

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

MARCH 13, 2007

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, March 13, 2007 at 3:21 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 Carla Smith
The Honorable Anne Fauver
The Honorable H. Lamar Willis**

The following member was absent:

The Honorable Joyce Sheperd

Others present at the meeting were: Ivory L. Young, Jr.; Jerry DeLoach and Dianne Mitchell, Law Department; Deputy Chief Carlos Banda, Police Department; 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 3:21 p.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD ONE RESOLUTION

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

07-R-0415 (1) Claim of **GEICO, as subrogee of Timothy Eden**, for damages alleged to have been sustained as a result of an automobile accident on November 13, 2006 at Washington Street, SW and Memorial Drive, SW. **\$2,159.35**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-0423 (9) Claim of **Rosa Taylor**, for damages alleged to have been sustained as a result of a vehicular accident on November 22, 2006 at 185 Little Street, SE **\$1,331.64**
- 07-R-0424 (10) Claim of **John Herman**, for vehicle damages alleged to have been sustained as a result of a vehicle incident on August 29, 2006 at 1100 Swathmore Drive. **\$1,825.00**
- 07-R-0425 (11) Claim of **Jennifer Walls**, for property damages allegedly sustained from a sewer backup on September 8, 2006 at 1479 North Morningside Drive. **\$2,306.00**
- 07-R-0426 (12) Claim of **Kisha Linton**, for damages alleged to have been sustained as a result of a vehicular accident on November 21, 2006 at the intersection of Memorial Drive and Dahlgreen Street. **\$1,408.99**
- 07-R-0427 (13) Claim of **Tori Blackwell**, for damages alleged to have been sustained as a result of a vehicular accident on September 13, 2006 at 675 Ponce de Leon Avenue. **\$855.20**

Claims with unfavorable recommendations:

- 07-R-0428 (14) Claim of **Lara Rossignol**, for damages alleged to have been sustained as a result of the falling of a swing on June 6, 2006 at Grant Park, 800 Cherokee Avenue.
- 07-R-0429 (15) Claim of **Laura Thigpen**, for damages alleged to have been sustained as a result of a vehicle accident on September 20, 2006 at 707 Hansell Street.
- 07-R-0430 (16) Claim of **Terrence O. Brown**, for damages alleged to have been sustained as a result of a vehicular accident on December 30, 2005 at 763 Juniper Street, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-0431 (17) Claim of **Sally Berry, through her attorney, Matthew Carlton**, for damages alleged to have been sustained as a result of a trip and fall on March 29, 2006 at Juniper Street near 14th Street.
- 07-R-0432 (18) Claim of **Matthew Harris, through Allstate Insurance Company**, for damages alleged to have been sustained as a result of driving into a construction cut on December 29, 2005 at West Wesley Avenue.
- 07-R-0433 (19) Claim of **Devika Marie Howard**, for damages alleged to have been sustained as a result of driving into a construction cut on November 9, 2006 at 254 2nd Street.
- 07-R-0434 (20) Claim of **Mary F. McDuffie**, for damages alleged to have been sustained as a result of striking porcelain buttons in the roadway on April 23, 2006 on Camp Creek Parkway.
- 07-R-0435 (21) Claim of **Tia Freeman, through her attorney, C. Ron Smith**, for damages alleged to have been sustained as a result of a slip and fall incident on July 15, 2006 at Hartsfield-Jackson Atlanta International Airport.
- 07-R-0436 (22) Claim of **Alyssa Larsen**, for damages alleged to have been sustained as a result of striking an open construction cut on December 25, 2006 on West Peachtree Street, NW.
- 07-R-0437 (23) Claim of **Foremost Insurance Group, as subrogee of insured, Michael M. Watkins, Sr.**, for property damages alleged to have been sustained from a sewer backup on December 14, 2005 at 1239 Graymont Drive, SW.
- 07-R-0438 (24) Claim of **Adrian Nelson, through his insurance carrier, State Farm Insurance Companies**, for damages alleged to have been sustained as a result of a rock thrown by a weed eater on August 26, 2006 at 1150 North Avenue.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-0439 (25) Claim of **Theater Concessions, LCC, through their attorney, Sard & Leff, LLC**, for damages alleged to have been sustained as a result of the denial of applications for beer, wine and liquor consumption licenses on August 15, 2006 at 55 Trinity Street.
- 07-R-0440 (26) Claim of **Chad E. Clark**, for damages alleged to have been sustained when an automobile was driven through a road-striping project on September 5, 2004 on Brownsmill Road.
- 07-R-0441 (27) Claim of **Missy Wallen-Nichols**, for damages alleged to have been sustained as a result of driving over a recessed manhole cover in May 2006 at 3550 Old Ivy Lane.
- 07-R-0442 (28) Claim of **Mitchell H. Parks**, for vehicular damages alleged to have been sustained due to an automobile accident on January 9, 2006 at 34 Peachtree Street.
- 07-R-0443 (29) Claim of **Dianna Woods, through her attorney, Russell Parker**, for damages alleged to have been sustained as a result of personal injuries on October 20, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- 07-R-0444 (30) Claim of **Tony A. Goforth**, for damages alleged to have been sustained as a result of a vehicular accident on October 12, 2006 at 1961 Maywood Place, NW.
- 07-R-0445 (31) Claim of **Dionne Lee**, for damages alleged to have been sustained as a result of striking an open construction cut on October 2, 2006 on West Peachtree Street, NW.
(Councilmember Smith made a motion to approve items C1-C31.)

