


May 12, 1969

M E M O R A N D U M

TO: Henry L. Bowden, City Attorney

 FR: James B. Henderson, Special Associate City Attorney

IN RE: Mrs. E. S. Hope, Mrs. Millie Walker,
Mrs. Vernie J. Jacobs, Complainants
-- Department of Planning

Reference is made to a mimeograph-type letter dated April 16, 1969 from complainants, a copy of which was directed to the Mayor and to Alderman Griggs. In accordance with the Mayor's referral of this matter to Mr. Gladin and the request of Alderman Griggs, an investigation of the matter was conducted with the following results.

I conferred with Mr. Collier B. Gladin, Director, and Mr. Thompson H. Shuttleworth, Zoning Administrator, both of the Planning Department, relative to this matter and they furnished the following information.

A zoning petition was filed April 25, 1968 by Lewis Cenker for rezoning of property on Brownlee Road. The first public hearing in the matter was set for June 6, 1968 before the Zoning Committee, at which time the matter was deferred for revised site plans by the petitioner. The deferment was until November 7, 1968. Subsequently the petition was denied by the Board of Aldermen on November 18, 1968, as the plans were not available. The matter was again initiated by the Zoning Committee on December 31, 1968, after the petitioner's attorney indicated he would have the plans ready and a public hearing was scheduled for February 6, 1969.

The case, more specifically described as Zoning Case No. Z-68-225-C, was postponed on February 6, 1969 by the Aldermanic Zoning Committee at the request of the community and the developer to provide an opportunity for discussion of the issue. The petition was to be deferred for a period of 60 days and it was announced that the public hearing would be held on April 10, 1969.

A meeting between community residents and the developer was scheduled to be held in the Planning Department office on Monday, March 31, 1969, however, this meeting was cancelled as the City Hall was closed in tribute to the late President Eisenhower.

The Planning Department staff did not bring the case before the Zoning Committee on April 10th, since the March 31st meeting had been cancelled. However, when area residents appeared at the hearing on April 10th, Mr. Shuttleworth had the case file brought from the Planning Department to the Aldermanic Chamber. Mr. Shuttleworth advised that through an error on his part, the case was not actually scheduled for hearing on April 10th.

In the course of the meeting on April 10th, area residents were offered several options in considering the case. The Committee offered to hear from the residents at that time and the developer at a later time, or, second, to hear from residents and the developer at a later mutually agreeable time. Neither option appeared agreeable to community residents. They were, however, permitted to speak in opposition to the petition and were assured another opportunity to speak when the developer came to present his case.

Mr. Gladin and Mr. Shuttleworth expressed regret for any inconvenience they may have caused community residents in this misunderstanding over the hearing date for the zoning petition. They are strongly of the opinion, however, that members of the planning staff have made every possible effort to work with the community in discussing the issues in this case and will continue to do so.

As a matter of information, the Atlanta-Fulton County Joint Planning Board has recommended approval of this zoning petition. The Planning Department staff also recommends approval in that the proposed use conforms with the Atlanta Land Use Plan, which has been adopted by the Mayor and Board of Aldermen.

Also of possible interest, it was reported that Mr. Cenker, the petitioner in this matter, has agreed to hold in abeyance any further action in this matter pending a Georgia Tech Land Use Study.

As a result of prior telephonic arrangements with Mrs. Jacobs, she and Mrs. Walker appeared at my office to discuss this matter on the morning of May 8, 1969. They explained that Mrs. Hope had planned to be present but was unable to keep the appointment. It was their opinion that Mrs. Hope would have no information of value in addition to that information in their possession. At my request, Mr. Henry M. Murff, of the Law Department, attended this conference.

After lengthy discussion of the case at hand, the law as applied to zoning and the administrative handling of zoning matters were explained in detail to Mrs. Jacobs and Mrs. Walker.

The handling of the case at hand by the Planning Department and committees involved also was explained in detail to these ladies.

The contents of referenced letter of April 16, 1969 were reviewed with the ladies, at which time they stated they had no information whatsoever which would indicate any wrongdoing on the part of any employee, official or elected representative of the City of Atlanta.

Mrs. Jacobs and Mrs. Walker were more specifically questioned in regard to Paragraph 16 of referenced letter

"16. Are persons desiring favorable rulings on rezoning petitions required to pay a fee under the table and off the record to elected officials or paid City Hall staffers?"

Mrs. Jacobs and Mrs. Walker advise they have no information to substantiate any possible inference of wrongdoing in the above quoted paragraph.

In view of the above information, it would appear that no further action is warranted at this time.