02-O-2096

Substitute

A~~N AMENDED~~ ORDINANCE

BY COUNCILMEMBER CARLA SMITH

TO AMEND CHAPTER 138, SECTION 8 OF THE CODE OF ORDINANCES TO MODIFY THE REQUIREMENTS FOR EFFECTING STREET NAME CHANGES; TO ENCOURAGE THE DEDICATION OF PARKLAND AND OTHER AVAILABLE PUBLIC SPACES AS THE PREFFERD METHOD OF MERITORIOUS RECOGNITION OVER STREET NAME CHANGES; AND FOR OTHER PURPOSES.

WHEREAS, the City has been inundated with requests to change the names of its of streets (a "Street" or the "Streets") in recent years; and

WHEREAS, it is recognized by the City that there are numerous individuals and organizations that are worthy of recognition; and

WHEREAS, however, in spite of worthy goals, the change of Street names is confusing to the traveling public, potentially dangerous to public safety (911), causes great inconvenience to those whose residence or business is located on that street, imposes a substantial cost on the City to change street signs, and creates various other difficulties; and

WHEREAS, the names of certain Streets in the City have significant historical value; and

WHEREAS, the renaming of those Streets would leave a historical void in a city rich in southern history and cultural pride; and

WHEREAS, the Atlanta City Council created a Task Force to review the existing procedures for renaming Streets, determine whether those procedures required modifications and develop a comprehensive process for recognizing individuals and organizations by associating their names with certain public places, including the many plazas and squares located throughout the City; and

WHEREAS, the Task Force has completed its review and recommends the revisions to the City's Code of Ordinances set forth in this Ordinance;

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

SECTION 1: That Section 138-8 "Street name changes" of the City's Code of Ordinances is deleted in its entirety and replaced with the following:

Section 138-8 Street Name Changes; Dedication of Certain Public Places.

1) **Recognition of Public Interest.** The City recognizes that, from time to time, a certain individual or organization may make historical, cultural or other important contributions to the City, the State of Georgia or the United States that merit recognition by renaming a Street or naming or dedicating a public place, such as a cross-walk, building, park, or other similar public place ("Public Place" or "Public Places") within the City in their honor. The City also recognizes that certain Streets or Public Places within the City have already been named in honor of certain individuals or organizations that have made historical, cultural or other important contributions to the City, the State of Georgia or the United States. This Ordinance prescribes the procedures by which existing Streets or Public Places within the City may be named or dedicated in honor of individuals and organizations, while preserving the integrity of those Streets and Public Places that have already been historically connected or dedicated with the name of an individual or organization.

2) **Application Procedure.**

   a) **Submission of Application.** If a citizen of the City desires to submit to the City a request to rename a Street (a "Street Renaming") or name or dedicate ("Dedication") a public place to a noteworthy individual or organization, that citizen must submit to the City's Commissioner of its Department of Public Works an Application for the Street Renaming or Dedication. The number of individuals required by this Ordinance must sign the Application.

   b) **Dedication Proposals.** Dedications may be proposed by an Applicant in either of two manners. First, the Applicant may select a Dedication package ("Package") offered by the City. Specific Packages may be obtained by an Applicant in the City's Department of Public Works. Second, an Applicant may design and propose to the City in an Application a Dedication, the amenities of which are not included in a Package. If this option is pursued, the Application must contain a detailed cost estimate for the implementation of the specific Dedication.

   c) **Street Renamings.** If an Applicant proposes to rename an existing Street, the Application must contain a detailed cost estimate for the implementation of the Street Renaming, including all costs associated with producing and installing appropriate signage to effectuate the Street Renaming.

d) **Initial Application Fee; Cost of Available City Packages; Cost to Implement Dedication.**

i) An initial $2,500.00 deposit to cover administrative and other associated costs concerning the City's consideration of the Application for the Street Renaming or Dedication, including advertising the proposed Street Renaming or Dedication, must also accompany the Application. Funds received will be deposited into the General Fund of the City.

