



**PUBLIC SAFETY & LEGAL
ADMINISTRATION COMMITTEE**

REGULAR COMMITTEE MEETING

~Agenda~

Atlanta City Hall
55 Trinity Ave.
Atlanta, GA 30303
<http://www.atlantaga.gov/>

CITY OF ATLANTA

Chairperson
The Honorable Michael Julian Bond

Bernard Thomas
(404) 330-6645
bthomas@atlantaga.gov

Tuesday, November 26, 2013

12:30 PM

Committee Room 2

A. CALL TO ORDER

B. INTRODUCTION OF MEMBERS PRESENT

C. ADOPTION OF AGENDA

D. APPROVAL OF MINUTES

E. PRESENTATION(S) / DISCUSSION ITEM(S) / REPORT(S)

DEPARTMENTAL REPORT - COURTS - Chris Patterson, Court Administrator
CODE ENFORCEMENT UPDATE - Major C. J. Davis
ATLANTA CIVILIAN REVIEW BOARD REPORT - Samuel Reid, ACRB
Executive Director

CONSENT AGENDA

F. RESOLUTIONS - CLAIMS WITH FAVORABLE/UNFAVORABLE RECOMMENDATIONS

Claims Summary

The total amount of favorable claims is: \$29,213.63

Favorable Claims

13-R-3797 (1) - FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED AS A RESULT OF A
WATER MAIN LEAK ON JANUARY 10, 2013 AT 959 EAST CONFEDERATE
AVENUE. (DWM/01 - \$18,500.00) #3228

CLAIM OF: Georgia Department of Public Safety

959 East Confederate Avenue

Atlanta, GA 30316

13-R-3798 (2) - FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO THE
REPLACEMENT OF STORM WATER STRUCTURES ON AN ON-GOING
BASIS AT 3033 LENOX ROAD. (DWM/07 - \$6,000.00) #3222

CLAIM OF: Plantation at Lenox Condominiums

Attn: Steve Hutzell

46 Plantation Drive

Atlanta, GA 30324

13-R-3799 (3) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON JULY 29, 2013 AT FULTON INDUSTRIAL BOULEVARD AND INTERSTATE 20. (DWM/10 - \$2,763.63) #3236
CLAIM OF: Brian James

3635 Village Parkway

Douglasville, Georgia 30315

13-R-3800 (4) - FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF WALKING INTO AN UNCOVERED WATER METER BOX ON APRIL 1, 2013 AT DONALD L. HOLLOWELL PARKWAY AT NORTH AVENUE. (DWM/03 - \$1,000.00) #3233
CLAIM OF: Alaneua Duckett

360 Six Flags Drive, Apt. 9M

Austell, GA 30168

13-R-3801 (5) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 18, 2013 AT DONALD LEE HOLLOWELL PARKWAY AND PAINES AVENUE. (DPRCA/03 - \$950.00) #3255
CLAIM OF: Sharon D. Pratt

6418 Queens Court Trace

Mableton, Georgia 30126

Unfavorable Claims

13-R-3802 (6) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A

RESULT OF A MOTOR VEHICLE ACCIDENT ON APRIL 14, 2013 AT METROPOLITAN PARKWAY AND UNIVERSITY AVENUE. (AFR/04) #3248
CLAIM OF: Kelvin Blount through his Attorney

Law Office of Thomas P. Cooper

3201 Griffin Road, Suite 102

Fort Lauderdale, Florida 33312

13-R-3803 (7) - FOR DAMAGES ALLEGEDLY SUSTAINED DURING AN ARREST ON MARCH 25, 2011 AT 880 CHEROKEE AVENUE. (APD/01) #3235
CLAIM OF: Henrietta Mitchell

245 Amal Drive, # 3003

Atlanta, GA 30315

13-R-3804 (8) - FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3243
CLAIM OF: Alphonso Thomas

C/O D. Blocker

136 Hambrick Drive

Stockbridge, GA 30281

13-R-3805 (9) - FOR DAMAGES ALLEGEDLY SUSTAINED DURING AN ARREST ON JANUARY 20, 2013 AT 464 GEORGIA DOME DRIVE. (APD/02) #3234
CLAIM OF: Bobby Swoope

728 Crestwell Circle

Atlanta, GA 30331

13-R-3806 (10) - FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3238

CLAIM OF: Duane Blocker, Sr.
136 Hambrick Drive
Stockbridge, GA 30281

13-R-3807 (11) - FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON MAY 10, 2013 AT 174 PEACHTREE STREET. (APD/02) #3242
CLAIM OF: Duane Blocker, Sr.

136 Hambrick Drive
Stockbridge, GA 30281

13-R-3808 (12) - FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON OCTOBER 14, 2011 AT PEACHTREE STREET AT IVAN ALLEN JR. BOULEVARD. (APD/02) #3258
CLAIM OF: Emmanuel Ababio

through his attorney Patty Kim
3343 Peachtree Street, Suite 350
Atlanta, GA 30326

13-R-3809 (13) - FOR DAMAGES ALLEGEDLY SUSTAINED WHEN HE WAS ARRESTED ON JULY 4, 2012 AT 51 PEACHTREE STREET. (APD/02) #3227
CLAIM OF: Howard Wright

through his attorney Tiffany Williams Roberts
191 Peachtree Street, Suite 3300
Atlanta, GA 30303

13-R-3810 (14) - FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3240

CLAIM OF: Karim Nelson-Bey
C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

13-R-3811 (15) - FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3241
CLAIM OF: Lawrence Younker

C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

13-R-3812 (16) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT WITH AN APD OFFICER ON JULY 28, 2011. (APD/02) #3251
CLAIM OF: Lisa Gimbel & Gary Martin Hayes &

Associates, Her Attorney
3098 Breckinridge Boulevard
Duluth, GA 30096

13-R-3813 (17) - FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF ARRESTS BY POLICE ON SEPTEMBER 10, 11, 2009 AT 306 PONCE DE LEON AVENUE. (APD/02) #3278
CLAIM OF: Ramey & Kelley, Inc.

D/B/A Atlanta Eagle, Rawhide Leather, Inc. Et al.
Through Its Attorney
Graham S. Lee, Esq.

Lambda Legal
730 Peachtree Street, Suite 1070
Atlanta, Georgia 30308

13-R-3814 (18) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF MISPLACED OR LOST PROPERTY BY AN APD OFFICER ON SEPTEMBER 15, 2011. (APD/03) #3249

CLAIM OF: Nyisha S. Davis

3540 Main Station Drive
Marietta, GA 30008

13-R-3815 (19) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF AN INCIDENT ON AUGUST 20, 2011 AT 1245 GLENWOOD ROAD. (APD/05) #3250

CLAIM OF: Kenneth Cottrell and The Crowther Law Firm, His Attorney

303 Peachtree Street, NE, Suite 4330
Atlanta, GA 30308

13-R-3816 (20) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF AN INCIDENT WITH AN APD OFFICER ON AUGUST 1, 2011 AT 150 PIEDMONT AVENUE. (APD/06) #3260

CLAIM OF: Jimmy Lee Davis, Jr.

2972 Bridge Valley Court
Snellville, GA 30039

13-R-3817 (21) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF MOTOR VEHICLE ACCIDENT ON JULY 21, 2012 AT THE INTERSECTION OF FAIRBURN AND CASCADE ROADS. (APD/NA) #3254
CLAIM OF: Kenyatta White & Her Attorney,

The Davis Bozeman Law Firm, P.C.

4153-B Flat Shoals Parkway, Suite 204

Decatur, GA 30034

13-R-3818 (22) - FOR DAMAGES ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A AUTOMOBILE ACCIDENT ON JULY 26, 2013 AT THE INTERSECTION OF FAIRBURN ROAD AND CASCADE ROAD. (APD/NA) #3216
CLAIM OF: Ralph Culp

(Surviving spouse of Jacqueline Culp, deceased)

Through His Attorney

The Cuffie Law Firm, his Attorney

1080 Campbellton Road

Atlanta, GA 30311

13-R-3819 (23) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A SLIP AND FALL INCIDENT ON OCTOBER 21, 2012 AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, 8700 SPINE ROAD. (DOA/NA) #3280
CLAIM OF: Bridget Rachelle Rimes

10 Central Avenue, NW

Rome, Georgia 30165

13-R-3820 (24) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF SHINGLES FALLING FROM THE ROOF OF A CITY BUILDING ON JUNE 24, 2013 AT 1110 HILL STREET. (DPW/01) #3230
CLAIM OF: Progressive Insurance A/S/O Lateisha Varner

P.O. Box 512929

Los Angeles, California 90051

13-R-3821 (25) - FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A CONSTRUCTION BARREL ON MARCH 12, 2013 AT 570 SPRING STREET. (DPW/02) #3218

CLAIM OF: Derrick Brown

745 Evelyn Lane

Marietta, Georgia 30008

13-R-3822 (26) - FOR PERSONAL INJURY ALLEGEDLY SUSTAINED IN A VEHICULAR ACCIDENT ON AUGUST 10, 2011 AT PEEPLES STREET AT DONNELLY AVENUE. (DPW/04) #3224

CLAIM OF: Kimberly Martin

through her attorney Patrick Matarrese

Montlick & Associates

17 Executive Park Drive, Suite 300

Atlanta, GA 30329

13-R-3823 (27) - FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED AS A RESULT OF TRASH REMOVAL BEGINNING IN MAY 2010 AT 1147 AND 1169 UNIVERSITY DRIVE. (DPW/06) #3304

CLAIM OF: Tim Etherington

1169 University Drive

Atlanta, GA 30306

13-R-3824 (28) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A

RESULT OF A MOTOR VEHICLE ACCIDENT ON APRIL 04, 2013 AT PEACHTREE ROAD AND CLUB DRIVE. (DPW/07) #3246

CLAIM OF: Adrian Gravely through his attorney Kimelyn Minnifield Esq.

Fincher Denmark Williams & Minnifield, LLC

8024 Fairoaks Court

Jonesboro, Georgia 30236

13-R-3825 (29) - FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF A TRIP AND FALL ON SEPTEMBER 13, 2012 AT 3405 LENOX ROAD. (DPW/07) #3244

CLAIM OF: Andrea Sparks

3755 Peachtree Road, #221

Atlanta, GA 30319

13-R-3826 (30) - FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF POTHOLE ON OCTOBER 11, 2010 AT 2567 BOLTON ROAD.(DPW/09) #3306

CLAIM OF: Edythe McGhee-Bergeron

2788 DeFours Ferry Road

Atlanta, Georgia 30318

13-R-3827 (31) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON JANUARY 11, 2013 AT 2440 BOLTON ROAD. (DPW/09) #3247

CLAIM OF: GEICO as Subrogee of Antonio Sinkfield

4295 Ocmulgee East Boulevard

Macon, Georgia 31295

13-R-3828 (32) - FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A POTHOLE ON APRIL 3, 2013 AT 1725 CHURCH STREET. (DPW/09) #3219
CLAIM OF: T'Quania Hammond-Allen on Behalf of

Minor Child Shonterria Allen

1668 Jackson Square, NW

Atlanta, Georgia 30318

13-R-3829 (33) - FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO LARGE VEHICLES DRIVING NEAR HER HOME ON MARCH 1, 2010 AT 1423 NORTHWEST DRIVE. (DPW/09) #3225
CLAIM OF: Verna Manns

1423 Northwest Drive

Atlanta, GA 30318

13-R-3830 (34) - FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF BACKYARD PICKUP SERVICE FROM 2007 TO PRESENT AT 1868 KING CHARLES ROAD. (DPW/11) # 3221
CLAIM OF: Bessie Lee

1868 King Charles Road

Atlanta, Georgia 30331

13-R-3831 (35) - FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF WALKING ONTO A WATER METER LID ON AUGUST 9, 2011 AT 1242 GRANT STREET. (DWM/01) #3229
CLAIM OF: Maria Alston

1242 A Grant Street

Atlanta, GA 30315

13-R-3832 (36) - FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO A VEHICULAR ACCIDENT ON FEBRUARY 8, 2010 AT 2584 MEMORIAL DRIVE. (DWM/05) #3226
CLAIM OF: Craig/is Ltd

as subrogee of Karen Hardy-Woolridge

Attn: Investigative Group, MSA Project

P.O. Box 40569

Jacksonville, FL 32203

13-R-3833 (37) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON FEBRUARY 28, 2013 AT DECATUR STREET AND PARK PLACE. (DWM/05) #3231
CLAIM OF: Sung I. Kim

11220 Quailbrook Chase

Duluth, Georgia 30097

13-R-3834 (38) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF SEWER BACKUP ON JUNE 27, 2012 AT 1599-A MEMORIAL DRIVE.(DWM/05) #3214
CLAIM OF: Travelers Casualty Insurance Company of America,

as subrogee of Vertical Properties Development

P.O. Box 2954

Milwaukee, WI 53201

13-R-3835 (39) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF STEPPING IN AN UNCOVERED WATER METER ON OCTOBER 28, 2011 AT 80 12TH STREET. (DWM/06) #3253
CLAIM OF: Christina Van Slambrook & The Merchant Law Firm,

Her Attorney

341 Lawrence Street, NE

Marietta, GA 30060

- 13-R-3836 (40) - FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF TRIPPING ON A WATER VALVE COVER ON SEPTEMBER 18, 2011 AT PEACHTREE WALK AT 11TH STREET. (DWM/06) #3223
CLAIM OF: Hema Patel

1075 Peachtree Walk, A-306

Atlanta, GA 30309

- 13-R-3837 (41) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF STEPPING ON A WATER METER ON JANUARY 28, 2011 AT 2256 PARKVIEW COURT. (DWM/09) #3259
CLAIM OF: Judy Harper & Her Attorney,

Foy & Associates, P.C.

3342 Peachtree Road NE, Suite 350

Atlanta, GA 30326

- 13-R-3838 (42) - FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 10, 2013 AT 17TH AND PEACHTREE STREETS. (DWM/10) #3245
CLAIM OF: Najuan Davis through his attorney

Law Offices of David S. Lee

3301 N. Berkeley Lake Road

Duluth, Georgia 30096

- 13-R-3839 (43) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 10, 2013 AT 17TH AND PEACHTREE STREETS. (DWM/10) #3239

CLAIM OF: USAA as Subrogee of Najuan Davis

9800 Fredericksburg Road

San Antonio, Texas 78288

13-R-3840 (44) - FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF WATER SERVICE ON JUNE 30, 2013 AT 4449 CASCADE ROAD. (DWM/NA) #3307

CLAIM OF: Sylvester & Janice Welch

4449 Cascade Road

Atlanta, Georgia 30331

13-R-3841 (45) - FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A FIRE HYDRANT ON APRIL 19, 2011 AT 295 WINDING RIVER DRIVE, SANDY SPRINGS.(DWM/NA) #3256

CLAIM OF: Winding River Village Condominium Association

Through their Attorney Cozen O'Connor

Suite 2200

Sun Trust Plaza

303 Peachtree Street, NE

Atlanta, Georgia 30308

13-R-3842 (46) - FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED WHEN HE DROVE OVER A POTHOLE ON OCTOBER 4, 2013 AT JOSEPH E. LOWERY BOULEVARD AT CUNNINGHAM PLACE. (NA/04) #3237

CLAIM OF: Tracy Bing

3095 Barrett Court

Powder Springs, GA 30127

13-R-3843 (47) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON FEBRUARY 20, 2013 AT PRYOR AND FAIR ROADS. (NA/04) #3232

CLAIM OF: Trina Mitchell through her Attorney

Shawn T. Richardson Esq., Griffin Law Firm

2336 Wisteria Drive, Suite 540

Snellville, Georgia 30078

13-R-3844 (48) - FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF BEING SHOT WHILE AT A CITY AQUATIC CENTER ON JUNE 29, 2013 AT 1581 LOGAN LANE, ADAMS PARK AQUATICS CENTER. (NA/11) #3220

CLAIM OF: Jason Philpot

through his attorney R. Shane Smith

P.O. Box 2474

Peachtree City, GA 30269

13-R-3845 (49) - FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED WHEN A TREE FELL ONTO A PARKED VEHICLE ON MAY 24, 2013 AT 66 NORTHWOOD DRIVE, SANDY SPRINGS, GEORGIA. (NA/NA) #3279

CLAIM OF: State Farm Insurance Company

As Subrogee of Emigdio Rodriguez

P. O. Box 650241

Dallas, Texas 75265-0271

REGULAR AGENDA

G. ORDINANCE(S) FOR SECOND READING

13-O-1397 (50) - AN ORDINANCE BY COUNCILMEMBER H. LAMAR WILLIS TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE II, DIVISION 2, SECTION 162-61, (ENTITLED NUMBER LIMITED; COSTS), SO AS TO TEMPORARILY INCREASE THE PERMISSIBLE AGE OF A VEHICLE THAT MAY BE OPERATED AS A TAXICAB IN THE CITY FROM EIGHT TO TEN YEARS, EFFECTIVE JANUARY 1, 2014 AND EXPIRING ON JUNE 30, 2014; AND FOR OTHER PURPOSES.

STAFF COMMENTS: The purpose of this ordinance is to continue the temporarily allowable age of taxicabs at ten (10) years until June 30, 2014. After June 30, 2014, any such new or replacement vehicle may continue to be operated as a taxicab through that vehicle's eighth model year provided the vehicle continues to be in compliance with all other provisions of the City Code pertaining to taxicab regulation.

H. RESOLUTION(S)

13-R-3795 (51) - A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF JUDY HARPER V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 13EV016609D, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$15,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: This resolution authorizes the settlement of a lawsuit wherein plaintiff seeks to recover damages resulting from injuries allegedly sustained from stepping into a water meter hole with a broken or missing cover.

13-R-3796 (52) - A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, CIVIL ACTION FILE NO. 2013CV227886, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$90,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING

THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: This resolution authorizes the settlement of a lawsuit wherein plaintiff seeks to recover damages resulting from injuries allegedly sustained from stepping into a water meter hole with a broken or missing cover.

I. PAPER(S) HELD IN COMMITTEE

(ID # 1966) (53) 10-R-0137 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.)

(ID # 1967) (54) 10-O-0397 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.)

(ID # 1968) (55) 10-O-0399 AN ORDINANCE BY COUNCILMEMBER IVORY L. YOUNG, JR. AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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; Amended and held 5/28/13; Amended to remove 5/28/13 amendment and held 6/11/13.)

(ID # 1969) (56) 10-O-0728 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.)

(ID # 1970) (57) 10-R-0855 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.)

(ID # 1971) (58) 10-O-1173 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.)

(ID # 1972) (59) 10-O-1342 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.)

(ID # 1973) (60) 10-R-1343 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.)

(ID # 1974) (61) 10-O-1880 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.)

(ID # 1975) (62) 11-R-0929 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.)

(ID # 1976) (63) 11-O-0996 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.)

(ID # 1977) (64) 11-O-1479 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.)

(ID # 1979) (65) 12-O-0488 AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO REPURPOSE GENERAL FUND REVENUE FROM CITY CELL TOWER LEASES FOR PUBLIC SAFETY PURPOSES INTO A SPECIAL PUBLIC SAFETY REVENUE FUND TO INCLUDE AMONG OTHER PROJECTS FUNDING FOR A GUNSHOT DETECTION TECHNOLOGY PROGRAM, VIDEO SURVEILLANCE CAMERAS IN HIGH CRIME AREAS AND FOR THE VIDEO INTEGRATION CENTER; AND FOR OTHER PURPOSES.
-
(Held 5/1/12 for further review) (Substituted and held 5/15/12)

(ID # 1980) (66) 12-R-0670 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's request.)

(ID # 1981) (67) 12-O-0693 AN ORDINANCE BY COUNCILMEMBERS MICHAEL J. BOND, NATALYN M. ARCHIBONG, H. LAMAR WILLIS, C. T. MARTIN, KWANZA HALL, KEISHA LANCE BOTTOMS, 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 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.)

(ID # 1982) (68) 12-R-0888 A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I, LLC, FOR THE RENTAL OF 1,707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612 MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1.00 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER LISTED; AND FOR OTHER PURPOSES.

(Referred back from Full Council 7/2/12) (Held 7/10/12 at the request of Councilmember Young for further review.)

(ID # 1983) (69) 12-O-0900 AN ORDINANCE BY COUNCILMEMBERS FELICIA A. MOORE AND NATALYN M. ARCHIBONG TO AMEND CHAPTER 18, ARTICLE III (ANIMAL CONTROL) OF THE CITY OF ATLANTA CODE OF ORDINANCES BY ACTIVATING CODE SECTIONS 18-70 AND 18-131 (BOTH BEING CURRENTLY RESERVED) SO AS TO MAKE UNLAWFUL THE USE OF “BULLHOOKS” OR OTHER SIMILAR DEVICES ON ELEPHANTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

(Held 6/26/12 at the request of the Author.)

(ID # 1984) (70) 12-O-1001 AN ORDINANCE BY COUNCILMEMBER KWANZA HALL TO AMEND ARTICLE V-VEHICLE IMMOBILIZATION SERVICES OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

(Held 7/31/12 at the Author’s request.)

(ID # 1985) (71) 12-O-1138 AN ORDINANCE BY COUNCILMAN KWANZA HALL TO ACTIVATE SECTION 106-13 (WHICH CODE SECTION IS CURRENTLY “RESERVED”) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED “LOITERING OR PROWLING” SO AS TO MAKE UNLAWFUL THE ACTIVITY DESCRIBED THEREIN AND TO PROVIDE FOR THE PENALTY TO BE IMPOSED UPON PERSONS CONVICTED FOR THE VIOLATION OF SAID ORDINANCE AND CODE SECTION; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.
(Held 8/28/12 for further discussions.)

(ID # 1986) (72) 12-C-1636 A COMMUNICATION FROM MR. TYLER JOSHUA GREEN, PRESIDENT, STUDENT GOVERNMENT ASSOCIATION, CLARK ATLANTA UNIVERSITY, TO COUNCIL PRESIDENT CEASAR C. MITCHELL AND MEMBERS OF COUNCIL, APPOINTING HIMSELF AS THEIR REPRESENTATIVE TO SERVE AS A MEMBER OF THE STUDENT SAFETY COUNCIL ADVISORY GROUP.
(Held 11/27/12 by the Committee to allow the appointee an opportunity to appear before the Committee.)

(ID # 1988) (73) 12-O-1735 AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND TO ACTIVATE SECTION 10-76 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA (WHICH SECTION IS CURRENTLY RESERVED), CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION 1 (GENERAL PROVISIONS), SO AS TO PROVIDE FOR NOT LESS THAN FORTY-FIVE (45) DAYS NOTICE TO ALL INTERESTED PARTIES IN ALL PROCEEDINGS BEFORE THE LICENSE REVIEW BOARD; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.
(Held 11/27/12 for further review.)

(ID # 1989) (74) 12-C-1759 A COMMUNICATION FROM ART R. MALLOY, DEAN OF STUDENT SUCCESS, SAVANNAH COLLEGE OF ART AND DESIGN (SCAD), TO COUNCIL PRESIDENT CEASAR C. MITCHELL AND MEMBERS OF COUNCIL, SUBMITTING MS. LINDA CHANG AS THEIR REPRESENTATIVE TO SERVE AS A MEMBER OF THE STUDENT SAFETY COUNCIL ADVISORY GROUP.
(Held 12/11/12 by the Committee to allow the appointee an opportunity to appear before the Committee.)

(ID # 1990) (75) 12-O-1817 AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG TO ACTIVATE §158-12 (CURRENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXEMPT PROPERTIES CERTIFIED BY THE NATIONAL WILDLIFE FEDERATION AS WILDLIFE HABITATS, FROM ALL CITY OF ATLANTA VEGETATIVE GROWTH, WEED, GRASS AND NUISANCE ORDINANCES AND REGULATIONS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.
(Held 12/11/12 at the request of the author for further discussion and review.)

(ID # 1992) (76) 13-O-0025 AN AMENDED ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED “SOLICITATION FOR AN ILLICIT SEXUAL ACT,” TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHICAL AREAS WITHIN THE CITY OF ATLANTA DEFINED AS “AREAS OF PROSTITUTION” DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM “AREAS OF PROSTITUTION” DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.
(Referred back by Full Council 2/4/13; Work Session 2/11/13; Held 2/12/13 by the Committee for further review; Work Session 2/25/13.)

(ID # 1999) (77) 13-O-0163 AN ORDINANCE BY COUNCILMEMBER CLETA WINSLOW TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES BY REPEALING CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ITS ENTIRETY; TO THEREBY ELIMINATE PUBLIC PROPERTY VENDING IN THE CITY OF ATLANTA; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.
(Held 1/29/13 by the Committee for two weeks time certain to hear from the Administration; Held 2/12/13 at the request of the Administration for 60 days. Taking into account the Council Recess in April, the next regularly scheduled PSLA Committee meeting is April 30, 2013.)

(ID # 1696) (78) 13-O-0637 AN ORDINANCE BY COUNCILMEMBER HOWARD SHOOK TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88.1(B) OF

THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM DISTANCE REQUIREMENTS FOR CERTAIN ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND WINE LOCATED IN LARGE RETAIL SHOPPING CENTERS WITH ADDRESSES ON PEACHTREE ROAD AND PEACHTREE STREET NORTH OF INTERSTATE 85; AND FOR OTHER PURPOSES.
(Held 4/30/12 for further discussion and review.)

13-R-3272 (79) - A RESOLUTION BY COUNCILMEMBERS C.T. MARTIN, KEISHA LANCE BOTTOMS, KWANZA HALL AND MICHAEL JULIAN BOND TO MAKE THE VENDING LOCATIONS AROUND TURNER FIELD SPECIAL EVENT CATEGORY VENDING DURING THE ATLANTA BRAVES' BASEBALL SEASON; AND FOR OTHER PURPOSES.
(Held 6/25/13 by the Committee for further review [2 NAYS].)

13-O-1264 (80) - AN ORDINANCE BY COUNCILMAN MICHAEL J. BOND AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND SECTION 10-109.1 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION III (RENEWAL, REVOCATION TRANSFER) SO AS TO CREATE MANDATORY PROGRESSIVE PENALTIES FOR "DUE CAUSE" FINDINGS MADE BY THE LICENSE REVIEW BOARD AND PENALTIES IMPOSED BY THE MAYOR; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.
(Held 9/10/13 at the author's request for further discussion.)

13-O-1376 (81) - AN ORDINANCE BY COUNCILMEMBER KWANZA HALL TO ESTABLISH A NEW SECTION 10-130 (PRESENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 3 (SPECIAL PERMITS), SO AS TO AUTHORIZE THE ISSUANCE OF HOME-BREW SPECIAL EVENT PERMITS; TO IMPOSE A PERMIT FEE OF \$50.00 AS AUTHORIZED BY STATE LAW; TO WAIVE CITY CODE SECTION 2-45; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.
(Held 11/12/13 at the request of the Law Department for further review of a new state law.)

J. WALK-IN LEGISLATION

K. REMARKS FROM PUBLIC

L. REQUESTED ITEMS

2/26/13

1. Councilmember Willis asked the Law Dept. to take a look at the OPS cases sustain rate (on cases that were settled) compared to the National Average. Cathy Hampton, City Attorney, stated that the Law Department will look at state and national trends and report back to the Committee. Councilmember Bond asked that reasons why the settlements were in the best interest be include in the report.

3/26/13

1. Chief Turner committed to providing info on the 27 kids involved in the Summer Enrichment Program for truant students.
2. Councilmember Young asked Chief Turner to let the Council know when the Westside Village Precinct is scheduled to be operational.
3. Councilmember Winslow asked Chief Turner to look in to increasing police presence at the mini precinct on Evans Street.
4. Councilmember Young asked Major Davis to look into the cost of acquiring the properties to the right and to the left of 176 Anderson Avenue to possibly expand Anderson Park. *(This request has been forwarded to the Commissioner of Parks and Recreation, George Dusenbury.)*
5. Councilmember Young asked Major Davis to get with OEAM and Commissioner Dusenbury, DPRCA, to begin discussion on what it would take to negotiate with the owners to convey the properties surrounding Anderson Park. *(This request has been forwarded to the Commissioner of Parks and Recreation, George Dusenbury.)*
6. Councilmember Bond asked Major Davis to include in the discussions with OEAM and DPRCA, property on Desoto Street and the old YMCA in that area to

possibly expand Washington Park. *(This request has been forwarded to the Commissioner of Parks and Recreation, George Dusenbury.)*

7/30/13

1. Councilmember Bond asked Lieutenant McGee with APD, to distribute information concerning the implementation process for False Alarms in the City of Atlanta, to all councilmembers.

10/1/13

1. Councilmember Bond asked Major C. J. Davis in Code Enforcement to investigate the list of vacant properties submitted by Mr. Bruce Williams and report back to the Committee.
2. Deputy Chief of Staff, Katrina Taylor-Parks, committed to coming back to the committee to give a comprehensive report on the list of vacant properties that are in the transition stage.
3. Councilmember Bond asked Katrina Taylor-Parks to provide an answer to, “what funds are available for these projects for demolition and cleaning.”
4. Councilmember Bond asked Katrina Taylor-Parks if there were any potential fines associated with these vacant properties.
5. Councilmember Bond asked Katrina Taylor Parks to find out if GO Bonds can be applied to the demolition and cleaning of vacant properties.
6. Councilmember Bond asked Katrina Taylor-Parks to provide a categorized list of those vacant and dilapidated properties that meet the 51% Rule, other nuisances, including properties with involvement in convictions for criminal activity, that would qualify it to be a candidate for demolition and cleaning and closing.
7. Councilmember Young asked Katrina Taylor-Parks to give an update on the

Phoenix Project Status.

8. Councilmember Young asked Katrina Taylor-Parks to take a look at ordinance 13-O-1051, currently being held in Community Development/Human Resources Committee.

10/15/13

1. Councilmember Lance Bottoms asked Hans Utz, Deputy COO and the Law Department, “who owns the vending kiosks”?

10/29/13

1. Councilmember Lance Bottoms asked Katrina Taylor-Parks, Deputy COS to provide information on the time frame for upgrades to all public safety facilities in the City of Atlanta and the dollar amount for these repairs and renovations. *(Ms. Taylor-Parks replied that Hans Utz, Deputy COO will report back with this information.)*
3. Councilmember Martin also asked Hans Utz, Deputy COO to have that same someone from APD contact Councilmembers to get a list of addresses within their districts that need to be addressed immediately as well.
4. Councilmember Winslow asked Hans Utz, Deputy COO to provide information researched and gathered to be used to prepare (13-O-1339) the substitute vending legislation’s point of sales system.
5. Councilmember Bond asked Hans Utz, Deputy COO to find out why the tops of the stone portion of the rails around each floor on the Trinity Avenue side of City Hall were painted and who chose the color.

11/12/13

1. Councilmember Martin asked Major Reginald Mitchell with the Atlanta Police

Department to asked Chief Turner to look into placing beat officers in southwest Atlanta and report back to the committee.

2. Councilmember Martin asked Major Reginald Mitchell to ask Chief Turner to provide a report when he comes to the committee that will list break-ins and car theft and violence.
3. Councilmember Bond asked Lt. Cummings with Code Enforcement to take a look at empty, dilapidated apartments on Lowery Boulevard, just before Fox Street and to report back to the Committee/Council members.

M. ADJOURNMENT

**FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED AS A RESULT OF A WATER MAIN LEAK
ON JANUARY 10, 2013 AT 959 EAST CONFEDERATE AVENUE. (DWM/01 - \$18,500.00) #3228**

CLAIM OF: Georgia Department of Public Safety
959 East Confederate Avenue
Atlanta, GA 30316

Review List:

Kimberly Patrick	Completed	11/13/2013 8:58 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:30 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 2/15/13

CL 13L0038-DWM/01-Angelena Kelly

CLAIM OF: Georgia Department of Public Safety
959 East Confederate Avenue
Atlanta, GA 30316

FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED AS A RESULT OF A WATER MAIN LEAK ON JANUARY 10, 2013 AT 959 EAST CONFEDERATE AVENUE. (DWM/01 - \$18,500.00) #3228

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to Georgia Department of Public Safety the sum of \$18,500.00 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of property damage allegedly sustained as a result of a water main leak on January 10, 2013 at 959 East Confederate Avenue as is more particularly set forth in the within claim; said sum taken from and charged to Account 5051.170201.5750002.4310000.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0038

Date: October 22, 2013

Claimant /Victim Georgia Department of Public Safety

BY: (Atty) (Ins. Co.) _____

Address: 959 East Confederate Avenue, Atlanta, GA 30316

Subrogation: _____ Claim for Property damage \$ 18,500.00 Bodily Injury \$ _____

Date of Notice: 1/24/13 Method: Written, Proper Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence 1/10/13 Place: 959 East Confederate Avenue

Department: Watershed Management Bureau Drinking Water Office _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges property damage sustained due to a water main leak. The investigation determined the City had notice of problems with the water main prior to this occurrence. The water main was repaired on January 14, 2013.

INVESTIGATION:

Statements: City employee _____ Claimant Others _____ Written Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent Joint _____ Claim Abandoned _____

Res: _____



INV _____

ELLY _____

RECOMMENDATION:

Pay \$ 18,500.00 Adverse _____ Account charged: General Fund _____ Water & Sewer Aviation _____

Claims Director/Manager: [Signature] Concur/date 10/29/13

Deputy City Attorney: [Signature] Concur/date 11-5-13

Committee Action: _____ Council Action _____

Attachment: Georgia Department of Safety #3228 13L0038 DOC 20131108113810 (13-R-3797 : A Resolution Authorizing Payment of a claim of

Emailed 1/24/13 11:35am

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 1-24-2013

ENTERED - 2-5-13 - SB
13L0038 - A. KELLY

*Kelly
New 1/25/13
[Signature]*

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 18,500.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

*1/25/13
CAL*

- 1. Date of incident: 1-10-2013 2. Time of incident: 9:00 am 3. Police called: N/A
- 4. Location of incident (including street address): 959 E. Confederate Ave Atlanta 30316
- 5. Name of your insurance company: _____ Policy No. _____
- 6. State what and how incident occurred: Water Line Leak - Please see attached Department memo and repair invoice

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

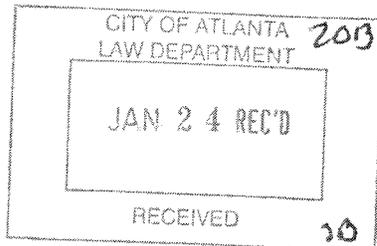
I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Capt Keith C [Signature]
Signature of Claimant

Captain Keith Canup
(Print Claimant's Name)
GA Dept. of Public Safety
959 E. Confederate Ave SE
(Address)

Atlanta GA 30316
(City, State and Zip Code)

404-624-7080
(Work Number) (Home Number)



Attachment: Georgia Department of Safety #3228 13L0038 DOC 20131108113810 (13-R-3797 : A Resolution Authorizing Payment of a claim of

FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO THE REPLACEMENT OF STORM WATER STRUCTURES ON AN ON-GOING BASIS AT 3033 LENOX ROAD. (DWM/07 - \$6,000.00) #3222

CLAIM OF: Plantation at Lenox Condominiums
Attn: Steve Hutzell
46 Plantation Drive
Atlanta, GA 30324

Review List:

Office of Research and Policy Analysis	Completed	11/14/2013 10:13 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 10/14/13

CL 13L0664-DWM/07-Angelena Kelly

CLAIM OF: Plantation at Lenox Condominiums
Attn: Steve Hutzell
46 Plantation Drive
Atlanta, GA 30324

FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO THE REPLACEMENT OF STORM WATER STRUCTURES ON AN ON-GOING BASIS AT 3033 LENOX ROAD. (DWM/07 - \$6,000.00) #3222

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to Plantation at Lenox Condominiums the sum of \$6,000.00 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of property damage allegedly sustained due to the replacement of storm water structures on an on-going basis at 3033 Lenox Road as is more particularly set forth in the within claim; said sum taken from and charged to Account 5051.170201.5750002.4310000.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0664

Date: October 22, 2013

Claimant /Victim: Plantation at Lenox Condominiums
BY:(Atty)(Ins. Co.) _____
Address: Attn: Steve Hutzell, 46 Plantation Drive, Atlanta, GA 30324
Subrogation: _____ Claim for Property damage \$ 6,000.00 Bodily Injury \$ _____
Date of Notice: 7/1/13 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: on-going Place: 3033 Lenox Road
Department: Watershed Management Bureau: Wastewater Treatment and Collections Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges property damage sustained due to the City's replacement of storm water structures. The investigation determined that due to the replacement of the storm water line, the claimant had make upgrades to their private structure to prevent flooding that occurred during periods of heavy rain.

