

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

JUNE 30, 2009

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, June 30, 2009 at 3:33 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 Kwanza Hall
The Honorable Joyce Sheperd
The Honorable H. Lamar Willis**

Others present at the meeting were: Jerry Deloach, Amber Robinson, and Lem Ward, Law Department; Deputy Chiefs Peter Andresen and Carlos Banda, Police Department; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:33 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 TWO RESOLUTIONS

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

09-R-1128 (1) Claim of **Tim Daniel, through his attorney, Johnny B. Terrell**, for damages alleged to have been sustained as a result of an automobile accident on April 17, 2008 at 2 Joseph E. Lowery Boulevard. **\$20,000.00**

09-R-1129 (2) Claim of **Ross Bernhardt, Jr., through his attorney, Benjamin Y. Gerber**, for damages alleged to have been sustained as a result of an automobile accident on August 11, 2008 on Interstate 75/85 at North Avenue. **\$18,000.00**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 09-R-1130 (3) Claim of Nationwide Property & Casualty Insurance Company, as subrogee of Willie K. Bell, for vehicular damages alleged to have been sustained from an automobile accident on January 2, 2009 at 3778 Adkins Road. \$6,917.03
- 09-R-1131 (4) Claim of Progressive Insurance, as subrogee of Ryan L. Bymaster, for damages alleged to have been sustained as a result of an automobile accident on September 30, 2008 at 381 Moreland Avenue, SE and Faith Avenue, SE. \$5,398.58
- 09-R-1132 (5) Claim of Mary C. and Carly M. Franze, for damages alleged to have been sustained as a result of the disconnection of their water service on February 17, 2009 at 1329 South Ponce de Leon Avenue. \$1,910.86
- 09-R-1133 (6) Claim of Harry Burchardt, for damages alleged to have been sustained as a result of an automobile accident on March 24, 2009 at West Marietta Boulevard and Marietta Boulevard. \$1,900.00
- 09-R-1134 (7) Claim of GEICO, as subrogee of Walter L. Butts, for vehicular damages alleged to have been sustained from an automobile accident on November 26, 2008 at 1562 Ralph David Abernathy Boulevard, SW. \$1,677.84
- 09-R-1135 (8) Claim of Liberty Mutual, as subrogee of Latonya Hill, for damages alleged to have been sustained as a result of an automobile accident on December 17, 2008 at Benjamin E. Mays Drive, SW and Falls Drive, SW. \$1,479.97
- 09-R-1136 (9) Claim of Mary Dixon and Joseph Loyd, for damages alleged to have been sustained as a result of driving over a pothole on November 24, 2008 at Lakewood Avenue near Arrow Street. \$1,251.95

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 09-R-1137 (10) Claim of **Constance M. Harper, guardian of Ayanna Harper, a minor**, for damages alleged to have been sustained as a result of a trip and fall in an uncovered water meter on September 15, 2008 at 2275 Larchwood Street. **\$1,000.00**
- 09-R-1138 (11) Claim of **Kevin R. Donaldson**, for damages alleged to have been sustained as a result of striking a construction cut during the repair of a water main on November 23, 2008 at 3290 Flat Shoals Road. **\$985.88**
- 09-R-1139 (12) Claim of **Jesse B. Shiggs**, for damages alleged to have been sustained as a result of striking a pothole on February 23, 2009 at 3127 Lenox Road and Crane Road. **\$816.12**

Claims with unfavorable recommendations:

