA) Board. It was properly Seconded and the Motion CARRIED by a roll call vote of 11 yeas; 0 nays. Council entered Committee of the Whole. After Council entertained questions to the appointees, Councilmember Martin made a Motion to re-enter Regular Session. It was properly Seconded and CARRIED by a roll call vote of 14 yeas; 0 nays. Council then re-entered Regular Session.**

10-C-2242( 2) A Communication from **Mayor Kasim Reed** to Council President Ceasar C. Mitchell and all members of the Atlanta City Council appointing Ms. Juanita J. Abernathy to serve on the MARTA Board of Directors for a term of four (4) years to begin January 1, 2011 and to expire December 31, 2014.

***COMMITTEE OF THE WHOLE***

**In Committee of the Whole, Ms. Juanita Abernathy entertained questions from Council and spoke to the Council about her desire on serving the Board.**

***REGULAR SESSION***

**During Regular Session, Municipal Clerk Rhonda Dauphin Johnson sounded the caption to communications (10-C-2242, 10-C-2243 and 10-C-2244). Following, Chairperson Martin stated the communications were forwarded from the Transportation Committee Without Recommendation. Mr. Martin then made a Motion to Confirm all (3) three communications. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

**CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**COMMUNICATIONS (CONT'D)**

10-C-2243 (3) A Communication from **Mayor Kasim Reed** to Council President Ceasar C. Mitchell and all members of the Atlanta City Council appointing Mr. Robert L. Ashe, III to serve on the MARTA Board of Directors for a term of four (4) years to begin January 1, 2011 and to expire December 31, 2014.

***COMMITTEE OF THE WHOLE***

**In Committee of the Whole, Mr. Robert Ashe entertained questions from Council and spoke about his willingness to serve on the Board.**

***REGULAR SESSION***

**During Regular Session, Municipal Clerk Rhonda Dauphin Johnson sounded the caption to communications (10-C-2242, 10-C-2243 and 10-C-2244). Following, Chairperson Martin stated the communications were forwarded from the Transportation Committee Without Recommendation. Mr. Martin then made a Motion to Confirm all (3) three communications. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

**CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

10-C-2244 (4) A Communication from **Mayor Kasim Reed** to Council President Ceasar C. Mitchell and all members of the Atlanta City Council appointing Dr. Roderick "Rod" E. Edmond to serve on the MARTA Board of Directors for a term of four (4) years to begin January 1, 2011 and to expire December 31, 2014.

***COMMITTEE OF THE WHOLE***

**In Committee of the Whole, Dr. Roderick Edmond attended the meeting but had to leave for a deposition. Ms. Katrina Taylor-Parks, Deputy Chief of Staff, spoke on Dr. Edmond's behalf.**

**Council President Ceasar C. Mitchell Presided**

**COMMUNICATIONS (CONT'D)**

10-C-2244 ( 4) (Cont'd)

***REGULAR SESSION***

**During Regular Session, Municipal Clerk Rhonda Dauphin Johnson sounded the caption to communications (10-C-2242, 10-C-2243 and 10-C-2244). Following, Chairperson Martin stated the communications were forwarded from the Transportation Committee Without Recommendation. Mr. Martin then made a Motion to Confirm all (3) three communications. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

**CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

# **COMMITTEE REPORTS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS**

**FINANCE/EXECUTIVE COMMITTEE (1)**  
**YOLANDA ADREAN, CHAIR**

**ORDINANCES**

10-O-2092 ( 1) An Ordinance by **Councilmember C. T. Martin as Substituted by Full Council** for the Series 2010C Supplemental Bond Ordinance. An Ordinance Supplementing and Amending that certain Thirteenth Supplemental Bond Ordinance of the City of Atlanta Adopted on July 6, 2009, to, among other things, re-designate the name and set forth the terms of the Airport General Revenue Refunding Bonds, Series 2010C, including the Aggregate Principal amount, Interest Rates, Maturity Amounts, Maturity Dates, Redemption Provisions and Debt Service Reserve Requirement with respect thereto; ratify certain prior actions of the City Council and certain officers and agents of the City with respect to the issuance and sale of the Series 2010C Bonds; approve the form and authorizing the execution of a Bond Purchase Agreement and certain other Agreements in connection with said Series 2010C Bonds; authorize and approve the preparation, use and distribution of a Final Official Statement in connection with the offer and sale of said Series 2010C Bonds; approve the application on the proceeds of the Series 2010C Bonds; designate the Initial Bond Registrar and Paying Agent; ratify and approve the appointment of Bond Counsel; set forth the terms and covenants associated with a Municipal Bond Insurance Policy related to a portion of said Series 2010C Bonds; provide an effective date; and for other related purposes.

