

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**JUNE 26, 2007**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, June 26, 2007 at 3:15 p.m., in Committee Room #2**. The following members were present:

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

The following members were absent:

**The Honorable Cleta Winslow, Chair  
The Honorable Anne Fauver**

Others present at the meeting were: Councilmembers Jim Maddox and Mary Norwood; Jerry DeLoach, Amber Robinson and Dianne Mitchell, Law Department; Deputy Chiefs Peter N. Andresen, Carlos Banda and George Turner, Majors Williams and Perdue, Malachi Hull, Police Department; Deputy Chief Meadows, Fire & Rescue; Raines Carter, City Solicitor; Vanessa Hickey-Gales, Public Defender; Greg Pridgeon, Office of the Mayor, the media, public and council staff.

Vice-Chair C. T. Martin called the meeting to order at 3:15 p.m. after declaring a quorum present. He 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-1261 ( 1) Claim of **Gary Baugh, through his attorneys, Timothy W. Storm and Richard Green, II**, for damages alleged to have been sustained as a result of an automobile accident on October 5, 2005 at Boulder Park Drive, SW and Brownlee Road, SW. **\$55,000.00**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 07-R-1262 ( 2) Claim of **Liberty Mutual, as subrogee of Chemika Jenkins**, for damages alleged to have been sustained as a result of an automobile accident on April 18, 2007 at West Wesley Road and Dawn View Lane. **\$4,117.57**
- 07-R-1263 ( 3) Claim of **GEICO Insurance Company, as subrogee of insured, Tonya E. Phillips**, for vehicular damages alleged to have been sustained from an automobile accident on March 8, 2007 at 764 Memorial Drive. **\$3,279.74**
- 07-R-1264 ( 4) Claim of **William G. Gribble**, for damages alleged to have been sustained as a result of driving over a raised manhole on November 26, 2005 at Walker Terrace and Lafayette Drive. **\$2,979.85**
- 07-R-1265 ( 5) Claim of **William Brewer**, for damages alleged to have been sustained as a result of a vehicular accident on February 21, 2007 at 1655 Memorial Drive. **\$2,138.42**
- 07-R-1266 ( 6) Claim of **Allstate Insurance Company, as subrogee of Lester Hicks**, for damages alleged to have been sustained as a result of a vehicular accident on January 16, 2007 at North Avenue and West Peachtree Street. **\$2,190.05**
- 07-R-1267 ( 7) Claim of **Carlos Moller**, for property damages alleged to have been sustained when a gate arm struck an automobile on February 27, 2007 at 150 Garnett Street, SW. **\$1,704.18**
- 07-R-1268 ( 8) Claim of **Alonzo Manning & Romona Hardaway**, for damages alleged to have been sustained as a result of driving over a recessed catch basin grate on January 8, 2007 at 17<sup>th</sup> Street and Peachtree Street. **\$1,986.50**
- 07-R-1269 ( 9) Claim of **GEICO Direct, as subrogee of Mae R. Maltin**, for damages alleged to have been sustained as a result of driving over an improperly secured construction site on April 16, 2007 at 3345 Lenox Road, NE. **\$1,669.01**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 07-R-1270 (10) Claim of **Mark Codner**, for damages alleged to have been sustained as a result of driving over an improper street repair on December 6, 2004 at 3058 Howell Mill Road.  
**\$1,349.90**
- 07-R-1271 (11) Claim of **Stephen Neeley & Steven Joachim**, for damages alleged to have been sustained as a result of driving over an improperly secured construction cut on March 24, 2007 at 3345 Lenox Road, NE.  
**\$1,154.25**
- 07-R-1272 (12) Claim of **Janice Prather**, for damages alleged to have been sustained as a result of driving over an improperly repaired construction cut on February 5, 2007 at 3345 Lenox Road, NE.  
**\$893.76**
- 07-R-1273 (13) Claim of **Lionel Wharton**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on August 28, 2005 at 532 Cleveland Avenue.  
**\$770.90**
- 07-R-1274 (14) Claim of **Rubin Patman**, for damages alleged to have been sustained as a result of driving over an unsafe construction cut on November 21, 2006 at 2226 Pasney Street.  
**\$784.32**
- 07-R-1275 (15) Claim of **Robert Thomas and Gloria E. Berrien**, for damages alleged to have been sustained as a result of an automobile accident on February 23, 2007 at 1330 Boulevard Lorraine.  
**\$663.48**
- 07-R-1276 (16) Claim of **Mae R. Maltin**, for damages alleged to have been sustained as a result of driving over an improperly secured construction site on April 16, 2007 at 3345 Lenox Road, NE.  
**\$622.07**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 07-R-1277 (17) Claim of **Reiner Botterbusch**, for vehicle damages alleged to have been sustained as a result of an unsecured metal plate on November 16, 2006 at 5500 Lake Forrest Drive. **\$589.77**
- 07-R-1352 (18) Claim of **Linda S. Andrews**, for damages alleged to have been sustained as a result of a sewer backup on January 29, 2007 at 547 Lynn Valley Road, SW. **\$1,782.21**