- 09-R-1140 (13) Claim of **Tinnie Baugh**, for damages alleged to have been sustained as a result of a sewer backup on September 8, 2008 at 213 Dobb Avenue.
- 09-R-1141 (14) Claim of **Jerrick Fobbs**, for vehicular damages alleged to have been sustained from an automobile accident on November 19, 2006 at Fulton Industrial Boulevard and Interstate 20 exit ramp.
- 09-R-1142 (15) Claim of **Rekha Pagadala**, for damages alleged to have been sustained as a result of striking a hole in the roadway on March 6, 2009 at 914 Lindbergh Drive, NE.
- 09-R-1143 (16) Claim of **Dennis Hardiman**, for damages allegedly sustained as a result of driving over a failed construction cut on April 4, 2009 at Monroe Drive and Armour Drive.
- 09-R-1144 (17) Claim of **David Teske**, for damages alleged to have been sustained as a result of a falling tree limb on November 6, 2008 at 1129 Cumberland Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1145 (18) Claim of Lori Mersier, administrator of the estate of Shereka Hill, deceased, through her attorney, Bruce Morriss, for damages alleged to have been sustained as a result of an automobile accident on January 24, 2008 at 2700 Flat Shoals Road.
- 09-R-1146 (19) Claim of Ernestine McCrary, as administratrix of the estate of Eric McCrary, deceased, through her attorney, Bruce Morriss, for damages alleged to have been sustained as a result of an automobile accident on January 24, 2008 at 2700 Flat Shoals Road.
- 09-R-1147 (20) Claim of Shequita Jackson, on behalf of minor children, Niya Jackson and Deric McCrary, through their attorney, Bruce Morriss, for damages alleged to have been sustained as a result of an automobile accident on January 24, 2008 at 2700 Flat Shoals Road.
- 09-R-1148 (21) Claim of Ryan Michalski, through his attorney, Marla Eastwood, for damages alleged to have been sustained while being detained on February 22, 2007 at Grady Hospital Detention.
- 09-R-1149 (22) Claim of Joel Roth, for damages alleged to have been sustained as a result of a broken water line on May 27, 2008 at 354 Nelson Street.
- 09-R-1150 (23) Claim of Regina Harden, through her attorney, Alexandra Cornwell, for damages alleged to have been sustained as a result of an automobile accident on October 14, 2008 at Harbin Road and Campbellton Road.
- 09-R-1151 (24) Claim of Piedmont Healthcare, Inc. and Factory Mutual Insurance Company, through their attorney, Robert Fisher, for damages alleged to have been sustained as a result of a water main break on March 11, 2008 at 2233 Peachtree Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1152 (25) Claim of **Derrick Willis**, for damages alleged to have been sustained as a result of striking a hole in the roadway on April 18, 2009 at 1838 Donald Lee Hollowell Parkway.
- 09-R-1153 (26) Claim of **Joseph Kearney, through his attorney, Orlando A. Marra**, for damages alleged to have been sustained as a result of an automobile accident on February 26, 2009 at Northside Drive, NW and Marietta Street, NW.
- 09-R-1154 (27) Claim of **Arthur Walker, through his attorney, Sho Watson**, for damages alleged to have been sustained as a result of a motorcycle accident on May 7, 2008 at Harris Street and Williams Street.
- 09-R-1155 (28) Claim of **Jeff Thorn and Renee Starzyk, through their attorney, Brian Spears, Esq.**, for damages alleged to have been sustained from a false arrest incident on January 9, 2009 at 55 Trinity Avenue, SW.
- 09-R-1156 (29) Claim of **Allen Q. Smith**, for property damages alleged to have been sustained when an iPod was stolen out of a City vehicle on April 21 2009 at 294 Joseph E. Lowery Boulevard.
- 09-R-1157 (30) Claim of **George Thomas**, for property damage alleged to have been sustained when a parked automobile was keyed while parked at a City facility on January 2, 2009 at 5675 Mayson Road.
- 09-R-1158 (31) Claim of **Mike Mosquito, through his attorney, Michael James Walker, Esq., Morgan & Morgan**, for property damages alleged to have been sustained when an automobile was stolen on April 4, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 09-R-1159 (32) Claim of **Ricky Turner, through his attorney, E. Earle Burke, Esq.**, for bodily injuries alleged to have been sustained from a police shooting during an arrest on November 3, 2006 at 75 5th Street, NE.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1160 (33) Claim of **Cheryl C. Moore**, for bodily injuries alleged to have been sustained from a fall on the train on August 25, 2008 at 8700 Spine Road, Hartsfield-Jackson Atlanta International Airport.
- 09-R-1161 (34) Claim of **Debra Evans, on behalf of her husband, Jerome Evans, deceased, through his attorney Louis Levenson Levenson & Associates**, for bodily injuries alleged to have been sustained from a wrongful death incident on November 16, 2008 at Hartsfield-Jackson Atlanta International Airport.
- 09-R-1162 (35) Claim of **Margaret D. Hicks**, for vehicular damages alleged to have been sustained when a tree limb fell from a tree on April 13, 2009 at 92 Maddox Drive, NE.
- 09-R-1163 (36) Claim of **Heidi Winsberg**, for vehicular damages alleged to have been sustained from driving over a pothole during a street repaving project on February 10, 2009 at Peachtree and 11th Street.
- 09-R-1164 (37) Claim of **The Tavern at Phipps**, for damages alleged to have been sustained as a result of a broken water-main on April 11, 2007 at 3500 Peachtree Road.
- 09-R-1165 (38) Claim of **New York Prime**, for damages alleged to have been sustained as a result of a broken water-main on April 11, 2007 at 3424 Peachtree Road.
- 09-R-1166 (39) Claim of **State Farm Insurance, as subrogee of Arthur Thomas, Jr.**, for vehicular damages alleged to have been sustained from striking an unfixed pedestrian sign that was located in the road on November 21, 2008 at 481 Clifton Road, NE.
- 09-R-1167 (40) Claim of **Richard L. McGuire, through his attorney, M. McNeill Holloway, III**, for damages alleged to have been sustained from a leaking sanitary sewer line on an unspecified date at 1252 Murphy Avenue.
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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1168 (41) Claim of **Reginald Frazier**, for property damages alleged to have been sustained from storm water overflow on July 6, 2005 at 1433 Sharon Street, NW.
- 09-R-1169 (42) Claim of **Nationwide Insurance, as subrogee of Luis A. Carballo**, for damages alleged to have been sustained as a result of striking a paint rope on January 21, 2009 at Sidney Marcus Boulevard.
- 09-R-1170 (43) Claim of **Jerrick Fobbs**, for bodily injuries alleged to have been sustained from an automobile accident on November 19, 2006 at Fulton Industrial Boulevard and the I-20 Westbound Exit Ramp.
(Councilmember Martin made a motion to approve Items (C1-C43))

