

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**AUGUST 31, 2010**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, August 31, 2010 at 3:10 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair  
The Honorable C. T. Martin  
The Honorable Yolanda Adrean  
The Honorable Joyce Sheperd  
The Honorable Keisha Lance Bottoms**

The following members were absent:

**The Honorable H. Lamar Willis, Vice-Chair  
The Honorable Natalyn M. Archibong**

Others present at the meeting were: Councilmember Carla Smith, Peter Andrews, Acting City Attorney, 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, Police Department; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young 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 MINUTES**
- B. APPROVAL OF MINUTES**
- C. STATUS REPORT - ZONE AND BEAT REALIGNMENT PLAN, THE POLICE DEPARTMENT - TO BE SCHEDULED FOR A WORK SESSION**
- D. EXECUTIVE SESSION - Briefing regarding the possibility of initiating and prosecuting a civil action against certain mortgage lending companies and financial institutions for deceptive and/or fraudulent mortgage lending practices - LAW DEPARTMENT AND PAGE PERRY, LLC**

**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Two**

**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

**CONSENT**

**E. RESOLUTIONS**

**Claims with favorable recommendations:**

- 10-R-1492 ( 1) Claim of **Sandra Davenport, through her attorney, David Schoenberg**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on October 18, 2009 at 136 Moreland Avenue. **\$9,750.00**
- 10-R-1493 ( 2) Claim of **Orion Knight**, for damages alleged to have been sustained as a result of a vehicular accident on May 10, 2010 at 4<sup>th</sup> Street and Myrtle Street. **\$4,524.12**
- 10-R-1494 ( 3) Claim of **Cathy Martin, through her attorney, Heather Thorpe**, for damages alleged to have been sustained as a result of a vehicular accident on December 21, 2009 at 872 Deckner Avenue. **\$4,300.00**
- 10-R-1495 ( 4) Claim of **Balboa Insurance Company, as subrogee of Yolanda Wilson**, for damages alleged to have been sustained as a result of an automobile accident on May 17, 2010 at 938 Sims Street, SW. **\$3,124.99**
- 10-R-1496 ( 5) Claim of **Phillip Davis**, for vehicle damages alleged to have been sustained as a result of a sewer backup on January 20, 2010 at 671 Cativo Drive. **\$2,300.00**
- 10-R-1497 ( 6) Claim of **James and Edna Clark**, for damages alleged to have been sustained as a result of a sewer backup on March 15, 2010 at 1184 Kipling Street, SE. **\$2,959.91**
- 10-R-1498 ( 7) Claim of **Georgia Power Company**, for damages alleged to have been sustained as a result of a vehicular accident on February 2, 2010 at 360 Jackson Street. **\$1,595.52**

**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Three**

**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-1499 ( 8) Claim of **Rebecca Perry**, for damages alleged to have been sustained as a result of a vehicular accident on September 21, 2009 at 1350 Howell Mill Road. **\$1,450.00**
- 10-R-1500 ( 9) Claim of **Mattie Aikens**, for damages alleged to have been sustained as a result of striking a construction cut on June 3, 2010 at 2945 Stone Hogan Connector, SW. **\$1,420.00**
- 10-R-1501 (10) Claim of **Omni Indemnity Company, as subrogee of Samuel K. Hill**, for property damages alleged to have been sustained from an automobile accident March 20, 2010 at Bass Street and Ira Street. **\$1,046.28**
- 10-R-1502 (11) Claim of **Christopher Johnson**, for vehicle damages alleged to have been sustained as a result of driving over a pothole on April 5, 2010 at 915 8<sup>th</sup> Street. **\$950.00**
- 10-R-1503 (12) Claim of **Allstate Insurance Company, as subrogee of Walter Collins**, for damages alleged to have been sustained as a result of driving over a pothole on January 18, 2010 at 2755 7<sup>th</sup> Street. **\$923.88**
- 10-R-1504 (13) Claim of **Helen Griffin**, for damages alleged to have been sustained as a result of striking a pothole on February 9, 2010 at 872 Berne Street. **\$718.97**
- 10-R-1505 (14) Claim of **Ira Tedoff**, for damages alleged to have been sustained as a result of driving over a street cut around a water valve on February 15, 2010 at North Highland Avenue and East Rock Springs Road. **\$714.90**
- 10-R-1506 (15) Claim of **Lillian V. Bivins**, for damages alleged to have been sustained as a result of driving over an unsecured construction project on December 9, 2009 at Spring Street and 1<sup>st</sup> Street. **\$667.95**

