

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**JUNE 12, 2012**

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, June 12, 2012 at 3:05 p.m., in Committee Room #2**. The following members were present:

**The Honorable Michael J. Bond, Chair  
The Honorable H. Lamar Willis, Vice-Chair  
The Honorable Ivory L. Young, Jr.  
The Honorable C. T. Martin  
The Honorable Alex Wan  
The Honorable Cleta Winslow  
The Honorable Joyce Sheperd**

Others present at the meeting were: Deputy City Attorneys, Eric Richardson and Roger Bhandari, Amber Robinson, Gwen Burns and, Claude Cole, Law Department; Deputy Chiefs Ernest Finley and E. Renee Propes, Major Cerelyn J. Davis, Police Department; Commissioner Jo Ann J. Macrina, Theresa Stewart, Department of Watershed Management; Karen Rogers, Mayor's Office of Weed and Seed; David Bennett, Office of the Mayor; media, public and council staff.

Chairman Bond called the meeting to order at 3:05 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**
- C. STATUS UPDATE**
  - 1. Code Enforcement Update – Major C. J. Davis
  - 2. Taxi Bureau Status Update – Cedric Burse, Taxicabs and Vehicles for Hire, Atlanta Police Department

**CONSENT**

**D. RESOLUTIONS**

**Claims with favorable recommendations:**

- 12-R-0787 ( 1) Claim of **Melanie Doyle, through her attorney, James A. Rice, Jr., P. C. (DWM/02)**, for personal injury alleged to have been sustained as a result of walking into a storm grate on April 17, 2010 at 1149 Euclid Avenue. **\$9,250.00**
- 12-R-0788 ( 2) Claim of **Lorenzo Smith, through his attorney, Scott, Scott & Scott (APD/04)**, for bodily injury alleged to have been sustained from an automobile accident on September 17, 2011 at Sims Street and Arthur Street. **\$6,500.00**
- 12-R-0789 ( 3) Claim of **Liberty Mutual Fire Insurance Company, as subrogee of Grace L. Norville (APD/06)**, for property damage alleged to have been sustained from an automobile accident on September 22, 2011 at 1102 Saint Augustine Place, NE. **\$4,889.22**
- 12-R-0790 ( 4) Claim of **Thomsen, LTD (DWM/03)**, for property damage sustained as a result of a vehicular accident on December 27, 2011 at 17<sup>th</sup> Street at Northside Drive. **\$1,454.06**
- 12-R-0791 ( 5) Claim of **Anthony Isom (DWM/03)**, for property damage alleged to have been sustained by driving over a pothole on November 12, 2011 at 1425 Simpson Road. **\$900.00**
- 12-R-0792 ( 6) Claim of **Matthew C. McClure (APD/09)**, for property damage alleged to have been sustained after recovered property was lost or misplaced on April 11, 2012 at 3493 Donald Lee Hollowell Parkway. **\$618.76**
- 12-R-0793 ( 7) Claim of **Safeco National Insurance Company, as subrogee of George Brian Spears (APD/08)**, for property damage alleged to have been sustained from an automobile accident on September 12, 2011 at 411 Callan Circle, NE. **\$596.73**

**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 12-R-0844 ( 8) Claim of **Jarvis J. Pate (DWM/03)**, for property damage alleged to have been sustained from an automobile accident on April 15, 2012 at 1140 Donald Lee Hollowell Parkway.  
**\$1,625.00**

