

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

OCTOBER 14, 2008

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, October 14, 2008 at 3:18 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 Anne Fauver
The Honorable Joyce Sheperd
The Honorable Carla Smith
The Honorable H. Lamar Willis**

Others present at the meeting were: Jerry DeLoach, Dianne Mitchell and Amber Robinson, Law Department; Deputy Chief Turner, Director Malachi Hull and Sgt. Davis; Police Department; Chief Kelvin Cochran, Deputy Chief W. Meadows, Atlanta Fire and Rescue Department; Greg Pridgeon, Office of the Mayor; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:18 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:

- 08-R-1929 (1) Claim of **John Paulson**, for vehicle damages alleged to have been sustained as a result of an unsecured construction cut on April 6, 2008 at East Shadowlawn Avenue and East Paces Ferry Road. **\$506.37**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 08-R-1930 (2) Claim of **Jerry Turner**, for damages alleged to have been sustained as a result of property being lost on September 9, 2007 at 675 Ponce de Leon Avenue. **\$621.98**
- 08-R-1931 (3) Claim of **Cheron Staples**, for damages alleged to have been sustained as a result of an automobile accident on March 14 2008 at 479 Holderness Street **\$705.21**
- 08-R-1932 (4) Claim of **Thomas Harvey**, for damages alleged to have been sustained as a result of an automobile accident on August 26, 2008 at 10 Northside Drive, NW and Martin Luther King Jr. Dr, NW. **\$749.77**
- 08-R-1933 (5) Claim of **Ronnie Coer**, for vehicular damages alleged to have been sustained when a fence fell on a vehicle on august 1, 2008 at 1115 North Avenue. **\$979.60**
- 08-R-1934 (6) Claim of **Lois B. Robinson**, for property damages alleged to have been sustained when a tree fell on a fence on June 26, 2008 at 856 Gertrude Place, NW. **\$1,001.00**
- 08-R-1935 (7) Claim of **Robert Moore, Jr.**, for damages alleged to have been sustained as a result of a vehicular accident on July 4, 2008 at Ralph McGill Boulevard and Peachtree Street. **\$1,136.30**
- 08-R-1936 (8) Claim of **Danielle Johnson**, for damages alleged to have been sustained as a result of an automobile accident on July 30, 3008 at Peachtree Street, NE and Baker Street, NE. **\$1,144.95**
- 08-R-1937 (9) Claim of **Willie Dorsey**, for damages alleged to have been sustained as a result of a vehicular accident on July 25, 2008 at 6000 North Terminal Parkway. **\$1,342.34**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 08-R-1938 (10) Claim of **Bronwyn Cosgrove**, for damages alleged to have been sustained as a result of a sewer backup on July 19, 2008 at 968 Wildwood Road. **\$1,397.29**
- 08-R-1939 (11) Claim of **James E. Lindsey**, for vehicular damages alleged to have been sustained due to an automobile accident on June 30, 2008 at Briarcliff Place, NE and Briarcliff Road, NE. **\$1,650.00**
- 08-R-1940 (12) Claim of **Daniel L. Toohey**, for vehicular damages alleged to have been sustained due to an automobile accident on August 7, 2008 at Ponce de Leon Avenue, NE and Argonne Avenue, NE. **\$1,817.39**
- 08-R-1941 (13) Claim of **State Farm Insurance Company, as subrogee of Claudia Florence**, for property damages alleged to have been sustained due to an automobile accident on June 12, 2008 at East Ontario Avenue and Ralph David Abernathy Boulevard. **\$1,972.05**
- 08-R-1942 (14) Claim of **Hyckem Frazier, a minor, through his attorney, William Stemberger**, for damages alleged to have been sustained as a result of a vehicular accident on December 16, 2007 at Metropolitan Parkway at Grant Street. **\$2,000.00**
- 08-R-1943 (15) Claim of **GEICO, as subrogee of Alfred Bryant**, for damages alleged to have been sustained as a result of a vehicular accident on July 7, 2008 at Lawton Street, SW and Sells Avenue, SW. **\$2,089.22**
- 08-R-1944 (16) Claim of **Judith R. Frederick**, for vehicular damages alleged to have been sustained due to an automobile accident on August 28, 2008 at Cherokee Avenue and Augusta Avenue. **\$2,370.54**
- 08-R-1945 (17) Claim of **William Hill**, for damages alleged to have been sustained as a result of a vehicular accident on June 18, 2008 at Peachtree Street and Spring Street. **\$2,982.82**

