

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

OCTOBER 11, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held **Tuesday, October 11, 2011 at 3:08 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 Alex Wan
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd

The following member was absent:

The Honorable Keisha Lance Bottoms

Others present at the meeting were: Deputy City Attorneys, Eric Richardson and Roger Bhandari, Claude Cole, Law Department; Deputy Chiefs Shawn Jones and Major Erika Shields, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Deputy Commissioner Dexter White, Department of Public Works; Acting Commissioner Jo Ann J. Macrina, Deputy Commissioner Jim Beard, Department of Watershed Management; Mayor Kasim Reed, Peter Aman, Chief Operating Officer, Candice Byrd, Chief of Staff, Katrina Taylor Parks, David Bennett, Office of the Mayor; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:08 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA - Adopted as Amended to move Public Comments to the beginning of the Agenda and Executive Session to the end of the Agenda.**
- B. APPROVAL OF MINUTES - APPROVED**
- C. DISCUSSION ITEM IN EXECUTIVE SESSION - Efforts to Mitigate Claims (Watershed Management)**

D. RESOLUTIONS CONSENT

Claims with favorable recommendations:

- 11-R-1449 (1) Claim of **Progressive Insurance Company, as subrogee of Gary Cox (APD/01)**, for damages alleged to have been sustained as a result of a vehicular accident on March 4, 2011 at 71 University Avenue. **\$6,898.03**
- 11-R-1450 (2) Claim of **Georgia Department of Administrative Services (DWM/02)**, for damages alleged to have been sustained as a result of a sewer backup on February 9, 2009 at 30 Pryor Street. **\$34,916.85**
- 11-R-1451 (3) Claim of **Net Net, LLC, c/o David Campbell (DWM/12)**, for property damages alleged to have been sustained from a leaking meter on April 25, 2011 at 2909 Diana Drive, SW. **\$400.00**
- 11-R-1452 (4) Claim of **Trequan Guinyard, a minor, through his attorney, L. Chris Stewart (DWM/04)**, for damages alleged to have been sustained as a result of walking into an uncovered water meter box on September 27, 2009 at 1266 Ralph David Abernathy Boulevard. **\$3,750.00**
- 11-R-1453 (5) Claim of **Anita Langley (DWM/11)**, for bodily injuries alleged to have been sustained after stepping into an uncovered water box on January 13, 2011 at 2231 Campbellton Road. **\$2,500.00**
- 11-R-1454 (6) Claim of **Justin Ossai (DWM/NA)**, for damages alleged to have been sustained as a result of driving over a broken water valve cover on October 14, 2010 at 3185 Flat Shoals Road. **\$892.80**
- 11-R-1455 (7) Claim of **Toni Webb and Karon K. Newton (DMEAM/02)**, for vehicular damages alleged to have been sustained from an automobile accident on July 25, 2011 at 55 Trinity Avenue. **\$2,386.82**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-1456 (8) Claim of **Violet Lambert (DWM/09)**, for bodily injuries and vehicular damage alleged to have been sustained from an automobile accident on December 1, 2010 at 1071 Chattahoochee Avenue. **\$2,689.31**
- 11-R-1457 (9) Claim of **Monica Swanson (DWM/10)**, for damages alleged to have been sustained as a result of a sewer backup on May 3, 2010 at 318 Kelso Drive. **\$620.00**
- 11-R-1458 (10) Claim of **Derrick Benford (APD/01)**, for vehicular damages alleged to have been sustained from a vehicular accident on May 26, 2011 at New Town Circle and McDonough Boulevard. **\$692.64**
- 11-R-1459 (11) Claim of **Linda Jenrette (APD/02)**, for vehicular damages alleged to have been sustained from an automobile accident on June 19, 2011 at Moreland Avenue and Mansfield Avenue. **\$708.30**
- 11-R-1460 (12) Claim of **Mirian Cuffie (DWM/10)**, for property damages alleged to have been sustained from an automobile accident on July 6, 2011 at 300 Hamilton E. Holmes Drive, NW. **\$1,025.60**
- 11-R-1461 (13) Claim of **Bobby Winbush and Maria Nesbitt (DPRCA/04)** for vehicular damages alleged to have been sustained from an automobile accident on May 9, 2011 at 1034 Palmetto Avenue. **\$1,630.83**
- 11-R-1462 (14) Claim of **Hope Dennis (DPW/09)**, for damages alleged to have been sustained as a result of driving over a pothole on January 15, 2011 at 1526 Howell Mill Road. **\$547.04**
- 11-R-1463 (15) Claim of **Advance Disposal, c/o Brent Shows (DPW/NA)**, for property damages alleged to have been sustained when a City truck struck an exit door opening on June 28, 2011 at 5225 Welcome All Road, College Park, Georgia. **\$11,500.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-1464 (16) Claim of **AT&T (DWM/NA)**, for damages alleged to have been sustained as a result of a severed phone line during the repair of a water line on November 10, 2010 at 805 Selig Drive. **\$1,296.69**
- 11-R-1465 (17) Claim of **Karla Magruder, through her attorney, Lynn Walker (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on July 16, 2010 at 820 W. Marietta Street. **\$7,500.00**
- 11-R-1466 (18) Claim of **Carmen Dean (APD/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on November 24, 2010 at Perry J. Hudson Parkway at Union Avenue, Hapeville. **\$1,558.00**
- 11-R-1467 (19) Claim of **Lushana Nooks (APD/01)**, for damages alleged to have been sustained as a result of a vehicular accident on July 21, 2011 at 23 Claire Drive. **\$875.75**