**Chairperson Adrean made a Motion to bring Ordinances 10-O-2092 and 10-O-1982 from the Table. It was Seconded by Councilmember Martin and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. Both ordinances were before Council. Chairperson Adrean then made a Motion to bring forth a Substitute for Ordinance 10-O-2092. It was properly Seconded and CARRIED by a roll call vote of 13 yeas; 0 nays. The Substitute was before the Council. Following, Chairperson Adrean sounded the caption to the Substitute and a brief discussion ensued. Subsequently, the Motion to Adopt on Substitute was made by Chairperson Adrean. It was Seconded by Councilmember Winslow and CARRIED by a roll call vote of 13 yeas; 0 nays. However, a Motion to Reconsider was made by Council. It was properly**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

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

**ORDINANCES (CONT'D)**

10-O-2092 ( 1)  
(Cont'd)      **Seconded and CARRIED by a roll call vote of 13 yeas; 0 nays. Ordinance 10-O-2092 was again before Council. The Motion to Adopt on Substitute was then CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention. After the vote, Chairperson Adrean made a Motion to send the ordinance to the Mayor's Office immediately for signature. It was Seconded by Councilmember Moore and CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.**

**Note: Councilmember Young stated for the record his abstention to Ordinance 10-O-2092 was due to a potential conflict of interest – employed by one of the architects.**

**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION**

10-O-1982 ( 2)      **An Ordinance by Councilmembers Michael Julian Bond and C. T. Martin for the Fifteenth Supplemental Bond Ordinance supplementing the Restated and Amended Master Bond Ordinance of the City of Atlanta Adopted on March 20, 2000 (99-O-1896), as previously amended and Supplemented, to authorize the issuance by the City of Atlanta of its not to exceed \$20,000,000.00 Airport Limited Obligation Bond Anticipation Notes, to provide funds to finance or refinance, in whole or in part on an interim basis, to provide funds to pay or reimburse the City for all or a portion of a termination payment in connection with the termination of those certain Interest Rate Exchange Agreements related to the City's outstanding Airport General Revenue Bonds Series 2003RF-B and the City's outstanding Airport General Revenue Bonds Series 2003RF-C and pay certain expenses relating thereto; to provide for the form of said Bond Anticipation Notes and for the Execution of said Bond Anticipation Notes; providing for the rights of the holders of said Bond Anticipation Notes; to provide for the form of said Bond Anticipation Notes; to provide for the place of payment of the Principal and Interest on said Bond Anticipation Notes; approving the forms and authorizing the Execution of said Bond Anticipation Notes, a Note Purchase Agreement, and Certain Other Agreements in connection with said Bond**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (3)**  
**YOLANDA ADREAN, CHAIR**

**ORDINANCES (CONT'D)**

10-O-1982 (2)  
(Cont'd)            Anticipation Notes and providing for incidental action; to provide for the repayment of said Bond Anticipation Notes from the proceeds of the not to exceed \$590,000,000.00 Airport General Revenue Refunding Bonds authorized by the Thirteenth Supplemental Bond Ordinance in anticipation of which the Bond Anticipation Notes are being issued and for other purposes; designating a Paying Agent and Bond Registrar; providing for severability; authorizing certain officials and employees of the City to take all actions required in connection with the issuance of said Bond Anticipation Notes; providing certain other details with respect thereto; providing an effective date; and for other purposes.

**Chairperson Adrean made a Motion to bring Ordinances 10-O-2092 and 10-O-1982 from the Table. It was Seconded by Councilmember Martin and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. Both ordinances were before Council. Chairperson Adrean made Motion to File Ordinance 10-O-1982. It was properly Seconded and CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.**

**Note: Councilmember Young stated for the record his abstention to Ordinance 10-O-1982 was due to a potential conflict of interest – employed by one of the architects.**

**FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION**

10-O-2130 (3)            An Ordinance by **Finance/ Executive Committee** waiving the payment provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior provision of ACCELA Automation Maintenance and Support Services by ACCELA, Inc., for the period beginning May 1, 2010 through January 31, 2011 for an amount not to exceed One Hundred Twenty-Three Thousand, One Hundred Sixty-Eight Dollars and Sixty Cents (\$123,168.60); and to authorize payment for the remainder of the contract year from February 1, 2011 through April 30, 2011 in an amount not to exceed Forty-One Thousand, Fifty-Six Dollars and Twenty Cents

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (4)**  
**YOLANDA ADREAN, CHAIR**

**ORDINANCES (CONT'D)**

10-O-2130 (3) (\$41,056.20) for a total amount not to exceed One Hundred  
(Cont'd) Sixty-Four Thousand, Two Hundred Twenty-Four Dollars  
and Eighty Cents (\$164,224.80) to be charged to and paid  
from Fund, Department, Organization and Account  
Numbers 1001 (General Fund) 050202 (IT Applications)  
52113001 (Consulting/ Professional Services – Technical)  
1535000 (Data Processing/ Management Information  
Systems); and for other purposes.

**ADOPTED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

10-O-2131 (4) An Ordinance by **Finance/ Executive Committee**  
amending the 2010 (Intergovernmental Grant Fund)  
Budget, Department of Parks, Recreation and Cultural  
Affairs, by adding to anticipations and appropriations in the  
amount of \$23,611.00 and matching funds in the amount  
of \$2,624.00 for a Grant Award from the Governor's Office  
for Children and Families to fund the Atlanta Gun Violence  
Prevention Program; to repeal Ordinance 10-O-1983; and  
for other purposes.

**ADOPTED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**COMMITTEE REPORTS (CONT'D)**

**CITY UTILITIES COMMITTEE (1)**  
**NATALYN ARCHIBONG, CHAIR**

**ORDINANCES**

10-O-1979 (1) An Ordinance by **Councilmembers C. T. Martin, Michael J. Bond, Ivory L. Young, Jr., Kwanza Hall, Natalyn M. Archibong, Cleta Winslow, Carla Smith, Keisha Lance Bottoms and Joyce Sheperd** to rename Cone Street, NW to Xernona Clayton Way, NW to waive Section 138-8(b)(5)c and 138-8(h) of the Code of Ordinances of the City of Atlanta, Georgia; to waive conflicting ordinances; and for other purposes. (Public Hearing held 11/30/10) (Held 11/30/10 until reviewed by the Urban Design Commission)

**Chairperson Archibong sounded the caption to Ordinances 10-O-1979 and 10-O-1981 and stated both were forwarded Without Recommendation by the committee. A discussion ensued, during which, Councilmember Martin made a Motion to Table both ordinances. It was Seconded by Councilmember Winslow and the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

**TABLED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

10-O-1981 (2) An Ordinance by **Councilmembers Kwanza Hall, Michael J. Bond, H. Lamar Willis, Aaron Watson, Ivory L. Young, Jr. and Yolanda Adrean as Amended by City Utilities Committee** authorizing the Mayor or his designee to rename Harris Street, NW located in Downtown Atlanta between Piedmont Avenue, NW and Park Drive, NW in its entirety to John Portman Boulevard, NW; and for other purposes. (Public Hearing Held 11/30/10) (Amended and held 11/30/10 until reviewed by the Urban Design Commission)

**Chairperson Archibong sounded the caption to Ordinances 10-O-1979 and 10-O-1981 and stated both were forwarded Without Recommendation by the committee. A discussion ensued, during which, Councilmember Martin made a Motion to Table both ordinances. It was Seconded by Councilmember Winslow and the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

**TABLED AS AMENDED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (1)**

**AARON WATSON, CHAIR**

**ORDINANCE**

10-O-1980 (1)  
Z-10-32

An Ordinance by Councilmembers Howard Shook, Cleta Winslow, Keisha Lance Bottoms, Aaron Watson, Carla Smith and Ivory L. Young, Jr. to amend Chapter 16, Zoning, Section 16-02.019(3) to add Atwood Road, NE to the list of exceptions from the Street Numbering System; and for other purpose.

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

# ADJOURNMENT

**Council President Ceasar C. Mitchell Presided**

**ADJOURNMENT**

There being no further business to discuss, the December 16, 2010 Special Called Meeting of the Atlanta City Council was adjourned at 11:25 a.m.

**ADJOURNMENT ROLL CALL: *Council President Ceasar C. Mitchell (1); Councilmembers Smith, Young, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd, Bond, Watson and Willis (14).***