

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

MARCH 30, 2010

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, March 30, 2010 at 3:10 p.m., in Committee Room #2**. The following members were present:

**The Honorable C. T. Martin
The Honorable Joyce Sheperd
The Honorable Yolanda Adrean
The Honorable Keisha Lance Bottoms
The Honorable Natalyn M. Archibong**

The following members were absent:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable H. Lamar Willis, Vice-Chair**

Others present at the meeting were: Jerry Deloach, Dianne Mitchell and Amber Robinson, Law Department; Deputy Chiefs Shawn Jones and Ernest Finley, Chief of Staff, Erika Shields, and Director Malachi Hull, Police Department; Karen Rogers; Weed and Seed Office; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Acting-Chair Martin called the meeting to order at 3:10 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-0526 (1) Claim of **Marlissia Murphy, through her attorney, John K. Saunders, Esq.**, for bodily injuries alleged to have been sustained from an automobile accident on June 2, 2009 at 2685 Metropolitan Parkway, SW. **\$4,250.00**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0527 (2) Claim of **Rekeana Aldridge, through her attorney, John K. Saunders, Esq.**, for vehicular damages and bodily injuries alleged to have been sustained from an automobile accident on June 2, 2009 at 2685 Metropolitan Parkway **\$4,177.92**
- 10-R-0528 (3) Claim of **Myeisha Aldridge, through her attorney, John K. Saunders, Esq.**, for bodily injuries alleged to have been sustained from an automobile accident on June 2, 2009 at 2685 Metropolitan Parkway. **\$3,450.00**
- 10-R-0529 (4) Claim of **Sandra Banks, for Hydia Banks, minor, through her attorney, John K. Saunders, Esq.**, for bodily injuries alleged to have been sustained from an automobile accident on June 2, 2009 at 2685 Metropolitan Parkway. **\$2,750.00**
- 10-R-0530 (5) Claim of **Betty Ellis**, for bodily injuries alleged to have been sustained after stepping into a water meter that was left open and in an unsafe manner on February 4, 2008 at 3136 Martin Luther King, Jr. Drive, SW. **\$15,000.00**
- 10-R-0531 (6) Claim of **Ruth Schmidt**, for bodily injuries alleged to have been sustained after tripping on a broken section of sidewalk on October 25, 2008 at 61 North Avenue, NE (North Avenue, NE & Spring Street, NE). **\$9,999.00**
- 10-R-0532 (7) Claim of **Salena Epps-Jackson, through her attorney William Tiku**, for damages alleged to have been sustained as a result of a vehicular accident on July 31, 2009 at Interstate 285 East near Riverdale Road. **\$7,378.28**
- 10-R-0533 (8) Claim of **Shannon Jones and David Jones**, for vehicular damages alleged to have been sustained due to an automobile accident on February 16, 2010 at 1690 Hosea L. Williams Drive, SE. **\$5,125.00**
- 10-R-0534 (9) Claim of **Verna Brown**, for damages alleged to have been sustained as a result of a vehicular accident on July 2, 2008 at 2114 Martin Luther King, Jr. Drive. **\$4,500.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0535 (10) Claim of **Yvette Dennis**, for property damages alleged to have been sustained from an automobile accident on November 19, 2009 at 1501 Lee Street, SW. **\$3,500.00**
