

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

January 13, 2009

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, January 13, 2009 at 3:32 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 H. Lamar Willis
The Honorable Kwanza Hall**

Others present at the meeting were: Jerry Deloach, Dianne Mitchell and Amber Robinson, Law Department; Deputy Chiefs George Turner, Peter Andresen and Carlos Banda, Maj. Williams, Sgt. Davis, Director Malachi Hull, Police Department; Deputy Chief W. Meadows, Atlanta Fire and Rescue Department; Doug Mincher and Dan Boozer, Courts; Gregory Pridgeon, Office of the Mayor; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:32 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ELECTION OF VICE-CHAIR Councilmember H. Lamar Willis made a motion to elect Councilmember C. T. Martin as Vice-Chair. The vote was unanimous.**

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

09-R-0022 (1) Claim of **James Massey**, for damages alleged to have been sustained as a result of a vehicular accident on June 23, 2008 at 117 5th Street. **\$597.35**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 09-R-0023 (2) Claim of **D. Jada Ballard**, for damages alleged to have been sustained as a result of driving over a pothole on January 9, 2008 at Howell Mill Road and Chattahoochee Avenue. **\$700.00**
- 09-R-0024 (3) Claim of **AT&T, through its attorney, James M. Anderson, III, P. C.**, for damages alleged to have been sustained during the repair of a water meter tailpiece leak on June 7, 2008 at 130 Savannah Estates Drive. **\$729.30**
- 09-R-0025 (4) Claim of **Debra Holleman**, for property damages alleged to have been sustained due to an automobile accident on October 15, 2008 at Hamilton Avenue and Morley Avenue. **\$987.12**
- 09-R-0026 (5) Claim of **Atlanta Gas Light Company c/o John C. Williams, Esq.**, for damages alleged to have been sustained when a gas line was severed during a water excavation project on January 4, 2008 at 3151 Gold Street, SW. **\$1,051.96**
- 09-R-0027 (6) Claim of **Kathi Waldrop and Ruth R. Waldrop**, for damages alleged to have been sustained as a result of an automobile accident on September 29, 2008 at 2400 Moreland Avenue. **\$1,000.00**
- 09-R-0028 (7) Claim of **Willie Revere, Sr.**, for damages alleged to have been sustained as a result of a vehicular incident on May 9, 2008 at 2267 Rhinehill Road. **\$1,200.00**
- 09-R-0029 (8) Claim of **Martin Arnold**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on September 23, 2008 at 2430 Cheshire Bridge Road. **\$1,327.41**
- 09-R-0030 (9) Claim of **Jeff Strada**, for damages alleged to have been sustained as a result of a vehicular accident on September 8, 2008 at 713 Ralph David Abernathy Boulevard. **\$1,537.82**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 09-R-0031 (10) Claim of **Joseph Laster**, for damages alleged to have been sustained as a result of the repair of a construction cut on October 21, 2008 at 1001 Adair Avenue. **\$1,750.78**
- 09-R-0032 (11) Claim of **Equitable Management Corporation and Hilderbrand Court**, for damages alleged to have been sustained due to flooding during a water service connection on August 15, 2008 at 6125 Roswell Road. **\$2,000.00**
- 09-R-0033 (12) Claim of **Charles Hinkle**, for damages alleged to have been sustained as a result of a sewer backup on January 27, 2008 at 375 Arizona Avenue, NE. **\$4,000.00**
- 09-R-0034 (13) Claim of **Christopher Whitaker, through his attorney, Boris Ramsey**, for damages alleged to have been sustained as a result of a vehicular accident on June 28, 2008 at Moreland Avenue and Caroline Street. **\$8,500.00**
- 09-R-0035 (14) Claim of **Rosetta Wyatt, through her attorney, Torris J. Butterfield**, for damages alleged to have been sustained as a result of a trip and fall incident on an uncovered water meter on December 25, 2007 at 1038 Parsons Street. **\$10,000.00**
- 09-R-0036 (15) Claim of **Susan Abrams**, for damages alleged to have been sustained as a result of the collapse and subsequent repair of a sewer line an 338 Cochran Drive. **\$14,500.00**
- 09-R-0037 (16) Claim of **Melora Furman, through her attorney, Cheryl Legare**, for damages alleged to have been sustained as a result of wrongful termination of employment on August 6, 2006. **\$50,000.00**

Claims with unfavorable recommendations:

