

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**JANUARY 26, 2010**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, January 26, 2010 at 3:15 p.m., in Committee Room #2.** The following members were present:

**The Honorable Ivory L. Young, Jr., Chair  
The Honorable H. Lamar Willis, Vice-Chair  
The Honorable C. T. Martin  
The Honorable Yolanda Adrean  
The Honorable Keisha Lance Bottoms  
The Honorable Natalyn M. Archibong**

The following member was absent:

**The Honorable Joyce Sheperd**

Others present at the meeting were: Councilmembers Cleta Winslow and Michael J. Bond, Jerry Deloach, Dianne Mitchell and Amber Robinson, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss, Shawn Jones, and Ernest Finley, Chief of Staff, Erika Shields, Director Malachi Hull, Police Department, Deputy Chief Wilmond Meadows, Fire and Rescue, Raines Carter, City Solicitor; Judges Crystal Gaines and Deborah Greene, Dan Boozer, Courts; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:15 p.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**

**CONSENT**

**C. RESOLUTIONS**

**Claims with favorable recommendations:**

- 10-R-0173 ( 1) Claim of **Elizabeth Salvati and Stephen Samp**, for vehicle damages alleged to have been sustained as a result of a water main repair on June 11, 2009 at 3122 Argonne Drive.  
**\$1,482.91**
- 10-R-0174 ( 2) Claim of **Abel Barron**, for vehicle damages alleged to have been sustained as a result of driving over a recessed manhole on October 6, 2009 at 2893 Castlewood Drive.  
**\$1,338.00**
- 10-R-0175 ( 3) Claim of **Manuel Patino**, for damages alleged to have been sustained as a result of striking a pothole on October 29, 2009 at Chattahoochee Avenue, NW and Permalume Place, NW.  
**\$1,000.00**
- 10-R-0176 ( 4) Claim of **Matthew D. Arden**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 6, 2009 at 718 Ponce de Leon Avenue, NE.  
**\$726.08**
- 10-R-0177 ( 5) Claim of **Drake Coggins**, for damages alleged to have been sustained as a result of striking a damaged water manhole on September 30, 2009 at 718 Ponce de Leon Avenue, NE.  
**\$715.93**
- 10-R-0178 ( 6) Claim of **Monica and Anthony D. Miles**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 20, 2009 at 718 Ponce de Leon Avenue, NE.  
**\$685.62**
- 10-R-0179 ( 7) Claim of **Ina L. Russell**, for vehicular damages alleged to have been sustained after driving over a pothole on November 28, 2009 at Chattahoochee Avenue, NW and Permalume Place, NW.  
**\$648.91**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-0180 ( 8) Claim of **Reza Mohammad**, for damages alleged to have been sustained as a result of striking a pothole on November 14, 2009 at 1785 Mount Paran Road, NW. **\$577.84**
- 10-R-0181 ( 9) Claim of **Jaclyn Bradley and Rayfield Goss**, for damages alleged to have been sustained as a result of striking a pothole on September 26, 2009 at 3405 Lenox Road. **\$559.84**