**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Four**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

10-R-1541 (16) A **Substitute** Claim by **Public Safety and Legal Administration Committee** of **James Davis**, for damages alleged to have been sustained to his windshield as a result of it being struck by a rock from a riding lawn mower on June 10, 2010 at 1565 Martin Luther King, Jr. Drive.  
**\$622.60**

**Claims with unfavorable recommendations:**

10-R-1507 (17) Claim of **Anthony Harper**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on December 23, 2009 at Memorial Drive at Clifton Road.

10-R-1508 (18) Claim of **John Saunders**, for damages alleged to have been sustained as a result of driving over a construction cut on January 8, 2010 at 570 Spring Street.

10-R-1509 (19) Claim of **Jerry Lee, through his attorney, David M. Lewis**, for damages alleged to have been sustained as a result of a fall on a private walkway on January 15, 2010 at 69 Jessie Hill, Jr. Drive.

10-R-1510 (20) Claim of **Allstate Insurance Company, as subrogee of Alton Gaston**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on September 4, 2009 at 730 St. Charles Avenue.

10-R-1511 (21) Claim of **Sheet Metal Works' Local 85 c/o Ronald H. Whatley**, for damages alleged to have been sustained to its water line during the installation of a sidewalk on June 16, 2009 at 1838 Metropolitan Parkway, SW.

10-R-1512 (22) Claim of **Donna Frishe, through her attorney, Orlando A. Marra, Esq., Montlick & Associates, P.C.**, for bodily injuries alleged to have been sustained from a fallen panel while entering a security area on June 1, 2010 at Hartsfield-Jackson International Airport, 6000 N. Terminal Parkway.

**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Five**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1513 (23) Claim of **Nationwide Property & Casualty Insurance Company, as subrogee of Alfreda Shufford**, for vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 15, 2010 at 1969 Jonesboro Road, SE.
- 10-R-1514 (24) Claim of **Balbina Rodriguez, through her attorney, Jason A. Shartzter, Yosha Cook Shartzter & Tisch**, for bodily injuries alleged to have been sustained when a piece of metal molding or metal expansion joint became detached from the wall on January 5, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-1515 (25) Claim of **Jeffrey Smith**, for vehicular damages alleged to have been sustained after driving over a pothole on January 31, 2010 at Juniper Street, NE and Ponce de Leon Avenue, NE.
- 10-R-1516 (26) Claim of **James and Beverly Ellis, through their attorney, Sam L. Starks, Esq.**, for property damages allegedly sustained from storm sewer overflows on September 19, 2009 and October 15, 2009 at 1812 Brewer Boulevard, SW.
- 10-R-1517 (27) Claim of **Jannett Roberts, through her attorney, Sam L. Starks, Esq.**, for property damages allegedly sustained from a sewer backup on September 19, 2009 and October 15, 2009 at 1809 Brewer Boulevard, SW.
- 10-R-1518 (28) Claim of **Lula P. Whatley, through her attorney, Mary Carole Cooney**, for damages alleged to have been sustained during a sanitary sewer project in 2009 at 215 West Lake Drive, NW.
- 10-R-1519 (29) Claim of **Bill Martin, through his attorney, Piers J. Weyant**, for damages alleged to have been sustained as a result of a water service account dispute between September 2009 and October 2009 at 5910 Mallory Road, College Park.