Claims with unfavorable recommendations:

- 11-R-1468 (20) Claim of **Progressive Insurance, as subrogee of Steven Rice (DPW/02)**, for vehicular damages alleged to have been sustained from a vehicular accident on January 20, 2011 at North Avenue and Freedom Parkway.
- 11-R-1469 (21) Claim of **Rodney Whitehead (DPW/NA)**, for vehicular damages alleged to have been sustained when driving over a metal plate on August 3, 2011 at I-85 southbound.
- 11-R-1470 (22) Claim of **Joseph A. Fried (DWM/06)**, for damages alleged to have been sustained when overcharged for water service on February 25, 2009 at 1027 Robin Lane.
(Councilmember Martin made a motion to approve Items D1-D22)

FAVORABLE

REGULAR

E. COMMUNICATIONS

- 11-C-1476 (1) A Communication by Councilmembers Michael J. Bond, Ivory L. Young, Jr., Carla Smith, Cleta Winslow and Kwanza Hall appointing **Mr. Ron Lall** as their representative to the Alcohol Technical Advisory Group II (ATAG II). This appointment is scheduled to begin on the date of council confirmation.
(Councilmember Bond made a motion to approve)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

- 11-C-1477 (2) A Communication by Councilmembers Alex Wan, Natalyn Archibong, Howard Shook, Yolanda Adrean and Aaron Watson appointing **Ms. Dianne Olansky** as their community representative to the Alcohol Technical Advisory Group II (ATAG II). This appointment is scheduled to begin on the date of council confirmation.
(Councilmember Wan made a motion to forward with no recommendation)

FORWARDED WITH NO RECOMMENDATION - REFERRED TO COMMITTEE ON COUNCIL

F. ORDINANCES FOR SECOND READING

- 11-O-1375 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$11,500.00 due to modifications in grant funds from the Whitehouse 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 other purposes.
(Councilmember Martin made a motion to approve)

FAVORABLE

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ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-1376 (2) An Ordinance by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to accept on behalf of the Department of Fire Rescue a grant from the Federal Emergency Management Agency, Assistance to Firefighters Grant Program in the amount of \$376,760.00 for the purpose of supporting the Atlanta Smoke Alarm Program; and for other purposes.
(Councilmember Sheperd made a motion to approve)

