

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

OCTOBER 12, 2010

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, October 12, 2010 at 3:09 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 Honorable Keisha Lance Bottoms**

The following member was absent:

The Honorable Natalyn M. Archibong

Others present at the meeting were: City Attorney Appointee, Cathy Hampton, Deputy City Attorney Jerry Deloach, Diane Mitchell and Amber Robinson, Law Department; Deputy Chiefs Calvin Moss, Ernest Finley and Shawn Jones, Police Department; Interim Chief of Corrections, Patrick Labat, Department of Corrections; Commissioner George Dusenbury, DPRCA; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:09 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-1782 (1) Claim of **Elizabeth A. Heard, through her attorney, James Neuberger, Esq., Neuberger Law, LLC**, for bodily injuries alleged to have been sustained due to an automobile accident on April 30, 2009 at Peachtree Street, NE and Peachtree Place , NE. **\$12,000.00**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-1783 (2) Claim of **Gladys Mayes, through her attorney, Lisa Siegel Katz, Stepp & Wright, LLC**, for damages alleged to have been sustained as a result of a vehicular accident on December 20, 2008 at 170 Boulevard. **\$10,000.00**
- 10-R-1784 (3) Claim of **Latoya A. Tavernier, through her attorney, Princewill O. Aneke**, for property damages alleged to have been sustained as a result of an automobile accident on May 10, 2010 at 3490 Piedmont Road, NE. **\$7,000.00**
- 10-R-1785 (4) Claim of **Francine Stephens, through her attorney, Nkosi J. Bey, Esq., Bey & Associates, LLC**, for bodily injuries alleged to have been sustained from an automobile accident on March 19, 2010 at Joseph Lowry Boulevard and Parson Street. **\$7,000.00**
- 10-R-1786 (5) Claim of **Justin Elie, through his attorney, Augustus Curry**, for damages alleged to have been sustained as a result of a vehicular accident on November 28, 2009 at Piedmont Road at Piedmont Circle. **\$6,100.00**
- 10-R-1787 (6) Claim of **Deborah J. Pennino, through her attorney, Kimelyn A. Minnifield, Fincher, Denmark & Williams, LLC**, for bodily injuries alleged to have been sustained from stepping into a hole in the crosswalk on September 23, 2009 at Peachtree Street and Edgewood Avenue. **\$5,500.00**
- 10-R-1788 (7) Claim of **Travelers, as subrogee of Deborah Oakley**, for damages alleged to have been sustained as a result of an automobile accident on June 8, 2010 at West Peachtree Street, NW and 18th Street, NW. **\$4,767.31**
- 10-R-1789 (8) Claim of **Progressive Premier Insurance Company of Illinois, as subrogee of Charles Solley**, for property damages alleged to have been sustained from an automobile accident on June 4, 2010 at Ivan Allen, Jr. Boulevard and Spring Street. **\$4,267.97**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-1790 (9) Claim of **Samuel A. Tutuwan, through his attorneys, Montlick & Associates, P.C.**, for bodily injuries alleged to have been sustained from an automobile accident on September 23, 2009 at Moreland Avenue, SE and Custer Avenue, SE. **\$3,500.00**
- 10-R-1791 (10) Claim of **Barbara McDonald**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on November 21, 2009 at 1781 Peachtree Road. **\$3,494.05**
- 10-R-1792 (11) Claim of **Atlanta Gas Light Company, through their attorney, John C. Williams**, for damages alleged to have been sustained as a result of the removal of a water line on April 15, 2010 at 185 Worth Drive. **\$2,677.17**
- 10-R-1793 (12) Claim of **AT&T**, for damages alleged to have been sustained as a result of a severed phone line during the repair of a storm water line on October 5, 2009 at 688 South Grand Avenue, NW. **\$2,068.63**
- 10-R-1794 (13) Claim of **Marshea Milner**, for damages alleged to have been sustained as a result of a sewer backup on September 21, 2009 at 196 Wadley Street. **\$1,750.00**
- 10-R-1795 (14) Claim of **Lenardo Owens**, for damages alleged to have been sustained as a result of striking a pothole on March 13, 2010 at 10th Street and Hemphill Avenue. **\$1,467.25**
- 10-R-1796 (15) Claim of **Subrogation Division, Inc., as subrogee of Tamiko Holloway**, for damages alleged to have been sustained as a result of a vehicular accident on May 7, 2010 at Grant Street at McDonough Boulevard. **\$959.62**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-1797 (16) Claim of **Edward Hanly, III**, for damages alleged to have been sustained as a result of a sewer backup on January 21, 2009 and June 24, 2009 at 1082 Fountain Drive. **\$886.00**
- 10-R-1798 (17) Claim of **Gina Cambardella**, for damages alleged to have been sustained as a result of an automobile accident on May 4, 2010 at 2068 Bolton Road, NW. **\$835.71**
- 10-R-1799 (18) Claim of **Eugene Davis**, for vehicle damages alleged to have been sustained as a result of driving over a pothole on March 3, 2010 at 336 McDaniel Street. **\$600.00**
- 10-R-1800 (19) Claim of **Post Renaissance Properties, Attn: Kenneth Tucker**, for damages alleged to have been sustained as a result of a vehicular accident on November 15, 2009 at 395 Piedmont Road, Civic Center. **\$575.00**
- 10-R-1804 (20) Claim of **Freeman Weaver**, for damages alleged to have been sustained as a result of a vehicular accident on July 14, 2010 at University Avenue and Windsor Street. **\$3,307.00**

