

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**MARCH 27, 2012**

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, March 27, 2012 at 3:29 p.m., in Committee Room #2**. The following members were present:

**The Honorable Michael J. Bond, Chair  
The Honorable Alex Wan  
The Honorable Cleta Winslow  
The Honorable Ivory L. Young, Jr.  
The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable H. Lamar Willis, Vice-Chair  
The Honorable C. T. Martin**

Others present at the meeting were: Deputy City Attorney, Eric Richardson, Amber Robinson, Gwen Burns and Claude Cole, Law Department; Deputy Chief Ernest Finley, Major Cerelyn J. Davis, Police Department; Interim Chief of Corrections, Patrick Labat and Asst. Chief Diane Jones, 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. Update: Code Enforcement – Major C. J. Davis
2. Departmental Overview: Department of Corrections – Interim Chief Patrick Labot

**CONSENT**

**D. RESOLUTIONS**

**Claims with favorable recommendations:**

- 12-R-0413 ( 1) Claim of **Travelers Home and Marine Insurance Company, as subrogee of Eric Bache (DPW/05)**, for property damages alleged to have been sustained from an automobile accident on June 1, 2011 at Fulton Industrial Boulevard and Marvin Miller Drive. **\$6,498.73**
- 12-R-0414 ( 2) Claim of **Howard Miller, through his attorney, W. Bryant Green, III (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on June 6, 2011 at Forsyth Street at Nelson Street. **\$6,000.00**
- 12-R-0415 ( 3) Claim of **USAA, as subrogee of Leslie Dent (DPW/06)**, for damages alleged to have been sustained as a result of a vehicular accident on June 15, 2011 at 950 Greenwood Avenue. **\$1,771.21**
- 12-R-0467 ( 4) Claim of **Francess Elizabeth Theadway (DWM/05)**, for property damages alleged to have been sustained from flooding from September 2001 to present at 36 Warren Street, NE. **\$10,000.00**
- 12-R-0468 ( 5) Claim of **Erin Green (DPRCA/05)**, for vehicular damages alleged to have been sustained from driving over a tree root that was located in the City's right-of-way on June 1, 2011 at 104 Warren Street, NE. **\$900.77**
- 12-R-0469 ( 6) Claim of **Willie Winfrey (DOF/03)**, for vehicular damages alleged to have been sustained from driving over a water service line on January 24, 2012 at 2065 Joseph E. Boone Boulevard. **\$850.00**
- 12-R-0470 ( 7) Claim of **Lemoyne Smith (APD/02)**, for property damages alleged to have been sustained from an automobile accident on December 14, 2011 at 174 Peachtree Street, NW. **\$893.41**

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**RESOLUTIONS**

**Claims with unfavorable recommendations:**

- 12-R-0416 ( 8)      Claim of **Larry Brown (NA/04)**, for damages alleged to have been sustained as a result of striking a storm water drain on December 17, 2011 at 888 Ralph David Abernathy Boulevard.
- 12-R-0417 ( 9)      Claim of **Nicole Gilkey (NA/05)**, for damages alleged to have been sustained as a result of striking construction material on February 9, 2012 at 1805 Memorial Drive.
- 12-R-0418 (10)      Claim of **Kimberly Brown (NA/08)**, for damages alleged to have been sustained as a result of a gas line being severed on January 24, 2011 at 1290 West Wesley Road.
- 12-R-0419 (11)      Claim of **Vondarrious Andrews, through his attorney, Duncan Harle (NA/12)**, for damages alleged to have been sustained as a result of being bitten by a dog on April 15, 2011 at 1355 Sylvan Road.
- 12-R-0420 (12)      Claim of **Mary Neal (APD/02)**, for damages alleged to have been sustained as the result of a protest and arrest incident in June, 2010 at 127 Peachtree Street.
- 12-R-0421 (13)      Claim of **GEICO, as subrogee of Sherry Rivers (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on April 10, 2011 at West Lake Avenue at Donald Lee Hollowell Parkway.
- 12-R-0422 (14)      Claim of **Geraldine Dodson (APD/04)**, for damages alleged to have been sustained as a result of a trip and fall on August 24, 2010 at 1125 Cascade Circle.
- 12-R-0423 (15)      Claim of **State Farm Insurance Company, as subrogee of Chaz Lewis (APD/05)**, for damages alleged to have been sustained as a result of a vehicular accident on June 13 2011 at Memorial Drive at Maynard Terrace.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 12-R-0424 (16) Claim of **Thomas W. Cummings, Jr. (DOA/NA)**, for property damages alleged to have been sustained when a tree fell on a parked vehicle on October 9, 2011 at Hartsfield-Jackson International Airport, 8700 Spine Road.
- 12-R-0425 (17) Claim of **Geraldine M. Colvard (DPRCA/02)**, for damages alleged to have been sustained as the result of a fallen tree limb on August 15, 2011 at 101 Bisbee Avenue.
- 12-R-0426 (18) Claim of **The Estate of Geraldine Grady, through her attorney, Shane Smith (DPRCA/08)**, for damages alleged to have been sustained as a result of a tree falling on May 26, 2011 at 3852 Paces Ferry Road.
- 12-R-0427 (19) Claim of **Hannah and Justin Amick (DPRCA/08)**, for damages alleged to have been sustained as a result of a tree falling on January 10, 2012 at 23 Alden Avenue.
- 12-R-0428 (20) Claim of **Winnifred Fullwood (DPRCA/09)**, for damages alleged to have been sustained as the result of a tree limb on January 12, 2012 at 2700 Paul Avenue.
- 12-R-0429 (21) Claim of **Mid-Century Insurance Company, as subrogee of Ben Horn (DPW/NA)**, for damages alleged to have been sustained as a result of driving over a pothole on August 13, 2010 on Spring Street.
- 12-R-0430 (22) Claim of **La'keyta Phelps-Brown, through her attorney, Scott Hart (DPW/01)**, for damages alleged to have been sustained as a result of a vehicular accident on May 2, 2011 at Murry Street at Brown Avenue.
- 12-R-0431 (23) Claim of **Ralph Smith (DWM/NA)**, for damages alleged to have been sustained as a result of a water main break on April 8, 2011 at 5025 Greentree Trail.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 12-R-0432 (24) Claim of **Alicia Gresham, through her attorney, Jim R. Green (DWM/02)**, for damages alleged to have been sustained as a result of walking into an uncovered water meter on June 3, 2010 at 683 Boulevard.
- 12-R-0433 (25) Claim of **Mignon Hardge (DWM/06)**, for damages alleged to have been sustained as a result of driving over an unsecured manhole on December 20, 2010 at 1354 DeKalb Avenue.
- 12-R-0434 (26) Claim of **Roger T. Mapp, through his attorney, William C. Lanham (DWM/02)**, for damages alleged to have been sustained as a result of walking into an uncovered manhole on October 26, 2010 at 44 Broad Street.  
**(Councilmember Young made a motion to approve Items D1-D26)**