ii) The City recognizes that Street Renamings often impose a significant hardship on residences and businesses located on the Street in that maps, banking information, driver's license information, billing information, websites, yellow page information and other advertising information, letterheads and other stationary or residential/business materials, and other information relative to the affected residences or businesses will need to be changed as a result of a Street Renaming. Accordingly, Applications for Dedications, rather than Street Renamings, encouraged by the City and will receive priority in consideration.

iii) If the Street Renaming or Dedication is accepted by the City pursuant to legislation adopted by the City's Council and approved by the Mayor, in accordance with the City's Code of Ordinances, then the Applicant will be further required to submit payment to the City in the amount of the cost of the installation of signage and/or other amenities associated with the Street Renaming or Dedication.

iv) All payments, other than the initial $2500 Application fee submitted by the Applicant to the City concerning an accepted Dedication will be deposited into a dedicated Fund, Account and Center Number 3P02 4xxxxx B00001. All payments, other than the initial $2500 Application Fee, submitted by the Applicant to the City concerning an accepted Street Renaming will be deposited into Fund, Account and Center Number 3P02 4xxxxx B00001.

v) The costs to implement an accepted Street Renaming or Dedication will be determined by the City as follows:

(1) If the Application involves a Dedication and the Applicant chooses to utilize one of the Packages offered by the City for Dedications, the cost will be that attributable to the specific Package chosen;

(2) If the Applicant proposes a Dedication, the amenities of which are not included in a Package, the cost will be either the cost set forth in the Application (plus any additional costs estimated by the City not set forth

in the Application) or the cost estimated by the City, as noticed to the Applicant;

(3) If the Application proposes a Street Renaming, the cost will be either the cost set forth in the Application (plus any additional costs estimated by the City not set forth in the Application) or the cost estimated by the City, as noticed to the Applicant.

vi) Costs to implement a Street Renaming or Dedication must be paid to the City within three (3) days of the Applicant's receipt of notice from the City that the Application has been accepted by the City and further setting forth the cost of the Street Renaming or Dedication to be remitted to the City.

e) **Application Form and Additional Contents of Application.** The Application must be provided on forms furnished by the Commissioner of the Department of Public Works and must contain the following:

i) An agreement that the Applicant will be responsible for all costs to the City associated with the Street Renaming or Dedication, including, but not limited to signage costs, annual maintenance costs and other costs associated with the Street Renaming or Dedication and their continued maintenance. This agreement will provide that the Applicant will remit to the City monies to apply to the additional costs within 3 days of receiving written notification from the City of the additional costs. The obligation to pay continuing costs will remain in place as long as the Street Renaming or Dedication exists;

ii) An agreement to provide an appropriate performance bond or other form of security determined by the Commissioner of the Department of Public Works, in his/her discretion, to be sufficient to cover the financial responsibility of the Applicant for costs associated with a Street Renaming or Dedication;

iii) If the Application concerns a Street Renaming, it must be accompanied by a list of the names and addresses and signatures of 75% of the residents residing or businesses located on the Street to which the Street Renaming applies in favor of the Street Renaming and whose address will change as a result of the Street Renaming; and

iv) Any other terms that the Commissioner of the Department of Public Works may deem, from time to time, necessary to include in Application forms provided to citizens wishing to implement a Street Renaming or Dedication, including, but not limited to:

(1) A site plan of any planned improvements contemplated in connection with the Street Renaming or Dedication, sealed by a Georgia registered

engineer, architect or landscape architect, meeting the requirements of the City's Department of Public Works;

(2) Specifications and details of any amenities associated with the Street Renaming or Dedication;

(3) Narrative biography of individual, or organizational history to which the Street Renaming or Dedication applies; and

(4) Proposed maintenance schedule for any improvements or amenities associated with the Street Renaming or Dedication and a legal description of the specific property to which the Street Renaming or Dedication applies.

