

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

MAY 11, 2010

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, May 11, 2010 at 4:25 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 Joyce Sheperd
The Honorable Yolanda Adrean**

The following member was absent:

**The Honorable Keisha Lance Bottoms
The Honorable Natalyn M. Archibong**

Others present at the meeting were: Jerry Deloach, Dianne Mitchell and Amber Robinson, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss, Ernest Finley, and Shawn Jones, Sgt. Davis, Director Malachi Hull, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 4:25 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-0819 (1) Claim of **Vivian Redding, through her attorney, Amjad Ibrahim**, for damages alleged to have been sustained as a result of a vehicular accident on January 12, 2009 at 1265 Lee Street. **\$10,000.00**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0820 (2) Claim of **Lottie Fentress, through her attorney, Amjad Ibrahim**, for damages alleged to have been sustained as a result of a vehicular accident on January 12, 2009 at 1265 Lee Street. **\$6,500.00**
- 10-R-0821 (3) Claim of **Sharon Jarrett, through her attorney, Amjad Ibrahim**, for damages alleged to have been sustained as a result of a vehicular accident on January 12, 2009 at 1265 Lee Street. **\$6,500.00**
- 10-R-0822 (4) Claim of **Jinghis Sunwoo**, for damages alleged to have been sustained as a result of a pothole on October 3, 2009 at 3324 Lenox Road. **\$5,817.06**
- 10-R-0823 (5) Claim of **Mohammad Ahmed**, for damages alleged to have been sustained as a result of striking a pothole on February 1, 2010 at 990 State Street, NW and 10th Street, NW. **\$1,558.78**
- 10-R-0824 (6) Claim of **Jose Camacho**, for damages alleged to have been sustained as a result of a vehicular accident on November 20, 2009 at 763 Juniper Street. **\$1,162.08**
- 10-R-0825 (7) Claim of **Sylvia J. Hunt**, for damages alleged to have been sustained when a driveway was broken during backyard garbage services from September 2008 to presently at 1615 Brewer Boulevard, SW. **\$950.00**
- 10-R-0826 (8) Claim of **Georgia Power**, for damages alleged to have been sustained as a result of a severed power line during the repair of a water main on August 24, 2009 at 207 Bowen Circle. **\$938.59**
- 10-R-0827 (9) Claim of **AT&T**, for damages alleged to have been sustained as a result of a severed phone line during the repair of a water meter on January 20, 2010 at 4885 Franklin Pond Drive. **\$552.61**

**Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Three**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0828 (10) Claim of **Progressive, as subrogee of Bonnie W. Smith**, for damages alleged to have been sustained as a result of striking a pothole on October 3, 2009 on an undisclosed residential street in Atlanta, Georgia.
- 10-R-0829 (11) Claim of **Alberta Cunningham**, for damages alleged to have been sustained to her driveway during a sanitation pickup in June 2009 at 3421 Lynfield Drive, SW.
- 10-R-0830 (12) Claim of **Labrintha Martin**, for damages alleged to have been sustained as a result of striking a construction cut on November 23, 2009 at 1012 Cascade Road, SW.
- 10-R-0831 (13) Claim of **GEICO, as subrogee of Labrintha Martin**, for damages alleged to have been sustained as a result of striking a construction cut on November 23, 2009 at 1012 Cascade Road, SW.
- 10-R-0832 (14) Claim of **Annie J. Steed**, for damages alleged to have been sustained as a result of striking a construction cut on November 23, 2009 at 1012 Cascade Road, SW.
- 10-R-0833 (15) Claim of **AT&T**, for damages alleged to have been sustained as a result of their cable being cut on October 5, 2009 at Donald L. Hollowell Parkway and South Grand Avenue.
- 10-R-0834 (16) Claim of **David Otis**, for damages alleged to have been sustained as a result of driving over a construction cut on October 5, 2009 at 1220 Donald L. Hollowell Parkway.
- 10-R-0835 (17) Claim of **Jennifer Hinton, through her attorney, William Hutchinson**, for damages alleged to have been sustained as a result of an automobile accident May 26, 2009 on I-285 northbound at Donald L. Hollowell Parkway, NW.

Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Four

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0836 (18) Claim of **Eric W. Best, through his attorney, H. J. A. Alexander**, for damages alleged to have been sustained as a result of being struck by a Segway personal transporter on September 11, 2009 at Hartsfield-Atlanta Jackson International Airport.
- 10-R-0837 (19) Claim of **Fernando Hurtado**, for damages alleged to have been sustained as a result of walking onto a water meter on September 17, 2009 at 7862 Stratford Lane.
- 10-R-0838 (20) Claim of **DeKalb Steel, Inc.**, for damages alleged to have been sustained as a result of striking a catch basin on October 4, 2009 at 3944 Powers Ferry Road.
- 10-R-0839 (21) Claim of **Michael Hopkins**, for damages alleged to have been sustained as a result of a fire hydrant leak on September 28, 2009 at 395 Mt. Zion Road.
- 10-R-0840 (22) Claim of **James Dwyer**, for damage alleged to have been sustained as result of a striking a pothole on September 4, 2009 at McGinnis Ferry and Shakerag Trace.
- 10-R-0841 (23) Claim of **Blake Bieber**, for damages alleged to have been sustained as a result of striking a pothole on February 11, 2010 at 2286 Asbury Square.
- 10-R-0842 (24) Claim of **Lisette Parker**, for damages alleged to have been sustained as a result of striking a construction cut on October 29, 2009, November 19, 2009 and December 1, 2009 at 791 Caron Circle, NW.
- 10-R-0843 (25) Claim of **Virginia B. Meyer**, for damages alleged to have been sustained as a result of a water meter tailpiece leak on August 30, 2009 at 3224 Andrews Court.

Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Five

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0844 (26) Claim of **Angela Taylor**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 31, 2009 at 2855 Browns Mill Road.
- 10-R-0845 (27) Claim of **Luther Harris**, for damages alleged to have been sustained as a result of driving over a pothole on March 5, 2010 at 3376 Peachtree Road.
- 10-R-0846 (28) Claim of **Bobasha Banks**, for vehicular damages alleged to have been sustained from driving over a pothole on August 12, 2009 at 4183 Roswell Road, NE.
- 10-R-0847 (29) Claim of **Villages @ Scott's Crossing, LLC, WAC Construction, LLC, and Greenfield Properties, Inc., through their attorney, Justin O'Dell, Esq., Cauthorn Nohr & O'Dell**, for damages alleged to have been sustained from violations of the City of Atlanta's Soil Erosion Ordinance §74-4363 on May 19, 2009 at 707 Whitlock Avenue.
- 10-R-0848 (30) Claim of **Adrian L. Sims, through her attorney, James J. Kelleher**, for damages alleged to have been sustained as a result of an automobile accident on December 9, 2009 at 2500 Candler Road, DeKalb County.
- 10-R-0849 (31) Claim of **D. J. Coleman**, for damages alleged to have been sustained as a result of a trip and fall on an unsecured storm sewer manhole lid on February 27, 2010 at 3040 Piedmont Road, NE.
- 10-R-0850 (32) Claim of **Mary E. Hicks**, for damages alleged to have been sustained as a result of striking a pothole on October 8, 2009 at 3500 Martin Luther King, Jr. Drive, SW.
- 10-R-0851 (33) Claim of **Demarrio Pyatt**, for damages alleged to have been sustained as a result of striking a pothole on October 10, 2009 at 3500 Martin Luther King, Jr. Drive, SW.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0852 (34) Claim of **Connie and Harold Geter, through their attorney, Sam L. Starks**, for damages alleged to have been sustained as a result of flooding on February 26, 2009 and March 28, 2009 at 2552 Ivydale Drive, SW.
- 10-R-0853 (35) Claim of **Tamika D. Anthony**, for damages alleged to have been sustained during an arrest on April 23, 2009 at 1847 Honeysuckle Lane.
- 10-R-0854 (36) Claim of **Larry Copeland, through his attorney, John Foy**, for damages alleged to have been sustained as a result of an automobile accident on May 12, 2009 at Howell Street and Decatur Street.
- 10-R-0855 (37) Claim of **Ron Tuso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive.
(Councilmember Martin made a motion to hold.)

