

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

SEPTEMBER 28, 2010

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, September 28, 2010 at 3:10 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 Joyce Sheperd**

The following members were absent:

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

Others present at the meeting were: Jerry Deloach, Diane Mitchell and Amber Robinson, Law Department; Deputy Chiefs Calvin Moss, Ernest Finley and Shawn Jones, 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 AGENDA - ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B. **APPROVAL OF MINUTES - APPROVED**
CONSENT
- C. **RESOLUTIONS**

Claims with favorable recommendations:

- 10-R-1703 (1) Claim of **JNR Adjustment and Phoenix Loss Control, Inc., as subrogee of Comcast**, for damages alleged to have been sustained to its cable during the repair of a water main on July 15, 2009 at 2604 Bluestone Drive, Sandy Springs.
\$9,447.32

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-1704 (2) Claim of **Joshua and Charlotte E. Goldfarb**, for property damages alleged to have been sustained from flooding due to an improperly installed storm sewer catch basin on May 3, 2010 at 2817 Dover Road, NE. **\$9,130.73**
- 10-R-1705 (3) Claim of **USAA, as subrogee of Deric D. McNealy**, for damages alleged to have been sustained as a result of an automobile accident on December 16, 2009 at 2396 Hill Street, NW. **\$4, 626.41**
- 10-R-1706 (4) Claim of **Harry D. Bassett**, for property damages alleged to have been sustained from an automobile accident on May 27, 2010 at 538 Griffin Street, NW. **\$3,356.87**
- 10-R-1707 (5) Claim of **Karen and Charles Kaplan**, for damages alleged to have been sustained as a result of the repair of a water line on June 11, 2009 at 225 Cross Roads Lane. **\$1,435.00**
- 10-R-1708 (6) Claim of **Judy Vines**, for damages alleged to have been sustained to a retaining wall as a result of a vehicular accident on May 21, 2010 at 1886 Mallard Street. **\$1,350.00**
- 10-R-1709 (7) Claim of **Juleen Jackson**, for property damages alleged to have been sustained from an automobile accident on June 8, 2010 at 3655 Cascade Road, SW. **\$1,102.19**
- 10-R-1710 (8) Claim of **Demario Thomas**, for property damages alleged to have been sustained when a rock flew from a City truck and chipped the paint from the hood of a vehicle on July 2, 2010. **\$750.00**
- 10-R-1711 (9) Claim of **Briana Gibbs and Nathaniel Jackson**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on May 3, 2010 at 525 Baker Circle. **\$532.50**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

10-R-1712 (10) Claim of **Jesse Wang**, for property damages alleged to have been sustained as a result of flooding from a water main leak on November 8, 2008 at 1431 Moores Mill Road. **\$545.00**

Claims with unfavorable recommendations:

10-R-1713 (11) Claim of **Sederia R. Scott**, for damages alleged to have been sustained during a sewer rehabilitation project on July 17, 2010 at 1391 Graham Street.

10-R-1714 (12) Claim of **Omalisa D. Draper, through her attorney, Torris Butterfield**, for damages alleged to have been sustained as a result of a trip and fall in a sinkhole on July 20, 2009 at 963 Edgewood Avenue, Inman Park.

10-R-1715 (13) Claim of **Matthew Jarvis**, for damages alleged to have been sustained as a result of a vehicular accident on March 14, 2006 at 309 Thornton Street.

10-R-1716 (14) Claim of **Shequita Walker, through her attorney, Robert Douglas Ortman, Attorney at Law**, for damages alleged to have been sustained from an arrest incident by Police on February 11, 2010 at 465 Boulevard, SE.
(Councilmember Sheperd made a motion to approve Items C1-C14)

FAVORABLE

D. ORDINANCES FOR FIRST READING

10-O-1717 (1) An Ordinance by Public Safety and Legal Administration Committee to accept a grant from the United States Department of Homeland Security ("DHS"), to aid the City of Atlanta in its ongoing effort to protect itself from terrorist bomb attacks, through the purchase of specialized equipment for the Department of Police's Special Weapons And Tactics Unit ("SWAT"), and to amend the 2011 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$35,552.00; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

- 10-O-1718 (2) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 114, Personnel, Article "V", Classification Plan of the Code of Ordinances, City of Atlanta, Georgia ("City"), so as to create an Accountant Assistant position for the Atlanta Police Department ("Department") to process purchasing for the High Intensity Drug Trafficking Area ("HIDTA") Task Force; and for other purposes.