3) **Qualification Conditions Applicable to Proposed Street Renaming or Dedication.** Individuals or organizations for which a Street Renaming or Dedication is proposed must meet the following minimum qualifications:

a) If a living individual, he or she must have reached the age of 75 at the time of the Application;

b) If a deceased individual, the Application must be submitted at least one year after the date of death; and

c) If an individual or organization, he/it must be of local, national or international reputation.

4) **Consideration of Application; Effectuating the Street Renaming or Dedication.**

a) **Public Works Actions Required.** Upon a determination that the Application is complete, the Commissioner of Public Works, or his designee, shall do the following:

i) Provide notification of the Application for a Street Renaming or Dedication to, and collect and tabulate the responses, if any, from:

(1) City agencies and other public agencies, including Police, Fire, Planning, Traffic And Transportation, Bureau Of Buildings, Water, MARTA, and the Georgia Department of Transportation (GDOT), Highways and Streets;

(2) all affected City public schools and impacted Neighborhood Planning Unit(s) located on or in the vicinity of the proposed Street Renaming or Dedication; and

(3) any other persons the Commissioner of the Department of Public Works deems, in his/her discretion, should receive notice of the proposed Street Renaming or Dedication.

ii) Review existing records and make certain the Street Renaming's or Dedication's proposed name or similar name does not exist, as well as determine for whom the Street or Public Place is currently named;

iii) Post appropriate signage notifying the public of the proposed Street Renaming or Dedication;

iv) Advise the Applicant for the Street Renaming or Dedication on the feasibility of the Street Renaming or Dedication;

v) Advise the Applicant if the proposed Street Renaming or Dedication is not feasible, as well as what the Applicant must do to make the Street Renaming or Dedication feasible;

vi) Refund of the fee paid by the Applicant for the Street Renaming or Dedication, if the Commissioner of Public Works does not recommend the Street Renaming or Dedication. If a proposed Dedication or Street Renaming is denied, this refund will be automatic

b) ~~**Submission of Ordinance; Waiver of Street Renaming or Dedication Conditions By Council.**~~ Upon a determination by the Commissioner of Public Works that the conditions outlined in this Ordinance for a Street Renaming or Dedication have been fulfilled and that the Street Renaming or Dedication is in the best interests of the City, the Commissioner of Public Works shall submit to the City's Council an Ordinance to legislatively implement the Street Renaming or Dedication, which Ordinance must specifically indicate that such conditions have been met. ~~The City's Council may waive no requirements set forth in this Ordinance concerning a proposed Street Renaming or Dedication and any legislation attempting such waiver is void.~~

c) **City's Utilities Committee.** The City's Utilities Committee shall not consider an Ordinance for a Street Renaming or Dedication unless the conditions outlined in this Ordinance have been met.

d) **Advertisement; Hearing.** Prior to considering a Street Renaming or Dedication Ordinance, a legal advertisement must be published in at least one of the daily papers circulated for readership in the City, which advertisement will notify the public that a hearing on the proposed Street Renaming or Dedication will be held by the City's Utilities Committee on a day certain, which date will be not less

than seven (7) days from the date of the paper in which the advertisement appears. The advertisement will give notice of the introduction of the Ordinance, the Street Renaming or Dedication and the time and place of the hearing on the Ordinance before the City's Utilities Committee. The Council staff of the City's Utilities Committee, through the Municipal Clerk's Office, will be responsible for placing the advertisement in an appropriate publication in a timely manner. The Municipal Clerk will be authorized to place the required advertisement upon receipt from Council staff written notification that the Application is complete and that all conditions of this Ordinance concerning the specific Street Renaming or Dedication have been satisfied by the Applicant. At the hearing, any person opposed to the Street Renaming or Dedication will be allowed a reasonable time within which to present such person's views and opposition to the Street Renaming or Dedication, after which the City's Utilities Committee will make its recommendation to the Council on the Ordinance. Thereafter, the Council shall have full power and authority to adopt or reject the Street Renaming or Dedication and the Ordinance.