- 10-R-0536 (11) Claim of **Thomas Earle**, for property damages alleged to have been sustained from driving over a pothole on February 15, 2010 at 973 Peachtree Battle Avenue, NW. **\$3,500.00**
- 10-R-0537 (12) Claim of **State Farm Insurance Company, as Subrogee of Cynthia Taylor**, for property damages alleged to have been sustained due to an automobile accident on November 4, 2009 at Edgewood Avenue, NE & Courtland Street, NE. **\$3,481.88**
- 10-R-0538 (13) Claim of **Wayne Jackson, through his attorney, William Tiku**, for damages alleged to have been sustained as a result of a vehicular accident on July 31, 2009 at Interstate 285 East near Riverdale Road. **\$3,000.00**
- 10-R-0539 (14) Claim of **Joshua J. Goodwin**, for damages alleged to have been sustained as a result of an automobile accident on January 20, 2010 on I 75/85 North at 17th Street Bridge. **\$2,644.22**
- 10-R-0540 (15) Claim of **Aesha King**, for damages alleged to have been sustained as a result of a vehicular accident on November 2, 2009 at 2964 Moreland Avenue. **\$2,500.00**
- 10-R-0541 (16) Claim of **USAA, as Subrogee of Cedric A. Arnold**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 13, 2009 at 718 Ponce De Leon Avenue, NE. **\$2,004.79**
- 10-R-0542 (17) Claim of **Jason Baskoff**, for property damages alleged to have been sustained from driving over a pothole on November 19, 2009 at 302 E. Paces Ferry Road, NE. **\$1,917.21**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0543 (18) Claim of **Rodney Smith**, for damages alleged to have been sustained as a result of an automobile accident on September 29, 2009 at 80 Jesse Hill, Jr., Drive, SE. **\$1,277.42**
- 10-R-0544 (19) Claim of **James Salt**, for damages alleged to have been sustained as a result of a vehicular accident on November 2, 2009 at 1056 Center Street. **\$1,209.44**
- 10-R-0545 (20) Claim of **Edward J. Rodriguez**, for damages alleged to have been sustained as a result of striking a pothole in the roadway on November 19, 2009 at 904 Piedmont Avenue. **\$1,086.81**
- 10-R-0546 (21) Claim of **Jason M. Ring**, for damages alleged to have been sustained as a result of striking a damaged water manhole on December 4, 2009 at 718 Ponce de Leon Avenue, NE. **\$869.72**
- 10-R-0547 (22) Claim of **Thomas Brown**, for property damages alleged to have been sustained from driving over a pothole on January 19, 2010 at 33 Fair Street, SW. **\$813.97**
- 10-R-0548 (23) Claim of **Alethea Sheppard**, for vehicular damages alleged to have been sustained after driving over a deteriorated water construction site in the road on November 4, 2009 at 28 Candler Road. **\$629.16**
- 10-R-0549 (24) Claim of **Meredith McFarland**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on June 27, 2009 at 3244 Cains Hill Place. **\$667.00**
- 10-R-0550 (25) Claim of **USAA, as Subrogee of David Mangham Subrogation Services**, for damages alleged to have been sustained as a result of a vehicular accident on July 19, 2009 at Englewood Avenue and Boulevard SE. **\$548.79**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0551 (26) Claim of **Thomas A. Brown**, for damages alleged to have been sustained as a result of striking a damaged water manhole on November 21, 2009 at 718 Ponce De Leon Avenue, NE. **\$574.78**

