

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**NOVEMBER 30, 2010**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, November 30, 2010 at 3:20 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 Natalyn M. Archibong  
The Honorable Yolanda Adrean  
The Honorable Keisha Lance Bottoms**

The following member was absent:

**The Honorable Joyce Sheperd**

Others present at the meeting were: Deputy City Attorney Jerry Deloach, Diane Mitchell and Amber Robinson, Law Department; Assistant Chief Peter Andresen, Deputy Chief Shawn Jones, 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 3:20 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 CLAIM**
  
- B. **APPROVAL OF MINUTES - APPROVED**  
  
**CONSENT**
  
- C. **RESOLUTIONS**

**Claims with favorable recommendations:**

- 10-R-2012 ( 1) Claim of **Level 3 Communications, LLC c/o JNR Adjustment Company, Inc. (OEAM/08)**, for damages alleged to have been sustained as a result of a condensation leak on July 31, 2009 and August 8, 2009 at 180 Peachtree Street, NW. **\$36,822.22**



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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-2020 ( 9) Claim of **Georgia Power Company (APD/06)**, for property damages alleged to have been sustained from an automobile accident on September 10, 2010 at Monroe Drive, NE and Amsterdam Avenue, NE. **\$2,337.89**
- 10-R-2021 (10) Claim of **GEICO, as subrogee of Ernestine Cluster (DWM/01)**, for damages alleged to have been sustained as a result of an automobile accident on May 18, 2010 at 180 Harriet Street, SE. **\$2,246.54**
- 10-R-2022 (11) Claim of **Atlanta Gas Light Company, through its attorney, John C. Williams (DWM/07)**, for damages alleged to have been sustained during the repair of a sewer storm water main on October 3, 2009 at 411 Pinetree Drive. **\$1,866.23**
- 10-R-2023 (12) Claim of **Heather Gray (DWM/07)**, for damages alleged to have been sustained as a result of an automobile accident on August 24, 2010 at N. Highland Avenue, NE and Virginia Avenue, NE. **\$1,827.88**
- 10-R-2024 (13) Claim of **Jerry D. Porter (DWM/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on July 21, 2010 at 19 Ball Creek Way. **\$1,682.93**
- 10-R-2025 (14) Claim of **Rebecca Arnold (DWM/03)**, for damages alleged to have been sustained as a result of driving into a collapsed sewer line on September 13, 2010 at 425 Chappell Road. **\$1,675.55**
- 10-R-2026 (15) Claim of **Milton Z. Hall (DWM/09)**, for damages alleged to have been sustained as a result of a cave-in due to a failed sewer construction cut on June 17, 2010 at 716 Aline Drive, NW. **\$1,405.08**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-2027 (16) Claim of **Lynda Cotton (DWM/10)**, for damages alleged to have been sustained as a result of a sewer backup on May 28, 2010 at 1732 South Gordon Street. **\$1,200.00**
- 10-R-2028 (17) Claim of **Rita Capers (DPW/02)**, for bodily injuries alleged to have been sustained after falling from a wheelchair while traveling over a broken section of sidewalk on March 24, 2010 at 355 North Avenue. **\$894.38**  
**(Councilmember Martin made a motion to approve on condition.)**

**FAVORABLE ON CONDITION**

- 10-R-2029 (18) Claim of **Cesar Y. Abadia and Cemar Holding, LLC (DWM/04)**, for damages alleged to have been sustained as a result of a sewer backup on August 4, 2009 at 955 Palmetto Avenue. **\$877.48**
- 10-R-2030 (19) Claim of **Edward Kipling (DWM/NA)**, for damages alleged to have been sustained as a result of a water main break on August 17, 2010 at 7 Wildwood Valley. **\$675.00**
- 10-R-2031 (20) Claim of **Susan Edwards (DPW/09)**, for vehicular damages alleged to have been sustained from driving over a pothole on April 1, 2010 at 1350 W. Marietta Street, NW. **\$657.26**
- 10-R-2032 (21) Claim of **AT&T (DWM/02)**, for damages alleged to have been sustained as a result of a vehicular accident on February 2, 2010 at 360 Jackson Street. **\$615.74**
- 10-R-2033 (22) Claim of **Rajan Kapoor (DWM/12)**, for vehicular damages alleged to have been sustained from driving over a pothole on March 3, 2010 at Cleveland Avenue, SW and Metropolitan Parkway, SW. **\$566.00**

