

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**AUGUST 29, 2006**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, August 29, 2006 at 3:25 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair  
The Honorable C. T. Martin, Vice-Chair  
The Honorable Ivory L. Young, Jr.  
The Honorable Carla Smith  
The Honorable Anne Fauver  
The Honorable Joyce Sheperd**

The following member was absent:

**The Honorable H. Lamar Willis**

Others present at the meeting were: Jerry DeLoach and Dianne Mitchell, Law Department; Deputy Chiefs, Carlos Banda, Harold Dunovant and Lt. Anderson, Police Department; Phillip McDonald, Community Court; the media, public and Council Staff.

Chair Cleta Winslow called the meeting to order at 3:25 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA – ADOPTED**
- B. APPROVAL OF MINUTES – APPROVED**

**CONSENT**

**C. RESOLUTIONS**

**Claims with favorable recommendations:**

- 06-R-1824 ( 1) Claim of **Derrick McNeese, through his attorney, Gregory M. Evans**, for damages alleged to have been sustained as a result of a vehicular accident on March 25, 2006 at Interstate 20 Eastbound at the Joseph E. Lowery Boulevard exit. **\$8,809.00**



**Public Safety and Legal Administration Committee Minutes  
August 29, 2006  
Page Three**

**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 06-R-1832 ( 9) Claim of **Luther Payton**, for damages alleged to have been sustained as a result of an automobile accident on June 6, 2006 at Forsyth Street and Marietta Street. **\$1,793.54**
- 06-R-1833 (10) Claim of **Charles L. Strickland**, for damages alleged to have been sustained as a result of striking an open construction cut on June 4, 2006 on Bolton Road. **\$1,460.00**
- 06-R-1834 (11) Claim of **Daniel R. Calhoun**, for damages alleged to have been sustained as a result of striking an open construction cut on June 8, 2006 on Bolton Road. **\$1,000.00**
- 06-R-1835 (12) Claim of **Terry Reese**, for damages alleged to have been sustained as a result of a vehicular accident on July 19, 2006 at 2640 Jonesboro Road. **\$962.15**
- 06-R-1836 (13) Claim of **GEICO, as subrogee of insured, Danya P. Blount**, for vehicular damages alleged to have been sustained due to an automobile accident on January 28, 2006 at Martin Luther King, Jr. Drive, SW and Fairburn Road, SW. **\$17,873.50**

**Claims with unfavorable recommendations:**

- 06-R-1837 ( 14) Claim of **Dexter Crotts**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on August 31, 2005 at 1001 Johnson Ferry Road, NE.
- 06-R-1838 (15) Claim of **Thomas Earle, through his attorney, Joel H. Roth**, for damages alleged to have been sustained as a result of a police search on June 19, 2006 at 69 Andrian Place.
- 06-R-1839 (16) Claim of **Victoria Wimberley**, for damages alleged to have been sustained as a result of a slip and fall incident on July 24, 2006 at 395 Piedmont Avenue, NE.

**Public Safety and Legal Administration Committee Minutes**  
**August 29, 2006**  
**Page Four**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 06-R-1840 (17) Claim of **Naglaa Hamzi**, for damages alleged to have been sustained as a result of a slip and fall on February 3, 2006 at Hartsfield-Jackson Atlanta International Airport.
- 06-R-1841 (18) Claim of **Annie J. Moore**, for damages alleged to have been sustained during the installation of a water main on June 6, 2006 at 988 Palmetto Avenue, SW.
- 06-R-1842 (19) Claim of **Garry Fortson**, for damages alleged to have been sustained as a result of a driving into a sink hole on April 21, 2006 at Washington Place near New Castle Street.
- 06-R-1843 (20) Claim of **James C. Chaffin**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on March 21, 2006 at 1365 Monroe Drive, NE.
- 06-R-1844 (21) Claim of **William R. Fuller**, for property damages alleged to have been sustained due to flooding from a water main break on December 8, 2005 at 1694 Pine Ridge Drive.
- 06-R-1845 (22) Claim of **Laketta Thompson**, for damages alleged to have been sustained as a result of driving over a construction cut on December 5, 2006 at the intersection of Joseph E. Lowery and Martin Luther King, Jr. Drive.
- 06-R-1846 (23) Claim of **Wanda May Denton, through her attorney, Anthony T. Pete**, for damages alleged to have been sustained as a result of a trip and fall on February 4, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- 06-R-1847 (24) Claim of **Rashmi Shah**, for damages alleged to have been sustained as a result of driving over a pothole on July 3, 2006 at 8<sup>th</sup> Street near Monroe and Charleston.
- 06-R-1848 (25) Claim of **Danielle Carolan**, for damages alleged to have been sustained as a result of driving over debris in the roadway on March 21, 2006 at North Druid Hills Road and LaVista Road.

