

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

MARCH 29, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, March 29, 2011 at 3:09 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 C. T. Martin
The Honorable Keisha Lance Bottoms
The Honorable Alex Wan
The Honorable Yolanda Adrean
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 Chiefs Shawn Jones, E. Renee Propes and Ernest Finely, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; City Auditor, Leslie Ward, Internal Auditors Office; 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:

- 11-R-0459 (1) Claim of **Katherine C. and George A. Bird, Jr. (DWM/08)**, for damages alleged to have been sustained as a result of a sewer backup on December 22, 2010 at 1302 Wesley Place, NW. **\$21,658.44**

Public Safety and Legal Administration Minutes
March 29, 2011
Page Two

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0460 (2) Claim of **Jason Williams (AFR/02)**, for vehicular damages alleged to have been sustained from an automobile accident on January 7, 2011 at Techwood Drive, NW and 16th Street, NW. **\$6,081.60**
- 11-R-0461 (3) Claim of **Tiffany S. Hammond, through her attorney, Jonathan P. Schopp (DWM/04)**, for personal injuries alleged to have been sustained as a result of an automobile accident on July 14, 2010 at University Avenue, SW and Windsor Street, SW. **\$6,000.00**
- 11-R-0462 (4) Claim of **Jason C. Berry (AFR/04)**, for vehicular damages alleged to have been sustained from an automobile accident on December 22, 2010 at 290 Glen Street, NW. **\$2,851.24**
- 11-R-0463 (5) Claim of **Tiffany S. Hammond, (DWM/04)**, for property damages alleged to have been sustained as a result of an automobile accident on July 14, 2010 at University Avenue, SW and Windsor Street, SW. **\$2,657.88**
- 11-R-0464 (6) Claim of **State Farm Insurance Company, as subrogee of Scott Robinson, (APD/02)**, for property damages alleged to have been sustained from an automobile accident on August 27, 2010 at Peachtree Street and 8th Street. **\$2,465.63**
- 11-R-0465 (7) Claim of **State Farm Insurance Companies, as subrogee of Andrew Molinaro, (DWM/05)**, for property damages alleged to have been sustained as a result of an automobile accident on December 23, 2010 at Boulevard, SE and Carroll Street, SE. **\$1,425.17**
- 11-R-0466 (8) Claim of **Mary Southerland (DWM/08)**, for damages alleged to have been sustained as a result of driving over a raised manhole on October 24, 2010 at 2909 Castlewood Drive. **\$1,070.92**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0467 (9) Claim of **Tasha Johnson (DWM/11)**, for vehicle damages alleged to have been sustained as a result of a raised manhole on March 23, 2010 at 3298 Landings North Drive. **\$1,000.00**
- 11-R-0468 (10) Claim of **Lisa M. Szafranic and Matthew Brown (DPW/NA)**, for damages alleged to have been sustained as a result of vehicular damages due to a hydraulic oil hose bursting on a city vehicle on December 7, 2010 at 4320 Powers Ferry Road, NW. **\$909.12**
- 11-R-0469 (11) Claim of **Marie Reed (DPW/02)**, for damages alleged to have been sustained as a result of tripping and falling due to a raised paver in the sidewalk on September 3, 2010 at 115 Broad Street. **\$750.00**
- 11-R-0470 (12) Claim of **Kevin Kelly (DWM/09)**, for vehicle damages alleged to have been sustained as a result of driving over an unsecured metal plate on April 1, 2010 at 1032 Huff Road. **\$712.69**
- 11-R-0471 (13) Claim of **Gail Darden-Spencer (APD/02)**, for property damages alleged to have been sustained from an automobile accident on July 1, 2010 at 1-75 and University Avenue, SW. **\$613.05**
- 11-R-0472 (14) Claim of **Cheryl McClendon (DWM/02)**, for damages alleged to have been sustained as a result of driving over a raised manhole on December 6, 2010 at 46 Boulevard. **\$516.57**

Claims with unfavorable recommendations:

- 11-R-0473 (15) Claim of **Leslie Regina Tamez (NA/07)**, for vehicular damages alleged to have been sustained after driving over a pothole on January 30, 2011 on the Spring Buford Connector.

