

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

JULY 29, 2008

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, July 29, 2008 at 3:57 p.m., in the Council Chamber**. The following members were present:

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

Others present at the meeting were: Councilmembers Ceasar Mitchell and Kwanza Hall; Lem Ward, Marissa Key, Dianne Mitchell and Amber Robinson, Law Department; Deputy Chiefs Turner and Carlos Banda, Sgt. Davis, Police Department; Deputy Chief W. Meadows, Atlanta Fire and Rescue Department; Raines Carter, City Solicitor; Greg Pridgeon and David Edwards, Office of the Mayor; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:57 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**
- C. PRESENTATION**

An Audit Report on the Police Department Sworn Staffing –
Leslie Ward, City Auditor

CONSENT

- D. RESOLUTIONS**

Claims with favorable recommendations:

08-R-1486 (1) Claim of **James Stephens and Valerie M. Stephens**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on February 6, 2008 at 1801 Perry Boulevard. **\$1,357.00**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1494 (9) Claim of **John Fletcher**, for damages alleged to have been sustained as a result of driving over a broken storm drain on April 1, 2008 at 1274 Ponce de Leon Avenue.
- 08-R-1495 (10) Claim of **Kerry Boozer, through her attorney, Randy Slater**, for damages alleged to have been sustained as a result of an arrest on July 14, 2007 at 1560 Langston Avenue.
- 08-R-1496 (11) Claim of **USAA Casualty Insurance Company, as subrogee of David S. Ritchey**, for vehicular damages alleged to have been sustained from an automobile accident on April 7, 2008 at Boulevard NE and Highland Avenue, NE.
- 08-R-1497 (12) Claim of **E. F. Luna, LLC and Liam Pelot, through their attorney, Linda I. Dunlavy, Esq.**, for damages alleged to have been sustained when a Zoning application was appealed and denied on October 8, 2007 at 1344 North Highland Avenue and 1369 Wessington Road.
- 08-R-1498 (13) Claim of **Atlanta Gas Light Company, through its attorney, John C. Williams, Esq.**, for property damages alleged to have been sustained when a gas line was severed during a water construction project on July 6, 2007 at 638 Hardendorf Avenue, NE.
- 08-R-1499 (14) Claim of **Ronald Mundy**, for damages alleged to have been sustained as a result of striking a metal plate on June 6, 2008 at Peachtree and Spring Streets.
- 08-R-1500 (15) Claim of **Kourtney Wright**, for damages alleged to have been sustained as a result of striking a metal plate on June 5, 2008 at Peachtree and Spring Streets.
- 08-R-1501 (16) Claim of **William R. Bryant**, for damages alleged to have been sustained as a result of striking a metal plate on December 29, 2007 at West Peachtree and Peachtree Streets.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1502 (17) Claim of **T. J. Evans**, for damages alleged to have been sustained as a result of striking a metal plate on a sewer manhole on December 28, 2007 between 6873 and 7000 West Peachtree Dunwoody Road.
- 08-R-1503 (18) Claim of **Willis Jenkins, III**, for damages alleged to have been sustained as a result of diving over a pothole on May 14, 2008 on Phoenix Boulevard, College Park.
- 08-R-1504 (19) Claim of **Latoya C. Davis**, for damages alleged to have been sustained as a result of striking a catch basin on May 2, 2008 at 4020 Tell Road.
- 08-R-1505 (20) Claim of **Liberty Mutual, as subrogee of Jermaine Edmonds**, for damages alleged to have been sustained as a result of striking a metal plate on February 5, 2008 at 2738 Memorial Drive, SE.
- 08-R-1506 (21) Claim of **Ouida Stephens**, for damages alleged to have been sustained as a result of a fallen tree on May 23, 2008 at 2405 Second Street, NW.
- 08-R-1507 (22) Claim of **Cora Woodruff, through her attorney, Muna A. Hasan, Esq., Millar & Mixon, LLC**, for bodily injuries alleged to have been sustained from an assault on November 9, 2007 at 430 Centennial Olympic Park Drive, NW.
- 08-R-1508 (23) Claim of **Sevista Technologies, Inc., through its attorney, Douglas H. Tozzi, Esq., The Wilson Law Firm**, for damages alleged to have been sustained from a breach of contract on an undetermined date at 55 Trinity Avenue, SW.
- 08-R-1509 (24) Claim of **Marquez A. Peete**, for damages alleged to have been sustained from driving over a storm drain structure on February 9, 2008 at 1630 Metropolitan Parkway.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1510 (25) Claim of **Janet A. Hebert**, for vehicular damages alleged to have been sustained after driving over a construction metal plate that was left in an unsafe manner on February 1, 2008 at Lindbergh Drive, NE and Brookwood Drive, NE.
- 08-R-1511 (26) Claim of **Demetrius Echols**, for damages alleged to have been sustained as a result of an automobile accident on October 26, 2007 at 375 Auburn Avenue.
- 08-R-1512 (27) Claim of **Eric White**, for damages alleged to have been sustained as a result of a rock thrown by a lawn mower on April 11, 2008 at Sells Avenue and Enota Place.
- 08-R-1513 (28) Claim of **Peggy R. Robbins**, for vehicular damages alleged to have been sustained after driving over a construction site that was partially covered and left in an unsafe condition on December 31, 2007 at 1801 Perry Boulevard.
- 08-R-1514 (29) Claim of **Uriah Deon Atwater**, for vehicular damages alleged to have been sustained after striking a concrete block of water meters that were protruding in the roadway on December 31, 2007 at 1801 Perry Boulevard.
- 08-R-1515 (30) Claim of **Samantha Corder**, for vehicular damages alleged to have been sustained after striking a concrete block of water meters that were protruding in the roadway on January 1, 2008 at 1801 Perry Boulevard.
(Councilmember Martin made a motion to approve Items D1-E30)