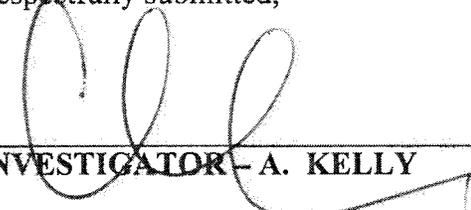
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written X Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ 6,000.00 Adverse _____ Account charged: General Fund _____ Water & Sewer X Aviation _____
Claims Director/Manager: [Signature] Concur/date 10/31/13
Deputy City Attorney: [Signature] Concur/date 11-8-13
Committee Action: _____ Council Action _____

Attachment: Plantation at Lenox #3222 13L0664 DOC 20131108151029 (13-R-3798 : A Resolution Paying the Claim of Plantation at Lenox

Assign to ACK
CAC
10/14/13

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES
Today's Date: 7-1-2013

ENTERED - 10-14-13 - SB
13L0664 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 6,000⁰⁰ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: Nov. 3-8th 2011 2. Time of incident: _____ 3. Police called: _____

4. Location of incident (including street address): 3033 Lenox Rd.

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: City dug up and replaced storm drain line under Lenox Road and their equipment damaged our property.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]
Signature of Claimant

Plantation at Lenox Condominiums
(Print Claimant's Name)

46 Plantation Drive
(Address)

Atlanta Georgia 30324
(City, State and Zip Code)

404-837-0048 N.A.
(Work Number) (Home Number)

New
10/14/13
CAC

C 12L0664 ACK

Attachment: Plantation at Lenox #3222 13L0664 DOC 20131108151029 (13-R-3798 : A Resolution Paying the Claim of Plantation at Lenox

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON JULY 29, 2013 AT FULTON INDUSTRIAL BOULEVARD AND INTERSTATE 20. (DWM/10 - \$2,763.63) #3236

CLAIM OF: Brian James
3635 Village Parkway
Douglasville, Georgia 30315

Review List:

Office of Research and Policy Analysis	Completed	11/14/2013 10:40 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/18/13

CL13L0579 - DWM/10 - Janine J. Edmonds

CLAIM OF: Brian James
3635 Village Parkway
Douglasville, Georgia 30315

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON JULY 29, 2013 AT FULTON INDUSTRIAL BOULEVARD AND INTERSTATE 20. (DWM/10 - \$2,763.63) #3236

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to Brian James the sum of \$2,763.63 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for damage alleged to have been sustained as a result of a motor vehicle accident on July 29, 2013 at Fulton Industrial Boulevard and Interstate 20 as is more particularly set forth in the within claim; said sum taken from and charged to Account 5051.170201.5750002.4310000.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0579

Date: October 31, 2013

Claimant/Victim Brian James

BY: (Atty) (Ins. Co.)

Address: 3633 Village Parkway, Douglasville, Georgia 30315

Subrogation: Claim for Property damage \$ 3,110.86 Bodily Injury \$

Date of Notice: 08/20/13 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 07/29/13 Place: Fulton Industrial Boulevard and Interstate 20

Department: Watershed, Bureau: Wastewater Treatment and collections Office:

Employee involved: Linda Archie Disciplinary Action: Defensive Drivers Training

NATURE OF CLAIM: Claimant alleges property damage sustained when his vehicle was struck by a city vehicle. The investigation determined the city driver failed to keep a safe distance between the city vehicle and the claimants vehicle.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X

Pictures X Diagrams X Reports: Police X Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]

INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ 2,763.63 Adverse Account charged: General Fund X Water & Sewer Aviation

Claims Director/Manager: [Signature] Concur/date 11/5/13

Deputy City Attorney: [Signature] Concur/date 11-6-13

Committee Action: Council Action

FORM 23-61

Attachment: B.JAMES (13-R-3799 : A Resolution Authorizing Payment of \$2,763.63 to Brian James)

RECEIVED

REC'D

RECEIVED OFFICE OF MUNICIPAL CLERK

Edmonds

SEP 11 2013

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

2013 AUG 20 AM 11:09

RE: CLAIM FOR DAMAGES

Today's Date: 8/19/13

9/16/13
JEB

ENTERED 9-18-13 - GB

ENTERED - 9-18-13 - 66
13L0579 - J. EDMONDS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ _____ bodily injury for which the City is liable.

- 1. Date of incident: 7/29/13
- 2. Time of incident: 14:30
- 3. Police called: Yes
- 4. Location of incident (including street address): Fulton Industrial Boulevard # I
- 5. Name of your insurance company: State Farm Policy No. 30695433

6. State what and how incident occurred: I was sitting at the light waiting for it to turn Green shortly after the light changing, I saw this white truck coming before I could get moving

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle:

Your vehicle: 2000 Ford PR T8319 Brian James
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: 2001 Ford F150 Linda Archer Water works
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: None whom stayed for police

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Brian James
(Print Claimant's Name)

3638 Village Pkwy
(Address)

Douglasville GA 30315
(City, State and Zip Code)

4) 613 7753 404) 949 7106
(Work Number) (Home Number)

Waco
9/12/13
cal

Attachment: B.JAMES (13-R-3799 : A Resolution Authorizing Payment of \$2,763.63 to Brian James)

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF WALKING INTO AN UNCOVERED WATER METER BOX ON APRIL 1, 2013 AT DONALD L. HOLLOWELL PARKWAY AT NORTH AVENUE. (DWM/03 - \$1,000.00) #3233

CLAIM OF: Alaneua Duckett
360 Six Flags Drive, Apt. 9M
Austell, GA 30168

Review List:

Office of Research and Policy Analysis	Completed	11/14/2013 10:37 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 4/12/13

CL 13L0197-DWM/03-Angelena Kelly

CLAIM OF: Alaneua Duckett
360 Six Flags Drive, Apt. 9M
Austell, GA 30168

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF WALKING INTO AN UNCOVERED WATER METER BOX ON APRIL 1, 2013 AT DONALD L. HOLLOWELL PARKWAY AT NORTH AVENUE. (DWM/03 - \$1,000.00) #3233

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to Alaneua Duckett the sum of \$1,000.00 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of bodily injury allegedly sustained as a result of walking into an uncovered water meter box on April 1, 2013 at Donald L. Hollowell Parkway at North Avenue as is more particularly set forth in the within claim; said sum taken from and charged to Account 5051.170201.5750002.4310000.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0197

Date: October 25, 2013

Claimant /Victim: Alaneua Duckett
BY:(Atty)(Ins. Co.) _____
Address: 360 Six Flags Drive, Apt. 9M, Austell, GA 30168
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 3,500.00
Date of Notice: 4/10/13 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 4/1/13 Place: Donald L. Hollowell Parkway at North Avenue
Department: Watershed Management Bureau: Drinking Water Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges bodily injury sustained when she stepped into an uncovered water meter box. The investigation determined that although the City had no actual notice of any problems, the condition of the water meter indicates the condition had existed for a length of time that notice of same is implied.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written X Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR A. KELLY

RECOMMENDATION:

Pay \$ 1,000.00 Adverse _____ Account charged: General Fund _____ Water & Sewer X Aviation _____
Claims Director/Manager: Al Cole Concur/date 10/29/13
Deputy City Attorney: [Signature] Concur/date 11-5-13
Committee Action: _____ Council Action _____

Attachment: Alaneua Duckett #3233 13L0197 DOC 20131108113716 (13-R-3800 : A Resolution Authorizing Payment of \$1,000.00 to Alaneua

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
35 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 4-10-13

ENTERED - 4-12-13 - SB
13L0197 - A. KELLY

Assignee to
Angeleena
CAC 4

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 2,500 property and/or \$ 1,600 bodily injury for which I contend the City is liable.

- 1. Date of incident: 4-1-13 2. Time of incident: 8:30pm 3. Police called: yes
- 4. Location of incident (including street address): Medley park City of Atlanta
- 5. Name of your insurance company: ER, Bill-EmsRide Policy No. Grady Ems, ER,
- 6. State what and how incident occurred: I hugged a friend good bye and stepped back and fell in a large hole

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Division)

9. Witness: _____

10. The acknowledgment of this claim in no way waives the Sovereign Immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Alaneua Duckett
(Print Claimant's Name)

1000 Calgary Glen
(Address)

Austell, Ga. 30168-7281
(City, State and Zip Code)

(Work Number) (Home Number)

*New address:

New
4/11/13
CAC

NA

RECEIVED
APR 10 2013
RECD
SO

Attachment: Alaneua Duckett #3233 13L0197 DOC 20131108113716 (13-R-3800 : A Resolution Authorizing Payment of \$1,000.00 to Alaneua

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 18, 2013 AT DONALD LEE HOLLOWELL PARKWAY AND PAINES AVENUE. (DPRCA/03 - \$950.00) #3255

CLAIM OF: Sharon D. Pratt
6418 Queens Court Trace
Mableton, Georgia 30126

Review List:

Office of Research and Policy Analysis	Completed	11/15/2013 12:40 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

REGISTRATION HISTORY - BILLBACK

Entered – 10/2/13

CL13L0629 - DPRCA/03 - Janine J.Edmonds

CLAIM OF: Sharon D. Pratt
6418 Queens Court Trace
Mableton, Georgia 30126

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 18, 2013 AT DONALD LEE HOLLOWELL PARKWAY AND PAINES AVENUE. (DPRCA/03 - \$950.00) #3255

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to Sharon D. Pratt the sum of \$950.00 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a motor vehicle accident on September 18, 2013 at Donald Lee Hollowell Parkway and Paines Avenue as is more particularly set forth in the within claim; said sum taken from and charged to Account 1001.200101.5212005.1512000.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0629

Date: November 8, 2013

Claimants /Victim: Sharon D. Pratt
BY: (Atty) (Ins. Co.)
Address: 6418 Queens Court Trace, Mableton, Georgia 30126
Subrogation: Claim for Property damage \$ 6,632.66 Bodily Injury \$
Date of Notice: 09/26/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 09/18/13 Place: Donald Lee Hollowell Parkway and Paines Avenue
Department: DPRCA Bureau: Office: Parks
Employee involved: Sonia Taylor-Wyckoff Disciplinary Action: Defensive Driving Training

NATURE OF CLAIM: Claimant alleges property damage sustained when claimant's vehicle was struck by a city vehicle. The investigation determined the city driver failed to maintain her lane and sideswiped the claimant's vehicle.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X
Pictures X Diagrams Reports: Police X Dept Report: X Other:
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$950.00 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager/Director: [Signature] Concur/date 11/12/13
Deputy City Attorney: [Signature] Concur/date 11-14-13
Committee Action: Council Action

Attachment: S. PRATT (13-R-3801 : A Resolution Authorizing Payment of \$950.00 to Sharon Pratt)

RECEIVED
SEP 26 2013
sep. 20. 2013 9:20AM

No. 0170 P. 2

Edmonds
9/30/13
[Signature]

City of Atlanta Claims

September 26, 2013

Claim# CHG00948GB

ENTERED - 10-2-13 - SB
13L0629 - J. EDMONDS

Attention - Ms. Sherry Butler

State what and how incident occurred:

My name is Sharon D. Pratt

*New
9/30/13
car*

On the morning of September 18, 2013 I was driving on my way to work in Alpharetta GA driving down Donald Lee Hollowell headed towards Northside Dr, I was driving in the right lane and I noticed a BIG green truck coming over in my lane.

I blew my horn numerous times to get the drivers attention, but the driver continued to come over in my lane pushing me off the road and dragging its wheels along side of my car until the truck finally noticed it was dragging up against something... and finally pulled forward and stopped, which left my car badly damaged. Also adding how terrified I was not knowing if the truck was going to push my car head on into the telephone poll.

Attached I have submitted 2 estimates of repair per your request. Additionally, I am asking, due to the negligence of your driver causing the accident, to be given monetary compensation at the rate of a daily rental car dating back to September 18th through the date that my car is dropped off for repair. Then from the repair drop off date, be given a rental car (which I should have been offered from the City Of Atlanta on the 18th) to drive until my car is completely repaired. If no rental car is given, then I am request to receive monetary compensation for the full time period from the date of accident on the 18th through the completion of my car repair. I believe this request is more than fair for me being inconvenienced in having to drive a car that was severely damaged in an accident that was not my fault.

Please feel free to contact me for any additional information.

Sincerely,

[Signature]
Sharon D. Pratt
404-273-9028

Attachment: S. PRATT (13-R-3801 : A Resolution Authorizing Payment of \$950.00 to Sharon Pratt)

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
35 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES
Today's Date: 9-19-13

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: 9-18-13 2. Time of incident: 8:00AM-3 Police called: YES
- 4. Location of incident (including street address): DONALD LEE Hollowell Pkwy
- 3. Name of your insurance company: METLIFE Policy No. 9111447360
- 6. State what and how incident occurred: SEE ATTACHED

New
9/30/13
CAC

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: 2003 CHEVROLET CORVETTE PRATT & SHARON PRATT
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Occupant's Name)

9. Witness: ROBERT RAIT 404 406 3452

10. The acknowledgment of this claim in no way waives the Sovereign Immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta under its employees(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Sharon D. Pratt
Signature of Claimant

SHARON D. PRATT
(Print Claimant's Name)

6418 QUEENS COURT TRACE
(Address)

NABLETON GA 30126
(City, State and Zip Code)

6183394628 404273-9028
(Work Number) (Home Number)

Attachment: S. PRATT 1 (13-R-3801 : A Resolution Authorizing Payment of \$950.00 to Sharon Pratt)

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON APRIL 14, 2013 AT METROPOLITAN PARKWAY AND UNIVERSITY AVENUE. (AFR/04) #3248

CLAIM OF: Kelvin Blount through his Attorney
Law Office of Thomas P. Cooper
3201 Griffin Road, Suite 102
Fort Lauderdale, Florida 33312

Review List:

Kimberly Patrick	Completed	11/13/2013 5:55 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:58 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 10/25/13

CL13L0700 - AFR/04- Janine J. Edmonds

CLAIM OF: Kelvin Blount through his Attorney
Law Office of Thomas P. Cooper
3201 Griffin Road, Suite 102
Fort Lauderdale, Florida 33312

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE
ACCIDENT ON APRIL 14, 2013 AT METROPOLITAN PARKWAY AND UNIVERSITY AVENUE.
(AFR/04) #3248

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0700

Date: October 29, 2013

Claimant/Victim Kelvin Blount

BY: (Atty) (Ins. Co.) Daniel Meyl, Law Office of Thomas P. Copper

Address: 3201 Griffin Road, Suite 102, Fort Lauderdale, Florida 33312

Subrogation: Claim for Property damage \$ Bodily Injury \$ 75,000.00

Date of Notice: 10/22/13 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 04/14/12 Place: Metropolitan Parkway and University Avenue

Department: Fire and Rescue Bureau: Office:

Employee involved: Latia Posey Disciplinary Action: None

NATURE OF CLAIM: Claimant alleges bodily injury sustained when a city vehicle struck the vehicle he was a passenger in. The investigation determined the claim as presented does not comply with the requirements of notice under Georgia law as the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X

Pictures Diagrams Reports: Police X Dept Report Other

Traffic citations issued: City Driver Claimant Driver X

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Director/Manager: [Signature] Concur/date 10/31/13

Deputy City Attorney: [Signature] Concur/date 11-6-13

Committee Action: Council Action

FORM 23-61

Attachment: K. BLOUNT (13-R-3802 : A Resolution Adversing the Claim of Kelvin Blount through his Attorney Thomas Cooper)

THE LAW OFFICE OF THOMAS P. COOPER, P.A.

3201 GRIFFIN ROAD, SUITE 102
FORT LAUDERDALE, FL 33312
TOLL FREE 1-855-ATTY-HELP
TELEPHONE: (954) 964-0902
FACSIMILE: (954) 589-1705

RECEIVED

OCT 23 2013

- RECD
SB

RECEIVED

OCT 22 2013

CITY OF ATLANTA
DEPT OF LAW

ENTERED - 10-25-13 - SB
13L0700 - J. EDMONDS

THOMAS P. COOPER

DANIEL C. MEYL, CASE MANAGER

SENDER'S DIRECT LINE (561) 310-2359

OCTOBER 18, 2013

City of Atlanta
Department of Finance
Risk Management Division
68 Mitchell Street
Suite 9100
Atlanta, Georgia 30303

*Assign to JSE
CAC 10/24/13*

*Nece
10/24/13
CAC*

Re: Our Client: Kelvin Blount
Date of Loss: 4/14/2012
Agency: City of Atlanta Fire Rescue Department

Dear Sirs:

As previously advised this law firm has the pleasure of representing Kelvin Blount for injuries he sustained as a result of the above-referenced accident. The following is a demand for damages in an effort to resolve this matter prior to litigation.

We have reviewed the liability in this case and it is very clear to us that the City of Atlanta Fire Rescue Department has full responsibility for this high speed rear-end collision. The subject accident occurred on Metropolitan Road in Atlanta, Georgia, when a Ford Taurus motor vehicle, containing Mr. Blount as rear seat passenger, was stopped in traffic and waiting to make a safe left turn before the traffic light which was ahead (Plaintiff's vehicle was attempting to turn into a gas station that was located before the traffic light). When oncoming traffic had cleared, they started their turn. Unbeknownst to operator of Ford Taurus, a fire truck was approaching from behind, heading improperly southbound in the northbound lane at an excessive speed. The driver of the Ford Taurus had no notice that the fire truck was approaching from behind as his rear view was blocked by a large SUV type vehicle that was stopped behind them. A significant impact occurred. The Ford Taurus was declared a total loss - please see the enclosed photographs which depict a massive rear end collision to the Ford.

Please find enclosed all of Mr. Blount's current medical records in our possession. Following the accident, he was attended to by EMS who transported him to Grady Health Systems Emergency Department where he was examined and treated for lumbar and

Attachment: K. BLOUNT (13-R-3802 : A Resolution Adversing the Claim of Kelvin Blount through his Attorney Thomas Cooper)

thoracic pain, right knee pain, and left shoulder pain. X-rays were obtained that ruled out fractures and he was released with instructions to seek follow up care. Follow up care was provided by Stuart Sehlein, D.C., who placed Mr. Blount on a short course of conservative therapy. When that failed to relieved his symptomatology, he was referred for MRI testing. The studies were conducted on Decatur Health Systems, and read by Dixon Gilbert, M.D. as revealing "disc bulging at L3-4, L4-5, and L5-S1." These are significant findings for a young man of Mr. Blount's age.

Mr. Blount remains under the care of Dr. Sehlein. To date, Mr. Blount's medical expenses total \$6,136.29. Due to his injuries, he was terminated from his job at JC Penney where he earned \$8.50 an hour. He remains unable to work.

Please note that Mr. Blount's prior medical history is non-contributory for spinal injuries or claims of any kind.

I have enclosed copies of the documentation sent by us to the Georgia Department of Administration Services and Fire Chief Kelvin Cochran, City of Atlanta Fire Rescue Department, evidencing proper notice was given pursuant to Georgia Code §50-21-26(a)(1)(2)(3)(4)(5).

Based on the above, we have been authorized by Mr. Blount to demand \$75,000.00 in full and final settlement of his claim. Please make the check payable to "Kelvin Blount and the Law Office of Thomas P. Cooper, P.A. his attorneys". Our tax ID number is 45-4242109. All requested documents and checks must be physically received in my office on or before 3:00pm on Friday, September 30, 2013.

SINCERELY,



DANIEL C. MEYL
Case Manager



CITY OF ATLANTA
DEPARTMENT OF LAW
 SUITE 4100 • CITY HALL TOWER
 68 MITCHELL STREET, S.W., ATLANTA, GEORGIA 30303-3520
 (404) 330-6400

KASIM REED
 MAYOR

CATHY HAMPTON
 CITY ATTORNEY

jjedmonds@atlantaga.gov
 (404) 330-6290
 (404) 739-3334 e-fax

October 29, 2013

Law Offices of Thomas P. Cooper
 Attn: Daniel Meyl
 3201 Griffin Road
 Suite 102
 Fort Lauderdale, Florida 33312

RE: Claim Number: 13L0700
Date of Incident: April 14, 2012
Your Client: Kelvin Blount

Dear Mr. Meyl:

Your communication dated October 18, 2013, was forwarded to me for investigation. I have reviewed the claim as presented and find that it does not comply with the requirements of notice under Georgia law as the six month statute of limitations expired prior to receipt of the claim.

O.C.G.A. §36-33-5(b) states in pertinent part:

Within six months of the happening of the event upon which a claim against a municipal corporation is predicated, the person, firm, or corporation having the claim shall present the claim in writing to the governing authority of the municipal corporation for adjustment, stating the time, place, and extent of the injury, as nearly practicable, and the negligence which caused the injury...

In light of the aforementioned, an unfavorable recommendation will be forwarded to the City Council for action.

Sincerely,

Janine J. Edmonds
 Claims Investigator

Attachment: K. BLOUNT (13-R-3802 : A Resolution Adversing the Claim of Kelvin Blount through his Attorney Thomas Cooper)

**FOR DAMAGES ALLEGEDLY SUSTAINED DURING AN ARREST ON MARCH 25, 2011 AT 880
CHEROKEE AVENUE. (APD/01) #3235**

CLAIM OF: Henrietta Mitchell
245 Amal Drive, # 3003
Atlanta, GA 30315

Review List:

Kimberly Patrick	Completed	11/13/2013 12:48 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:38 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 8/15/11

CL 11L0588-APD/01-Angelena Kelly

CLAIM OF: Henrietta Mitchell
245 Amal Drive, # 3003
Atlanta, GA 30315

FOR DAMAGES ALLEGEDLY SUSTAINED DURING AN ARREST ON MARCH 25, 2011 AT 880
CHEROKEE AVENUE. (APD/01) #3235

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0588 Date: September 25, 2013

Claimant /Victim: Henrietta Mitchell
BY:(Atty)(Ins. Co.)
Address: 245 Amal Drive, #3003, Atlanta, GA 30315
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 7/27/11 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 3/25/11 Place: 880 Cherokee Avenue
Department: Police Bureau: Office:
Employee involved: Lester, V. Disciplinary Action: None

NATURE OF CLAIM: The claimant alleges personal injury sustained when she was arrested. The investigation determined the detention by APD during the initial investigation was reasonable and there was probable cause to obtain a warrant to arrest the claimant based on information received from the victim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/29/13
Deputy City Attorney: [Signature] Concur/date 11-5-13
Committee Action: Council Action

Attachment: Henrietta Mitchell #3235 11L0588 DOC 20131108113607 (13-R-3803 : A Resolution Adversing the Claim of Henrietta Mitchell)

~~Henrietta~~ Kelly
8/12/11
Monday, July 25, 2011

gms

Henrietta Mitchell
245 Amal Drive (Unit 3003)
Atlanta GA, 30315
Phone: 404-862-8379
E-mail: hmitchell25@yahoo.com

ENTERED - 8-15-11 - SB
11L0588 - A. KELLY

OFFICE OF THE CHIEF

JUL 27 2011

**Director of the Risk Management Division of the
Georgia Department of Administrative Services**
200 Piedmont Avenue SE, Suite 1804,
West Tower, Atlanta, Georgia 30334
Phone: 404-656-5514
RE: Letter of Intent to Sue Account

This letter serves as the formal notice of my intent to file a lawsuit, as required by O.C.G.A. § 50-21-26, against The Fulton County's District Attorney's Office, and The Atlanta Police Department for: 1. False Arrest, 2. Malicious Prosecution, 3. Negligence, 4. Assault, 5. Intentional Mental Distress, 6. Kidnapping, 7. Invasion of Privacy, 8. Nuisance, 9. Deformation, and 10. Economic Tort.

On March 25th, 2011 I was robbed of my freedom, a violation of O.C.G.A. GA § 16-8-40, when, officer V.T. Lester of the Atlanta Police Department committed perjury, a violation of O.C.G.A. § 16-10-71, in order to get a judge to sign a warrant to have me arrested. This was not officer V.T. Lester's first attempt to rob me of my freedom. On February 18, 2011, officer V.T. Lester asked me to come into his police precinct to discuss Ms. Teague accusation that I stole her king size Louis Vuitton toiletry bag.

Upon entering the police precinct, he asked me to sign my Miranda rights. I had no idea freely walking into a police precinct signified my willingness to be detained. Officer V.T. Lester said I had violated O.C.G.A. § 16-8-2. I did ask to for an attorney present, but my rights were ignored, and the interrogation continued, in violations of my 5th amendment right given by the U.S. Constitution. I did not feel free to leave, and twice when I did make an attempt to get out of my seat officer V.T. Lester would make threats that he would be coming to get me and that I wasn't helping myself. Officer V.T. Lester did not give me the right, provided by O.C.G.A. § 24-8-822, to have my side of the story entered into evidence. He said I had violated O.C.G.A. GA § 16-8-2, theft by taking. Officer V.T. Lester knew his questioning where in search of an incriminating response from the suspect (*Rhode Island v. Innes*, 446 U.S. 291 (1980)). I explained that I did not take Ms. Teague bag, the bag Ms. Teague is missing is not the bag that was in my car and I had a witness to this. I was in a room in the back of the police precinct, and it was late in the night officer V.T. Lester knew I couldn't go outside by myself. V.T. Lester started interrogating me upon freely entering the police precinct. I called my friend detective Ashley Melvin, and handed the phone to officer V.T. Lester. After speaking to detective Melvin, officer V.T. Lester lessened the interrogation and I left.

On March 25th, 2011 officer V.T. Lester lied and signed an affidavit, O.C.G.A. GA § 17-4-45, that I took and intended to deprive Ms. Teague of a king size Louis Vuitton toiletry bag; however, in the incident report officer V.T. Lester wrote Ms. Teague said she wanted to report her Louis Vuitton purse stolen, and that I located and willingly attempted to return the item. How did officer V.T. Lester come to the conclusion that I took the king size Louis Vuitton bag Ms. Teague was missing when I had no idea she was missing a king size Louis Vuitton bag, but when I found an unknown item I attempted to find and return it to its owner? How does this constitute theft by taking?

Officer V.T. Lester also wrote, Ms. Teague stayed in my home. The bag I found was in my car. How can officer V.T. Lester say the bag Ms. Teague is missing is the bag that was in my car when Ms. Teague was never in my car? A really bizarre thing to take note of in officer V.T. Lester report, is that, several text messages occurred between me and Ms. Teague, and on January 21, 2011, I told Ms. Teague the purse was by the dumpster, and not to contact me. If I contacted Ms. Teague to let her know I had her belonging, and I agreed to send the item: what happened to change the situation, and why didn't officer V.T. Lester think it was important to include this information in the police report.

Officer V.T. Lester intentionally left this information in order to make me seem guilty. The information that officer V.T. Lester left out was that, Ms. Teague harassed and threatened me, and out of fear I asked her not to come to my

Monday, July 25, 2011

home. Also, I called the police twice with complaints about Ms. Teague's harassment. The first time they did not come to my house, and the second time the police came, but refused to write a police report. I reported the police refusal to make an incident report to the office of professional standards.

On March 25, 2011, (Ms. Teague-birthday), Atlanta police was at my house around 6:30PM with a warrant for my arrest. I was falsely arrested and imprisoned, as described in O.C.G.A. § 51-7-20. I was humiliated, handcuffed and taken to jail. While in jail, I was denied medication and became depressed and suicidal upon my release from jail. I later found out that detective Lester had filed a telewarrant for my arrest even though he had no probable cause. I hired a personal attorney and told her I needed this case dismissed because I planed to pursue a civil case against the Atlanta. Before signing a contract, I made it clear that I selected her, as an attorney because she was willing to pursue my goal, which was a civil case against the city of Atlanta. I asked Mrs., Jennifer Knight if she would be able to help with all parts of my goal, and said yes.

I went to court on April 8th, 2011. My personal attorney said she was friends with the DA, and asked that my case be rescheduled so she could talk to him about my case over lunch. She promised to have my case dismissed. On April 27th, 2011, I returned to court to find; my case wasn't dismissed, and I had to enter a plea. On May 5th, 2011, I went to court for pretrial. The DA referred to my case as being a problematic case, and said he had to speak to Ms. Teague-Smith. The prosecutor, and judge both had a copy of the telewarrant and all could see through officer Lester's incident report that I did not take nor did I intend to deprive Ms. Teague of her property. Yet, the prosecution continued to prosecute this case with malice, described in O.C.G.A. § 51-7-40.

On May 9th, 2011, I went to court for trial. Ms. Teague-Smith did not show up, but the DA, continued malicious prosecution. My case placed on the dead docket against my will. I researched the true definition of a dead docket. I immediately fired my lawyer, and am now in the process of trying to get my money back. On June 22, 2011, I went to the clerk 's office and I filed to have Knight and Briley, LLC (Jennifer Moore, and Shannon Briley) removed from my case. I then filed a motion for a speedy trial, and presented the DA and Judge copies.

On July 14th, 2011, I went court for a show cause hearing. The judge asked me if I really wanted to this. He never clarified what "this" meant, and I assumed it to mean if I really wanted justice. I explained why deserved a speedy trial. The DA said they had no intentions of ever prosecuting my case. I asked why it wasn't dismissed, and the judge interrupted me. My question was never answered, but my case was eventually dismissed.

Rather then ending injustice, Fulton County's courts planned to cover the violation by using the dead docket. How many innocent people have officer Lester and the Atlanta Police Department done this to, and how many innocent people are they going to do this to?

How many wrongful arrest, and warrants by Atlanta Police officers has Fulton County courts covered up with the use of the dead docket, and how many innocent people will suffer because of Fulton county's court's miss use of the dead docket?

This situation has made my life a nightmare. It's broken relationship between me and loved ones, I've had, emotional suffering, suicidal thoughts, humiliation, depression, its disrupted my school, I've suffered from anxiety, business interruption, lost job opportunities, damage to reputation, punitive damages, financial expense, damage to my credit, and various other injuries. I'm on medication, and I'm in counseling, but I still live in fear. I can't get over the way all these people I trusted willingly and knowing used their power to hurt me, for no reason. This situation has hurt me for life emotionally and physically. Unfortunately, many of these damages will remain with me for life. They are now a part of my history and unwritten future. I'm seeking 6 Million dollars for damages due Fulton County DA's, and The Atlanta Police Department's abuse of power; I will initiate a lawsuit before the end of October 2011. Your prompt attention is appreciated.

Sincerely,



Henrietta Mitchell

CC:

1. The chairman of the Fulton County Board of county Commissioners
141 Pryor St. SW,
10th FL

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3243

CLAIM OF: Alphonso Thomas
C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

Review List:

Kimberly Patrick	Completed	11/13/2013 3:03 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:51 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/19/12

CL 12L0652-APD/02-Angelena Kelly

CLAIM OF: Alphonso Thomas
C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3243

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0652

Date: October 25, 2013

Claimant /Victim: Alphonso Thomas

BY:(Atty)(Ins. Co.) _____

Address: C/O D. Blocker, 136 Hambrick Drive, Stockbridge, GA 30281

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 2,500.00.00

Date of Notice: 9/7/12 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 8/15/12 Place: 51 Peachtree Street

Department: Police Bureau: _____ Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his civil rights were violated when he was arrested. The investigation determined the claimant has failed to provide sufficient information to substantiate his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager: [Signature] Concur/date 10/30/13

Deputy City Attorney: [Signature] Concur/date 11-1-13

Committee Action: _____ Council Action _____

Attachment: Alphonso Thomas #3243 12L0652 DOC 20131108113150 (13-R-3804 : A Resolution Adversing the Claim of Alphonso Thomas)

136 Hamilton
Ab. 30281

Kelly

RECEIVED 9/7/12

SEP -7 2012

DB

CITY OF ATLANTA
DEPT OF LAW

Wednesday, September 05, 2012

Atlanta City Hall
Attn: Atlanta City Council President Ceasar C. Mitchell
55 Trinity Ave., SW
Second Floor
Atlanta, GA 30303-3584

ENTERED - 9-19-12 - SB
~~12L0641~~ - A. KELLY
12L0652

CITY OF ATLANTA
LAW DEPARTMENT 2012
SEP 12 REC'D
RECEIVED 82

Re: *Ante Litem* Notice Pursuant to O.C.G.A. § 36-33-5

To: Mayor Kasim Reed

This *Ante Litem* Notice is being submitted in conjunction with the written communication sent on August 15, 2012 via USPS first class priority mail [USPS tracking #70121010000188571741], which referenced the deprivations of rights under the color of law committed against Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey, and numerous Citizens that frequented Woodruff Park, identified on pages 16 & 17 of the written communication, who were injured at Woodruff Park 51 Peachtree St. Atlanta, GA 30303.

(A.) The injuries occurred as follows:

Through the habitual violation of the unalienable rights of the above mentioned Citizens committed by multiple Atlanta City Police Officers and Ambassador Force employees as identified in the written communication sent August 15, 2012.

(B.) The extent of the injuries was as follows:

(1.) Duane E. Blocker Sr. - Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 18 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by various Atlanta City Police officers and Ambassador Force employees Oliver Hillman, D. Tinch, K. Bolton, Derek Edwards, Robert Ewell, and David Wardell, Mr. Blocker thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, public humiliation, slander, libel, loss wages, damage to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.