Public Safety and Legal Administration Minutes
March 29, 2011
Page Four

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0474 (16) Claim of **Jay McCracken (NA/07)**, for vehicular damages alleged to have been sustained after driving over a pothole on January 18, 2011 on the Spring Buford Connector.
- 11-R-0475 (17) Claim of **Nina Ladd (NA/07)**, for vehicular damages alleged to have been sustained after driving over a pothole on January 19, 2011 on the Spring Buford Connector.
- 11-R-0476 (18) Claim of **Josephine Singleton, individually, and on behalf of the Estate of Easter Baker, deceased, through her attorneys, The Burkey Law Firm (AFR/11)**, for damages alleged to have been sustained from an emergency response incident on June 12, 2010 at 2640 Campbellton Road, SW.
- 11-R-0477 (19) Claim of **John Castillo, through his attorney, Heather A. Thorpe, Esq., Foy & Associates (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on an escalator on December 1, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0478 (20) Claim of **Margarette Chapman, through her attorney, William R. Oliver, Esq., Oliver & Weidner (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on September 15, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0479 (21) Claim of **Seth D. Miller (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on August 26 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0480 (22) Claim of **Brittany Leary, through her attorney, Dillard and Associates (DPW/09)**, for damages alleged to have been sustained as a result of a fall on a severed parking meter post on September 16, 2010 at 84 Walton Street.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0481 (23) Claim of **Fleet Response, as subrogee of Kraft Foods (DPW/09)**, for property damages alleged to have been sustained when a vehicle struck a bridge due to incorrect signage on August 30, 2010 at Bolton Road, NW and Marietta Road, NW.
- 11-R-0482 (24) Claim of **Scott Acker (DWM/NA)**, for vehicular damages alleged to have been sustained after driving over a construction metal plate that was partially covering a construction site on August 24, 2010 on 73 Mt. Paran Road, NW.
- 11-R-0483 (25) Claim of **Catherine Reed (DWM/01)**, for vehicular damages alleged to have been sustained after driving over a sanitary sewer manhole that was under construction and left in an unsafe manner in the road on February 5, 2011 at 3650 Jonesboro Road, SE.
- 11-R-0484 (26) Claim of **Yetunde Jude, through her attorney, Sam L. Starks, Esq., Martin & Jones (DWM/03)**, for damages alleged to have been sustained from storm sewer overflows on November 10, 2009 at 2203 Tiger Flowers Drive, NW.
- 11-R-0485 (27) Claim of **Yetunde Jude, through her attorney, Sam L. Starks, Esq., Martin & Jones (DWM/03)**, for damages alleged to have been sustained from storm sewer overflows on February 3 & 4, 2011 at 2203 Tiger Flowers Drive, NW.
- 11-R-0486 (28) Claim of **Yetunde Jude, through her attorney, Sam L. Starks, Esq., Martin & Jones (DWM/03)**, for damages alleged to have been sustained from storm sewer overflows on March 26 and 29, 2009 at 2203 Tiger Flowers Drive, NW. **(Councilmember Wan made a motion to approve Items C1-C28)**

FAVORABLE

REGULAR

D. COMMUNICATION

- 11-C-0451 (1) A Communication by City Auditor Leslie Ward submitting the Performance Audit Report regarding the Municipal Court Operations.
(Councilmember Wan made a motion to hold for a Joint Work Session with Public Safety and Legal Administration and Finance/Executive Committees for Friday, April 22, 2011 at 10:00 a.m.)

HELD

E. ORDINANCES FOR SECOND READING

- 11-O-0343 (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 \$159,684.00; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 11-O-0345 (2) 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's ongoing efforts to protect itself from terrorist attacks, through the purchase of specialized equipment for the Department of Police ("Department") Airport Explosive Ordinance Disposal Unit ("Airport EOD"), and to amend the 2011 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$319,500.00; and for other purposes.
(Councilmember Wan made a motion to approve.)

FAVORABLE

**Public Safety and Legal Administration Minutes
March 29, 2011
Page Seven**

ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-0534 (3) An Ordinance by Councilmember C. T. Martin 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, May 30, 2011 only, for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.
(Councilmember Wan made a motion to approve.)

FAVORABLE

F. RESOLUTIONS

- 11-R-0487 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire Rescue, to accept a grant from the U. S. Department of Homeland Security under the FY2010 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$9,793,068.00 for the purpose of hiring 75 new firefighter positions; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-R-0488 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to execute temporary service contracts with two (2) retired City of Atlanta Fire Officers, on behalf of the Department of Fire Rescue, for the purpose of providing firefighting, emergency medical, and special operations training at the Atlanta Fire Training Academy for a period of twelve (12) months, for a total amount not to exceed \$106,000.00; all costs to be charged and paid from the Fund, Department, Account and Function Activity Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Minutes
March 29, 2011
Page Eight

RESOLUTIONS (CONT'D)

- 11-R-0489 (3) A Resolution by Public Safety and Legal Administration Committee to rescind Resolution Number 10-R-2129 and authorizing payment in the amount of \$10,875.37 in settlement of the property damage claim of Kerstin Pfister through her attorney, Howard Stopek, against the City of Atlanta; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-R-0535 (4) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force(RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Bond made a motion to hold.)

HELD (4 YEAS) BOND, MARTIN, LANCE BOTTOMS, SHEPERD (3 NAYS) YOUNG, WAN, ADREAN

- 11-R-0544 (5) A Resolution Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Shaun Milligan, et al. v. City of Atlanta, et el., Civil Action File Number 1:08-CV-1236-GET, United States District Court, Northern District of Georgia, Atlanta Division, in the amount of \$75,000.00; authorizing payment of \$75,000.00 to be charged to and paid from the listed Fund, Account and Center Number; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Minutes
March 29, 2011
Page Nine

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)**

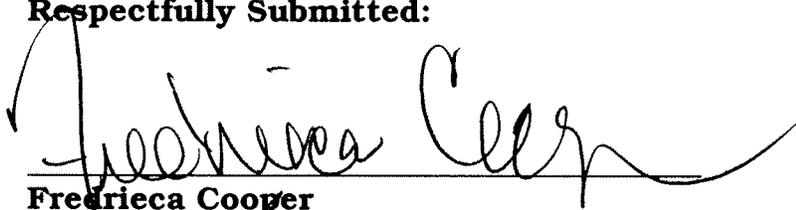
H. FOLLOW-UP ITEMS

1. Councilmember 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.
2. Councilmember Young requested that David Bennett make a report to the committee relating to the Vending contract every two weeks.
3. Councilmember Young requested the Law Department to find out from Park Atlanta:
 - a. Does Park Atlanta have any vacancy positions?
 - b. What are they doing to fill those positions?
4. Councilmember Young and the committee scheduled a Joint Work Session with Finance/Executive Committee on the Municipal Court Operations Audit Report for Friday, April 22, 2011 at 10:00 a.m.
5. Councilmember Wan requested an update on the E-911 System.

Public Safety and Legal Administration Committee Minutes
March 29, 2011
Page Thirteen

There being no further business to come before the Committee, the meeting was adjourned at 5:21 p.m.

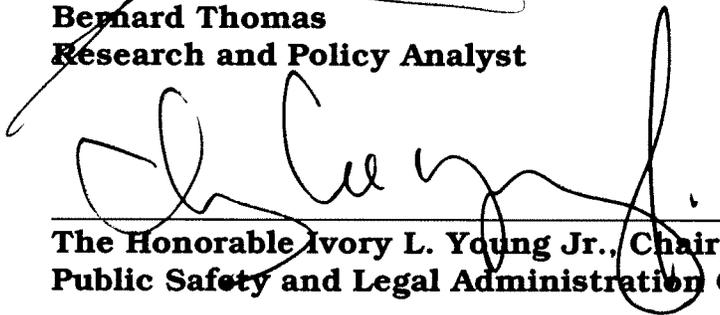
Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



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