**Public Safety and Legal Administration Committee Minutes**  
**August 31, 2010**  
**Page Six**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1520 (30) Claim of **Daland and Emily Pylant**, for damages alleged to have been sustained as a result of a sewer backup on September 21, 2009 at 582 Oakdale Road.
- 10-R-1521 (31) Claim of **Gary M. Pattman**, for damages alleged to have been sustained as a result of striking a construction cut on November 22, 2009 at Ponce de Leon Avenue and Parkway Drive, NE.
- 10-R-1522 (32) Claim of **Raushanah El-Amin Foster**, for damages alleged to have been sustained as a result of striking a construction cut on February 8, 2010 at 996 Cascade Road.
- 10-R-1523 (33) Claim of **David M. Wofford, through his attorney, Sam L. Starks, Esq.**, for property damages allegedly sustained from a sewer backup on September 19-20, 2009 at 1805 Brewer Boulevard, SW.
- 10-R-1524 (34) Claim of **Carl A. and Angela S. Fields, through their attorney, Clarence Cuthpert**, for damages alleged to have been sustained as a result of an arrest on October 23, 2010 at 3463 Roxboro Road.
- 10-R-1525 (35) Claim of **Charles Cornwell**, for damages alleged to have been sustained as a result of sidewalk installation on May 4 – May 6, 2010 at 3989 Wieuca Road.
- 10-R-1526 (36) Claim of **Latasha Smith**, for damages alleged to have been sustained as a result of an automobile accident on April 26, 2010 at 10 North Avenue, NE and West Peachtree Street, NE.
- 10-R-1527 (37) Claim of **Steven R. Smith**, for damages alleged to have been sustained as a result of an automobile accident on April 26, 2010 at 10 North Avenue, NE and West Peachtree Street, NE.

**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Seven**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1528 (38) Claim of **Jacquelyn Woods**, for damages alleged to have been sustained to her irrigation system during the replacement of a water meter box on April 21, 2010 at 980 Carlo Woods Drive.
- 10-R-1529 (39) Claim of **Demetrius Thomas, through his attorney, Neil Putnam**, for damages alleged to have been sustained as a result of an automobile accident on February 15, 2010 at Avon Avenue and Lee Street.
- 10-R-1530 (40) Claim of **Faye Fulks** for damages alleged to have been sustained as a result of an automobile accident on January 11, 2010 at Fairburn Road and Benjamin E. Mays Drive.
- 10-R-1531 (41) Claim of **Don Crawford**, for damages alleged to have been sustained as a result of driving over a median in the roadway on December 12, 2009 at 3626 Wieuca Road.
- 10-R-1532 (42) Claim of **Clara Funderburg, through her attorney, Thelma Wyatt Moore**, for damages alleged to have been sustained during a sewer rehabilitation project between May 14, 2008 and present at 2990 Stone Hogan Road.
- 10-R-1533 (43) Claim of **Robert Hood, through his attorney, Neil Putnam**, for damages alleged to have been sustained as a result of an automobile accident on February 15, 2010 at Avon Avenue and Lee Street.
- 10-R-1534 (44) Claim of **Lottie Mallory, through her attorney, Steven West**, for damages alleged to have been sustained as a result of a trip and fall on August 30, 2009 at 1077 Ralph David Abernathy Boulevard.
- 10-R-1571 (45) Claim of **Brenton Arnold, through his attorney, Thomas L. Schaefer**, for damages alleged to have been sustained as a result of an automobile accident on January 2, 2010 at Washington Road and Laurel Ridge Way, East Point.

**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Eight**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1572 (46) Claim of **Frederick Palmer, Jr., deceased, through his attorney, L. Chris Stewart**, for damages alleged to have been sustained as a result of an automobile accident on December 15, 2009 at McDonough Boulevard and Blashfield Street.  
**(Councilmember Martin made a motion to approve Items D1-D46)**

**FAVORABLE**

**F. ORDINANCES FOR FIRST READING**

- 10-O-1535 ( 1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 3, Section 10-127, Entitled "Temporary Permit for Non-Profit Civic Organizations", to increase the number of permits that may be issued to an organization in any one calendar year from four to six to correspond with State Law; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

- 10-O-1536 ( 2) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, (Businesses), Article II, (Police Power Licenses and Permits Generally), of the City of Atlanta Code of Ordinances, to mandate that the renewal of a license or permit issued under the police powers of the City be conditioned on a showing that the licensed business maintains a current registration with the Business Tax Division and maintains a current certificate in accordance with Chapter 30, Article III (Occupation Tax), Sections 30-51 et seq. where applicable; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**REGULAR**