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RESOLUTIONS (CONT'D)

- 08-R-1946 (18) Claim of **Atlanta Gas Light Company**, for damages alleged to have been sustained when a gas line was severed during a sewer excavation project on November 19, 2007 at 1828 Calloway Drive. **\$4,088.72**
- 08-R-1947 (19) Claim of **State Farm Insurance Company, as subrogee of Angela L. Mattson**, for property damages alleged to have been sustained due to driving over an unraised manhole on January 24, 2008 at Roswell Road, NE and Wieuca Road, NE. **\$5,014.03**
- 08-R-1948 (20) Claim of **Marie Frazier, through her attorney, William Stemberger**, for damages alleged to have been sustained as a result of a vehicular accident on December 16, 2007 at Metropolitan Parkway at Grant Street. **\$7,550.00**
- 08-R-1949 (21) Claim of **Raeshawn L. Davis**, for bodily injuries alleged to have been sustained after stepping into a water meter that was improperly covered on April 28, 2008 at 909 Mayson Turner Road. **\$9,950.00**

Claims with favorable recommendations:

- 08-R-1950 (22) Claim of **Cincinnati Insurance Companies, as subrogee of William and Karen Burns**, for damages alleged to have been sustained as a result of a sewer backup on October 1, 2007 at 1331 Twelve Oaks Circle. **\$12,222.86**
- 08-R-1951 (23) Claim of **Sembler Atlanta Development, LLC, through its attorney, Steven V. Kern, Esq., Kelley, Gaynes. PC.**, for property damages alleged to have been sustained from storm sewer overflows from June 19-20, 2007 and June 28, 2007 at 680 Ponce de Leon Avenue, NE. **\$15,784.93**
- 08-R-1952 (24) Claim of **Borders, Inc. and Liberty Mutual Insurance Company, through their attorney, Jodi Emmert Zysek, Esq., Parker, Hudson, Rainer and Dobbs, LLP**, for property damages alleged to have been sustained from storm sewer overflows from June 19-20, 2007 and June 28, 2007 at 650 Ponce de Leon Avenue, NE. **\$20,732.61**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1953 (25) Claim of **Thomas C. Blalock**, for damages alleged to have been sustained during the installation of a water main on August 5, 2008 at 432 8th Street.
- 08-R-1954 (26) Claim of **Mary Rose Brown**, for damages alleged to have been sustained as a result of striking a metal plate on June 5, 2008 at 1545 Peachtree Street and Spring Street.
- 08-R-1955 (27) Claim of **Regina Demita, through her attorney, Laura A. Grifka, Esq., Topping & Austin, LLC.**, for property damages alleged to have been sustained from storm water overflow due to an insufficient drainage system at an unspecified time on 42 Oakridge Avenue.
- 08-R-1956 (28) Claim of **John and Jennifer Coleman, on behalf of their minor child, Ansley Coleman, through their attorney, Andrew C. Ausband, Esq.**, for bodily injuries alleged to have been sustained while traveling on the escalator on May 29, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 08-R-1957 (29) Claim of **AFSCME Local 1644, through its attorney, Stanford Fagan, LLC**, for damages alleged to have been sustained when union dues were not paid in November and December 2007 at 55 Trinity Avenue.
- 08-R-1958 (30) Claim of **Willieboyd McNeil Saddler, through his attorney, Sam L. Starks, Esq., Martin & Jones**, for damages alleged to have been sustained due to a sanitary sewer backup on February 17, 2008 at 1739 Detroit Avenue.
- 08-R-1959 (31) Claim of **Anna Stevenson, through her attorney, Michael Rosenbloum**, for damages alleged to have been sustained as a result of an automobile accident to November 11, 2007 at Marietta Street and Jones Avenue.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1960 (32) Claim of **Bennett Condominium Association**, for damages alleged to have been sustained as a result of damage related to the Midtown Sidewalk construction Project on November 30, 2007 at 209 3rd Street.