FAVORABLE

E. ORDINANCE FOR FIRST READING

- 08-O-1485 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 106, Article IV, Division 1, Section 106-127, entitled "Solicitation for an Illicit Sexual Act", to create a Pretrial Intervention and Diversion Program to be administered by the City of Atlanta Solicitor's Office for the purpose of ending the demand for prostitution through the education of eligible defendants; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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F. ORDINANCE FOR SECOND READING

- 08-O-1544 (1) An Ordinance by Councilman C. T. Martin to amend Section 162-78 (a) (3) and (6) (Taxicabs and Vehicles for Hire) of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the Annual Fingerprinting Requirement for Taxicab Drivers and to change the Driver's Training Course Requirement from annually to every three years; to waive conflicting ordinances; and for other purposes.
(Councilmember Martin made a motion to forward with no recommendation)

FORWARDED WITH NO RECOMMENDATION

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-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)**

HELD

- 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)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0078 (4) 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 (5) 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

07-R-0545 (6) 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)**

HELD

07-O-1522 (7) 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)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1525 (8) 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)**

HELD

07-O-1526 (9) 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)**

HELD

07-O-1795 (10) 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.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1800 (11) 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)**

HELD

07-O-1879 (12) 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 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)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

07-R-2294 (13) 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)**

HELD

07-O-2513 (14) 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)**

HELD

08-O-0190 (15) 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)**

HELD

08-R-0400 (16) 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. **(Held 2/26/08 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-R-0474 (17) A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to extend a retainer agreement with the Law Firm of Morris, Manning & Martin, LLP to serve as outside counsel to the City of Atlanta in connection with cases styled: Veolia Water North America Operating Services, LLC F/K/A U. S. Filter Operating Services, Inc. v City of Atlanta, Civil Action No. 06-CV-1457, City of Atlanta v. Veolia Water North America Operating Services, F/K/A U.S. Filter Operating Services, Inc., Civil Action No. 2006-CV-119510; City of Atlanta v. Veolia Environment, S.A. F/K/A Vivendi Environment, S.A., Civil Action No. 1:06-CV-1631, Veolia Water North America Operating Services, LLC F/K/A U.S. Filter Operating Services, Inc., Civil Action No. 2006-CV-118577 to authorize expenditures for that purpose in an amount not to exceed \$1,500,000.00, to be charged to and paid from Fund, Account and Center Number: 2J01 (Water and Wastewater) 524001 (Professional Consultant Services) Q30001 (Deputy Commissioner, Treatment & Collection).

(Councilmember Winslow made a motion to file)

FILE

08-O-0507 (18) An Ordinance by Councilmember Mary Norwood to create a new Section 105-15 of the Code of Ordinances of the City of Atlanta, Georgia, to be entitled "Loitering"; and for other purposes. **(Held 3/11/08 for further review by the Law Department)**

HELD

08-O-0824 (19) An Ordinance by Councilmembers Ceasar C. Mitchell, Cleta Winslow, Joyce M. Sheperd, Mary Norwood, C. T. Martin, Ivory L. Young, Jr., Kwanza Hall and H. Lamar Willis to amend Article V (Entitled "Offenses by and against Minors") of Chapter 106 of the Code of Ordinances of the City of Atlanta, Georgia, by creating a new Section 106-229 to be entitled "Day-Time Curfew" so as to impose a Day-Time Curfew on minors, ages six (6) to sixteen (16) years; and for other purposes **(Held 4/29/08 per the Department of Police to have discussion with the Atlanta Board of Education.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-0843 (20) An Ordinance by Councilmember Natalyn M. Archibong amending Sections 10-1, 10-88 and 10-88.1 of the Code of Ordinances of the City of Atlanta, by adding a paragraph to define the term "Specialty Food Shop" and by adding and amending paragraphs to create distance requirements for same; and for other purposes. **(Held 4/29/08 for two week certain per the author to have a discussion with the Law Department.)**

HELD

08-R-0845 (21) A Resolution by Councilmembers Ceasar C. Mitchell and C. T. Martin expressing the Atlanta City Council's support and encouragement of the Atlanta Police Department increasing the number of members of the City's Red Dog Unit from its current strength to not less than seventy-five (75) officers in order to have an effective number of personnel in order to combat street level drug trafficking; and for other purposes. **(Held per the Committee so that the Law Department can review.)**