[1]

RECEIVED 9/16/2012

Attachment: Alphonso Thomas #3243 12L0652 DOC 20131108113150 (13-R-3804 : A Resolution Adversing the Claim of Alphonso Thomas)

- (2.) Howard Wright III – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 14 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights; the violation of his person through unconstitutional police force committed by Ofc. R. Hill #5246 and Atlanta City Detention Center Lt. D.K. Anderson, currently under investigation, Case #12-0068-E-I. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Atlanta City Police officers and the aforementioned Ambassador Force employees, Mr. Howard thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, slander, libel, public humiliation, damages to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.
- (3.) Lawrence Younker – Suffered the deprivation of his liberty interest to engage in common occupations of life via unconstitutional police action and excessive police force upon his property born. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Ofc. Thomas and Ambassador Force employee Oliver Hillman, Mr. Younker thereby suffered his rights to liberty to peacefully engage in common occupations of life, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendments of the United States Constitutions. Mr. Younker suffered extreme mental and emotional distress, slander, public humiliation, loss of property.
- (4.) Alphonso Thomas – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive, and habitual harassment by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton and Mr. D. Tinch which was frequently assisted by various Atlanta City Police officers. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Thomas thereby suffered his rights to liberty, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendment of the United States Constitution rights were grossly violated. Mr. Thomas suffered extreme mental and emotional distress, public humiliation, and slander.
- (5.) Karim Nelson-Bey – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment

performed by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton, and Mr. D. Tinch. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Nelson-Bey suffered his rights to liberty, due process, and the equal protection of the law. Mr. Nelson-Bey suffered extreme mental and emotional distress, public humiliation and slander.

- (6.) The aggrieved Citizens enumerated on pages 16 & 17 of the written communication sent August 15, 2012 suffered the deprivation of their liberty interests to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment performed by Ambassador Force Employees Mr. Oliver Hillman, Mr. K. Bolton, Mr. D. Tinch, Mr. Derek Edwards, Mr. Robert Ewell and various Atlanta City Police officers. Due to the conspiracy to deprive them of their constitutional rights under the color of law, the aggrieved Citizens suffered the violations of their unalienable rights and liberty interest to utilize public property based on their intended purposes, thereby violating their guaranteed rights to liberty, due process and the equal protection of the law under the First, Ninth and Fourteenth Amendments of the United States Constitution. These Citizens suffered extreme mental and emotional distress, public humiliation, and slander.

(C.) The injury was the result of the violation of the ministerial duty to uphold the federal and state constitutions, extrinsic fraud, and gross criminal negligence committed by Ofcs. Jordan Wolford #5451, Kenneth Thomas #4847, Anderson #4364, K. Capps #6639, S. Morrison #6468, R. Hill #5246, Sgt. Hill #?, Sgt. Straut #0621, Lt. C.W. Brown #2777, in addition to presently unidentified officers who aided these officers in the violation of the Citizens civil rights. Additionally, the Ambassador Force employees aforementioned, coupled with those yet unknown, exceeded their legal jurisdiction as defined under their contract with the City of Atlanta, through the misuser of the amenities of Woodruff Park, thereby violating the provisions of O.C.G.A. § 36-64-2.

(D.) As a result of the of the aforementioned violations and negligence, Mr. Blocker, Mr. Wright, Mr. Younker, Mr. Thomas, Mr. Nelson-Bey and the enumerated Citizens disclosed in the written communication sent August 15, 2012 suffered the following damages:

1. Mr. Blocker – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$19,000,000;

2. Mr. Howard III – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$11,500,000;
3. Mr. Younker – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
4. Mr. Thomas – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
5. Mr. Nelson-Bey – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$2,500,000;
6. Citizens within Class Action – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Intentional Infliction of Emotional Distress, Equal Protection of the Law, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$29,250,000.

(E.) This Notice of Claim is made pursuant to O.C.G.A. § 36-33-5, and Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey and the Citizens enumerated in the written communication of August 15, 2012 demand payments of their claims in the grand total amount of \$68,250,000.

The requested settlement figures per claim within the demand letter which accompanied the written communication correspondence are still valid. A counter-offer to those settlement claims respecting the seriousness of these matters will be thoroughly considered. We look forward to hearing from you soon.

Best Regards,



Duane E. Blocker Sr.

**FOR DAMAGES ALLEGEDLY SUSTAINED DURING AN ARREST ON JANUARY 20, 2013 AT 464
GEORGIA DOME DRIVE. (APD/02) #3234**

CLAIM OF: Bobby Swoope
728 Crestwell Circle
Atlanta, GA 30331

Review List:

Kimberly Patrick	Completed	11/14/2013 1:27 PM
Office of Research and Policy Analysis	Completed	11/14/2013 4:55 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUEBACK

Entered – 5/2/13

CL 13L0230- APD/02-Angelena Kelly

CLAIM OF: Bobby Swoope
728 Crestwell Circle
Atlanta, GA 30331

FOR DAMAGES ALLEGEDLY SUSTAINED DURING AN ARREST ON JANUARY 20, 2013 AT 464
GEORGIA DOME DRIVE. (APD/02) #3234

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0230

Date: October 17, 2013

Claimant /Victim: Bobby Swoope

BY:(Atty)(Ins. Co.) _____

Address: 728 Crestwell Circle, Atlanta, GA 30331

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ _____

Date of Notice: 4/17/13 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X

Date of Occurrence: 1/20/13 Place: 464 Georgia Dome Drive

Department: Police Bureau: _____ Office: _____

Employee involved: Officer Mercado Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges damages sustained when he was arrested. The claimant has filed a lawsuit to settle the allegations of his claim.

INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

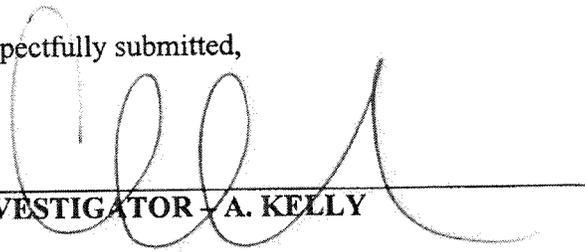
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager: Catalle Concur/date 10/28/13

Deputy City Attorney: Biggs Concur/date 11-4-13

Committee Action: _____ Council Action _____

Attachment: Bobby Swoope #3234 13L0230 DOC 20131108113648 (13-R-3805 : A Resolution Adversing the Claim of Bobby Swoope)

RECEIVED
APR 17 2013
30
REC'D

April 12, 2013

RECEIVED

APR 17 2013
CITY OF ATLANTA
DEPT OF LAW

The City of Atlanta
c/o The Honorable Kasim Reed &
The Atlanta City Council
Suite 4100
City Tower
68 Mitchell Street, S.W
Atlanta, Georgia 30335-0332

ENTERED - 5-2-13 - SB
13L0230 - A. KELLY

Kelly
4/24/13
AK

New
4/18/13
cal

Re: Bobby Swoope
Notice of Claim for False Arrest and False Imprisonment

Dear Mayor Reed:

I am writing to inform the City of my claim against the City and the Police Department. I was falsely arrested and imprisoned on January 20, 2013 at 12:40pm while sitting on a rail in front of the northeast section of the Georgia Dome near the stairs descending from the upper street level on 464 Georgia Dome Drive where the rails were located to block traffic coming from the street by investigator Mercado working Undercover Vice. Officer Mercado and his female undercover assistant approached Mr. Swoope asking to purchase two tickets for the NFC Championship game in which Officer Mercado was told by Mr. Swoope that he only had one game ticket and wasn't selling tickets but Officer Mercado was insistent that Mr. Swoope sell him his one ticket and asked Mr. Swoope again to sell his ticket for \$250 dollars in which Mr. Swoope declined for the second time and at that point Officer must have a given the signal to fellow Vice members to take Mr. Swoope into custody in which Mr. Swoope was searched and held at the rail while onlookers and a friend who was coming back to introduce her husband to me couldn't talk to me because I had been arrested and in custody. I was later escorted in front of thousands of football fans and onlookers while being put in a police squad car and transported to a Atlanta Police sub-station a couple miles from the point of arrest in which later at the substation where I was booked, had photo taken, my game ticket taken from me, and I was given a citation to appear in court on January 29th at 3:00pm. At that hearing the case was set for April 9th at 3:00pm in which Officer Mercado through his testimony under oath continue to fabricate his justification for the arrest in which he is recorded on city trial camera further attempting to exaggerate that Mr. Swoope approached him and attempted to sell two tickets for \$360 dollars which was totally inaccurate and inconsistent with his arrest report Incident#: 13-020-1015-00 in which subsequently Mr. Swoope was found not guilty of committing a crime on January 20,

Attachment: Bobby Swoope #32234 13L0230 DOC 20131108113648 (13-R-3805 : A Resolution Adversing the Claim of Bobby Swoope)

2013. Basically Mr. Swoope never meet any of the basic elements of the ordinance **Section1 City Code Section 106-59**. Mr. Swoope has suffered from mental distress, public embarrassment, and defamation of character. Officer Mercado lied under oath as the video of the court proceeding will indicate that further Officer Mercado and his vice squad wrongly deprived the victim in this case Mr. Swoope his rights under Fourteenth Amendment the right to liberty. **Functions of law enforcement is prevention, not manufacture, of crime. Thornton v. State, 139 Ga. App. 483,228 S.E.2d 919(1976) under the rules of Entrapment 16-3-25.** Officer Mercado further admitted in court that when he approached Mr. Swoope that Mr. Swoope had not committed a crime, he had not be informed that Mr. Swoope was committing a crime of selling tickets neither was Mr. Swoope pre-disposed of committing the crime in which he was accused of. I hereby place the City and the Atlanta Police Department on notice of Mr. Swoope demand for compensation for his personal injuries and the violation of his constitutional rights.

Please be advised that we will pursue all claims available to Mr. Swoope if the City fails to compensate him adequately for his injuries. Please let me know if you have any questions or need any further information. I look forward to hearing from you soon.

Sincerely,



Bobby R. Swoope
728 Crestwell Circle
Atlanta, Georgia 30331
404-213-5165

Attachments

- 1 copy of CD Atlanta Municipal Court hearing 4/9/2013
- 1 copy of Officer Mercado Arrest Report
- 1 copy of city ordinance 106-59

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3238

CLAIM OF: Duane Blocker, Sr.
136 Hambrick Drive
Stockbridge, GA 30281

Review List:

Kimberly Patrick	Completed	11/13/2013 3:02 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:41 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BILL BACK

Entered – 9/19/12

CL 12L0641-APD/02-Angelena Kelly

CLAIM OF: Duane Blocker, Sr.
136 Hambrick Drive
Stockbridge, GA 30281

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15,
2012 AT 51 PEACHTREE STREET. (APD/02) #3238

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0641

Date: October 25, 2013

Claimant /Victim: Duane Blocker Sr.

BY:(Atty)(Ins. Co.) _____

Address: 136 Hambrick Drive, Stockbridge, GA 30281

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 68,250,000.00

Date of Notice: 9/7/12 Method: Written, proper Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence: 8/15/12 Place: 51 Peachtree Street

Department: Police Bureau: _____ Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his civil rights were violated when he was arrested. The investigation determined the claimant has failed to provide sufficient information to substantiate his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial _____

Improper Notice _____ More than Six Months _____ Other Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager: [Signature] Concur/date 10/30/13

Deputy City Attorney: [Signature] Concur/date 11-1-13

Committee Action: _____ Council Action _____

Attachment: Duane Blocker #3238 12L0641 DOC 20131108113433 (13-R-3806 : A Resolution Adversing the Claim Duane Blocker, Sr.)

136 Hamrick St. 30281

Kelly

RECEIVED 9/12/12

SEP -7 2012

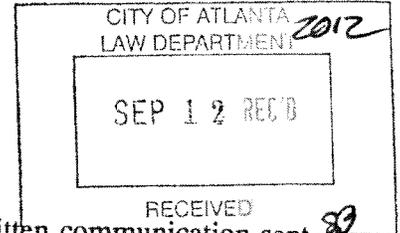
DB

CITY OF ATLANTA
DEPT OF LAW

Wednesday, September 05, 2012

Atlanta City Hall
Attn: Atlanta City Council President Ceasar C. Mitchell
55 Trinity Ave., SW
Second Floor
Atlanta, GA 30303-3584

ENTERED - 9-19-12 - SB
12L0641 - A. KELLY



Re: *Ante Litem* Notice Pursuant to O.C.G.A. § 36-33-5

To: Mayor Kasim Reed

This *Ante Litem* Notice is being submitted in conjunction with the written communication sent on August 15, 2012 via USPS first class priority mail [USPS tracking #70121010000188571741], which referenced the deprivations of rights under the color of law committed against Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey, and numerous Citizens that frequented Woodruff Park, identified on pages 16 & 17 of the written communication, who were injured at Woodruff Park 51 Peachtree St. Atlanta, GA 30303.

(A.) The injuries occurred as follows:

Through the habitual violation of the unalienable rights of the above mentioned Citizens committed by multiple Atlanta City Police Officers and Ambassador Force employees as identified in the written communication sent August 15, 2012.

(B.) The extent of the injuries was as follows:

(1.) Duane E. Blocker Sr. Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 18 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by various Atlanta City Police officers and Ambassador Force employees Oliver Hillman, D. Tinch, K. Bolton, Derek Edwards, Robert Ewell, and David Wardell, Mr. Blocker thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, public humiliation, slander, libel, loss wages, damage to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.

[1]

RECEIVED 9/12/2012

Attachment: Duane Blocker #3238 12L0641 DOC 20131108113433 (13-R-3806 : A Resolution Adversing the Claim Duane Blocker, Sr.)

- (2.) Howard Wright III – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 14 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights; the violation of his person through unconstitutional police force committed by Ofc. R. Hill #5246 and Atlanta City Detention Center Lt. D.K. Anderson, currently under investigation, Case #12-0068-E-I. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Atlanta City Police officers and the aforementioned Ambassador Force employees, Mr. Howard thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, slander, libel, public humiliation, damages to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.
- (3.) Lawrence Younker – Suffered the deprivation of his liberty interest to engage in common occupations of life via unconstitutional police action and excessive police force upon his property born. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Ofc. Thomas and Ambassador Force employee Oliver Hillman, Mr. Younker thereby suffered his rights to liberty to peacefully engage in common occupations of life, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendments of the United States Constitutions. Mr. Younker suffered extreme mental and emotional distress, slander, public humiliation, loss of property.
- (4.) Alphonso Thomas – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive, and habitual harassment by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton and Mr. D. Tinch which was frequently assisted by various Atlanta City Police officers. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Thomas thereby suffered his rights to liberty, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendment of the United States Constitution rights were grossly violated. Mr. Thomas suffered extreme mental and emotional distress, public humiliation, and slander.
- (5.) Karim Nelson-Bey – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment

performed by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton, and Mr. D. Tinch. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Nelson-Bey suffered his rights to liberty, due process, and the equal protection of the law. Mr. Nelson-Bey suffered extreme mental and emotional distress, public humiliation and slander.

(6.) The aggrieved Citizens enumerated on pages 16 & 17 of the written communication sent August 15, 2012 suffered the deprivation of their liberty interests to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment performed by Ambassador Force Employees Mr. Oliver Hillman, Mr. K. Bolton, Mr. D. Tinch, Mr. Derek Edwards, Mr. Robert Ewell and various Atlanta City Police officers. Due to the conspiracy to deprive them of their constitutional rights under the color of law, the aggrieved Citizens suffered the violations of their unalienable rights and liberty interest to utilize public property based on their intended purposes, thereby violating their guaranteed rights to liberty, due process and the equal protection of the law under the First, Ninth and Fourteenth Amendments of the United States Constitution. These Citizens suffered extreme mental and emotional distress, public humiliation, and slander.

(C.) The injury was the result of the violation of the ministerial duty to uphold the federal and state constitutions, extrinsic fraud, and gross criminal negligence committed by Ofcs. Jordan Wolford #5451, Kenneth Thomas #4847, Anderson #4364, K. Capps #6639, S. Morrison #6468, R. Hill #5246, Sgt. Hill #?, Sgt. Straut #0621, Lt. C.W. Brown #2777, in addition to presently unidentified officers who aided these officers in the violation of the Citizens civil rights. Additionally, the Ambassador Force employees aforementioned, coupled with those yet unknown, exceeded their legal jurisdiction as defined under their contract with the City of Atlanta, through the misuser of the amenities of Woodruff Park, thereby violating the provisions of O.C.G.A. § 36-64-2.

(D.) As a result of the of the aforementioned violations and negligence, Mr. Blocker, Mr. Wright, Mr. Younker, Mr. Thomas, Mr. Nelson-Bey and the enumerated Citizens disclosed in the written communication sent August 15, 2012 suffered the following damages:

1. Mr. Blocker – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$19,000,000;

2. Mr. Howard III – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$11,500,000;
3. Mr. Younker – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
4. Mr. Thomas – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
5. Mr. Nelson-Bey – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$2,500,000;
6. Citizens within Class Action – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Intentional Infliction of Emotional Distress, Equal Protection of the Law, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$29,250,000.

(E.) This Notice of Claim is made pursuant to O.C.G.A. § 36-33-5, and Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey and the Citizens enumerated in the written communication of August 15, 2012 demand payments of their claims in the grand total amount of \$68,250,000.

The requested settlement figures per claim within the demand letter which accompanied the written communication correspondence are still valid. A counter-offer to those settlement claims respecting the seriousness of these matters will be thoroughly considered. We look forward to hearing from you soon.

Best Regards,



Duane E. Blocker Sr.

**FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON MAY 10,
2013 AT 174 PEACHTREE STREET. (APD/02) #3242**

CLAIM OF: Duane Blocker, Sr.
136 Hambrick Drive
Stockbridge, GA 30281

Review List:

Kimberly Patrick	Completed	11/14/2013 1:19 PM
Office of Research and Policy Analysis	Completed	11/14/2013 4:52 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BEHIND BACK

Entered – 9/18/13

CL 13L0591-APD/02-Angelena Kelly

CLAIM OF: Duane Blocker, Sr.
136 Hambrick Drive
Stockbridge, GA 30281

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON MAY 10, 2013
AT 174 PEACHTREE STREET. (APD/02) #3242

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0591

Date: October 25, 2013

Claimant /Victim: Duane Blocker Sr.

BY:(Atty)(Ins. Co.) _____

Address: 136 Hambrick Drive, Stockbridge, GA 30281

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 68,250,000.00

Date of Notice: 9/10/13 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 5/10/13 Place: 174 Peachtree Street

Department: Police Bureau: _____ Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his civil rights were violated when he was arrested. The investigation determined the claimant has failed to provide information to substantiate his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager: [Signature] Concur/date 10/30/13

Deputy City Attorney: [Signature] Concur/date 11-1-13

Committee Action: _____ Council Action _____

Attachment: Duane Blocker #3242 13L0591 DOC 20131108113224 (13-R-3807 : A Resolution Adversing the Claim of Duane Blocker, Sr.)

RECEIVED

YJB - ECU

SEP 10 2013

Tuesday, September 03, 2013

Kelly
9/16/13
JTB

VIA CERTIFIED U.S. MAIL:

#70121010000188555406

Atlanta City Hall
Attn: Atl. Council President Caesar C. Mitchell
55 Trinity Ave., SW Ste.
Second Floor East
Atlanta, GA 30303-3584

VIA CERTIFIED U.S. MAIL:

#70121010000188555413

City of Atlanta
Law Department
Attn: City Attorney Cathy Hampton
55 Trinity Ave.
Atlanta, GA 30303

VIA CERTIFIED U.S. MAIL:

#70121010000188555420

Atlanta Police Department
Attn: Chief George Turner
226 Peachtree St.
Atlanta, GA 30303

DATE ENTERED 9-18-13 GB
13L0591 - A. KELLY

Re: Deprivation of Unalienable and Constitutional Rights/*Ante Litem* Notice under O.C.G.A. § 36-33-5

Dear Council Pres. Mitchell:

My name is Duane E. Blocker Sr. and on May 10, 2013 I was falsely arrested, kidnapped, and falsely imprisoned by Officer Louis #5908 for the alleged violation of City Ordinance 106-81(Disorderly Conduct), in which Officer Louis exclaimed that he established probable cause via the testimony of an anonymous witness to the alleged incident in question. On May 10, 2013 I was at 174 Peachtree St. awaiting the arrival of the church organization that provides provisions on this night. I was in line as the church arrived when one of the members instructed the patrons to assemble in two lines in preparation for the provisions to be passed out. Mr. John Eniojukan, whom I know only in passing, attempted to force his position in the line by attempting to cut in front of me. I prevented this attempt by outstretching my arm to impede him when he stated "What are you doing?! Do you want to go to jail?! I will put you're @!# over there(pointing at the City of Atlanta jail)...you will be spending the night over there!" Without provocation he became more aggressive and went on to say "You put your hands on me! You pushed me! I will call the police on you and you will go to jail!"

Mr. Eniojukan called 911 and falsely reported that he had been stuck by me and needed police assistance. Prior to Ofc. Louis' arrival Mr. Eniojukan frantically spoke to the organizers

cc:
12L0588
13L0359
12L0641
12-650
12-651
12-652
12-653

Attachment: Duane Blocker #3242 13L0591 DOC 20131108113224 (13-R-3807 : A Resolution Adversing the Claim of Duane Blocker, Sr.)

attempting to convince them of his allegations to conjure up a witness to support his allegations. Roughly 10 minutes later Ofc. Louis #5908 arrived, listened to Mr. Eniojukan's testimony, and then walked towards the crowd when I approached Ofc. Louis to reveal that I was the alleged perpetrator concerning Mr. Eniojukan's statements. I told Ofc. Louis the facts as they occurred, and informed Ofc. Louis that Mr. Eniojukan had often threatened in the past to call the police on other individuals he's had similar confrontations with solely to use as a scare tactic because he knows individuals in these types of outings fear police interaction. Ofc. Louis then approached the crowd to ask if anyone saw the incident but no one bothered to come forward to testify. Ofc. Louis then requested for both of us to provide him with our I.D.'s.

Ofc. Louis went to his patrol car and returned roughly five minutes later. He returned our I.D.'s and asked us if we had anything else to say. We both replied no. Ofc. Louis then sarcastically asked Mr. Eniojukan "What do you want me to do? Do you want me to arrest him?" Mr. Eniojukan replied "No...I just wanted to teach him a lesson." Ofc. Louis then looked at me and stated that the only reason he was not arresting me was because Mr. Eniojukan didn't have any physical marks. He then stated that he could take us both to jail for disorderly conduct but that he wouldn't do that. He then gave us instructions saying "You(Mr. Eniojukan) go this way, you(Mr. Blocker) go the opposite way and avoid one another for the rest of the night. Roughly five minutes later I concluded my business and began walking north along Peachtree St. As soon as I became physically obstructed from the eyesight of the people in the area, Ofc. Louis drove up, jumped out the car and told me to put my hands on the hood. Ofc. Louis claimed an anonymous witness came forth and confirmed that I did strike Mr. Eniojukan. Ofc. Louis did not record the personal information of this alleged witness which violated his ministerial duties under APD.SOP. § 4.4.1(4), and my constitutional rights to be acknowledged of and confront my accuser protected under the Sixth Amendment of the United States Constitution. See Browner v. State, 278 Ga. 316(2), 602 S.E.2d 612(2004) (statement to investigating police officers by an eyewitness inadmissible where witness is absent from trial and defendant had no prior opportunity to cross-examine the witness.). Mr. Eniojukan ran up the street and repeatedly told Ofc. Louis that he did not want me arrested, and stated that he did not want to press charges but Ofc. Louis claimed it was too late because he already had me in handcuffs. Ofc. Louis pulled off the street to give Mr. Eniojukan instructions, and then radioed his colleagues in order to receive a witness statement form for Mr. Eniojukan to fill out.

Afterwards, Ofc. Louis began writing the narrative for the police report and entered the statements of the alleged anonymous witness, Incident Report #131302594, but he initially claimed the anonymous witness testified that I committed the act and that I was a bully. In the final version of the report Ofc. Louis switched this statement to that being the testimony of Mr. Eniojukan, and entered prejudicial non-corroborated statements by Mr. Eniojukan that this was not our first encounter, and that I allegedly frequently "harass, bully and fight in line" which was a complete fabrication of facts constituting false statements and writings, false swearing, and violation of his oath of office under O.C.G.A. §§ 16-10-20, 16-10-71(a), 16-10-1 among others. Ofc. Louis further distorted the facts concerning my testimony in that I never stated Mr. Eniojukan "... constantly calls the police on people at that location." Ofc. Louis' false statements were an attempt to establish circumstantial evidence to support this arrest by criminalizing my character with immaterial and fabricated allegations, which violated my constitutional rights under the First, Fourth and Sixth and Fourteenth Amendments to the United States Constitution.

Ofc. Louis also violated his ministerial duty to take me before a neutral and detached magistrate to establish probable cause under *Riverside v. McLaughlin*, O.C.G.A. § 17-4-62, by May 12, 2013. I went before Judge Andrew Mickle on May 12, 2013 and demanded that the case be dismissed because there was no probable cause for my arrest or an adverse witness to support Mr. Eniojukan's claims evident by Ofc. Louis' Citation #2180781. Judge Mickle exclaimed that if the "victim" didn't show up the following day then he'd drop the case. On May 13, 2013 Judge Mickle proceeded with the arraignment of the case because Mr. Eniojukan appeared in court. I informed Judge Mickle that I refused to enter a plea because the court did not have subject matter/person jurisdiction to proceed. Angered by my stance Judge Mickle stated that if I didn't enter a plea he was going to swear in Mr. Eniojukan and the alleged witness that accompanied him to court, and that he was going to hold trial right then, which was an attempt to violate my constitutional rights to representation by counsel, to review exculpatory evidence, and to secure witnesses on my behalf protected under the Sixth Amendment of the United States Constitution. I acknowledged the Court that I reserved my right to secure my witnesses to appear to testify on my behalf since he insisted on forcing me to stand trial. Judge Mickle rescheduled the court date for 30 days out. After leaving the podium I'd learned that Mr. Eniojukan informed the Court that he did not want to press charges, and subsequently the case was dismissed on May 13, 2013.

This deprivation whereby I've now been falsely arrested six times by police officers within the 5th precinct of the City of Atlanta Police Department without probable cause and prosecuted in violation of procedural due process, with the objective of attempting to subject me to a condition of slavery and involuntary servitude in violation of the Fourth, Sixth, Thirteenth and Fourteenth Amendments of the United States Constitution establishes grounds to file civil claims which are actionable under The Ku Klux Klan Act of 1871 codified under 42 U.S.C.A. § 1983 and any and all applicable Georgia State Tort laws as follows:

1. False Arrest: \$250,000
2. False Imprisonment: \$1,500,000
3. Malicious Prosecution: \$500,000
4. Due Process Deprivation: \$500,000
5. Intentional Infliction of Emotional Distress: \$2,500,000
6. Negligent Supervision: \$1,000,000
7. Slander: \$1,000,000
8. Punitive Damages: \$10,000,000

This Notice of Claim is made pursuant to O.C.G.A. § 36-33-5, and I, Duane E. Blocker Sr., submits for payment these claims in the grand total amount of \$17,250,000, or a settlement in the amount of \$1,500,000.

I look forward to discussing the final resolution to these matters. I request that all future correspondence be sent to my email address at deblocker23@gmail.com.

I look forward to discussing the final resolution to these matters. I request that all future correspondence be sent to my email address at deblocker23@gmail.com.

Best Regards,



Duane E. Blocker Sr.

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON OCTOBER 14, 2011 AT PEACHTREE STREET AT IVAN ALLEN JR. BOULEVARD. (APD/02) #3258

CLAIM OF: Emmanuel Ababio
through his attorney Patty Kim
3343 Peachtree Street, Suite 350
Atlanta, GA 30326

Review List:

Kimberly Patrick	Completed	11/15/2013 12:07 PM
Office of Research and Policy Analysis	Completed	11/15/2013 12:37 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BILL BACK

Entered – 1/13/12

CL 12L0042-APD/02-Angelena Kelly

CLAIM OF: Emmanuel Ababio
through his attorney Patty Kim
3343 Peachtree Street, Suite 350
Atlanta, GA 30326

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT
ON OCTOBER 14, 2011 AT PEACHTREE STREET AT IVAN ALLEN JR. BOULEVARD. (APD/02) #3258

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0042 Date: November 7, 2013

Claimant /Victim: Emmanuel Ababio
BY:(Atty)(Ins. Co.) Foy & Associates
Address: Attn: Patty Kim, 3343 Peachtree Road, Suite 350, Atlanta, GA 30326
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 1/5/12 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 10/14/11 Place: Peachtree Street at Ivan Allen Jr. Boulevard
Department: Police Bureau: Office:
Employee involved: Merola, Joseph Disciplinary Action: None

NATURE OF CLAIM: The claimant alleges bodily injury sustained when the vehicle he was a passenger in was struck by a police vehicle. The claimant has failed to furnish information necessary to substantiate the claim.

INVESTIGATION:

Statements: City employee X Claimant Others Written X Oral
Pictures Diagrams X Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned X

Respectfully submitted,

[Handwritten signature]
INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 11/12/13
Deputy City Attorney: Concur/date 11-14-13
Committee Action: Council Action

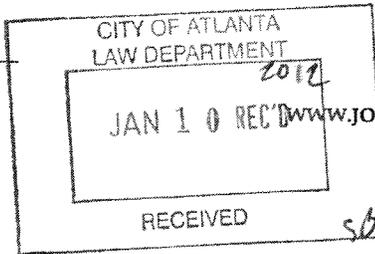
Attachment: Emmanuel Ababio #3258 12L0042DOC 20131115113309 (13-R-3808 : A Resolution Adversing the Claim of Emmanuel Ababio

FOY & ASSOCIATES

A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELORS AT LAW
3343 PEACHTREE ROAD, N.E.
SUITE 350
ATLANTA, GEORGIA 30326

JOHN M. FOY
DUNCAN M. HARLE
HEATHER A. THORPE
PATTY K. KIM
JONATHAN P. SCHOPP
COOPER F. SPENCE
KETAN A. PATEL
ELISSA J. BLACHE
BRIAN S. PARKER *
*OF COUNSEL

ENTERED - 1-13-12 - SB
12L0042 - A. KELLY



TELEPHONE
(404) 873-4488
TOLL FREE
(877) 873-4488
FACSIMILE
(404) 873-4490

OPTIONAL FORM NO. 10
MAY 2002 EDITION
GSA FPMR (41 CFR) 101-11.6
Referred to: Law Dept

January 3, 2012

Kelly
1/11/12
gp.

VIA CERTIFIED MAIL
City of Atlanta
c/o Mayor Kasim Reed
55 Trinity Ave
Atlanta, GA 30303

RE: **Notice of Claim**
Our Client: Emmanuel A Ababio
Negligent Party: Andre Walker
Date/ Time of Loss: 10/14/2011 at 01:30
Location: Peachtree St. and Ivan Allen Jr,
Atlanta, GA
Negligent Conduct: Hit and Run, Failure to Obey Traffic
Device
Injury: Neck, shoulder, back, leg
sprain/strain

Dear Mayor Reed:

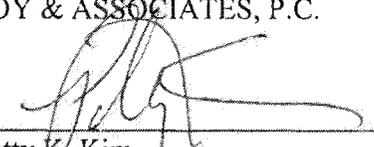
This letter shall provide notice to the City of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. On or about 10/14/2011, our client, Emmanuel A Ababio, was injured while riding as a passenger in the vehicle that Andre Walker was driving when he collided with two separate City of Atlanta vehicles driven by William Crossen and Joseph Meroia.

Subsequently, he injured his neck, shoulder, back and legs.

By this letter, we are requesting that this claim be submitted to the City of Atlanta's governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours,

FOY & ASSOCIATES, P.C.


Patty K. Kim
Attorney at Law



Attachment: Emmanuel Ababio #3258 12L0042DOC 20131115113309 (13-R-3808 : A Resolution Adversing the Claim of Emmanuel Ababio

FOR DAMAGES ALLEGEDLY SUSTAINED WHEN HE WAS ARRESTED ON JULY 4, 2012 AT 51 PEACHTREE STREET. (APD/02) #3227

CLAIM OF: Howard Wright
through his attorney Tiffany Williams Roberts
191 Peachtree Street, Suite 3300
Atlanta, GA 30303

Review List:

Kimberly Patrick	Completed	11/13/2013 9:37 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:28 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/19/12

CL 12L0650-APD/02-Angelena Kelly

CLAIM OF: Howard Wright
through his attorney Tiffany Williams Roberts
191 Peachtree Street, Suite 3300
Atlanta, GA 30303

FOR DAMAGES ALLEGEDLY SUSTAINED WHEN HE WAS ARRESTED ON JULY 4, 2012 AT 51
PEACHTREE STREET. (APD/02) #3227

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0650

Date: October 25, 2013

Claimant /Victim: Howard Wright
BY:(Atty)(Ins. Co.) Tiffany Williams Roberts
Address: 191 Peachtree Street, Suite 3300, Atlanta, GA 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ 11,500,00.00
Date of Notice: 9/7/12 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 7/4/12 Place: 51 Peachtree Street
Department: Police Bureau: Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his civil rights were violated when he was arrested. The investigation determined the claimant has failed to provide sufficient information to substantiate his claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 10/31/13
Deputy City Attorney: Concur/date 11-5-13
Committee Action: Council Action

Attachment: Howard Wright #3227 12L0650 DOC 20131108113839 (13-R-3809 : A Resolution Adversing the Claim of Howard Wright through his

136 Hamilton St.
Ab. 30281

Kelly

RECEIVED 9/12/12

SEP -7 2012

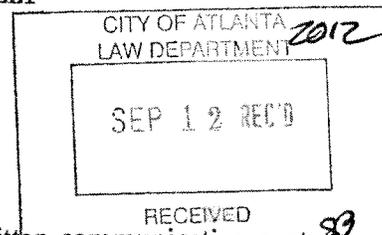
DB

CITY OF ATLANTA
DEPT OF LAW

Wednesday, September 05, 2012

Atlanta City Hall
Attn: Atlanta City Council President Ceasar C. Mitchell
55 Trinity Ave., SW
Second Floor
Atlanta, GA 30303-3584

ENTERED - 9-19-12 - SB
~~12L0641~~ - A. KELLY
12L0650



Re: *Ante Litem* Notice Pursuant to O.C.G.A. § 36-33-5

To: Mayor Kasim Reed

This *Ante Litem* Notice is being submitted in conjunction with the written communication sent on August 15, 2012 via USPS first class priority mail [USPS tracking #70121010000188571741], which referenced the deprivations of rights under the color of law committed against Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey, and numerous Citizens that frequented Woodruff Park, identified on pages 16 & 17 of the written communication, who were injured at Woodruff Park 51 Peachtree St. Atlanta, GA 30303.

(A.) The injuries occurred as follows:

Through the habitual violation of the unalienable rights of the above mentioned Citizens committed by multiple Atlanta City Police Officers and Ambassador Force employees as identified in the written communication sent August 15, 2012.

(B.) The extent of the injuries was as follows:

- (1.) Duane E. Blocker Sr. – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 18 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by various Atlanta City Police officers and Ambassador Force employees Oliver Hillman, D. Tinch, K. Bolton, Derek Edwards, Robert Ewell, and David Wardell, Mr. Blocker thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, public humiliation, slander, libel, loss wages, damage to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.

