

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

JANUARY 9, 2007

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, January 9, 2007 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 Joyce Sheperd
The Honorable Carla Smith
The Honorable Anne Fauver
The Honorable H. Lamar Willis**

Others present at the meeting were: Councilmember Ivory L. Young, Jr., Roger Bhandari, 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

C. ELECTION OF VICE-CHAIR - Councilmember Anne Fauver made a motion to elect Councilmember C. T. Martin as Vice-Chair. The vote was unanimous.

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

07-R-0030 (1) Claim of **T. Jack Powell, Jr.**, for vehicle damages alleged to have been sustained as a result of an inlet meter leak on August 31, 2005 at 4 Barksdale Drive, NE. **\$787.83**

Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Two

Claims with favorable recommendations

- 07-R-0031 (2) Claim of **Mercury Insurance Group, as subrogee of Danita Roelofs**, for damages alleged to have been sustained as a result of a vehicular accident on May 19, 2006 at 1255 South Loop Road. **\$1,824.57**
- 07-R-0032 (3) Claim of **Joana Lima**, for damages alleged to have been sustained as a result of a vehicular accident on July 6, 2006 at 3111 Peachtree Road, NE. **\$2,248.67**
- 07-R-0033 (4) Claim of **T'Quania Hammond**, for damages alleged to have been sustained as a result of striking a metal plate on September 29, 2006 at 1529 Bolton Road, NW. **\$878.70**
- 07-R-0034 (5) Claim of **Progressive, as subrogee of Larry Williams, Jr.**, for damages alleged to have been sustained as a result of a vehicular accident on January 5, 2006 at 519 North Central Avenue, Hapeville, GA. **\$1,294.62**
- 07-R-0035 (6) Claim of **BellSouth**, for damages alleged to have been sustained as a result of a vehicular accident on September 8, 2006 at Jonesboro Road and Lethea Street. **\$2,717.70**
- 07-R-0036 (7) Claim of **Josephine K. Roberts**, for damages alleged to have been sustained as a result of a vehicular accident on January 10, 2006 at the intersection of Joseph E. Lowery Boulevard and Fox Street. **\$1,150.19**

Claims with unfavorable recommendations:

- 07-R-0037 (8) Claim of **Roger T. Graham**, for property damages alleged to have been sustained due to a sewer backup on July 23, 2000 at 889 Monroe Circle.
- 07-R-0038 (9) Claim of **Tom and Michelle Ratz**, for property damages alleged to have been sustained due to a sewer backup on July 23, 2000 at 865 Monroe Circle.

Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Three

Claims with unfavorable recommendations

- 07-R-0039 (10) Claim of **Robert Smith**, for damages alleged to have been sustained as a result of flooding from an open fire hydrant on October 6, 2004 at 5365 Crestwood Circle.
- 07-R-0040 (11) Claim of **Phoenix Loss Control, as subrogee of Comcast**, for damages alleged to have been sustained as a result of a severed cable line on April 12, 2006 at 5016 Lower Elm Street.
- 07-R-0041 (12) Claim of **Phoenix Loss Control, as subrogee of Comcast**, for damages alleged to have been sustained as a result of a severed cable line on May 10, 2006 at 4983 Lower Elm Street.
- 07-R-0042 (13) Claim of **Alberto Dyer and Jennifer Dyer, through their attorney, Keith E. Fyer**, for bodily injuries alleged to have been sustained when a freight elevator closed on May 16, 2006 at 6000 North Terminal Parkway.
- 07-R-0043 (14) Claim of **Frank Gulia, through his attorney, Matthew Reeves**, for damages alleged to have been sustained as a result of the demolition of his property on March 17, 2006 at 205 Elm Street, NW.
- 07-R-0044 (15) Claim of **Leroy Benjamin, Jr.**, for bodily injuries alleged to have been sustained after stepping on a sign that improperly covered an opening in a storm water line on December 3, 2004 at 667 Fairburn Road, SW.
- 07-R-0045 (16) Claim of **Liberty Mutual Group, as subrogee of insured, AnSCO & Associates.**, for bodily injuries alleged to have been sustained after stepping on a sign that improperly covered an opening in a storm water line on December 3, 2004 at 667 Fairburn Road, SW.
- 07-R-0046 (17) Claim of **Marilyn Goodson**, for damages alleged to have been sustained as a result of driving into a pothole on October 23, 2006 at 880 Martin Luther King Jr., Drive.

Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Four

Claims with unfavorable recommendations

- 07-R-0047 (18) Claim of **Steve Kiss, through his attorney, John R. Bevis**, for damages alleged to have been sustained as a result of inhaling fumes at the West End MARTA Rail Station on April 20, 2006.
- 07-R-0048 (19) Claim of **Maxwell David Hagedorn, a minor b/n/f Keith and Rhonda Hagedorn, through their attorney, Arnold E. Gardner**, for bodily injuries alleged to have been sustained while descending the escalator on May 30, 2006 at 6000 Terminal Parkway.
- 07-R-0049 (20) Claim of **Flora Thompson**, for damages alleged to have been sustained as a result of a sewer backup on June 30, 2006 at 1375 Battle View Drive.
- 07-R-0050 (21) Claim of **Siemens Westinghouse Power c/o I. E. Hollins**, for property damages alleged to have been sustained due to a sewer backup on November 10, 2004 at 1299 Northside Drive, NW.
- 07-R-0051 (22) Claim of **Bryan Kelly, through his attorney, John P. Webb**, for bodily injuries alleged to have been sustained while working as an electrical contractor on May 22, 2006 at 6000 North Terminal Parkway.
- 07-R-0052 (23) Claim of **Tanisha Johnson, a minor, through her attorney, John M. Foy**, for damages alleged to have been sustained as a result of a school bus incident on August 18, 2006 at 1925 Nisky Lake Road.
- 07-R-0053 (24) Claim of **Oscar O. Castro**, for damages alleged to have been sustained as a result of an altercation in the City Jail on December 9, 2003 at 254 Peachtree Street, SW.
- 07-R-0054 (25) Claim of **Raiza Khan**, for damages alleged to have been sustained as a result of a vehicular accident on April 11, 2006 at Courtland Street and Auburn Avenue.

Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Five

Claims with unfavorable recommendations

- 07-R-0055 (26) Claim of **Linda Davis, through her attorney, J. Jeffrey Helms**, for bodily injuries alleged to have been sustained due to a fall on a walkway that was under construction on June 13, 2006 at 6000 North Terminal Parkway.
- 07-R-0056 (27) Claim of **Lisa Bell**, for vehicular damages alleged to have been sustained after driving over a manhole that was below the street level on September 19, 2006 at Ashford Dunwoody Road and Perimeter Center East.
- 07-R-0057 (28) Claim of **Rick Saunders**, for damages alleged to have been sustained as a result of driving over a construction cut on October 7, 2006 at the intersection of Highland Drive, NE and Peachtree Road, NE.
- 07-R-0058 (29) Claim of **Ebony Williams, through her attorney, Steven A. I. Hart**, for damages alleged to have been sustained as a result of an automobile accident on May 31, 2005 on Cleveland Avenue.
- 07-R-0059 (30) Claim of **Winfred Jordan**, for property damages alleged to have been sustained due to a sewer backup on May 26, 2004 at 3092 Delmar Lane.
- 07-R-0060 (31) Claim of **Eric French, Jason R. Furlong and Alex James Friedman**, for damages alleged to have been sustained as a result of a sewer backup on April 23, 2004 at 1260 Barnes Street.
- 07-R-0061 (32) Claim of **David A. Rutherford**, for damages alleged to have been sustained as a result of driving over a construction cut on January 11, 2006 in the 500 block of Irwin Avenue.
- 07-R-0062 (33) Claim of **Missy Wallen-Nichols**, for damages alleged to have been sustained as a result of driving over a construction cut on October 12, 2006 at the intersection of Old Ivy Road and North Stratford Road.

Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Six

Claims with unfavorable recommendations

- 07-R-0063 (34) Claim of **Christian Sobb**, for damages alleged to have been sustained as a result of driving over a construction cut on June 16, 2004 at 2000 Marietta Boulevard, NW.
- 07-R-0064 (35) Claim of **BellSouth**, for damages alleged to have been sustained during the installation of a water main on November 19, 2004 at 3799 Up Park Drive.
- 07-R-0065 (36) Claim of **Meisha Lukerson, through her attorney, Marc Grawert**, for damages alleged to have been sustained as a result of an automobile accident on September 28, 2006 at 1591 Lakewood Avenue.
- 07-R-0066 (37) Claim of **Albany Lime and Cement Company, through its attorney, Hilliard P. Burt**, for damages alleged to have been sustained as a result of an odor problem in October 2003 at 2875 Ridgewood Circle.
- 07-R-0067 (38) Claim of **Raqual L. Gray**, for property damages alleged to have been sustained due to a sewer backup in August 2002 at 991 Cascade Road.
- 07-R-0068 (39) Claim of **Angel E. David**, for property damages alleged to have been sustained due to a sewer backup on July 23, 2000 at 877 Monroe Circle.
- 07-R-0069 (40) Claim of **Delores Cross**, for property damages alleged to have been sustained due to a sewer backup on July 23, 2000 at 869 Monroe Circle.
- 07-R-0070 (41) Claim of **Alfonso Thomas, Jr.**, for property damages alleged to have been sustained when a solid waste vehicle destroyed landscaping and broke steps during a garbage pickup on November 30, 2004 at 1275 West Ridge Road, SW.
- 07-R-0071 (42) Claim of **USAA, as subrogee of Peter B. Leff**, for damages alleged to have been sustained during the repair of a curb cock on April 7, 2004 at 1260 Heards Ferry Road, NW.
(Councilmember Fauver made a motion to approve items C1-C42.)