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

REGULAR

E. ORDINANCES FOR SECOND READING

- 10-O-1664 (1) An Ordinance by Public Safety and Legal Administration Committee to accept a grant from the United States Department of Homeland Security (DHS), to aid the City of Atlanta's ongoing efforts to protect itself from terrorist attacks through the purchase of specialized equipment, and to amend the 2011 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$42,300.00; and for other purposes.

(Councilmember Martin made a motion to approve.)

FAVORABLE

- 10-O-1665 (2) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations the amount of \$756,814.00 due to modifications in 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 Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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ORDINANCES FOR SECOND READING (CONT'D)

- 10-O-1737 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to waive the provisions of Chapter 162, Article II, Division, 5, Section 162-116, of the City of Atlanta Code of Ordinances so as to permit each Taxicab Company to operate one (1) taxicab which does not comply with the color scheme approved by the Bureau of Taxicabs and Vehicles for Hire as provided in 162-116 during the month of October, 2010 only, to maintain the requirement that said taxicab be marked with the logo or insignia associated with the Taxicab Company; and for other purposes.
(Councilmember Martin 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 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.)**

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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.)**
- 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 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

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PAPERS HELD IN COMMITTEE (CONT'D)

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; and for other purposes. **(Held 7/27/10 for further review.)**

G. EXECUTIVE SESSION

Foreclosure/Mortgage Crisis Litigation, Jerry Deloach, Law Department Postponed until October 4, 2010 Full Council Meeting.

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H. ITEM NOT ON THE AGENDA

RESOLUTION

10-R-1750 (1)

An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing Police Chief George Turner of the Atlanta Police Department (APD) for the City of Atlanta to be reemployed pursuant to §3-505(b), as amended, of the Charter of the City of Atlanta; salary shall be paid in an amount not to exceed \$200,211.00 annually from FDOA Number 1001 (General Fund) 240101 (APD Chief Administration) 5111001 (Salaries) 1320000 (Activity); and for other purposes.

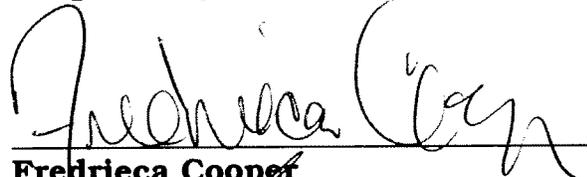
(Councilmember Martin made a motion to approve as amended on condition.)

FAVORABLE AS AMENDED ON CONDITION

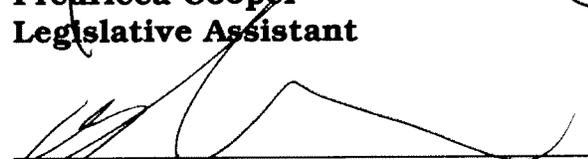
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There being no further business to come before the Committee, the meeting was adjourned at 4:38 p.m.

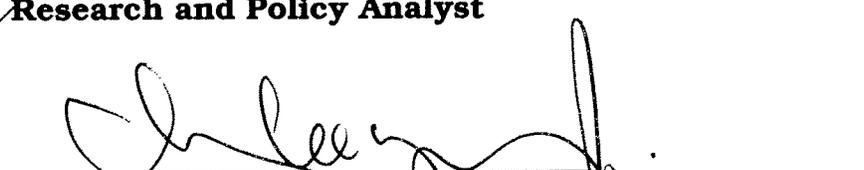
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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