

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

FEBRUARY 27, 2007

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, February 27, 2007 at 3:35 p.m., in the City Council Chamber**. The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Carla Smith
The Honorable Anne Fauver
The Honorable H. Lamar Willis
The Honorable Joyce Sheperd**

Others present at the meeting were: Councilmembers Felicia A. Moore, Ivory L. Young, Jr. and Mary Norwood; Jerry DeLoach, Law Department; Deputy Chief Carlos Banda, Peter Andresen and Major Williams, Police Department; Chief Meadows, Department of Fire and Rescue; Raines Carter, City Solicitor; Greg Pridgeon, Office of the Mayor, the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:35 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:

07-R-0321 (1) Claim of **Progressive Insurance, as subrogee of Ronald Goetz**, for damages alleged to have been sustained as a result of a vehicular accident on June 1, 2006 at 1832 Lee Street. **\$20,198.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-0322 (2) Claim of **GEICO Direct, as subrogee of insured, Tina M. Heidrich**, for vehicular damages alleged to have been sustained from an automobile accident on September 7, 2005 at Crescent Avenue, NW and 12th Street, NW.
\$2,261.97
- 07-R-0323 (3) Claim of **Karla Boswell and Richard Boswell**, for property damages alleged to have been sustained from an automobile accident on December 3, 2006 at 430 Lindberg Drive, NE.
\$1,113.51
- 07-R-0324 (4) Claim of **Frederick Paige**, for damages alleged to have been sustained as a result of a tree falling on his vehicle on October 27, 2006 on Martin Luther King, Jr. Drive, NW.
\$500.00
- 07-R-0325 (5) Claim of **Phyllis Johnson and Brittanie Johnson**, for damages alleged to have been sustained as a result of a vehicular accident on October 24, 2006 at Cascade Road near Interstate 285 North.
\$1,044.67
- 07-R-0326 (6) Claim of **Amanda Gilmore**, for damages alleged to have been sustained as a result of striking a recessed sewer manhole lid on February 22, 2006 at 355 Moreland Avenue, SE.
\$674.07
- 07-R-0327 (7) Claim of **Tabitha Austin**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box August 3, 2006 at 1250 Oakland Lane.
\$2,495.75

Claims with unfavorable recommendations:

- 07-R-0328 (8) Claim of **James Pride**, for damages alleged to have been sustained as a result of an arrest at 2325 Marietta Boulevard on July 10, 2006.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-0329 (9) Claim of **State Farm Insurance Companies, as subrogee of Lynn Dawson**, for vehicle damages alleged to have been sustained as a result of salt falling from an unknown truck on December 22, 2005 on Northside Drive.
- 07-R-0330 (10) Claim of **Travis Harry**, for damages alleged to have been sustained as a result of a trip and fall on June 1, 2006 on the escalator in Concourse D at the Hartsfield-Jackson Atlanta International Airport.
- 07-R-0331 (11) Claim of **James Willoughby, through his attorney, Michael J. Moran**, for damages alleged to have been sustained as a result of a slip and fall incident on July 7, 2006 at Hartsfield-Jackson Atlanta International Airport.
- 07-R-0332 (12) Claim of **Robert Ramsay, through his attorney, Julie Poirier**, for damages alleged to have been sustained as a result of personal injuries on November 11, 2006 at Hartsfield-Jackson Atlanta International Airport.
- 07-R-0333 (13) Claim of **Kristole Pierce**, for damages alleged to have been sustained as a result of a crime scene investigation on October 11, 2006 at 1940 Fisher road, #18A.
- 07-R-0334 (14) Claim of **Steve Yates, through his attorneys, Steven K. Leibel and Thaddeus R. Sobiesk**, for damages alleged to have been sustained as a result of wrongful discharge from his employment on March 16, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- 07-R-0335 (15) Claim of **Dollye Ruth Thomas**, for damages alleged to have been sustained due to continuous storm water overflow from a creek at 2158 Penelope Street, NW.
- 07-R-0336 (16) Claim of **BellSouth**, for damages alleged to have been sustained during the repair of a sewer main on November 15, 2004 at 785 Bellemeade Avenue, NW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-0337 (17) Claim of **Eugene Sturgis, through his attorney, Sam Starks, Esq., Martin & Jones Trial Lawyers**, for damages alleged to have been sustained from flooding due to storm water overflow on August 17, 2006 at 1651 Altadena Place, SW.
- 07-R-0338 (18) Claim of **Ramsey Agan**, for property damages alleged to have been sustained during a sewer rehabilitation project in August 2003 at 3504 Roxboro Road, NE.
- 07-R-0339 (19) Claim of **Sharman M. Meade LLB, LLM**, for damages alleged to have been sustained as a result of a broken water main line on December 6, 2006 at Cascade Terrace, SW and Cascade Avenue, SW.
- 07-R-0340 (20) Claim of **Yolanda Russ**, for damages alleged to have been sustained as a result of a slip and fall incident in a pothole on November 28, 2006 at Marietta Street, SW and Peachtree Street, SW.
- 07-R-0341 (21) Claim of **Scott Ludwig**, for damages alleged to have been sustained during the installation of water valves on December 18, 2006 at 4091 Southmeadow Parkway.
- 07-R-0342 (22) Claim of **Roy Deadwyler, through his attorney, Donald Edwards**, for damages alleged to have been sustained as a result of a slip and fall on August 22, 2006 at Browns Mill Golf Course, 480 Cleveland Avenue.
- 07-R-0343 (23) Claim of **Wyomia Fambro, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding on June 25, 2006 and June 26, 2006 at 201 Atlanta Avenue, SE.
- 07-R-0344 (24) Claim of **Geneva Louise Brown**, for damages alleged to have been sustained as a result of an automobile accident on June 5, 2006 at 1284 West Paces Ferry Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-0345 (25) Claim of **Toya Madden, through her attorney, Terance Madden, Esq., T. Madden & Associates, P. C.,** for damages alleged to have been sustained from an automobile accident on October 8, 2006 at Pryor Street, SW and Fulton Street, SW.
- 07-R-0346 (26) Claim of **George Brooks, through his attorney, Mark C. Bips,** for damages alleged to have been sustained as a result of an arrest at 3242 Peachtree Road on August 28, 2004.
- 07-R-0347 (27) Claim of **Clarence Jackson,** for damages alleged to have been sustained as a result of a sewer backup on September 16, 2004 at 1046 Parsons Street.
- 07-R-0348 (28) Claim of **BellSouth,** for damages alleged to have been sustained during the installation of a water meter on November 24, 2004 at 750 Fairburn Road.
- 07-R-0349 (29) Claim of **Johnnie Mitchell,** for damages alleged to have been sustained from a broken water line at an unspecified time at 1825 Delowe Drive, SW.
(Councilmember Smith made a motion to approve items C1-C29.)

FAVORABLE

D. ORDINANCES FOR FIRST READING

- 07-O-0356 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations, the amount of \$67,635.00, for Grant Funds from the Georgia Emergency Management Agency, in order to purchase imaging equipment for Homeland Security Preparedness; and for other purposes.
TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

07-O-0357 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations, the amount of \$48,000.00, for Grant Funds from the United States Marshalls Service, for the purpose of reimbursing the City of Atlanta for overtime paid to Investigators assigned to the United States Marshalls Southeast Regional Fugitive Task Force, for the period beginning October 1, 2006 to September 30, 2007; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

07-O-0358 (3) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations, the amount of \$52,500.00, for grant funds from the Governor's Office of Highway Safety, for the purpose of expanding the "Teens Learning Control Program" ("TLC"); and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. COMMUNICATIONS

07-C-0299 (1) A Communication by Mayor Shirley Franklin re-appointing **Ms. Peggy Harper** to serve as a member of the License Review Board in the category of Atlanta Planning Advisory Board (APAB) representative for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Fauver made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

COMMUNICATIONS (CONT'D)

- 07-C-0361 (2) A Communication by Mayor Shirley Franklin appointing **Mr. Frank C. Sizer, Jr.** as Corrections Chief for the City of Atlanta.
(Councilmember Martin made a motion hold.)