**Claims with unfavorable recommendations:**

- 12-R-0794 ( 9) Claim of **Javon Jackson, through his attorney, Law Office of Neil Flit (NA/NA)**, for bodily injury alleged to have been sustained from an automobile accident on August 2, 2011 at Hurricane Shoals Road/GA 120 Lawrenceville, Gwinnett County, Georgia.
- 12-R-0795 (10) Claim of **Ashley Ramsey, through her attorney, Law Office of Neil Flit (NA/NA)**, for bodily injury alleged to have been sustained from an automobile accident on August 2, 2011 at Hurricane Shoals Road/GA 120 Lawrenceville, Gwinnett County, Georgia.
- 12-R-0796 (11) Claim of **Breanne Ramsey, through her attorney, Law Office of Neil Flit (NA/NA)**, for bodily injury alleged to have been sustained from an automobile accident on August 2, 2011 at Hurricane Shoals Road/GA 120 Lawrenceville, Gwinnett County, Georgia.
- 12-R-0797 (12) Claim of **Diamond Ramsey, through her attorney, Law Office of Neil Flit (NA/NA)**, for bodily injury alleged to have been sustained from an automobile accident on August 2, 2011 at Hurricane Shoals Road/GA 120 Lawrenceville, Gwinnett County, Georgia.
- 12-R-0798 (13) Claim of **Shaikh Abdul Shakur (NA/NA)**, for damage alleged to have been sustained as a result of water usage on or about July 28, 2010 at 62 Meldon Avenue.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 12-R-0799 (14) Claim of **Carmen Smity, through her attorney, Law Office of Neil Flit (NA/NA)**, for bodily injury alleged to have sustained from an automobile accident on August 2, 2011 at Hurricane Shoals Road/GA 120 Lawrenceville, Gwinnett County, Georgia.
- 12-R-0800 (15) Claim of **Antoinelle Bailey, on behalf of her minor child, Davion Bailey (NA/10)**, for bodily injuries alleged to have been sustained from a fall, head injury and assault on October 13, 2011 at 101 Hemphill School Road.
- 12-R-0801 (16) Claim of **Leasia M. Harris, through her attorneys, Patty K. Kim, Foy & Associates, P.C. (NA/11)**, for bodily injury alleged to have been sustained from an automobile accident on November 7, 2011 on Panther Trail, SW.
- 12-R-0802 (17) Claim of **Tommy and Anitra Daniels, through their attorney, Davis Adams, LLC (AFD/05)**, for bodily injuries alleged to have been sustained from an incident on March 17, 2011 at 3201 Roswell Road.
- 12-R-0803 (18) Claim of **Therese Natty, Adult Detention Center (DOC/02)**, for damage alleged to have been sustained as a result of being detained at the Atlanta Detention Center on May 4, 2011 at 254 Peachtree Street.  
**(Councilmember Martin made a motion to approve Items D1-D18)**

**FAVORABLE**

**REGULAR**

**E. ORDINANCES FOR SECOND READING**

- 12-O-0730 ( 1) An Ordinance by Public Safety and Legal Administration Committee rescinding Ordinance Number 11-O-0827 and amending the 2012 (Intergovernmental Fund) Budget by adding to anticipations and appropriations in the amount of \$93,401.00 from Office of National Drug Control Policy (“ONDCP”), for the purpose of establishing an administration project to cover partial cost each year the HIDTA Program is established for administration cost for the High Intensity Drug Trafficking Area Program (HIDTA) and to transfer contract coordinator position from PATEO listed; and for other purposes.  
**(Councilmember Wan made a motion to approve on condition)**

**FAVORABLE ON CONDITION**

- 12-O-0774 ( 2) An Ordinance by Public Safety and Legal Administration Committee amending the City of Atlanta Noise Control Ordinance as set forth in Chapter 74, Article IV, Sec. 74-129 et seq. so that those sections shall read as set forth herein and adding certain new sections to the Noise Control Ordinance; and for other purposes.  
**(Councilmember Bond made a motion to hold at the request of the Law Department)**

**HELD**

- 12-O-0784 (3) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 18, Article III of the City of Atlanta Code of Ordinances to more clearly identify the Animal Control provisions applicable to the portion of the City within DeKalb County; to amend Chapter 18 of the City of Atlanta Code of Ordinances to specifically codify the Animal Control provisions applicable in the portion of the City within Fulton County by creating a new Article IV; and for other purposes.  
**(Councilmember Bond made a motion to approve)**