FAVORABLE

- 11-O-1377 (3) An Ordinance by Public Safety and Legal Administration Committee amending the FY12 (Intergovernmental Grant Fund) Budget, for the City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations in the amount of \$126,980.00, from the Georgia Department of Behavioral Health and Developmental Disabilities ("DBHDD") for the purpose of continuing Clinical Assessment Services for Criminal Defendants participating in Community Court; and for other purposes.
(Councilmember Martin made a motion to approve on condition)

FAVORABLE ON CONDITION

- 11-O-1479 (4) An Ordinance by Councilmember Michael J. Bond to amend Chapter 10, (Alcoholic Beverages) of the City of Atlanta Code of Ordinances to provide for the regulation of package and convenience stores; and for other purposes.
(Councilmember Bond made a motion to hold)

HELD

ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-1484 (5) An Ordinance by Councilmember Alex Wan to amend Ordinance 11-O-1169, which called an election to be held on November 8, 2011 for the purpose of submitting the question of Sunday Package Alcohol Sales by retailers of malt beverages, wine and distilled spirits between the hours of 12:30 p.m. and 11:30 p.m. to the electors for approval or rejection on November 8, 2011, in order to specify that if more than one-half of the votes cast by the electors on this question are for approval of Sunday Package Sales, that such sales shall become effective on January 1, 2012; to ratify any actions taken by the City of Atlanta pursuant to Ordinance 11-O-1169 and subsequent to the approval thereof; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE (1 NAY) MARTIN

G. 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 by Full Council 10/3/11)**
(Councilmember Young made a motion to hold)

HELD

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RESOLUTIONS (CONT'D)

- 11-R-1448 (2) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire Rescue, to execute Temporary Service Contracts with two (2) retired City of Atlanta Fire Rescue Employees for the purpose of providing Fire Dispatching Oversight, Training and Quality Control in the E911 Center for a twelve (12) month period, for an amount not to exceed \$100,000.00; all costs to be charged to the Account Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve on substitute)
FAVORABLE ON SUBSTITUTE

H. 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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-R-1813 (9) 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.
- 10-O-1880 (10) 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 (11) 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0535 (12) 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 (13) 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 (14) 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-0996 (15) 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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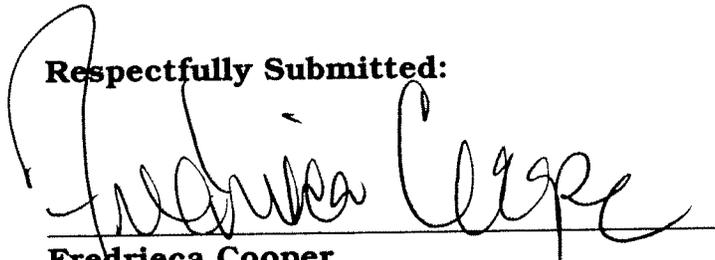
I. FOLLOW-UP ITEM

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

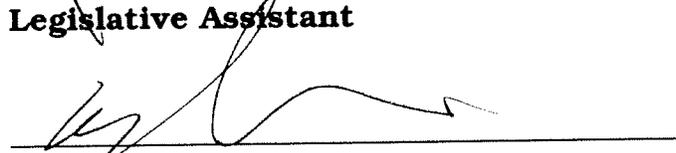
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There being no further business to come before the Committee, the meeting was adjourn at 5:24 p.m.

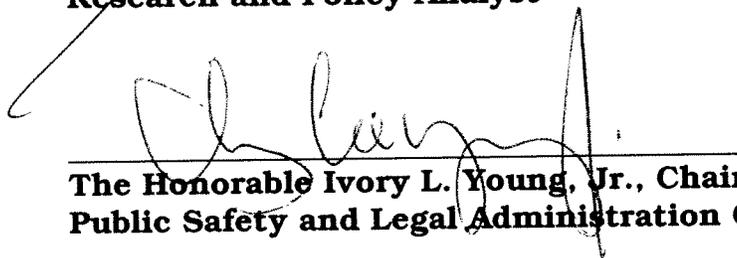
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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