FAVORABLE

D. ORDINANCES FOR FIRST READING

- 09-O-1177 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 98, Law Enforcement, Article II, Department of Police, Division 2, Promotional Policy, Section 98-70, qualifications for eligibility, of the Code of Ordinances of the City of Atlanta, Georgia, so as to amend the qualifications for eligibility to compete for the rank of police sergeant so that they do not conflict with the minimum qualifications to be eligible to compete for the rank of police sergeant as set forth in Chapter 114, Personnel, Article IV, Civil Service, Division 7, Examinations, Subdivision II, Police, Fire and Corrections promotions, Section 114-236, minimum qualifications to compete; to repeal conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

09-O-1178 (2) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-36 to require that the dome lights, with which the roofs of all taxicabs must currently be affixed, be wired in such a way as to minimize the possibility of injury for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

09-O-1179 (3) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Vehicles for Hire, to provide for a definition of taxicab safety equipment; to require signage on applicable taxicabs alerting passengers to the presence of a Digital Security Camera System; to require the installation of taxicab safety equipment in all taxicabs; to authorize the Chief of Police or his/her designee to establish, issue and revise rules, procedures and regulations to govern the specifications, installation and maintenance of the taxicab safety equipment and to provide for enforcement of rules, procedures and regulations for the purpose of protecting the safety of taxicab drivers and passengers; and other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

09-O-1180 (4) An Ordinance by Public Safety and Legal Administration Committee rescinding Ordinance 09-O-0083 and amending the 2009 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in 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

ORDINANCES FOR FIRST READING (CONT'D)