Claims with unfavorable recommendations:

- 10-R-1801 (21) Claim of **Reine Liedtke**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on April 25, 2010 at 515 Londonberry Road.
- 10-R-1802 (22) Claim of **Tiffany Allen**, for vehicular damages alleged to have been sustained after driving over a pothole on April 12, 2010 at 215 North Avenue.
- 10-R-1803 (23) Claim of **Joseph Taplin, through his attorney, Jeremy E. Citron, Esq., Stein-Citron Law Group, LLC**, for bodily injuries alleged to have been sustained from an automobile accident on September 3, 2008 at Williams Street and Harris Street.
(Councilmember Adrean made a motion to approve Items C1-C23)

FAVORABLE

REGULAR

D. COMMUNICATION

- 10-C-1805 (1) A Communication by Mayor Kasim Reed appointing **Ms. Cathy Hampton** as City Attorney for the City of Atlanta scheduled to begin on the date of council confirmation.
(Councilmember Martin made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

E. ORDINANCES FOR SECOND READING

- 10-O-1717 (1) A **Substitute** 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.
(Councilmember Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 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.
(Councilmember Martin made a motion to approve.)

FAVORABLE

ORDINANCES FOR SECOND READING (CONT'D)

- 10-O-1809 (3) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes.
(Councilmember Young made a motion to hold for further review.)

HELD

F. RESOLUTION

- 10-R-1813 (1) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes.
(Councilmember Young made a motion to hold at the request of the author.)

HELD

G. 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

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-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.)**

PAPERS HELD IN COMMITTEE (CONT'D)

10-R-0855 (6) 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. **(Held 5/11/10 for further review by the Law Department)**

HELD

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.)**

HELD

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 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)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

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)**

HELD

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 **as substituted by Public Safety and Legal Administration Committee** to amend Chapter 10, Article I, Section 10-1 so as to define "City Park Organization"; to amend Chapter 10, Article I, Section 10-1 so as to define "Park Facility"; to amend Chapter 10, Article II, Section 10-58 so as to include all premises located in a city-owned park that are leased, managed, and/or operated by a "City Park Organization", as eligible to be collectively licensed for the sale of alcoholic beverages for consumption on the premises, in the same manner as Nonprofit Performing Arts Theaters, Museums, Zoological Parks, and Botanical Gardens; and for other purposes. **(Councilmember Martin made a motion to approve on substitute.)**

FAVORABLE ON SUBSTITUTE

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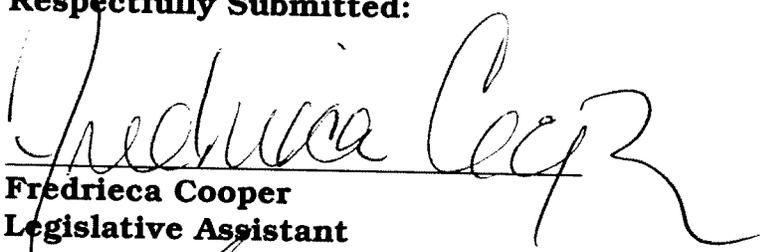
H. REQUESTED ITEMS

1. Councilmember Young made a request to David Bennett that the administration and General Growth brief the Public Safety and Legal Administration Committee regarding the status of the many concerns that have been expressed by the committee and advise regarding the next steps to be taken. He would like for this discussion to take place at the next committee meeting to be held on October 26, 2010.
2. Councilmember Young made a request to Jerry Deloach in the Law Department to interpret the part of the Code of Ordinances of the City of Atlanta that Mr. Willie Brown presented to him.

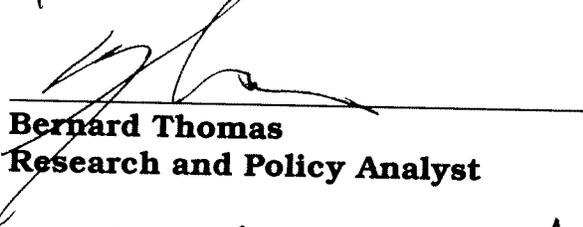
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There being no further business to come before the Committee, the meeting was adjourned at 3:45 p.m.

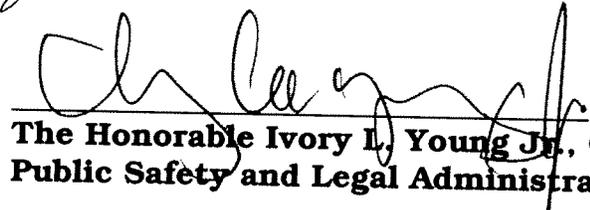
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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