- 08-R-1961 (33) Claim of **Mark D. Stephens and Lazaros Tiliacos**, for property damages alleged to have been sustained from storm water overflow due to an insufficient drainage system on February 11-12, 2003 at 43 Oakridge Avenue.
- 08-R-1962 (34) Claim of **East Lake Builders, through its attorney, Stephen Rothman, Esq., Wilson Brock & Irby, LLC.**, for property damages alleged to have been sustained from storm water overflow due to an insufficient drainage system at an unspecified time on Oakridge Avenue.
- 08-R-1963 (35) Claim of **Rosemarie Huntley, through her attorney, Kenneth Nugent, PC**, for damages alleged to have been sustained as a result of an automobile accident on April 26 , 2008 at Interstate 75 North at Cleveland Avenue.
- 08-R-1964 (36) Claim of **Robert Thompson**, for damages allegedly sustained as a result of a vehicular incident on February 25, 2008 at 2133 Arlington Avenue.
- 08-R-1965 (37) Claim of **Jerry France**, for damages alleged to have been sustained as a result of wet paint in the roadway during a lane striping project on February 5, 2008 near Phipps Plaza on Peachtree Street.
- 08-R-1966 (38) Claim of **Gail Mixson**, for damages alleged to have been sustained as a result of debris falling from a City vehicle on December 1, 2007 on Interstate 75 South.
- 08-R-1967 (39) Claim of **TaTonya Huntley, through her attorney, Kenneth Nugent, PC**, for damages alleged to have been sustained as a result of an automobile accident on April 26 , 2008 at Interstate 75 North at Cleveland Avenue.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1968 (40) Claim of **Amelia Mitchell, through her attorney, Mark W. Thomas**, for damages alleged to have been sustained as a result of a slip and fall on June 27, 2008 at the Dunbar Elementary School.
- 08-R-1969 (41) Claim of **Jason Hopkins**, for damages alleged to have been sustained as a result of street cleaning on February 18, 2008 at 369 Oakland Avenue.
- 08-R-1970 (42) Claim of **Doherty Employment Group, as subrogee of Steven Hollingsworth**, for damages alleged to have been sustained as a result of walking into an uncovered water meter box on January 31, 2006 at an undisclosed location within the City of Atlanta.
- 08-R-1971 (43) Claim of **Pernell M. Cooper**, for vehicular damages alleged to have been sustained from an automobile accident on January 18, 2008 at E. Paces Ferry Road, NE and Piedmont Road, NE.
- 08-R-1972 (44) Claim of **Annie Louise Hindsman**, for vehicular damages alleged to have been sustained after driving through a construction site that was left open and in an unsafe condition on March 13, 2008 at 1856 Perry Boulevard, NW.
- 08-R-1973 (45) Claim of **Brooks White and Shanterrie Williams, through their attorney, Sam L. Starks, Esq., Martin & Jones**, for damages alleged to have been sustained due to a sanitary sewer backup on February 17, 2008 at 1719 Detroit Avenue.
- 08-R-1974 (46) Claim of **Bataski Bailey**, for vehicular damages alleged to have been sustained from driving over a metal plate in the road on November 21, 2007 at the 14th Street exit and Interstate 75 southbound.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1975 (47) Claim of Ravi Shahani, through his attorney, Holly Geerdes, Esq., The Law Group of Geerdes & Kim, LLC, for damages alleged to have been sustained from a water bill dispute on November 10, 2006 at 2097 Hollywood Road, NW.
- 08-R-1976 (48) Claim of Robert Tindall, through his attorney, Holly Geerdes, Esq., The Law Group of Geerdes & Kim, LLC, for damages alleged to have been sustained from a water bill dispute on November 10, 2006 at 2081 Hollywood Road, NW.
