

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

JULY 12, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, July 12, 2011 at 3:11 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable Michael J. Bond, Vice-Chair
The Honorable Keisha Lance Bottoms
The Honorable Alex Wan**

Others present at the meeting were: City Attorney, Cathy Hampton, Deputy City Attorney, Eric Richardson, Amber Robinson, Lem Ward, Peter Andrews and Gwen Burns, Law Department; Deputy Chief E. Renee Propes, Major Keith Meadows, Jeffrey Leach, 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 3:11 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-1034 (1) Claim of **Georgia Power (DWM/NA)**, for damages alleged to have been sustained as a result of a severed cable during the repair of a water main on October 6, 2010 at 125 Glace Road. **\$561.29**

Public Safety and Legal Administration Minutes
July 12, 2011
Page Two

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-1035 (2) Claim of **Michelle L. Matthews (DPW/09)**, for vehicular damages alleged to have been sustained from driving over a pothole on April 14, 2010 at 2363 Marietta Boulevard, NW and Bolton Road, NW. **\$725.26**
- 11-R-1036 (3) Claim of **Monroe Bellamy (DPRCA/03)**, for damages alleged to have been sustained as a result of a fallen tree limb on December 2, 2010 at 1824 Tiger Flowers Drive. **\$782.00**
- 11-R-1037 (4) Claim of **Nationwide Insurance Company, as subrogee of Brian Cooper (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on May 4, 2011 at 910 Howell Mill Road. **\$826.89**
- 11-R-1038 (5) Claim of **Stanley Morris (DPW/12)**, for vehicle damages alleged to have been sustained as a result of driving over a pothole on October 15, 2009 at 3385 Hamilton Boulevard. **\$933.48**
- 11-R-1039 (6) Claim of **Joel Seibel (DPW/01)**, for damages alleged to have been sustained as a result of a vehicular accident on April 12, 2011 at 245 South Avenue. **\$991.91**
- 11-R-1040 (7) Claim of **Linda G. Higgins (DWM/12)**, for property damages alleged to have been sustained from two sanitary sewer backups on September 13, 2010 and January 19, 2011 at 811 Belfast Street, SW. **\$1,709.00**
- 11-R-1041 (8) Claim of **James Jackson (DPW/03)**, for damages alleged to have been sustained as a result of a vehicular accident on January 24, 2011 at 1255 North Avenue. **\$1,896.64**
- 11-R-1042 (9) Claim of **Willene James (DWM/12)**, for damages alleged to have been sustained as a result of a vehicular accident on December 17, 2010 at 230 Cleveland Avenue. **\$1,982.00**

Public Safety and Legal Administration Minutes
July 12, 2011
Page Three

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-1043 (10) Claim of **Jermaine Martin (DWM/01)**, for vehicle damages alleged to have been sustained as a result of a recessed manhole on October 4, 2010 at Hill Street and Decatur Street. **\$2,558.47**
- 11-R-1044 (11) Claim of **Damian Bush (AFR/01)**, for damages alleged to have been sustained as a result of a vehicular accident on February 1, 2011 at 256 Claire Drive. **\$3,413.60**
- 11-R-1045 (12) Claim of **Beverly Lundy, through her attorney, R. Shane Smith (MO/02)**, for bodily injuries alleged to have been sustained from a slipping incident on May 3, 2010 at 55 Trinity Avenue, SW. **\$4,000.00**
- 11-R-1046 (13) Claim of **Adrian Malone (DWM/03)**, for property damages alleged to have been sustained from a water main break on October 25, 2009 at 2744 Lincoln Court, NW. **\$4,600.00**
- 11-R-1047 (14) Claim of **Victor Skukalek (DWM/12)**, for property damages alleged to have been sustained from two sanitary sewer backups on September 13, 2010 and January 19, 2011 at 811 Belfast Street. **\$4,747.80**
- 11-R-1048 (15) Claim of **Kerstin Pfister, through her attorney, Howard Stopek, Attorney at Law (APD/06)**, for bodily injuries alleged to have been sustained from an automobile accident on October 21, 2010 at I-85 NB Expressway, NE and Buford Highway, NE. **\$8,500.00**
- 11-R-1049 (16) Claim of **Keandra S. Huff, through her attorney, Neil Flit, Attorney at Law (APD/05)**, for bodily injuries alleged to have been sustained from an automobile accident on December 9, 2010 at Montgomery Street, NE and Hosea L. Williams Drive, NE. **\$8,500.00**

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-1028 (17) Claim of **Mike Walker, through his attorney, Jack O. Morse, Esq. (DWM/01)**, for vehicular damages and bodily injuries alleged to have been sustained after driving over a sanitary sewer manhole that was under construction and left on an unsafe manner on February 4, 2011 at 3546 Jonesboro Road, SE.
- 11-R-1029 (18) Claim of **Mark Crupi (DWM/NA)**, for damages alleged to have been sustained as a result of a vehicular incident on November 1, 2010 at 5136 Powers Ferry Road.
- 11-R-1030 (19) Claim of **Colleen Franklin (DWM/04)**, for damages alleged to have been sustained as a result of walking into an uncovered water meter on July 10, 2009 at 424 Mathewson Place.
- 11-R-1031 (20) Claim of **La Fonda Smith (DWM/06)**, for damages alleged to have been sustained as a result of a vehicular accident on December 14, 2009 at 13th Street at Crescent Avenue.
- 11-R-1032 (21) Claim of **Tomkiew Brown, through her attorney, Franklin Evans (NA/12)**, for damages alleged to have been sustained as a result of a vehicular accident on March 3, 2011 at Lakewood Avenue at McDonough Boulevard.
- 11-R-1033 (22) Claim of **Johnnie Mae Ingram, through her attorney, Duncan Harle (NA/04)**, for damages alleged to have been sustained as a result of a fall on March 24, 2011 at 1089 Indale Place.
(Councilmember Martin made a motion to approve Items C1-C22)

FAVORABLE

REGULAR

D. ORDINANCES FOR SECOND READING

- 11-O-0926 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police, by deducting from anticipations and appropriations, the amount of \$14,174.00 due to modifications in Grant Funds from the White House Office of National Drug Control Policy (“ONDCP”) 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.)

FAVORABLE

- 11-O-0927 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations the amount of \$2,127,922.00, for Grant Funds from the White House Office of National Drug Control Policy (“ONDCP”), for the purpose of continuing the Atlanta High Intensity Drug Trafficking Area Task Force (“Atlanta HIDTA”); to disrupt and dismantle Drug Trafficking Organizations; and for other purposes.
(Councilmember Adrean made a motion to approve.)

FAVORABLE

- 11-O-0996 (3) An Ordinance by Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean, Kwanza Hall and Alex Wan to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes.
(Referred back by Full Council 7/5/11)
(Councilmember Martin made a motion to hold.)

HELD

E. RESOLUTIONS

11-R-1025 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City Defendants in the case of Wilford and Ernestine Reed v. City of Atlanta, et al., Civil Action File Number 1:11-CV-00227-RLV-GGB, United States District Court, Northern District of Georgia, Atlanta Division, in the amount of \$25,000.00; of this amount, authorizing payment of \$25,000.00 to be charged to and paid from the Fund, Center Number, Account and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

(Councilmember Adrean made a motion to approve.)

FAVORABLE

11-R-1026 (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 Lawrence Taub v. City of Atlanta, Civil Action File No. 2007EV001848, pending in Fulton County State Court, in the amount of \$30,000.00; authorizing said payment to be charged to and paid from the Fund, Account, Center Number and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

(Councilmember Adrean made a motion to approve.)

FAVORABLE

11-R-1060 (3) A Resolution by Councilmembers Joyce Sheperd, Cleta Winslow and Keisha Lance Bottoms authorizing the Mayor to enter into an agreement with the Directorate of Emergency Services (DES), Fort McPherson, Georgia, on behalf of the Department of Fire Rescue for the purpose of providing Fire Protection, Suppression, Emergency Medical, Hazardous Material, and Technical Rescue support within the boundaries of Fort McPherson, Georgia; and for other purposes.

(Councilmember Sheperd made a motion to approve on the condition that the Law Department provide a substituted Memorandum of Agreement by Monday.)

FAVORABLE ON CONDITION

Public Safety and Legal Administration Minutes
July 12, 2011
Page Seven

F. 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 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)**

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)**

Public Safety and Legal Administration Minutes
July 12, 2011
Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0535 (13) 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. **(Held 3/29/11 for further discussions)**
- 11-R-0772 (14) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes. **(Held 5/10/11 for further discussions)**
- 11-O-0946 (15) An Ordinance by Councilmember Ivory L. Young, Jr. to amend the Code of Ordinances of the City of Atlanta, Georgia by amending Section 162-61(a) so as to extend temporarily the maximum allowable age of taxicabs; to waive conflicting ordinances; and for other purposes. **(Held 6/14/11 for further discussions)**
- 11-O-0994 (16) An Ordinance by Councilmembers Kwanza Hall, Natalyn Archibong, Carla Smith, Alex Wan and Yolanda Adrean to amend Section 30-1461 (Private Property Vending-Definitions) and to create new sections to the Private Property Vending regulations, beginning with Code Section 30-1471 of the Code of Ordinances of the City of Atlanta, Georgia, so as to establish regulations for vending from Mobile Food Units; to waive conflicting ordinances and code sections; and for other purposes. **(Held 6/28/11 for further discussions)**

Public Safety and Legal Administration Minutes
July 12, 2011
Page Eleven

G. FOLLOW-UP ITEMS

1. Councilmember Young requested that David Bennett make a report to the committee related to the Public Property Vending contract at each committee meeting.

H. ITEMS NOT ON THE AGENDA

RESOLUTIONS

Claim with favorable recommendation:

- 11-R-1063 (1)
*** Claim of **Sherita Ward (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on April 10, 2011 at Donald Lee Hollowell Parkway at West Lake Avenue. **\$7,001.68**
(Councilmember Martin made a motion to approve.)

FAVORABLE

RESOLUTIONS

- 11-R-1064 (1)
*** A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police, to apply for and accept a grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$829,420.00, for the purpose of supporting law enforcement and criminal justice activities; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-R-1065 (2)
*** A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta, to enter into an Interlocal Agreement with Fulton County, Georgia, in order to share funds from the U. S. Department of Justice, 2011 Byrne Justice Assistance Grant Program, in the amount of \$829,420.00, for the purpose of supporting law enforcement and criminal justice activities; and for other purposes.
(Councilmember Martin made a motion to approve.)

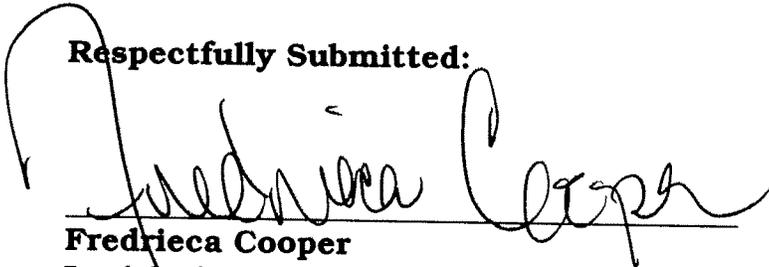
FAVORABLE

EXECUTIVE SESSION

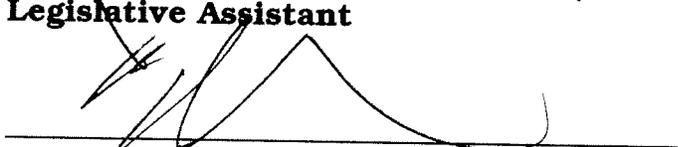
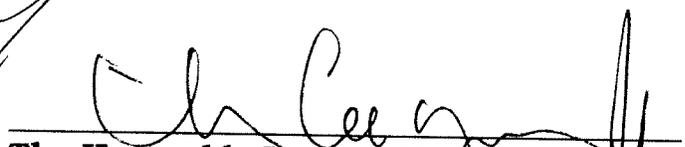
The Committee went into executive session to be advised by the City Attorney regarding a matter of potential litigation (The General Growth Public Property Vending Contract).

There being no further business to come before the Committee, the meeting was adjourned at 4:19 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