Claims with unfavorable recommendations:

- 10-R-0552 (27) Claim of **Taiwan Carmichael and Malcom Carmichael, as parents of Caleb Carmichael, through their attorney, R. Parker McFarland, Jr.**, for damages alleged to have been sustained as a result of personal injuries on the playground on January 6, 2010 at 301 East Lake Boulevard, Drew Charter School.
- 10-R-0553 (28) Claim of **Jerry Don Bostic, Jr.**, for damages alleged to have been sustained as a result of tear gas from a police training exercise on March 18, 2008 at 2995 Boulderwalk Court.
- 10-R-0554 (29) Claim of **Liberty Mutual Insurance Company, as subrogee of Clarence Jackson**, for damages alleged to have been sustained as a result of an automobile accident on March 31, 2009 at 1795 Howell Mill Road.
- 10-R-0555 (30) Claim of **Brooks L. Porch**, for damages alleged to have been sustained as a result of striking a construction cut on November 24, 2009 at 1090 Lanier Boulevard, NE.
- 10-R-0556 (31) Claim of **GCL Coaches, LLC**, for vehicular damages alleged to have been sustained when a bus struck a tree limb that was hanging over the roadway on July 30, 2009 at 24 Joseph E. Lowery Boulevard.
- 10-R-0557 (32) Claim of **Tyshawn J. Dunbar**, for damages alleged to have been sustained as a result of striking a pothole on November 3, 2009 on Browns Mill Road, SE.
- 10-R-0558 (33) Claim of **Meredith Butler**, for damages alleged to have been sustained as a result of driving over a pothole on January 28, 2010 at 890 Peachtree Street.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0559 (34) Claim of **Cerelyn J. Davis, through her attorney, Mary J. Huber, Esq.**, for damages alleged to have been sustained from an employment discrimination issue at an unspecified time at 675 Ponce De Leon Avenue, NE.
- 10-R-0560 (35) Claim of **State Farm Insurance Companies, as subrogee of Joey H. Nelson**, for damages alleged to have been sustained during the removal on a tree limb on November 19, 2009 at 403 5th Street, NE.
- 10-R-0561 (36) Claim of **Tim Mitchell, through his attorney, Sam L. Starks, Esq. Martin & Jones**, for property damages alleged to have been sustained from a sewer backup on February 7, 2006 at 1296 North Morningside Drive.
- 10-R-0562 (37) Claim of **Tim Mitchell, through his attorney, Sam L. Starks, Esq. Martin & Jones**, for property damages alleged to have been sustained from a sewer backup on September 21, 2009 at 1296 North Morningside Drive.
- 10-R-0563 (38) Claim of **James F. Maddox, Sr.**, for damages alleged to have been sustained as a result of a sewer backup on October 17, 2009 at 914 Flamingo Drive, SW.
- 10-R-0564 (39) Claim of **Bruce Drew**, for damages alleged to have been sustained from a vehicular accident on January 28, 2010 at Springdale Drive & Jonesboro Road.
- 10-R-0565 (40) Claim of **Deborah Blockman**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on November 11, 2009 at Memorial Drive at 4th Street.
- 10-R-0566 (41) Claim of **Eric Lawrence**, for damages alleged to have been sustained when a door was broken in response to an emergency call on January 29, 2010 at 697 Smith Street, SW.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0567 (42) Claim of **USAA, as subrogee of Joan McNamara**, for damages alleged to have been sustained as a result of a street light falling onto her vehicle on December 31, 2008 at 85 5th Street.
- 10-R-0568 (43) Claim of **Geico Insurance Company, as subrogee of Kimberly Cullins**, for damages alleged to have been sustained as a result of a parking meter falling onto her vehicle on March 30, 2009 at 136 Pryor Road.
- 10-R-0569 (44) Claim of **Rebecca Peterson**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on November 16, 2009 at Memorial Drive near Cottage Grove Avenue.
- 10-R-0570 (45) Claim of **Sylvia Perkins, through her attorney, Benjamin Eichholz**, for damages alleged to have been sustained as a result of an automobile accident on November 17, 2009 at 216 Peachtree Street.
- 10-R-0571 (46) Claim of **Verna Manns**, for damages alleged to have been sustained as a result of an automobile accident on January 24, 2010 at 1512 Westwood Avenue.
- 10-R-0572 (47) Claim of **Barry David**, for damages alleged to have been sustained as a result of striking a damaged sewer manhole lid on January 31, 2009 at 1118 Memorial Drive, SE.
- 10-R-0573 (48) Claim of **Liberty Mutual Insurance Company, as subrogee of Deborah Kahan**, for vehicular damages alleged to have been sustained when a tree limb fell on a parked vehicle on July 31, 2009 at 486 Calhoun Street, NW.