- 08-R-1977 (49) Claim of Krista McByrne, through her attorney, Bruce R. Millar, Esq., Millar & Mixon, LLC, Attorneys at Law, for bodily injuries alleged to have been sustained from a slip and fall incident on a wet floor on April 6, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 08-R-1978 (50) Claim of Travelers, as subrogee of Samuel Sutton, for property damages alleged to have been sustained when a light fixture fell from a lamp post and struck a parked vehicle on July 13, 2008, at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 08-R-1979 (51) Claim of GEICO, as subrogee of Velma J. Hardeman, for damages alleged to have been sustained as a result of a cave-in on March 17, 2008 at 2307 Niskey Lake Road, SW.
- 08-R-1980 (52) Claim of Henry L. Thomas, for vehicular damages alleged to have been sustained from an automobile accident on February 26, 2008 at 1409 Hawkins Street.
- 08-R-1981 (53) Claim of Pamela Perry, for vehicular damages alleged to have been sustained after driving over a metal plate on September 19, 2006 at 622 West Peachtree Street, NE.
- 08-R-1982 (54) Claim of Melinda Pringle, for vehicular damages alleged to have been sustained when a gate closed as an automobile entered a parking lot on April 8, 2008 at 651 14th Street, NW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1983 (55) Claim of **Kendall Clayborne**, for damages alleged to have been sustained as a result of a vehicular accident on July 20, 2007 at 929 Oak Street.
- 08-R-1984 (56) Claim of **Richard Davenport**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on January 15, 2008 at 875 West Paces Ferry Road.
- 08-R-1985 (57) Claim of **Angelo Mozee**, for vehicle damages alleged to have been sustained as a result of driving of a pothole on April 1, 2008 at 1610 Dekalb Avenue.
- 08-R-1986 (58) Claim of **Chante' Martin**, for damages alleged to have been sustained from a trip and fall incident in an uncovered water meter on July 18, 2008 at 1009 Washington Street.
- 08-R-1987 (59) Claim of **Bradley Daniely**, for damages alleged to have been sustained as a result of striking a manhole lid in the roadway on March 29, 2008 at 159 Euharlee Street, SW.
- 08-R-1988 (60) Claim of **Insurance House, as subrogee of Linda Walton**, for damages alleged to have been sustained as a result of paint splattered on her vehicle on March 5, 2007 on Parkway Drive.
- 08-R-1989 (61) Claim of **Ingenix, as subrogee of United Healthcare Services and Altamarie T. Burroughs**, for damages alleged to have been sustained as a result of a slip and fall incident due to a wet floor at Concession International at Hartsfield-Jackson Atlanta International Airport.
- 08-R-1990 (62) Claim of **Charles Huff**, for damages alleged to have been sustained during the installation of a sidewalk in June 2006 at 1463 Westview Drive.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1991 (63) Claim of **Diana L. Samuel**, for damages alleged to have been sustained as a result of striking a damaged manhole on July 23, 2008 at 5140 Old National Highway.
- 08-R-1992 (64) Claim of **Piedmont Management, of behalf of 430 Lindbergh Condominium Association**, for damages alleged to have been sustained as a result of a water line break on January 7, 2008 at 430 Lindbergh Drive.
- 08-R-1993 (65) Claim of **National Cab Company and Oluyemi Tominiyi, through their attorney, Brian Spears, Esq., Attorney at Law**, for damages alleged to have been sustained when a license and authorization to serve as a provider of training to taxicab drivers was revoked and rescinded without due process or advance notice on March 3, 2008 at 675 Ponce de Leon Avenue.
- 08-R-1994 (66) Claim of **Dennis Johnson**, for property damages alleged to have been sustained when an automobile was stolen on September 22, 2008 at 1120 North Avenue, NW.
- 08-R-1995 (67) Claim of **Renee Shelton Crutcher**, for damages alleged to have been sustained as a result of striking metal plates on February 1, 2005 at 590 West Peachtree Street.
- 08-R-1996 (68) Claim of **Cheryl M. Bolton**, for damages alleged to have been sustained as a result of striking a sidewalk protruding in the roadway on December 27 , 2007 at 4465 Peachtree Dunwoody Road.