e) **Final Notices of Dedication.** Upon the adoption of the Ordinance by the Council after the hearing before the City's Utilities Committee, and upon approval of the Ordinance by the Mayor, notice of the Street Renaming or Dedication must be given by the Municipal Clerk as follows:

   i) If a Street Renaming is involved, notice must be provided to all property owners located on the Street;

   ii) If a Dedication is involved, notice must be given to all property owners within three hundred (300) feet of the Public Place to which the Dedication applies; and

   iii) Notice of the Street Renaming or Dedication must be given to the U. S. Postal Service.

f) **Implementing a Street Renaming or Dedication; Term of Street Renaming or Dedication.** The Bureau of Traffic and Transportation or the appropriate City agency must take all actions necessary to fully implement the Street Renaming or Dedication (e.g. fabricating and installing appropriate signage) within sixty (60) days of the effective date of the applicable Street Renaming or Dedication Ordinance.

g) **Duration of Dedication; Failure to Maintain Dedication.** A Dedication will be valid for a period of 3 years. Within ninety (90) days of the expiration of a Dedication, the Applicant may renew the Dedication by paying to the City established maintenance costs for the Dedication for the next three (3) years. If an Applicant fails to maintain a Dedication for a period of six (6) months, the

Dedication will lapse and the City may remove all amenities associated with the Dedication. All costs associated with the removal and restoration of a Dedication site will be paid by the Applicant within 3 days of receipt of an invoice from the City.

h) **Continuity of Dedication.** Dedications that have not expired and are current in terms of payment of Costs may not be withdrawn by the City in favor of a subsequent Applicant.

i) **Maintenance of Dedication by Third-Party.** Costs associated with a Street Renaming or Dedication may be paid by the City to a third party agency with which the City has an agreement for the maintenance of the Street Renaming or Dedication. Accordingly, when calculating Costs for a Street Renaming or Dedication, the City may include in those Costs any administrative or other fee charged by the third party agency pursuant to its agreement with the City.

5) **Urban Design Commission Review and Comment.** All Street Renamings and Dedications located in the City of Atlanta must be reviewed by the Urban Design Commission and be the subject of a regularly scheduled Commission meeting. In advance of such a meeting, neighborhood associations, historical groups, historic preservation groups, and other interested parties will be notified that the Street Renaming or Dedication has been placed on the Commission's agenda. After the meeting, written findings regarding the Street Renaming or Dedication must be forwarded to the City's Commissioner of its Department of Public Works and must be received by the Commissioner before the Commissioner is authorized to submit to the City Council legislation authorizing the Street Renaming or Dedication.

6) **Georgia Department of Transportation Street Renamings.** If the State of Georgia implements a Street Renaming for a Street within the municipal limits of the City, but does not have the appropriate signage installed effectuating the Street Renaming, the Council member of the affected district or post may introduce an Ordinance to effectuate the Street Renaming pursuant to the City's legislative process.

7) **Maintenance of Street Renaming or Dedication Records.** The Municipal Clerk must maintain a record of all Street Renamings and Dedications and, including records reflecting the prior name of the Street or Public Place, as well as the new name and the effective date of the name change.

8) **Street Name Continuity**. All Applications for a Street Renaming must propose the change of the Street name for the entire length of the Street. An Application proposing to change the name of only a portion of a Street must be rejected by the Commissioner of Public Works.

9) **Maintenance of a Street Renaming or Dedication**. If the maintenance of the signage or other Street Renaming or Dedication amenities require a higher standard of maintenance than that provided by the Department of Public Works or other appropriate City Department, the Applicant will be required to enter into a Maintenance Agreement with the City, or third party designee of the City, secured by a performance bond issued by a surety authorized to do business in the State of Georgia by the Georgia Insurance Commissioner, in a penal amount to be determined by the Commissioner of Public Works.

SECTION 2: That all ordinances and parts of ordinances in conflict with this Ordinance are repealed.