**Claims with unfavorable recommendations:**

- 07-R-1278 (19) Claim of **Sondra Rhoades Johnson**, for bodily injuries alleged to have been sustained from stepping into a sewer area in the road on March 14, 2006 on Forsyth Street.
- 07-R-1279 (20) Claim of **Susan B. Bolton**, for bodily injuries alleged to have been sustained after stepping into a hole in the right-of-way on February 17, 2006 at Ralph David Abernathy Boulevard.
- 07-R-1280 (21) Claim of **Michael A. Goss, Jr., a minor and Kania C. Goss, a minor, by and through Connie Cofer, as their mother and next friend, through their attorney, Noel L. Hurley, Esq., the Georgia Law Group of Hurley, LLC**, for damages alleged to have been sustained from a homicide on June 11, 2002 at 1599 Ezra Church Road, NW.
- 07-R-1281 (22) Claim of **American Sports Management, Inc., d/b/a Atlanta Kick, through its attorney, Gary Bunch**, for damages alleged to have been sustained as a result of a water main break on January 31, 2005, March 28, 2005, May 4, 2005 and May 9, 2005 at 2303 Peachtree Road, NE.
- 07-R-1282 (23) Claim of **Darren A. Washington-King**, for property damages alleged to have been sustained when police failed to secure personal items after an arrest on April 24, 2007 at 1849 Howell Mill Road.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 07-R-1283 (24) Claim of **Janice Cantrell, through an attorney, John M. Foy, Esq., Foy & Associates**, for bodily injuries alleged to have been sustained from an automobile accident on February 20, 2007 on Ponce de Leon Avenue, NE.
- 07-R-1284 (25) Claim of **Stephania Shine, through her attorney, W. James Moore, Esq., Moore & Hawthorne, LLC**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on January 16, 2007 at Hartsfield-Jackson Atlanta International Airport.
- 07-R-1285 (26) Claim of **Virgil Hill**, for vehicular damages alleged to have been sustained after driving over a manhole that was elevated during a road repaving construction project on March 19, 2007 at 285 Boulevard, NE.
- 07-R-1286 (27) Claim of **State Farm Mutual Automobile Insurance Company, as subrogee of E. Michael Wysocki, through its attorney, D. Todd Markle, P.C.**, for property damages alleged to have been sustained from an automobile accident on January 10, 2006 at 955 South River Industrial Boulevard.
- 07-R-1287 (28) Claim of **Alexia L. Spratling**, for damages alleged to have been sustained as a result of driving over a raised manhole on December 4, 2006 at Peachtree and 6<sup>th</sup> Streets.
- 07-R-1288 (29) Claim of **Nora Like-Krebs**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on December 19, 2005 at 1077 Spring Street, NW.
- 07-R-1289 (30) Claim of **Willa Nichols, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding on July 6, 2005 at 172 Atlanta Avenue, SE.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 07-R-1290 (31) Claim of **Henry McBride**, for damages alleged to have been sustained as a result of an injury while being detained on March 22, 2005 at Grady Hospital, 80 Jesse Hill, Jr. Drive.
- 07-R-1291 (32) Claim of **Marilyn Simmons, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding on August 17, 2006 at 188 Atlanta Avenue, SE.
- 07-R-1292 (33) Claim of **Benjamin Simmons, through his attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding on August 17, 2006 at 188 Atlanta Avenue, SE.
- 07-R-1293 (34) Claim of **George D. Spruill**, for damages alleged to have been sustained during the installation of a water main in August 2006 at 653 Park Drive, NE.
- 07-R-1294 (35) Claim of **Kenneth Fambro, through his 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-1295 (36) Claim of **Tracy Cansler**, for damages alleged to have been sustained as a result of a slip and fall incident on May 7, 2005 at West Peachtree Street and 6<sup>th</sup> Street.
- 07-R-1296 (37) Claim of **Awanda R. Harris-Lamar**, for damages alleged to have been sustained as a result of being injured while being transported in a City vehicle on June 7, 2005 on Peachtree-Dunwoody.
- 07-R-1297 (38) Claim of **Clayton Monroe**, for damages alleged to have been sustained as a result of stepping into an open manhole on October 11, 2005 on Simpson Street and Northside Drive.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 07-R-1298 (39) Claim of **Brian Duncan**, for damages alleged to have been sustained as a result of striking a metal plate on October 13, 2006 at Donnelly Avenue, SW.