- 08-R-1997 (69) Claim of **Khadijah Muhammad**, for damages alleged to have been sustained during the installation of a sidewalk on July 15, 2008 at 197 Fairburn Road, SW.
- 08-R-1998 (70) Claim of **Josie Gilbert, through her attorney, Teresa A. Mann, Esq., Mann & Moran, PC**, for bodily injuries alleged to have been sustained from an automobile accident on January 14, 2008 at Joseph E. Lowery Boulevard and Fair Street.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-1999 (71) Claim of **Nathaniel Evans**, for property damages alleged to have been sustained when an automobile was stolen on September 17, 2008 at 23 Claire Drive.
- 08-R-2000 (72) Claim of **Cynthia Wheeler**, for damages alleged to have been sustained as a result of a sewer backup on July 27, 2004 at 1494 Memorial Drive.
- 08-R-2001 (73) Claim of **The Estate & Survivors of Leroy S. Baines, through their attorney, Matthew G. Nasrallah**, for damages alleged to have been sustained as a result of an incident on April 12, 2005 at Grady Memorial Hospital.
- 08-R-2002 (74) Claim of **Jeffery Thompkins, aka JT Money, through his attorney, Terry D. Jackson, Esq.**, for damages alleged to have been sustained due to a subject misidentification on October 12, 2007 at 1150B Peachtree Street, NE.
- 08-R-2003 (75) Claim of **Powertel Atlanta, Inc., dba T-Mobile, through its attorney, Clark R. Calhoun**, for damages alleged to have been sustained from wireless telephone service overpayments from June 2003 through May 2005 55 Trinity Avenue, SW.
- 08-R-2004 (76) Claim of **Fred Banks**, for vehicular damages alleged to have been sustained from an automobile accident on September 2, 2008 at Edwards Street and Joseph E. Boone Boulevard.
- 08-R-2005 (77) Claim of **McMullen Painting & Wall Covering**, for damages alleged to have been sustained from construction work performed by a contractor from July 21-30, 2008 at 130 Trinity Avenue, SW.
- 08-R-2006 (78) Claim of **Josephine Borders**, for damages alleged to have been sustained when a fence was destroyed during the pursuit of a subject on July 15, 2008 at 2140 Derby Drive, SW.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-2007 (79) Claim of **Tanya Dunn, through her attorney, Alphonso Craig, Esq.**, for bodily injuries alleged to have been sustained from an automobile accident on February 28, 2008 at an unspecified location.
- 08-R-2008 (80) Claim of **Hilda Sanchez and Luis Angel Medina, through their attorney, David L. Black, Esq., Hamilton, Westby, Antonowich & Anderson, LLC**, for bodily injuries alleged to have been sustained while exiting an automatic revolving passage doorway on January 8, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 08-R-2009 (81) Claim of **Ingenix Subrogation Services, on behalf of United Healthcare Services, as subrogee of Susan C. Dobb**, for bodily injuries alleged to have been sustained while exiting the train on February 24, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 08-R-2010 (82) Claim of **LaCarya Worthy**, for property damages alleged to have been sustained when a tree fell on an automobile during a storm on August 2, 2008 at 626 Dekalb Avenue and Cornelius Street.
- 08-R-2011 (83) Claim of **Robert and Joan Baker, through their attorneys, Martin & Jones**, for property damages alleged to have been sustained from a sewer backup from April 4-8, 2008 at 1946 Austin Road.
- 08-R-2012 (84) Claim of **Robert And Joan Baker, through their attorneys, Martin & Jones**, for property damages alleged to have been sustained from a sewer backup from July 2, 2008 at 1946 Austin Road.
- 08-R-2013 (85) Claim of **Karie Turner Icenhower and Karie Turner Icehower, on behalf of her minor child, Peyton Icenhower, through their attorney, Brenda Cambron Rogers, Esq.**, for bodily injuries alleged to have been sustained when the doors of the train closed on July 29, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

