

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

NOVEMBER 1, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held **Tuesday, November 1, 2011 at 3:44 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 Joyce Sheperd
The Honorable Keisha Lance Bottoms
The Honorable Yolanda Adrean**

Others present at the meeting were: Councilmember Felicia A. Moore; Deputy City Attorneys, Eric Richardson, Claude Cole, Law Department; Chief George Turner, Deputy Chiefs Calvin Moss, Shawn Jones and E. Renee Propes, Police Department; Interim Chief of Corrections, Patrick Labat, Department of Corrections; Fire Chief Kelvin Cochran, Deputy Chief Wilmond Meadows and Joel Baker; Fire and Rescue; Leslie Ward, City Auditor; 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 3:44 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. DISCUSSION ITEM IN EXECUTIVE SESSION - Efforts to Mitigate Claims (Police)**

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 11-R-1513 (1) Claim of **Sheryl L. Glass, through her attorney, Sheryl L. Burke (DPRCA/10)**, for bodily injuries alleged to have been sustained from an automobile accident on March 10, 2010 at Allegheny Street and Cascade Road. **\$9,500.00**
- 11-R-1514 (2) Claim of **Progressive Insurance Company, as subrogee of Naveen Gera (APD/07)**, for damages alleged to have been sustained as a result of a vehicular accident on March 28, 2011 at 3393 Peachtree Road. **\$5,359.37**
- 11-R-1515 (3) Claim of **Cynthia Moreland (DWM/04)**, for damages alleged to have been sustained as a result of walking into an uncovered water meter box on June 25, 2010 at 671 Lexington Avenue. **\$3,700.00**
- 11-R-1516 (4) Claim of **South View Cemetery c/o Winifred Hemphill (DWM/01)**, for damages alleged to have been sustained as a result of driving over an unsecured construction site on June 13, 2011 at 3 Owens Street. **\$2,060.00**
- 11-R-1517 (5) Claim of **Sabrina Varner (DPW/09)**, for damages alleged to have been sustained as a result of driving over a pothole on March 9, 2010 at 2796 Peek Road. **\$1,685.27**
- 11-R-1518 (6) Claim of **Icilma Silcott (APD/02)**, for property damages alleged to have been sustained from an automobile accident on July 22, 2011 at 60 Peachtree Center Avenue. **\$1,130.55**
- 11-R-1519 (7) Claim of **Allstate Insurance, as subrogee of Benjamin Jones (APD/04)**, for vehicular damages alleged to have been sustained from an automobile accident on April 4, 2011 at 950 Joseph E. Lowery Boulevard. **\$925.54**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-1595 (8) Claim of **Jessica Baker (APD/10)**, for property damages alleged to have been sustained from an automobile accident on June 4, 2011 at 3330 Martin Luther King, Jr. Drive. **\$5,979.05**
- 11-R-1596 (9) Claim of **Belkis Castillo Roman-Krickle, 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. **\$9,400.00**
- 11-R-1597 (10) Claim of **Whitney Jenkins (DPW/09)**, for bodily injuries alleged to have been sustained from falling due to a street defect on April 11, 2011 at 716 Cedar Avenue, NW. **\$1,500.00**

Claims with unfavorable recommendations:

- 11-R-1520 (11) Claim of **Gregory Northington, through his attorney, Dustin Taps (NA/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on September 12, 2010 at an undisclosed location.
- 11-R-1521 (12) Claim of **Daton Williams, through his attorney, Neil Flit (NA/06)**, for damages alleged to have been sustained as a result of a vehicular accident on August 13, 2010 at Cheshire Bridge Road near Piedmont Road.
- 11-R-1522 (13) Claim of **Blake Perkins, through his attorney, Reynolds E. Pitts, Jr., Morgan & Morgan (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on January 27, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-1523 (14) Claim of **Dennis Rice and Nancy Pulley, through their attorney, Briant G. Mildenhall, Katz Stepp Wright & Felming, LLC (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on an escalator on May 19, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-1524 (15) Claim of **Marietta Perez-Bonus, through her attorney, Bruce A. Hagen, P. C. (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on an escalator on July 13, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-1525 (16) Claim of **Sean Crep and Amy Lowe, on behalf of their minor, Brady Stephen Crep, through their attorneys, Ragland & Jones, LLP (DOA/NA)**, for bodily injuries alleged to have been sustained from an escalator incident on June 20, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-1526 (17) Claim of **Lanier Taylor (DPRCA/04)**, for damages alleged to have been sustained as a result of a tree limb falling on March 13, 2011 at 1127 Cascade Circle.
- 11-R-1527 (18) Claim of **Ian Forsyth (DPRCA/07)**, for damages alleged to have been sustained as a result of a tree falling on April 8, 2011 at 101 Roanoke Avenue.
- 11-R-1528 (19) Claim of **Janet Lindsey (DPW/04)**, for damages alleged to have been sustained as a result of driving over a pothole on October 10, 2010 at 1644 Martin Luther King, Jr. Drive.
- 11-R-1529 (20) Claim of **Allstate Insurance Company, as subrogee of Tori Oetgen (DWM/02)**, for damages alleged to have been sustained as a result of a vehicular accident on November 20, 2009 at Interstate 20 Westbound near Interstate 85.
(Councilmember Martin made a motion to approve Items D1-D20)

