

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

FEBRUARY 28, 2012

The scheduled meeting of the Public Safety and Legal Administration Committee was held **Tuesday, February 28, 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 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; Majors Cerelyn J. Davis and Reginald Mitchell, Police Department; Chief Kelvin Cochran, Deputy Chiefs Wilmond Meadows, Joel Baker and Christopher Wessels, Assistant Chief, Woodworth, Fire and Rescue; Interim Commissioner Patrick Labot, and Asst. Chief Diane Jones; Department of Corrections; 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. PRESENTATIONS**
 - 1. Departmental Overview: Atlanta Fire Rescue – Chief Kelvin Cochran
 - 2. Update: Code Enforcement – Major C. J. Davis
- D. EXECUTIVE SESSION – Fire and Rescue Pending Litigation**

CONSENT

E. RESOLUTIONS

Claims with favorable recommendations:

- 12-R-0254 (1) Claim of **TransPac Solutions, as subrogee of FedEx Express (DWM/09)**, for damages alleged to have been sustained as a result of a vehicular accident on November 16, 2011 at 1876 DeFours Avenue. **\$3,363.59**
- 12-R-0255 (2) Claim of **Capitol City Nissan (DPW/05)**, for property damages alleged to have been sustained from an automobile accident on December 28, 2011 at Robson Place. **\$3,000.00**
- 12-R-0256 (3) Claim of **Valerie Raven, through her attorney, Neil W. Putnam, Esq. (APD/02)**, for bodily injuries alleged to have been sustained from an automobile accident on July 6, 2011 at 130 Peachtree Street. **\$2,500.00**
- 12-R-0257 (4) Claim of **Ashley Baldwin, through her attorney, Neil W. Putnam, Esq. (APD/02)**, for bodily injuries alleged to have been sustained from an automobile accident on July 6, 2011 at 130 Peachtree Street. **\$2,500.00**
- 12-R-0258 (5) Claim of **Saquonna Bell, through her attorney, Neil W. Putnam, Esq. (APD/02)**, for bodily injuries alleged to have been sustained from an automobile accident on July 6, 2011 at 130 Peachtree Street. **\$2,500.00**
- 12-R-0259 (6) Claim of **Quanteria Harris, through her attorney, Neil W. Putnam, Esq. (APD/02)**, for bodily injuries alleged to have been sustained from an automobile accident on July 6, 2011 at 130 Peachtree Street. **\$2,500.00**
- 12-R-0260 (7) Claim of **Ronda Carmichael (DWM/05)**, for damages alleged to have been sustained as a result of walking in on an unsecured water meter cover on February 22, 2011 at 2274 Sutton Street. **\$1,500.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 12-R-0261 (8) Claim of **Katya Parrish (DWM/09)**, for damages alleged to have been sustained as a result of walking on a water meter cover that collapsed on August 27, 2009 at 46 Edwin Place. **\$1,200.00**
- 12-R-0262 (9) Claim of **MARTA (APD/05)**, for property damages alleged to have been sustained from an automobile accident on March 25, 2011 at Jesse Hill, Jr. Drive and Decatur Street. **\$1,107.89**
- 12-R-0263 (10) Claim of **Jacquelyn Warner (DWM/07)**, for damages alleged to have been sustained as a result of a recessed manhole on February 24, 2011 at 3460 Roxboro Road. **\$1,097.33**
- 12-R-0264 (11) Claim of **Joe L. Reynolds (DPW/04)**, for property damages alleged to have been sustained from an automobile accident on June 23, 2011 at Lucille Avenue and Ralph D. Abernathy Boulevard. **\$674.00**

Claims with unfavorable recommendations:

- 12-R-0265 (12) Claim of **Armenious Patterson, Jr. (AFD/01)**, for property damages alleged to have been sustained when a door was broken as a result of responding to an emergency call on April 8, 2011 at 1160 Gilbert Street.
- 12-R-0266 (13) Claim of **Leslie C. Deveaux-Christian (NA/NA)**, for property damages alleged to have been sustained from driving over a pothole on January 23, 2012 at 1277 Lenox Park Boulevard.
- 12-R-0267 (14) Claim of **Donna Allen (DWP/8)**, for bodily injuries alleged to have been sustained from a trip-and-fall incident on an uneven section of road on August 19, 2011 at 1943 Peachtree Road.
(Councilmember Wan made a motion to approve Items E1-E14)

FAVORABLE

REGULAR

F. ORDINANCES FOR SECOND READING

- 12-O-0278 (1) An Ordinance by Councilmember Michael J. Bond to amend the City of Atlanta Code of Ordinances Chapter 30, (Business), Article XXIV, (Vending on Private Property), Division 2 (Permits), Section 30-1485 (Term of Renewal of Permits) so as to allow Private Property Vendors to vend at one location in excess of two years by applying again for an initial Vending Permit rather than a Renewal Permit; to waive conflicting ordinances; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 12-O-0279 (2) An Ordinance by Councilmember Michael J. Bond **as substituted by Public Safety and Legal Administration Committee** to amend Section 114-236 of the Code of Ordinances of the City of Atlanta, Georgia (entitled "Minimum Qualifications to Compete") so as to include Lieutenants in the Department of Corrections and to delete Sergeants in the Department of Corrections as obsolete; to waive confliction ordinances; and for other purposes.
(Councilmember Wan made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 12-O-0283 (3) An Ordinance by Councilmember Cleta Winslow to renew and re-designate the Drug Free Commercial Zone located in the Pittsburgh Community and designated as "Zone III, McDaniel"; and for other purposes.
(Councilmember Winslow made a motion to approve.)