HELD

- 10-R-0856 (38) Claim of **Terrence Smith, Jr.**, for damages alleged to have been sustained as a result of striking a construction cut on November 5, 2009 at 801 Brookdale Drive, SW.
- 10-R-0857 (39) Claim of **Hassan Ali Dashtpeyma**, for damages alleged to have been sustained as a result of a citation received from the Bureau of Taxicabs and Vehicles for Hire on October 17, 2009 at Harris Street and Spring Street.
- 10-R-0858 (40) Claim of **Aurora Holding, LLC and Pryor Street, LLP**, for damages alleged to have been sustained as a result of a water service dispute between January 2009 and October 2009 at 797 Pryor Street, 803 Pryor Street, 89 Fort Street and 91 Fort Street.
(Councilmember Martin made a motion to approve Items C1-C36, C38-C40)

FAVORABLE

REGULAR

D. ORDINANCES FOR SECOND READING

- 10-O-0728 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes.
(Councilmember Adrean made a motion to hold.)

HELD

- 10-O-0729 (2) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending Chapter 78, Article III, Section 78-57, Subsection (b), of the Code of Ordinances of the City of Atlanta, on behalf of the City of Atlanta Fire Rescue Department, for the purpose of increasing existing Fire Inspection Fees, Fire Plan Review Fees and Fire Permit Fees; and for other purposes. **(To be advertised for Public Hearing)**
(Councilmember Young made a motion to substitute and hold for a Public Hearing.)

SUBSTITUTED AND HELD

- 10-O-0730 (3) An Ordinance by Public Safety and Legal Administration Committee amending the FY2010 (Trust Fund) Budget for the City of Atlanta Municipal Court, Community Court Division ("Community Court"), by adding a donation from the Board of Directors of the Community Court/Restorative Justice Center, Inc., for the purpose of supporting the operating costs of the non-profit organization within the Community Court; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

**Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Eight**

ORDINANCES FOR SECOND READING (CONT'D)

- 10-O-0731 (4) An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations, in the amount of \$192,977.28, for Grant Funds from the United States Department of Homeland Security, for the purpose of increasing the Department's preparedness capabilities for the safety and security of high-priority pre-designated Critical Infrastructure and Key Resource ("CI/KR") Assets; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 10-O-0732 (5) An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations, in the amount of \$194,000.00, for grant funds from the United States Department of Homeland Security, for the purpose of increasing the Department's preparedness capabilities for the safety and security of high-priority pre-designated Critical Infrastructure and Key Resource ("CI/KR") Assets; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 10-O-0733 (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 \$4,899,399.00, for Grant Funds, from the White House Office of National Drug Control Policy ("ONDCP"), for the purpose of continuing the Atlanta High Intensity Drug Trafficking Area ("HITDA") Task Force; to disrupt and dismantle Drug Trafficking Organizations; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Nine

E. RESOLUTIONS

10-R-0859 (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 Thomas Morgan v. City of Atlanta, Georgia, Civil Action File No. 2007-EV-003796, Fulton State Court, in the total amount of \$175,000.00; authorizing said payment to be paid from Fund 5051 (Water & Sewer) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

10-R-0860 (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 Gary & Tracey Moorey v. City of Atlanta, Civil Action File No. 2009-CV-167477, Fulton County Superior Court, in the amount of \$100,000.00; authorizing said payment to be paid from Fund 1001 (General Fund) Center Number 200101 (Non-Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

10-R-0861 (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 Cara Fears f/k/a Cara Peek v. City of Atlanta, Civil Action File No. 2009CV166752, in the amount of \$50,000.00; 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); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

**Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Ten**

RESOLUTIONS (CONT'D)

- 10-R-0862 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to apply for and accept grant funding from the United States Department of Justice in an amount not to exceed \$750,000.00 under the "Encouraging Innovation: Field Initiated Programs FY 2010 Competitive Grant Announcement" for a program to engage intensive surveillance officers to work in collaboration with the Atlanta Police Athletic League (PAL), to provide a comprehensive program to reduce recidivism among dangerous juvenile offenders; and for other purposes
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 10-R-0863 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta Municipal Court, to execute Temporary Service Contracts with fifteen (15) retired City of Atlanta ("City") Police Officers and four (4) DSI Security Officers, for the purpose of providing Professional Security Services at the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed \$702,790.00. All costs to be charged to Fund, Department, Account, and Function Activity Number: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts); and for other purposes.
(Councilmember Willis made a motion to approve on condition.)