**G. ORDINANCES FOR SECOND READING**

- 10-O-1397 ( 1) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police (“Department”), by adding to anticipations and appropriations in the amount of \$4,500.00 for a Grant from the Georgia Criminal Justice Coordinating Council (“CJCC”) to fund one member of the Department’s Command Staff to attend the 2010 Georgia International Law Enforcement Exchange (GILEE), to receive anti-terrorism training in Israel; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 10-O-1398 ( 2) An Ordinance by Public Safety and Legal Administration Committee amending the FY11 (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 Martin made a motion to approve)**

**FAVORABLE**

- 10-O-1465 ( 3) An Ordinance by Councilmembers Carla Smith and Alex Wan to waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances of the City of Atlanta, Georgia so as to modify the hours of operation on Monday, October 11, 2010 only, for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

**Public Safety and Legal Administration Committee Minutes**  
**August 31, 2010**  
**Page Ten**

**H. RESOLUTIONS**

10-R-1537 ( 1) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of State Farm Mutual Automotive Insurance Company a/s/o of Jennifer Heizer v. City of Atlanta, Civil Action File No. 2009EV008388A, pending in Fulton County State Court, in the amount of \$1,000.00; authorizing said payment to be charged to and paid from the Fund, Account and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Martin made a motion to approve on substitute)**

**FAVORABLE ON SUBSTITUTE**

10-R-1538 ( 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 James Chumbley, Deborah Green and Jana Kato vs. City of Atlanta, Civil Action File No. 2008-EV-003830, Fulton County State Court, in the total amount of \$440,000.00; authorizing said payment to be charged to and paid from the Funds, Accounts and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

10-R-1539 ( 3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to accept on behalf of the Atlanta City Department of Corrections (ACDC) Compensation in an amount no greater than \$15,000.00 per year from the Morehouse School of Medicine for the purpose of developing and delivery of an on-site and/or community based HIV Risk Reduction Intervention Program tailored to the rapid release nature of the pretrial detainee population; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

**Public Safety and Legal Administration Committee Minutes**  
**August 31, 2010**  
**Page Eleven**

**RESOLUTIONS (CONT'D)**

- 10-R-1540 ( 4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta, to accept the donation of one or more Bait Cars from KKI Productions (aka the Wolper Organization) or its local affiliate, in connection with the filming of the Bait Car Television Series in Atlanta; and for others purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

**I. 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** 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.)**

**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Twelve**

**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.)**
- 10-O-0728 ( 5) 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. **(Held 5/11/10 for further review.)**
- 10-R-0855 ( 6) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**
- 10-O-1173 ( 7) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review.)**
- 10-O-1342 ( 8) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr., to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive

**Public Safety and Legal Administration Committee Minutes**  
**August 31, 2010**  
**Page Thirteen**

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

the provisions of chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**

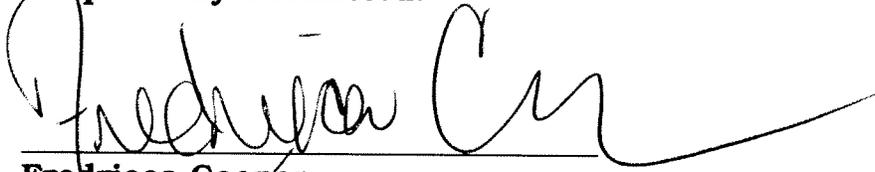
10-R-1343 ( 9) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

10-O-1419 (10) An Ordinance by Councilmembers H. Lamar Willis, Alex Wan, Kwanza Hall, Aaron Watson, Michael J. Bond, Ivory L. Young, Jr., Yolanda Adrean and Joyce Sheperd to amend Chapter 10, Article II of the City of Atlanta Code of Ordinances so as to create a category for permitted liquor licensure for Nonprofit Park Conservancy, Park Friends or Park Alliance Partners of the City of Atlanta; for other purposes. **(Held 7/27/10 for further review.)**

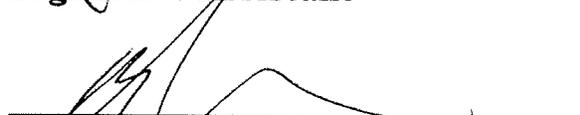
**Public Safety and Legal Administration Committee Minutes  
August 31, 2010  
Page Fourteen**

**There being no further business to come before the Committee, the meeting was adjourned at 5:20 p.m.**

**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



**Bernard Thomas  
Research and Policy Analyst**



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