- 09-R-0038 (17) Claim of **Dennis Gelb**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 26, 2008 at Roxboro Road and Peachtree Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-0039 (18) Claim of **John O. Manns**, for vehicular damages alleged to have been sustained from driving over a construction site that was left in an unsafe manner on June 14, 2008 at 1021 11th Street, NE.
- 09-R-0040 (19) Claim of **Annette McCou**, for damages alleged to have been sustained as a result of a sewer backup on July 19, 2008 at 1690 Fort Valley Drive.
- 09-R-0041 (20) Claim of **Nathalie Williamson**, for damages alleged to have been sustained as a result of striking a cave-in on October 8, 2008 at 3109 Piedmont Road, NE.
- 09-R-0042 (21) Claim of **Monique Riley**, for damages alleged to have been sustained as a result of an automobile accident on October 24, 2008 at 902 Donald Lee Hollowell Parkway.
- 09-R-0043 (22) Claim of **Allstate, as subrogee of Rebecca Geaslen**, for damages alleged to have been sustained as a result of striking an object in the roadway on January 3, 2008 on Moreland Avenue.
- 09-R-0044 (23) Claim of **Stephen W. Rich**, for damages alleged to have been sustained during the installation of a weight limit sign on December 17, 2007 at 606 W. Wesley Road, NW.
- 09-R-0045 (24) Claim of **Daryl Dollinger**, for damages alleged to have been sustained as a result of an automobile accident on September 2, 2008 at 2814 Peachtree Road.
- 09-R-0046 (25) Claim of **Lanny West**, for damages alleged to have been sustained during the installation of a sidewalk on August 9, 2007 at 3943 Lake Forrest Drive.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-0047 (26) Claim of **Darci Gilreath, through her attorney, Daniel C. Chapman, III, Attorney at Law**, for bodily injuries alleged to have been sustained from a trip-and-fall incident on a defective sidewalk on August 10, 2007 at 190 Marietta Street, NW.
- 09-R-0048 (27) Claim of **Missy Nichols and Brian Nichols, through their attorneys, Joseph C. Chancey, Esq., Drew Eckl & Farnham, LLP**, for property damages alleged to have been sustained from storm sewer overflow at an unspecified time at 3550 Old Ivy Lane.
- 09-R-0049 (28) Claim of **Nicole Spiller**, for damages alleged to have been sustained as a result of an injury suffered by her minor child on July 23, 2008 at 820 Beecher Court, McGhee Tennis Center.
- 09-R-0050 (29) Claim of **Barbara Porch**, for damages alleged to have been sustained as a result of a manhole cover falling from a vehicle on October 21, 2008 at 1100 Redwing Circle, Decatur.
- 09-R-0051 (30) Claim of **Terry Styles, through his attorney, Sharon D. Smith-Knox**, for damages alleged to have been sustained as a result of an automobile accident on May 27, 2008 at Mt. Zion Road and Forrest Hills Avenue.
- 09-R-0052 (31) Claim of **Omar Martinez, through his attorney, Steven Barnett**, for damages alleged to have been sustained as a result of an automobile accident on May 27, 2008 at Mt. Zion Road and Forrest Hills Avenue.
- 09-R-0053 (32) Claim of **Saint Mark United Methodist Church of Atlanta, Inc., through its attorney, Marcia M. Ernst, Esq., Smith, Gambrell & Russell, LLP**, for damages alleged to have been sustained when a Zoning Permit was denied on July 24, 2008 at 125 Fifth Street, 776 Juniper Street, NE and 768 Juniper Street, NE.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-0054 (33) Claim of **Toby George, as administratrix of the Estate of Victor Sims, through her attorney, Paul B. Mazur, PC**, for damages alleged to have been sustained from an automobile accident on January 30, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 09-R-0055 (34) Claim of **Carolyn Mitchell, through her attorney, Michael D. Rosenbloum, Esq., Zevin & Rosenbloum PC**, for bodily injuries alleged to have been sustained while exiting a train on July 17, 2008 at Hartsfield-Jackson Atlanta International Airport.
- 09-R-0056 (35) Claim of **Emma Gosier**, for bodily injuries alleged to have been sustained from a fall on September 30, 2008 at Hartsfield-Jackson Atlanta International Airport.
- 09-R-0057 (36) Claim of **Edward and Bernadette Kovalcik on behalf of their deceased child, Stephanie Ann Kovalcik, through their attorney, Andrew T. Rogers, Esq., Deitch & Rogers, LLC**, for damages alleged to have been sustained from an automobile accident on March 29, 2008 at 3261 Peachtree Road, NE.
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- 09-R-0058 (37) Claim of **Mack Hale, through his attorney, Paul B. Kemeness, Esq.**, for bodily injuries alleged to have been sustained from a fall on August 21, 2008 at Hartsfield-Jackson Atlanta International Airport.
- 09-R-0059 (38) Claim of **Samantha Faklaris**, for damages alleged to have been sustained when a new water meter was installed on December 18, 2007 at 7210 Twin Branch Road.
- 09-R-0060 (39) Claim of **Bryan K. Richardson**, for vehicular damages alleged to have been sustained from driving over a construction metal plate that was left in an unsafe manner on May 9, 2008 at 2535 Peachtree Road, NE.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