FAVORABLE

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G. RESOLUTIONS

12-R-0253 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta, to enter into an Intergovernmental Memorandum of Understanding between the Atlanta Police Department, the United States Naval Criminal Investigative Services, and other Federal, State and Local Law Enforcement Agencies participating in the Southeast Law Enforcement Alliance Project ("LEAP"), in order to share Crime Data for the purpose of identifying and locating criminals and terrorists operating across their jurisdictional boundaries; and for other purposes.

(Councilmember Wan made a motion to approve.)

FAVORABLE

12-R-0268 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claim against the City of Atlanta in the case of Ruby Tolivar, et al. v. City of Atlanta, et al., Civil Action File Number 1:11-CV-02420-WSD, United States District Court, Northern District of Georgia, Atlanta Division in the amount of \$144,000.00; authorizing payment of \$144,000.00 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

12-R-0269 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claim against the City of Atlanta in the matter of City of Atlanta v. Stephanus Louw, Fulton County Superior Court, Civil Action File Number 2005-CV-110237, in the amount not to exceed \$15,000.00 in settlement of the condemnation of a deep tunnel sewer easement for the West Area Tunnel Project; that all monetary settlement amounts be charged to and paid from Fund, Account and Center Number listed; authorizing the Chief Financial Officer to distribute the remaining settlement amount; and for other purposes.

(Councilmember Wan made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 12-R-0270 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claim against the City of Atlanta in the case of City of Atlanta v. Douglas Orr, Fulton County Superior Court, Civil Action File Number 2005-CV-113029, in an amount not to exceed \$25,000.00 in settlement of the condemnation of a deep tunnel sewer easement for the West Area Tunnel Project; that all monetary settlement amounts be charged to and paid from Fund, Account and Center Number listed; authorizing the Chief Financial Officer to distribute the remaining settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve.)

FAVORABLE

- 12-R-0277 (5) A Resolution by Councilmember Michael J. Bond authorizing the Mayor to enter into a lease agreement with the Tenet Health System GB, Inc., DBA Atlanta Medical Center, on behalf of the Atlanta Police Department, for the rental of 1065 square feet of office space located at 340 Boulevard, NE, Atlanta, Georgia, for a Department of Police Zone Six Mini-Precinct from the period of ____ 2012 through _____ 20__ at a rental rate of \$0 per year; and for other purposes.
(Councilmember Wan made a motion to approve on condition.)

FAVORABLE ON CONDITION

- 12-R-0282 (6) A Resolution by Councilmember Cleta Winslow authorizing the Mayor to apply for and accept a subgrant from the Governor's Office for Children and Families in an amount not to exceed \$75,000.00 to be matched in an amount not to exceed \$8,333.00 to fund a Juvenile Offender Re-Entry Program designed to reduce recidivism rates among Juvenile Offenders by providing Juvenile Offenders with education and character development programs designed to give young offenders an opportunity to complete their education and become fit to compete in the workplace; and for other purposes.
(Councilmember Wan made a motion to approve on condition.)

FAVORABLE ON CONDITION

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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)**
- 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 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)**

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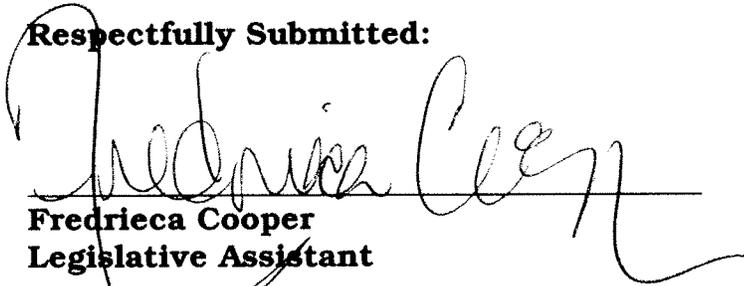
PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**

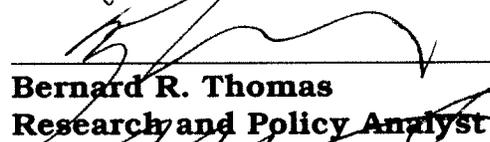
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There being no further business to come before the Committee, the meeting adjourned at 5:33 p.m.

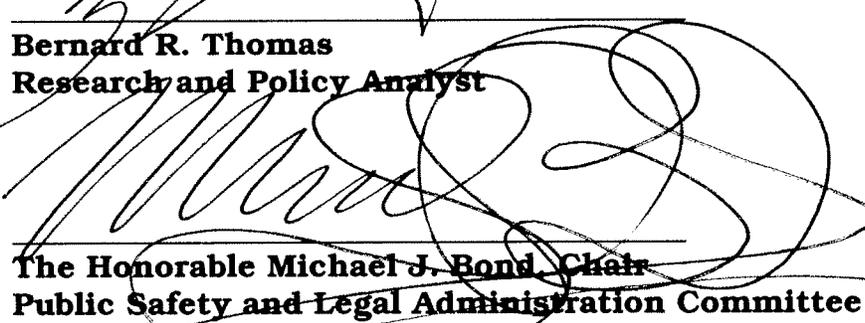
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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