HELD

08-O-0884 (22) An Ordinance by Finance/Executive Committee to amend Chapter 10, Article I, Section 10-1 of the Code of Ordinances, City of Atlanta, Georgia, so as to amend the definition of the word "Restaurant" to more closely reflect the definition of the term "Bona Fide Full-Service Restaurant" contained in Chapter Three of the Official Code of Georgia Annotated; to repeal conflicting ordinances; and for other purposes. **(Held 5/27/08 for further review)**

HELD

08-O-0984 (23) An Ordinance by Public Safety and Legal Administration Committee to amend Article XXIII of Chapter 30 of the Code of Ordinances of the City of Atlanta which contains the Code Section applicable to vending on Public Property by replacing said article with new text for the purpose of authorizing and implementing a Public Vending Management Program; and for other purposes. **(Held 5/27/08) (Work session held 6/4/08)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-R-1209 (24) An **Amended** Resolution by Finance/Executive Committee authorizing the Mayor to enter into an appropriate contractual Agreement with General Growth Properties, Inc., for FC-6007000095, Public Vending Management Program, on behalf of the Office of the Mayor; the City's portion of revenues generated under the contract shall be deposited to Fund, Department Organization and Account Number: 1001 (General Fund) 000002 (General Revenue Org) 3890003 (Food, Drink, & Notions); and for other purposes.
(Councilmember Sheperd made a motion to forward with no recommendation as amended)

FORWARDED WITH NO RECOMMENDATION AS AMENDED (1 NAY) MARTIN

08-O-1211 (25) An Ordinance by Councilmembers H. L. Willis, C. T. Martin, Ivory L. Young, Jr. and Mary Norwood to create a separate Department/Organization (Dept/Org) to account for the activity of the Citizen Review Board (CRB); to move funds budgeted in the FY 2008 General Fund Budget in the Police Department's Public Affairs Unit for the purposes of the CRB; and for other purposes. **(Held 6/10/08 for further review)**

HELD

08-O-1220 (26) An Ordinance by Councilmembers Ceasar C. Mitchell and Cleeta Winslow **as substituted by Public Safety and Legal Administration Committee** to amend Article XXIII of Chapter 30 of the Code of Ordinances of the City of Atlanta which contains the Code Section applicable to vending on public property, by replacing said article with new text, for the purpose of authorizing and implementing a Public Vending Management Program; and for other purposes.
(Councilmember Martin made a motion to amend. The motion passed 3 yeas, 1 nay, 1 abstention. Councilmember Smith made a motion to reconsider the Martin amendment. The motion to reconsider passed. Councilmember Smith made a motion to adverse the Martin amendment. The motion to adverse passed 3 yeas, 1 nay.

FORWARDED WITH NO RECOMMENDATION ON SUBSTITUTE

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1230 (27) An Ordinance by Councilmember Kwanza Hall **as substituted by Public Safety and Legal Administration Committee** to amend Section 10-1, 10-62 and 10-88 to Chapter 10 of the Code of Ordinances, City of Atlanta, Georgia, so as to create a new category of Alcoholic Beverage License for Community Theatres; to make such Community Theatres exempt from the distance requirements contained in Section 10-88; and for other purposes. **(Held 6/10/08) (Substituted and held 7/1/08 for further review)**

HELD

08-O-1252 (28) An Ordinance by Councilmember Howard Shook to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 10, Article II, Division 2, Section 10-94(a), to exempt certain properties from the distance requirements of 10-88 for the sale of alcoholic beverages for consumption on the premises; and for other purposes. **(Held 7/1/08 at the request of the Law Department)**

HELD

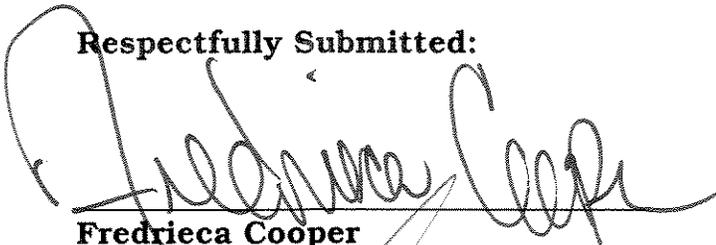
08-O-1289 (29) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 2, Section 10-61, Entitled "Date for Payment of License Fees; Prorated Fees", to provide for an expiration date for all licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances; to change the date by which all Annual License Fees and Renewal Applications of all Annual Licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances must be submitted; to provide for prorated fees based upon the new deadline; to set forth that the effective date of this amendment shall be January 2, 2009; to repeal conflicting ordinances; and for other purposes. **(Held 7/15/08 at the request of the Law Department)**

HELD

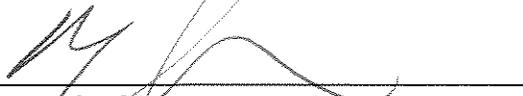
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There being no further business to come before the Committee, the meeting was adjourned at 9:10 p.m.

Respectfully Submitted:



**Fredriecca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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