09-O-1181 (5) An Ordinance by Public Safety and Legal Administration Committee rescinding Ordinance 09-O-0084 and amending the 2009 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$232,500.00, for a Grant Award 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-1182 (6) An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$5,654,431.00 for an Edward Byrne Memorial Justice Assistance Grant ("JAG") Award from the United States Department of Justice; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. COMMUNICATIONS

09-C-1097 (1) A Communication from President Charis L. Johnson, League of Women Voters of Atlanta-Fulton County, to Council President Lisa M. Borders and Members of Council, submitting the League of Women Voters' appointment of **Alan H. Morris** as its representative to serve on 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 Fauver made a motion to approve.)

FAVORABLE

COMMUNICATIONS (CONT'D)

- 09-C-1098 (2) A Communication from Executive Director Cristina Beamud, Atlanta Citizen Review Board to Council President Lisa M. Borders, **as amended by Public Safety and Legal Administration Committee** submitting the Gate City Bar Association's re-appointment of **Charis Johnson** as its representative to serve on the Atlanta Citizen Review Board. This re-appointment is for a term of three (3) years beginning retroactively to June 04, 2009 and expires on June 4, 2012. **(Councilmember Sheperd made a motion to approve as amended.)**

**FAVORABLE AS AMENDED - REFERRED TO COMMITTEE
ON COUNCIL**

F. ORDINANCES FOR SECOND READING

- 09-O-1045 (1) An **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Section 162-77 (6) so as to specifically allow companies and third parties approved by the Bureau, to administer the examination which all new applicants for driver permits must pass in order to secure their initial permits; and for other purposes. **(Councilmember Winslow made a motion to substitute and hold.)**

SUBSTITUTED AND HELD

- 09-O-1069 (2) An Ordinance by Councilmember C. T. Martin to amend Section 162-260 (a), (Entitled "Fees Charged by Vehicle Immobilization Service") of the Code of Ordinances of the City of Atlanta, Georgia, so as to increase the allowable fee charged by Vehicle Immobilization Services, to the owner of any immobilized vehicle or personal property, from \$50.00 per day to \$75.00 per day; to waive conflicting ordinances; and for other purposes. **(Advertised for a Public Hearing 7/14/09 at 3:00 p.m. and NPU notification process.)** **(Councilmember Winslow made a motion to hold for a Public Hearing.)**

HELD

ORDINANCES FOR SECOND READING (CONT'D)

- 09-O-1103 (3) An Ordinance by Councilmember 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 who possess active Vending Permits as of January 1, 2009, from participation in the Public Vending Management Program as prescribed in Section 30-1409 of the Code of Ordinances; to waive conflicting ordinances; and for other purposes.
(Councilmember Fauver made a motion to file.)

FILE (1-NAY) MARTIN

G. RESOLUTIONS

- 09-R-1096 (1) A Resolution by Committee on Council **as amended by Public Safety and Legal Administration Committee** re-appointing Roderick "Rod" E. Edmond, M.D., J.D., as the City Council's representative to the Atlanta Citizen Review Board, for a term of three (3) years, to begin retroactively on June 12, 2009 and to expire June 12, 2012.
(Councilmember Fauver made a motion to amend and hold, awaiting Mr. Edmond to appear before the committee.)

AMENDED AND HELD

- 09-R-1171 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into an appropriate contractual agreement, for FC-4826, Inmate Physician Services, on behalf of the Department of Corrections, with Dr. Edgar Scott for the purpose of providing the services of a Physician and Medical Director at the Atlanta City Detention Center (ACDC) in an amount not to exceed \$180,000.00. All contracted work shall be charged to and paid from, 7701 (Trust Fund), 090201 (Corrections Food Services), 5212001 (Consultant/Prof. Services), 3420000 (Adult Correctional Institutions), 600270 (Inmate Deposits), 69999 (Non-Capital Trust Projects), and for other purposes.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 09-R-1172 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement with the Vine City Housing Ministry, Inc., on behalf of the Atlanta Police Department, for the rental of 1707 square feet of office space located at 612 Magnolia Street, Atlanta, Georgia, for a Department of Police Zone One Vine City Mini-Precinct, from the period of September 1, 2009 until August 31, 2012, at a rental rate of \$1 for the year, to be charged to and paid from 1001.240403.5223103.3223000; and for other purposes.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

- 09-R-1173 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of B & D Endeavors, LLC v. the City of Atlanta (by and through its duly elected representative) Mayor Shirley Franklin, et al., Civil Action File No. 08VS144584J, in the amount of \$3,400.00; 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 Fauver made a motion to approve.)