[1]

RECEIVED
9/12/2012

Attachment: Howard Wright #3227 12L0650 DOC 20131108113839 (13-R-3809 : A Resolution Adversing the Claim of Howard Wright through his

- (2.) Howard Wright III – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 14 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights; the violation of his person through unconstitutional police force committed by Ofc. R. Hill #5246 and Atlanta City Detention Center Lt. D.K. Anderson, currently under investigation, Case #12-0068-E-I. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Atlanta City Police officers and the aforementioned Ambassador Force employees, Mr. Howard thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, slander, libel, public humiliation, damages to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.
- (3.) Lawrence Younker – Suffered the deprivation of his liberty interest to engage in common occupations of life via unconstitutional police action and excessive police force upon his property born. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Ofc. Thomas and Ambassador Force employee Oliver Hillman, Mr. Younker thereby suffered his rights to liberty to peacefully engage in common occupations of life, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendments of the United States Constitutions. Mr. Younker suffered extreme mental and emotional distress, slander, public humiliation, loss of property.
- (4.) Alphonso Thomas – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive, and habitual harassment by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton and Mr. D. Tinch which was frequently assisted by various Atlanta City Police officers. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Thomas thereby suffered his rights to liberty, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendment of the United States Constitution rights were grossly violated. Mr. Thomas suffered extreme mental and emotional distress, public humiliation, and slander.
- (5.) Karim Nelson-Bey – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment

performed by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton, and Mr. D. Tinch. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Nelson-Bey suffered his rights to liberty, due process, and the equal protection of the law. Mr. Nelson-Bey suffered extreme mental and emotional distress, public humiliation and slander.

(6.) The aggrieved Citizens enumerated on pages 16 & 17 of the written communication sent August 15, 2012 suffered the deprivation of their liberty interests to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment performed by Ambassador Force Employees Mr. Oliver Hillman, Mr. K. Bolton, Mr. D. Tinch, Mr. Derek Edwards, Mr. Robert Ewell and various Atlanta City Police officers. Due to the conspiracy to deprive them of their constitutional rights under the color of law, the aggrieved Citizens suffered the violations of their unalienable rights and liberty interest to utilize public property based on their intended purposes, thereby violating their guaranteed rights to liberty, due process and the equal protection of the law under the First, Ninth and Fourteenth Amendments of the United States Constitution. These Citizens suffered extreme mental and emotional distress, public humiliation, and slander.

(C.) The injury was the result of the violation of the ministerial duty to uphold the federal and state constitutions, extrinsic fraud, and gross criminal negligence committed by Ofcs. Jordan Wolford #5451, Kenneth Thomas #4847, Anderson #4364, K. Capps #6639, S. Morrison #6468, R. Hill #5246, Sgt. Hill #?, Sgt. Straut #0621, Lt. C.W. Brown #2777, in addition to presently unidentified officers who aided these officers in the violation of the Citizens civil rights. Additionally, the Ambassador Force employees aforementioned, coupled with those yet unknown, exceeded their legal jurisdiction as defined under their contract with the City of Atlanta, through the misuser of the amenities of Woodruff Park, thereby violating the provisions of O.C.G.A. § 36-64-2.

(D.) As a result of the of the aforementioned violations and negligence, Mr. Blocker, Mr. Wright, Mr. Younker, Mr. Thomas, Mr. Nelson-Bey and the enumerated Citizens disclosed in the written communication sent August 15, 2012 suffered the following damages:

1. Mr. Blocker – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$19,000,000;

2. Mr. Howard III – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$11,500,000;
3. Mr. Younker – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
4. Mr. Thomas – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
5. Mr. Nelson-Bey – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$2,500,000;
6. Citizens within Class Action – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Intentional Infliction of Emotional Distress, Equal Protection of the Law, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$29,250,000.

(E.) This Notice of Claim is made pursuant to O.C.G.A. § 36-33-5, and Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey and the Citizens enumerated in the written communication of August 15, 2012 demand payments of their claims in the grand total amount of \$68,250,000.

The requested settlement figures per claim within the demand letter which accompanied the written communication correspondence are still valid. A counter-offer to those settlement claims respecting the seriousness of these matters will be thoroughly considered. We look forward to hearing from you soon.

Best Regards,


Duane E. Blocker Sr.

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3240

CLAIM OF: Karim Nelson-Bey
C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

Review List:

Kimberly Patrick	Completed	11/13/2013 3:03 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:43 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/19/12

CL 12L0653-APD/02-Angelena Kelly

CLAIM OF: Karim Nelson-Bey
C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15,
2012 AT 51 PEACHTREE STREET. (APD/02) #3240

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0653

Date: October 25, 2013

Claimant /Victim: Karim Nelson-Bey

BY:(Atty)(Ins. Co.) _____

Address: C/O D. Blocker, 136 Hambrick Drive, Stockbridge, GA 30281

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 2,500,00.00

Date of Notice: 9/7/12 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 8/15/12 Place: 51 Peachtree Street

Department: Police Bureau: _____ Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his civil rights were violated when he was arrested. The investigation determined the claimant has failed to provide information to substantiate his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

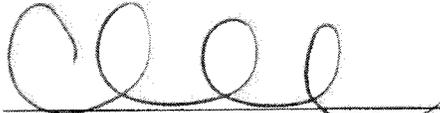
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager: CC Cele Concur/date 10/30/13

Deputy City Attorney: [Signature] Concur/date 11-1-13

Committee Action: _____ Council Action _____

Attachment: Karim Nelson Bey #3240 12L0653 DOC 20131108113353 (13-R-3810 : A Resolution Adversing the Claim of Karim Nelson-Bey)

174
Stb. 30281

Kelly

RECEIVED 9/12/12

SEP -7 2012

DB

CITY OF ATLANTA
DEPT OF LAW

Wednesday, September 05, 2012

Atlanta City Hall
Attn: Atlanta City Council President Ceasar C. Mitchell
55 Trinity Ave., SW
Second Floor
Atlanta, GA 30303-3584

ENTERED - 9-19-12 - SB
~~12L0641~~ - A. KELLY
12L0653

CITY OF ATLANTA
LAW DEPARTMENT
2012
SEP 12 REC'D
RECEIVED

Re: *Ante Litem* Notice Pursuant to O.C.G.A. § 36-33-5

To: Mayor Kasim Reed

This *Ante Litem* Notice is being submitted in conjunction with the written communication sent on August 15, 2012 via USPS first class priority mail [USPS tracking #70121010000188571741], which referenced the deprivations of rights under the color of law committed against Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey, and numerous Citizens that frequented Woodruff Park, identified on pages 16 & 17 of the written communication, who were injured at Woodruff Park 51 Peachtree St. Atlanta, GA 30303.

(A.) The injuries occurred as follows:

Through the habitual violation of the unalienable rights of the above mentioned Citizens committed by multiple Atlanta City Police Officers and Ambassador Force employees as identified in the written communication sent August 15, 2012.

(B.) The extent of the injuries was as follows:

- (1.) Duane E. Blocker Sr. – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 18 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by various Atlanta City Police officers and Ambassador Force employees Oliver Hillman, D. Tinch, K. Bolton, Derek Edwards, Robert Ewell, and David Wardell, Mr. Blocker thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, public humiliation, slander, libel, loss wages, damage to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.

[1]

RECEIVED
9/11/2012

Attachment: Karim Nelson Bey #3240 12L0653 DOC 20131108113353 (13-R-3810 : A Resolution Adversing the Claim of Karim Nelson-Bey)

- (2.) Howard Wright III – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 14 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights; the violation of his person through unconstitutional police force committed by Ofc. R. Hill #5246 and Atlanta City Detention Center Lt. D.K. Anderson, currently under investigation, Case #12-0068-E-I. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Atlanta City Police officers and the aforementioned Ambassador Force employees, Mr. Howard thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, slander, libel, public humiliation, damages to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.
- (3.) Lawrence Younker – Suffered the deprivation of his liberty interest to engage in common occupations of life via unconstitutional police action and excessive police force upon his property born. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Ofc. Thomas and Ambassador Force employee Oliver Hillman, Mr. Younker thereby suffered his rights to liberty to peacefully engage in common occupations of life, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendments of the United States Constitutions. Mr. Younker suffered extreme mental and emotional distress, slander, public humiliation, loss of property.
- (4.) Alphonso Thomas – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive, and habitual harassment by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton and Mr. D. Tinch which was frequently assisted by various Atlanta City Police officers. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Thomas thereby suffered his rights to liberty, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendment of the United States Constitution rights were grossly violated. Mr. Thomas suffered extreme mental and emotional distress, public humiliation, and slander.
- (5.) Karim Nelson-Bey – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment

performed by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton, and Mr. D. Tinch. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Nelson-Bey suffered his rights to liberty, due process, and the equal protection of the law. Mr. Nelson-Bey suffered extreme mental and emotional distress, public humiliation and slander.

(6.) The aggrieved Citizens enumerated on pages 16 & 17 of the written communication sent August 15, 2012 suffered the deprivation of their liberty interests to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment performed by Ambassador Force Employees Mr. Oliver Hillman, Mr. K. Bolton, Mr. D. Tinch, Mr. Derek Edwards, Mr. Robert Ewell and various Atlanta City Police officers. Due to the conspiracy to deprive them of their constitutional rights under the color of law, the aggrieved Citizens suffered the violations of their unalienable rights and liberty interest to utilize public property based on their intended purposes, thereby violating their guaranteed rights to liberty, due process and the equal protection of the law under the First, Ninth and Fourteenth Amendments of the United States Constitution. These Citizens suffered extreme mental and emotional distress, public humiliation, and slander.

(C.) The injury was the result of the violation of the ministerial duty to uphold the federal and state constitutions, extrinsic fraud, and gross criminal negligence committed by Ofcs. Jordan Wolford #5451, Kenneth Thomas #4847, Anderson #4364, K. Capps #6639, S. Morrison #6468, R. Hill #5246, Sgt. Hill #?, Sgt. Straut #0621, Lt. C.W. Brown #2777, in addition to presently unidentified officers who aided these officers in the violation of the Citizens civil rights. Additionally, the Ambassador Force employees aforementioned, coupled with those yet unknown, exceeded their legal jurisdiction as defined under their contract with the City of Atlanta, through the misuser of the amenities of Woodruff Park, thereby violating the provisions of O.C.G.A. § 36-64-2.

(D.) As a result of the of the aforementioned violations and negligence, Mr. Blocker, Mr. Wright, Mr. Younker, Mr. Thomas, Mr. Nelson-Bey and the enumerated Citizens disclosed in the written communication sent August 15, 2012 suffered the following damages:

1. Mr. Blocker – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$19,000,000;

2. Mr. Howard III – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$11,500,000;
3. Mr. Younker – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
4. Mr. Thomas – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
5. ~~Mr. Nelson-Bey – Atlanta~~ Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$2,500,000;
6. Citizens within Class Action – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Intentional Infliction of Emotional Distress, Equal Protection of the Law, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$29,250,000.

(E.) This Notice of Claim is made pursuant to O.C.G.A. § 36-33-5, and Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey and the Citizens enumerated in the written communication of August 15, 2012 demand payments of their claims in the grand total amount of \$68,250,000.

The requested settlement figures per claim within the demand letter which accompanied the written communication correspondence are still valid. A counter-offer to those settlement claims respecting the seriousness of these matters will be thoroughly considered. We look forward to hearing from you soon.

Best Regards,



Duane E. Blocker Sr.

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15, 2012 AT 51 PEACHTREE STREET. (APD/02) #3241

CLAIM OF: Lawrence Younker
C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

Review List:

Kimberly Patrick	Completed	11/13/2013 3:03 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:50 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BEHIND BACK

Entered – 9/19/12

CL 12L0651-APD/02-Angelena Kelly

CLAIM OF: Lawrence Younker
C/O D. Blocker
136 Hambrick Drive
Stockbridge, GA 30281

FOR CIVIL RIGHTS VIOLATIONS ALLEGEDLY SUSTAINED DURING AN ARREST ON AUGUST 15,
2012 AT 51 PEACHTREE STREET. (APD/02) #3241

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0651

Date: October 25, 2013

Claimant /Victim: Lawrence Younker

BY:(Atty)(Ins. Co.) _____

Address: C/O D. Blocker, 136 Hambrick Drive, Stockbridge, GA 30281

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 3,000,00.00

Date of Notice: 9/7/12 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X

Date of Occurrence: 8/15/12 Place: 51 Peachtree Street

Department: Police Bureau: _____ Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his civil rights were violated when he was arrested. The investigation determined the claimant has failed to provide information to substantiate his claim

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager: LaCele Concur/date 10/30/13

Deputy City Attorney: [Signature] Concur/date 11-1-13

Committee Action: _____ Council Action _____

Attachment: Lawrence Younker #3241 12L0651 DOC 20131108113309 (13-R-3811 : A Resolution Adversing the Claim of Lawrence Younker)

136 Hamilton St.
Ab. 30281

Kelly

RECEIVED 9/12/12

SEP - 7 2012

DB

CITY OF ATLANTA
DEPT OF LAW

Wednesday, September 05, 2012

Atlanta City Hall
Attn: Atlanta City Council President Ceasar C. Mitchell
55 Trinity Ave., SW
Second Floor
Atlanta, GA 30303-3584

ENTERED - 9-19-12 - SB
~~12L0651~~ - A. KELLY
12L0651

CITY OF ATLANTA
LAW DEPARTMENT
2012
SEP 12 REC'D
RECEIVED

Re: *Ante Litem* Notice Pursuant to O.C.G.A. § 36-33-5

To: Mayor Kasim Reed

This *Ante Litem* Notice is being submitted in conjunction with the written communication sent on August 15, 2012 via USPS first class priority mail [USPS tracking #70121010000188571741], which referenced the deprivations of rights under the color of law committed against Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey, and numerous Citizens that frequented Woodruff Park, identified on pages 16 & 17 of the written communication, who were injured at Woodruff Park 51 Peachtree St. Atlanta, GA 30303.

(A.) The injuries occurred as follows:

Through the habitual violation of the unalienable rights of the above mentioned Citizens committed by multiple Atlanta City Police Officers and Ambassador Force employees as identified in the written communication sent August 15, 2012.

(B.) The extent of the injuries was as follows:

- (1.) Duane E. Blocker Sr. – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 18 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by various Atlanta City Police officers and Ambassador Force employees Oliver Hillman, D. Tinch, K. Bolton, Derek Edwards, Robert Ewell, and David Wardell, Mr. Blocker thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, public humiliation, slander, libel, loss wages, damage to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.

[1]

RECEIVED
9/12/2012

Attachment: Lawrence Younker #3241 12L0651 DOC 20131108113309 (13-R-3811 : A Resolution Adversing the Claim of Lawrence Younker)

- (2.) Howard Wright III – Suffered the deprivation of his liberty interest to be free from arbitrary or unconstitutional external restraint for roughly 14 days without probable cause or due process thus violating his First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution rights; the violation of his person through unconstitutional police force committed by Ofc. R. Hill #5246 and Atlanta City Detention Center Lt. D.K. Anderson, currently under investigation, Case #12-0068-E-I. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Atlanta City Police officers and the aforementioned Ambassador Force employees, Mr. Howard thereby suffered his liberty interest to engage in common occupations of life, extreme mental and emotional distress, slander, libel, public humiliation, damages to his person through excessive police force applied to his person born from malicious intent, and his rights to utilize public property according to their intended purposes.
- (3.) Lawrence Younker – Suffered the deprivation of his liberty interest to engage in common occupations of life via unconstitutional police action and excessive police force upon his property born. Due to the conspiracy to deprive him of his constitutional rights under the color of law committed by Ofc. Thomas and Ambassador Force employee Oliver Hillman, Mr. Younker thereby suffered his rights to liberty to peacefully engage in common occupations of life, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendments of the United States Constitutions. Mr. Younker suffered extreme mental and emotional distress, slander, public humiliation, loss of property.
- (4.) Alphonso Thomas – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive, and habitual harassment by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton and Mr. D. Tinch which was frequently assisted by various Atlanta City Police officers. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Thomas thereby suffered his rights to liberty, due process and the equal protection of the law protected under the First, Ninth and Fourteenth Amendment of the United States Constitution rights were grossly violated. Mr. Thomas suffered extreme mental and emotional distress, public humiliation, and slander.
- (5.) Karim Nelson-Bey – Suffered the deprivation of his liberty interest to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment

performed by Ambassador Force employees Mr. Oliver Hillman, Mr. K. Bolton, and Mr. D. Tinch. Due to the conspiracy to deprive him of his constitutional rights under the color of law, Mr. Nelson-Bey suffered his rights to liberty, due process, and the equal protection of the law. Mr. Nelson-Bey suffered extreme mental and emotional distress, public humiliation and slander.

(6.) The aggrieved Citizens enumerated on pages 16 & 17 of the written communication sent August 15, 2012 suffered the deprivation of their liberty interests to peacefully engage in common occupations of life via the purposeful, oppressive and habitual harassment performed by Ambassador Force Employees Mr. Oliver Hillman, Mr. K. Bolton, Mr. D. Tinch, Mr. Derek Edwards, Mr. Robert Ewell and various Atlanta City Police officers. Due to the conspiracy to deprive them of their constitutional rights under the color of law, the aggrieved Citizens suffered the violations of their unalienable rights and liberty interest to utilize public property based on their intended purposes, thereby violating their guaranteed rights to liberty, due process and the equal protection of the law under the First, Ninth and Fourteenth Amendments of the United States Constitution. These Citizens suffered extreme mental and emotional distress, public humiliation, and slander.

(C.) The injury was the result of the violation of the ministerial duty to uphold the federal and state constitutions, extrinsic fraud, and gross criminal negligence committed by Ofcs. Jordan Wolford #5451, Kenneth Thomas #4847, Anderson #4364, K. Capps #6639, S. Morrison #6468, R. Hill #5246, Sgt. Hill #?, Sgt. Straut #0621, Lt. C.W. Brown #2777, in addition to presently unidentified officers who aided these officers in the violation of the Citizens civil rights. Additionally, the Ambassador Force employees aforementioned, coupled with those yet unknown, exceeded their legal jurisdiction as defined under their contract with the City of Atlanta, through the misuser of the amenities of Woodruff Park, thereby violating the provisions of O.C.G.A. § 36-64-2.

(D.) As a result of the of the aforementioned violations and negligence, Mr. Blocker, Mr. Wright, Mr. Younker, Mr. Thomas, Mr. Nelson-Bey and the enumerated Citizens disclosed in the written communication sent August 15, 2012 suffered the following damages:

1. Mr. Blocker – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$19,000,000;

2. Mr. Howard III – City of Atlanta/Atlanta Downtown Improvement District: False Arrest, False Imprisonment, Malicious Prosecution, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$11,500,000;
3. ~~Mr. Younker~~ – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
4. Mr. Thomas – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$3,000,000;
5. Mr. Nelson-Bey – Atlanta Downtown Improvement District/City of Atlanta: Deprivation of Rights Under the Color of Law, Due Process, Equal Protection of the Law, Intentional Infliction of Emotional Distress, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$2,500,000;
6. Citizens within Class Action – City of Atlanta/Atlanta Downtown Improvement District: Deprivation of Rights Under the Color of Law, Due Process, Intentional Infliction of Emotional Distress, Equal Protection of the Law, Negligent Supervision, Negligent Retention, Punitive Damages in the grand total amount of \$29,250,000.

(E.) This Notice of Claim is made pursuant to O.C.G.A. § 36-33-5, and Duane E. Blocker Sr., Howard Wright III, Lawrence Younker, Alphonso Thomas, Karim Nelson-Bey and the Citizens enumerated in the written communication of August 15, 2012 demand payments of their claims in the grand total amount of \$68,250,000.

The requested settlement figures per claim within the demand letter which accompanied the written communication correspondence are still valid. A counter-offer to those settlement claims respecting the seriousness of these matters will be thoroughly considered. We look forward to hearing from you soon.

Best Regards,



Duane E. Blocker Sr.

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT WITH AN APD OFFICER ON JULY 28, 2011. (APD/02) #3251

CLAIM OF: Lisa Gimbel & Gary Martin Hayes &
Associates, Her Attorney
3098 Breckinridge Boulevard
Duluth, GA 30096

Review List:

Kimberly Patrick	Completed	11/15/2013 12:06 PM
Office of Research and Policy Analysis	Completed	11/15/2013 12:45 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/7/11

CL 11L0682 - APD/02 - Claude Cole

CLAIM OF: Lisa Gimbel & Gary Martin Hayes &
Associates, Her Attorney
3098 Breckinridge Boulevard
Duluth, GA 30096

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE
ACCIDENT WITH AN APD OFFICER ON JULY 28, 2011. (APD/02) #3251

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0682

Date: October 25, 2013

Claimant /Victim: Lisa Gimbel
BY: (Atty) (Ins. Co.) Gary Martin Hays & Associates, P.C.
Address: 3098 Breckinridge Boulevard, Duluth, Georgia 30096
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 9/6/11 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 7/28/11 Place: 94 Peachtree Street
Department: POLICE Bureau: Office:
Employee involved: Andrea Fowler Disciplinary Action: 2 Days Suspension

NATURE OF CLAIM: Claimant alleges personal injury sustained as result of an automobile accident with an APD vehicle. The investigation determined the claimant has filed a lawsuit to resolve her claim.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral
Pictures X Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - CLAUDE A. COLE

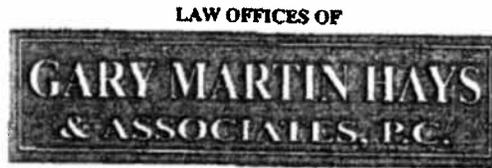
RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/25/13
Deputy City Attorney: [Signature] Concur/date 11-1-13
Committee Action: Council Action

Attachment: Gimbel, L. 11L0682 (13-R-3812 : A Resolution Adversing the Claim of Lisa Gimbel)

GARY MARTIN HAYS
DEREK M. HAYS
J. PHILIP MILAM
ERIC B. RIPPER*
KELLIE BROOKS HENSON**
JACQUELINE M. PILAND***
*Also admitted in New York
**Also admitted in Massachusetts
***Also admitted in Oklahoma

Of Counsel
LARRY J. POLSTRA



www.garymartinhays.com
www.repairrefund.com

Wrongful Death • Personal Injury • Worker's Compensation

Office: (770) 934-8000

Toll Free: (888) 934-8100 ENTERED - 9-7-11 - SB
11L0682 - W. HAYES

Hkw
9
P. O. Box 956669
Duluth, GA 30095
(770) 934-8000
PI Fax (770) 934-1631
WC Fax (770) 934-8801

DC: 11L0682

August 23, 2011

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

City of Atlanta
Attn: Kathy Lloyd
Risk Management Division
68 Mitchell Street, Suite 9100
Atlanta, Georgia 30303

Re: Ante-Litem Notice Regarding Personal Injury Claim

Dear Ms. Lloyd:

**RE: Our Client: Lisa Gimbel
Our File No.: 27445.11901
Your Employee: Andrea Fowler
Date of Injury: 7/28/2011**

ANTE-LITEM NOTICE

This is an ante-litem notice prepared and sent pursuant to O.C.G.A. § 36-11-1, et. seq. and other applicable law. The details of the tort incident are as follows:

- A. **Name of the City Government Entry Involved:** Atlanta Police Department.
- B. **Time of Incident:** 3:58 am on 7/28/2011.
- C. **Place of Incident:** 94 Peachtree Street SW, at its intersection with Martin L. King Jr. Drive.
- D. **Nature of Loss Suffered:** Lisa Gimbel sustained multiple contusions, accompanied by neck pain, back pain, and headaches, in a collision resulting from the operation of a motor vehicle owned by the City of Atlanta.
- E. **Amount of Loss Claimed:** To be determined.
- F. **Act or Omission Which Caused the Loss:** Andrea Fowler, while operating a vehicle owned by the City of Atlanta, failed to yield when entering the intersection at 94 Peachtree Street SW and Martin L. King Jr. Drive, striking a vehicle passing through the intersection on a green light, which was then pushed into Ms. Gimbel's vehicle.

Our Office is located at 3098 Breckinridge Boulevard, Duluth, GA 30096

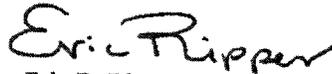
Attachment: Gimbel, L. 11L0682 (13-R-3812 : A Resolution Adversing the Claim of Lisa Gimbel)

Kathy Lloyd
August 23, 2011
Page 2

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

With kind regards.

Very truly yours,
LAW OFFICES OF
GARY MARTIN HAYS & ASSOCIATES, P.C.


Eric B. Ripper

EBR/jek
Enclosure
cc: Lisa Gimbel

Attachment: Gimbel, L. 11L0682 (13-R-3812 : A Resolution Adversing the Claim of Lisa Gimbel)

**FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF ARRESTS BY POLICE
ON SEPTEMBER 10, 11, 2009 AT 306 PONCE DE LEON AVENUE. (APD/02) #3278**

CLAIM OF: Ramey & Kelley, Inc.
D/B/A Atlanta Eagle, Rawhide Leather, Inc. Et al.
Through Its Attorney
Graham S. Lee, Esq.
Lambda Legal
730 Peachtree Street, Suite 1070
Atlanta, Georgia 30308

Review List:

Kimberly Patrick	Completed	11/18/2013 8:28 AM
Office of Research and Policy Analysis	Completed	11/18/2013 12:34 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 12/14/09

CL 09L0995 - APD/02 - Gwendolyn Burns

CLAIM OF: Ramey & Kelley, Inc.
D/B/A Atlanta Eagle, Rawhide Leather, Inc. Et al.
Through Its Attorney
Graham S. Lee, Esq.
Lambda Legal
730 Peachtree Street, Suite 1070
Atlanta, Georgia 30308

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF ARRESTS BY POLICE ON
SEPTEMBER 10, 11, 2009 AT 306 PONCE DE LEON AVENUE. (APD/02) #3278

THIS ADVERSED REPORT IS APPROVED

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF MISPLACED OR LOST PROPERTY BY AN APD OFFICER ON SEPTEMBER 15, 2011. (APD/03) #3249

CLAIM OF: Nyisha S. Davis
3540 Main Station Drive
Marietta, GA 30008

Review List:

Kimberly Patrick	Completed	11/15/2013 12:06 PM
Office of Research and Policy Analysis	Completed	11/15/2013 12:47 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

REGISTRATION HISTORY - BLUE BACK

Entered – 9/20/11

CL 13L0728 - APD/03 -Claude Cole

CLAIM OF: Nyisha S. Davis
3540 Main Station Drive
Marietta, GA 30008

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF MISPLACED OR
LOST PROPERTY BY AN APD OFFICER ON SEPTEMBER 15, 2011. (APD/03) #3249

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0728

Date: October 16, 2013

Claimant /Victim: Nyisha S. Davis
BY: (Atty) (Ins. Co.)
Address: 3540 Main Station Drive, Marietta, Georgia 30008
Subrogation: Claim for Property damage \$ 129.00 Bodily Injury \$
Date of Notice: 9/15/11 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 8/6/11 Place: 1001 Northside Drive
Department: POLICE Bureau: Office:
Employee involved: C. Ruff Disciplinary Action: none

NATURE OF CLAIM: Claimant alleges his personal property was misplaced or lost by an APD officer. The investigation determined the claimant's personal property was returned to the claimant upon his release.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 10/16/13
Deputy City Attorney: Concur/date 11-5-13
Committee Action: Council Action

FORM 23-61

Attachment: Davis, N 11L0728 (13-R-3814 : A Resolution Adversing the Claim of Nyisha S. Davis)

Hayes
9/15/11
gpb

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES
Today's Date: 7/14/11
ENTERED 9-20-11 - SB
11L0728 - W. HAYES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ \$129.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: 7/6/11 2. Time of incident: 6:35 am 3. Police called: T. Gall Bourne C. Ruff - Sgt. E. Tyi
- 4. Location of incident (including street address): marathon gas station - 1001 Northside Dr.

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: I was placed under arrest & belonging was with me, the officer C. Ruff and Sgt. E. Tyi did an inventory placing and emptying all my property on the ground without my permission. I swear that all my property was still in the bag placed in the transport vehicle, and when I was released all of my valuable property was not in the bag upon my release. - Stolen Property -

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
 (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
 (Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Nyisha S. Davis
Signature of Claimant

Nyisha S. Davis
(Print Claimant's Name)

3540 main station dr. SW
(Address)

Marietta, Ga. 30008
(City, State, and Zip Code)

(678) 710-1197
(Work Number) (Home Number)

Attachment: Davis, N 11L0728 (13-R-3814 : A Resolution Adversing the Claim of Nyisha S. Davis)

**FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF AN INCIDENT
ON AUGUST 20, 2011 AT 1245 GLENWOOD ROAD. (APD/05) #3250**

CLAIM OF: Kenneth Cottrell and The Crowther Law Firm, His
Attorney
303 Peachtree Street, NE, Suite 4330
Atlanta, GA 30308

Review List:

Kimberly Patrick	Completed	11/15/2013 12:06 PM
Office of Research and Policy Analysis	Completed	11/15/2013 12:46 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 3/5/12

CL 12L0193 - APD/05 - Claude Cole

CLAIM OF: Kenneth Cottrell and The Crowther Law Firm, His
Attorney
303 Peachtree Street, NE, Suite 4330
Atlanta, GA 30308

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF AN INCIDENT ON
AUGUST 20, 2011 AT 1245 GLENWOOD ROAD. (APD/05) #3250

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0193

Date: October 25, 2013

Claimant /Victim: Kenneth Cottrell
BY: (Atty) (Ins. Co.) Crowther Law Firm
Address: 303 Peachtree Street, N.E., Suite 4330 Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 2/20/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 8/20/11 Place: 1245 Glenwood Road
Department: POLICE Bureau: Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: Claimant alleges personal injury sustained as result of being attacked and robbed by an unknown subject. The investigation determined the claimant has failed to provide information to substantiate his claim.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/25/13
Deputy City Attorney: [Signature] Concur/date 11-1-13
Committee Action: Council Action

Attachment: Cottrell, K 12L0193 : A Resolution Adversing the Claim of Kenneth Cottrell

Cole
2/28/12/1pg.



Atlanta Office:
SunTrust Plaza
303 Peachtree Street, N.E.
Suite 4330
Atlanta, GA 30308
Telephone 404.946.1900
Fax 404.923.7475

ENTERED - 3-5-12 - SB
12L0193 - C. COLE

Macon Office:
640 Plum Street
Suite 202
Macon, GA 31201
Telephone 478.746.7464
Fax 478.746.7407

RECEIVED

February 15, 2012

FEB 20 2012

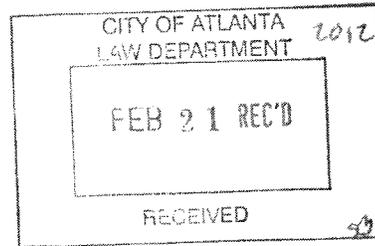
BY MB

SENT VIA CERTIFIED MAIL
TRACKING NO.: 7011 1150 0000 4149 7032

Honorable Kasim Reed
Mayor, City of Atlanta
55 Trinity Avenue
Atlanta, Georgia 30303

SENT VIA CERTIFIED MAIL
TRACKING NO.: 7011 1150 000 4149 7049

Ms. Cathy Hampton, Esq.
City Attorney
City of Atlanta Law Department
68 Mitchell Street, S.W.
Suite 4100
Atlanta, Georgia 30303



Re: Ante Litem Notice
Our Client: Mr. Kenneth Cottrell
DOI: August 20, 2011

Dear Mayor Reed and Attorney Hampton:

The purpose of this letter is to advise you that Crowther Law Firm, P.C. represents Mr. Kenneth Cottrell regarding certain injuries he sustained on August 20, 2011, in or around the parking lot located at Graveyard Tavern at 1245 Glenwood Road, S.E. Atlanta, Georgia 30316. On August 20, 2011, Mr. Cottrell was robbed at gun point and pistol whipped. He sustained severe injuries to include but not limited to a concussion, memory loss and recurring headaches. In accordance with O.C.G.A. § 36-11-1 and § 36-33-5, please accept this letter as notice of a claim on behalf of our client, Mr. Kenneth Cottrell against the City of Atlanta, DeKalb County and/or the city authority responsible for the safety of the area. It is our position that proper security was not provided in an area that is known for violent activity. Such negligent acts and/or omissions of the city or county employees allowed for this incident to occur and/or the injuries sustained by Mr. Cottrell.

Please find enclosed a copy of the police report that was taken in this matter. Currently Mr. Cottrell is receiving medical and neurological treatment. At this time, we are in the process of gathering

Attachment: Cottrell, K 12L0193 (13-R-3815 : A Resolution Adversing the Claim of Kenneth Cottrell)

Mr. Cottrell's medical records, bills, and loss wages information. Upon our receipt of the same, our firm will forward a settlement demand to your office. Although the exact amount of Mr. Cottrell's damages is unknown, we anticipate that his claim for damages will be no less than **FIFTY THOUSAND DOLLARS (\$50,000.00)**. Said claim for damages includes medical expenses, loss wages, and pain and suffering.

In the event that you are denying coverage or liability, please advise this office immediately, state the reasons for your denial of coverage, and disclose the name(s) of each known insured that may be liable to Mr. Cottrell regarding this claim. Said information may be transmitted by sending a copy of the insured's declaration page or by sending a statement notarized and sworn to by a corporate officer. Any correspondence, request for information, etc. should be sent to my attention at the above referenced address.

Should you have any questions, please call our office at (404) 946-1900.

Sincerely,

Kristi L. Bankston *w/p net*

Cc: Mr. Kenneth Cottrell

Enclosures

Nicole

Attachment: Cottrell, K 12L0193 (13-R-3815 : A Resolution Adversing the Claim of Kenneth Cottrell)

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF AN INCIDENT WITH AN APD OFFICER ON AUGUST 1, 2011 AT 150 PIEDMONT AVENUE. (APD/06) #3260

CLAIM OF: Jimmy Lee Davis, Jr.
2972 Bridge Valley Court
Snellville, GA 30039

Review List:

Kimberly Patrick	Completed	11/15/2013 4:45 PM
Office of Research and Policy Analysis	Completed	11/18/2013 12:38 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BILL BACK

Entered – 2/9/12

CL 12L0135 - APD/06 - Claude Cole

CLAIM OF: Jimmy Lee Davis, Jr.
2972 Bridge Valley Court
Snellville, GA 30039

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF AN INCIDENT WITH AN APD OFFICER ON AUGUST 1, 2011 AT 150 PIEDMONT AVENUE. (APD/06) #3260

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0135

Date: October 16, 2013

Claimant /Victim: Jimmy Lee Davis Jr.
BY: (Atty) (Ins. Co.)
Address: 2972 Bridge Valley Court, Snellville, Georgia 30039
Subrogation: Claim for Property damage \$ Bodily Injury \$ 150,000
Date of Notice: 1/31/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 8/1/11 Place: 150 Piedmont Avenue
Department: POLICE Bureau: Office:
Employee involved: J.M. Wolford Disciplinary Action: None

NATURE OF CLAIM: Claimant alleges personal injury sustained during the investigation of automobile accident. The investigation determined the claimant has filed a lawsuit to resolve his claim.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 10/16/13
Deputy City Attorney: [Signature] Concur/date 10/31/13
Committee Action: Council Action

Attachment: Davis, Jimmy 12L0135 (13-R-3816 : A Resolution Adversing the Claim of Jimmy Lee Davis Jr.)