- 10-R-0574 (49) Claim of **Robert Hunter, Gary King and Guy Tene Defofone, through their attorney, John B. Gamble, Jr.**, for damages alleged to have been sustained as a result of several issues involving a water service account dispute between 2007 and 2009 at 668 Metropolitan Parkway.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0575 (50) Claim of **Rico Josey**, for damages alleged to have been sustained as a result of striking a recessed storm grate in the roadway on October 23, 2009 at 1199 Lynhurst Drive, SW.
- 10-R-0576 (51) Claim of **Shanticka Ross**, for vehicular damages alleged to have been sustained as a result of rocks falling from a sand spreader vehicle on January 7, 2010 at Main Street and Pryor Street.
- 10-R-0577 (52) Claim of **Lameka Hunt, through her attorney, Michael O. Mondy**, for damages alleged to have been sustained during an arrest on July 17, 2009 at 2715 Bonnybrook Drive, SW.
- 10-R-0578 (53) Claim of **Debra Jean Bolden, through her attorney, O. Wendell Horne, III**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on January 15, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0579 (54) Claim of **Luke Large**, for vehicular damages alleged to have been sustained from driving over an uncovered light pole base on March 22, 2009 at Bell Street, NE & Auburn Avenue, NE.
- 10-R-0580 (55) Claim of **Travelers Insurance Company, as subrogee of Quinn Resnick**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on March 27, 2008 at 1389 Peachtree Street.
- 10-R-0581 (56) Claim of **George Ellis, through his attorney, Deborah Cohen**, for damages alleged to have been sustained as a result of a slip-and-fall on June 18, 2009 at 2630 Martin Luther King, Jr. Drive.
- 10-R-0582 (57) Claim of **State Farm Insurance Company, as subrogee of Sue Ciriaco**, for vehicular damages alleged to have been sustained from a storm sewer that was under construction on July 12, 2009 at C. W. Grant Parkway, Clayton County.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0583 (58) Claim of **Andrew Hanna**, for vehicular damages alleged to have been sustained from driving over exposed potholes and manholes due to a road repaving project on December 12, 2009 at Juniper Street, NE and 12th Street, NE.
- 10-R-0584 (59) Claim of **Shirley Sparks, through her attorney, Nicole Jones, Esq., Jones Federal & Appellate, LLC.**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on July 21, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0585 (60) Claim of **Janina W. Radford, through her attorney, George A. Shaw, Esq., Montlick & Associates, PC.** for bodily injuries alleged to have been sustained from a slip-and-fall incident on August 18, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0586 (61) Claim of **Phyllis Garvey, through her attorney, Ted Jennings, Esq., Cogan & McNabola, PC.** for bodily injuries alleged to have been sustained from a slip-and-fall incident on August 18, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0587 (62) Claim of **Andrea Pieper**, for damages alleged to have been sustained as a result of striking a pothole on December 2, 2009 at 1001 Perimeter Summit Parkway.
- 10-R-0588 (63) Claim of **Walter Peter Beasley, through his attorney, Arlene F. Baker**, for damages alleged to have been sustained during an arrest on July 2, 2005 at 50 Lower Alabama Street.
- 10-R-0589 (64) Claim of **Harry D. Watkins, through his attorney, Dixon James, Esq., William Dixon James, PC.** for damages alleged to have been sustained from a misidentification incident by police that occurred on July 23-24, 2009 at 956 Ponce De Leon Avenue, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0590 (65) Claim of **Renee Brown**, for damages alleged to have been sustained as a result of a tree falling on May 8, 2007 at 138 LeBrun Road.
- 10-R-0591 (66) Claim of **Derek Lee Thomas**, for damages alleged to have been sustained when property was confiscated during an arrest on March 27, 1999 at 943 Beckwith Street, SW.
- 10-R-0592 (67) Claim of **Annie Charles, through her attorney, Kenneth S. Nugent, PC**, for bodily injuries alleged to have been sustained on November 2, 2009 at 430 Centennial Park Drive (Palmer House Apartments).
- 10-R-0593 (68) Claim of **David Miller**, for vehicular damages alleged to have been sustained after driving over a storm water cave-in that occurred in the roadway October 31, 2009 at 1968 Peachtree Road, NE.
(Councilmember Martin made a motion to approve Items C1-C68)
FAVORABLE