FAVORABLE

- 09-R-1174 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of National Rehabilitation and Caroline Williams v. NovaPro Risk Solutions, LP F/K/A Ward North America, Inc. and F/K/A Ward North America, LP and

RESOLUTIONS (CONT'D)

the City of Atlanta, Civil Action File No. 2007CV133988, in the amount of \$3,750.00; authorizing said payment to be charged to and paid from Fund 1001 (General Fund) Account 5212005 (Litigation Expense) Center Number 200101 (Non-Departmental); 1512000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

(Councilmember Fauver made a motion to approve.)

FAVORABLE

09-R-1175 (6) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee to accept on behalf of the Atlanta City Department of Corrections (ACDC) Compensation in an amount no greater than \$8,250.00 per year from AID Atlanta for the purpose of conducting work related to the Special Projects of National Significance (SPNS) "Enhancing Linkages to HIV Primary Care in Jail Settings Initiative" (HRSA 07-031) referred to as the Enhanced Correctional Care (ECC); and for other purposes.

(Councilmember Sheperd made a motion to approve.)

FAVORABLE

09-R-1176 (7) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Deborah Goetz v. the City of Atlanta, Civil Action File No. 2008EV004717C, in the amount of \$35,000.00; authorizing said payment to be charged to and paid from Fund 1001 (General Fund) Account 5212005 (Litigation Expense) Center Number 200101 (Non-Departmental); 1512000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

(Councilmember Fauver made a motion to approve.)

FAVORABLE

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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)**
- 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-1525 (3) 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-1795 (4) 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.)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1879 (5) 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 (6) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to approve or reject the decision of the evaluator presiding in the early neutral evaluation process, an alternative dispute resolution process, in the matter of Veolia Water North America Operating Services, LLC v. City of Atlanta, in the U.S. District Court, Northern District of Georgia, Civil Action No. 06-CV-1457-TWT; and for other purposes. **(Held 10/30/07 for further review)**
- 07-O-2513 (7) 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)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0190 (8) 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 (9) 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 (10) 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.)**
- 08-O-0884 (11) 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1147 (12) A **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Charter of the City of Atlanta, Georgia, adopted under the authority of the Municipal Home Rule Act of 1965, O.C.G.A. 36-35-1 et seq., as amended, to amend the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws, P. 4469, et seq., by amending Article 4, Courts, Sections 4-106 and 4-109 regarding the appointment of Judges Pro Hac Vice to the Municipal Court of Atlanta; to repeal conflicting ordinances; and for other purposes. **(Referred back from Council on 3rd Reading, Final Adoption) (Held 2/24/09)**
- 08-O-1211 (13) 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)**
- 08-O-1252 (14) 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 (15) 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

PAPERS HELD IN COMMITTEE (CONT'D)