**FAVORABLE (5 YEAS) BOND, WINSLOW, YOUNG, WAN, WILLIS (2 NAYS) MARTIN, SHEPERD**

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**F. RESOLUTIONS**

12-R-0831 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Mayor's Office of Weed and Seed to apply and accept funding in the amount of \$39,494.00 from the State of Georgia Governor's Office Children and Youth 2012 Juvenile Accountability Block Grant Fund to support the Intensive Surveillance Officer Program and to provide matching funds in the amount of \$25,448.00; and for other purposes.

**(Councilmember Wan made a motion to approve)**

**FAVORABLE**

12-R-0834 ( 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 Aurora Holdings, LLC, et al. v. City of Atlanta, et al., Civil Action 2009CV178737, Fulton County Superior Court and John Benator, et al., v. City of Atlanta, et al., Civil Action File No. 2009CV167452, Fulton County Superior Court in the amount of \$480,000.00 (the "Settlement Amount"); authorizing the settlement amount to be charged to and paid from Fund, Center Number, Account and Functional Activity Number listed; authorizing the payment of \$450,000.00 in July 2012 and payment of \$30,000.00 in November 2013; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

**(Councilmember Wan made a motion to approve)**

**FAVORABLE (1 ABSTENTION) WILLIS**

12-R-00835 ( 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 Andrea Charbeneau v. City of Atlanta, Civil Action File Number 11EV012958J, pending in Fulton County State Court, in the amount of \$2,000.00; authorizing said payment to be charged to and paid from Fund, Center Number, Account and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

**(Councilmember Winslow made a motion to approve)**

**FAVORABLE**

**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)**

**HELD**

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) (Substituted and held 4/27/10 for further evaluation and review)**

**HELD**

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)**

**HELD**

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)**

**HELD**

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

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)**

**HELD**

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)**

**HELD**

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)**

**HELD**

**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)**

**HELD**

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. **(Held 10/12/10 at the request of the author)**

**HELD**

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)**

**HELD**

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)**

**HELD**

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

11-R-0772 (12) 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)**

**HELD**

11-R-0929 (13) 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)**

**HELD**

11-O-0996 (14) 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)**

**HELD**

11-O-1479 (15) 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)**

**HELD**

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

12-O-0375 (16) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 70, Article II of the Code of Ordinances of the City of Atlanta, Georgia, entitled "Burglar or Robbery Alarm Systems," for the purpose of regulating Burglary and Robbery Alarm Systems within the City of Atlanta in order to reduce the number of false alarms within the City of Atlanta through more efficient regulation of such alarm systems; to waive conflicting ordinances; and for other purposes. **(Held 5/1/12 for further review)**

**HELD**

12-O-0488 (17) An Ordinance by Councilmember Michael J. Bond **as substituted by Public Safety and Legal Administration Committee** to repurpose General Fund Revenue from City Cell Tower Leases for the Atlanta Police Department Shot Spotter Program; and for other purposes. **(Held 5/1/12 for further review) (Substituted and held 5/15/12)**

**HELD**

12-R-0670 (18) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into and execute an "Agreement" between the City of Atlanta and Sandy Springs, Georgia for the purpose of providing Automatic and Mutual Aid for emergency and non-emergency responses and the lease for usage of the City of Atlanta's Fire Station 39 by the City of Sandy Springs Fire Department; and for other purposes. **(Held 5/15/12 at the Department request)**

**HELD**

12-O-0693 (19) An Ordinance by Councilmembers Michael J. Bond, Natalyn M. Archibong, H. Lamar Willis, C. T. Martin, Kwanza Hall, Keisha Lance Bottom, Carla Smith, Howard Shook, Felicia A. Moore, Aaron Watson, Alex Wan, Joyce Sheperd and Yolanda Adrean amending the Code of Ordinances of the City of Atlanta Part II ("General Ordinances"), Chapter 106 ("Offenses and Miscellaneous Provisions"), Article IV (Offenses Against Public Morals), Division 3 ("Drugs and Other Controlled Substances") by adding a new section

