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Berkeley Park Bulletin

February 2009

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President's Report

by Michael Wagoner

mwagoner@clcnetworks.com

404-351-4417

Well I can't believe January is already gone. Although the month flew by, we have been able to make great strides toward the quality of life here in Berkeley Park. We are currently working to complete the petition for speed humps on Antone St. and various traffic calming measures throughout, cleaned up the graffiti at The District, opened discussions with the property manager for the Kroger Shopping Center, and created a plan for the staff at the Kroger to patrol the area for errant shopping carts. These efforts have opened a dialogue with the property managers of these developments which will allow Berkeley Park to become a more integral part in the upkeep and security of each. I welcome your thoughts and concerns, and will be happy to present them to the property managers. Of course we continue to look for new volunteers to help us stay on top of these new allies.

As many of you know, Cartel Realty has donated the use of the lot on Verner St (behind FLIP) to Berkeley Park for the next 2 years. With spring inbound, we would like to start discussions to decide what direction to take the space. At February's meeting, Chandler hopes to have a couple competitive bids for grading and seeding the lot. In the meantime, we are hoping to organize a Clean Up Day before the end of the month, and Kroger has offered to provide supplies. Again, we welcome volunteers to assist in our efforts.

Finally, I have been working with numerous groups and sent countless emails regarding Station 23 and the entire Atlanta Fire Rescue Department. It is a tireless and frustrating task, with a seemingly simply remedy but a brick wall for a Mayor. I have taken my efforts to the Governor and our Congressmen, and I encourage you all to do the same.

Governor Perdue:

http://gov.georgia.gov/00/gov/contact_us/0,2657,78006749_94820188,00.html

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Georgia State Representative, 55th District, Rashad Taylor:
email: rashadjtaylor@gmail.com

Georgia State Senator, 39th District, Vincent Fort:
email: vincent.fort@senate.ga.gov

Senator Saxby Chambliss:
<http://chambliss.senate.gov/public/index.cfm?FuseAction=ContactUs.ContactForm&CFID=4658972&CFTOKEN=32139972>

Senator Johnny Isakson:
<http://isakson.senate.gov/contact.cfm>

US Congressman John Lewis:
<http://www.house.gov/formjohnlewis/contact.html>

Current Volunteer Opportunities with the BPNA

by Michael Wagoner
mwagoner@clcnetworks.com
404-351-4417

- Department of Public Works Liaison- Responsibilities include emails and phone calls to DPW to coordinate ongoing projects and issues. Time needed: 5 hours per month.
- Beautification Assistant- Assist with organizing Clean Up Days, maintain Berkeley Park Entrance Signs and plantings, and suggest new installations. Time needed: 2 hours per month, additional time needed on clean up days.
- Block Captains- Create a phone tree of Neighbors on your street and act as a point of contact for crime alerts and Neighborhood communications. Time needed: 2 hours per month.
- Membership Assistant- Work to foster new residential and commercial Association members and update information for existing Members. Get coupons or free samples from local businesses to deliver to new neighbors. Time needed: 2 hours per month.
- Newsletter Reporters— Writers needed to interview neighbors and write articles for the newsletter. Time commitment is minimal, and can be as many or as few hours as you can commit.
- Advertising assistant—talk to local businesses and sell ads in the Berkeley Park newsletter. Work with the communications committee to place ads in the paper newsletter and online. Time needed: 2 hours per month.

If you can't commit to a job listed above, please let us know what you **can** do. Can you visit a new neighbor to welcome them to the neighborhood? Can you deliver newsletters a few times a year when we hand them out to the entire neighborhood? Can you collect local events listings for our online

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calendar? Can you call the city government to report code violations? Can you help to plan a fundraiser? Would you like to help with a clean up day?

Let us know what your skills and talents are, and we'll find a way for you to help out!
Email info@berkeleypark.org or call our president, Michael Wagoner at 404-391-3573.

NPU-D Report

by Jim Martin
james.martin@me.gatech.edu

The January 27 th NPU-D meeting was a long one, breaking our recent string of wrapping these things up close to on time (9:00 PM). It ended around 10:30. This was because of about an hour and a half of questions and answers with Chief Cochran following a presentation regarding budget cutbacks at the Atlanta Fire and Rescue Department (AFR) and the closing of Station 23 in Berkeley Park. A few highlights of that presentation were: (1) that completely eliminating the blackouts and brownouts will require the elimination of the furloughs that were instituted in December and a restoration of the relief days that were eliminated in October. The total additional cost of this is about \$4 million. Of course that would only get us back to the point that we were at last spring (i.e. understaffed: 3 instead of 4 men to an engine). (2) That Station 23 is too small to accommodate many of the larger fire trucks and therefore can't be reopened with the transfer of essential equipment from lower call volume stations. The fate of Station 23 is therefore tied to the status of Engine 23, which is currently blacked out. (3) That the reason Engine 23 was not on the brownout list announced in July, but was later scheduled for a complete blackout was that a computer modeling simulation suggested that this would have minimum impact within the required budget constraints. Although it was not explicit in this assertion, I suspect that there is a lot more cost savings to closing an entire station than there is to blacking out an engine. Thus station 23 suffered, in part, because it is a one-engine firehouse. The mayor and city council are now going back and forth on the public safety budget. Right now, there does not seem to be a resolution in sight. The news coverage frequently portrays public concern as being over the cuts at the police department only, so we should all make an effort to keep AFR's problems on the minds of the public and our elected officials.