08-R-2014 (86) Claim of **GEICO Insurance Company, as subrogee of Heather Zesiger**, for damages alleged to have been sustained as a result of driving over a raised manhole on June 21, 2007 at Tye and Wylie Streets.

08-R-2015 (87) Claim of **Imogene Robert, through her attorney, Nicol Hanyard**, for damages alleged to have been sustained as a result of walking into an uncovered water meter box on January 11, 2007 at 30 Warren Street.

(Councilmember Smith made a motion to approve Items C1-C87)

FAVORABLE

REGULAR

D. COMMUNICATIONS

08-C-1910 (1) A Communication by Ms. Louversia Wiggins, President of the Atlanta Planning Advisory Board, **as amended by Public Safety and Legal Administration Committee**, submitting **Ms. Joy Morrissey** as its re-appointee of NPU Group (A-F), to serve as a member of the Atlanta Citizen Review Board. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.

(Councilmember Willis made a motion to approve as amended.)

FAVORABLE AS AMENDED - TO BE REFERRED TO COMMITTEE ON COUNCIL

08-C-1911 (2) A Communication by Ms. Louversia Wiggins, President of the Atlanta Planning Advisory Board, **as amended by Public Safety and Legal Administration Committee**, submitting **Mr. LaShawn Hoffman** as its re-appointee of NPU Group (S-Z), to serve as a member of the Atlanta Citizen Review Board. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.

(Councilmember Smith made a motion to approve as amended.)

FAVORABLE AS AMENDED - TO BE REFERRED TO COMMITTEE ON COUNCIL

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E. ORDINANCES FOR SECOND READING

08-O-1786 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2008 (Intergovernmental Grant Fund Budget), by adding to anticipations and appropriations, the amount of \$173,100.00 on behalf of the Atlanta Fire Rescue Department for the purpose of funding the Car Seat Fitting Station Program developed by the Atlanta Fire Rescue Department; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

08-O-2033 (2) An Ordinance by Councilmembers H. Lamar Willis and Ivory L. Young, Jr. amending Section 162-221 to be entitled "Private Residential Property Trespass and Private Residential Property Trespass Towing" and modifying license requirements and fees, permits and impound lot requirements; and for other purposes.
(Councilmember Winslow made a motion to hold at the request of the author.)

HELD

F. RESOLUTIONS

08-R-1927 (1) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of The Lions Group v. City of Atlanta, Superior Court, Fulton County, Civil Action File No. 2007-CV-13840, in the amount of \$320,000.00; authorizing said payment to be charged to and paid from Fund 1001 (General Fund), 200101 (Non-Departmental) 5212005 (Litigation Expenses); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Smith made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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RESOLUTIONS (CONT'D)

08-R-1928 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of John D. Merlino and Melissa Merlino v. City of Atlanta, Georgia; Jeff Juliano; Leigh Juliano; Lee Doyle; Malinda Snow; Steven Rogers; Jody A. Ruth; J. William Haley; and Gay Haley, Superior Court, Fulton County, Civil Action File No. 2003-CV-68609, in the amount of \$5,000.00; authorizing said payment to be charged to and paid from Fund 1001 (General Fund), 200101 (Non-Departmental) 5212005 (Litigation Expenses); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Smith made a motion to approve)