CITY OF ATLANTA
LAW DEPARTMENT
Feb - 7 REC'D
RECEIVED

RECEIVED

FEB 06 2012

BY MB

ENTERED - 2-9-12 - SB
12L0135 - C. COLE

January 31, 2012

RECEIVED

JAN 31 2012

CITY OF ATLANTA
DEPT OF LAW

Cole
2/7/12
Eric
Kayla Bumpus

Ante litem notice

VIA DELIVERY

Mayor Kasim Reed
City Attorney Cathy D. Hampton

Re: Jimmy Davis v.

Dear Mayor Reed:

This firm has been retained to investigate the actions against the Atlanta Police Department claims arising from his arrest on or about August 1, 2010 by J.M. Wolford badge #5451. I am writing to provide notice pursuant to O.C.G.A. Section Code: 36-33-5 of his claims for money damages in excess of \$150,00.00, against the city of Atlanta and the Atlanta Police Department, and those individuals involved in Jimmy Lee Davis, Jr. false arrest and detention.

A. SUMMARY OF INCIDENT

Mr. Jimmy Davis was not given due process at the scene of the accident. Mr. Davis was never asked his side of the story about the accident. Mr. Davis was handed a citation and requested explanation of the situation at hand, Officer Wolford stated to Mr. Davis he did not have to get his side of the story for anything. The officer place Mr. Davis under arrest and detained him falsely.

B. DAMAGES

As a result of Mr. Davis arrest and detention, he suffered injuries, emotional distress and ongoing and possible surgery.

Jurors place a very high value on freedom and accordingly, jurors will readily award significant general compensatory and punitive damages even in the absence of economic damages. In my experience, three factors lead to significant jury awards in false arrest cases. First, the plaintiff's personal qualities are extremely important. The ideal plaintiff does not have a significant criminal history, is gainfully employed and will generally be viewed as an ordinary member of his community. Second, the defendant's actions, or lack thereof, are obviously important. Third, whether the plaintiff could have done anything to avoid arrest i.e. is there an element of contributory negligence in the case?

Attachment: Davis, Jimmy 12L0135 (13-R-3816 : A Resolution Adversing the Claim of Jimmy Lee Davis Jr.)

C. LEGAL CLAIMS & DEMAND FOR SETTLEMENT

Although we are still actively engaged in investigating this matter, the facts known to us now support claims for false arrest in violation of the 4th Amendment to the United States Constitution. These claims are actionable against State municipalities and their employees pursuant to 42 U.S. C. 1983 and the 14th Amendment to the United States Constitution.

We also believe that the facts known to us now support claims against the City of Atlanta, Atlanta Police Department and Mr. J.M. Wolford and those employees responsible for Mr. Davis wrongful arrest under state law. Mr. Davis potential state law claims includes: negligence, false arrest, false imprisonment and intentional infliction of emotional distress.

Pursuant to O.C.G.A. Section Code 36-33-5; please accept this demand for settlement of Mr. Jimmy Davis, Jr. claims for the amount of \$150,000.00. This demand will remain open for thirty (30) days, whereupon it will expire. We look forward to hearing from you or your legal representative shortly.

Very truly yours,

Jimmy Lee Davis, Jr.
P.O.Box 54285
Atlanta, Georgia 30308
(770)744-7749

Attachment: Davis, Jimmy 12L0135 (13-R-3816 : A Resolution Adversing the Claim of Jimmy Lee Davis Jr.)

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF MOTOR VEHICLE ACCIDENT ON JULY 21, 2012 AT THE INTERSECTION OF FAIRBURN AND CASCADE ROADS. (APD/NA) #3254

CLAIM OF: Kenyatta White & Her Attorney,
The Davis Bozeman Law Firm, P.C.
4153-B Flat Shoals Parkway, Suite 204
Decatur, GA 30034

Review List:

Kimberly Patrick	Completed	11/15/2013 12:07 PM
Office of Research and Policy Analysis	Completed	11/15/2013 12:41 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 8/7/12

CL 12L0531 - APD/NA - Claude Cole

CLAIM OF: Kenyatta White & Her Attorney,
The Davis Bozeman Law Firm, P.C.
4153-B Flat Shoals Parkway, Suite 204
Decatur, GA 30034

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF MOTOR VEHICLE
ACCIDENT ON JULY 21, 2012 AT THE INTERSECTION OF FAIRBURN AND CASCADE ROADS.
(APD/NA) #3254

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0531

Date: October 25, 2013

Claimant /Victim: Kenyatta White
BY: (Atty) (Ins. Co.) The Davis Bozeman Law Firm, PC
Address: 4153-B Flat Shoals Parkway, Suite 204, Decatur, Georgia 30034
Subrogation: Claim for Property damage \$ Bodily Injury \$ 50,000
Date of Notice: 8/1/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 7/21/12 Place: Fairburn Road and Cascade Road
Department: POLICE Bureau: Office:
Employee involved: J. Sieck Disciplinary Action: Termination

NATURE OF CLAIM: Claimant alleges bodily injury and property damage were sustained when she was involved in a motor vehicle accident with an APD officer. The investigation determined the claimant has filed a lawsuit to resolve her claims.

INVESTIGATION:

Statements: City employee X Claimant Others Written X Oral X
Pictures X Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver X Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Claude A. Cole
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager/Director: Claude A. Cole Concur/date 10/29/13
Deputy City Attorney: Concur/date 11-1-13
Committee Action: Council Action

Attachment: WHITE, K. 12L0531 (13-R-3817 : A Resolution Adversing the Claim of Kenyatta White)

Time of Occurrence: Approximately 4:11 pm
Place of Occurrence: Cascade Rd SW / Fairburn Rd SW

Dear Sir/Madam:

This ante litem notice letter is sent pursuant to O.C.G.A. 36-33-5 of the Georgia Tort Claims Act for the July 21, 2012 personal injury and property damage sustained by Kenyatta White when she was struck by a vehicle negligently driven by J. Sieck and owned by the City of Atlanta. Officer Sieck negligently collided into Plaintiff's vehicle as Ms. White was stopped due to the traffic in front of her.

Our firm represents the above client for her personal injuries as they relate to the violent collision that involved, Officer Sieck.

This notice is forwarded pursuant to the requirement and provisions of O.C.G.A. 36-33-5.

Ms. White is presently receiving medical treatment and evaluation for the injuries she sustained as a result from the accident. Once Ms. White's treatment is completed, we will forward information related to the medical expenses she incurred and will make a demand for compensation as provided by Georgia Law.

Sincerely,


Robert Bozeman

Enclosure(s)

cc: Kenyatta White

Attachment: WHITE, K. 12L0531 (13-R-3817 : A Resolution Adversing the Claim of Kenyatta White)

FOR DAMAGES ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A AUTOMOBILE ACCIDENT ON JULY 26, 2013 AT THE INTERSECTION OF FAIRBURN ROAD AND CASCADE ROAD. (APD/NA) #3216

CLAIM OF: Ralph Culp
(Surviving spouse of Jacqueline Culp, deceased)
Through His Attorney
The Cuffie Law Firm, his Attorney
1080 Campbellton Road
Atlanta, GA 30311

Review List:

Kimberly Patrick	Completed	11/13/2013 8:57 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:07 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE/BACK

Entered – 7/30/12

CL 12L0502 - APD/NA - Claude Cole

CLAIM OF: Ralph Culp
(Surviving spouse of Jacqueline Culp, deceased)
Through His Attorney
The Cuffie Law Firm, his Attorney
1080 Campbellton Road
Atlanta, GA 30311

FOR DAMAGES ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A AUTOMOBILE ACCIDENT ON JULY 26, 2013 AT THE INTERSECTION OF FAIRBURN ROAD AND CASCADE ROAD. (APD/NA) #3216

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0502

Date: October 25, 2013

Claimant /Victim: Ralph Culp (surviving spouse of Jacqueline Culp, deceased)
BY: (Atty) (Ins. Co.) The Cuffie Law Firm
Address: 1080 Campbellton Road, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 7/26/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 7/21/12 Place: Fairburn Road and Cascade Road
Department: POLICE Bureau: Office:
Employee involved: J. Sieck Disciplinary Action: Termination

NATURE OF CLAIM: Claimant alleges the wrongful death of his wife as the result of a motor vehicle accident with an APD officer. The investigation determined the claimant has filed a lawsuit to resolve his claim.

INVESTIGATION:

Statements: City employee X Claimant Others X Written X Oral X
Pictures X Diagrams X Reports: Police X Dept Report X Other
Traffic citations issued: City Driver X Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager/Director: [Signature] Concur/date 10/26/13
Deputy City Attorney: [Signature] Concur/date 11-5-13
Committee Action: Council Action

Attachment: R. Culp Claim Summary 12L0502 (13-R-3818 : A Resolution Adversing the Claim of Ralph Culp (surviving spouse of Jacqueline

07/26/2012 16:14 FAX 4043494229

THE CUFFIE LAW FIRM

Cole

002/002

7/26/12

JOB



THE CUFFIE LAW FIRM

Serious Lawyers for Serious Injuries

Please Reply To: *The Atlanta Office*

July 26, 2012

ENTERED - 7-30-12 - SB
12L0502 - C. COLE

Via Facsimile (404) 546-9487
and Certified Mail

Mr. Claude Cole, Claims Director
City Hall
68 Mitchell St. SW
Suite 4100
Atlanta, Georgia 30303

Via Facsimile (404) 653-7975
and Certified Mail

Mr. George N. Turner, Chief of Police
City of Atlanta Police Department
226 Peachtree Street SW
Atlanta, Georgia 30303

Re: LETTER OF REPRESENTATION

Date of Loss: July 21, 2012
Our Client: Ralph Culp (surviving spouse of deceased Jacqueline Culp)
Incident Report No.: 2012-011878

Dear Mr. Cole and Chief Turner:

As you are aware, our law firm represents the legal interests of Mr. Ralph Culp, for the wrongful death of his wife, Jacqueline Culp. Enclosed is a copy of the Fulton County Accident Report. You are respectfully requested to direct any correspondence or inquiries concerning this matter to the undersigned if you have any questions.

Thank you for your attention to this matter and please do not hesitate to call should you have any questions.

Yours very truly,

THE CUFFIE LAW FIRM

Cuffie by thf
Thomas F. Cuffie

Enclosure

cc: Mr. Ralph Culp
Mr. Harold W. Spence
Lauren R. Boone

Atlanta Office
1040 Campbellton Road
Atlanta, Georgia 30311
Telephone: 404-344-4242
Facsimile: 404-349-4229

DeKalb Office
3120 Stonecrest Boulevard, Suite 120
Lithonia, Georgia 30038
Telephone: 770-407-5500
Facsimile: 770-407-5301

Attachment: R. Culp Claim Summary 12L0502 (13-R-3818 : A Resolution Adversing the Claim of Ralph Culp (surviving spouse of Jacqueline

Fatality which was settled as a lawsuit. 3403

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A SLIP AND FALL INCIDENT ON OCTOBER 21, 2012 AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, 8700 SPINE ROAD. (DOA/NA) #3280

CLAIM OF: Bridget Rachelle Rimes
10 Central Avenue, NW
Rome, Georgia 30165

Review List:

Kimberly Patrick	Completed	11/18/2013 8:29 AM
Office of Research and Policy Analysis	Completed	11/18/2013 12:32 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BILL/RESOLUTION

Entered – 10/11/13

CL 13L0656 - DOA/NA - Gwendolyn Burns

CLAIM OF: Bridget Rachelle Rimes
10 Central Avenue, NW
Rome, Georgia 30165

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A SLIP AND FALL INCIDENT ON OCTOBER 21, 2012 AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, 8700 SPINE ROAD. (DOA/NA) #3280

THIS ADVERSED REPORT IS APPROVED

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF SHINGLES FALLING FROM THE ROOF OF A CITY BUILDING ON JUNE 24, 2013 AT 1110 HILL STREET. (DPW/01) #3230

CLAIM OF: Progressive Insurance A/S/O Lateisha Varner
P.O. Box 512929
Los Angeles, California 90051

Review List:

Kimberly Patrick	Completed	11/13/2013 9:37 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:32 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BILL TRACK

Entered – 9/6/13

CL13L0566 - DPW/01 - Janine J. Edmonds

CLAIM OF: Progressive Insurance A/S/O Lateisha Varner
P.O. Box 512929
Los Angeles, California 90051

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF SHINGLES
FALLING FROM THE ROOF OF A CITY BUILDING ON JUNE 24, 2013 AT 1110 HILL STREET. (DPW/01)
#3230

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0566

Date: October 29, 2013

Claimant/Victim Lateisha Varner
BY: (Atty) (Ins. Co.) Progressive Insurance
Address: P.O. Box 512929, Los Angeles, California 90051
Subrogation: Claim for Property damage \$ 975.50 Bodily Injury \$
Date of Notice: 08/26/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 06/24/13 Place: 1110 Hill Street
Department: Public Works Bureau: Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: Claimant alleges property damage sustained when shingles fell from the roof of city building. The investigation determined the claimant assumed the risk when she parked in a known hazardous area.

INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral X
Pictures X Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/31/13
Deputy City Attorney: [Signature] Concur/date 11-6-13
Committee Action: Council Action
FORM 23-61

Attachment: L. VARNER 1 (13-R-3820 : A Resolution Adversing the Claim of Progressive Insurance A/S/O Lateisha Varner)

RECEIVED - REC'D
SEP - 3 2013 TB

RECEIVED PM
OFFICE OF
MUNICIPAL CLERK

2013 AUG 26 PM 3:34

ENTERED - 9-6-13 - SB
13L0566 - J. EDMONDS

Edmonds
9/4/13
JTB

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES
Today's Date: _____

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 975.50 property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: 6-24-13 2. Time of incident: 4:30 PM 3. Police called: _____
- 4. Location of incident (including street address): 1110 Hill St
- 5. Name of your insurance company: Progressive Mountain Ins Policy No. 13.4428742
- 6. State what and how incident occurred: Please see attached paper

New
at 4/13
ca C

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: 1998 Dodge Ram
(Make) (Year) (Tag Number) (Driver's Name)

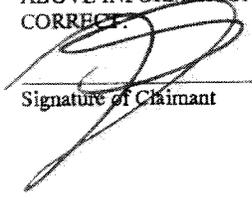
City vehicle: N/A
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.



Signature of Claimant

JASON SABA
(Print Claimant's Name)

Progressive Insurance
(Address)

(City, State and Zip Code)

440-6037273
(Work Number) (Home Number)

Attachment: L. VARNER 1 (13-R-3820 : A Resolution Adversing the Claim of Progressive Insurance A/S/O Lateisha Varner)

**FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A CONSTRUCTION
BARREL ON MARCH 12, 2013 AT 570 SPRING STREET. (DPW/02) #3218**

CLAIM OF: Derrick Brown
745 Evelyn Lane
Marietta, Georgia 30008

Review List:

Kimberly Patrick	Completed	11/13/2013 8:57 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:08 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 7/17/13

CL 13L0407 - DPW/02 - Warren Hayes

CLAIM OF: Derrick Brown
745 Evelyn Lane
Marietta, Georgia 30008

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A CONSTRUCTION
BARREL ON MARCH 12, 2013 AT 570 SPRING STREET. (DPW/02) #3218

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0407 Date: October 15, 2013

Claimant /Victim DERRICK BROWN
BY:(Atty)(Ins. Co.)
Address: 745 Evelyn Lane, Marietta, Georgia 30008
Subrogation: Claim for Property damage \$ 837.22 Bodily Injury \$
Date of Notice: 6/28/13 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/12/13 Place: 570 Spring Street
Department: Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges property damage sustained when he drove into a construction barrel. The investigation determined the barrel was placed by JHC, a contractor and not the City of Atlanta. The claimant has contacted JHC to resolve his claim.

INVESTIGATION:

Statements: City employee X Claimant X Others X Written X Oral X
Pictures X Diagrams Reports: Police Dept Report X Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - WARREN HAYES

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 10/31/13
Deputy City Attorney: Concur/date 11-5-13
Committee Action: Council Action

Attachment: Brown, Derrick 13L0407 (13-R-3821 : A Resolution Adversing the Claim of Derrick Brown)

CC: 10L0597

RECEIVED - RECD
JUN 28 2013 SB

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Filing Date: 6/28/2013

ENTERED - 7-17-13 - SB
13L0407 - W. HAYES

HAYES
7/15/13
[Signature]

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ _____ bodily injury for which the City is liable.

- Date of incident: 3/12/2013 Time of incident: 4:15 PM Police called: NO
- Location of incident (including street address): 570 SPRING ST, ATLANTA, GA (OMEGA CTR GARAGE)
- Name of your insurance company: USAA Policy No. 010318378071016
- State what and how the incident occurred: PLEASE SEE ATTACHED LETTER

New
7/1/13
COC

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION.

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) copies of receipt and proof of ownership of your vehicle.

Your vehicle: ACURA 3.2TL 2002 CU 2164 (C) DERRICK BROWN
(Make) (Year) (Tag Number) (Driver Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Area)

9. Witness: NONE

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta under its contract.

11. Claims must be resolved within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature of Claimant]

Signature of Claimant

DERRICK BROWN
(Print Claimant's Name)

THE EVELYN LANE
(Address)

MARIETTA, GA 30008
(City, State and Zip Code)

678-467-1256
(Work Number) (Home Number)

Attachment: Brown, Derrick 13L0407 (13-R-3821 : A Resolution Adversing the Claim of Derrick Brown)

March 14, 2013

JHC Corporation (James Cook, President)
1029 Peachtree Parkway North #359
Peachtree City, GA 30269
Phone: 770 487 3258
Fax: 770 487 4254

Piedmont Concrete Services
220 Carter Street
Clermont, GA 30527-1762
(770) 983-5445

Re: 3/12/2013 Construction Site Incident

Mr. Cook:

I park daily at the One Georgia Center garage (570 Spring Street, Atlanta, GA). The garage's exit lane is narrow, and requires a tight right turn to exit properly.

On Tuesday, 3/12/2013, at approximately 4:15 P.M., while turning right to exit the garage, my car was damaged when I struck a construction barrel that bordered the sidewalk that your company was repairing.

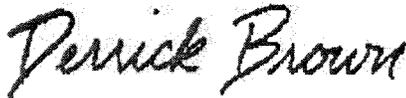
The construction barrels obstructed part of the traffic lane, but the lane was still open.

Please review the attached photos, which show ...

1. The damage to my car (deep scratches that require repainting).
2. The location of the construction barrels (note the overturned barrel, which suggests that another vehicle struck the barrel as well).

Please contact me at 678-467-1256 to discuss this matter.

Sincerely,



Derrick Brown

Derrick Brown
745 Evelyn Lane, Marietta, GA 30008

Phone: 678.467.1256

Email: derrick.s.brown@att.net

Attachment: Brown, Derrick 13L0407 (13-R-3821 : A Resolution Adversing the Claim of Derrick Brown)

FOR PERSONAL INJURY ALLEGEDLY SUSTAINED IN A VEHICULAR ACCIDENT ON AUGUST 10, 2011 AT PEEPLES STREET AT DONNELLY AVENUE. (DPW/04) #3224

CLAIM OF: Kimberly Martin
through her attorney Patrick Matarrese
Montlick & Associates
17 Executive Park Drive, Suite 300
Atlanta, GA 30329

Review List:

Office of Research and Policy Analysis	Completed	11/14/2013 10:15 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 2/16/12

CL 12L0147-DPW/04-Angelena Kelly

CLAIM OF: Kimberly Martin
through her attorney Patrick Matarrese
Montlick & Associates
17 Executive Park Drive, Suite 300
Atlanta, GA 30329

FOR PERSONAL INJURY ALLEGEDLY SUSTAINED IN A VEHICULAR ACCIDENT ON AUGUST 10,
2011 AT PEEPLES STREET AT DONNELLY AVENUE. (DPW/04) #3224

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0147

Date: October 22, 2013

Claimant /Victim: Kimberly Martin
BY:(Atty)(Ins. Co.) Montlick & Associates, PC
Address: Attn: Patrick Matarrese, 17 Executive Park Drive, Suite 300, Atlanta, GA 30329
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 2/16/ 12 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 8/10/11 Place: Peoples Street at Donnelly Avenue
Department: Public Works Bureau: Office: Transportation
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained a personal injury when she was involved in a vehicular accident due to a missing or obstructed stop sign. The investigation determined the claimant has failed to provide information to substantiate her claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams X Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 10/31/13
Deputy City Attorney: Concur/date 11-8-13
Committee Action: Council Action

Attachment: Kimberly Martin #3224 12L0147 DOC 20131108150918 (13-R-3822 : A Resolution Adversing the Claim of Kimberly Martin through

David R. Montlick
 Alan Y. Saltzman⁰
 Kathy Edwards-Opperman⁰¹

Jonathan B. Pierce
 Orlando A. Marra²
 Patrick R. Matarrese
 Rory S. Chumley
 Glenn D. Chitlik
 Daniel Maldonado²
 C. Ron Smith
 Michael N. Rubin³
 Dustin Taps
 Kimberly L. Jacobsen
 Joel H. Roth⁴
 Richard K. Warner⁴

⁰ Managing Attorney

¹ also admitted in NY, NJ, & N.S.W.

² also admitted in FL

³ also admitted in MD

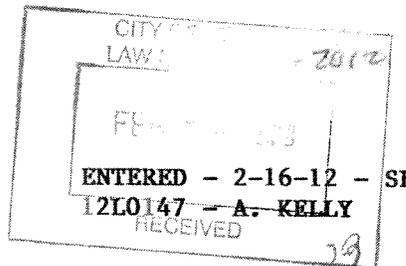
⁴ also admitted in NY

MONTLICK & ASSOCIATES, P.C.

ATTORNEYS AT LAW

17 EXECUTIVE PARK DRIVE • SUITE 300
 ATLANTA, GEORGIA • 30329

TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323



February 7, 2012

Michael J. Moran
 George A. Shaw, Jr.
 Alan J. Marks
 Barry L. Goldner⁵
 D. Jeffrey Beaird⁶
 Jeffrey S. Kowalski
 Lynn S. Walker
 Kristina Soyang Kim
 Franklin R. Evans⁷
 Christopher R. Ostolski
 Joel E. Hausman⁸
 Rebecca A. Lachat
 Christina N. Jendusa
 Beau T. Pirkle
 Ramon W. Palanca, Jr.
 Margaret K. Grenleski

⁵also admitted in OH, IN

⁶also admitted in AL, TN

⁷also admitted in OH

⁸also admitted in PA

Kelly 2/14/12
JK

VIA HAND DELIVERY

City of Atlanta
 55 Trinity Street
 Atlanta, Georgia 30303

Department of Public Works
 55 Trinity Street
 Suite 470

Ms. Cathy Hampton
 City Attorney - City of Atlanta
 68 Mitchell Street, Suite 4100
 Atlanta, Georgia 30303

The Honorable Kasim Reed
 Mayor City of Atlanta
 55 Trinity Street
 Atlanta, Georgia 30303

Risk Management Department
 Department of Law
 68 Mitchell Street, 9th Floor
 Atlanta, Georgia 30303

RE: ANTE LITEM NOTIFICATION

Pursuant to O.C.G.A. § 36-33-5

Our Client: Kimberly Martin

Date of Incident: August 10, 2011

Location: Peoples Street, SW at its Intersection
 with Donnelly Ave, SW, Atlanta,
 Fulton County, Georgia

Dear Madams and Sirs:

Please be advised that this firm represents the interests of Ms. Kimberly Martin for injuries she suffered as a result of a motor vehicle collision that occurred at approximately 9:00 p.m. on August 11, 2011 on Peoples Street SW at its intersection with Donnelly Avenue SW, Atlanta, Fulton County, Georgia. This letter shall constitute ante litem notice pursuant to O.C.G.A. § 36-33-5.

FACTS

On or about August 11, 2011, Ms. Kimberly Martin, was operating a 2006 Buick Lacrosse motor vehicle traveling southbound on Donnelly Avenue SW at its intersection with Peeples Street SW, Atlanta, Fulton County, Georgia. The subject intersection is governed by a stop sign for vehicles traveling on Peeples Street SW. Ms. Martin had the right of way and was traveling thru the intersection. At or about the same time and date, Ms. Antonic King, who was operating a 2002 Nissan Quest motor vehicle, was traveling eastbound on Donnelly Avenue SW approaching its intersection with Peeples Street SW. The subject collision occurred when Mr. King drove his vehicle straight through the intersection without stopping at the stop sign, thereby causing a violent collision of his vehicle with Ms. Martin's vehicle. See Exhibit "1".

Ms. King has alleged that the reason she did not stop at the stop sign was because her ability to observe the stop sign was obscured by very tall grass at the subject intersection. It is our understanding that it is the City of Atlanta's responsibility to inspect, operate, maintain and control the roadway, stop sign and line of sight for the subject stop sign.

LIABILITY

This incident occurred as a result of the City of Atlanta's negligence in failing to properly, construct, maintain, inspect and operate the subject intersection, stop sign and roadway(s) in a safe manner. Had proper inspection, construction and/or maintenance been performed, the hazardous condition of the tall grass obscuring the subject stop sign would not have existed. The City of Atlanta, its Department of Public Works, its Road Department, its employees and/or agents thereof are negligent in that it/they failed to properly construct, maintain, operate, and/or inspect its/their roadway(s), right of ways and traffic control devices.

This claim is based on general theories of negligence under Georgia Law. Additional theories of negligence may include the negligent hiring and retention of an employee and/or the negligent supervision of the employee. At this time these theories are not inclusive and additional theories may be alleged as our investigation continues.

INJURIES

The force of the collision was violent. An ambulance was called to the scene and Ms. Martin was immobilized on a back board and transported to the emergency room at Grady Memorial Hospital where she was evaluated and treated for her painful injuries. Ms. Martin was experiencing severe and debilitating neck pain, chest pain, back pain, and shoulder pain. X-rays were taken of her cervical spine and chest. After a thorough examination, the emergency room diagnosed Ms. Martin as having suffered multiple contusions and pain as a direct result of the motor vehicle collision.

The pain in Ms. Martin's neck and back persisted, and she presented herself to Midtown Medical Center for further evaluation of her painful injuries. Ms. Martin then participated in a series of physical therapy treatment modalities and procedures that included electrical stimulation, hot packs, cold packs, manual therapy, and traction. Due to the severity of her pain,

a TENS unit was prescribed to help manage her lower back pain. Treatment was for the purpose of treating her painful symptoms, treating the injured portions of her body, and for the prevention of permanent impairment and disability.

As the medical records bear out, Ms. Martin suffered severe and debilitating injuries

MEDICAL EXPENSES

Ms. Martin's medical expenses due to this incident are as follows:

	Medical Service Provider	Exhibit	Amount
1)	Grady EMS	2	\$1,785.00
2)	Grady Memorial Hospital	3	\$722.50
3)	Emory Care Foundation	4	\$52.00
4)	Midtown Medical Center	5	\$2,953.00
TOTAL AMOUNT OF MEDICAL BILLS			\$5,512.50

You are hereby informed that Ms. Kimberly Martin makes her claim(s) against the City of Atlanta and its employee(s) and/or agent(s) thereof and/or any other agency thereof responsible for the construction, maintenance, operation, and/or inspection of the subject roadway, right of way, property and stop sign that may have caused or contributed to the cause of her injuries and losses.

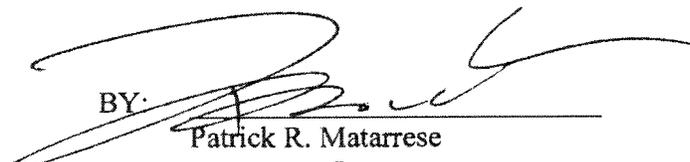
You are hereby informed that Ms. Martin will bring a claim for all special damages allowed by Georgia law and all general damages allowed by Georgia law as a result of the subject motor vehicle collision, as well as any and all other damages allowed by Georgia law. We ask that you please investigate this matter and contact us upon completion of your investigation.

This letter is intended to establish ante litem notification and is presumed to comply with all such requirements under O.C.G.A. § 36-33-5.

If further information is needed, please feel free to contact the undersigned.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY: 
 Patrick R. Matarrese
 Attorney at Law

Attachment: Kimberly Martin #3224 12L0147 DOC 20131108150918 (13-R-3822 : A Resolution Adversing the Claim of Kimberly Martin through

**FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED AS A RESULT OF TRASH REMOVAL
BEGINNING IN MAY 2010 AT 1147 AND 1169 UNIVERSITY DRIVE. (DPW/06) #3304**

CLAIM OF: Tim Etherington
1169 University Drive
Atlanta, GA 30306

Review List:

Kimberly Patrick	Completed	11/19/2013 1:04 PM
Office of Research and Policy Analysis	Completed	11/19/2013 4:50 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE/BAK

Entered – 10/7/11

CL 11L0768-DPW/06-Angelena Kelly

CLAIM OF: Tim Etherington
1169 University Drive
Atlanta, GA 30306

FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED AS A RESULT OF TRASH REMOVAL
BEGINNING IN MAY 2010 AT 1147 AND 1169 UNIVERSITY DRIVE. (DPW/06) #3304

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0768 Date: October 30, 2013

Claimant /Victim: Tim Etherington
BY:(Atty)(Ins. Co.)
Address: 1169 University Drive, Atlanta, GA 30306
Subrogation: Claim for Property damage \$ 5,990.70 Bodily Injury \$
Date of Notice: 11/6/11 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: Beginning in May 2010 Place: 1147 and 1169 University Drive
Department: Public Works Bureau: Solid Waste Services Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained property damage due to his trash not being picked up. The investigation determined that the claimant was not using the proper trash receptacle and did not call to schedule bulk trash pick-up for large items.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral X
Pictures X Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 11/5/13
Deputy City Attorney: Concur/date 11-18-13
Committee Action: Council Action

Attachment: Tim Etherington #3304 11L0768 DOC 20131119105814 (13-R-3823 : A Resolution Adversing the claim of Tim Etherington)

Rec'd 10/7/11 of Kelly
4/6/11
JB

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 9-30-11

ENTERED - 10-7-11 - SB
11L0768 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 5,990.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: May 2010 to 2. Time of incident: _____ 3. Police called: _____
- 4. Location of incident (including street address): 1169 1/2 Dr. At 30303
- 5. Name of your insurance company: _____ Policy No. _____
- 6. State what and how incident occurred: systemic trash pick-up problem see Attachments

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
 (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
 (Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND COI

[Signature]
Signature of Claimant

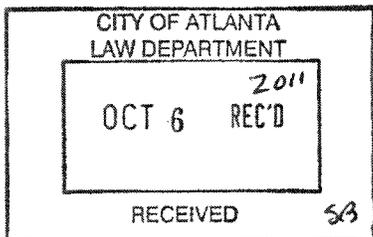
Tim Etherington
 (Print Claimant's Name)

1169 1/2 Dr. At 30303
 (Address)

614

 (City, State and Zip Code)

404-386-2523
 (Work Number) (Home Number)



Attachment: Tim Etherington #3304 11L0768 DOC 20131119105814 (13-R-3823 : A Resolution Adversing the claim of Tim Etherington)

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON APRIL 04, 2013 AT PEACHTREE ROAD AND CLUB DRIVE. (DPW/07) #3246

CLAIM OF: Adrian Gravely through his attorney Kimelyn
Minnifield Esq.
Fincher Denmark Williams & Minnifield, LLC
8024 Fair Oaks Court
Jonesboro, Georgia 30236

Review List:

Kimberly Patrick	Completed	11/13/2013 3:04 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:55 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 8/19/13

CL13L0512 - DPW/07 - Janine J. Edmonds

CLAIM OF: Adrian Gravely through his attorney Kimelyn
Minnifield Esq.
Fincher Denmark Williams & Minnifield, LLC
8024 Fair Oaks Court
Jonesboro, Georgia 30236

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE
ACCIDENT ON APRIL 04, 2013 AT PEACHTREE ROAD AND CLUB DRIVE. (DPW/07) #3246

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0512

Date: October 21, 2013

Claimant/Victim Adrian Gravely

BY: (Atty) (Ins. Co.) Kimelyn A. Minnifield Esq., Fincher Denmark Williams & Minnifield LLC

Address: 8024 Fair Oaks Court, Jonesboro, Georgia 30236

Subrogation: Claim for Property damage \$ 14,439.00 Bodily Injury \$ 64,235.80

Date of Notice: 04/08/13 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 04/04/13 Place: Peachtree Road and Club Drive

Department: Public Works Bureau: Office: Solid Waste Services

Employee involved: Alfred Berry Disciplinary Action: None

NATURE OF CLAIM: Claimant alleges property damage sustained when he was struck by a city vehicle. The investigation determined the claimant was driving too fast for the conditions.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver X

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature of Janine J. Edmonds]

INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Director/Manager: [Signature] Concur/date 10/29/13

Deputy City Attorney: [Signature] Concur/date 11-4-13

Committee Action: Council Action

FORM 23-61

Attachment: A .GRAVELY 1 (13-R-3824 : A Resolution Adversing the Claim of Adrian Gravely through his Attorney K. Minnifield)

From: FDW Law

RECEIVED
AUG 13 2013
RECD
SB

770 471 9948

08/13/2013 16:07

#394 P.002/007

F|D|W|M

FINCHER DENMARK WILLIAMS & MINNIFIELD LLC
ATTORNEYS AT LAW

8024 FAIROAKS COURT JONESBORO, GA 30236
T. 770.961.4100 F. 770.471.9948
WWW.FDWMLAW.COM

OFFICES IN DECATUR AND JONESBORO

STEVEN M. FINCHER
WINSTON A. DENMARK
MICHAEL J. WILLIAMS
KIMELYN A. MINNIFIELD

EMILIA C. WALKER
KIRAN P. MISRA

ENTERED - 8-19-13 - SB
13L0512 - J. EDMONDS

WRITER'S DIRECT LINE:
770.692.2031
EMAIL: KMINNIFIELD@FDWMLAW.COM

August 13, 2013

Edmonds
8/14/13
SB

Via Fax 404-494-1693 and Certified Mail

Attention: Sherry Butler
City of Atlanta
23 Claire Dr.
Atlanta, GA 30315

New
8/14/13
CAC

Re:	Our Client:	Adrian Gravely
	Your Insured:	City of Atlanta
	At-Fault Driver:	Mark Schwaiger
	Date of Injury:	April 4, 2013
	Our File No.:	0933-0001

Ms. Butler :

This letter will serve to inform you that this law firm represents the above-referenced client in a personal injury claim arising out of the above-referenced collision.

At this time, we would like to formally request that you forward a copy or copies of your insured's liability, excess and/or umbrella coverage limits information in the form of notarized document(s) or policy declaration page(s). Under the applicable code section, O.C.G.A. § 33-3-28(a), you have 60 days in which to provide the information requested. Attached hereto please find copies of our client's affidavit in support of our request for the limits information.

Please do not attempt to contact my client to procure any statement as it regards the above-referenced personal injury claim except through this office. You may telephone the undersigned in order to determine who you ought to contact regarding resolution of the property damage portion of this claim.