After the discussion with Chief Cochran, who stayed to answer every question despite having had a really long day (this was the day after the Grant-Park fire), we dealt with some NPU business. We endorsed two resolutions. The first called for a restoration of funding to the police and fire departments ([click here to read the resolution](#))[see below], and the second protested the city's issuance of the building permit for the *Starship* "adult novelty" store on Northside Drive ([click here to read the resolution](#)) [see below]. Our complaints regarding the zoning approval for this project appear to be receiving some attention from the city. Although there has not been a revocation of the permit, the matter is now under review by the city and work seems to have stopped on the site. This, at least, is progress. I was interviewed in a TV news story about this on Fox 5. In this story, Mr. Rogers (pornographer) described a "three- or four-month review" that is a complete fabrication. In reality, his zoning review took less than one day according to city records. Given his penchant for dishonesty, it seems doubtful that the material submitted for this review was entirely accurate. Our neighbors in Loring Heights have been dealing with the city on this and I am not sure what the current status of all

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that is. They seem to have some very sound legal arguments on their side and have not given up on handling the matter through normal channels, which we may interpret as indicating a reasonable level of confidence on their part. For now, the matter seems to be under control, although it is by no means resolved.

We also had two ordinances on our agenda. One increased fees for use of recreation centers. We did not vote on it. The other created various permits and restrictions for “supportive housing”, which is like group homes. We endorsed this, although we were all a bit uneasy about creating a new and complex enforcement burden for the city, which did not previously regulate such facilities, at a time when it seems unable to enforce the code and zoning laws that are already on the books.

**Next NPU-D meeting:
Tuesday, February 24, 2009
7:30 pm
Agape Center, 2351 Bolton Road, NW
ALL NPU RESIDENTS ARE WELCOME**

NPU-D Resolution #1

A resolution of NPU-D

27 January 2009

The members of Neighborhood Planning Unit D (NPU-D) request that Mayor Franklin return staffing levels and working hours at the Atlanta Police Department (APD) and the Atlanta Fire and Rescue Department (AFR) to their October 2008 levels and maintain them until the current budget crisis has been resolved. We believe that cuts to the AFR and APD budgets after October 2008 have placed the public at unnecessary risk, adversely affected our quality of life, and violated the covenant between the city's government and its citizens by failing to provide essential services. We believe that much if not all of the claimed saving as a result of these cuts is illusory, that cutting essential services is an inappropriate way to deal with a revenue shortfall, that the current recession will increase the need for these services at exactly the time that they are being scaled back. These cuts will incur long-term costs for the city as we will ultimately have to replace our most skilled and experienced personnel at a time when their services are in greatest demand from other municipalities. Although it may be comforting to believe that these dedicated public servants will remain out of loyalty to Atlanta, this seems unlikely to be the case if that loyalty is not reciprocated. Both the future increased costs and the currently reduced services impact Atlanta taxpayers who have not seen a reduction in our obligations to the city's general fund (i.e. our property taxes) to pay for these services.

NPU-D bears an inordinate burden from the recent cuts to the APD and AFR budgets. We have seen one of our fire stations (Station 23) closed due to inadequate staffing despite a comparatively high call volume. Another of our stations, Station 28, has had desperately needed repairs delayed indefinitely and is no longer fit for human habitation. In addition to this, nearby engines 26 and 22 will experience periodic brownouts until staffing levels are restored. The net effect of these cuts will be substantial

increases in average response times throughout NPU-D, which are likely to result in loss of life of the coming year.

NPU-D is currently experiencing a rash of property crime, which has been characterized by home and vehicle break-ins, and the thefts of big-screen televisions, laptop computers, and GPS navigation systems. We are convinced that only a recently increased police presence and privately funded police patrols in our communities have prevented this from getting out of control. If this situation is allowed to fester or is exacerbated by government indifference, it is certain degenerate into violent crime as encounters between thieves and property owners will be inevitable. Periods of economic decline invariably lead to increased crime and this can only be curbed by an increased police presence. Thus, the city's current policy of responding to economic decline by reducing police is clearly not a sustainable model and should be discontinued.

NPU-D Resolution #2

A resolution of NPU-D

27 January 2009

The membership of Neighborhood Planning Unit D (NPU-D) protests the city's decision to issue building permit BLC3-200802391 for the conversion of an existing building at 1541 Northside Drive into a *Starship* "adult-novelty" store. This permit was clearly issued in error and should be revoked as soon as possible. No business permits should be issued for this site until this matter is properly resolved.