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

prohibiting the use, sale or delivery of certain dangerous substances, sold and marketed as incense, potpourri or novelty aromatics affecting the public health, safety and welfare of the Citizens of Atlanta and providing for a penalty for violation; and for other purposes. **(Held 5/15/12 for further review)**

**HELD**

- 12-C-0708 (20) A Communication from Kayron F. Bearden, President, the League of Women Voters of Atlanta-Fulton County, submitting their re-appointment of **Mr. Alan Morris** to serve as a member of the Atlanta Citizen Review Board, scheduled to begin on the date of Council confirmation.  
**(Councilmember Winslow made a motion to approve)**

**FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL**

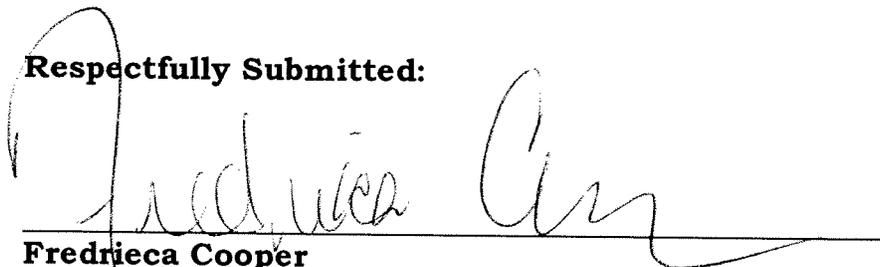
- 12-O-0781 (21) An Ordinance by Councilmember Michael Julian Bond authorizing the Department of Corrections to discontinue 12-Hour Work Shifts and restore Eight-Hour Work Shifts for Corrections Officers defined as Law Enforcement Employees in the Code of Federal Regulations; and for other purposes.  
**(Held 5/29/12 for further review)**

**HELD**

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**There being no further business to come before the Committee, the meeting was adjourned at 4:36 p.m.**

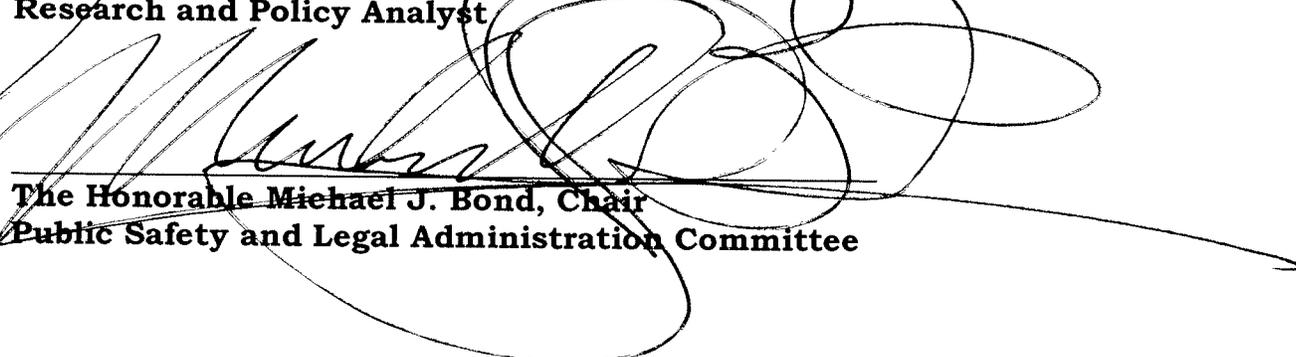
**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



**Bernard R. Thomas  
Research and Policy Analyst**



**The Honorable Michael J. Bond, Chair  
Public Safety and Legal Administration Committee**