FAVORABLE ON CONDITION

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.)**

HELD

**Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Eleven**

PAPERS HELD IN COMMITTEE (CONT'D)

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)**

HELD

10-O-0397 (3) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** 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. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**

HELD

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.)**

HELD

10-R-0727 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Courtview Justice Solutions, pursuant to FC-6004007843, Automated Court Case

Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Twelve

PAPERS HELD IN COMMITTEE (CONT'D)

Management System, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed \$155,456.00; all costs to be charged to: Fund, Department, Account, and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts); and for other purposes. **(Held 4/27/10 for a Work Session)**

HELD

- 10-O-0773 (6) An Ordinance by Councilmembers Ivory Lee Young, Jr. and H. Lamar Willis to amend Chapter 2, Section 2-2211(i) and (h) and Chapter 2, Section 2212 (b) of the Code of Ordinances, City of Atlanta, Georgia to authorize the Atlanta Citizen Review Board to have direct subpoena power, to provide for the release of the Board's findings to insure consistency between the Georgia Open Records Act and the Ordinance, and to require that the Police Chief and Corrections Chief notify the Atlanta Citizen Review Board if an employee fails to cooperate with the Board, and to properly discipline said employee; and for other purpose. **(Councilmember Martin made a motion to forward with no recommendation.)**

FORWARDED WITH NO RECOMMENDATION

- 10-O-0780 (7) An Ordinance by Councilmember Kwanza Hall to amend Chapter 10, Article II, Division 2, Section 10-94 of the City of Atlanta Code of Ordinances to provide an exemption from distance requirements for certain establishments licensed to sell alcoholic beverages on property registered on the National Register of Historic Places when such establishments meet other requirements; to waive the provisions of Chapter 10, Article II, Division 2, Section 10-66 (B) as such provisions apply to the renovation of an establishment on property registered on the National Register of Historic Places; and for other purposes. **(Held 4/27/10 at the request of the author.)**

HELD

**Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Thirteen**

G. EXECUTIVE SESSION

Quarterly Litigation and Claims Report - Jerry Deloach. **(Scheduled for the next Public Safety Meeting)**

H. 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.

I. ITEM NOT ON THE AGENDA

RESOLUTION

10-R-0903 (1)

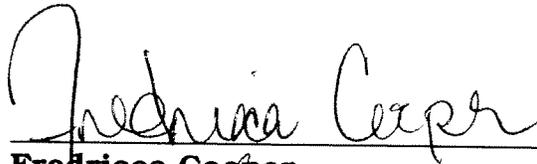
A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, through the Office of the Public Defender, to apply for and accept a grant for Pro Bono Technical Assistance from the Center for Holistic Defense, the Bronx Defenders in Bronx, New York Pro Bono Technical Assistance will include staff training, site visits by staff from the Bronx Defenders, along with other experts and Practitioners who will assist the City of Atlanta in evaluating current practices and in charting a course toward expanding services that address circumstances that drive poor people into the Criminal Justice System; and for other purposes.
(Councilmember Sheperd made a motion to approve.

FAVORABLE

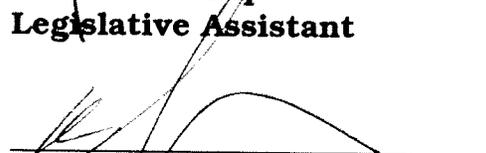
**Public Safety and Legal Administration Committee Minutes
May 11, 2010
Page Fourteen**

There being no further business to come before the Committee, the meeting was adjourned at 6:30 p.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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