Attachment: A .GRAVELY 1 (13-R-3824 : A Resolution Adversing the Claim of Adrian Gravely through his Attorney K. Minnifield)

**FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF A TRIP AND FALL ON
SEPTEMBER 13, 2012 AT 3405 LENOX ROAD. (DPW/07) #3244**

CLAIM OF: Andrea Sparks
3755 Peachtree Road, #221
Atlanta, GA 30319

Review List:

Kimberly Patrick	Completed	11/13/2013 3:04 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:52 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 10/16/12

CL 12L0731-DPW/07-Angelena Kelly

CLAIM OF: Andrea Sparks
3755 Peachtree Road, #221
Atlanta, GA 30319

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF A TRIP AND FALL ON
SEPTEMBER 13, 2012 AT 3405 LENOX ROAD. (DPW/07) #3244

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0731

Date: October 22, 2013

Claimant /Victim: Andrea Sparks
BY:(Atty)(Ins. Co.)
Address: 3755 Peachtree Road, #221, Atlanta, GA 30319
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 10/9/12 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 9/13/12 Place: 3405 Lenox Road
Department: Public Works Bureau: Office: Transportation
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges bodily injury sustained when she fell as she ran to avoid being struck by a U.S. Postal truck. The investigation determined the claimant has failed to present information to substantiate claim.

INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral
Pictures X Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/21/13
Deputy City Attorney: [Signature] Concur/date 11-5-13
Committee Action: Council Action

Attachment: Andrea Sparks #3244 12L0731 DOC 20131108115006 (13-R-3825 : A Resolution Adversing the Claim of Andrea Sparks)

RECEIVED
OFFICE OF
MUNICIPAL CLERK

2012 OCT -9 PM 2:53

CITY OF ATLANTA
LAW DEPARTMENT
OCT 12 REC'D
RECEIVED

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
33 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 10/06/12

ENTERED - 10-16-12 - SB
12L0731 - A. KELLY

Kelly
10/12/12
AKB

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 9/13/12 2. Time of incident: circa 11A.M. 3. Police called: No
4. Location of incident (including street address): Lenox Square Marta Station crossing (opp. 3405 Lenox Rd.), Atlanta, GA.
5. Name of your insurance company: Medicare & Tricare (o41-22-5965 & 534-07-10) Policy No. _____
6. State what and how incident occurred: Pedestrian in crosswalk tried to escape fast-turning U.S. Postal Truck, fell injuring knees, hands, chin & lip

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
10. The acknowledgment of this claim in no way waives the Sovereign Immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Ms. Andrea M. Sparks
(Print Claimant's Name)

Andrea M. Sparks
Signature of Claimant

3755 Peachtree Road, #221
(Address)

Atlanta, Georgia 30319
(City, State and Zip Code)

Residence: 404-814-9190
(Work Number) (Home Number)

Attachment: Andrea Sparks #3244 12L0731 DOC 20131108115006 (13-R-3825 : A Resolution Adversing the Claim of Andrea Sparks)

TO: CITY OF ATLANTA
 Department of Law
 Suite 4100
 City Hall Tower
 Atlanta, Georgia 30303-3520

RE: Documentation required for bodily injury

FACTS: Date: September 13, 2012

Place: Marta Station Exit at 3405 Lenox Road
 (opposite Marriot Marquis Hotel)

I SUSTAINED A FALL WHILE CROSSING FROM Marta train station enroute to Lenox Mall. A huge United States Postal Truck was turning into me careening around the corner at East Paces Ferry Road with unreasonable speed for the conditions and circumstances.

Immediately, I started to run, falling hitting knees, chin, lip and hands. Scrambling a few steps onto the sidewalk, I grabbed the extended arm of a witnessing nurse (white dress) who replied affirmatively when I exclaimed "He didn't look like he was going to stop, did he?"

"You need to sit down and get yourself together", she said. Leaving her, I entered the Marriot Marquis lobby, perching on a garden ledge momentarily, then proceeding to Mall end and destination store. Pausing at an outdoor table to get my bearings, I boarded a bus to my residence, 5 minutes away.

Of course, I applied First Aid to the bruised chin and lip, slightly bitten in the fall. Inasmuch as I have been recovering from neuromas in both feet, I felt some aggravation.

You requested pictures of the area, included herewith. Although I realize my injuries were minor (especially since I am a pianist), to promote public safety and as a duty to other citizens to avoid more serious effects, I submit this claim.

N. B. On October 1, 2012 as a passenger enroute home, I peered over the busdriver's shoulder. He asked me what I was looking for; I showed him the hole almost directly under his wheel. He urged me to report it. I assured him I was checking it out!

Attachment: Andrea Sparks #3244 12L0731 DOC 20131108115006 (13-R-3825 : A Resolution Adversing the Claim of Andrea Sparks)

**FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF POTHOLE ON
OCTOBER 11, 2010 AT 2567 BOLTON ROAD.(DPW/09) #3306**

CLAIM OF: Edythe McGhee-Bergeron
2788 DeFours Ferry Road
Atlanta, Georgia 30318

Review List:

Kimberly Patrick	Completed	11/19/2013 1:30 PM
Office of Research and Policy Analysis	Completed	11/19/2013 2:58 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

REGISTRATION HISTORY - BLUE BACK

Entered – 12/9/10

CL 10L0985 - DPW/09 - Warren Hayes

CLAIM OF: Edythe McGhee-Bergeron
2788 DeFours Ferry Road
Atlanta, Georgia 30318

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF POTHOLE ON OCTOBER 11,
2010 AT 2567 BOLTON ROAD.(DPW/09) #3306

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0985

Date: November 6, 2013

Claimant /Victim EDYTHE MCGHEE-BERGERON

BY: (Atty) (Ins. Co.)

Address: 2788 DeFours Ferry Road, Atlanta, Georgia 30318

Subrogation: Claim for Property damage \$ Bodily Injury \$

Date of Notice: 11/23/10 : Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/11/2010 Place: 2567 Bolton Road

Department: PUBLIC WORKS Bureau: Office: Transportation

Employee involved Disciplinary Action:

NATURE OF CLAIM The claimant alleges property damage sustained when she drove over a pothole in the roadway. The investigation has determined the claimant failed to provide sufficient information to substantiate her claim.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X

Pictures X Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - WARREN HAYES

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Director/Manager: Concur/date 11/12/13

Deputy City Attorney: Concur/date 11-18-13

Committee Action: Council Action

Attachment: McGhee-Bergeron, E. 10L0985 (13-R-3826 : A Resolution Adversing the Claim of Edythe McGhee-Bergeron)

RECEIVED

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: Oct 29, 2010

CITY OF ATLANTA
DEPT OF LAW

ENTERED - 12-9-10 - SB
10L0985 - L. CARTER

Carter
11/29/10
[Signature]

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: Oct 11, 200 2. Time of incident: 9:30 AM Police called: NO
- 4. Location of incident (including street address): BETWEEN 2567 BOLTON & DEFOORS FERRY - BOLTON RD. (NO KNOWN ADDRESS) SPECIFICALLY
- 5. Name of your insurance company: GEICO Policy No: #4154-96-11-65
- 6. State what and how incident occurred: I WAS TRAVELING NORTH ON BOLTON RD. TOWARDS DEFOOR FERRY RD. FROM RACE TRAC (2325 MARIETTA BLVD) PAST PARTIALLY VACANT SHOPPING CNTR (2567 BOLTON BETWEEN OLD CVS AND DOLLAR STORE. OUTSIDE CENTER ON BOLTON A HUGE POT HOLE!

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

I DROVE INTO TIRE MY TIRE FROM RIM - HAD TO DRIVE HOME ON RIM. FRONT RIGHT TIRE & BACK TIRE CRV

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: (MARK IT) LINCOLN 1981/HASQUK EDYTHE MCGHEE-BERGERON
(Make) (Year) (Tag/Number) (Driver's Name)

City vehicle: N/A
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: None

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Edythe McGhee-Bergeron
Signature of Claimant

EDYTHE MCGHEE-BERGERON
(Print Claimant's Name)

2788 DEFOORS FERRY RD. #318
(Address)

ATLANTA GA. 30318
(City, State and Zip Code)

N/A (678) 933-8376
(Work Number) (Home Number)

678.973-2971

404-350-8897 HOM
404-420-
414-7165 CR

Attachment: McGhee-Bergeron, E. 10L0985 (13-R-3826 : A Resolution Adversing the Claim of Edythe McGhee-Bergeron)

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON JANUARY 11, 2013 AT 2440 BOLTON ROAD. (DPW/09) #3247

CLAIM OF: GEICO as Subrogee of Antonio Sinkfield
4295 Ocmulgee East Boulevard
Macon, Georgia 31295

Review List:

Kimberly Patrick	Completed	11/13/2013 5:54 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:57 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 10/23/13

CL13L0697 - DPW/09 - Janine J. Edmonds

CLAIM OF: GEICO as Subrogee of Antonio Sinkfield
4295 Ocmulgee East Boulevard
Macon, Georgia 31295

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR
VEHICLE ACCIDENT ON JANUARY 11, 2013 AT 2440 BOLTON ROAD. (DPW/09) #3247

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0697

Date: October 29, 2013

Claimant/Victim Antonio Sinkfield
BY: (Atty) (Ins. Co.) GEICO
Address: 4295 Ocmulgee East Boulevard, Macon, Georgia 31295
Subrogation: Claim for Property damage \$ 2,211.98 Bodily Injury \$
Date of Notice: 10/18/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 1/11/13 Place: 2440 Bolton Road
Department: Public Works Bureau: Fleet Services Office:
Employee involved: Albert Hardy Disciplinary Action: Defensive Driver's Training

NATURE OF CLAIM: Claimant alleges property damage sustained when the city vehicle struck his vehicle
The investigation determined the claim as presented does not comply with the requirements of notice under
Georgia law as the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/30/13
Deputy City Attorney: [Signature] Concur/date 11-6-13
Committee Action: Council Action
FORM 23-61

Attachment: A. SINKFIELD (13-R-3827 : A Resolution Adversing the Claim of GEICO A/S/O Antonio Sinkfield)



- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company

Regional Office:

4295 Ocmulgee East Blvd. Macon, GA 31295-0001
www.geico.com

ENTERED - 10-23-13 - SB
13L0697 - J. EDMONDS

RECEIVED - RECD
OCT 21 2013 80

October 15, 2013

City of Atlanta
Attn: Gwendolyn Burns
68 Mitchell St. Ste. 4100
Atlanta, GA 30303

Assign to JSE
RECEIVED

CAC
10/24/13

OCT 18 2013
CITY OF ATLANTA
DEPT OF LAW

Claim Number: 0392193500101034
Insured: Antonio Sinkfield
Loss Date: 1-11-13
Your Claim Number: unknown
Your Insured: City of Atlanta

New
10/24/13
CAC

GEICO Claim Amount: \$2211.98
Deductible: \$500.00
Other Payments: \$ Explain:
Total Claim: \$2711.98

Dear Ms. Burns:

We request that you please review this claim, approve it and forward prompt payment to us. The pertinent file material is enclosed. Please indicate our claim number on your check and make the check payable to Geico Indemnity as subrogee of Antonio Sinkfield.

This letter will serve as notice of our payment recovery claim and constitutes a sincere effort as required by conditions precedent to Inter-company Arbitration as stated by the Automobile and Property subrogation arbitration agreement.

Thank you for your cooperation.

Sincerely,

Virginia Poole
Payment Recovery
800 841-9160 x5052
email: vpoole@geico.com
Fax: 202-354-4691

Pages to Follow

sl6 template

Attachment: A. SINKFIELD (13-R-3827 : A Resolution Adversing the Claim of GEICO A/S/O Antonio Sinkfield)



CITY OF ATLANTA
DEPARTMENT OF LAW
 SUITE 4100 • CITY HALL TOWER
 68 MITCHELL STREET, S.W., ATLANTA, GEORGIA 30303-3520
 (404) 330-6400

KASIM REED
 MAYOR

CATHY HAMPTON
 CITY ATTORNEY

jjedmonds@atlantaga.gov
 (404) 330-6290
 (404) 739-3334 e-fax

October 29, 2013

GEICO
 Attn: Virginia Poole
 4295 Ocmulgee East Blvd.
 Macon, Georgia 31295

RE: Claim Number: 13L0697
Date of Incident: 01/11/2013
Your Claim Number: 0392193500101034

Dear Ms. Poole:

Your communication dated October 15, 2013, was received and forwarded to me for investigation. I have reviewed the claim as presented and find that it does not comply with the requirements of notice under Georgia law as the six month statute of limitations expired prior to receipt of the claim.

O.C.G.A. §36-33-5(b) states in pertinent part:

Within six months of the happening of the event upon which a claim against a municipal corporation is predicated, the person, firm, or corporation having the claim shall present the claim in writing to the governing authority of the municipal corporation for adjustment, stating the time, place, and extent of the injury, as nearly practicable, and the negligence which caused the injury...

In light of the aforementioned, an unfavorable recommendation will be forwarded to the City Council for action.

Sincerely,

Janine J. Edmonds
 Claims Investigator

Attachment: A. SINKFIELD (13-R-3827 : A Resolution Adversing the Claim of GEICO A/S/O Antonio Sinkfield)

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A POTHOLE ON APRIL 3, 2013 AT 1725 CHURCH STREET. (DPW/09) #3219

CLAIM OF: T'Quania Hammond-Allen on Behalf of
Minor Child Shonterria Allen
1668 Jackson Square, NW
Atlanta, Georgia 30318

Review List:

Kimberly Patrick	Completed	11/13/2013 8:57 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:09 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 4/24/13

CL 13L0218 - DPW/09 - Warren Hayes

CLAIM OF: T'Quania Hammond-Allen on Behalf of
Minor Child Shonterria Allen
1668 Jackson Square, NW
Atlanta, Georgia 30318

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A POTHOLE ON APRIL 3,
2013 AT 1725 CHURCH STREET. (DPW/09) #3219

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0218

Date: September 25, 2013

Claimant/Victim T'QUANIA HAMMOND-ALLEN
ON BEHALF OF MINOR CHILD SHON TERRIA ALLEN

BY:(Atty)(Ins.Co.) _____
Address: 1668 Jackson Square, NW, Atlanta, Georgia 30318
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ _____
Date of Notice: 4/26/13 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/3/13 Place: 1725 Church Street
Department PUBLIC WORKS Bureau: _____ Office: Transportation
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges bodily injury sustained to her thirteen year old daughter when she walked over a pothole. The investigation determined the city had repaired this location prior to the incident.

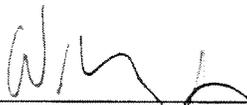
INVESTIGATION:

Statements: City employee X Claimant X Others _____ Written X Oral X
Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent X City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - WARREN HAYES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Director/Manager: [Signature] Concur/date 10/28/13
Deputy City Attorney: [Signature] Concur/date 11-6-13
Committee Action: _____ Council Action _____

Attachment: Hammond-Allen 13L0218 (13-R-3828 : A Resolution Adversing the Claim of T'Quania Hammond-Allen on behalf of minor child

RECEIVED

APR 15 2013

ENTERED - 4-24-13 - SB
13L0218 - W. HAYES

Hayes
4/15/13
SB

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES
Today's Date: 4.15.13

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____, property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 4:28pm 2. Time of incident: 8:30pm 3. Police called: _____

4. Location of incident (including street address): 1725 Church St NW

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: My daughter was walking down the driveway and stepped off into the pot hole and rolled her ankle. She has also been having pain in her hips. Where she had bilateral hip pinning.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Service)

9. Witness: _____

10. The acknowledgment of this claim in no way waives the Sovereign Immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta under its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

T'Quania Hammond-Allen
Signature of Claimant

T'Quania Hammond-Allen
(Print Claimant's Name)

1668 Jackson St NW
(Address)

Atlanta, Ga 30318
(City, State and Zip Code)

404-346-8365 / 404-535-8044
(Work Number) (Home Number)

New
cae
4/17/13

Attachment: Hammond-Allen 13L0218 (13-R-3828 : A Resolution Adversing the Claim of T'Quania Hammond-Allen on behalf of minor child

**FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO LARGE VEHICLES DRIVING
NEAR HER HOME ON MARCH 1, 2010 AT 1423 NORTHWEST DRIVE. (DPW/09) #3225**

CLAIM OF: Verna Manns
1423 Northwest Drive
Atlanta, GA 30318

Review List:

Kimberly Patrick	Completed	11/13/2013 9:36 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:18 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 6/16/11

CL 11L0401-DPW/09-Angelena Kelly

CLAIM OF: Verna Manns
1423 Northwest Drive
Atlanta, GA 30318

FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO LARGE VEHICLES DRIVING NEAR
HER HOME ON MARCH 1, 2010 AT 1423 NORTHWEST DRIVE. (DPW/09) #3225

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0401

Date: October 25, 2013

Claimant /Victim: Verna Manns

BY:(Atty)(Ins. Co.) _____

Address: 1423 Northwest Drive, Atlanta, GA 30318

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ _____

Date of Notice: 5/26/11 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 3/1/2010 Place: 1423 Northwest Drive

Department: Public Works Bureau: Transportation

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her home sustained property damage due to large vehicles driving down her street. The claimant has failed to furnish information to substantiate her claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager: W. Cole Concur/date 10/30/13

Deputy City Attorney: [Signature] Concur/date 11-4-12

Committee Action: _____ Council Action _____

Attachment: Verna Manns #3225 11L0401 DOC 20131108113118 (13-R-3829 : A Resolution Adversing the Claim of Verna Mann)

Kelly
6/15/11
JB

RECEIVED

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

MAY 26 2011

Today's Date: 3/16/2011

CITY OF ATLANTA
DEPT OF LAW

ENTERED - 6-16-11 - SB
11L0401 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ Material property and/or \$ 2 bodily injury for which I contend the City is liable.

- 1. Date of incident: 3/2010 2. Time of incident: _____ 3. Police called: N/A
<on going>
- 4. Location of incident (including street address): _____
- 5. Name of your insurance company: _____ Policy No. _____
- 6. State what and how incident occurred: <See Attached Statement>

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: N/A
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: N/A
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: N/A

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Verna Manns
(Print, Claimant's Name)

1423 Northhurst DR NW
(Address)

Atlanta GA 30318-3809
(City, State and Zip Code)

404 874.8741
(Work Number) (Home Number)

Attachment: Verna Manns #3225 11L0401 DOC 20131108113118 (13-R-3829 : A Resolution Adversing the Claim of Verna Mann)

May 16, 2011

Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue, SW
Atlanta, GA 30303

Dear Municipal Clerk:

On behalf of my beloved mother-“Mrs. Helen Roberts, we have suffered material damages to our property. These damages have resulted in structural and physical damages directly to our home. It is my opinion that the consistent and ongoing traffic flow which includes buses, tractor trailers, commercial vans, and passenger vehicles have an adverse affects on the homes situated on “Northwest Drive NW.” For example, When “Marta Buses, and Tractor Trailers drive down the street, our homes shake so hard, one thinks he or she is experiencing an earthquake.

Our street is severely impacted in multiple locations. Therefore, our quality of life is being impacted. I thank you in advance and know that you will respond in an affirmative manner.

Once again, I think you wholeheartedly.

Verna Manns

Attachment: Verna Manns #3225 11L0401 DOC 20131108113118 (13-R-3829 : A Resolution Adversing the Claim of Verna Mann)

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF BACKYARD PICKUP SERVICE FROM 2007 TO PRESENT AT 1868 KING CHARLES ROAD. (DPW/11) # 3221

CLAIM OF: Bessie Lee
1868 King Charles Road
Atlanta, Georgia 30331

Review List:

Kimberly Patrick	Completed	11/13/2013 9:35 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:12 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BILL/RES/BACK

Entered – 1/3/12

CL 11L1012 - DPW/11 - Warren Hayes

CLAIM OF: Bessie Lee
1868 King Charles Road
Atlanta, Georgia 30331

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF BACKYARD PICKUP SERVICE FROM 2007 TO PRESENT AT 1868 KING CHARLES ROAD. (DPW/11) # 3221

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L1012

Date: October 15, 2013

Claimant /Victim BESSIE LEE
BY: (Atty) (Ins. Co.)
Address: 1868 King Charles Road, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 6,490.50 Bodily Injury \$
Date of Notice: 12/29/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 2007 to Present Place: 1868 King Charles Road
Department PUBLIC WORKS Bureau: Office: Solid Waste Services
Employee involved Disciplinary Action: None

NATURE OF CLAIM: Claimant alleges sustained property damage sustained to her driveway from city vehicles picking up trash during backyard pickup service. The investigation determined the damage was the result of age, erosion and normal wear and tear.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral
Pictures X Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - WARREN HAYES

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 10/24/13
Deputy City Attorney: Concur/date 11-6-13
Committee Action: Council Action

Attachment: Lee, Bessie 11L1012 (13-R-3830 : A Resolution Adversing the Claim of Bessie Lee)

To: 4046299712

From: "Butler, Sherry"

11/09/11 03:33 PM Page 3 of 3

Second Request (BFL)

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 11-10-11 Kelly

ENTERED - 1-3-12 - SB

11L1012 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 6,490.50 property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: year 2007 - to present & every week. 12/29/11
- Time of incident: _____
- Police called: _____
- Location of incident (including street address): 1868 King Charles Rd, S.W
- Name of your insurance company: _____ Policy No. _____
- State what and how incident occurred: Driveway damaged by sanitation trucks. (See attachments 12 pages)

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: N/A

City vehicles: SANITATION TRUCKS

9. Witness: Neighbors, also pictures.

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Bessie Lee
Signature of Claimant

Bessie Lee
(Print Claimant's Name)

1868 King Charles Rd, S.W
(Address)

Atlanta, GA, 30331
(City, State and Zip Code)

678.428-6780 704.344-3828
(Work Number) (Home Number)

CITY OF ATLANTA
LAW DEPARTMENT

DEC 29 REC'D

RECEIVED

Attachment: Lee, Bessie 11L1012 (13-R-3830 : A Resolution Adversing the Claim of Bessie Lee)

**FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF WALKING ONTO A WATER
METER LID ON AUGUST 9, 2011 AT 1242 GRANT STREET. (DWM/01) #3229**

CLAIM OF: Maria Alston
1242 A Grant Street
Atlanta, GA 30315

Review List:

Kimberly Patrick	Completed	11/13/2013 8:58 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:31 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/7/11

CL 11L0652-DWM/01-Angelena Kelly

CLAIM OF: Maria Alston
1242 A Grant Street
Atlanta, GA 30315

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF WALKING ONTO A WATER
METER LID ON AUGUST 9, 2011 AT 1242 GRANT STREET. (DWM/01) #3229

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0652

Date: October 16, 2013

Claimant /Victim: Maria Alston
BY:(Atty)(Ins. Co.) _____
Address: 1242 A Grant Street, Atlanta, GA 30315
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 500.00
Date of Notice: 8/25/11 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 8/9/11 Place: 1242 Grant Street
Department: Watershed Management Bureau: Drinking Water Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges bodily injury sustained when she walked onto a water meter lid. The investigation determined the claimant has failed to furnish information necessary to substantiate the claim.

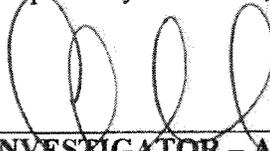
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____ X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,



INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Director/Manager: [Signature] Concur/date 10/30/13
Deputy City Attorney: [Signature] Concur/date 11-5-13
Committee Action: _____ Council Action _____

Attachment: Maria Alston #3229 11L0652 DOC 20131108113745 (13-R-3831 : A Resolution Adversing the Claim of Maria Alston)

A Kelly
9/6/11
gjb

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED
OFFICE OF
MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

2011 AUG 25 PM 4:26

Today's Date: 8-9-11

ENTERED - 9-7-11 - SB
11L0652 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ 500.00 bodily injury for which I contend the City is liable.

- Date of incident: 8-9-11 2. Time of incident: 7:27 AM 3. Police called: NO
- Location of incident (including street address): 1242 Grant St SE In front of my home
- Name of your insurance company: State Farm Policy No. 4985159C234
- State what and how incident occurred: I was walking to my car and crossed the sidewalk stepped down into grass and step on watermeter lid and I fell the lid flipped up and hit my ankle
- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! I fell on the ground (injury) my ankle and skin.
- The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle:
Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
- Witness: _____
- The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
- Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Maria Alston
Signature of Claimant

Maria Alston
(Print Claimant's Name)

1242 Grant St SE
(Address)

Atlanta GA 30325
(City, State and Zip Code)

770-323-4063 678-663-9593
(Work Number) (Home Number) cell

Attachment: Maria Alston #3229 11L0652 DOC 20131108113745 (13-R-3831 : A Resolution Adversing the Claim of Maria Alston)

**FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO A VEHICULAR ACCIDENT ON
FEBRUARY 8, 2010 AT 2584 MEMORIAL DRIVE. (DWM/05) #3226**

CLAIM OF: Craig/is Ltd
as subrogee of Karen Hardy-Woolridge
Attn: Investigative Group, MSA Project
P.O. Box 40569
Jacksonville, FL 32203

Review List:

Kimberly Patrick	Completed	11/13/2013 9:37 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:25 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 4/27/10

CL 10L0403-DWM/05-Angelena Kelly

CLAIM OF: Craig/is Ltd
as subrogee of Karen Hardy-Woolridge
Attn: Investigative Group, MSA Project
P.O. Box 40569
Jacksonville, FL 32203

FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED DUE TO A VEHICULAR ACCIDENT ON
FEBRUARY 8, 2010 AT 2584 MEMORIAL DRIVE. (DWM/05) #3226

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0403

Date: October 22, 2013

Claimant /Victim: Karen Hardy-Woolridge
BY:(Atty)(Ins. Co.) CRAIG/is Ltd.
Address: Attn: Investigative Group, MSA Project, P.O. Box 40569, Jacksonville, FL 32203
Subrogation: X Claim for Property damage \$ 6,427.57 Bodily Injury \$ _____
Date of Notice: 4/26/10 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 2/8/10 Place: 2584 Memorial Drive
Department: Watershed Management Bureau: Drinking Water Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges property damage sustained when she was involved in a motor vehicle accident due to a water main leak. The claimant is no longer pursuing the claim for damages.

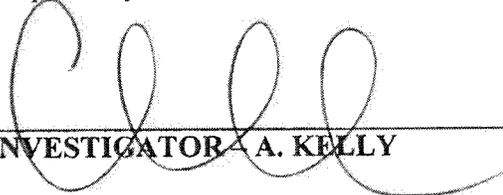
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written X Oral _____
Pictures X Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,



INVESTIGATOR A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Director/Manager: [Signature] Concur/date 10/31/13
Deputy City Attorney: [Signature] Concur/date 11-5-13
Committee Action: _____ Council Action _____

Attachment: Karen Woolridge #3226 10L0403 DOC 20131108113917 (13-R-3832 : A Resolution Adversing the Claim of Craig/is Ltd. as subrogee

CRAIG/is Ltd.
PO Box 40569
Jacksonville, FL 32203-0569

ENTERED - 4-27-10 - SB
10L0403 - A. KELLY

Friday, April 23, 2010

Our Client: NGM Insurance Company a/s/o VICTOR
WOOLRIDGE
KAREN E HARDY-WOOLRIDGE

City of Atlanta
Attn: Department of Law
68 Mitchell Street
Atlanta, GA 30303

Claim No: 22M56757100002
Claim Amount: \$6,427.57
Loss Date: February 8, 2010
Loss Location: Memorial Drive, Atlanta, GA
Loss Type: Property Damage - \$6,227.95
PIP/No-Fault - \$199.62

Kelly
04/26/10
[Signature]

This correspondence is to inform you of our interest in, and subrogation of, the claim referenced above, and will serve as formal notice of subrogation.

CRAIG/is Ltd. handles subrogation matters on behalf of The Main Street America Group, for this policy of insurance, underwritten by The Main Street America Group and its subsidiaries, including NGM Insurance Company.

Our client has accepted a claim, from their insured, VICTOR WOOLRIDGE
KAREN E HARDY-WOOLRIDGE, for a loss that occurred on or about February 8, 2010.

We feel that you have legal liability in this matter. Accept this letter as notice that The Main Street America Group is asserting its subrogation rights. Be advised that we will be seeking recovery on their behalf. Please acknowledge this as formal Notice of Claim and provide information to your insurance carrier, third party administrator, legal or risk management department.

Please respond by providing the contact information for the representative handling this matter. Please forward any required claim form or instructions on any special filing requirements that must be completed to preserve our subrogation rights.

Please provide us with your written position on liability. Should you wish to discuss this loss with us, do not hesitate to contact us at the noted telephone number or email listed below, referencing claim number 22M56757100002.

Thank you in advance for your prompt attention to this matter.

Sincerely,

CRAIG/is Ltd. Investigative Group

CRAIG/is Ltd. Investigative Group
MSA Project
P.O. Box 40569
Jacksonville, FL 32203-0569

Voice: (866) 255-6741
Fax: (904) 677-7820
Email: investigative@craig-is.com

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON FEBRUARY 28, 2013 AT DECATUR STREET AND PARK PLACE. (DWM/05) #3231

CLAIM OF: Sung I. Kim
11220 Quailbrook Chase
Duluth, Georgia 30097

Review List:

Kimberly Patrick	Completed	11/13/2013 12:47 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:34 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 4/2/13

CL13L0172 - DWM/05 - Janine J. Edmonds

CLAIM OF: Sung I. Kim
11220 Quailbrook Chase
Duluth, Georgia 30097

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON FEBRUARY 28, 2013 AT DECATUR STREET AND PARK PLACE. (DWM/05) #3231

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0172

Date: October 24, 2013

Claimants /Victim: Sung I. Kim
BY: (Atty) (Ins. Co.)
Address: 11220 Quailbrook Chase, Duluth, Georgia 30097
Subrogation: Claim for Property damage \$ 2,216.27 Bodily Injury \$
Date of Notice: 03/26/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 02/28/13 Place: Decatur Street and Park Place
Department: Watershed Bureau: Drinking Water Office:
Employee involved: Larry Culberson Disciplinary Action:

NATURE OF CLAIM: Claimant alleges property damage sustained when his vehicle was struck by a city vehicle. The investigation determined the claimant failed to maintain his lane and struck the city vehicle.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X
Pictures X Diagrams Reports: Police X Dept Report: Other:
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent X City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature] Edmonds
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager/Director: [Signature] Concur/date 10/30/13
Deputy City Attorney: [Signature] Concur/date 11-4-13
Committee Action: Council Action

FORM 23-61

Attachment: S. KIM (13-R-3833 : A Resolution Adversing the Claim of Sung I. Kim)

Edmonds
3/28/13
gfb

COUNCIL OF THE CITY
MUNICIPAL CLERK
City Hall
35 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED

RE: CLAIM FOR DAMAGES

MAK 26 2013

ENTERED - 4-2-13 - SB
13L0172 - J. EDMONDS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: 02/28/13 2. Time of incident: 1344-1350 3. Police called: yes 02/28/13 AP: officer McFar
- Location of incident (including street address): 11 Decatur Street Atlanta, Ga. 30303
- Name of your insurance company: Progressive MTN Policy No. 0535883
- State what and how incident occurred: Mr. Kim was traveling east on Decatur Street approaching intersection with Park Pl. Just before crossing Marietta + Decatur St, near Peachtree St. the City truck sideswipes Mr. Kim's Car, removing quite a bit of the side exterior of Mr. Kim's Car. Scratches, etc...

New
3/27/13
CAL

- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
- The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle:
Your vehicle: TOYOTA AVALON 1999 BPE2489 SUNG I. KIM
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
- Witness: _____
- The acknowledgement of this claim in no way waives the Sovereign Immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
- Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Sung I. Kim
Signature of Claimant

Sung I. Kim
(Print Claimant's Name)
1120 QUAILBROOK CHASE
(Address)
PULVERTH GA 30097
(City, State and Zip Code)
404-524-5177
(Work Number) (Home Number)

Attachment: S. KIM (13-R-3833 : A Resolution Adversing the Claim of Sung I. Kim)

**FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF SEWER
BACKUP ON JUNE 27, 2012 AT 1599-A MEMORIAL DRIVE.(DWM/05) #3214**

CLAIM OF: Travelers Casualty Insurance Company of America,
as subrogee of Vertical Properties Development
P.O. Box 2954
Milwaukee, WI 53201

Review List:

Kimberly Patrick	Completed	11/13/2013 8:57 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:06 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - SEWER BACK

Entered – 11/8/12

CL 13L0777 - DWM/05 - Claude Cole

CLAIM OF: Travelers Casualty Insurance Company of America,
as subrogee of Vertical Properties Development
P.O. Box 2954
Milwaukee, WI 53201

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF SEWER
BACKUP ON JUNE 27, 2012 AT 1599-A MEMORIAL DRIVE.(DWM/05) #3214

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0777

Date: October 25, 2013

Claimant /Victim: Vertical Properties Development
BY: (Atty) (Ins. Co.) Travelers Casualty Insurance Company of America
Address: P.O. Box 2954, Milwaukee, WI 53201
Subrogation: Claim for Property Damage \$ 50,000 Bodily Injury \$
Date of Notice: 10/19/12 Method: Written, Proper Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) No
Date of Occurrence: 6/27/11 Place: 1599-A Memorial Drive
Department: Watershed Management Bureau: Waste Water Treatment Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: Claimant alleges property damage sustained due to sewer backups. The investigation determined the claimant failed to present the claim within 6 months of occurrence as required O.C.G.A. 36-33-5.

INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral X
Pictures X Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins.Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/25/13
Deputy City Attorney: [Signature] Concur/date 11-6-13
Committee Action: Council Action

FORM 23-61

Attachment: Vertical Properties 12L0777 (13-R-3834 : A Resolution Adversing the Claim of Travelers Casualty Insurance Company a.s.o.

TRAVELERS

Travelers Casualty Insurance Company Of America
P O Box 2954
Milwaukee, WI 53201
(800)624-6007

CC: 1120640
WH/CC

ENTERED - 11-8-12 - SB
12L0777 - C. COLE

Cole
10/25/12
g

Atlanta Law Dept
68 Mitchell St. Ste 4100
Atlanta, GA 30303

CITY OF ATLANTA
LAW DEPARTMENT
OCT 23 REC'D
RECEIVED

10/17/2012

OCT 18 2012
CITY OF ATLANTA
DEPT OF LAW

Our Client: Vertical Properties Developmen
Claim/File #: 003 FR ETR3336 A
Date of Loss: 06/27/2011
Reference: Subrogation Claim

Dear Atlanta Law Dept:

We are investigating a claim for Vertical Properties Developmen who sustained a loss on 06/27/2011.

Our investigation reveals that you may be responsible for this loss. If you have insurance, please complete the attached form and return it to me. Please refer this letter to your insurance carrier immediately, requesting that they contact our office. Should you not have insurance, please contact me to discuss this loss.

Please call me with any questions.

Sincerely,
Kevin Galezewski
CI Rep
(262)641-6177
Fax: (866)280-7367
Email: KGALEZEW@travelers.com

Nothing in this letter is intended or should be construed as an admission or denial of coverage to our insured.

Enclosure: Insurance Questionnaire

Attachment: Vertical Properties 12L0777 (13-R-3834 : A Resolution Adversing the Claim of Travelers Casualty Insurance Company a.s.o.

