

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

JULY 10, 2007

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, July 10, 2007 at 3:07 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 Joyce Sheperd**

The following members were absent:

**The Honorable Anne Fauver
The Honorable H. Lamar Willis**

Others present at the meeting were: Councilmember Ceasar C. Mitchell; Jerry DeLoach, Amber Robinson and Dianne Mitchell, Law Department; Deputy Chiefs Peter N. Andresen, Carlos Banda and George Turner, Major Williams, Director Malachi Hull, Police Department; Deputy Chief Meadows, Fire & Rescue; Raines Carter, City Solicitor; Greg Pridgeon and David Edwards, Office of the Mayor, the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:07 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. DISCUSSION ITEM

Update on the proposed Public Property Vending Program -
David Edwards

Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Two

D. RESOLUTIONS

Claims with favorable recommendations:

- 07-R-1386 (1) Claim of **Detrice Blackmon, through her attorney, M. Brandon Smith**, for damages alleged to have been sustained as a result of a vehicle accident on November 29, 2005 at 3565 Martin Luther King, Jr. Drive, SW. **\$16,500.00**
- 07-R-1387 (2) Claim of **Allstate Insurance Companies, as subrogee of insured, Cotena Carothers**, for vehicular damages alleged to have been sustained from an automobile accident on October 6, 2006 at 68 Mitchell Street, SW. **\$14,595.78**
- 07-R-1388 (3) Claim of **Daimon Carter, through his attorney, Betty B. Walker**, for damages alleged to have been sustained as a result of a bicycle accident due to a broken water valve on July 23, 2005 at 892 Ponce de Leon Avenue, NE. **\$7,500.00**
- 07-R-1389 (4) Claim of **Trav Carter**, for damages alleged to have been sustained as a result of a water meter leak on November 22, 2006 at 1800 Wildwood Place, NE. **\$5,881.59**
- 07-R-1390 (5) Claim of **Betty L. Roberson**, for vehicular damages alleged to have been sustained after driving into a sink hole on December 15, 2005 at 102 Vanira Avenue, SE. **\$2,740.70**
- 07-R-1391 (6) Claim of **Stanley Beaman & Sears, Inc.**, for property damages alleged to have been sustained from a series of sewer backups on June 29, July 11, 14, 2005 at 135 Walton Street, NW. **\$2,711.74**
- 07-R-1392 (7) Claim of **Alicia Spencer-Foster & Donniles Foster**, for damages alleged to have been sustained as a result of a vehicle accident on May 2, 2007 at McCallie Boulevard and Clarissa Drive. **\$2,499.56**
- 07-R-1393 (8) Claim of **Calvin T. Tucker, II**, for vehicular damages alleged to have been sustained from an automobile accident on January 19, 2007 at 142 Joseph E. Lowery Boulevard and Camilla Street. **\$2,225.00**

**Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Three**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-1394 (9) Claim of **Robyn Withers**, for damages alleged to have been sustained as a result of a vehicular accident on May 1, 2007 at 1043 Church Street. **\$2,154.80**
- 07-R-1395 (10) Claim of **David Rector**, for damages alleged to have been sustained as a result of driving over a pothole on January 15, 2007 at 2328 Oakview Road. **\$1,551.80**
- 07-R-1396 (11) Claim of **Janeah Saadeh**, for bodily injuries alleged to have been sustained from a fall in a construction site that was left open and in an unsafe condition on January 24, 2007 at 851 Arlington Place. **\$1,521.49**
- 07-R-1397 (12) Claim of **Bisram Dukharan**, for property damages alleged to have been sustained when a shop crane malfunctioned and crashed a tool box on January 11, 2007 at 23 Claire Drive, SE. **\$1,470.00**
- 07-R-1398 (13) Claim of **Wesley Homes, Inc.**, for damages alleged to have been sustained as a result of a vehicular accident on April 6, 2007 at 3033 Continental Colony Parkway. **\$1,450.00**
- 07-R-1399 (14) Claim of **Shu Huang**, for damages alleged to have been sustained as a result of a vehicle accident on February 27, 2007 at 1093 Northside Drive. **\$1,312.39**
- 07-R-1400 (15) Claim of **Lakithia Gates**, for vehicular damages alleged to have been sustained from an automobile accident on April 8, 2007 at McDonough Boulevard and Boulevard, SE. **\$1,193.75**

Claims with unfavorable recommendations:

- 07-R-1401 (16) Claim of **Terry Freeland**, for damages alleged to have been sustained as a result of driving into a catchbasin on April 23, 2006 at East Paces Ferry and Piedmont Road.

**Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Four**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1402 (17) Claim of **Marguerite Bradley, through her attorney, Stacey Hillock, Atlanta Legal Aid Society**, for damages alleged to have been sustained as a result of a sewer backup on May 14, 2006 at 1456 Martin Luther King, Jr. Drive.
- 07-R-1403 (18) Claim of **Brian Henderson**, for damages alleged to have been sustained as a result of driving over a pothole on December 15, 2005 on Cascade Road, SW.
- 07-R-1404 (19) Claim of **Rachell Tires & Wheels, Inc. c/o Eli D. Rachell**, for damages alleged to have been sustained when business revenues were lost due to a sewer separation project from August 2006 to present at 603 Memorial Drive.
- 07-R-1405 (20) Claim of **Euphemia C. Ezimora**, for damages alleged to have been sustained when business revenues were lost due to a sewer separation project from August 2005 at 337 Fletcher Street, SW.
- 07-R-1406 (21) Claim of **Ezoeke Parks**, for damages alleged to have been sustained as a result of a hit and run accident with a police vehicle on June 6, 2006 at 826 White Street.
- 07-R-1407 (22) Claim of **Anthony Plumley**, for damages alleged to have been sustained as a result of a hit and run vehicular accident on April 17, 2007 at 209 Forsyth Street.
- 07-R-1408 (23) Claim of **Valerie Rush**, for damages alleged to have been sustained as a result of a police shooting incident on February 10, 2007 at 1895 Plaza Lane #242.
- 07-R-1409 (24) Claim of **Denise N. Fitzpatrick**, for damages alleged to have been sustained as a result of a slip and fall incident on a water meter lid on April 28, 2007 at 30 Cleveland Avenue, SE.

**Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Five**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1410 (25) Claim of **Queen Harmon**, for vehicular damages alleged to have been sustained after driving over manholes that were elevated during a road re-paving construction project on May 11, 2007 on Boulevard, NE.
- 07-R-1411 (26) Claim of **Phoenix Loss Control, as subrogee of Comcast**, for damages alleged to have been sustained when facilities were severed due to a sanitary sewer main installation on January 8, 2007 at 170 Boulevard Drive, SE.
- 07-R-1412 (27) Claim of **Kenneth Randall**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on August 12, 2005 at 14th Street, NE and Crescent Avenue, NE.
- 07-R-1413 (28) Claim of **Ayodeji Adesina**, for damages alleged to have been sustained due to a re-payment of parking tickets on October 16, 2005 at 675 Ponce de Leon Avenue, NE.
- 07-R-1414 (29) Claim of **Sally Muhammad**, for damages alleged to have been sustained as a result of a sewer backup on April 18, 2007 at 3732 Denville Trace.
- 07-R-1415 (30) Claim of **Alexia D. Solomon**, for damages alleged to have been sustained as a result of striking a raised sewer manhole on January 21, 2005 at 3653 Ruby H. Harper Boulevard.
- 07-R-1416 (31) Claim of **Laurin Jordan, through his attorney, DeNorris A. Heard**, for damages alleged to have been sustained during an arrest on January 11, 2003 at 7th Street and Cypress Street.
- 07-R-1417 (32) Claim of **Harry Leon**, for damages alleged to have been sustained as a result of a private storm water line leak from January 2002 to present at 924 Bowen Street.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1418 (33) Claim of **Michael I. Yeas, through his attorney, Torris J. Butterfield**, for damages alleged to have been sustained as a result of an accident on September 28, 2006 on East Ponce de Leon Avenue.
- 07-R-1419 (34) Claim of **Lt. Dyke Edward Brown, retired, through his attorney, Guy E. Davis, Jr.**, for damages alleged to have been sustained as a result of disputed deductions of health care coverage for the years 1999, 2000, 2001 and 2002.
- 07-R-1420 (35) Claim of **Marlene Oliver**, for damages alleged to have been sustained as a result of an automobile incident on February 14, 2007 at the corner of McDonough Boulevard and Milton Street.
- 07-R-1421 (36) Claim of **Samuel Smith**, for damages allegedly sustained as a result of driving over a construction cut on December 28, 2005 at 3051 Delmar Lane.
- 07-R-1422 (37) Claim of **Patricia Perryman**, for damages alleged to have been sustained as a result of a construction project on an undisclosed date at 2032 West Cedar Lane, SW.
- 07-R-1423 (38) Claim of **Lucinda Reymond**, for damages alleged to have been sustained as a result of a vehicular accident on April 23, 2007 at 360 Englewood Avenue.
- 07-R-1424 (39) Claim of **Stephanie Jankowski**, for bodily injuries alleged to have been sustained due to a fall on January 10, 2005 at 345 Chester Avenue, SE.
- 07-R-1425 (40) Claim of **Joye V. Pittman, through her attorney, Julie Morrison Poirier, Esq., Law Office of Perry D. Ellis, P. C.**, for bodily injuries alleged to have been sustained from a slip and fall incident on May 9, 2007 at 8700 Spine road, Hartsfield-Jackson Atlanta International Airport.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1426 (41) Claim of **Stephanie and Timothy Kemp, through their attorney, Sam Starks**, for damages alleged to have been sustained as a result of a sewer backup on February 21, 2007 at 1258 Fair Street.
- 07-R-1427 (42) Claim of **Gloria Allain**, for damages alleged to have been sustained for the removal of a tree in the City's right-of-way during the repair of a water line in May 2007 at 599 Lynn Circle, SW.
- 07-R-1428 (43) Claim of **Nationwide Mutual Fire Insurance Company, as subrogee of insured, Stephanie S. Arend**, for damages property alleged to have been sustained from a sewer backup on April 7, 2007 at 417 10th Street, NE, #1.
- 07-R-1429 (44) Claim of **Antonio Henley**, for damages allegedly sustained as a result of driving over an unsecured metal plate on November 3, 2006 on Martin Luther King, Jr. Drive near the entrance to Interstate 75/85 North.
- 07-R-1430 (45) Claim of **Preston Lloyd**, for damages alleged to have been sustained as a result of property being destroyed on April 30, 2006 at 675 Ponce de Leon Avenue.
- 07-R-1431 (46) Claim of **Aaron and Patricia Welch, on behalf of their Minor Child, Alyzandra Welch, through their attorney, Michael L. Goldberg Esq., Rogers & Goldberg, LLC**, for bodily injuries alleged to have been sustained from a foot injury on an escalator on April 26, 2007 at 8700 Spine Road, Hartsfield-Jackson Atlanta International Airport.
- 07-R-1432 (47) Claim of **Eric Gelman**, for vehicular damages alleged to have been sustained after driving over manholes that were elevated during a road re-paving construction project on May 18, 2007 at Boulevard, NE and Monroe Drive, NE.

**Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Eight**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1433 (48) Claim of **Pacific Specialty Insurance Company, as subrogee of Insured, John T. Stair, through Western Recovery**, for damages alleged to have been sustained from an unspecified event on February 13, 2007 at an unspecified location.
- 07-R-1434 (49) Claim of **Isaac Harris**, for damages alleged to have been sustained as a result of a vehicular accident on October 31, 2006 at 23 Claire Drive.
- 07-R-1435 (50) Claim of **Stephanie Kemp**, for damages alleged to have been sustained as a result of a sewer backup on July 16 and July 17, 2005 at 1258 Fair Street.
- 07-R-1436 (51) Claim of **Evergreen Aviation Ground Logistics Enterprises, Inc., through their attorney, Anthony Cochran**, for damages alleged to have been sustained as a result of an error in calculation of parking fees on August 16, 2006 at Hartsfield-Jackson Atlanta International Airport.
- 07-R-1437 (52) Claim of **Vivian S. Holland**, for damages alleged to have been sustained as a result of a tree falling on October 27, 2006 at 819 Delmar Court, SE.
- 07-R-1438 (53) Claim of **James McManus, Inman Park Neighborhood Association, through their attorney, Robert S. Stein, Esq., Weissman, Nowack, Curry, Wilco, PC**, for property damages alleged to have been sustained due to storm sewer overflows on July 6 and August 13, 2005, at the residences of Austin Avenue from 930 Austin Avenue to 950 Austin Avenue, NE.
(Councilmember Martin made a motion to approve Items D1-D53)

FAVORABLE

Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Nine

E. ORDINANCE FOR FIRST READING

07-O-1369 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Trust Fund) Budget for the City of Atlanta Municipal Court, Community Court Division ("Community Court"), by adding to anticipations and appropriations, the amount or \$20,000.00, 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

REGULAR

F. RESOLUTIONS

07-R-1439 (1) An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the settlement in the case of K. C. Marks V. City of Atlanta, et al., United States District Court for the Northern District of Georgia, Civil Action File No. 1:05-CV-0079, in the amount of \$150,000.00; authorizing said payment to be charged to and paid from Fund 2P01 (Solid Waste), Account Number 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 as amended)

FAVORABLE AS AMENDED

Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Ten

RESOLUTIONS (CONT'D)

- 07-R-1440 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement in the case of Stephen K. Yates V. City of Atlanta, et al., United States District Court for the Northern District of Georgia, Civil Action File No. 1:07-CV-0003, in the amount of \$60,000.00; authorizing said payment to be charged to and paid from Fund 2H01 (Airport Revenue Fund), Account Number 529017 (Property/Liquidation) and Center Number T31001 (Unallocated Fund Wide Expenses); authorizing the Chief Financial Officer to distribute the settlement amount; 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)**
- 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)**

Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Eleven

PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 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.)**

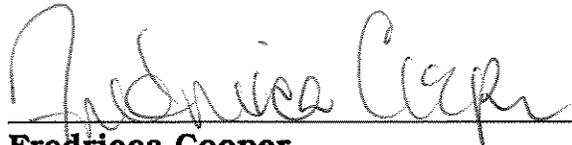
**Public Safety and Legal Administration Committee Minutes
July 10, 2007
Page Twelve**

PAPERS HELD IN COMMITTEE (CONT'D)

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.)**

There being no further business to come before the Committee, the meeting was adjourned at 4:55 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**