REGULAR

D. ORDINANCES FOR SECOND READING

- 10-O-0463 (1) An Ordinance by Public Safety and Legal Administration Committee to amend the 2010 (Intergovernmental Grant Fund) Budget, Department of the Mayor, by adding to anticipations and appropriations in the amount of \$142,000.00 from the Department of Justice Community Capacity Development Office and \$125,000.00 in matching funds from the City of Atlanta totaling \$267,000.00, for the continuation of the Weed and Seed Strategy in the English Avenue Community; and for other purposes.
(Councilmember Archibong made a motion to approve on condition.)
FAVORABLE ON CONDITION

ORDINANCES FOR SECOND READING (CONT'D)

10-O-0464 (2) An Ordinance by Public Safety and Legal Administration Committee to amend the 2010 (Intergovernmental Grant Fund) Budget, Department of the Mayor, by adding to anticipations and appropriations in the amount of \$142,000.00 from the Department of Justice Community Capacity Development Office and \$125,000.00 from the City of Atlanta totaling \$267,000.00, for the continuation of the Weed and Seed Strategy in the Vine City Community; and for other purposes.

(Councilmember Archibong made a motion to approve on condition.)

FAVORABLE ON CONDITION

10-O-0465 (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, the amount of \$443,910.00 for Grant Funds from the White House Office of National Drug Control Policy ("White House") for the continuation of the High Intensity Drug Trafficking Area ("HIDTA") Task Force and continued disruption of drug trafficking organizations; and for other purposes.

(Councilmember Adrean made a motion to approve.)

FAVORABLE

10-O-0466 (4) A **Substitute** Ordinance by Public Safety and Legal Administration Committee to repeal Ordinance 07-O-2135 which amended Section 10-12, and repealed Sections 10-208 and 10-222 of the City of Atlanta Code of Ordinances in order to strengthen efforts to curb underage drinking by prohibiting employees and entertainers under the age of twenty-one from entering certain premises licensed for the consumption of alcohol on the premises; to reenact the language of the City of Atlanta Code of Ordinances as it existed before the passage of Ordinance 07-O-2135; and for other purposes.

(Councilmember Adrean made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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E. RESOLUTION

- 10-R-0525 (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 Nationwide Mutual Fire Insurance Co. a/s/o/ Subrogee of Luis Carballo v. City of Atlanta, Civil Action File No. 2009CV173725, in the amount of \$5,309.00; authorizing said payment to be charged to and paid from Fund 1001 (General Fund), Account 200101 (Litigation Expenses) and Center Number 5212005 (Non-Departmental) and 1512000 (Functional Activity Number); 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 discussion.)**
- 10-R-0137 (2) 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) (Work Session held 2/3/10)**
- 10-O-0397 (3) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** by amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Held 2/23/10 for legal review, at the request of the Law Department.) (Substituted and held 3/30/10 for a Public Hearing and for public and NPU notification)**

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PAPERS HELD IN COMMITTEE (CONT'D)

10-O-0399 (4) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**

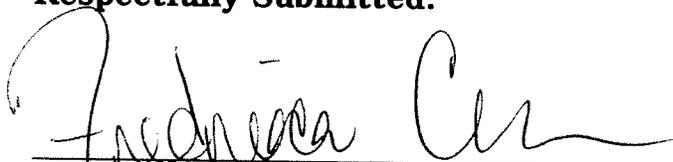
G. REQUESTED AND FOLLOW-UP ITEMS

1. Councilmember Young and the Committee will schedule work sessions addressing the following issues:
 - a. Police Zone and Beat Realignment (date and time TBD)
Note: Pursuant to Resolution 10-R-0134, the Police Department was requested to develop and submit to the Mayor and Council, a zone and beat redesign plan by July 31, 2010.
 - b. A Joint Work Session with Community Development/Human Resources Committee on the Public Property Vending Program (Walking tour of Five Points Vending locations and Work Session with Managers of Public Property Vending Program.) (date and time TBD)
 - c. Taxi cab drivers' concerns at the Airport. (Thursday, April 22, 2010 from 1:00 p.m. to 4:00 p.m.)

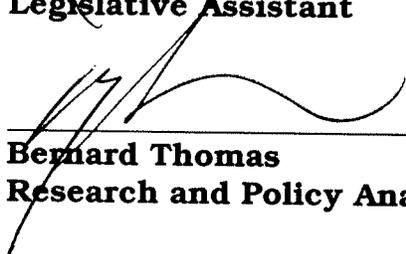
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There being no further business to come before the Committee, the meeting was adjourned at 4:19 p.m.

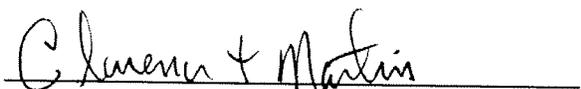
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



**The Honorable C. T. Martin, Acting-
Chair
Public Safety and Legal Administration Committee**