**FAVORABLE**

**E. ORDINANCE FOR FIRST READING**

- 12-O-0375 ( 1) 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.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**REGULAR**

**F. RESOLUTIONS**

- 12-R-0435 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Terry Styles v. City of Atlanta, et el., Civil Action File No. 2010A28654, pending in DeKalb County State Court, in the amount of \$51,500.00; 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**

- 12-R-0436 ( 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 Carl Gentry v. City of Atlanta, et el., Civil Action File No. 2011CV200116, pending in Fulton County Superior Court, in the amount of \$48,000.00; 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 Wan 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)**

**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) (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)**
- 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)**

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

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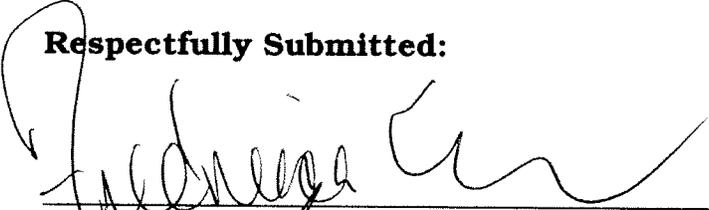
**PAPERS HELD IN COMMITTEE (CONT'D)**

- 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)**
- 12-R-0354 (16) 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. **(Held 3/13/12 for further review)**

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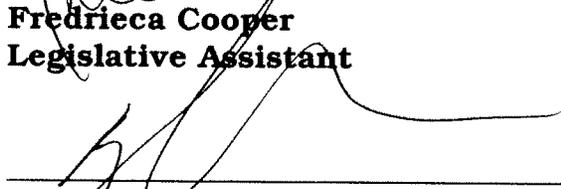
**There being no further business to come before the Committee, the meeting was adjourned at 4:54 p.m.**

**Respectfully Submitted:**



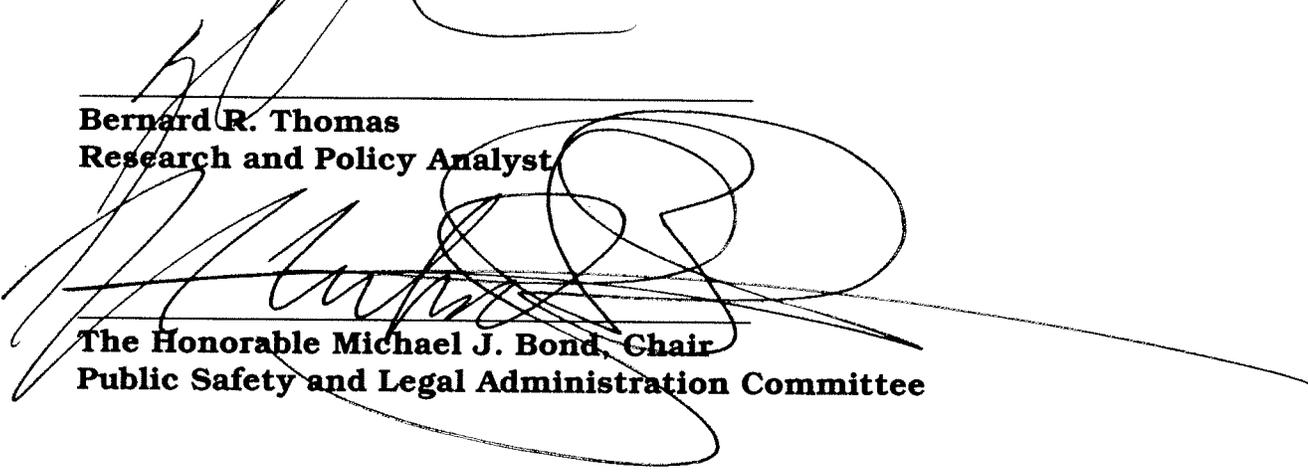
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**Fredrieca Cooper**  
**Legislative Assistant**



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



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