**Claims with unfavorable recommendations:**

- 10-R-0182 (10) Claim of **Richard Hackett**, for damages alleged to have been sustained as a result of a sewer backup on December 29, 2008 at 2480 Oldfield Road.
- 10-R-0183 (11) Claim of **Roy D. McCreery**, for damages alleged to have been sustained as a result of a sewer backup on July 12, 2009 at 1130 Los Angeles Avenue, NE.
- 10-R-0184 (12) Claim of **Fulton Lodge aka Efficiency Lodge, through its attorney, Jennifer FitzGerald, Esq.**, for damages alleged to have been sustained as a result of a water service account dispute between 2005 and 2009 at 4050 Wendell Drive, SW.
- 10-R-0185 (13) Claim of **Dorothy Hollis**, for bodily injuries alleged to have been sustained from a trip-and-fall incident during a road repaving project on September 4, 2009 at 497 Glenwood Place.
- 10-R-0186 (14) Claim of **Antonio Chapman, a minor, by his guardian, Rana Miller, through her attorney, Felicia Rowe**, for damages alleged to have been sustained as a result of an assault on August 24, 2009 at Woodson Elementary School, 1605 Donald Lee Hollowell Parkway.
- 10-R-0187 (15) Claim of **Cedric Arnold**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 14, 2009 at 718 Ponce de Leon Avenue, NE.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-0188 (16) Claim of **A. D. Nichols**, for damages alleged to have been sustained as a result of flooding on July 6, 2005 at 172 Atlanta Avenue.
- 10-R-0189 (17) Claim of **Marcela Cofield, through her attorney, David Hodgins**, for damages alleged to have been sustained as a result of an automobile accident on April 24, 2009 at Windsor Street and Bass Street.
- 10-R-0190 (18) Claim of **Hilton Miller**, for damages alleged to have been sustained as a result of a vehicular accident on April 23, 2009 at 2194 Browns Mill Road.
- 10-R-0191 (19) Claim of **AT&T**, for damages alleged to have been sustained as a result of the construction of a catch basin on May 27, 2008 at 418 Simpson Road.
- 10-R-0192 (20) Claim of **Stephen Mitchell, III**, for damages alleged to have been sustained as a result of driving over a pothole on October 13, 2009 at Interstate 85 South entrance ramp at Piedmont Road.
- 10-R-0193 (21) Claim of **Glorietta Glover**, for damages alleged to have been sustained as a result of driving over a pothole on September 21, 2009 at East Ponce de Leon Avenue and on November 4, 2009 at Jimmy Carter Boulevard near Highway 78.
- 10-R-0194 (22) Claim of **Ayanna Dixon**, for damages alleged to have been sustained as a result of driving over a water meter on September 15, 2009 at 8001 Roswell Road.
- 10-R-0195 (23) Claim of **Kathryn Wright**, for damages alleged to have been sustained as a result of the lane striping on the roadway on August 13, 2009 at Wieuca Road and North Ivy Road.
- 10-R-0196 (24) Claim of **Valerie Williams**, for damages alleged to have been sustained as a result of a personal injury on a private water valve cut-off on June 13, 2009 at 1181 Barnes Street.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-0197 (25) Claim of **Christopher E. Johnson**, for vehicular damages alleged to have been sustained from driving over a pothole on August 19, 2009 at 341 Ponce de Leon Avenue, NE.
- 10-R-0198 (26) Claim of **Liberty Mutual Fire Insurance Company, as subrogee of Ashley Schiavone**, for property damages alleged to have been sustained from an automobile accident on July 21, 2009 at Peachtree Street and 5<sup>th</sup> Street, NE.
- 10-R-0199 (27) Claim of **Joshua Byrd, Amy Gunderson, and Meghan Truesdale, through their attorney, Tyler B. Kaspers, Esq., Kaspers & Associates**, for damages alleged to have been sustained when a dog was taken from his owner on September 2, 2008 at 187 13<sup>th</sup> Street.
- 10-R-0200 (28) Claim of **Nelu McDowell, through her attorney, Michael G. Regas, II, Esq., Houck, Iardi & Regas, LLC**, for bodily injuries alleged to have been sustained from a slip and fall incident on June 10, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0201 (29) Claim of **Alfa Mutual Insurance Company, as subrogee of Jorge Ferreira**, for property damages alleged to have been sustained when a light fixture fell from its pole onto an automobile on October 1, 2009 at 1300 Inner Loop Road, Hartsfield-Jackson Atlanta International Airport.
- 10-R-0202 (30) Claim of **Sarah Gooley, through her attorney, Marc S. Sedwick, Esq., Trail Lawyer**, for bodily injuries alleged to have been sustained from a slip and fall incident on June 16, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0203 (31) Claim of **Kellie A. Ali**, for vehicular damages alleged to have been sustained from driving through wet paint after a road-stripping project on June 30, 2009 at 10<sup>th</sup> Street and Monroe Street.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-0204 (32) Claim of **April Mitchell, Jarius Mack, Dexter Taylor, Jr., Dexter Taylor, Sr. and Courtney Martin, through their attorney, Courtney Martin, Esq., Willis and Associates, Law Group, LLC**, for damages alleged to have been sustained from a residential fire on May 9, 2009 at 526 Dollar Mill Road.
- 10-R-0205 (33) Claim of **Norris L. Wright, through his attorney, James J. Kelleher, Esq., Morgan & Morgan**, for bodily injuries alleged to have been sustained when a tree limb fell on October 6, 2009 at 250 Georgia Avenue, SE.  
**(Councilmember Martin made a motion to approve Items C1-C33)**

**FAVORABLE**

**REGULAR**

**D. ORDINANCES FOR SECOND READING**

- 10-O-0118 ( 1) 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 \$92,820.00 for a Grant Award from the Governor's Office of Highway Safety and matching funds in the amount of \$139,230.00 from the General Fund Budget, to fund the Highway Enforcement of Aggressive Traffic; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

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

- 10-O-0119 ( 2) An Ordinance by Public Safety and Legal Administration Committee amending the FY10 (Intergovernmental Grant Fund) Budget for the City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations in the amount of \$126,980.00, from the Georgia Department of Behavioral Health and Developmental Disabilities ("DBHDD") for the purpose of continuing Clinical Assessment Services for Criminal Defendants participating in Community Court; and for other purposes.  
**(Councilmember Willis made a motion to approve.)**

**FAVORABLE**

- 10-O-0120 ( 3) 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 \$1,375,120.00 for an Edward Byrne Memorial Justice Assistance Grant ("JAG") Award from the United States Department of Justice; and for other purposes.  
**(Councilmember Willis made a motion to approve.)**

