

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

MARCH 13, 2012

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, March 13, 2012 at 3:29 p.m., in Committee Room #2**. The following members were present:

**The Honorable Michael J. Bond, Chair
The Honorable C. T. Martin
The Honorable Clela Winslow
The Honorable Joyce Sheperd
The Honorable Ivory L. Young, Jr.**

The following members were present:

**The Honorable H. Lamar Willis, Vice-Chair
The Honorable Alex Wan**

Others present at the meeting were: Deputy City Attorney, Eric Richardson, Amber Robinson, Robin Shahar and Claude Cole, Law Department; Chief George Turner, Deputy Chiefs Erika Shields, E. Renee Propes and Shawn Jones, Majors Timothy Quiller and Cerelyn J. Davis, Johnny Dalton, Police Department; Deputy Chief Wilmond Meadows, Atlanta Fire and Rescue; Interim Chief of Corrections, Patrick Labat, Department of Corrections; media, public and council staff.

Chairman Bond called the meeting to order at 3:29 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 Police Department – Chief George Turner
2. Update: Code Enforcement – Major C. J. Davis

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 12-R-0317 (1) Claim of **Alfred Boyajian and Margaret Staley, through their attorney, Cameron M. McCord, Jones and Walden, LLC (DWM/08)** for property damages alleged to have been sustained from stream bank failure, sanitary sewer backups, and construction activities during certain sewer repairs occurring over a period of time including and subsequent to September 17, 2004 at 3720 Paces Valley Road. **\$65,000.00**
- 12-R-0318 (2) Claim of **Kacy Daniels, through his attorney, Glaser Curie & Bullman, LLP (APD/09)**, for damages alleged to have been sustained from an arrest incident on August 18, 2011 at 980 Hollywood Road. **\$25,000.00**
- 12-R-0319 (3) Claim of **Hanover Insurance Company, as subrogee of Goode/Van Slyke Architecture (DWM/02)**, for damages alleged to have been sustained as a result of a vehicular accident on February 2, 2010 at 360 Jackson Street. **\$15,654.20**
- 12-R-0320 (4) Claim of **Westchester-Wilshire Condominium Association Board, through its attorney, Clare Michaud Legal Services, LLC (DWM/08)**, for property damages alleged to have been sustained from a broken storm pipeline on July 15, 2010 at 20 Collier Road, NW. **\$14,335.50**
- 12-R-0321 (5) Claim of **USAA Casualty Insurance Company, as subrogee of Brenton L. Moore (DWM/02)**, for vehicular damages alleged to have been sustained from an automobile accident on October 9, 2010 at 1605 Peachtree Street. **\$12,138.31**
- 12-R-0322 (6) An **Amended** Claim of **The Hartford Insurance Company, as subrogee of Brian and Norma Mclean (DPW/07)**, for property damages alleged to have been sustained from an automobile accident on November 3, 2011 at Marietta Road and La Dawn Lane. **\$2,245.37**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 12-R-0323 (7) Claim of **Fulton County Risk Management (DWM/02)**, for property damages alleged to have been sustained from a water meter installation on May 12, 2010 at 121 Pryor Street. **\$3,800.00**
- 12-R-0324 (8) Claim of **Grace Scholfield (APD/02)**, for property damages alleged to have been sustained from an automobile accident on November 21, 2011 at 1033 Williams Mill Road. **\$2,687.04**
- 12-R-0325 (9) Claim of **USAA, as subrogee of James Reese, Sr. (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on August 20, 2011 at Joseph E. Lowery Boulevard at Harwell Street. **\$2,601.48**
- 12-R-0326 (10) Claim of **Tremayne Allen (DWP/05)**, for property damages alleged to have been sustained from an automobile accident on September 20, 2011 at 211 Memorial Drive. **\$1,981.37**
- 12-R-0327 (11) Claim of **David and Joan Perlow (DWM/NA)**, for damages alleged to have been sustained as a result of the repair of a severed water line on March 9, 2010 at 7490 Wildercliff Drive. **\$1,400.00**
- 12-R0328 (12) Claim of **USAA, as subrogee of Christopher Mercure (APD/01)**, for damages to have been sustained as a result of a vehicular accident on August 29, 2011 at 880 Cherokee Avenue. **\$1,349.10**
- 12-R-0329 (13) Claim of **Stephanie Carter (DOA/NA)**, for property damages alleged to have been sustained from an automobile accident on October 9, 2011 at 2315 Rental Car Parkway. **\$958.24**
- 12-R-0330 (14) Claim of **John Watson (DWM/10)**, for property damages alleged to have sustained from a water meter leak on June 1, 2011 at 1445 North Riverside Circle. **\$834.17**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 12-R-0331 (15) Claim of **Evenlyn Hutchins (DPW/03)**, for property damages alleged to have been sustained from a broken driveway on May 25, 2010 at 1936 Penelope Drive. **\$750.00**
- 12-R-0332 (16) Claim of **Marsalino Scott (APD/02)**, for property damages alleged to have been sustained from an automobile accident on November 5, 2011 at Jessie Hill Drive and Decatur Street. **\$744.09**

Claims with unfavorable recommendations:

- 12-R-0333 (17) Claim of **Stacey Breire (NA/NA)**, for property damages alleged to have been sustained from driving over a pothole on January 30, 2012 at 1277 Lenox Park Boulevard.
- 12-R-0334 (18) Claim of **James Owens, through his attorney, Beau Pirkle (NA/03)**, for damages alleged to have been sustained as a result of an electrical outlet malfunction on April 11, 2911 at University Community Academy, 2050 Tigers Flowers Drive.
- 12-R-0335 (19) Claim of **Jason Cavanaugh, through his attorney, Neil Flit (APD/NA)**, for damages alleged to have been sustained as the result of an automobile accident on June 17, 2010 at 1-75 Northbound and I-575 Northbound.
- 12-R-0336 (20) Claim of **Shirley Turner (DPRCA/03)**, for damages alleged to have been sustained as a result of a vehicular accident on October 5, 2011 at Martin Luther King, Jr. Drive at Northside Drive.
- 12-R-0337 (21) Claim of **Stuart Bracken (DPRCA/06)**, for damages alleged to have been sustained as the result of a tree removal on December 12, 2011 at 1066 N. Virginia Avenue.
- 12-R-0338 (22) Claim of **J. Thomas Chaffin, Jr. (DPRCA/06)**, for damages alleged to have been sustained as the result of a tree limb on May 14, 2011 at 1258 Druid Place.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 12-R-0339 (23) Claim of **Erin Ross (DPW/02)**, for damages alleged to have been sustained as a result of driving over a pothole on September 29, 2010 at Spring Street at Harris Street.
- 12-R-0340 (24) Claim of **Roberta Litchfield (DWM/NA)**, for damages alleged to have been sustained as a result of a raised manhole on July 20, 2010 at 4501 Harris Trail.
- 12-R-0341 (25) Claim of **Acloque, Person & Associates, through its attorney, Sam L. Starks, Martin and Jones (DWM/03)**, for property damages alleged to have been sustained from two sanitary sewer backups on September 21, 2009 and May, 2010 at 15 Burbank Drive, SW.
- 12-R-0341 (26) Claim of **Ruth Green (DWM/10)**, for damages alleged to have been sustained from a sewer backup on May 3, 2010 at 318 Kelson Drive.
(Councilmember Young made a motion to approve Items D1-D26)

FAVORABLE

REGULAR

E. ORDINANCE FOR SECOND READING

- 12-O-0360 (1) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin **as substituted by Public Safety and Legal Administration Committee** to amend Atlanta Code of Ordinances Chapter 106, Article I, Section 106-12, entitled Urban Camping and Improper Use of Public Places; and for other purposes.
(Councilmember Winslow made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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F. RESOLUTIONS

- 12-R-0343 (1) A Resolution by Public Safety and Legal Administration Committee to rescind Resolution Number 11-R-1798 and authorizing payment in the amount of \$4,089.65 in settlement of the property damage claim of State Farm Insurance Company as subrogee of **Heidy Fuentes**, against the City of Atlanta; and for other purposes.
(Councilmember Winslow made a motion to approve)

FAVORABLE

- 12-R-0344 (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 Anita Ann Johnson v. City of Atlanta, et al., Civil Action File No. 2006-CV-115391, pending in Fulton County Superior Court, in the amount of \$40,000.00; 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 Young made a motion to approve)

FAVORABLE

- 12-R-0354 (3) A Resolution by Councilmember Kwanza Hall authorizing the Mayor to enter into a Lease Agreement with Second Bedford Pine, LTD., on behalf of the Atlanta Police Department for the Rental of Apartment #101 located at 447 Boulevard, NE, Atlanta, Georgia for a Department of Police Zone Six Processing Center from the period of _____ 2012 through _____ 20 __ , at a rental rate of \$0 per year; and for other purposes.
(Councilmember Bond made a motion to hold)

HELD

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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)**
- 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)**

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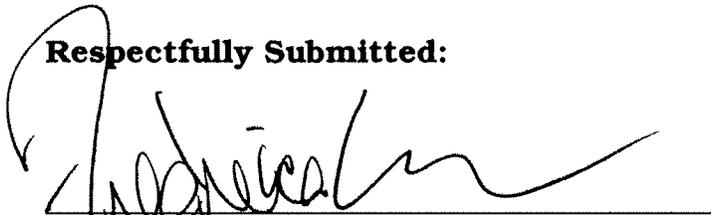
PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**

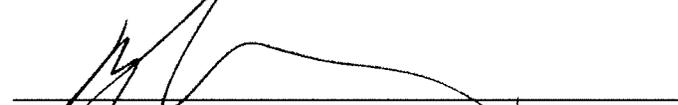
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There being no further business to come before the Committee, the meeting adjourned at 4:37 p.m.

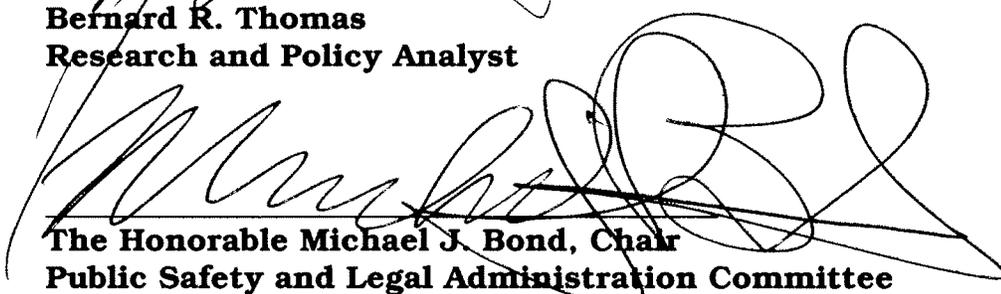
Respectfully Submitted:



Fredrieca Cooper
Legislative Assistant



Bernard R. Thomas
Research and Policy Analyst



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