

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

MARCH 1, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, March 1, 2011 at 3:10 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable Keisha Lance Bottoms
The Honorable Alex Wan
The Honorable Joyce Sheperd
The Honorable Yolanda Adrean**

The following member was absent:

The Honorable C. T. Martin

Others present at the meeting were: Deputy City Attorney Jerry Deloach, Diane Mitchell, Amber Robinson, Law Department; Deputy Chiefs Calvin Moss, Shawn Jones and E. Renee Propes, Police Department; Interim Chief of Corrections, Patrick Labat, Department of Corrections; Candice Byrd, Anita Williams and David Bennett, Office of the Mayor; 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 - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**

CONSENT

- C. RESOLUTIONS**

Claims with favorable recommendations:

- 11-R-0288 (1) Claim of **Copwatch of East Atlanta and Marlon Kautz, through their attorney, Gerald Weber, Attorney at Law (APD/02)**, for damages alleged to have been sustained when a cell phone was seized by police during an arrest on April 22, 2010 at 1150 Euclid Avenue, NE. **\$40,000.00**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0296 (9) Claim of **Kraft Foods c/o Mike Melear (DPW/09)**, for property damages alleged to have been sustained when a vehicle struck a bridge due to incorrect clearance signage on August 30, 2010 at Bolton Road, NW and Marietta Road, NW.
- 11-R-0297 (10) Claim of **James W. Johnson, through his attorney, Morgan & Morgan (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on July 31, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0298 (11) Claim of **Robert Paul, through his attorney, Hartman, Simons, Spielman & Wood, LLP (DWM/09)**, for property damages alleged to have been sustained from storm sewer overflow on September 21, 2009 at 2913 Delray Drive, NW.
- 11-R-0299 (12) Claim of **Robert Paul, through his attorney, Hartman, Simons, Spielman & Wood, LLP (DWM/09)**, for property damages alleged to have been sustained from storm sewer overflow from 2001 through 2008 at 2913 Delray Drive, NW.
- 11-R-0300 (13) Claim of **Shamica Hubbard, through her attorney, Anderson & Welch, LLC (OEAM/02)**, for bodily injuries alleged to have been sustained from an automobile accident on April 9, 2009 at Memorial Drive and Capitol Avenue.
- 11-R-0301 (14) Claim of **Gonnie Donald Howell (NA/11)**, for vehicular damages alleged to have been sustained after driving over a pothole on November 27, 2010 at State Route 166 and Delowe Drive, SW eastbound ramp.
- 11-R-0302 (15) Claim of **Margarethe Tower, through her attorney, Morgan & Morgan (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on August 1, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0303 (16) Claim of **Deborah A. King (APD/02)**, for property damages alleged to have been sustained when a vehicle was vandalized and stolen on April 10, 2010 at 21 Ellis Street and Peachtree Street, NE.
- 11-R-0304 (17) Claim of **Kaci McCamy (DPRCA/08)**, for property damages alleged to have been sustained when a tree limb struck a mailbox and street lantern light on November 10, 2010 at 2218 Riada Drive, NW.
- 11-R-0305 (18) Claim of **Philip Pledger (DPW/02)**, for vehicular damages alleged to have been sustained after driving over a pothole on April 6, 2010 at North Avenue and Williams Street, NW.
- 11-R-0306 (19) Claim of **Jarrett Thornton (NA/02)**, for property damages alleged to have been sustained from driving over a metal plate that was partially covering a construction site on November 1, 2010 at Freedom Parkway and Fort Street.
- 11-R-0307 (20) Claim of **Ralston L. Williams, through his attorney, Michael J. Moran, Montlick & Associates (DOA/NA)**, for bodily injuries alleged to have been sustained when an escalator malfunctioned on May 22, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0308 (21) Claim of **Mary Rush Pye, as subrogee of First Acceptance Services, Inc., (APD/09)**, for property damages alleged to have been sustained from an automobile accident on May 8, 2010 at Browntown Road, NW and James Jackson Parkway, NW.
- 11-R-0309 (22) Claim of **Kalycia Bardowell, through her attorney, Jordan & Bodner (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on June 19, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
(Councilmember Wan made a motion to approve Items C1-C22)