HELD (1 NAY) WINSLOW

F. RESOLUTIONS

- 07-R-0317 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire and Rescue, to enter into an agreement with AWS Convergence Technologies, Inc., for the purpose of installing the Weatherbug Weather Stations, at designated Fire Stations within the City of Atlanta; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 07-R-0318 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire and Rescue ("Department"), to issue a Notice to Proceed with Shaw Environmental, Inc./AIM Partner, PLC-Joint Venture for FC-7619-03F, Annual Contract for Architectural and Engineering Services, for the new Fire Station 11 at Atlantic Station, in an amount not to exceed \$391,264.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1B08 774001 W11X02509999; and for other purposes.
(Councilmember Martin made a motion to approve on condition.)

FAVORABLE ON CONDITION

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RESOLUTIONS (CONT'D)

- 07-R-0319 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire and Rescue ("Department"), to execute Renewal Agreement No. 1 for FC-6004007868, Atlanta Fire Department Wellness Program, with North Greenville Fitness and Cardiac Rehabilitation Clinic, Inc., in an amount not to exceed \$152,000.00, for the purpose of monitoring the physical condition of the Department's firefighters. All contracted work shall be charged to and paid from Various Funds, Accounts and Center Numbers; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 07-R-0359 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police, to apply for a grant from the Governor's Children and Youth Coordinating Council, in an amount not to exceed \$60,000.00, for the purpose of implementing a Police Cadet Program to divert at-risk youth from criminal activity and to recruit youth for potential law enforcement careers; and for other purposes.
(Councilmember Martin 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)

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

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)**

HELD

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)**

HELD

06-O-1142 (4) 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)**

HELD

06-O-1601 (5) 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.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

06-R-1719 (6) 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.)**

HELD

06-O-1908 (7) 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.)**

HELD

06-R-2678 (8) 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)** **(Held 1/9/07 for further review.)**

HELD

07-O-0078 (9) An Ordinance by Councilmember Cleta Winslow **as amended by Full Council** 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. **(Amended by Full Council and referred back by Council 1/16/07)** **(Held 1/30/07 so that a copy of the ordinance can be forwarded to the NPU's for review and comment.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-0141 (10) An Ordinance by Councilmembers H. Lamar Willis, C. T. Martin and Ivory L. Young, Jr. **as substituted by Public Safety and Legal Administration Committee** amending Chapter 2, Article XVI of the Code of Ordinances of the City of Atlanta, Georgia, by adding a new Division 11, to provide for the establishment of a Citizen Review Board ("Board"); to consider grievances of citizens who have complaints against any member of the Department of Police; to provide for hearings before the Board for police officers; to provide for recommendations for dispositions of the Board; and for other purposes. **(Work session held 1/30/07.)**
(Councilmember Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE (1 ABSTENTION) SMITH

- 07-O-0249 (11) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow authorizing the Mayor or her designee to grant an exemption to the City's Distance Requirements for on-premise consumption of alcohol and the sale of wine by the package on the 300 block of Walker Street. **(Held 2/13/07 for further review.)**

HELD

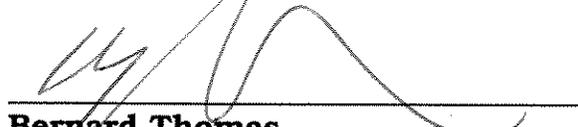
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There being no further business to come before the Committee, the meeting was adjourned at 7:27 p.m.

Respectfully Submitted:



Fredrieca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



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