**Public Safety and Legal Administration Committee Minutes**  
**August 29, 2006**  
**Page Five**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 06-R-1849 (26) Claim of **Willie Wiley 52524-019**, for damages alleged to have been sustained as a result of not returning seized property after the dismissal of criminal cases on April 23, 2003.
- 06-R-1850 (27) Claim of **David Sandor**, for damages alleged to have been sustained as a result of a tree limb falling on June 11, 2006 at 152 Westminster Drive.
- 06-R-1851 (28) Claim of **Aaron Benoy**, for damages alleged to have been sustained as a result of driving over a pothole on February 26, 2006 at West Marietta Street and Lois Street.
- 06-R-1852 (29) Claim of **Deborah Kimble**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on May 14, 2005 at 857 Simpson Street.  
**(Councilmember Smith made a motion to approve items C1-C29.)**

**FAVORABLE**

**D. ORDINANCE FOR FIRST READING**

- 06-O-1908 ( 1) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to off-set the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**REGULAR**

**E. ORDINANCES FOR SECOND READING**

06-O-1619 ( 1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations in the amount of \$3,520,044.00 for Grant Funds from the White House Office of National Drug Control Policy for continuation of the High Intensity Drug Trafficking Area ("HIDTA") Task Force; to disrupt drug trafficking organizations; and for other purposes.

**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

06-O-1640 ( 2) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$70,000.00 for reimbursement from the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") for overtime salary costs incurred by the Department in joint operations with ATF in Project Safe Neighborhoods Violent Crimes Strategy Task Force; to detect and disrupt illegal firearms trafficking; and for other purposes.

**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

06-O-1641 ( 3) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, for the City of Atlanta Municipal Court, Community Court Division ("Community Court") by adding to anticipations and appropriations in the amount of \$2,725.00 from the Georgia Department of Human Resources, Division of Mental Health, Developmental Disabilities and Addictive Diseases, Metro Regional Office ("DHR") for the purpose of funding an annual cost of living increase to the Community Court Staff; and for other purposes.

**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

**Public Safety and Legal Administration Committee Minutes**  
**August 29, 2006**  
**Page Seven**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 06-O-1642 ( 4) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$34,920.00 for a Grant Award from Georgia State University Department of Criminal Justice, to improve the Crime Data System; and for other purposes.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

- 06-O-1643 ( 5) An Ordinance by Public Safety and Legal Administration Committee to correct the Center Number in Ordinance Number 06-O-0808 adopted by the Atlanta City Council on May 15, 2006 and approved by the Mayor on May 18, 2006; and for other purposes.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

**F. RESOLUTIONS**

- 06-R-1909 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta by Louis Reynaud in the case of Louis Reynaud et al. v. City of Atlanta et al., Superior Court of Fulton County, Civil Action File No. 2003-CV-68841, for the sum of \$27,655.00; authorizing said payment to be charged to and paid from Fund, Account and Center Number: 3P02 (Trust Fund) – 529010 (Refund) – Y12PO613QNAO (Tree Recompense Project); authorizing the Chief Financial Officer to distribute the payment amount; and for other purposes.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

**Public Safety and Legal Administration Committee Minutes**  
**August 29, 2006**  
**Page Eight**

**RESOLUTIONS (CONT'D)**

- 06-R-1910 ( 2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Landmark Environmental Industries, Inc. v. City of Atlanta, Superior Court of Fulton County, Civil Action File No. 2001-CV-32729, authorizing said payment in the amount of \$1,500,000.00, to be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenues) 529017 (Property Liquidation) T31001 (Unallocated Fund-Wide Expenses); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

**G. PAPERS HELD IN COMMITTEE**

- 06-O-0204 ( 1) An Ordinance by Councilmember Jim Maddox to amend Article XXIV, Section 30-1461 et seq. of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to adopt the recommendations of the Private Property Vending Policy and Advisory Committee said recommendations being hereto attached as Exhibit "A"; to repeal conflicting Ordinances; and for other purposes.  
**(Held 1/10/06 for further review) (Work session held 2/22/06)**
- 06-R-0433 ( 2) Claim of Robert Colgin, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**
- 06-R-0633 ( 3) Claim of Gregory V. Burson, Jr., for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. **(Held 3/14/06 for further investigation at the request of Councilmember Smith)**

**Public Safety and Legal Administration Committee Minutes**  
**August 29, 2006**  
**Page Nine**

**PAPERS HELD IN COMMITTEE (CONT'D)**

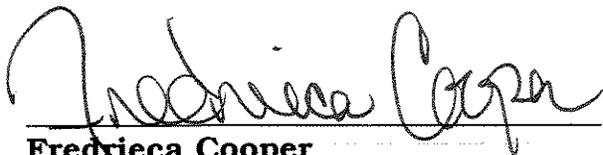
- 06-O-1044 ( 4)     An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**
- 06-O-1045 ( 5)     An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**
- 06-O-1142 ( 6)     An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. **(Held 6/13/06 for further review)**
- 06-O-1601 ( 7)     An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. **(Held 8/15/06 for further review.)**
- 06-R-1719 ( 8)     Claim of **Kay E. Stephensen and Mark T. Gilliland**, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. **(Held 8/15/06 at request of Councilmember Fauver.)**

**Public Safety and Legal Administration Committee Minutes  
August 29, 2006  
Page Ten**

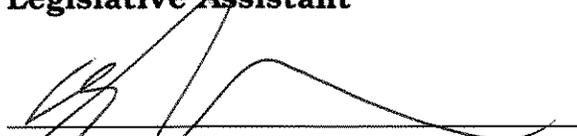
**PAPERS HELD IN COMMITTEE (CONT'D)**

**There being no further business to come before the Committee, the meeting was adjourned at 4:01 p.m.**

**Respectfully Submitted:**



**Fredrica Cooper  
Legislative Assistant**



**Bernard Thomas  
Research and Policy Analyst**



**The Honorable Cleta Winslow, Chair  
Public Safety and Legal Administration Committee**