09-R-0061 (40) Claim of **Veronica Watson** for vehicular damages alleged to have been sustained from striking a storm sewer catch basin on February 15, 2008 at Fairbanks Street, SW and Deckner Avenue, SW.
(Councilmember Winslow made a motion to hold)

HELD

09-R-0062 (41) Claim of **Desiree Chand**, for vehicular damages alleged to have been sustained after driving over a manhole that was exposed during a road repaving project on December 23, 2007 on Acorn Avenue, NE.

09-R-0063 (42) Claim of **Tuawanna Walton**, for damages alleged to have been sustained as a result of a fallen banner on August 2, 2008 at Harris Street and Peachtree Street.

09-R-0064 (43) Claim of **Ruth W. Thomas**, for damages alleged to have been sustained during a police chase on February 18, 2008 at 68 Turman Avenue, SE.

09-R-0065 (44) Claim of **Direct Insurance Company, as subrogee of Carl Bickham, through its attorney, R. K. White**, for damages alleged to have been sustained as a result of an automobile accident on December 11, 2007 on Interstate 285 NB at Bolton Road.

09-R-0066 (45) Claim of **Michael Trahan**, for damages alleged to have been sustained as a result of a road repaving project on August 12, 2008 at Felder Avenue and Druid Place.

09-R-0067 (46) Claim of **Ruth Levey**, for damages alleged to have been sustained as a result of a trip and fall on February 19, 2008 at Spring Street near 16th Street.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-0068 (47) Claim of **Jack Jersawitz**, for damages alleged to have been sustained as a result of non-compliance with the Georgia Open Meetings Act and Open Records Act on an undisclosed date.
- 09-R-0069 (48) Claim of **Travelers, as subrogee of Jennifer Stribling**, for damages alleged to have been sustained as a result of driving over a metal post on October 11, 2008 at Peachtree Road and Peachtree Battle Parkway.
- 09-R-0070 (49) Claim of **Kamran Deljou**, for damages alleged to have been sustained as a result of wet paint in the roadway during a lane striping project on May 11, 2008 at Northside Drive and Mt. Vernon Highway.
- 09-R-0071 (50) Claim of **Johanna Wise and Jeff Mekolites**, for damages alleged to have been sustained as a result of a tree limb falling on August 2, 2008 at 811 Glendale Terrace.
- 09-R-0072 (51) Claim of **AT&T**, for damages alleged to have been sustained as a result of water meter testing on January 24, 2008 at 2572 Lenox Road.
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- 09-R-0073 (52) Claim of **Linda Cole, through her attorney, Daniel C. Chapman, III, Esq.**, for bodily injuries alleged to have been sustained from a fall on a slippery substance on August 15, 2008 at Hartsfield-Jackson Atlanta International Airport.
- 09-R-0074 (53) Claim of **Jason Aldrich**, for damages alleged to have been sustained as a result of repair of street cuts on August 1, 2008 at 542 Goldsboro Road.
- 09-R-0075 (54) Claim of **Jodi Perelman**, for damages alleged to have been sustained as a result of repair of street cuts on August 1, 2008 at 542 Goldsboro Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-0076 (55) Claim of **Shannon Powers**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 26, 2008 at Roxboro Road and Peachtree Road.
- 09-R-0077 (56) Claim of **Dangela Parham and De'Andrea Neely**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 26, 2008 at Roxboro Road and Peachtree Road.
- 09-R-0078 (57) Claim of **Adrianna Adams**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 26, 2008 at Roxboro Road and Peachtree Road.
- 09-R-0079 (58) Claim of **John Fredericks**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 27, 2008 at Roxboro Road and Peachtree Road.
- 09-R-0080 (59) Claim of **Olusegun Jolomi**, for damages alleged to have been sustained as a result of driving over a raised manhole on December 2, 2007 at 2210 Meador Avenue.
- 09-R-0081 (60) Claim of **Amy Weil**, for damages alleged to have been sustained as a result of driving over a traffic calming medium on August 10, 2007 at 3684 Roswell Road.
- 09-R-0082 (61) Claim of **Lisa Warren, through her attorney, Michael P. Carestia, Esq.**, for bodily injuries alleged to have been sustained from a slip and fall incident on a foreign substance on September 18, 2008 at Hartsfield-Jackson Atlanta International Airport.
(Councilmember made a motion approve Items E1-E39 and E41-E61)

