

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**FEBRUARY 26, 2008**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, February 26, 2008 at 3:30 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 Joyce Sheperd**

The following member was absent:

**The Honorable H. Lamar Willis**

Others present at the meeting were: Jerry Deloach, Dianne Mitchell, Marissa Key and Amber Robinson, Law Department; Deputy Chief George Turner and Sgt. Davis, Police Department; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:30 p.m. after declaring a quorum present. She then proceeded with the following order of business.

**A. ADOPTION OF AGENDA**

**B. APPROVAL OF MINUTES**

**CONSENT**

**C. RESOLUTIONS**

**Claims with favorable recommendations:**

08-R-0362 ( 1) Claim of **Regina Bailey**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on November 28, 2007 at 3734 Martin Luther King, Jr. Drive. **\$653.89**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 08-R-0363 ( 2) Claim of **Randy Cates**, for damages alleged to have been sustained as a result of a vehicular accident on October 31, 2007 at Interstate 285 west near Georgia 400 north. **\$787.85**
- 08-R-0364 ( 3) Claim of **Marcus Greene**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on December 11, 2007 at 658 Cascade Avenue, SW. **\$1,114.03**
- 08-R-0365 ( 4) Claim of **Southwest Atlanta Nephrology Inc.**, for damages alleged to have been sustained as a result of a vehicular accident on March 6, 2007 at 3620 Martin Luther King, Jr. Drive, SW. **\$1,250.00**
- 08-R-0366 ( 5) Claim of **Maxine Hyland**, for vehicle damages alleged to have been sustained as a result of driving over an uncovered man-hole on October 19, 2007 at 998 Huff Road. **\$1,508.41**
- 08-R-0367 ( 6) Claim of **Mary Tom Cashin**, for vehicular damages alleged to have been sustained from an automobile accident on February 23, 2007 at Peachtree Road, NE and Wieuca Road, NE. **\$1,616.61**
- 08-R-0368 ( 7) Claim of **Travelers, as subrogee of Darryl K. Rhinehart**, for damages alleged to have been sustained when a vehicle drove over a construction site that was left open and in an unsafe manner on September 16, 2007 at 3325 Piedmont Road, NE. **\$1,778.32**
- 08-R-0369 ( 8) Claim of **Javier Santiago**, for damages alleged to have been sustained as a result of the failure to properly secure a load on a City vehicle on August 10, 2007 at 778 Greenwood Avenue. **\$2,125.26**



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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 08-R-0377 (16) Claim of **Harold E. Geter, through his attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between July 6, 2005 and August 13, 2005 at 2552 Ivydale Drive, SW.
- 08-R-0378 (17) Claim of **Connie Geter, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between July 6, 2005 and August 13, 2005 at 2552 Ivydale Drive, SW.
- 08-R-0379 (18) Claim of **Dedra E. Geter, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between July 6, 2005 and August 13, 2005 at 2552 Ivydale Drive, SW.
- 08-R-0380 (19) Claim of **Michael L. Shepherd, through his attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding on November 10, 2006 at 105 Ozone Street.
- 08-R-0381 (20) Claim of **Lottie Bell-Grier, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding on July 8, 2007 at 945 Cascade Avenue, SW.
- 08-R-0382 (21) Claim of **Thomas E. Morgan, through his attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of a tailpiece leak between January 2005 and December 2005 at 485 Charter Oak Drive, SW.
- 08-R-0383 (22) Claim of **Teljuana Carter, through his attorney, C. Jeffrey Kaufmann**, for damages alleged to have been sustained as a result of an automobile accident on July 16, 2007 on Interstate 75/85 southbound.
- 08-R-0384 (23) Claim of **Wesley Benel**, for damages alleged to have been sustained during a sewer separation project on June 27, 2007 at 932 Memorial Drive.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 08-R-0385 (24) Claim of **Travelers Insurance Company, as subrogee of Timothy Armstrong**, for damages alleged to have been sustained as a result of an automobile accident on October 9, 2007 at Highland Avenue and Virginia Avenue.
- 08-R-0386 (25) Claim of **Shea Ryan**, for property damages alleged to have been sustained from flooding due to a storm sewer overflow on July 29, 2007 at 170 Boulevard, SE, CG-20.
- 08-R-0387 (26) Claim of **Richard Arnold**, for property damages alleged to have been sustained from flooding due to a storm sewer overflow on July 29, 2007 at 170 Boulevard, SE, CG-22.
- 08-R-0388 (27) Claim of **Daniel K. Lundy**, for property damages alleged to have been sustained from flooding due to a storm sewer overflow on July 29, 2007 at 170 Boulevard, SE, CG-22.
- 08-R-0389 (28) Claim of **Edwin N. Love**, for property damages alleged to have been sustained from flooding due to a storm sewer overflow on July 29, 2007 at 170 Boulevard, SE, CG-24.
- 08-R-0390 (29) Claim of **Carttrell A. Coleman, through his attorney, T. Shane Mayes, Esq., Moore, Ingram, Johnson & Steele**, for property damages alleged to have been sustained from flooding due to a storm sewer overflow on July 29, 2007 at 170 Boulevard, SE, CG-14.
- 08-R-0391 (30) Claim of **Brandy Schuman**, for property damages alleged to have been sustained from flooding due to a storm sewer overflow on July 29, 2007 at 170 Boulevard, SE.
- 08-R-0392 (31) Claim of **Maia M. Vernon**, for property damages alleged to have been sustained from flooding due to a storm sewer overflow on August 5, 2007 at 170 Boulevard, SE, CG-18.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 08-R-0393 (32) Claim of **Linda Ann Griffin, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between November 2004 and March 2005 at 2479 Santa Rosa Drive, SW.
- 08-R-0394 (33) Claim of **Ernest Carlisle, through his attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between July 6, 2005 and August 13, 2005 at 2538 Ivydale Drive, SW.
- 08-R-0395 (34) Claim of **Yvonne W. Carlisle, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between July 6, 2005 and August 13, 2005 at 2538 Ivydale Drive, SW.
- 08-R-0396 (35) Claim of **William Glenn Naylor, through his attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between July 6, 2005 and August 13, 2005 at 2544 Ivydale Drive, SW.
- 08-R-0397 (36) Claim of **Ruby Naylor, through her attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding between July 6, 2005 and August 13, 2005 at 2544 Ivydale Drive, SW.  
**(Councilmember Smith made a motion approve items C1-C36.)**

