

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

JANUARY 31, 2012

The scheduled meeting of the Public Safety and Legal Administration Committee was held on Tuesday, January 31, 2012 at 3:17 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 C. T. Martin
The Honorable Cleta Winslow
The Honorable Alex Wan
The Honorable Joyce Sheperd
The Honorable Ivory L. Young, Jr.**

Others present at the meeting were: Deputy City Attorney, Eric Richardson and Amber Robinson, Claude Cole, Law Department; Deputy Chiefs Ernest Finley, Calvin Moss, E. Renee Propes and Shawn Jones, Lt. C. J. Davis, Police Department; Raines Carter; City Solicitor; Denise Revels, Atlanta Public Schools; media, public and council staff.

Chairman Bond called the meeting to order at 3:17 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. PRESENTATION**

The Child In Need of Supervision
(Ordinance #12-O-0077)

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 12-R-0113 (1) Claim of **Kierra Wright, through her attorney, Tawanna Morgan (DPW/11)**, for damages alleged to have been sustained as a result of vehicular accident on October 26, 2010 at Campbellton Road at Niskey Lake Road. **\$9,500.00**
- 12-R-0114 (2) Claim of **Damian Bush, through his attorney, Lloyd Thomas (AFR/01)**, for damages alleged to have been sustained as a result of a vehicular accident on February 1, 2011 at 256 Claire Drive. **\$4,500.00**
- 12-R-0115 (3) Claim of **Rachael Mincey (DPW/11)**, for bodily injuries alleged to have been sustained after falling on a broken sidewalk on July 10, 2011 at 710 Peachtree Street. **\$1,800.00**
- 12-R-0116 (4) Claim of **Brittany and William Newbold (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on April 13, 2011 at Freedom Parkway at Boulevard. **\$925.93**
- 12-R-0117 (5) Claim of **Kimberly Holmond (APD/02)**, for property damages alleged to have been sustained from an automobile accident on January 24, 2011 at DeKalb Avenue and Oakdale Road. **\$887.58**
- 12-R-0118 (6) Claim of **Allen Jordan (DWM/NA)**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on September 06, 2010 at 579 Northridge Crossing Drive. **\$750.00**
- 12-R-0119 (7) Claim of **G. Brian Spears (DPW/06)**, for damages alleged to have been sustained from an automobile accident on September 12, 2011 at 411 Callan Circle. **\$700.25**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 12-R-0120 (8) Claim of **Tomkiew Brown (APD/04)**, for damages alleged to have been sustained as a result of a vehicular accident on September 2, 2011 at 563 Hope Street. **\$549.77**

Claims with unfavorable recommendations:

- 12-R-0121 (9) Claim of **Lawanna Ford (NA/NA)**, for damages alleged to have been sustained as the result of a pothole on October 21, 2011 at Gilbert Road and Conley Road, Clayton County, Georgia.
- 12-R-0122 (10) Claim of **Chanell Goodson, a minor, through her attorney, Morgan and Morgan (NA/02)**, for damages alleged to have been sustained as the result of automobile accident on August 14, 2011 at Ponce de Leon Avenue and Freedom Parkway.
- 12-R-0123 (11) Claim of **Aaron Smith, a minor, through his attorney, Morgan and Morgan (NA/02)**, for damages alleged to have been sustained as the result of automobile accident on August 14, 2011 at Ponce de Leon Avenue and Freedom Parkway.
- 12-R-0124 (12) Claim of **Antwan Smith, a minor, through his attorney, Morgan and Morgan (NA/02)**, for damages alleged to have been sustained as the result of automobile accident on August 14, 2011 at Ponce de Leon Avenue and Freedom Parkway.
- 12-R-0125 (13) Claim of **Ivy Smith, a minor, through his attorney, Morgan and Morgan (NA/02)**, for damages alleged to have been sustained as the result of automobile accident on August 14, 2011 at Ponce de Leon Avenue and Freedom Parkway.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 12-R-0126 (14) Claim of **Travelers Home and Marine Insurance Company as subrogee of Adraino Tamanza (NA/02)**, for property damages alleged to have been sustained from an automobile accident on October 6, 2011 at Corey Center SE and Martin Luther King, Jr. Drive, SW.
- 12-R-0127 (15) Claim of **Anthon Zephir (NA/10)**, for property damages alleged to have been sustained after striking a pothole on September 21, 2011 at 2490 Burton Road, NW.
- 12-R-0128 (16) Claim of **Paul Phouminh (APD)**, for damages alleged to have been sustained from a medical bill on January 17, 2010 at 960 Spring Street.
- 12-R-0129 (17) Claim of **Teletha Anderson, through her attorney, Gilbert M. Taylor, LLC (APD/03)**, for bodily injuries alleged to have been sustained as the result of an automobile accident on July 7, 2011 at 1724 Donald Lee Hollwell Parkway.
- 12-R-0130 (18) Claim of **Jasmine Newman, through her attorney, Gilbert M. Taylor, LLC (APD/03)**, for bodily injuries alleged to have been sustained as the result of an automobile accident on July 7, 2011 at 1724 Donald Lee Hollwell Parkway.
- 12-R-0131 (19) Claim of **Eric Bell, through his attorney, Charles Webb (APD/04)**, for damages alleged to have been sustained as a result of an arrest on September 24, 2010 at 282 Northside Drive.
- 12-R-0132 (20) Claim of **Nationwide Insurance Company, as subrogee of Tomkio Brown (APD/04)**, for damages alleged to have been sustained as a result of a vehicular accident on September 2, 2011 at 563 Hope Street.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 12-R-0133 (21) Claim of **Cynthia Johnson, through her attorney, Daniel L. Parr, Sr., Weaver Law Firm (DOA/NA)**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on June 18, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 12-R-0134 (22) Claim of **Paul Summers (DOA/NA)**, for property damages alleged to have been sustained when pipes dripped a liquid on a parked vehicle from June 27, 2011 to July 1, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 12-R-0135 (23) Claim of **Dr. Jennifer Barber, through her attorney, Robin Coggsell, the Coggsell Law Firm, LLC (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on an escalator on December 11, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 12-R-0136 (24) Claim of **Jonathan Cooper (DPRCA/04)**, for damages alleged to have been sustained as the result of a fallen tree on April 15, 2011 at Murphy Avenue and Ralph David Abernathy Boulevard.
- 12-R-0137 (25) Claim of **Lindsay Woods (DPW/07)**, for damages alleged to have been sustained as the result of striking a herbie curbie on December 6, 2010 at 3713 Peachtree Road.
- 12-R-0138 (26) Claim of **State Farm Insurance Company, as subrogee of Nicholas Development (DWM/NA)**, for damages alleged to have been sustained from a water main break on July 5, 2010 at an undetermined location.
- 12-R-0139 (27) Claim of **Jason and Jessica Agur, through their attorneys, Kopelman Sitton Law Group (DWM/01)**, for property damages to have been sustained from flooding on May 3, 2010 at 1255 Avondale Avenue.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 12-R-0140 (28) Claim of **Carolyn Fernandes and Joelle Hall, through their attorneys, Kopelman Sitton Law Group (DWM/01)**, for property damages to have been sustained from flooding on January 24, March 3, April 20, 23, and May 2-3, 2010 at 1267 Avondale Avenue.
- 12-R-0141 (29) Claim of **Tiffani Hiudt, through her attorneys, Kopelman Sitton Law Group (DWM/01)**, for property damages to have been sustained from flooding on May 3, 2010 at 1275 Avondale Avenue.
- 12-R-0142 (30) Claim of **Ben Jewett, through his attorneys, Kopelman Sitton Law Group (DWM/01)**, for property damages to have been sustained from flooding on January 24, 2010 and May 3, 2010 at 1279 Avondale Avenue.
- 12-R-0143 (31) Claim of **Alvaro Morcillo, through his attorneys, Kopelman Sitton Law Group (DWM/01)**, for property damages to have been sustained from flooding on January 24, 2010 and May 3, 2010 at 1259 Avondale Avenue.
- 12-R-0144 (32) Claim of **Jennifer Schmidt, through her attorneys, Kopelman Sitton Law Group (DWM/01)**, for property damages to have been sustained from flooding on January 24, April 20, 23, and May 2-3, 2010 at 1263 Avondale Avenue.
- 12-R-0145 (33) Claim of **Hampton Inn and Suites, C/O Andrew May, General Manager (DWM/02)**, for damages alleged to have been sustained from flooding due to a broken storm sewer pipe on November 20, 2010 at 161 Spring Street.
- 12-R-0146 (34) Claim of **Andrea Charbeneau, through her attorney, John Hadden (DWM/06)**, for damages alleged to have been sustained as a result of a walking into an uncovered water meter on July 8, 2009 at 869 St. Charles Avenue.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 12-R-0147 (35) Claim of **Tramone Curry (DWM/12)**, for damages alleged to have been sustained as a result of a sewer backup on October 30, 2010 at 38 Pickfair Avenue.
(Councilmember Wan made a motion to approve Items D1-D35)

FAVORABLE

E. ORDINANCE FOR FIRST READING

- 12-O-0103 (1) Ordinance by Public Safety and Legal Administration Committee amending the 2012 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$2,330.00 to a new total of \$5,635,764.00, 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.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. ORDINANCES FOR SECOND READING

- 12-O-0046 (1) An Ordinance by Public Safety and Legal Administration Committee rescinding 11-O-1261 and amending the 2012 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, in the amount of \$2,938,559.00, 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 Willis made a motion to approve.)