FAVORABLE

D. ORDINANCE FOR FIRST READING

- 11-O-0316 (1) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 98, Article IV, Division 2, Section 98-155; Chapter 114, Article IV, Division 7, Subdivision II, Sections 114-229, 114-230 and 114-236, so as to change the non-discretionary rank of Corrections Captain to a discretionary rank; to repeal conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. ORDINANCE FOR SECOND READING

- 11-O-0216 (1) An Ordinance by Public Safety and Legal Administration Committee to accept a sub-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 \$481,965.00; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

F. RESOLUTIONS

- 11-R-0310 (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 Sharon Alphabet, et al. v. City of Atlanta, Georgia, Civil Action File No. 2008-EV-004112, Fulton County State Court, in the total amount of \$82,000.00; authorizing said payment to be paid from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Lance Bottoms made a motion to approve)

FAVORABLE

RESOLUTIONS (CONT'D)

11-R-0311 (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 Ebony Anderson, et al. v. City of Atlanta, Georgia, Civil Action File No. 2008-EV-003830, Fulton State Court, in the total amount of \$1,500,000.00; authorizing \$975,000.00 to be paid from the Fund and Account Number listed and \$525,000.00 from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Bond made a motion to approve)

FAVORABLE (1 ABSTENTION) LANCE BOTTOMS

11-R-0312 (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 Glen Rainey, Jr. v. City of Atlanta, Georgia, Civil Action File No. 2006-VS-098244, Fulton County State Court, in the total amount of \$85,000.00; authorizing said payment to be paid from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

11-R-0331 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Brian Reid v. City of Atlanta, et al., Civil Action File No. 1:08-cv-01846-JOF, in the United States District Court for the Northern District of Georgia, Atlanta Division, in the total amount of \$175,000.00 to be charged to and paid from the Fund and Account Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

Public Safety and Legal Administration Minutes
March 1, 2011
Page Seven

G. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) 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 (2) 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 (3) 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 (4) 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 (5) 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)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1173 (6) 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 (7) 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 (8) 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)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1809 (9) 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 (10) 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 (11) 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.)**
- 10-O-2228 (12) An Ordinance by Councilmember H. Lamar Willis **as amended by Public Safety and Legal Administration Committee** amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

H. FOLLOW-UP ITEMS

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

Public Safety and Legal Administration Minutes
March 1, 2011
Page Ten

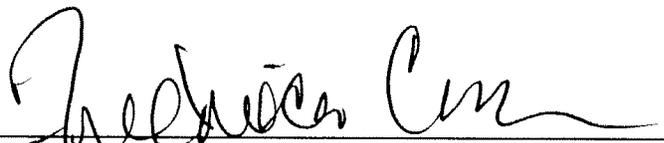
FOLLOW-UP ITEMS (CONT'D)

2. Councilmember Young made a request to the committee members to submit to his office specific goals and objectives they would like the committee to address during the year 2011.
3. Councilmember Young requested that David Bennett make a report to the committee relating to the Vending contract every two weeks.
4. Councilmember Lance Bottoms made a request to David Bennett to provide information to the public on how to apply for a Vending space with General Growth Properties at the next Public Safety and Legal Administration Committee meeting.

Public Safety and Legal Administration Committee Minutes
March 1, 2011
Page Eleven

There being no further business to come before the Committee, the meeting was adjourned at 4:09 p.m.

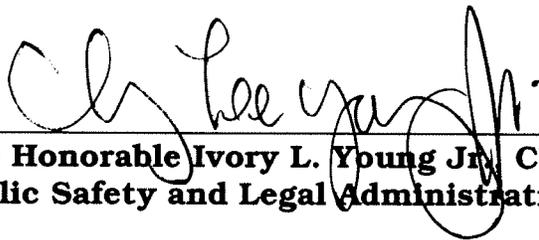
Respectfully Submitted:



Fredrieca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



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