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-1538 (16) 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 (17) 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-1753 (18) 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.)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1760 (19) An Ordinance by Councilmembers Jim Maddox, C. T. Martin, Clea Winslow, H. Lamar Willis, Ceasar Mitchell, Ivory L. Young, Jr., Kwanza Hall and Clair Muller **as substituted by Public Safety and Legal Administration Committee** to amend Chapter 62, Article II, Division 1, of the City of Atlanta Code of Ordinances, to create a new Section 62-27.1 which section shall provide that effective July 1, 2009, 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.) (Substituted and held 4/28/09; waiting for the Municipal Court to present its Fiscal Year 2010 Budget.)**
- 08-O-2436 (20) 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. **(Held 1/13/09 for a 4 week time certain.) (Held 4/28/08 for a work session)**
- 09-O-0389 (21) An Ordinance by Public Safety and Legal Administration Committee to amend Section 10-75 (5) of the Code of Ordinances of the City of Atlanta, Georgia ("The Alcoholic Beverage Code") so as to correct a Code Section reference error contained therein; to waive conflicting ordinances; and for other purposes. **(Held 3/10/09 for further review)**
- 09-R-0621 (22) Claim of **Tremayne McReynolds**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 15, 2008 at 277 Pharr Road, NE. **(Referred back by Council 4/20/09) (Held 4/28/09 for further review)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 09-R-0722 (23) Claim of **Tracy Dummett**, for damages alleged to have been sustained from a police shooting incident on October 16, 2008 at 1500 Langston Avenue. **(Held 4/28/09 at the request of Councilmember Sheperd for further review by the Law Department.)**
- 09-O-0996 (24) An Ordinance by Councilmembers Clela Winslow and Jim Maddox **as substituted by Public Safety and Legal Administration Committee** to amend the Charter of the City of Atlanta, Georgia adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1, et seq., as amended, so as to amend the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq., by amending Part 1, Subpart A, Article IV (Courts); which shall be Section 4-118, to be entitled "Senior Judge" so as to create the position of Senior Judge of the Municipal Court, to set forth the duties thereof; and to set forth the compensation to be paid thereto; to repeal conflicting ordinances; and for other purposes. **(2nd Reading, 1st Adoption) (Held 6/1/09 for further review) (Substituted and held 6/9/09)**
- 09-R-1030 (25) Claim of **Fred McFarlin**, for damages alleged to have been sustained when a door was broken by firemen on February 9, 2009 at 1865 Wellborne Drive, NE. **(Held 6/9/09 at request of Councilmember Fauver.)**

I. REQUESTED ITEMS

1. Councilmember Sheperd made a request for a work session on liquor licensing. (Scheduled to be held at the end of July.)
2. Councilmember Willis made a request to Department of Police Major Williams to provide a briefing on an SOP that would not allow Retired Police Officers to work an extra job.
3. Councilmember Sheperd made a request for the Police Department to come back in three months for an update on the Auditor's Recommendations regarding the Patrol Officer Availability Audit.

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REQUESTED ITEMS (CONT'D)

4. Councilmember Fauver made a request to Police and Fire to give her a total of take home vehicles that are assigned to officers and fire personnel living outside the City of Atlanta.
5. Councilmember Sheperd made a request for David Edwards to appear before the committee's next meeting to discuss the Public Property Vending Program with General Growth Properties.
6. Councilmember Sheperd made a request for the committee to tour the 911 Center.

J. ITEMS NOT ON THE AGENDA

RESOLUTIONS

09-R-1194 (1) A Resolution by Public Safety and Legal Administration
*** Committee authorizing the Mayor, on behalf of the Department of Police, to apply for and accept a grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$1,375,120.00 for the purpose of supporting Law-Enforcement and Criminal Justice Activities; and for other purposes.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

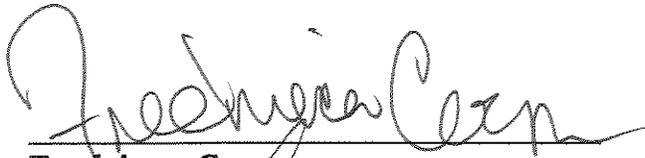
09-R-1195 (2) A Resolution by Public Safety and Legal Administration
*** Committee authorizing the Mayor, on behalf of the Department of Police, to enter into an Interlocal Agreement with Fulton County, Georgia, in order to share funds from the U. S. Department of Justice, 2009 Byrne Justice Assistance Grant Program, in the amount of \$1,375,120.00 for the purpose of supporting Law-Enforcement and Criminal Justice Activities; and for other purposes.
(Councilmember Fauver 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 5:16 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**