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-2034 (23) Claim of **Kendrick Mitchell, through his attorney, Jonathan P. Schopp (NA/NA)**, for injuries alleged to have been sustained as a result of an automobile accident on March 12, 2010 at 4305 Crosswind Road Lot C.
- 10-R-2035 (24) Claim of **Rickey Hunt (NA/07)**, for damages alleged to have been sustained as a result of driving over a pothole on September 4, 2009 at 3376 Peachtree Road.
- 10-R-2036 (25) Claim of **Nationwide Mutual Fire Insurance Company, as subrogee of Sherry J. Williams-Miller (NA/11)**, for property damages alleged to have been sustained from an automobile accident on July 27, 2010 on Campbellton Road, SW.
- 10-R-2037 (26) Claim of **Terrance Matthews, a minor, through his attorney, Darius Bennett (NA/09)**, for damages alleged to have been sustained as a result of an automobile accident on May 18, 2010 at 440 Altoona Place.
- 10-R-2038 (27) Claim of **Elvis Campbell (NA/12)**, for damages alleged to have been sustained as a result of driving over a pothole on March 21, 2010 at 2281 Lakewood Avenue.
- 10-R-2039 (28) Claim of **The Family of Cavader Martez McKibben, deceased, through their attorney, Keith L. Lindsay, Esq., Edmond & Lindsay, LLC (AFR/05)**, for damages alleged to have been sustained from an emergency response incident on December 4, 2009 at 15 Moreland Avenue, SE.
- 10-R-2040 (29) Claim of **Mary F. Knight (APD/02)**, for property damages alleged to have been sustained to a residence during the apprehension and arrest of a tenant on April 18, 2010 at 1937 Brownsmill Road, SE.
- 10-R-2041 (30) Claim of **2925 Properties, LLC (APD/02)**, for damages alleged to have been sustained as a result of an automobile accident on January 29, 2010 at 97 Peachtree Street.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-2042 (31) Claim of **Gloria Warren (APD/03)**, for property damages alleged to have been sustained when a vehicle was towed on February 4, 2010 at 2176 Vesta Avenue, NW.
- 10-R-2043 (32) Claim of **State Farm Insurance Companies, as subrogee of Theophilus Stegall (APD/4)**, for injuries alleged to have been sustained as a result of an automobile accident on April 16, 2010 at Beecher Street and Atwood Street.
- 10-R-2044 (33) Claim of **Phillip E. Reece, through his attorney, Bhrett J. Pizza (APD/06)**, for injuries alleged to have been sustained as a result of an automobile accident on June 11, 2009 at 3021 Middleton Road, NW.
- 10-R-2045 (34) Claim of **Alison Griswell, through her attorney, Michael S. Waldrop (APD/07)**, for bodily injuries alleged to have been sustained from an arrest on March 12, 2010 at Interstate 85 and Buford Highway.
- 10-R-2046 (35) Claim of **Erian Randall, through her attorney, Todd R. Henningsen (APD/07)**, for injuries alleged to have been sustained as a result of an automobile accident on June 5, 2009 at 3747 Peachtree Road, NE.
- 10-R-2047 (36) Claim of **Samia Franklin (APD/10)**, for damages alleged to have been sustained as a result of an emergency response call on September 15, 2010 at 763 Cascade Avenue, #23.
- 10-R-2048 (37) Claim of **Georgia Tech Foundation Real Estate Holding Corporation, through their attorney, Jason S. Alloy, Esq., Robbins Law, LLC (DPCD/02)**, for damages alleged to have been sustained when a Zoning Permit was denied on July 7, 2009 at 771 Spring Street.
- 10-R-2049 (38) Claim of **Latoya Tavernier (DPCD/07)**, for injuries alleged to have been sustained as a result of an automobile accident on May 10, 2010 at 3490 Piedmont Road, NE.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-2050 (39) Claim of **Margaret Stewart (DPRCA/12)**, for damages alleged to have been sustained as a result of a tree limb falling onto her roof on September 2, 2010 at 2812 Dearwood Drive.
- 10-R-2051 (40) Claim of **Melvin Turman (DPW/02)**, for injuries alleged to have been sustained as a result of a trip and fall due to a stone on the sidewalk on August 15, 2010 at 101 Auburn Avenue.
- 10-R-2052 (41) Claim of **Danyelle Joyce-Lyn Glover (DPW/02)**, for injuries alleged to have been sustained as a result of striking a pothole on November 1, 2009 on Peachtree Street.