FAVORABLE

E. ORDINANCES FOR FIRST READING

09-O-0083 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2009 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$40,658.72, for grant funds from the United States Department of Justice Bulletproof Vest Partnership in the amount of \$20,329.36 and matching funds in the amount of \$20,329.36 from the General Fund Budget; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

09-O-0084 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2009 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$232,500.00, for grant funds from the Governor's Office of Highway Safety and matching funds in the amount of \$93,000.00 from the General Fund Budget, to fund the Highway Enforcement of Aggressive Traffic; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

09-O-0085 (3) An Ordinance by Public Safety and Legal Administration Committee amending the 2009 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$373,359.00, for accepting a Justice Assistance Grant from the United States Department of Justice to enhance the Criminal Justice System in the Atlanta area; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. ORDINANCE FOR SECOND READING

- 08-O-2436 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 2, Article XVI, Division 11, Section 2-2211 and Chapter 2, Article XVI, Division 11, Section 2-2212 to provide for the disclosure of public police and corrections documents to the Citizen Review Board; to amend Chapter 98, Article II, Section 98-26(b)(3) and Chapter 98, Article IV, Section 98-153(b)(3) to require the Chiefs of Police and Corrections to appear before the Citizen Review Board upon request and set forth the reasons for delays in internal investigations into their employees' conduct; and for the other purposes.
(Councilmember Martin made a motion to hold for a 4 week time certain.)

HELD

G. RESOLUTIONS

- 09-R-0015 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Mattie Peoples v. the City of Atlanta; the City Council of the City of Atlanta; Shirley Franklin, Mayor of the City of Atlanta, Civil Action File No. 2006CV122878, in the amount of \$10,000.00; authorizing said payment to be charged to and paid from, Fund 1001 (General Fund), Account 5212005 (Litigation Expense); Center Number 200101 (Non-Departmental); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

09-R-0016 (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 WW/CI Ponce Place v City of Atlanta, Magistrate Court Fulton County, Civil Action File No. 08MS084701, in the amount of \$12,000.00; authorizing said payment to be charged to and paid from, Fund 5051 (Watershed & Wastewater Fund) Account 170201 (DWM Wastewater Treatment & Collections); 5750002 (Property/Liquidation); 4310000 (Sanitary Administration); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

09-R-0017 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Morris Habif and Joe Barton v. the City of Atlanta and Rob Hunter, in his official capacity as Director of the Department of Watershed Management of the City of Atlanta, Civil Action File No. 2007CV135761, in the amount of \$45,000.00; authorizing said payment to be charged to and paid from Fund 5051 (Watershed & Wastewater Fund), Account 170201 (DWM Wastewater Treatment & Collections); 5750002 (Property/Liquidation); 4310000 (Sanitary Administration); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

09-R-0018 (4) An Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to apply for and accept a grant from the United States Department of Labor for a Local Young Offender Planning and Implementation Grant not to exceed \$3,115,360.00 with no match required; and for other purposes.
(Councilmember Martin made a motion to approve on condition.)

FAVORABLE ON CONDITION

RESOLUTIONS (CONT'D)

09-R-0019 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to apply for and accept grant funding not to exceed \$400,000.00 to operate the Women for Women Program, a program to support women working to halt chronic substance abuse in a group setting that includes critical education components for the participants; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

09-R-0020 (6) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement with Crawford Long Hospital, on behalf of the Atlanta Police Department, for the rental of 1,000 square feet of office space located at Crawford Long Hospital, 550 Peachtree Street, NE, Atlanta, Georgia to be used for the Department of Police Zone Five Crawford Long Hospital Mini-Precinct, for the period of 1 January 2009, until 31 December 2013, at a rental rate of \$1 per year, to charged to and paid from 1001.240421.5223103.3223000; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