FAVORABLE

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ORDINANCES FOR SECOND READING (CONT'D)

- 12-O-0047 (2) An Ordinance by Public Safety and Legal Administration Committee to accept a Sub-Grant from the United States Department of Homeland Security (DHS), to aid the City of Atlanta's ongoing efforts to protect itself from terrorist attacks, through the purchase of portable lighting, barriers, and other specialized supplies and equipment for the Department of Police ("Department"), and to amend the 2012 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$190,000.00; and for other purposes.
(Councilmember Winslow made a motion to approve.)

FAVORABLE

- 12-O-0048 (3) A **Substitute** Ordinance by Public Safety and Legal Administration Committee authorizing the acquisition of real property located at 843 and 855 Hollywood Road in Land Lot 176 of the 14th District, Fulton County, Georgia for the purposes of constructing a new Fire Station 22; costs associated with acquisition to be paid from Account Numbers listed; and for other purposes.
(Councilmember Bond made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

G. RESOLUTIONS

- 12-R-0148 (1) A Resolution by Public Safety and Legal Administration Committee to rescind Resolution Number 11-R-1330 and authorizing payment in the amount of \$1,639.55 in settlement of the property damage claim of Tunicia Walker, against the City of Atlanta; and for other purposes.
(Councilmember Winslow made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 12-R-0149 (2) A Resolution by Public Safety and Legal Administration Committee to rescind Resolution Number 11-R-1610 and authorizing payment in the amount of \$2,500.00 in settlement of bodily injury claim of Elise Haskett and Kennestone Hospital, Inc., d/b/a Wellstar Kennestone Hospital, against the City of Atlanta; and for other purposes. **(Councilmember Winslow made a motion to approve.)**

FAVORABLE

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) (Substituted and 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 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)**
- 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. **(Held 10/12/10, at the request of the author)**
- 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-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)**
- 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)**
- 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)**
- 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 12-O-0077 (16) An Ordinance by Councilmembers Michael J. Bond, C. T. Martin, Natalyn M. Archibong, Kwanza Hall, Clea Winslow, Aaron Watson, Ivory L. Young, Jr., Joyce M. Sheperd and Carla Smith to amend Section 106-229 of the Code of Ordinances of the City of Atlanta (Entitled "Children in need of Supervision") so as to modify the penalty provision thereof to cause said provision to be consistent with the general penalty provision contained in the Atlanta City Code; to waive conflicting ordinances and Code Sections; and for other purposes.
(Councilmember Bond made a motion to approve.)

FAVORABLE

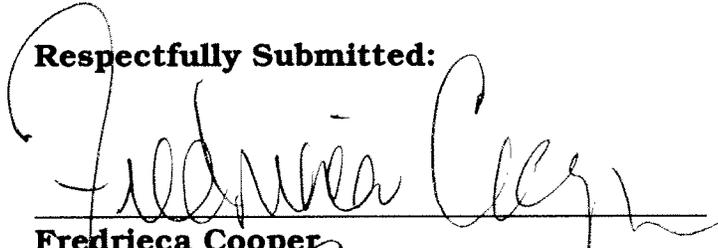
I. EXECUTIVE SESSION

The Committee went into executive session to discuss Ordinance 12-O-0048 which involves the future acquisition of real estate to build a new fire station.

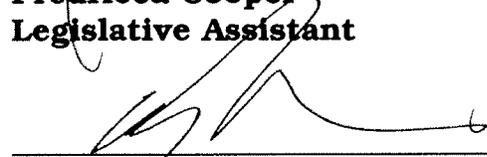
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There being no further business to come before the Committee, the meeting adjourned at 5:55 p.m.

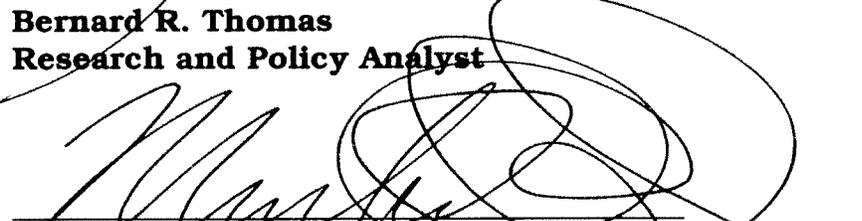
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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