**FAVORABLE**

**ORDINANCE FOR FIRST READING**

- 08-O-0398 ( 1) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Vehicles for Hire, to provide for a definition of Taxicab Safety Equipment; to require signage on applicable taxicabs alerting passengers to the presence of a Digital Security Camera System; to require the installation of taxicab safety equipment in all taxicabs; to authorize the Chief of Police or his/her designee to establish, issue and revise rules, procedures and regulations to govern the specifications, installation and maintenance of the taxicab safety equipment, and to provide for enforcement of rules, procedures and regulations for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE**

**REGULAR**

**E. ORDINANCES FOR SECOND READING**

- 08-O-0332 ( 1) An Ordinance by Committee on Council to abolish the Board of Astrology Examiners established in Section 30-487 of the City of Atlanta Code of Ordinances; to then repeal Chapter 30, Article IV, "Astrology", of the City of Atlanta Code of Ordinances; to expand Chapter 30, Article X, "Handwriting Analysis or Fortune Telling", to include the Licensing of Astrologists; and for other purposes.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

- 08-O-0333 ( 2) An Ordinance by Committee on Council to repeal Chapter 30, Article VII, "Door to Door Sales", of the City of Atlanta Code of Ordinances; and for other purposes.  
**(Councilmember Smith made a motion to file.)**

**FILE**

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 08-O-0334 ( 3) An Ordinance by Committee on Council to repeal Chapter 30, Article XII, "Hypnosis", of the City of Atlanta Code of Ordinances; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

**F. RESOLUTIONS**

- 08-R-0399 ( 1) An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Michael Bryant and Jesse Gaither v. City of Atlanta, Superior Court, Fulton County, Civil Action File No. 2007CV137207, in the amount of \$2,000.00; 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 Fauver made motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 08-R-0400 ( 2) A Resolution by Public Safety and Legal Administration Committee to authorize the City Attorney to accept on behalf of the City of Atlanta Department of Law, the donation of training from various Law Firms and other entities; and for other purposes.  
**(Councilmember Winslow made a motion to hold for further review.)**

**HELD**

**RESOLUTIONS (CONT'D)**

- 08-R-0401 ( 3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Extension Agreement with Puritan Mill, LLC, for the rental of 10,469 square feet of office space located at 950 Lowery Boulevard, Suite 16, Atlanta, Georgia 30318, for the Department of Police Office of Professional Standards, from the period of June 1, 2008 until May 31, 2013, at a rental rate of \$162,060.12 for the first year, and an annual three percent (3%) increase to the base rental rate beginning in year two of the lease, to be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 525001 (Rentals/Leases) X42205 (Non Capital-Office of Professional Standards); and for other purposes.  
**(Councilmember Smith 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)**

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

- 06-O-1601 ( 3)     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-O-1908 ( 4)     A **Substitute** 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 create a Taxicab Re-Inspection Fee, Horse-Drawn Carriage Company Permit Fee and Horse-Drawn Carriage Renewal Fee; and for other purposes. **(Public Hearing held 1/15/08)**  
**(Held 1/15/08 for a work session.)**
- 07-O-0078 ( 5)     An Ordinance by Councilmember Clela 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 ( 6)     An Ordinance by Councilmembers Kwanza Hall and Clela 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.)**