- 10-R-2053 (42) Claim of **Ronisha Harris (DPW/03)**, for vehicular damages alleged to have been sustained from an automobile accident due to a missing stop sign on April 7, 2010 at North Avenue and Oliver Street.
- 10-R-2054 (43) Claim of **Travelers Commercial Insurance Company, as subrogee of Shelley Caltharp (DPW/06)**, for vehicular damages alleged to have been sustained from an automobile accident on July 22, 2010 at South Oakdale Road, NE and W. McClendon Avenue.
- 10-R-2055 (44) Claim of **Shelley Caltharp (DPW/06)**, for vehicular damages alleged to have been sustained from an automobile accident on July 22, 2010 at South Oakdale Road, NE and W. McClendon Avenue.
- 10-R-2056 (45) Claim of **John F. Woodham (DPW/07)**, for damages alleged to have been sustained from the levy and collection of solid waste fees from 2003 through 2008 at 159 East Wesley Road, NE.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-2057 (46) Claim of **Loretta Butts (DWM/NA)**, for damages alleged to have been sustained as a result of a repair to a water main on March 30, 2009 at 3170 Kennan Court West, College Park.
- 10-R-2058 (47) Claim of **Michael Bykat (DWM/02)**, for damages alleged to have been sustained as a result of flooding during an extreme weather event on September 17, 2009 at 855 West Peachtree Street, Apartment 1414.
- 10-R-2059 (48) Claim of **Annie Wardlaw (DWM/03)**, for damages alleged to have been sustained as a result of a damaged manhole on November 26, 2009 at 10 Northside Drive.
- 10-R-2060 (49) Claim of **Franklin Long (DWM/04)**, for damages alleged to have been sustained as a result of a sewer backup on September 25, 2009 at 1315 Fair Street.
- 10-R-2061 (50) Claim of **Timothy and Stephanie Kemp, through their attorney, Gregory Parent (DWM/04)**, for damages alleged to have been sustained as a result of flooding from an inadequate drainage system on September 21, 2009 at 1258 Fair Street.
- 10-R-2062 (51) Claim of **James R. Chumbley, through his attorney, Sam L. Starks, Esq., Martin & Jones (DWM/06)**, for property damages alleged to have been sustained from storm water overflow on September 21, 2009 at 381 7<sup>th</sup> Street, NE.
- 10-R-2063 (52) Claim of **James R. Chumbley, through his attorney, Sam L. Starks, Esq., Martin & Jones (DWM/06)**, for property damages alleged to have been sustained from storm water overflow on November 10, 2009 at 381 7<sup>th</sup> Street, NE.
- 10-R-2064 (53) Claim of **State Farm Insurance Companies, as subrogee of Ann Joris (DWM/06)**, for damages alleged to have been sustained as a result of a sewer backup on February 1, 2010 at 413 Montgomery Ferry Drive.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-2065 (54) Claim of **James Blaine (DWM/07)**, for damages alleged to have been sustained as a result of a water main break on November 18, 2009 at 2790 Shady Valley Drive.
- 10-R-2066 (55) Claim of **Doriann Johnson (DWM/07)**, for injuries alleged to have been sustained as a result of a trip and fall in an uncovered water meter on April 27, 2010 at 3423 Piedmont Road, NE.
- 10-R-2067 (56) Claim of **Waffle House, Inc., c/o David M. Scherer (DWM/07)**, for damages alleged to have been sustained as a result of a sewer backup on February 28, 2010 at 3016 Piedmont Road, NE.
- 10-R-2068 (57) Claim of **Kikki Davenport, parent and natural guardian of Nahjay Bradley, a minor, through their attorney, Forrest B. Johnson (DWM/09)**, for damages alleged to have been sustained as a result of a fatal injury of city employee, Larry Bradley, on August 27, 2010 at 2440 Bolton Road, NW.
- 10-R-2069 (58) Claim of **Georgia Power (DWM/10)**, for damages alleged to have been sustained when a light pole was damaged from a water main break on December 9, 2008 at 2555 Benjamin E. Mays Drive, SW.
- 10-R-2070 (59) Claim of **Liberty Mutual, as subrogee of Earnestine Barnes (DWM/11)**, for damages alleged to have been sustained as a result of a automobile accident due to a water main leak on December 29, 2009 at 4517 Campbellton Road.  
**(Councilmember Adrean made a motion to approve Items C1, C3-C5, C7-C16 and C18-59)**