FAVORABLE

08-R-2028 (3) A Resolution by Councilmember Howard Shook authorizing the Mayor, on behalf of the City of Atlanta Police Department, to accept a donation of three police bikes from the Buckhead Area Transportation Management Association (BATMA), for the purpose of providing a needed mode of transportation for the officers in the Zone Two Police Department; 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 07-O-0078 (3) 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 (4) 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 (5) 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 (6) 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)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1525 (7) 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 (8) 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)**
- 07-O-1795 (9) 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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1800 (10) 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 (11) 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)**
- 07-R-2294 (12) 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2513 (13) 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-O-0190 (14) 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)**
- 08-O-0507 (15) An Ordinance by Councilmember Mary Norwood to create a new Section 106-15 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)**
- 08-O-0824 (16) 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 (17) 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.)**
- 08-R-0845 (18) 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.)**
- 08-O-0884 (19) 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)**
- 08-O-1211 (20) 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1230 (21) 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)**
- 08-O-1252 (22) 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)**
- 08-O-1289 (23) 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)**
- 08-O-1485 (24) 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. **(Held 8/26/08 for further review.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1538 (25) An Ordinance by Councilmembers Jim Maddox, Joyce Sheperd, Mary Norwood, Ivory Lee Young, Jr., H. Lamar Willis, Kwanza Hall, C. T. Martin, Natalyn Archibong and Ceasar C. Mitchell to amend the Charter of the City of Atlanta, Georgia pursuant to the authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq., as amended, by amending Section 4-104 (d) so as to provide that for the next Election of Municipal Court Judges, to be held in 2009, if more than seven (7) Judges elect to continue to serve for an additional four year term, only the seven (7) Judges receiving the highest number of votes shall continue to serve; to waive conflicting ordinances and charter amendments; and for other purposes. **(Referred by Full Council on 8/18/08) (Held 8/26/08 for a legal opinion.)**
- 08-O-1544 (26) 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. **(Referred back by Full Council on 8/18/08) (Held 8/26/08 for further review.)**
- 08-O-1676 (27) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 2, Section 10-66, Entitled "Public Hearing on Application; approval by Mayor", to allow an applicant for an Alcoholic Beverage License to appear before the License Review Board before receiving its final Fire, Health, and Building Letters; to reduce the amount of time before the Mayor must deny, grant, or remand to the License Review Board an Alcoholic Beverage License application following receipt of all required documentation; to provide for expiration of Alcoholic Beverage License Applications, other than for profit or non-profit special events, six months following the Mayor's receipt of the recommendation of the License Review Board if the Mayor is not in receipt of all required documentation at that time; to further reduce the amount of time before the

PAPERS HELD IN COMMITTEE (CONT'D)

Mayor must deny, grant or remand to the License Review Board an application for a temporary permit for the sale of alcoholic beverages for both for-profit and non-profit special events; to require that all recommendations of the License Review Board be delivered to the Mayor within three business days of the public announcement of the vote of the Board on such recommendations; and for other purposes.
(Held 9/9/08 for a work session)

- 08-O-1677 (28) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 14, Article I (Entitled "Shooting Galleries") at Section 14-5; Chapter 14, Article I (Entitled "Game Centers") at Section 14-9; Chapter 14, Article IV, Division 2 (Entitled "Poolrooms and Billiard Rooms") at Section 14-103; Chapter 14, Article VI, Division 2 (Entitled "Bungee Jumping") at Section 14-189; Chapter 14, Article VII, Division 2 (Entitled "Burlesque Theaters") at Section 14-231; Chapter 14, Article VIII, Division 2 (Entitled "Lingerie Modeling Studios") at Section 14-323; Chapter 14, Article IX, Division 1 (Entitled "Adult Dancehalls") at Sections 14-382 and 14-384; Chapter 14, Article IX, Division 2 (Entitled "Teen Dancehalls") at Sections 14-427 and 14-429; Chapter 30, Article V (Entitled "Automobile or Motorcycle Races") at Section 30-528; Chapter 30, Article VI (Entitled "Bonding Agents") at Division 2, Section 30-566; Chapter 30, Article VII (Entitled "Door to Door Sales") at Division 2, Section 30-613; Chapter 30, Article VIII (Entitled "Escort Services") at Division 2, Section 30-652; Chapter 30, Article X (Entitled "Handwriting Analysis, Fortunetelling, and Astrology") at Division 2, Section 30-727; Chapter 30, Article XI (Entitled "Hotels, Lodginghouses, and Rooming Houses") at Division 2, Section 30-767; Chapter 30, Article XIX (Entitled "Gymnasiums, Health Clubs and Weight Reducing or Body Building Institutions") at Section 30-841; Chapter 30, Article XV (Entitled "Labor Pools") at Division 2, Section 30-874; Chapter 30, Article XVI (Entitled "Massage Establishments") at Division 2, Section 30-957; Chapter 30, Article XXI (Entitled "Street Patrols") at Section 30-1361; Chapter 30, Article XXII (Entitled "Telephone Sales Campaigns") at Section 30-1381; Chapter 30, Article XXIII (Entitled "Vending