- 07-R-1299 (40) Claim of **Christopher W. Carlson**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on October 30, 2006 on 6751 Roswell Road, NE.
- 07-R-1300 (41) Claim of **Cale Randall**, for vehicular damages alleged to have been sustained after driving over a manhole that was elevated during a road re-paving construction project on March 24, 2007 at 265 Boulevard, NE.
- 07-R-1301 (42) Claim of **World Marketing Group, Inc., c/o Don P. Wilson**, for damages alleged to have been sustained when police failed to arrest a subject for theft on an unspecified date at 983 Washington Street, SE.
- 07-R-1302 (43) Claim of **Brandon Pierce**, for vehicular damages alleged to have been sustained after driving over a manhole that was elevated during a road re-paving construction project on April 4, 2007 at 285 Boulevard, NE.
- 07-R-1303 (44) Claim of **Lillie Hackney**, for damages allegedly sustained as a result of driving over an unsecured metal plate on December 31, 2006 at 2235 Glenwood Avenue.
- 07-R-1304 (45) Claim of **Doris J. Copenny**, for vehicular damages alleged to have been sustained after driving over wet paint during a road re-stripping project on March 5, 2007 at 2200 Bouldercrest Road.
- 07-R-1305 (46) Claim of **Ken Lavine**, for property damages alleged to have been sustained from a sewer backup on September 30, 2006 at 818 Clemont Drive, NE.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 07-R-1306 (47) Claim of **Benny McPherson**, for vehicular damages alleged to have been sustained after driving over a construction metal plate on July 24, 2006 at 975 West Peachtree Street.
- 07-R-1307 (48) Claim of **Christopher Sheldon**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on December 12, 2005 at 1077 Spring Street, NW.
- 07-R-1308 (49) Claim of **Ashraf Mansouri, through her attorney, Ronald I. Kaplan, Kaplan & Lukowski, LLP**, for vehicular damages alleged to have been sustained from a collision due to a missing stop sign on July 2, 2006 at 16<sup>th</sup> Street and Fowler Street.
- 07-R-1309 (50) Claim of **Shelia Polen**, for damages alleged to have been sustained as a result of rocks falling from a city vehicle on February 7, 2007 on Interstate 20 West.
- 07-R-1310 (51) Claim of **Jane Merrill**, for damages alleged to have been sustained as a result of a sewer backup on February 6, 2006 at 4246 Sentinel Post Road, NW.
- 07-R-1311 (52) Claim of **Welborn Orr**, for damages alleged to have been sustained as a result of an automobile accident on October 23, 2006 at 484 Fletcher Street, SW.
- 07-R-1312 (53) Claim of **Sean Wood, through his attorney, Mark C. Harper**, for damages alleged to have been sustained as a result of an automobile accident on January 3, 2007 at Oakdale Road and McClendon Avenue.
- 07-R-1313 (54) Claim of **Tahir Blount, through her attorney, Ebony Phillips**, for damages alleged to have been sustained as a result of a slip and fall incident on the sidewalk on October 24, 2006 at 1305 Oakland Drive, SW.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 07-R-1314 (55) Claim of **Jessica Nicole Parker**, for damages alleged to have been sustained as a result of flooding on November 15, 2006 on West Ashland Avenue.
- 07-R-1315 (56) Claim of **Progressive, as subrogee for Elisha Hunter**, for damages alleged to have been sustained as a result of driving over a construction cut on January 1, 2007 at Piedmont Road and The Prado.
- 07-R-1316 (57) Claim of **C. Michael Bozeman**, for damages alleged to have been sustained as a result of an arrest on November 18, 2007 at 900 Spring Street.
- 07-R-1317 (58) Claim of **Lincoln L. Stupart**, for vehicular damages alleged to have been sustained after driving over a cave-in in the road on December 16, 2006 at 2799 Piedmont Road, NE.
- 07-R-1318 (59) Claim of **Sandra Broughton**, for damages alleged to have been sustained as a result of a slip and fall incident on January 10, 2006 at Rosel Fann Recreation Center, 365 Cleveland Avenue.  
**(Councilmember Willis made a motion to approve Items C1-C59)**

