

#7

1971

10-1173

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBERS IVORY L. YOUNG, JR. AND C. T. MARTIN

AN ORDINANCE IMPOSING A NINETY (90) DAY MORATORIUM ON THE CITY'S PUBLIC PROPERTY VENDING PROGRAM; TO CREATE A SUBCOMMITTEE TO STUDY AND REVIEW THE OPERATION OF THE PUBLIC PROPERTY VENDING PROGRAM; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

AUTOMATICALLY TERMINATED AND FILED BY CLERK PER CHARTER SECTION 2-40

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

Date Referred 6/7/10
 Referred To: Public Safety
 Date Referred 7/19/10
 Referred To: Public Safety
 Date Referred
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee
 Date 6/15/10
 Chair _____
 Action Fav, Adv, Hold (see rev. side) Other
 Members _____
 Refer To _____

PSLA Committee
 Date 7/27/10
 Chair _____
 Action Fav, Adv, Hold (see rev. side) Other
 Members _____
 Refer To _____

PSLA Committee
 Date 6/29/10
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side) Other No Recommendation
 Members [Signature] 3 years 2 keys
 Refer To _____

PSLA Committee
 Date _____
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side) Other
 Members [Signature] Young, Adams, Bottoms, Archibald, & Marthy
 Refer To _____

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED
 DEC 02 2013
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 DEC 02 2013
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

**CONDITION FOR APPROVAL FORM
(TO ACCOMPANY LEGISLATION)**

COMMITTEE: Public Safety and
Legal Administration

DATE: 6/29/10

ORDINANCE # 10-0-1173 **RESOLUTION #** _____

REQUESTED BY: The Committee

DIRECTED TO: The Administration & The Law Dept

NATURE OF CONDITION FOR APPROVAL:

① Administration - Send a position letter to GGP with regard to the
city's position concerning public property bonding issues

② Law Dept - Review provisions of the contract with GGP and provide
an interpretation and analysis of the various provisions relevant to GGP's
obligations and responsibilities.
WHEN IS THIS INFORMATION DUE, AND TO WHOM?
July 6, 2010 council meeting, to all council members.

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES () NO (✓)

WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?

YES () NO (✓)

HAS THIS INFORMATION BEEN RECEIVED? YES () NO ()

DATE OF RECEIPT: _____

**AN ORDINANCE
BY COUNCILMEMBERS IVORY L. YOUNG, JR. AND C. T. MARTIN**

Ivory L. Young, Jr. *C. T. Martin*

AN ORDINANCE IMPOSING A NINETY (90) DAY MORATORIUM ON THE CITY'S PUBLIC PROPERTY VENDING PROGRAM; TO CREATE A SUBCOMMITTEE TO STUDY AND REVIEW THE OPERATION OF THE PUBLIC PROPERTY VENDING PROGRAM; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the authority to allow vendors to vend their goods and wares on the public right-of-ways of the city is an exercise of the city's police power; and

WHEREAS, as a further exercise of said police power, the city possesses the right to regulate vending activities on the public right-of-way; and

WHEREAS, until June 22, 2009, the city maintained and operated the public property vending program; and

WHEREAS, on said date, the city entered into a contract with U. K. LaSalle LLC, an entity solely owned by GGP Holding II Inc. (General Growth); and

WHEREAS, the contract with General Growth is for a term of twenty (20) years and grants General Growth the exclusive right to occupy and use all public property vending sites which meet the requirements of the Atlanta City Code including without limitation those vending sites currently occupied by public property vendors already licensed by the city; and

WHEREAS, on Thursday, April 29, 2010, members of the city's Public Safety and Legal Administration Committee visited the vending kiosks and sites located on Marietta Street, at Five Points and bordering Woodruff Park; and

WHEREAS, during said tour, the council members had an opportunity to talk with the vendors and to observe their operation as well as to observe the kiosks themselves; and

WHEREAS, the kiosks in this area are said to represent Phase 1 of the privately managed public property vending program; and

WHEREAS, General Growth is embarking upon Phase 2 of the program which involve vending sites located near Turner Field; and

WHEREAS, several concerns and complaints have been brought to the attention of council members regarding the manner in which the program is being operated; and

WHEREAS, while acknowledging the contract with General Growth, the city wishes to revisit and study the terms of the contract and the operation of the program; and

WHEREAS, the city desires to maintain the status quo for a period of ninety (90) days while these matters are reviewed.

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

Section 1: The City of Atlanta hereby imposes a ninety (90) day moratorium on the Public Property Vending Program. Said moratorium shall begin upon the date of the approval of this ordinance.

Section 2: A subcommittee shall be formed to study and review the operation of the Public Property Vending Program. Said subcommittee members shall be as follows:

1. **Council Members**
2. **Representative (s) of the Administration**
3. **Representative from General Growth Properties**
4. **Representative from Central Atlanta Progress**
5. **Representative from the Atlanta Downtown Improvement District**
6. **Representative from the Atlanta Development Authority**
7. **Representative from the U. S. Veterans Administration**
8. **A disabled vendor**
9. **A disabled veteran vendor**
10. **Turner Field vendor**
11. **Three (3) vendors from other vending areas in the city**
12. **Present kiosk vendor**
13. **Representative from APD License and Permits Unit**
14. **Representative from the City Law Department**

Section 3: All ordinances, code sections or parts of ordinances or code sections in conflict herewith are hereby waived to the extent of any such conflict.

RCS# 448
7/19/10
3:07 PM

Atlanta City Council

REGULAR SESSION

10-O-1173

IMPOSE 90 MORATORIUM ON THE CITY'S
PUBLIC VENDING PROGRAM
REFER PUB.SAFE.

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 4

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	B Martin	Y Watson
Y Young	B Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell