

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**JULY 26, 2011**

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, July 16, 2011 at 3:19 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair  
The Honorable Keisha Lance Bottoms  
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 Alex Wan**

Others present at the meeting were: Councilmembers Felicia A. Moore and Carla Smith; Deputy City Attorney, Eric Richardson, Amber Robinson, and Gwen Burns, Law Department; Deputy Chiefs Shawn Jones, Calvin Moss, E. Renee Propes, Major Federick Paige, Sergeant Edward Davis, Police Department; Sabi Muhammad, Office of Revenue; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:19 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 RESOLUTION**

**B. APPROVAL OF MINUTES - APPROVED**  
**CONSENT**

**C. RESOLUTIONS**

**Claims with favorable recommendations:**

11-R-1076 ( 1) Claim of **Georgia Farm Bureau Mutual Insurance Company, as subrogee of Miesha Prince (DWM/10)**, for damages alleged to have been sustained as a result of an automobile accident on January 12, 2011 at 1760 Rogers Avenue. **\$876.33**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 11-R-1077 ( 2)      Claim of **Tara L. Jackson, c/o Kevin Almeroth, Deming, Parker, Hoffman, Campbell & Daly (AFR/NA)**, for bodily injuries alleged to have been sustained when two teeth were damaged during a training procedure on July 21, 2009 at 1170 Cleveland Avenue, East Point, Georgia.      **\$2,716.20**
- 11-R-1078 ( 3)      Claim of **Nekeya Holloway (DWM/12)**, for property damages alleged to have been sustained from flooding due to storm water overflow on August 10, 2010 at 335 Macedonia Road, SE.      **\$4,200.00**
- 11-R-1079 ( 4)      Claim of **Engineer's Bookstore, c/o Donna W. Brown, Manager (DWM/02)**, for property damages alleged to have been sustained from a fire hydrant leak on February 7, 2011 at 748 Marietta Street, NW.      **\$6,562.62**

**Claims with unfavorable recommendations:**

- 11-R-1080 ( 5)      Claim of **Jennifer F. Giarratano (NA/03)**, for damages alleged to have been sustained as a result of striking a pothole on April 11, 2011 on Northside Drive, NW.
- 11-R-1081 ( 6)      Claim of **Aja Stewart (DPW/06)**, for property damages alleged to have been sustained from driving over a pothole on March 16, 2011 at GA-13 ramp and Interstate 75/85 Southbound.
- 11-R-1082 ( 7)      Claim of **Ireatha Haig (DPW/02)**, for bodily injury alleged to have been sustained from falling into a pothole on March 22, 2010 at 100 Broad Street.
- 11-R-1083 ( 8)      Claim of **Dan and Michelle Brandenburg, through their attorney, J. Daniel Howard, Perkins Law Firm (DPW/02)**, for bodily injuries alleged to have been sustained from a trip-and-fall incident on October 6, 2009 at 106 Baker Street.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-1085 ( 9)      Claim of **Yetunde Jude, through her attorney, Sam L. Starks, Esq., Martin & Jones (DWM/03)**, for property damages alleged to have been sustained from storm sewer overflows on April 15, 2011 at 2203 Tiger Flowers Drive, NW.
- 11-R-1086 (10)      Claim of **Yetunde Jude, through her attorney, Sam L. Starks, Esq., Martin & Jones (DWM/03)**, for property damages alleged to have been sustained from storm sewer overflows on March 26 and 28, 2011 at 2203 Tiger Flowers Drive, NW.
- 11-R-1087 (11)      Claim of **Diana Atterbuy, through her attorney, Scott M. Williamson, The Williamson Law Firm (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on May 2, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-1088 (12)      Claim of **Tamia Swint, through her attorney, Edward J. Bauer (NA/02)**, for bodily injuries alleged to have been sustained from an assault incident on September 28, 2010 at 739 West Peachtree Street, NE.
- 11-R-1089 (13)      Claim of **Trenton Dunn (DPRCA/11)**, for property damages alleged to have been sustained from a tree that fell on May 27, 2011 at 2324 Palmetto Street.
- 11-R-1090 (14)      Claim of **Aja Stewart (DPW/06)**, for property damages alleged to have been sustained from driving over a pothole on March 28, 2011 at GA-13 ramp and Interstate 75/85 Southbound.
- 11-R-1091 (15)      Claim of **Paul Love (DPW/02)** for property damages alleged to have been sustained from driving over a metal plate on October 15, 2010 at Courtland Avenue and Edgewood Avenue.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-1092 (16) Claim of **Arrianna Overstreet (DPW/04)**, for property damages alleged to have been sustained from driving into a pothole on March 7, 2011 at Martin Luther King, Jr. Drive and Brownlee Road.
- 11-R-1093 (17) Claim of **Autowyn Kelley, through his attorney, Duncan Harle, Foy and Associates (NA/11)**, for bodily injuries alleged to have been sustained from a falling ceiling on April 13, 2011 at 879 Victoria Place.
- 11-R-1094 (18) Claim of **Tommy Lee, Jr. (DPW/08)**, for property damages alleged to have been sustained from driving over a metal rod on May 3, 2011 at I-285 Eastbound and I-75 Southbound.
- 11-R-1095 (19) Claim of **Regina Demita, through her attorney, Sam L. Starks, Esq., Martin & Jones (DWM/05)**, for property damages alleged to have been sustained from storm sewer overflows on February 1 and 4, 2011, March 9 and 15, 2011, September 26, 2010, October 27, 2010 and November 30, 2010 at 42 Oakridge Avenue.  
**(Councilmember Martin made a motion to approve Items C1-C19)**

**FAVORABLE**

**REGULAR**

**D. ORDINANCES FOR SECOND READING**

- 11-O-1120 ( 1) 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, September 5, 2011 (Labor Day), only, for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 11-O-1137 ( 2) An Ordinance by Councilmembers Carla Smith and Ivory L. Young, Jr. amending Sections 10-2 and 10-3 of the Code of Ordinances of the City of Atlanta in order to clarify that providing alcoholic beverages for consumption at premises open to the public requires a license issued by the City pursuant to Chapter 10; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

- 11-O-1141 ( 3) An Ordinance by Councilmember Ivory L. Young, Jr. **as substituted by Public Safety and Legal Administration Committee** to amend Chapter 98, Article II, Division 2, Sections 98-70, (Qualifications for Eligibility) and 98-81 (Expiration of Eligible List) and Chapter 114, Article IV, Division 7, Subdivision II, Section 114-236, (Minimum Qualifications to Complete) and 114-247 (Duration of Eligible List) so as to permit a promotional examination announcement to be made before the expiration of a current eligible list; to increase the number of years of continuous service in all non-discretionary ranks above Police Sergeant and Fire Lieutenant in a lower rank from which promotions can be made, such increase being necessary as a result of an ability to make an earlier promotional examination announcement; to repeal conflicting ordinances; and for other purposes.  
**(Councilmember Martin made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**E. RESOLUTIONS**

- 11-R-0929 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under this contract shall be deposited as described in this resolution; and for other purposes. **(Referred back from Full Council 7/18/11)**  
**(Councilmember Martin made a motion to hold.)**

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**RESOLUTIONS (CONT'D)**

11-R-1096 ( 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 Robert Hunter v. City of Atlanta, Civil Action File No. 2010CV180360, in the amount of \$7,500.00; authorizing said payment to be charged to and paid from the Fund, Departmental, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

11-R-1118 ( 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 J. D. Phillips, Individually and on behalf of all others similarly situated v. City of Atlanta, Civil Action File Number 1:10-CV-2427-HLM-WEJ, in the United States District Court for the Northern District of Georgia, Atlanta Division, in the total gross amount of \$271,028.44, to be distributed to plaintiffs. Of this amount, authorizing payment of \$271,028.44 to be charged to and paid from the Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

**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)**

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

- 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)**
- 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)**

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

- 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)**
- 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)**

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

- 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)**
- 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)**

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

- 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)**
- 11-O-0996 (17) 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) (Held 7/11/11 for further review)**

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**G. FOLLOW-UP ITEM**

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**

**RESOLUTION**

- 11-R-1142 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the matter of Shawn Venegas and Brian Kidd, Claim Number 10L1070 in the total gross amount of \$200,000.00, to be distributed to plaintiffs; authorizing payment of \$200,000.00 to be charged to and paid from the Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

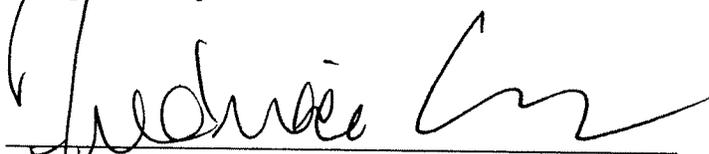
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**EXECUTIVE SESSION**

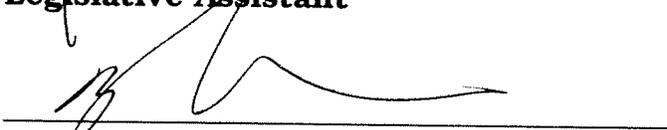
The Committee went into executive session to be advised by the City Attorney regarding matters related to Resolution No. 11-R-1142.

**There being no further business to come before the Committee, the meeting was adjourned at 5:25 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**