FAVORABLE

D. ORDINANCES FOR FIRST READING

07-O-0475 (1) 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 \$15,572.76, for reimbursement from the United States Drug Enforcement Administration ("DEA"), for overtime worked by the Department's Investigators, assigned to the DEA's Drug Enforcement Task Force; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

07-O-0476 (2) An Ordinance by Public Safety and Legal Administration Committee to amend the 2006-2007 (Intergovernmental Grant Fund) Budget, City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations, the amount of \$133,660.00, for grant funds from the Georgia Department of Human Resources, Division of Mental Health, Developmental Disabilities and Addictive Diseases (Metro Regional Office) (Contract #427-93-733-100), for the purpose of continuing Clinical Assessment Services for criminal defendants participating in Community Court; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

07-O-0478 (3) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, by transferring remaining funds in the amount of \$15,793.19 from a U.S. Department of Justice Grant, from the Atlanta Municipal Court and Department of Parks, Recreation and Cultural Affairs, to the Atlanta Workforce Development Agency; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

- 07-O-0479 (4) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, by transferring remaining funds in the amount of \$4,299.05 from a U. S. Department of Justice Grant, from the Atlanta Municipal Court, to the Office of the Mayor; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. ORDINANCES FOR SECOND 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.

(Councilmember Martin made a motion to approve.)

FAVORABLE

- 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 Marshals Service, for the purpose of reimbursing the City of Atlanta for overtime paid to Investigators assigned to the United States Marshals Southeast Regional Fugitive Task Force, for the period beginning October 1, 2006 to September 30, 2007; and for other purposes.

(Councilmember Martin made a motion to approve.)

FAVORABLE

ORDINANCES FOR SECOND READING (CONT'D)

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

FAVORABLE

- 07-O-0489 (4) An Ordinance by Councilmember Ivory L. Young, Jr. **as amended by Public Safety and Legal Administration Committee** to repeal Subsection (6) of Section 106-81 of the Code of Ordinances of the City of Atlanta, Georgia (entitled "Disorderly Conduct"); to waive conflicting ordinances; and for other purposes.
(Councilmember Martin made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 07-O-0498 (5) An Ordinance by Councilmember C. T. Martin to amend Section 30-1485 (a) and (c) of the Code of Ordinances of the City of Atlanta, Georgia, so as to eliminate the one (1) year restriction imposed upon Private Property Vendors with respect to a vending site and the forty-five (45) day permit renewal requirement; to waive conflicting ordinances; and for other purposes.
(Councilmember Martin made a motion to forward with no recommendation.)