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF STEPPING IN AN UNCOVERED WATER METER ON OCTOBER 28, 2011 AT 80 12TH STREET. (DWM/06) #3253

CLAIM OF: Christina Van Slambrook & The Merchant Law Firm,
Her Attorney
341 Lawrence Street, NE
Marietta, GA 30060

Review List:

Kimberly Patrick	Completed	11/15/2013 12:06 PM
Office of Research and Policy Analysis	Completed	11/15/2013 12:43 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 4/30/12

CL 12L0331 - DWM/06 - Claude Cole

CLAIM OF: Christina Van Slambrook & The Merchant Law Firm,
Her Attorney
341 Lawrence Street, NE
Marietta, GA 30060

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF STEPPING IN AN UNCOVERED WATER METER ON OCTOBER 28, 2011 AT 80 12TH STREET. (DWM/06) #3253

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0331

Date: October 25, 2013

Claimant /Victim: CHRISTINA VAN SLAMBROOK
BY: (Atty) (Ins. Co.) THE MERCHANT LAW FIRM
Address: 341 Lawrence Street, N.E., Marietta, Georgia 30060
Subrogation: Claim for Property damage \$ Bodily Injury \$ X
Date of Notice: 4/25/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 10/28/11 Place: 80 12th Street
Department: WATERSHED MANAGEMENT Bureau: Drinking Water Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: Claimant alleges personal injury sustained when claimant stepped on an uncovered water meter. The investigation has determined the claimant has filed a lawsuit to resolve her claim.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X
Pictures X Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Claude A. Cole
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Claude A. Cole Concur/date 10/25/13
Deputy City Attorney: Approval date 11-4-13
Committee Action: Council Action

FORM 23-61

Attachment: Van Slambrook, C. 12L0331 (13-R-3835 : A Resolution Adversing the Claim of Christina Van Slambrook)



THE MERCHANT LAW FIRM
TRIAL AND APPELLATE ATTORNEYS

CITY OF ATLANTA
DEPARTMENT 2012
APR 25 REC'D
RECEIVED

April 20, 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ENTERED - 4-30-12 - SB
12L0331 - C. COLE

Cole
4/20/12
[Signature]

7011 2000 0002 0469 0051
The Honorable Kasim Reed
City of Atlanta Mayor
55 Trinity Avenue
Atlanta, Georgia 30303

7011 2000 0002 0469 0068
Ceasar C. Mitchell
Atlanta City Council President
55 Trinity Avenue
Suite 2900
Atlanta, Georgia 30303

7011 2000 0002 0469 0075
Cathy Hampton
City Attorney
68 Mitchell Street
Suite 4100
Atlanta, Georgia 30303

7011 2000 0002 0469 0082
Jo Ann J. Macrina, P.E.
Commissioner
City of Atlanta Department of Watershed Management
55 Trinity Avenue
Atlanta, Georgia 30303

Re: *Ante Litem Notice Pursuant to O.C.G.A. § 36-33-5*
Injured Party: Ms. Christina Van Slambrook
Date of Injury: October 28, 2011

RECEIVED
4/23/2012

Dear The Honorable Mr. Reed, Mr. Mitchell, Ms. Hampton and Commissioner Macrina:

I am sending this letter as *Ante Litem Notice* of a claim against the City of Atlanta ("City") pursuant to the requirements of O.C.G.A. § 36-33-5. Please be advised that the undersigned counsel represents Ms. Christina Van Slambrook ("Ms. Van Slambrook") with regard to her claims arising from a fall that resulted in serious personal injuries. These claims

Attachment: Van Slambrook, C. 12L0331 (13-R-3835 : A Resolution Adversing the Claim of Christina Van Slambrook)

The Honorable Mr. Reed, Mr. Mitchell, Ms. Hampton and Commissioner Macrina
April 20, 2012
Page 2 of 4

include, but are not limited to, claims for her medical bills, pain and suffering, lost wages, and punitive damages.

Ms. Van Slambrook incurred her injuries on October 28, 2011 at the area of 80 and 84 12th Street in Atlanta, Georgia. Her injuries stem from falling into an Atlanta Water Meter located on the sidewalk at or near 80 and 84 12th Street ("Water Meter"). At the time of her fall, the Water Meter did not have a cover. Photographs taken at the scene at the time of her fall showing the Water Meter did not have a cover are attached hereto. As a result of her fall, Ms. Van Slambrook suffered significant bodily injuries including, but not limited to, a right foot calcaneal fracture, which caused her immediate and significant pain. She was not able to put weight on her right lower extremity. She was seen in the Emergency Room at Piedmont Hospital, where she was splinted, given Percocet and was referred to an orthopedist. She then saw Dr. Michael Bernot, who sent her for a CT scan and asked her to follow up with Ashkan Lahiji, M.D.

At the time of her visit with Dr. Lahiji on November 8, 2011, he observed marked swelling, bruising and ecchymosis along her right foot. X-rays demonstrated intraarticular calcaneus fracture. A CT scan revealed intraarticular fracture of the calcaneus involving the lateral aspect of the posterior facet. She was placed in a walking boot with compression stocking.

On November 21, 2011, she underwent surgery to repair the fractures. A stainless steel plate and eight screws were needed for the repair. Following surgery, she spent twelve weeks in an aircast and on crutches and her right foot of completely non-weight-bearing. She required special handicapped provisions by her employer, she suffered difficulties in her home that ultimately required her to move, and she was required to obtain a temporary handicapped tag. In short, the surgery and subsequent recovery took a strain on her every day life, travel, and family. She required assistance and care from family and friends throughout the holidays.

Ms. Van Slambrook continues to suffer pain, swelling and discomfort in her right lower extremity, which have required her to take pain medications. She also has had difficulty putting weight on her right side, and occasionally must wear an ankle brace for support. She has had to wear a walking boot and perform rehabilitation exercises. She has maintained a home exercise program and has had to perform range of motion exercises in an effort to regain the full function in her foot. Because of the plate and screws in her foot, she now sets off metal detectors every time she travels by air, which requires her to plan for extra time in security, endure more regular invasive searches, and carry a document listing her injury and plates whenever she travels.

In addition to all of these necessary current adjustments in her life, her doctors have told her that future chronic heel and ankle pain, permanent loss of full range of motion and premature arthritis are all common pathologies and/or complications resulting of her injury and that there is no way to predict them. As a result, she likely will require future treatment for pain, physical therapy, or additional surgery should she have further issues with her surgical site. In fact, in

The Honorable Mr. Reed, Mr. Mitchell, Ms. Hampton and Commissioner Macrina
April 20, 2012
Page 3 of 4

many cases, the only way to stop chronic pain and arthritis should it occur in the future is costly fusion surgery which permanently and severely limits side-to-side foot motion.

In addition, she may never return to her former habits of hiking and snow skiing (these activities are limited when side to side range of motion is limited), both occurring on uneven ground and requiring full side-to-side range of motion. She still hasn't been able to return to her pre-fall routines.

Furthermore, as a result of her fall and subsequent care and treatment, Ms. Van Slambrook missed several days from work, forcing her to use several days of her accrued vacation time and sick days.

The City and/or agents or representatives acting on the City's behalf failed to ensure that the Water Meter into which Ms. Van Slambrook was properly and appropriately covered. There were no signs in the area warning of any problem with the Water Meter or any warning to pedestrians such as Ms. Van Slambrook or others to avoid stepping in the Water Meter. There were no obstacles or barriers to prevent Ms. Van Slambrook and others from stepping on or falling into the Water Meter. The failure to take steps to properly maintain and repair the Water Meter, and the failure to warn passing pedestrians of its presence or keep it from being stepped into constitutes negligence for which the City and/or any the City's contractor, subcontractors and/or other agents are liable.

If the City or its agents, employees, and/or contractors/subcontractors had placed warning signs in the area to alert pedestrians, including Ms. Van Slambrook, that the Water Meter was not covered, defective and/or dangerous and/or had placed any obstacles in the area to prevent pedestrians from walking in the area, Ms. Van Slambrook's fall would not have occurred.

In addition, Ms. Van Slambrook contends that the City of Atlanta and/or the City of Atlanta's agents, employees, and/or contractors/subcontractors, failed to adequately train their agents, employees, and/or contractors/subcontractors in the appropriate and safe methods of placing warning signs and/or obstacles in areas around the Water Meter, and presented a dangerous condition to pedestrians walking lawfully on the sidewalk. The City of Atlanta's agent, employee, and/or contractor/subcontractor acted recklessly by failing to place warning signs in the area and/or failing to place obstacles in the dangerous area after, upon information and belief, learning that the Water Meter presented a dangerous hazard to pedestrians.

Ms. Van Slambrook further contends that the failure of the City of Atlanta's agents, employees, and/or contractors/subcontractors, to properly train or supervise their agents, employees, and/or contractors/subcontractors, and the City's failure to promulgate and/or enforce adequate policies, procedures, guidelines or regulations with regard to the placement of warning signs and/or obstacles in the area of the Water Meter, presented a dangerous condition to pedestrians and contributed to the injuries suffered by Ms. Van Slambrook as a result of her fall that occurred on October 28, 2011.

The Honorable Mr. Reed, Mr. Mitchell, Ms. Hampton and Commissioner Macrina
April 20, 2012
Page 4 of 4

Ms. Van Slambrook has claims for her medical bills, her pain and suffering and lost wages. We are in the process of collecting all of Ms. Van Slambrook's medical records and bills pertaining to her fall. We have attached hereto the medical bills and records currently in our possession. Ms. Van Slambrook is asserting a claim for compensatory damages in excess of \$75,000.00.

Ms. Van Slambrook may also have claims for punitive damages in an amount in excess of \$100,000.00. To the extent not previously outlined, Ms. Van Slambrook herein asserts claims for any and all personal injuries and damages of any sort flowing from the injuries suffered by Ms. Van Slambrook as provided by, and allowed under, Georgia law.

You are advised that this notice is given pursuant to O.C.G.A. § 36-33-5 in order to afford the City of Atlanta, Georgia, its agents, employees, lessees, assigns, affiliates, contractors/subcontractors, and successors, and their insurance carriers, if any, sufficient information to allow an investigation of these claims, and to adjust and settle these claims if they so desire.

Should the City have insurance to cover the damages, pursuant to O.C.G.A. §33-3-28, I hereby request that you provide to me within thirty (30) days of this request, the name, address, and policy number for each known insurer who may be called upon to cover any damages sustained in the above-referenced incident. I would also appreciate being provided with a copy of this policy, once you have discussed this matter with legal counsel.

If you wish to discuss this matter with me further, please do not hesitate to contact me.

Sincerely,

John B. Merchant, III

JBW/jc
Enclosures

Attachment: Van Slambrook, C. 12L0331 (13-R-3835 : A Resolution Adversing the Claim of Christina Van Slambrook)

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF TRIPPING ON A WATER VALVE COVER ON SEPTEMBER 18, 2011 AT PEACHTREE WALK AT 11TH STREET. (DWM/06) #3223

CLAIM OF: Hema Patel
1075 Peachtree Walk, A-306
Atlanta, GA 30309

Review List:

Office of Research and Policy Analysis	Completed	11/14/2013 10:14 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BEHIND BACK

Entered – 12/2/11

CL 11L0941-DWM/06-Angelena Kelly

CLAIM OF: Hema Patel
1075 Peachtree Walk, A-306
Atlanta, GA 30309

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF TRIPPING ON A WATER VALVE COVER ON SEPTEMBER 18, 2011 AT PEACHTREE WALK AT 11TH STREET. (DWM/06) #3223

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0941

Date: October 17, 2013

Claimant /Victim: Hema Patel

BY:(Atty)(Ins. Co.) _____

Address: 1075 Peachtree Walk, A-306, Atlanta, GA 30309

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 15,000.00

Date of Notice: 11/29/11 Method: Written, proper Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence: 9/18/11 Place: Peachtree Walk at 11th Street

Department: Watershed Management Bureau: Drinking Water Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges bodily injury sustained when she tripped on a water valve cover. The investigation determined the City had no actual notice of any problems with the water valve prior to the claimant's incident.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures Diagrams _____ Reports: Police _____ Dept Report Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial

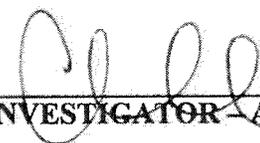
Improper Notice _____ More than Six Months _____ Other Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

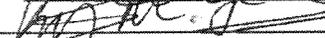
Respectfully submitted,


INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Director/Manager:  Concur/date 10/24/13

Deputy City Attorney:  Concur/date 11-6-13

Committee Action: _____ Council Action _____

Attachment: Hema Patel #3223 11L0941 DOC 20131108151301 (13-R-3836 : A Resolution Adversing the Claim of Hema Patel)

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF STEPPING ON A WATER METER ON JANUARY 28, 2011 AT 2256 PARKVIEW COURT. (DWM/09) #3259

CLAIM OF: Judy Harper & Her Attorney,
Foy & Associates, P.C.
3342 Peachtree Road NE, Suite 350
Atlanta, GA 30326

Review List:

Kimberly Patrick	Completed	11/15/2013 4:45 PM
Office of Research and Policy Analysis	Completed	11/18/2013 12:39 PM
Public Safety & Legal Administration Committee	Pending	
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 4/14/11

CL 11L0264 - DWM/09 - Claude Cole

CLAIM OF: Judy Harper & Her Attorney,
Foy & Associates, P.C.
3342 Peachtree Road NE, Suite 350
Atlanta, GA 30326

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF STEPPING ON A
WATER METER ON JANUARY 28, 2011 AT 2256 PARKVIEW COURT. (DWM/09) #3259

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0264

Date: October 22, 2013

Claimant /Victim: JUDY HARPER
BY: (Atty) (Ins. Co.) FOY & ASSOCIATES, P.C.
Address: 3342 Peachtree Road, NE Suite 350, Atlanta, GA 30326
Subrogation: Claim for Property damage \$ Bodily Injury \$ X
Date of Notice: 4/11/11 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 1/28/11 Place: 2256 Parkview Court
Department: WATERSHED MANAGEMENT Bureau: Drinking Water Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: Claimant alleges personal injury sustained when claimant stepped on an improperly covered water meter. The investigation has determined the claimant has filed a lawsuit to resolve her claim.

INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral X
Pictures X Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected X Compromise settlement
Repair/Replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - CLAUDE A. COLE

RECOMMENDATION:

Pay Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 10/22/13
Deputy City Attorney: [Signature] Approval date 10-28-13
Committee Action: Council Action

FORM 23-61

Attachment: Harper, J 11L0264 (13-R-3837 : A Resolution Adversing the Claim of Judy Harper)

FOY & ASSOCIATES

A PROFESSIONAL CORPORATION

ATTORNEYS & COUNSELORS AT LAW
3343 PEACHTREE ROAD, N.E.
SUITE 350
ATLANTA, GEORGIA 30326

Carter
04/11/11
[Signature]

JOHN M. FOY
DARIUS E. BENNETT
DUNCAN M. HARLE
HEATHER A. THORPE
PATTY K. KIM
JONATHAN P. SCHOPP
COOPER F. SPENCE

TELEPHONE
(404)873-4488
(877)873-4488
FACSIMILE
(404) 873-4490

WWW.JOHNFOY.COM

MARCH 30, 2011
~~February 7, 2011~~

ENTERED - 4-14-11 - SB
11L0264 - L. CARTER

City of Atlanta
55 Trinity Avenue
Suite 5400
Atlanta, GA 30303
ATTN: Dept. of Watershed Mgmt

RE: Our Client: Judy Harper
Your Insured: City of Atlanta
Date of Loss: January 28, 2011
Claim No.: Please provide.

Dear Sir or Madam:

Foy & Associates, P.C. has been retained by the above-referenced client(s) as a result of an incident which appears to be the fault of your insured. Our client(s) suffered injuries and you will be notified of the extent of those injuries when the information becomes available.

PURSUANT TO O.C.G.A. § 33-3-28, I REQUEST DISCLOSURE OF ALL KNOWN INSURANCE COVERAGE THAT MAY PROVIDE BENEFITS AND COVERAGE TO ANY PARTY IN CONNECTION WITH THE ABOVE-REFERENCED INCIDENT ON THE DATE OF LOSS, AND AS TO EACH, PLEASE PROVIDE THE TERMS OF THE INSURER, EACH INSURED PARTY AND THE LIMITS OF COVERAGE.

Should the policy referred to above not in force on the date of loss, we request IMMEDIATE WRITTEN NOTICE OF THE INVALIDITY THEREOF IN ORDER THAT YOUR ACTIONS DO NOT PREJUDICE OUR CLIENT(S) POSITION. YOUR FAILURE TO TIMELY COMPLY WITH THIS REQUEST MAY SUBJECT YOU TO LIABILITY.

Please acknowledge in writing the receipt hereof, and inform the undersigned of the adjuster's name to whom this claim has been assigned. All future communication should be directed to this office.

Very truly yours,

FOY & ASSOCIATES, P.C.

[Signature]
Darius E. Bennett
Attorney at Law

LTR_075:254328

Attachment: Harper, J 11L0264 (13-R-3837 : A Resolution Adversing the Claim of Judy Harper)

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 10, 2013 AT 17TH AND PEACHTREE STREETS. (DWM/10) #3245

CLAIM OF: Najuan Davis through his attorney
Law Offices of David S. Lee
3301 N. Berkeley Lake Road
Duluth, Georgia 30096

Review List:

Kimberly Patrick	Completed	11/13/2013 3:04 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:53 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BILL TRACK

Entered – 10/23/13

CL13L0576-A - DWM/10 - Janine J. Edmonds

CLAIM OF: Najuan Davis through his attorney
Law Offices of David S. Lee
3301 N. Berkeley Lake Road
Duluth, Georgia 30096

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 10, 2013 AT 17TH AND PEACHTREE STREETS. (DWM/10) #3245

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0576-A

Date: October 29, 2013

Claimant/Victim Najuan Davis

BY: (Atty) (Ins. Co.) Law Office of David S. Lee

Address: 3301 N. Berkeley Lake Road, Duluth, Georgia 30096

Subrogation: Claim for Property damage \$ Bodily Injury \$ Unknown

Date of Notice: 09/12/13 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 09/10/13 Place: 17th and Peachtree Streets

Department: Watershed Bureau: Wastewater Treatment and Collections Office:

Employee involved: Romyko Grant Disciplinary Action: Defensive Driving Training

NATURE OF CLAIM: Claimant alleges property damage sustained when he was struck by a city vehicle. The investigation determined the claimant failed to maintain his lane and struck the city vehicle.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver X

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

J. Edmonds

INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Director/Manager: Concur/date 10/31/13

Deputy City Attorney: Concur/date 11-5-13

Committee Action: Council Action

FORM 23-61

Attachment: N. DAVIS 2 (13-R-3838 : A Resolution Adversing the Claim of Najuan Davis through his Attorney David Lee)



9800 Fredericksburg Road
San Antonio, Texas 78288

OCT 21 2013
Rec'd JEB

ENTERED - 10-23-13- SB
13L0576-A - J. EDMONDS

September 26, 2013

CITY OF ATLANTA WADEPT OF LAW- CLAIMS
DIV
58 MITCHELL ST SW
STE 4100
ATLANTA GA 30303-3516

*Assign to JSE
cael 10/21/13*

Reference: Request for payment

Dear Sir or Madam,

We will be reimbursing our insured for damages sustained as a result of the loss listed below. Our investigation shows that your insured is responsible. This is notification that we intend to recover the amount we will be paying.

*New
10/21/13
cael*

USAA policyholder:	Najuan Davis
Claim #:	013839796-1
Date of loss:	September 10, 2013
Loss location:	Atlanta, Georgia
USAA tax ID:	59-3019540
Your policyholder:	City Of Atlanta Wadept Of Law- Claims Div
Your reference #:	CITY OF ATLANTA dept of law- claims div

We ask that you not settle the claim with our insured without protecting our recovery rights.

If you need additional assistance, please call **1-800-531-8722 ext 44243**. I, or one of my co-workers, will assist you.

Sincerely,

Jody Stout

Jody Stout
USAA Southeast Regional Office
USAA Casualty Insurance Company
PO Box 659461
San Antonio, TX 78265
Phone: 1-800-531-8722 ext 44243
Fax Phone: 1-800-531-8669

013839796 - DM-04664 - 1 - 7972 - 13

125951-0813

Attachment: N. DAVIS 2 (13-R-3838 : A Resolution Adversing the Claim of Najuan Davis through his Attorney David Lee)

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 10, 2013 AT 17TH AND PEACHTREE STREETS. (DWM/10) #3239

CLAIM OF: USAA as Subrogee of Najuan Davis
9800 Fredericksburg Road
San Antonio, Texas 78288

Review List:

Kimberly Patrick	Completed	11/13/2013 3:02 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:42 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

Entered – 9/18/13

CL13L0576 - DWM/10 - Janine J. Edmonds

CLAIM OF: USAA as Subrogee of Najuan Davis
9800 Fredericksburg Road
San Antonio, Texas 78288

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON SEPTEMBER 10, 2013 AT 17TH AND PEACHTREE STREETS. (DWM/10) #3239

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0576

Date: October 29, 2013

Claimant/Victim Najuan Davis

BY: (Atty) (Ins. Co.) USAA

Address: 9800 Fredericksburg Road, San Antonio, Texas 78288

Subrogation: Claim for Property damage \$ Unknown Bodily Injury \$

Date of Notice: 10/21/13 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 09/10/13 Place: 17th and Peachtree Streets

Department: Watershed Bureau: Wastewater Treatment and Collections Office:

Employee involved: Romyko Grant Disciplinary Action: Defensive Driving Training

NATURE OF CLAIM: Claimant alleges property damage sustained when he was struck by a city vehicle. The investigation determined the claimant failed to maintain his lane and struck the city vehicle.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver X

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Director/Manager: [Signature] Concur/date 10/31/13

Deputy City Attorney: [Signature] Concur/date 11-5-13

Committee Action: Council Action

FORM 23-61

Attachment: N. DAVIS (13-R-3839 : A Resolution Adversing the Claim of USAA A/S/O Najuan Davis)

09/12/2013 14:25 FAX 404 870 4

CROWNE OFFICE SUITES MT

002

RECEIVED
SEP 12 2013

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
33 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES
Today's Date: 9-11-2013

Edmonds
9/16/13
JB

ENTERED 9-18-13 - GB

Dear Municipal Clerk:

13L0576 - J. EDMONDS
This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property
and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: 9-10-13 2. Time of incident: 8:00am 3. Police called: yes
- 4. Location of incident (including street address): Intersection of 17th & W. Peachtree, At 16A
- 5. Name of your insurance company: USAA Policy No. 013839796071023
- 6. State what and how incident occurred: See attached.

New
9/12/13
CAC

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle:

Your vehicle: Chev Camaro 2013 N2MP186 NaJuan Davis
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: McNeilus Cement Truck, Raymiko Grant
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Carmen Moise 404-915-2277 Atlanta Water Sled
(Make) (City Driver's Name) (Department/Bureau)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

NaJuan Davis
(Print Claimant's Name)

1971 Wolfcreek View
(Address)

Atlanta, GA 30349
(City, State and Zip Code)

6)831-3521 , 4)612-3681
(Work Number) (Home Number)

Attachment: N. DAVIS (13-R-3839 : A Resolution Adversing the Claim of USAA A/S/O Najuan Davis)

RECEIVED 9/12/13

SEP 17 2013



Law Office of David S. Lee, LLC

3301 N. Berkeley Lake Road, Duluth, GA 30096 • Tel. 678.474.0005 • Fax. 678.475.1012
www.davidslee.org

September 17, 2013

City of Atlanta Department of Law
Attn: Gwen Burns
68 Mitchell Street SW, Suite 4100
Atlanta, GA 30303
Fax: 404-494-4659

Re: Our Client: NaJuan Davis
Police Report #: 13-2531305 (City of Atlanta Police Department)
Date of Accident: September 10, 2013
Your Insured: City of Atlanta Department of Watershed Management

Dear Ms. Burns,

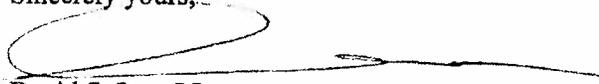
New
9/18/13
CLC

Please be advised that we have been retained by the above-referenced client with respect to damages and injuries he incurred in motor vehicle accident with your insured on the above date.

Please also consider this correspondence as a formal request, pursuant to O.C.G.A. Section 33-3-28(a) (1), for a sworn statement of a corporate officer or claim manager of City of Atlanta Department of Law setting forth the name of each insured and the limits of coverage with regard to each known policy of insurance issued, including excess or umbrella insurance, within sixty days of the above date. Please also note that you are required under the Georgia code to disclose within thirty (30) days of this request, the name of each known insurer which may be liable for our client's damages.

In lieu of the above, you may provide a copy of the declaration page of each policy of insurance. Please contact with Joshua Chong of this law office if you have any questions or concerns.

Sincerely yours,


David S. Lee, LL
Attorney at Law

Attachment: N. DAVIS (13-R-3839 : A Resolution Adversing the Claim of USAA A/S/O Najuan Davis)

**FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF WATER SERVICE ON
JUNE 30, 2013 AT 4449 CASCADE ROAD. (DWM/NA) #3307**

CLAIM OF: Sylvester & Janice Welch
4449 Cascade Road
Atlanta, Georgia 30331

Review List:

Office of Research and Policy Analysis	Completed	11/19/2013 2:57 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/6/13

CL 13L0557 - DWM/NA - Warren Hayes

CLAIM OF: Sylvester & Janice Welch
4449 Cascade Road
Atlanta, Georgia 30331

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF WATER SERVICE ON JUNE 30, 2013 AT 4449 CASCADE ROAD. (DWM/NA) #3307

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0557

Date: October 10, 2013

Claimant /Victim: SYLVESTER & JANICE WELCH
BY: (Arty) (Ins. Co.) TRAVELERS
Address: 4449 Cascade Road, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 14,000.00 Bodily Injury \$
Date of Notice: 8/29/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/30/13 Place: 4449 Cascade Road
Department: WATERSHED MANAGEMENT Bureau: Drinking Water Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: Claimant alleged property damage sustained due to restoration of water service. The investigation determined the claimant had a faulty pressure reducing valve on their water service line.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X
Pictures X Diagrams Reports: Police Dept Report X Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR WARREN HAYES

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 11/5/13
Deputy City Attorney: Concur/date 11-18-13
Committee Action: Council Action

Attachment: Welch, S. and J. 13L0557 (13-R-3840 : A Resolution Adversing the Claim of Sylvester & Janice Welch)

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED

RE: CLAIM FOR DAMAGES

Today's Date: 08/29/2013

AUG 29 2013

ENTERED - 9-6-13 - SB
13L0557 - W. HAYES

Hayes
9/4/13
JB

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 14,000.00 plus and/or \$ unknown bodily injury for which I contend the City is liable.

- Date of Incident: 06/30/2013. Time of incident: unknown. Police called: NO
- Location of incident (including street address): 4449 CASCADE Rd, ATLANTA, GA 303
- Name of your insurance company: State Farm Ins. Policy No. 11-EE-6964-5
- State what and how incident occurred: The water valve line broke from underneath our master bedroom-bathroom sink on 06/30/2013. This devastating and disastrous water damage caused all 3 levels to flood.
- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
- The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle:
Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
- Witness: _____
- The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
- Claims must be received within 6 months from the date of the event.

New
8/29/13
CAC

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Sylvester & Janice Welch
(Print Claimant's Name)

Janice Welch
Signature of Claimant
13:30pm - 15:30pm

4449 CASCADE ROAD, S.W.
(Address)

ATLANTA, GA 30331
(City, State and Zip Code)

#) 404-691-9533 (C) 404-809-085
(Work Number) (Home Number)

See attachments
Documents of Welch

Attachment: Welch, S. and J. 13L0557 (13-R-3840 : A Resolution Adversing the Claim of Sylvester & Janice Welch)

**FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A FIRE HYDRANT ON
APRIL 19, 2011 AT 295 WINDING RIVER DRIVE, SANDY SPRINGS.(DWM/NA) #3256**

CLAIM OF: Winding River Village Condominium Association
Through their Attorney Cozen O'Connor
Suite 2200
Sun Trust Plaza
303 Peachtree Street, NE
Atlanta, Georgia 30308

Review List:

Kimberly Patrick	Completed	11/15/2013 12:07 PM
Office of Research and Policy Analysis	Completed	11/15/2013 12:38 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 9/20/11

CL 11L0717 / DWM/NA - Warren Hayes

CLAIM OF: Winding River Village Condominium Association
Through their Attorney Cozen O'Connor
Suite 2200
Sun Trust Plaza
303 Peachtree Street, NE
Atlanta, Georgia 30308

FOR DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A FIRE HYDRANT ON
APRIL 19, 2011 AT 295 WINDING RIVER DRIVE, SANDY SPRINGS.(DWM/NA) #3256

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0717

Date: November 6, 2013

Claimant /Victim WINDING RIVER VILLAGE CONDOMINIUM ASSOCIATION
BY: (Atty) (Ins. Co.) COZEN O'CONNOR
Address: Suite 2200, Sun Trust Plaza, 303 Peachtree Street, NE, Atlanta, Georgia, 30308
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 8/31/11 : Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/19/11 Place: 295 Winding River Drive, Sandy Springs, Georgia
Department Watershed Management Bureau: Drinking Water Office
Employee involved Disciplinary Action:

NATURE OF CLAIM Claimant alleges property damage from a fire when a hydrant was not in working order. The investigation determined the claimant filed a lawsuit.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - WARREN HAYES

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 11/12/13
Deputy City Attorney: [Signature] Concur/date 11-14-13
Committee Action: Council Action

Attachment: Winding River 11L0717 (13-R-3841 : A Resolution Adversing the Claim of Winding River Village Condominium Assoc)

Given



OFFICE OF THE MAYOR

AUG 31 2011

Referred to:

Law Dept - 9/15

ENTERED - 9-20-11 - SB
11L0717 - W. HAYES

Hay
9

A PROFESSIONAL CORPORATION

SUITE 2200 SUN TRUST PLAZA 303 PEACHTREE STREET, N.E. ATLANTA, GA 30308-3264
404.572.2000 800.890.1393 404.572.2199 FAX www.cozen.com

Stacey S. Farrell
Direct Phone 404.572.2027
Direct fax 404.759.2061
ssf Farrell@cozen.com

August 30, 2011

VIA UPS OVERNIGHT AND U. S. MAIL

Mayor Kasim Reed
City of Atlanta
55 Trinity Avenue
Atlanta, Georgia 30303

Cathy Hampton, Esq.
City Attorney's Office
City of Atlanta
68 Mitchell Street, S.W.
Suite 4100
Atlanta, Georgia 30303

RE: Insured: Winding River Village Condominium Association
Policy No. 9234GAPS
Policy Period: May 21, 2010 through June 14, 2011
Date of Loss: April 19, 2011
Risk/Loss Location: 295 Winding River Drive, Sandy Springs, Georgia 30350
Cozen File No. 309431.000

To Whom It May Concern:

Cozen O'Connor has been retained by Certain Underwriters at Lloyd's, London subscribing to Policy No. 9234GAPS ("Underwriters") to seek reimbursement from the City of Atlanta for the loss payment(s) Underwriters made to their insured, Winding River Village Condominium Association ("Winding River"), arising from an April 19, 2011 fire loss at Winding River. Please accept this letter as Underwriters' *ante litem* notice of Underwriters' claim and subrogation lien against the City of Atlanta in accordance with O.C.G.A. § 36-33-5. This letter shall also serve as Underwriters' written request that the City of Atlanta disclose to Underwriters the name of each known insurer of the City of Atlanta which may be liable for this claim, pursuant to O.C.G.A. § 33-3-28.



Attachment: Winding River 11L0717 (13-R-3841 : A Resolution Adversing the Claim of Winding River Village Condominium Assoc)

Mayor Kasim Reed
Cathy Hampton, Esq.
August 30, 2011
Page 2

Winding River is a condominium owners' association with 25 condominium buildings, with 214 separate units, located at 341 Winding River Drive, Sandy Springs, Georgia 30350. On April 19, 2011, Winding River Village, Building No. 295, with approximately 18,000 square feet and the building at issue here (the "Property"), sustained a total loss due to a fire that started in Unit "K."

When the Sandy Springs Fire Department arrived, they could not find an operable fire hydrant, and the fire worsened as a result. Particularly, the first hydrant nearest to the Property was dry. The second attempted hydrant was inaccessible due to a stripped valve. The third attempted hydrant was opened, but it did not have enough pressure to get water to the pumper truck. The fourth attempt was with a hydrant located on a neighboring property, which was actually missing. Finally, the fire department was able to connect to the fifth hydrant attempted, which was located in the parking lot of North River Shopping Center, a shopping center behind the Property. It was during these many attempts at failed hydrants that the fire worsened and resulted in a total loss to the Property.

These hydrants are owned by and the responsibility of the City of Atlanta. After the failure of the hydrants and the total loss sustained by the Property as a result, the City of Atlanta Storm Water Department accepted responsibility for the hydrants' failures, and repaired and replaced where necessary the hydrants at issue early the next morning, the day after the fire. Our current investigation concludes that, prior to the April 19, 2011 fire, the City of Atlanta and the Atlanta Storm Water Department improperly maintained and inspected the hydrants at issue here. As our investigation is ongoing, we may later discover other acts or omissions of negligence on behalf of the city and hereby reserve our right to supplement Underwriters' claims at a later date.

As a result of the inoperable and missing fire hydrants and the resulting total loss, Underwriters have issued a loss payment to Winding River in the amount of \$798,338.35 to date, and \$415,053.86 remains in recoverable depreciation to be paid to Winding River after reconstruction is complete. Thus, Underwriters total loss payment(s) to Winding River will exceed \$1.2 million.

We expect the City of Atlanta, the Atlanta Storm Water Department, and/or any other responsible department of the City of Atlanta to reimburse Underwriters for the loss payment(s) issued to Winding River as a result of the failed fire hydrants.

In addition and pursuant to O.C.G.A. § 33-3-28, Underwriters further hereby request that the City of Atlanta disclose the name of each of the City's insurers that may be liable to Underwriters with respect to Underwriters' claim against the City. In accordance with O.C.G.A. § 33-3-28 (a)(2), the City shall provide this information within thirty (30) days of its receipt of this request. The City of Atlanta may also wish to put these carriers on notice of Underwriters' claim against the City.

We would like to discuss Underwriters' claim further with the City of Atlanta. If, however, the matter cannot be resolved, we are prepared to move forward and file suit against the City of Atlanta, seeking the recovery of the total loss payment made by Underwriters in excess of \$1.2 million, punitive damages, attorneys' fees, and any and all other damages applicable under law.

Mayor Kasim Reed
Cathy Hampton, Esq.
August 30, 2011
Page 3

We look forward to hearing from you.