FAVORABLE

E. ORDINANCES FOR FIRST READING

- 11-O-1545 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2012 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$829,420.00 for the FY 2011 Edward Byrne Memorial Justice Assistance Grant ("JAG") Award from the United States Department of Justice; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

- 11-O-1546 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, by adding to anticipations and appropriations in the amount of \$163,400.00 on behalf of the Atlanta Fire Rescue Department for the purpose of funding the Car Seat Fitting Station Program developed by the Atlanta Fire Rescue Department; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

- 11-O-1553 (3) An Ordinance by Public Safety and Legal Administration Committee exempting all utility relocation and construction related activities associated with the Atlanta Streetcar Project from the Atlanta Noise Ordinance, Code Sections 74-129 through 74-160, for a period of eighteen months for the purposes related to completing the project by the federally imposed deadlines; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. COMMUNICATIONS

- 11-C-1493 (1) A Communication by City Auditor Leslie Ward submitting the Performance Audit Report regarding Atlanta Fire Rescue Staffing.
(Councilmember Young made a motion to file.)

FILE

COMMUNICATIONS (CONT'D)

- 11-C-1512 (2) A Communication from Cathy Richards, President, Atlanta Planning Advisory Board (APAB), to Municipal Clerk Rhonda Dauphin Johnson submitting their appointment of **Mr. Abdul-Rashid Muhammad** as their representative to serve on the Alcohol Technical Advisory Group (ATAG) II. This appointment is scheduled to begin on the date of Council confirmation.
(Councilmember Wan made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

G. RESOLUTION

- 11-R-1547 (1) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a new Lease Agreement with Atlanta Public Schools, for the rental of 64,705 square feet of classroom and office space at the Harper Facility, located at 180 Southside Industrial Parkway, Atlanta, Georgia, for the Department of Police Training Academy, from the period of February 1, 2012, until January 31, 2017, at a rental rate of \$7,041.25 per month (\$84,495.00 per year). The lease amount will have an annual five (5%) increase to be charged to and paid from the Account Number listed; and for other purposes.
(Councilmember Bond 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)**

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)**

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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-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.

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0929 (14) 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) (Held 10/11/11 for further review)**
- 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-0996 (16) 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)**
- 11-O-1479 (17) 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. **(Held 10/11/11 at the author's request)**

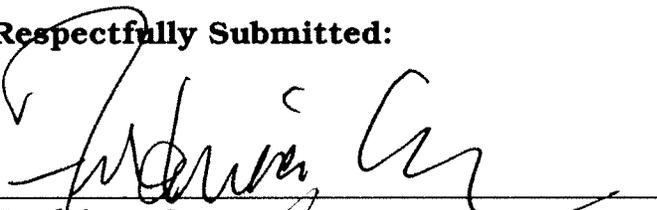
I. FOLLOW-UP ITEM

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

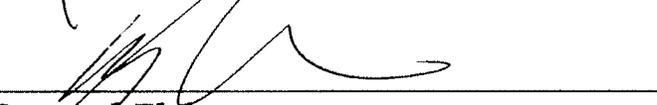
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There being no further business to come before the Committee, the meeting was adjourned at 6:26 p.m.

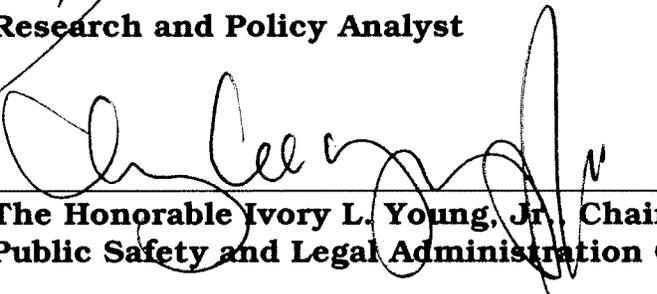
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



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