PAPERS HELD IN COMMITTEE (CONT'D)

on Public Property") at Division 2, Section 30-1435; Chapter 30, Article XXIV (Entitled "Vending on Private Property") at Division 2, Section 30-1490; Chapter 30, Article VI (Entitled "Car Washes") at Section 30-1503; Chapter 106, Article VI (Entitled "Weapon Control") at Division 2, Section 106-268; Chapter 122, Article III (Entitled "Pawnbrokers") at Division 2, Section 122-83; Chapter 122, Article IV (Entitled "Precious Metal Dealers") at Division 2, Section 122-127; Chapter 122, Article V (Entitled "Secondary Metal Recyclers") at Division 2, Section 122-172; Chapter 162, Article IV (Entitled "Wreckers and Towing Services") at Section 162-225; to establish a uniform period of sixty days within which the Mayor may either affirm or revise recommendations made by the License Review Board, or, in order to prevent clear error or to prevent manifest injustice, to remand certain matters back to the License Review Board for further consideration; and for other purposes. **(Held 9/9/08 for a work session)**

08-O-1753 (29) An Ordinance by Councilmember Mary Norwood to amend Article XXIV entitled "Vending on Private Property"; and for other purposes. **(Held 9/9/08 for further review.)**

08-O-1760 (30) An Ordinance by Councilmembers Jim Maddox, C. T. Martin, Clea Winslow, H. Lamar Wills, Ceasar Mitchell, Ivory L. Young, Jr., Kwanza Hall, Clair Muller to create a new Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, which section shall provide that effective January 1, 2010, the number of Municipal Court Judges shall be eight (8); to waive conflicting ordinances; and for other purposes. **(Held 9/9/08 for further review.)**

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H. ITEM NOT ON THE AGENDA

RESOLUTION

08-R-2035 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee to enter into a contract with Industrial/Organizational Solutions, Inc. ("I/O Solutions") for FC-4715, on behalf of the Department of Police ("Department"), in an amount not to exceed \$177,095.00 for the purpose of providing promotional examinations. All costs to be charged to the 2006 Justice Assistance Grant (Fund, Department, Account, Function Activity, Project and Award) Numbers: 2501, 240101, 5212001, 1320000, 24202624, 250130356; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

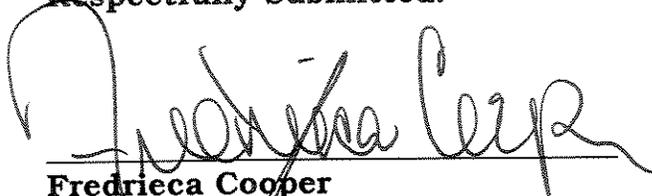
I. REQUESTED ITEMS

1. Councilmember Winslow requested that the Citizen Review Board make a Quarterly Report at the next committee meeting on October 28, 2008.
2. Councilmember Martin requested data on first responder incidents at Interstates 20 and 285, from the Atlanta Fire and Rescue Department.
3. Councilmember Willis requested the Atlanta Fire and Rescue Department to give a timeline on the repairs of the Fairburn Road Bridge in Council District 11.

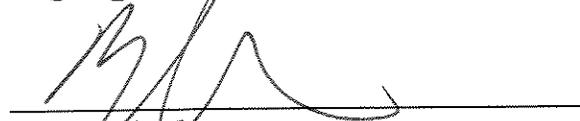
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There being no further business to come before the Committee, the meeting was adjourned at 5:29 p.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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