**FAVORABLE**

**REGULAR**

**D. ORDINANCE FOR SECOND READING**

- 07-O-1223 ( 1) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$4,520,044.00, for grant funds, from the White House Office of National Drug Control Policy, for the purpose of continuing 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**

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**E. RESOLUTIONS**

07-R-1323 ( 1) An **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta and any and all of its present and former officers and employees in the case of Allene Jenkins vs. City of Atlanta et al., Civil Action File No. 98VS0137225J in the State Court of Fulton County, for the sum of \$17,500.00; authorizing said payment to be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) – 529017 (Property Liquidation) – T31001 (Non-Departmental); authorizing the Chief Financial Officer to distribute the payment amount; and for other purposes.  
**(Councilmember Sheperd made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

07-R-1324 ( 2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta and any and all of its present and former officers and employees in the case of Mable Gibbs vs. City of Atlanta et al., Civil Action File No. 98VS0137232J in the State Court of Fulton County, for the sum of \$37,500.00; authorizing said payment to be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) – 529017 (Property Liquidation) – T31001 (Non-Departmental); authorizing the Chief Financial Officer to distribute the payment amount; and for other purposes.  
**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

07-R-1341 ( 3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta, to enter into an Interlocal Agreement with Fulton County, Georgia, in order to share funds from the U. S. Department of Justice, 2007 Byrne Justice Assistance Grant Program, in the amount of \$1,196,710.00, for the purpose of purchasing police equipment; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

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**F. 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-O-1044 ( 2) 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-1142 ( 3) 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 ( 4) 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 ( 5) 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)**

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

- 06-O-1908 ( 6)     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)**
- 07-O-0078 ( 7)     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)**
- 07-O-0249 ( 8)     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.)**
- 07-R-0545 ( 9)     Claim of **Nancy Montgomery**, for damages alleged to have been sustained as a result of a water main break during the installation of a sidewalk on June 6, 2006 at 2340 Hurst Drive, NE. **(Referred back from Council 4/16/07) (Held 5/1/07 at the request of Councilmember Shook.)**

**G.     OTHER MATTERS DISCUSSED**

1.     Councilmember Martin made a request to the Greg Pridgeon to get with Ms. Patricia Willis about the horse and carriage issues regarding reconfiguring the routes and the accessibility of water for the horses and to report back to the committee by the next committee.

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**H. ITEM NOT ON THE AGENDA**

**RESOLUTION**

07-R-1353 ( 1)  
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A Resolution by Public Safety and Legal Administration Committee, authorizing the Mayor, on behalf of the office of the Public Defender, to renew a Lease Agreement with Trinity Properties/Grant LTD., LP, for the office space located in the Grant Building at 44 Broad Street, NW, Atlanta, Georgia; and for other purposes.  
**(Councilmember Willis made a motion to approve.)**

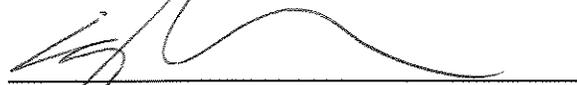
**FAVORABLE**

**There being no further business to come before the Committee, the meeting was adjourned at 6:00 p.m.**

**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



**Bernard Thomas  
Research and Policy Analyst**



**The Honorable C. T. Martin, Vice-Chair  
Public Safety and Legal Administration Committee**