**FAVORABLE**

**E. RESOLUTIONS**

- 10-R-0162 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to renew a Lease Agreement with the Georgia Tech Foundation, on behalf of the Atlanta Police Department, for the rental of 2,665 square feet of office space located at 398 Centennial Olympic Park Drive, Atlanta, Georgia, for the Department of Police Zone Five Investigations Precinct, from April 1, 2010, until March 31, 2013, at a rental rate of \$1 per year, to be charged to and paid from 1001 (General Fund), 240421 (APD Police Precinct Zone 5), 5223102 (Operating/Lease Rental Land), 3223000 (Patrol); and for other purposes.  
**(Councilmember Willis made a motion to approve.)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 10-R-0219 ( 2) A Resolution by Councilmember Cleta Winslow authorizing the Mayor or his designee to accept a donation of office furniture worth a value of \$\_\_\_\_\_ from Wachovia Bank, on behalf of the Department of Police; and for other purposes.  
**(Councilmember Martin made a motion to approve on condition.)**

**FAVORABLE ON CONDITION**

- 10-R-0227 ( 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 Susan Cotton v. City of Atlanta Civil Action File No. 2009-CV-165304, Fulton County Superior Court, in the amount of \$113,000.00; authorizing said payment to be paid from Fund 1001 (General Fund), Center Number 200101 (Non-Departmental), Account 5212005 (Litigation Expenses), 1512000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

**F. PAPERS HELD IN COMMITTEE**

- 10-R-0132 ( 1) A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes. **(Held 1/12/10 for further discussions)**

**HELD**

- 10-R-0134 ( 2) A Resolution by Councilmembers Michael J. Bond, Ivory L. Young, Jr., H. Lamar Willis, Kwanza Hall, C. T. Martin, Yolanda Adrean and Aaron Watson requesting the Atlanta Police Department, Office of the Chief and the Field Operations Division, to develop and submit to the Mayor and the City Council, a Zone and Beat Redesign Plan within 180 days of adoption of said resolution; and for other purposes.  
**(Councilmember Archibong made a motion to approve.)**

**FAVORABLE**

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

- 10-R-0137 ( 3)     A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council 2/3/10 at 1:00 p.m.)**

**HELD**

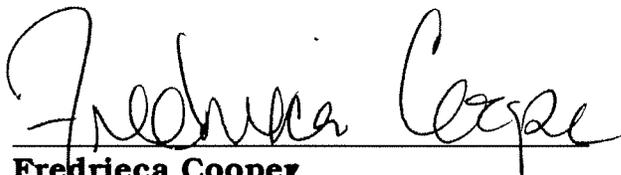
**G.     REQUESTED ITEMS**

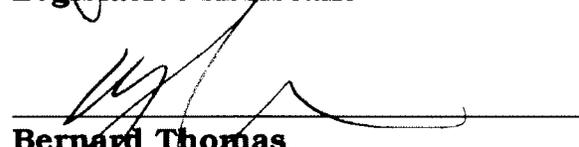
1.     Councilmember Young made a request to Municipal Court, Office of Weed and Seed and Corrections to give a written report on how the Fund for the Offender Re-Entry Program would be used.
2.     Councilmember Young and the Committee will schedule several work sessions addressing the following topics:
  - a)     Audit on the Public Safety Facilities Construction and the Sale of City Hall East (A Joint Work Session with Public Safety and Legal Administration, Finance/Executive and Committee on Council Wednesday, February 3, 2010 at 1:00 p.m.)
  - b)     911 Systems and Operation (Wednesday, February 17, 2010 at 1:00 p.m.)
  - c)     City Court System (Friday, February 12, 2010 at 10:00 a.m.)
  - d)     Police Zone and Beat Realignment (TBD)

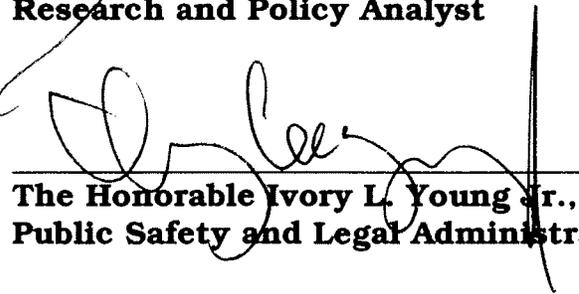
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**There being no further business to come before the Committee, the meeting was adjourned at 5:48 p.m.**

**Respectfully Submitted:**

  
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**Fredrieca Cooper  
Legislative Assistant**

  
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**Bernard Thomas  
Research and Policy Analyst**

  
\_\_\_\_\_  
**The Honorable Ivory L. Young Jr., Chair  
Public Safety and Legal Administration Committee**