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

- 07-R-0545 ( 7) 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.)**
- 07-O-1522 ( 8) An Ordinance by Councilmembers Anne Fauver and Natalyn Archibong to amend Chapter 18, Article I, of the Code of Ordinances of the City of Atlanta, so as to prohibit the practice of inhumanely chaining or tethering dogs; and for other purposes. **(Held 7/31/07 at the request of the author for further review.)**
- 07-O-1525 ( 9) An Ordinance by Councilmember Joyce Sheperd to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review.)**
- 07-O-1526 (10) An Ordinance by Councilmember Joyce Sheperd to amend Section 30-1503(a) under Chapter 30, Article XXV, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Self-Service Car Wash is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review.)**

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

- 07-O-1795 (11) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**
- 07-O-1800 (12) An Ordinance by Councilmembers C. T. Martin, Ceasar C. Mitchell, H. Lamar Willis, Ivory L. Young, Jr. and Joyce Sheperd **as substituted by Public Safety and Legal Administration Committee** to create Section 106-13 of the Code of Ordinances of the City of Atlanta, Georgia to be entitled "Wearing of Pants Below the Waist in Public, Unlawful"; to waive conflicting ordinances; and for other purposes. **(Held 8/28/07 at the request of the author for a work session and a public hearing.) (Substituted and held 9/11/07)**
- 07-O-1879 (13) An Ordinance by Public Safety and Legal Administration Committee to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II; Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily

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

Written Report to Police); Section 122-159 (Offenses; Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other purposes. **(Public Hearing held on 10/30/07) (Held 10/30/07 for further review.)**

07-O-1905 (14) An Ordinance by Councilmember Mary Norwood to amend Article XXIV vending on Private Property; and for other purposes. **(Held 9/11/07 at the request of the Law Department)**

07-O-2137 (15) An Ordinance by Councilmembers Ceasar C. Mitchell, Ivory L. Young, Jr., C. T. Martin, Joyce Sheperd and Natalyn Archibong to create Section 98-26.1 of the Code of Ordinances of the City of Atlanta, Georgia to be entitled "Community Policing Training And Preparedness" (CoPTAP) Program which shall require that all members of each class of graduates from the Police Academy, beginning with Class Number 200, be assigned to foot patrol duty for a period of not less than six months, in the two Police Zones which have experienced the most significant increase in the rate of crime and/or having the highest crime rate, with each subsequent class being split in half and so assigned to each remaining zone based upon the same criteria and in the same manner in descending order, until all six Police Zones have experienced the benefit of the CoPTAP Program; to provide that after the CoPTAP Program has been implemented in all six zones, it may be renewed and permanently implemented by subsequent action of the City Council; to waive all ordinances, rules, regulations, policies, practices and procedures in conflict herewith; and for other purposes. **(Held 10/9/07 for further review.)**

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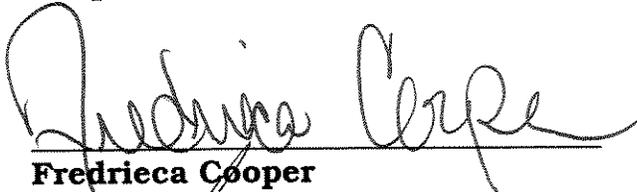
**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-R-2294 (16) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to approve or reject the decision of the evaluator presiding in the early neutral evaluation process, an alternative dispute resolution process, in the matter of Veolia Water North America Operating Services, LLC v. City of Atlanta, in the U.S. District Court, Northern District of Georgia, Civil Action No. 06-CV-1457-TWT; and for other purposes. **(Held 10/30/07 for further review)**
- 07-O-2513 (17) An Ordinance by Councilmember Ceasar C. Mitchell to amend Ordinance #07-O-2135, adopted October 15, 2007 and approved October 22, 2007, amending Section 10-12 of the City Code, which amendment eliminated the provision allowing persons 18 years of age or older to provide entertainment in any premises licensed for the sale of alcoholic beverages, so as to exempt from said ordinance, those persons currently employed as entertainers with active and valid permits, which will afford such persons a "Grandfathered" status; and for other purposes. **(Held 11/27/07 at the request of the author.)**
- 08-R-0118 (18) Claim of Alyssa Walz, Gregory Walz and Jenny Walz, for damages alleged to have been sustained as a result of a vehicle accident on September 11, 2007 at the intersection of Howell Mill Road and Chattahoochee Highway. **\$1,298.60** **(Held 1/29/08 at request of the Law Department.)**
- 08-O-0190 (19) An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes. **(Held 1/29/08 at the request of the author.)**

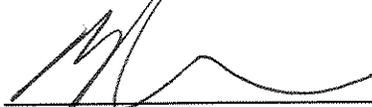
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**There being no further business to come before the Committee, the meeting was adjourned at 5:07 p.m.**

**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



**Bernard Thomas  
Research and Policy Analyst**



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