The site of the proposed *Starship* store is zoned C-2. This district does not permit adult businesses as these are specifically excluded from permitted and specially permitted uses enumerated in sections 16-12.003 and 16-12.005 of the City of Atlanta Code of Ordinances. Thus, an adult business could only be permitted on the site if it were a legally nonconforming use. Since the permit was issued for construction required to change the use of a structure (from a previous use for "modeling" to retail sales), legal nonconformity would require that the conditions of section 16-24.005(3)(b) be satisfied and that the prior "modeling" use were deemed to have been legal. These conditions require conformity with section 16-28.016, which this site clearly violates as it is less than 500 feet from both a single-family residential district and a multi-family residential district. Legal nonconformity also requires that the restrictions of sections 16-24.005(4) and 16-24.005(5) not be violated. For this site, both of these restrictions were violated as the "modeling" use was discontinued well over a year before the permit was applied for and the site was subsequently operated as a furniture store. Moreover, the conversion to an "adult-novelty" store clearly violates the intention stated in section 16-24.001(3). This asserts that section 16-24 was intended to prevent zoning imposed hardship to existing businesses and property owners and thus, by implication, not to distribute transferable exemptions from the law. In this regard the imposition of hardship is through the neglect of the law rather than its enforcement. Value has been taken from nearby property owners by the issuance of the permit, whereas none would have been taken from the applicant or the property owner by its denial. This is because the proposed use degrades the value of nearby residences and places zoning restrictions onto nearby industrial property under section 16-28.016 that did not exist prior to the issuance of the permit, thus potentially degrading their value also.

It should be noted that this site is inside the Beltline zoning overlay. It is within view of the Beltline right of way. And it is adjacent to a proposed Beltline transit station. Permitting an adult-business use here will undercut almost all of the stated goals of the Beltline redevelopment plan thereby causing harm to the community, harm to the city as a whole, and harm to Atlanta Beltline Inc., the city's authorized agent in this endeavor. In light of the costs of this project to Atlanta taxpayers, the stated vision for the area, the zoning of the site and the impositions that new requirements have imposed on nearby property owners within the overlay district, there can be no rationale for the issuance of this permit based on an analysis of the highest and best use of the site.

Secretary's Report

by Michael Hagearty
mhagearty@mindspring.com

BPNA monthly meeting minutes January 19, 2009

- 17 neighbors attended the meeting at 1705 Commerce Drive.
- Mike Wagoner opened the meeting by discussing his priorities for 2009. At the top of the list is increasing membership in Berkley Park, saying that a broader network of participation is key to a strong association. He asked that everyone take a few minutes to fill out or update the new membership forms with contact information. A forthcoming link on www.berkeleypark.org will enable residents to update contact information online. It is believed that this will improve communications efforts within the neighborhood.
- In tandem with membership is volunteerism. Mike said he hoped to get several dormant committees (Crime Watch, Beautification, Code & Zoning) active with people who want to be involved, as well as draw upon the expertise of residents to assist for special projects as they arise. Spreading the responsibility across as many neighbors as possible reduces the potential for burn out.
- As a result of the traffic counting study conducted last fall, the Department of Public Works has approved Antone Street for speed humps. The next step in the process is to get 70 percent of Antone residents to sign a petition (currently circulating), followed by approval by the City Council. There are then protocols for getting the project funded and installed. If you live on Antone and want to sign the petition, contact Mike Wagoner.
- There was conversation about spillover parking from restaurants into BP. Several proposals were discussed on the best way to get businesses to respond to residents' concerns. The general consensus is that business needs to take care of its own problems. Mike Wagoner said he would address the issue with Barry Mills (Flip Burger) personally.

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- NPU-D has drafted a letter expressing concern about APD/AFD furloughs, the first of two resolutions to be voted on during its January meeting. The second concerns unlawful building permits issued by the city for 1541 Northside Drive. Representatives of Loring Heights have been documenting the commercial evolution of the storefront and may sue the city if the permits are not revoked.
- No movement on BPNA establishing private security patrols – a greater number of residents need to participate in order for the cost to be affordable. The location of several graffiti works was identified, and calls will be made to get them scrubbed.
- Melody Harclerode volunteered to contact Kaseem Reed for a neighborhood Q&A. Harris is running for mayor.

About Us

The Berkeley Park Bulletin is published monthly in print and at www.berkeleypark.org by the Berkeley Park Neighborhood Association, a non-profit organization. It is distributed to all Berkeley Park residents 3 times a year. To subscribe to the monthly edition, submit an article or Talk Back letter, or inquire about advertising, contact the editor, Maureen Hetrick, at 404-609-9873 or maureenfh@mindspring.com. We accept appropriate articles from all Berkeley Park residents or other interested community members at the discretion of the editor and as space permits.

Effective January 1, 2009, membership in the BPNA is \$20 per person (up to 3 adults per address are eligible to become members), and \$10 for seniors. To join the association, attend a monthly meeting and pay dues to the treasurer, [Nina-Daniela McCormack](#), or the president, [Michael Wagoner](#). If you cannot attend a meeting but wish to join, or for more information, email us at info@berkeleypark.org.

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