09-R-0021 (7) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement with Greenbriar Mall (2006) Limited Partnership, on behalf of the Atlanta Police Department, for the rental of 1,927 square feet of office space located at Greenbriar Mall, 2841 Greenbriar Parkway, SW, Atlanta, Georgia to be used for the Department of Police Zone Four Greenbriar Mall Mini-Precinct, for the period of 1 January 2009, until 31 December 2013, at a rental rate of \$1 per year, to charged to and paid from 1001.240421.5223103.3223000; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 09-R-0103 (8) A Resolution by Councilmember C. T. Martin continuing to call on all Colleges and Universities, Secondary Schools, Neighborhoods and Places of Worship to join into the dialogue concerning the lasting negative effects that improper behavior and decorum, offensive dress and offensive language have on our youth in today's society; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

H. 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

- 07-O-0249 (3) 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

PAPERS HELD IN COMMITTEE (CONT'D)

07-R-0545 (4) 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-1525 (5) 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 (6) 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 (7) 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

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

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

- 07-O-1800 (8) 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.

FILE

- 07-O-1879 (9) 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 (10) 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 (11) 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 (12) 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-O-0507 (13) 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)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-0824 (14) An Ordinance by Councilmembers Ceasar C. Mitchell, Clela 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.)**

HELD

08-O-0843 (15) 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.) (Brought forward, discussed and continued to held 12/9/08.)**

HELD

08-R-0845 (16) 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

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-0884 (17) 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-1211 (18) 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-1230 (19) An Ordinance by Councilmember Kwanza Hall **as substituted by Public Safety and Legal Administration Committee** to amend Sections 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 (20) 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

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1289 (21) 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

08-O-1538 (22) 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.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1544 (23) 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.)**

HELD

08-O-1753 (24) 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.)**

HELD

08-O-1760 (25) 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.)**

HELD

08-O-2033 (26) An Ordinance by Councilmembers H. Lamar Willis And Ivory L. Young, Jr. **as substituted by Public Safety and Legal Administration Committee** amending section 162-227 entitled "Fees Charged For Non-Consensual Motor Vehicle Towing;" Section 162-229 entitled "Service Calls;" Section 162-232 entitled "Notification Upon Removal of Vehicle at Request of other than Police Officer;" and Section 162-233 entitled "Impound Lot; Attendant" so as to provide for an increase in the maximum amount allowed for

PAPERS HELD IN COMMITTEE (CONT'D)

Nonconsensual Towing; to provide for electronic notification from Wrecker Service to City Of Atlanta Police Department containing notice that vehicle has been towed, location that vehicle was towed, description of vehicle, vehicle identification number and tag **(Public Hearing held 12/9/08) (Held 12/9/08 to go through the NPU's)**

HELD

- 08-O-2137 (27) An Ordinance by Councilmembers Anne Fauver, Howard Shook and Clair Muller **as substituted (#2) by Public Safety and Legal Administration Committee** to repeal Sections 70-26 through 70-33 of the Code of Ordinances of the City of Atlanta, Georgia (Entitled "Burglar or Robbery Alarm Systems") and Sections 78-68 through 78-75 of the Code of Ordinances of the City of Atlanta, Georgia (Entitled "Fire Alarm Systems") and to replace said sections with one ordinance combining both Robbery, Burglar and Fire Alarms with provisions to simplify the process of regulating such alarm systems; to waive conflicting ordinances and for other purposes. **(Public Hearing held 12/9/08)**
(Councilmember Fauver made a motion to approve on substitute)

FAVORABLE ON SUBSTITUTE (#2)

- 08-O-2296 (28) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 5, Section 162-118, subsection (a), of the Code of Ordinances of the City of Atlanta, on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire, for the purpose of creating an initial airport fare for all taxicab trips originating from Hartsfield-Jackson Atlanta International Airport; and for other purposes. **(Public Hearing held 12/9/08)**
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-2428 (29) An Ordinance by Councilmember Kwanza Hall Authorizing the Mayor or her designee to grant an exemption to the City's Distance Requirements for on-premise consumption of alcohol for 380 14th Street, and 1131 Mecaslin Street; and for other purposes.
(Councilmember Hall made a motion to approve on condition.)

FAVORABLE ON CONDITION (1 ABSTENTION) WILLIS

I. ITEM NOT ON THE AGENDA

RESOLUTION

- 09-R-0105 (1) A Resolution by Public Safety and Legal Administration Committee respectfully requesting the immediate termination of furloughs for Police Officers and Firefighters.
(Councilmember Martin made a motion to approve.)

FAVORABLE

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There being no further business to come before the Committee, the meeting was adjourned at 6:42 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**