**FAVORABLE**

**(Councilmember Adrean made a motion to approve Items C2 and C6 on substitute)**

**FAVORABLE ON SUBSTITUTE**

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**REGULAR**

**D. RESOLUTIONS**

- 10-R-2011 ( 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 Lunas Aaron, et al. v. City of Atlanta, Georgia, Civil Action File No. 2007-EV-003768, Fulton State Court, in the total amount of \$85,000.00; authorizing said payment to be paid from the Fund, Account and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

- 10-R-2111 ( 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 Deborah Schowalter v. APD Officers L. H. Wagaman and Sgt. Algeo, Civil Action File Number 1:08-CV-00264-JOF, United States District Court, Northern District of Georgia, Atlanta Division, in the amount of \$25,000.00; authorizing payment of \$25,000.00 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.)**

**FAVORABLE (1 ABSTENTION) ARCHIBONG**

- 10-R-2127 ( 3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into an Appropriate Contract Renewal with Trinity Services Group, Inc., for FC-6006007878, Inmate Food Services, in an amount not to exceed \$1,100,000.00 for one year, for the purpose of providing Food, Labor, Supplies and Materials necessary for the preparation of food for detainees in the Atlanta City Detention Center (ACDC), all contracted work shall be charged to and paid from the Fund, Account and Center Numbers listed; and for other purposes.  
**(Councilmember Young made a motion to forward with no recommendation.)**

**FORWARDED WITH NO RECOMMENDATION**

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**E. 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.)**
- 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.)**

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**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)**
- 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 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

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

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-1809 (10) 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. **(Held 10/12/10, for further review.)**
- 10-R-1813 (11) 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. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 ( 12) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**

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

10-R-1928 (13) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into an Agreement with 1-800-Board-Up for the purpose of securing structures and protecting valuables of fire victims and other disastrous incidents to residential properties within the City of Atlanta on behalf of the Department of Fire Rescue; and other purposes. **(Held 11/9/10 for further review.)**

**F. FOLLOW-UP ITEM**

1. Councilmember Adrean made a request that the Committee hear from Risk Management regarding analyzing self-insurance versus purchasing insurance.

**G. ITEM NOT ON THE AGENDA**

10-R-2129 ( 1) Claim of **Kerstin Pfister, through her attorney, Howard Stopek Attorney at Law (APD/06)**, for vehicular damages alleged to have been sustained from an automobile accident on October 21, 2010 at I-85 NB Expressway, NW and Buford Highway, NE. **\$5,794.98**

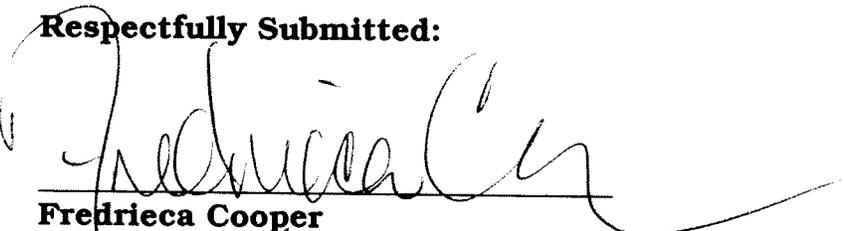
**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

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**There being no further business to come before the Committee, the meeting was adjourned at 4:47 p.m.**

**Respectfully Submitted:**



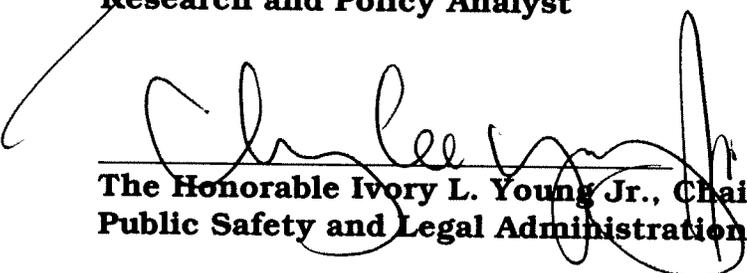
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**Fredrieca Cooper  
Legislative Assistant**



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**Bernard Thomas  
Research and Policy Analyst**



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