FAVORABLE

Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Seven

E. ORDINANCES FOR FIRST READING

07-O-0026 (1) An Ordinance by Public Safety and Legal Administration Committee adding to anticipations and appropriations, in the amount of \$137,965.00, on behalf of the Department of Fire and Rescue, for a donation from the Atlanta Renewal Community (Cora, Inc.), for the purpose of supporting the Atlanta Citizen Emergency Response Team; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

07-O-0027 (2) 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 \$41,530.62, from the Georgia Bureau of Investigation, for the purpose of installing a Live Scan System to allow for the electronic transmission of fingerprints and mug shots; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

07-O-0028 (3) 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 \$55,000.00, for grant funds from the Georgia Emergency Management Agency ("GEMA"), in order to purchase a Helicopter Mounted Radiation Detection Device for Homeland Security Preparedness; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. ORDINANCES FOR SECOND 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.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

- 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.
(Councilmember Fauver made a motion to approve.)

FAVORABLE ON CONDITION

- 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.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-0078 (4) An Ordinance by Councilmember Cleta Winslow to amend Chapter 30, Article II, Section 30-26 (b), of the City of Atlanta Code of Ordinances, so that meetings of the License Review Board are not held during the Month of December; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 07-O-0080 (5) An Ordinance by Councilmembers Cleta Winslow, Anne Fauver, Ceasar C. Mitchell, H. Lamar Willis, Clair Muller, Natalyn Archibong, Kwanza Hall, Mary Norwood and Jim Maddox amending the 2007 (Intergovernmental Grant fund) Budget, Office of the Mayor, by adding to anticipations and appropriations, the amount of \$197,446.00, for a Grant Award from the United States Department of Justice for the 'Ambassadors of Peace' Conflict Resolution Program; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 07-O-0083 (6) An Ordinance by Councilmember C. T. Martin to waive the provision of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances of the City of Atlanta, Georgia so as to modify the hours of operation on Presidents' Day, Monday, February 19, 2007 only, for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

G. RESOLUTIONS

- 06-R-2678 (1) 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. **(Referred back from Full Council on 01/02/07)**
(Councilmember Winslow made a motion to hold.)

HELD

Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Ten

RESOLUTIONS (CONT'D)

- 07-R-0029 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police, to execute temporary service contracts with two (2) retired City of Atlanta ("City") Police Officers, for the purpose of conducting background investigations of civilian employment applicants, in an amount not to exceed \$99,328.00. All costs to be charged to Fund, Account and Center Number: 3P02 524001 X11W02AK9998; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

H. 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
January 9, 2007
Page Eleven

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
January 9, 2007
Page Twelve

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

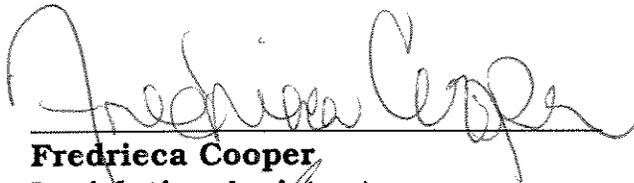
I. REQUESTED ITEM

1. Councilmember Martin requested the Police Department to find out what is the jurisdiction of the Georgia Capitol Police.

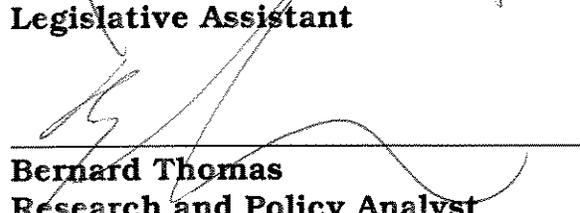
**Public Safety and Legal Administration Committee Minutes
January 9, 2007
Page Thirteen**

There being no further business to come before the Committee, the meeting was adjourned at 4:21 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**