

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

DECEMBER 12, 2006

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, December 12, 2006 at 3:08 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 Joyce Sheperd
The Honorable Carla Smith
The Honorable Anne Fauver**

The following member was absent:

The Honorable H. Lamar Willis

Others present at the meeting were: Councilmember Felicia A. Moore; Jerry DeLoach and Dianne Mitchell, Law Department; Deputy Chiefs Carlos Banda and Peter N. Andresen, Police Department; Raines Carter, City Solicitor; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:08 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-2670 (1) Claim of **PHH Vehicle Management Services, LLC d/b/a PHH ARVAL, Raven Funding, LLC and DL Peterson Trust**, for damages alleged to have been sustained as a result of an automobile accident on April 18, 2006 at Northside Drive and 10th Street. **\$7,344.47**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 06-R-2671 (2) Claim of **Gundi Hearn and Jeffery Lemons**, for damages alleged to have been sustained as a result of an automobile accident on September 21, 2006 on Interstate 20 Eastbound. **\$2,250.95**
- 06-R-2672 (3) Claim of **Clarence David Stanley**, for damages alleged to have been sustained as a result of an automobile accident on October 20, 2006 at 1350 Howell Mill Road, NW. **\$1,083.75**
- 06-R-2673 (4) Claim of **Lendale Smith, through his attorney, Daniele C. Johnson**, for damages alleged to have been sustained as a result of an automobile accident on July 27, 2006 at 1095 Hightower Road, NW. **\$3,000.00**

Claims with unfavorable recommendations:

- 06-R-2674 (5) Claim of **Jendi Chen, through her attorney, Quincy Shang, Esq.**, for bodily injuries alleged to have been sustained from tripping over the base of a light pole on March 4, 2006 at 225 Baker Street.
- 06-R-2675 (6) Claim of **Level 3 Communications**, for property damages alleged to have been sustained when fiber and conduit was severed during a sewer excavation project on November 23, 2004 at an undisclosed location on Spring Street.
- 06-R-2676 (7) Claim of **State Farm Insurance Companies, as subrogee of Brian Silva**, for damages alleged to have been sustained as a result of an automobile accident on December 13, 2005 at 467 Moreland Avenue.
- 06-R-2677 (8) Claim of **SAFECO, as subrogee of Sandra V. Miller**, for damages alleged to have been sustained as a result of a tree falling on her property on September 24, 2006 at 2440 Edgewater Drive, SW.

Public Safety and Legal Administration Committee Minutes
December 12, 2006
Page Three

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 06-R-2678 (9) Claim of **Richard McDonald**, for damages alleged to have been sustained as a result of the claimant's vehicle having been towed on October 15, 2006 at Mitchell Street and Elliot Street.
- 06-R-2679 (10) Claim of **Michelle Harper**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on May 3, 2004 at 6277 Roswell Road.
- 06-R-2680 (11) Claim of **Marcia Daniels**, for damages alleged to have been sustained as a result of a slip and fall incident on August 23, 2003 at 30 Alabama Street.
- 06-R-2681 (12) Claim of **Tremelia Donaldson, through her attorney, Robert Falanga**, for damages alleged to have been sustained as a result of a vehicle accident on May 3, 2006 at Martin Luther King, Jr. Drive and Northside Drive.
- 06-R-2682 (13) Claim of **Reginald Boston**, for damages alleged to have been sustained as a result of driving over a pothole on July 17, 2006 at Lake Forrest Drive and Forrest Lake Drive.
- 06-R-2683 (14) Claim of **Schneider National**, for damages alleged to have been sustained as a result of a tree falling on October 14, 2005 at Interstate 285 at exit 51.
(Councilmember Smith made a motion to approve items C1-C14.)

FAVORABLE

Public Safety and Legal Administration Committee Minutes
December 12, 2006
Page Four

D. ORDINANCES FOR FIRST READING

06-O-2650 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Trust Fund) Budget for the City of Atlanta Municipal Court, Community Court Division ("Community Court"), by adding to anticipations and appropriations, the amount of \$10,000.00, from the Board of Directors of the Community Court/Restorative Justice Center, Inc., for the purpose of supporting the operating costs of the nonprofit organization within Community Court; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2651 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2006-2007 (Intergovernmental Grant Fund) Budget, Department of Police, by transferring funds in the amount of \$150,000.00 from 1B02 775001 X11T0762B5J0 (\$41,000.00) and 1B02 775002 X11T0762B5J0 (\$109,000.00 to 1B02 7***** 21R1202B5Q0 for the Department of Corrections' Women for Women Program; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2652 (3) 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, the amount of \$284,100.00, from the Governor's Office of Highway Safety ("Governor's Office"), for the purpose of continuing the operation of a multi-jurisdictional D.U.I Enforcement Unit ("Heat") and a Pedestrian Safety Initiative to suppress D.U.I. Offenses and Enhance Pedestrian Safety; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. ORDINANCE FOR SECOND READING

- 06-O-2538 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget for the Department of Fire and Rescue ("Department") by adding to anticipations and appropriations, the amount of \$169,800.00, for the purpose of funding the Department's Car Safety Seat Program; and for other purposes.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

F. RESOLUTIONS

- 06-R-2653 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire and Rescue ("Department"), to accept a donation of Painting Services from the owner of the Fire House Grill Restaurant, for the purpose of painting the interior of Fire Station #23, located at 2349 Howell Mill Road, Atlanta, Georgia; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 06-R-2654 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police ("Department"), to accept a donation of a Motorcycle, from the Atlanta Police Foundation ("Foundation"), valued at \$15,000.00, to be used by the Zone Two Precinct, in order to enhance police operations; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 06-R-2655 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police ("Department"), to enter into a Memorandum Of Understanding ("MOU") with the Fulton County Children's Advocacy Center ("Center"), in order to provide the Department with specialized professional support in the investigation of crimes committed against children, in an amount not to exceed \$80,000.00; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

G. PAPERS HELD IN COMMITTEE

- 06-R-0433 (1) 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 (2) 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)**
- 06-O-1044 (3) 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)**

Public Safety and Legal Administration Committee Minutes
December 12, 2006
Page Seven

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1045 (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 162-57(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 (5) 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 (6) 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 (7) 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.)**
- 06-O-1908 (8) 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 offset 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. **(Held 9/12/06 for a work session.)**

**Public Safety and Legal Administration Committee Minutes
December 12, 2006
Page Eight**

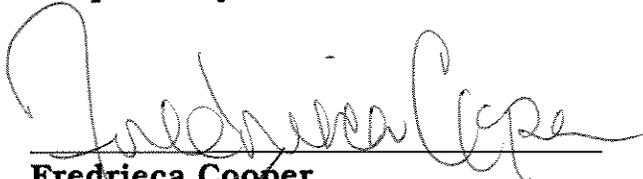
H. ITEMS NOT ON THE AGENDA

Councilmember Ivory L. Young, Jr. will host a Public Safety Town Hall Meeting on Wednesday, January 10, 2007 at 6 p.m. in the Council Chamber. The following will be on the agenda:

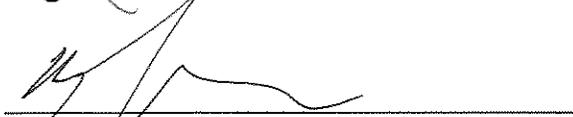
- Strategic review of the "No Knock" warrant in terms of how they are secured and executed, their effectiveness, and ways to improve this method, if warranted.
- Define details of the use of DC6 and the areas targeted where this ordinance is mostly used.
- Overview of the Civilian Review Board

There being no further business to come before the Committee, the meeting was adjourned at 4:30 p.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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