FORWARDED WITH NO RECOMMENDATION

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F. RESOLUTIONS

07-R-0446 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta by Select Portfolio Servicing, Inc., as Servicing Agent for TCIF RE02, LLC in the case of Select Portfolio Servicing, Inc., as Servicing Agent for TCIF RE02, LLC V. City of Atlanta, Georgia, Superior Court of Fulton County, Civil Action File No. 2006-CV-124241, for the sum of \$4,250.00; authorizing said payment to be paid from plaintiff to the City of Atlanta and to be deposited in 2J01 (Water and Sewer Fund) 529017 (Property Liquidation) Q30001 (Deputy Director Wastewater Treatment and Collections); authorizing the Chief Financial Officer to accept this amount as full settlement of the disputed bill amount; and for other purposes.

(Councilmember Fauver made a motion to approve.)

FAVORABLE

07-R-0473 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to enter into a settlement with a condemnee in the matter of the City of Atlanta v. Claire Ann Hull Law, et al., Civil Action File No. 2003-CV-68954, in the Superior Court of Fulton County, Georgia, in an amount not to exceed \$12,125.00 to be paid from Fund, Account and Center Number: 2J27 572001 Q38I02429999; and for other purposes.

(Councilmember Fauver made a motion to approve.)

FAVORABLE

07-R-0474 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a new Lease Agreement with the Georgia Tech Foundation Real Estate Holding Foundation, for the Rental of 2665 square feet of office space, located at 398 Centennial Olympic Park Drive, Atlanta, Georgia, for the Department of Police, Zone Five Precinct, from April 1, 2007, until March 31, 2010, in an amount not to exceed \$1.00 annually. All costs shall be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 525001 (Rental/Lease) X42005 (Zone 5); and for other purposes.

(Councilmember Fauver made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 07-R-0477 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Office of Weed and Seed, to apply for a grant in the amount of \$175,000.00, from the Department of Justice Community Capacity Development Office, for the English Avenue Weed and Seed strategy; to provide for grant matching funds; and for other purposes.
(Councilmember Willis made a motion to approve.)

FAVORABLE

- 07-R-0480 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Office of Weed and Seed, to apply for funding in the amount of \$200,000.00, from the Department of Justice Community Capacity Development Office, for the continuation of the Weed and Seed strategy in the Vine City Community; to provide for grant matching funds; and for other purposes.
(Councilmember Willis 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

- 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.
(Councilmember Smith made a motion to approve for adverse.)

FAVORABLE FOR ADVERSE

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PAPERS HELD IN COMMITTEE (CONT'D)

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

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

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PAPERS HELD IN COMMITTEE (CONT'D)

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

07-O-0249 (10) 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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PAPERS HELD IN COMMITTEE (CONT'D)

07-C-0361 (11) A Communication by Mayor Shirley Franklin appointing **Mr. Frank C. Sizer, Jr.** as Corrections Chief for the City of Atlanta.
(Councilmember Winslow made a motion to approve.)

FAVORABLE (1 NAY) MARTIN
REFERRED TO COMMITTEE ON COUNCIL

H. ITEM NOT ON THE AGENDA

RESOLUTION

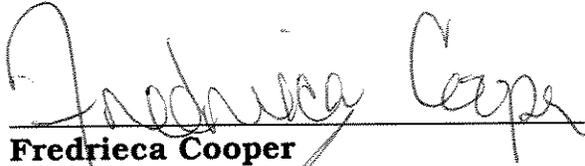
07-R-0515 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta by Southern States Police Benevolent Association, et al. in the case of Southern States Police Benevolent Association, et at. V. City of Atlanta, Georgia, et al., Superior Court of Fulton County, Civil Action File No. 2003-CV-79284, for the sum of \$80,000.00; authorizing said payment to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-Departmental); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

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There being no further business to come before the Committee, the meeting was adjourned at 5:38 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