Sincerely yours,

COZEN O'CONNOR


BY: STACEY S. FARRELL

cc: Nanette L. Wesley, Esq.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF LAW
68 MITCHELL STREET, S.W.
SUITE 4100 CITY HALL TOWER
ATLANTA, GEORGIA 30303-3520
(404) 330-6400 TELEPHONE
(404) 494-1653 FACSIMILE
www.atlantaga.gov

CATHY HAMPTON
CITY ATTORNEY

November 4, 2011

Stacey S. Farrell
Cozen O'Connor
303 Peachtree Street, NE
Suite 2200
Atlanta, Georgia 30303

RE: Claim No.: 11L0717
Your Client: Certain Underwriters at Lloyd's of London
Date of Loss: April 19, 2011

Dear Ms. Farrell:

This letter shall acknowledge receipt of your letter of representation of Certain Underwriters at Lloyd's, London regarding loss payments made to their insured, Winding River Village Condominium Association for a fire loss that occurred on April 19, 2011. In your letter, you allege that due to defective or inoperable City of Atlanta hydrants that your client sustained a total loss of building 295 at Winding River. This matter is currently under investigation to determine the City of Atlanta involvement and responsibility in this occurrence and we will advise you when our investigation is complete.

This letter is to further confirm as I did in our telephone conversation that the City of Atlanta is self-insured and does not maintain any other policy of insurance that will cover this loss. Furthermore, the City of Atlanta is not a member of the Georgia Interlocal Risk Management Agency.

If you should have any further questions, please do not hesitate to call at 404-330-6490.

Regards,

Claude Cole
Claims Director/Law Department

Attachment: Winding River 11L0717 (13-R-3841 : A Resolution Adversing the Claim of Winding River Village Condominium Assoc)

**FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED WHEN HE DROVE OVER A POTHOLE ON
OCTOBER 4, 2013 AT JOSEPH E. LOWERY BOULEVARD AT CUNNINGHAM PLACE. (NA/04)
#3237**

CLAIM OF: Tracy Bing
3095 Barrett Court
Powder Springs, GA 30127

Review List:

Kimberly Patrick	Completed	11/14/2013 1:28 PM
Office of Research and Policy Analysis	Completed	11/14/2013 4:54 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 10/16/13

CL 13L06690-NA/04-Angelena Kelly

CLAIM OF: Tracy Bing
3095 Barrett Court
Powder Springs, GA 30127

FOR PROPERTY DAMAGE ALLEGEDLY SUSTAINED WHEN HE DROVE OVER A POTHOLE ON
OCTOBER 4, 2013 AT JOSEPH E. LOWERY BOULEVARD AT CUNNINGHAM PLACE. (NA/04) #3237

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0669

Date: October 25, 2013

Claimant /Victim: Tracy Bing
BY:(Atty)(Ins. Co.) _____
Address: 3095 Barrett Court, Powder Springs, GA 30127
Subrogation: _____ Claim for Property damage \$ 1,656.32 Bodily Injury \$ _____
Date of Notice: 10/15/13 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence: 10/4/13 Place: Joseph E. Lowery Boulevard at Cunningham Place
Department: _____ Bureau: _____ Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges property damage sustained when he drove over a pothole caused by missing decorative bricks in the roadway. The investigation determined that a contractor working on behalf of the Department of Public Works performed the work at this location. The claim has been tendered to the contractor for handling pursuant to the written agreement. The claimant has been advised of this action.

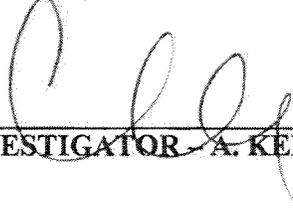
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written X Oral X
Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Director/Manager: [Signature] Concur/date 10/29/13
Deputy City Attorney: [Signature] Concur/date 11-4-13
Committee Action: _____ Council Action _____

Attachment: Tracy Bing 3237 13L0669 DOC 20131108113529 (13-R-3842 : A Resolution Adversing the Claim of Tracy Bing)

RECEIVED - RECD
OCT 15 2013

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
35 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 10-16-13

ENTERED - 10-16-13 - SB
13L0669 - A. KELLY

ASSIGN Acker
cal 10/16/13

cc 13L0669
Si Bel

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$1,656.32 property and/or \$0 bodily injury for which I contend the City is liable.

1. Date of Incident: 10-4-13 2. Time of incident: 3. Police called:

4. Location of incident (including street address): Corner of Cunningham Pl and Joseph

5. Name of your insurance company: Progressive Policy No. 71497838 E. Lowery

6. State what and how incident occurred: Was riding Joseph E. Lowery Blvd toward I-20 ran into hole where the bricks on passenger side, front end damage and wheel alignment.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: 2000 Lincoln town car Tracy D. Bing
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: Richard Williams

10. The acknowledgement of this claim in no way waives the Sovereign Immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Tracy D. Bing
Signature of Claimant

Tracy D. Bing
(Print Claimant's Name)

3095 Barrett ct
(Address)

Powder Springs ga 30127
(City, State and Zip Code)

404-916-9360
(Work Number) (Home Number)

New vehicle
acc

RECEIVED

OCT 15 2013

CITY OF ATLANTA
DEPT OF LAW

Attachment: Tracy Bing 3237 13L0669 DOC 20131108113529 (13-R-3842 : A Resolution Adversing the Claim of Tracy Bing)



CITY OF ATLANTA
DEPARTMENT OF LAW

KASIM REED
 MAYOR

SUITE 4100 • CITY HALL TOWER
 68 MITCHELL STREET, S.W., ATLANTA, GEORGIA 30303-3520
 (404) 330-6400

CATHY HAMPTON
 CITY ATTORNEY

Writer's Direct Dial Number:
 (404)330-6837 office
 (404) 494-1649 Fax

October 24, 2013

Mr. Adesina Tewogbade
 Contangent Technical Services, LLC
 7031 Crestwood Place
 Lithonia, GA 30058

Sent Via E-mail and US Mail

RE: City Claim Number: 13L0669
Claimant: Tracy Bing
Date of Loss: 10/4/13
Location: Joseph E. Lowery Boulevard at Cunningham Place

Dear Mr. Tewogbade:

We are forwarding to you the above referenced claim that was filed against the City of Atlanta for an incident that occurred at the intersection of Joseph E. Lowery Boulevard at Cunningham Place on October 1, 2013. This letter is to place you on notice of this claim. As a result of this incident, the claimant alleges he sustained damage to his vehicle.

In accordance with the contract between Contangent Technical Services, LLC and the City of Atlanta, we are formally tendering this claim to you and your insurance company for handling. Our tender is based on the contractual indemnification and hold harmless agreement in the contract. Additionally, we are seeking insurance protection under your applicable insurance policy as an additional insured.

Attachment: Tracy Bing 3237 13L0669 DOC 20131108113529 (13-R-3842 : A Resolution Adversing the Claim of Tracy Bing)

Please review the attached documentation outlining this incident; we further request that you or your insurance company contact the claimant immediately. Please confirm with the undersigned of your handling of this matter

Yours truly,

FILE COPY

Angelena Kelly
Claims Investigator

Encl

Cc: Tracy Bing

Attachment: Tracy Bing 3237 13L0669 DOC 20131108113529 (13-R-3842 : A Resolution Adversing the Claim of Tracy Bing)

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON FEBRUARY 20, 2013 AT PRYOR AND FAIR ROADS. (NA/04) #3232

CLAIM OF: Trina Mitchell through her Attorney
Shawn T. Richardson Esq., Griffin Law Firm
2336 Wisteria Drive, Suite 540
Snellville, Georgia 30078

Review List:

Kimberly Patrick	Completed	11/13/2013 12:47 PM
Office of Research and Policy Analysis	Completed	11/14/2013 10:35 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 10/17/13

CL13L0674 - NA/04 - Janine J. Edmonds

CLAIM OF: Trina Mitchell through her Attorney
Shawn T. Richardson Esq., Griffin Law Firm
2336 Wisteria Drive, Suite 540
Snellville, Georgia 30078

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR
VEHICLE ACCIDENT ON FEBRUARY 20, 2013 AT PRYOR AND FAIR ROADS. (NA/04) #3232

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0674

Date: October 22, 2013

Claimant/Victim: Trina Mitchell
BY: (Atty) (Ins. Co.) Shawn T. Richardson, Esq., Griffin Law Firm, P.C
Address: 2336 Wisteria Drive, Suite 540, Snellville, Georgia 30078
Subrogation: Claim for Property damage \$ Bodily Injury \$ Unknown
Date of Notice: 10/11/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 02/20/13 Place: Pryor and Fair Roads
Department Bureau : Office :
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges bodily injury sustained when the bus she was driving was struck by another vehicle. The investigation determined that the bus is owned and operated by Atlanta Public Schools, not the City of Atlanta. The claimant has been advised to pursue her claim with Atlanta Public Schools.

INVESTIGATION:

Statements: City employee Claimant Others Written X Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature] Edmonds
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Cable Concur/date 10/30/13
Deputy City Attorney: [Signature] Concur/date 11-4-13
Committee Action: Council Action
FORM 23-61

Attachment: T. MITCHELL (13-R-3843 : A Resolution Adversing the Claim of Trina Mitchell through her Attorney S.T. Richardson)



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2336 WISTERIA DRIVE, SUITE 540 - SNELLVILLE, GA 30078 | O: 404-303-8400 | F: 678-344-5152

Richard S. Griffin, Esq.
richard@griffinlawfirm.net

Shawn T. Richardson, Esq.
shawn@griffinlawfirm.net

Brett A. Schroyer, Esq.
brett@griffinlawfirm.net



Assign to SJE
Cedric
10/11/13
OFFICE OF THE MAYOR
11 2013

ANTE LITEM NOTICE
CLAIMANT: TRINA MITCHELL

Referred to: Law

RECEIVED

OCT 16 2013

REC'D

October 8, 2013 ENTERED - 10-17-13 - SB
13L0674 - J. EDMONDS

Sent via Fedex No.: 8041 3350 5902
Atlanta City Council
c/o Ceasar C. Mitchell, Council President
Atlanta City Hall
55 Trinity Avenue, S.W.
Second Floor East
Atlanta, GA 30303

Sent via Fedex No.: 8041 3350 5913
City of Atlanta
c/o Kasim Reed, Mayor
Atlanta City Hall
55 Trinity Avenue, S.W.
Suite 2400
Atlanta, GA 30303

New
10/16/13
cal

Sent via Fedex No.: 8041 3350 5924
Atlanta Public Schools
130 Trinity Avenue
Atlanta, GA 30303

RECEIVED

OCT 15 2013

CITY OF ATLANTA
DEPT OF LAW

Dear Mayor and Atlanta City Council:

You are hereby notified that on February 20, 2013 at approximately 3:30 P.M., my client Ms. Mitchell was injured while driving a City of Atlanta (Atlanta Public Schools) school bus on Pryor Road near Fair Drive when another driver negligently caused an accident with her bus. We are serving this notice for purposes of preserving Uninsured Motorist / Under-insured Motorist claims or any other claims that may implicate the city, despite a police report that found at fault the driver of the other (non-city) vehicle..

For your convenience, I enclose a copy of the police report.

Ms. Mitchell suffered injuries which resulted in pain including but not limited to pain in her neck, back and shoulder. She may be continuing to treat for these injuries.

As the result of said negligence and injury, Ms. Billingslea suffered damages which are likely to include medical bills, lost wages and pain and suffering.

Attachment: T. MITCHELL (13-R-3843 : A Resolution Adversing the Claim of Trina Mitchell through her Attorney S.T. Richardson)

This notice is out of an abundance of caution and made pursuant to O.C.G.A. § 36-33-5.

Sincerely,
THE GRIFFIN LAW FIRM, P.C.

Shawn T. Richardson
For the Firm

STR/reb

Attachment: T. MITCHELL (13-R-3843 : A Resolution Adversing the Claim of Trina Mitchell through her Attorney S.T. Richardson)



CITY OF ATLANTA
DEPARTMENT OF LAW
 SUITE 4100 • CITY HALL TOWER
 68 MITCHELL STREET, S.W., ATLANTA, GEORGIA 30303-3520
 (404) 330-6400

KASIM REED
 MAYOR

CATHY HAMPTON
 CITY ATTORNEY

jjedmonds@atlantaga.gov
 (404) 330-6290
 (404) 739-3334 e-fax

October 22, 2013

Shawn T. Richardson, Esq.
 Griffin Law Firm, P.C.
 2336 Wisteria Drive #540
 Snellville, Georgia 30078

RE: City Claim Number: 13L0674
Your Client: Trina Mitchell
Date of Loss: 02/20/13

Dear Mr. Richardson:

I have had an opportunity to review your communication received October 11, 2013 regarding your above mentioned clients. Please be advised that Atlanta Public Schools is a separate legal entity from the City of Atlanta. I respectfully suggest that you pursue this matter directly with Atlanta Public Schools.

For the aforementioned reason, the City must deny your clients claim. If you have any further questions regarding this matter, you may contact me at the above telephone number and address.

Yours truly,

Janine J. Edmonds
 Claims Investigator

Attachment: T. MITCHELL (13-R-3843 : A Resolution Adversing the Claim of Trina Mitchell through her Attorney S.T. Richardson)

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF BEING SHOT WHILE AT A CITY AQUATIC CENTER ON JUNE 29, 2013 AT 1581 LOGAN LANE, ADAMS PARK AQUATICS CENTER. (NA/11) #3220

CLAIM OF: Jason Philpot
through his attorney R. Shane Smith
P.O. Box 2474
Peachtree City, GA 30269

Review List:

Kimberly Patrick	Completed	11/13/2013 8:58 AM
Office of Research and Policy Analysis	Completed	11/14/2013 10:11 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

REGISTRATION HISTORY - BLUE BACK

Entered – 9/18/13

CL 13L0570-NA/11-Angelena Kelly

CLAIM OF: Jason Philpot
through his attorney R. Shane Smith
P.O. Box 2474
Peachtree City, GA 30269

FOR BODILY INJURY ALLEGEDLY SUSTAINED AS A RESULT OF BEING SHOT WHILE AT A CITY
AQUATIC CENTER ON JUNE 29, 2013 AT 1581 LOGAN LANE, ADAMS PARK AQUATICS CENTER.
(NA/11) #3220

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0570

Date: October 22, 2013

Claimant /Victim: Jason Philpot
BY:(Atty)(Ins. Co.) R. Shane Smith
Address: P.O. Box 2474, Peachtree City, GA 30269
Subrogation: Claim for Property damage \$ Bodily Injury \$ 50,000.00
Date of Notice: 9/9/13 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 6/29/13 Place: 1581 Logan Lane, Adams Park Aquatics Center
Department: Bureau: Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges bodily injury sustained when he was shot while at the aquatic center by a third party. The claim has been tendered to the Aquatics Center contractor for handling pursuant to the written agreement. The claimant has been advised of this action.

INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 11/5/13
Deputy City Attorney: [Signature] Concur/date 11-5-13
Committee Action: Council Action

Attachment: Jason Philpot #3220 13L0570 (13-R-3844 : A Resolution Adversing the Claim of Jason Philpot through his attorney R. Shane

Kelly 9/16/13

P.O. Box 2474
Peachtree City, GA 30269
www.shanesmithlaw.com



p (770) HURT 999
p (770) 487 8999
f (770) 631 7667

RECEIVED - RECD
SEP 12 2013 *SB*

ENTERED 9-18-13 - GB
13L0570 - A. KELLY

September 6, 2013 *IL*

RECEIVED

SEP 09 2013

**CITY OF ATLANTA
DEPT OF LAW**

Via Fax: (404) 494-1659

City of Atlanta/Atlanta City Council
c/o Adams Park-Aquatic Center
Department of Law - Suite 4100
68 Mitchell Street, S.W.
Atlanta, GA 30303-3520

RE: Client Name: Jason Philpot
Incident Date: 6/29/2013
Your Insured: Adams Park-Aquatic Center
Location: 1581 Lagoon LN SW, Atlanta, GA

New
9/12/13
AC
Dear Sirs:

This firm has been retained to represent Jason Philpot in processing a claim for injuries they received as a result of the above-referenced incident.

We are advised that you are the insurance provider for the above-referenced claim. If this is not so, please advise us immediately of the facts. In absence of specific advice to the contrary, we shall rely upon the fact that you are the carrier as indicated. Please direct all correspondence to the undersigned along with any statements or similar information in your possession made by or concerning our client, Jason Philpot.

The Plaintiff in this action has assigned the Law Offices of R. Shane Smith a portion of the eventual recovery; and, you are hereby notified that by virtue of this assignment, any settlement made must be made through this office with the Law Offices of R. Shane Smith as a payee, unless otherwise instructed by this office in the future.

We are presently preparing and evaluating this case, and plan to submit to you the results of our research as soon as appropriately possible. However, any discussion of the matter at this time would be premature.

Sincerely,

R. Shane Smith
Attorney at Law

Attachment: Jason Philpot #3220 13L0570 (13-R-3844 : A Resolution Adversing the Claim of Jason Philpot through his attorney R. Shane



CITY OF ATLANTA
DEPARTMENT OF LAW
SUITE 4100 • CITY HALL TOWER
68 MITCHELL STREET, S.W., ATLANTA, GEORGIA 30303-3520
(404) 330-6400

KASIM REED
MAYOR

CATHY HAMPTON
CITY ATTORNEY

Writer's Direct Dial Number:
(404)330-6837 office
(404) 494-1649 Fax

October 15, 2013

Mr. Matt Satterly
Vice President
USA Pools, LLC
1073 Green Street
Roswell, GA 30075

RE: City Claim Number: 13L0570
Claimant: Jason Philpot through his attorney R. Shane Smith
Date of Loss: 6/29/13
Location: Adams Park Aquatic Center

Dear Mr. Satterly,

We are forwarding to you the above referenced claim that was filed against the City of Atlanta for an incident that occurred at Adams Park Aquatic Center on June 29, 2013. This letter is to place you on notice of this claim. As a result of this incident, the claimant alleges he sustained damages due to a shooting while at the Aquatic Center.

In accordance with the contract between USA Pools, LLC. and the City of Atlanta, we are formally tendering this claim to you and your insurance company for handling. Our tender is based on the contractual indemnification and hold harmless agreement in the contract. Additionally, we are seeking insurance protection under your applicable insurance policy as an additional insured.

Attachment: Jason Philpot #3220 13L0570 (13-R-3844 : A Resolution Adversing the Claim of Jason Philpot through his attorney R. Shane

Please review the attached documentation outlining this incident; we further request that you or your insurance company contact the claimant immediately. Please confirm with the undersigned of your handling of this matter.

Yours truly,

FILE COPY

Angelena Kelly
Claims Investigator

Encl

Cc: R. Shane Smith

Attachment: Jason Philpot #3220 13L0570 (13-R-3844 : A Resolution Adversing the Claim of Jason Philpot through his attorney R. Shane

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED WHEN A TREE FELL ONTO
A PARKED VEHICLE ON MAY 24, 2013 AT 66 NORTHWOOD DRIVE, SANDY SPRINGS,
GEORGIA. (NA/NA) #3279

CLAIM OF: State Farm Insurance Company
As Subrogee of Emigdio Rodriguez
P. O. Box 650241
Dallas, Texas 75265-0271

Review List:

Kimberly Patrick	Completed	11/18/2013 8:28 AM
Office of Research and Policy Analysis	Completed	11/18/2013 12:33 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

Entered – 7/2/13

CL 13L0369 - NA/NA - Gwendolyn Burns

CLAIM OF: State Farm Insurance Company
As Subrogee of Emigdio Rodriguez
P. O. Box 650241
Dallas, Texas 75265-0271

FOR PROPERTY DAMAGE ALLEGED TO HAVE BEEN SUSTAINED WHEN A TREE FELL ONTO A
PARKED VEHICLE ON MAY 24, 2013 AT 66 NORTHWOOD DRIVE, SANDY SPRINGS, GEORGIA.
(NA/NA) #3279

THIS ADVERSED REPORT IS APPROVED

AN ORDINANCE BY COUNCILMEMBER H. LAMAR WILLIS TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE II, DIVISION 2, SECTION 162-61, (ENTITLED NUMBER LIMITED; COSTS), SO AS TO TEMPORARILY INCREASE THE PERMISSIBLE AGE OF A VEHICLE THAT MAY BE OPERATED AS A TAXICAB IN THE CITY FROM EIGHT TO TEN YEARS, EFFECTIVE JANUARY 1, 2014 AND EXPIRING ON JUNE 30, 2014; AND FOR OTHER PURPOSES.

STAFF COMMENTS: The purpose of this ordinance is to continue the temporarily allowable age of taxicabs at ten (10) years until June 30, 2014. After June 30, 2014, any such new or replacement vehicle may continue to be operated as a taxicab through that vehicle's eighth model year provided the vehicle continues to be in compliance with all other provisions of the City Code pertaining to taxicab regulation.

Review List:

Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	
Mayor's Office	Pending	

HISTORY:

11/18/13 Atlanta City Council

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

CITY COUNCIL
ATLANTA, GEORGIA

13-O-1397

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "H.L. Wilks", written over a horizontal line.

H. Lamar Wilks, Councilmember, Position 3 -at-Large

AN ORDINANCE BY COUNCILMEMBER H. LAMAR WILLIS TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE II, DIVISION 2, SECTION 162-61, (ENTITLED NUMBER LIMITED; COSTS), SO AS TO TEMPORARILY INCREASE THE PERMISSIBLE AGE OF A VEHICLE THAT MAY BE OPERATED AS A TAXICAB IN THE CITY FROM EIGHT TO TEN YEARS, EFFECTIVE JANUARY 1, 2014 AND EXPIRING ON JUNE 30, 2014; AND FOR OTHER PURPOSES.

STAFF COMMENTS: THE PURPOSE OF THIS ORDINANCE IS TO CONTINUE THE TEMPORARILY ALLOWABLE AGE OF TAXICABS AT TEN (10) YEARS UNTIL JUNE 30, 2014. AFTER JUNE 30, 2014, ANY SUCH NEW OR REPLACEMENT VEHICLE MAY CONTINUE TO BE OPERATED AS A TAXICAB THROUGH THAT VEHICLE'S EIGHTH MODEL YEAR PROVIDED THE VEHICLE CONTINUES TO BE IN COMPLIANCE WITH ALL OTHER PROVISIONS OF THE CITY CODE PERTAINING TO TAXICAB REGULATION.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to Vehicles for Hire; and

WHEREAS, City of Atlanta Code of Ordinances § 162-33 sets forth that Chapter 162, Article II shall apply to all vehicles for hire for which a permit has been issued; and

WHEREAS, on December 3, 2012, Ordinance 12-0-1725 was adopted by the Atlanta City Council, and on December 12, 2012 Ordinance 12-0-1725 approved as per City Charger Section 2-403; and

WHEREAS, Ordinance 12-0-1725 amended Chapter 162, Article II, Division 2, Section 162-61 of the City of Atlanta Code of Ordinances in order to temporarily increase the permissible age of a vehicle that may be operated as a taxicab in the city from eight (8) years to ten (10) years until December 31, 2012 due to a desire to prevent over four hundred (400) vehicles scheduled to become ineligible on December 31, 2012 to be operated for one more year; and

WHEREAS, in accordance with the scheduled expiration of the temporary increase in the permissible age of taxicabs pursuant to Ordinance 12-0-1725, over seven-hundred (700) vehicles, currently being operated will be ineligible for operation in the city beginning on January 1, 2014 once the permissible age of a vehicle that may be operated as a taxicab reverts to 8 years; and

WEHREAS, as a result, taxi drivers and taxi companies ,will be required to replace over 700 vehicles on or before January 1, 2014 in order to maintain current levels of service;

and

WEHREAS, the City of Atlanta does not desire for taxi drivers and taxi companies to bear such an immediate and costly burden; and

WEHREAS, temporarily increasing the permissible age of a vehicle which may be operated as a taxicab in the city from 8 years to ten (10) years will allow over 700 vehicles currently scheduled to become ineligible on January 1, 2014 to be operated for one more year; and

WHEREAS, it is therefore the desire of the City of Atlanta that following the expiration of the temporary increase in the permissible age of taxicabs pursuant to Ordinance 12-0-1725 on December 31, 2013, Chapter 162, Article II, Division 2, Section 162-61 of the City of Atlanta Code of Ordinances be amended to temporarily set the permissible age of a vehicle which may be operated as a taxicab in the city at 10 years;

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 162, Article II, Division 2, Section 162-61(a), of the City of Atlanta Code of Ordinances, entitled "[n]umber limited; costs," be amended such as it shall read as follows:

Sec. 162-61. - Number limited; costs.

(a) The maximum number of taxicab CPNC's outstanding shall be 1,600, which is the number of CPNC's issued as a result of the legislative limitation established in 1995. This limitation is specifically based upon the relationship between the number of taxicabs operating within a geographic area and the quality of service they provide. An excessive number of taxicabs results in a reduced level of service and more passenger complaints. A taxicab CPNC will be issued to, and can only remain affixed to a vehicle which meets the age limitations set forth below: No vehicle having a vehicle age greater than ten years may be operated as a taxicab in the city. For purposes of this article, the term "vehicle age" shall be determined based on the vehicle's model year, and a "year" shall be measured through the last day of that respective calendar year (for example, a vehicle with a model year of 2000 shall have a vehicle age of one year as of January 1, 2001). This ten-year age provision shall be temporary in nature and shall only remain in effect until December 31, 2013, after which time, it shall no longer be of any further force and effect, and said taxicab age provision shall revert back to a "vehicle age" of no

greater than eight years.

As of August 15, 2001, no new or replacement taxicab vehicle may be operated as a taxicab in the city if such vehicle is greater than five years old. However, until June 30, 2014, any such new or replacement vehicle for which a CPNC is obtained may continue to be operated as a taxicab through that vehicle's tenth model year provided that the vehicle continues to be in compliance with all other provisions of the City Code which pertain to the regulation of taxicabs licensed to operate in the city. After June 30, 2014, any such new or replacement vehicle may continue to be operated as a taxicab through that vehicle's eighth model year provided that the vehicle continues to be in compliance with all other provisions of the City Code which pertain to the regulation of taxicabs licensed to operate in the city.

Section 3: This ordinance shall take effect on January 1, 2014.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF JUDY HARPER V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 13EV016609D, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$15,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: This resolution authorizes the settlement of a lawsuit wherein plaintiff seeks to recover damages resulting from injuries allegedly sustained from stepping into a water meter hole with a broken or missing cover.

Review List:

Kimberly Patrick	Completed	11/19/2013 1:30 PM
Office of Research and Policy Analysis	Completed	11/19/2013 2:56 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF JUDY HARPER V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 13EV016609D, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$15,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: THIS RESOLUTION AUTHORIZES THE SETTLEMENT OF A LAWSUIT WHEREIN PLAINTIFF SEEKS TO RECOVER DAMAGES RESULTING FROM INJURIES ALLEGEDLY SUSTAINED FROM STEPPING INTO A WATER METER HOLE WITH A BROKEN OR MISSING COVER.

WHEREAS, JUDY HARPER V. CITY OF ATLANTA, is a lawsuit in which Plaintiff sought to recover damages from the City of Atlanta resulting from injuries allegedly sustained from stepping into a water meter hole with an ill-fitting cover; and

WHEREAS, Plaintiff alleges that she has suffered serious bodily injury as a result of the City of Atlanta's maintenance of a dangerous and unsafe condition by their failure to properly maintain and replace the water meter cover; and

WHEREAS, Plaintiff has agreed to accept the Settlement Amount in full settlement of all claims against the City of Atlanta; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claim is in excess of the Settlement Amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the Settlement Amount to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of JUDY HARPER V. CITY OF ATLANTA in the amount of Fifteen Thousand Dollars (\$15,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY). Payment shall be in the form of a check in the amount of \$15,000.00 payable to Judy Harper and her attorneys Blevins and Hong, P.C.

191 Roswell Street, Marietta, GA 30060. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, CIVIL ACTION FILE NO. 2013CV227886, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$90,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: This resolution authorizes the settlement of a lawsuit wherein plaintiff seeks to recover damages resulting from injuries allegedly sustained from stepping into a water meter hole with a broken or missing cover.

Review List:

Kimberly Patrick	Completed	11/19/2013 5:00 PM
Office of Research and Policy Analysis	Completed	11/20/2013 12:22 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, CIVIL ACTION FILE NO. 2013CV227886, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$90,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: THIS RESOLUTION AUTHORIZES THE SETTLEMENT OF A LAWSUIT WHEREIN PLAINTIFF SEEKS TO RECOVER DAMAGES RESULTING FROM INJURIES ALLEGEDLY SUSTAINED FROM STEPPING INTO A WATER METER HOLE WITH A BROKEN OR MISSING COVER.

WHEREAS, TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, is a lawsuit in which Plaintiff sought to recover damages from the City of Atlanta resulting from injuries allegedly sustained from stepping into a water meter hole with a broken or missing cover; and

WHEREAS, Plaintiff alleges that he has suffered serious bodily injury as a result of the City of Atlanta's maintenance of a dangerous and unsafe condition by their failure to properly maintain and replace the water meter cover; and

WHEREAS, Plaintiff has agreed to accept the Settlement Amount in full settlement of all claims against the City of Atlanta; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claim is in excess of the Settlement Amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the Settlement Amount to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC in the amount of Ninety Thousand Dollars (\$90,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY). Payment shall be in the form of a

check in the amount of \$90,000.00 payable to Woodward + Stern, LLC for Timothy Coles, 1124 Canton Street, Roswell, GA 30075. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

10-R-0137 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.)**

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
05/14/13	Public Safety & Legal Administration CommitteeHELD IN COMMITTEE	
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
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10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
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10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
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10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

**CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES**

Clarence T Martin Jr
Clarence "C. T." Martin, Councilmember

Natalyn Archibong
Natalyn Mosby Archibong, Councilmember, District 5

10-R-0137 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.)

WHEREAS, a letter dated December 21, 2009 from the City's Auditor states that "her report cannot be interpreted as an assurance that no waste, fraud, or abuse occurred in the project"; and

WHEREAS, forensic accounting is accounting that is suitable for legal review, offering the highest level of assurance, and including the now generally accepted connotation of having been arrived at in a scientific fashion; and

WHEREAS, the Council is a legislative/policymaking body; and, as such, has the responsibility for the oversight of city operations; and

WHEREAS, the audit report from the City Auditor identify no financial records of a \$24 million bank loan being recorded in the city's ledger; and

WHEREAS, this same reports suggest that other possible financial infractions may have occurred; and

WHEREAS, the city's current fiscal problems and the reports critical review of the contracting process that took place with this project suggest that that a closer look into the practices and procedures utilize for this contract.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follow, that the City Council direct the Committee on Council to identify a funding source as well as enter into a Request for Proposal to hire a forensic accountant to review the contracts associated with the Public Safety Facilities Construction Project and the sale of the City Hall East facility.

AND BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

10-R-0137

A RESOLUTION BY

COUNCILMEMBERS NATALYN MOSBY ARCHIBONG & 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.

WHEREAS, a letter dated December 21, 2009 from the City's Auditor states that "her report cannot be interpreted as an assurance that no waste, fraud, or abuse occurred in the project"; and

WHEREAS, forensic accounting is accounting that is suitable for legal review, offering the highest level of assurance, and including the now generally accepted connotation of having been arrived at in a scientific fashion; and

WHEREAS, the Council is a legislative/policymaking body; and, as such, has the responsibility for the oversight of city operations; and

WHEREAS, the audit report from the City Auditor identify no financial records of a \$24 million bank loan being recorded in the city's ledger; and

WHEREAS, this same reports suggest that other possible financial infractions may have occurred; and

WHEREAS, the city's current fiscal problems and the reports critical review of the contracting process that took place with this project suggest that that a closer look into the practices and procedures utilize for this contract.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follow, that the City Council direct the Committee on Council to identify a funding source as well as enter into a Request for Proposal to hire a forensic accountant to review the contracts associated with the Public Safety Facilities Construction Project and the sale of the City Hall East facility.

AND BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

Attachment: 10R0137 (1966 : 10-R-0137 Forensic Audit Public Safety Facilities Construction and City Hall East Sale)

A RESOLUTION BY

Natalyn Mosby Archibong, C.T. Martin
 COUNCILMEMBERS NATALYN MOSBY ARCHIBONG & C. T. MARTIN

REQUESTING THAT CITY COUNCIL AUTHORIZE A FORENSIC AUDIT SHOULD BE CONDUCTED AS A RESULT OF THE FINDINGS AND RECOMMEDATIONS FROM THE AUDIT REPORT OF THE PUBLIC SAFETY FACILITIES CONSTRUCTION AND THE SALE OF CITY HALL EAST; AND FOR OTHER PURPOSES.

WHEREAS, a letter dated December 21, 2009 from the City's Auditor states that "her report cannot be interpreted as an assurance that no waste, fraud, or abuse occurred in the project"; and

WHEREAS, forensic accounting is accounting that is suitable for legal review, offering the highest level of assurance, and including the now generally accepted connotation of having been arrived at in a scientific fashion; and

WHEREAS, the Council is a legislative/policymaking body; and, as such, has the responsibility for the oversight of city operations; and

WHEREAS, the audit report from the City Auditor identify no financial records of a \$24 million bank loan being recorded in the city's ledger; and

WHEREAS, this same reports suggest that other possible financial infractions may have occurred; and

WHEREAS, the city's current fiscal problems and the reports critical review of the contracting process that took place with this project suggest that that a closer look into the practices and procedures utilize for this contract.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follow, that the City Council direct the Committee on Council to identify a funding source as well as enter into a Request for Proposal to hire a forensic accountant to review the contracts associated with the ██████████ Public Safety Facilities Construction Project and the sale of the City Hall East facility.

AND BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

10-O-0397 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
05/14/13	Public Safety & Legal Administration CommitteeHELD IN COMMITTEE	
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "H.L. Willis". The signature is written in a cursive, somewhat stylized font. The initials "H.L." are on the left, and "Willis" is on the right. The signature is positioned above a horizontal line.

H. Lamar Willis, Councilmember, Position 3 -at-Large

10-O-0397 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.)

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section

44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of

\$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual

motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section

44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of

\$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property.

The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification and an administrative fee of \$20.00 shall be collected as part of the towing fee, so long as the towing and administrative fee shall be \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following: Sec. 162-232. Notification upon removal of vehicle.

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via and Internet based repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict

10-0-0397

AN ORDINANCE BY: COUNCILMEMBER H. LAMAR WILLIS
AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE 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.

WHEREAS, The Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec.162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a

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SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

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Be deleted in its entirety and replaced with the following: Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.



AR WILLIS

AN ORDINANCE 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.

WHEREAS, The Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:

SECTION 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec.162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

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(a) Any towing or storage firm engaged in the business of providing nonconsensual motor

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SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. officer.

Notification upon removal of vehicle at request of other than police

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following: Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

10-O-0397

AN ORDINANCE BY

COUNCILMEMBER H. LAMAR WILLIS

**AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

**AN ORDINANCE 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 ASSOCIATE
WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:**

Section 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service.

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SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

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SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

COMMITTEE AMENDMENT FORM

DATE 03/09/10

**COMMITTEE PUBLIC SAFETY AND
LEGAL ADMINISTRATION**

PAGE(S) 2

ORDINANCE I.D.# 10-O-0397

SECTION(S) 1

RESOLUTION I.D.# _____

PARAGRAPH(S) _____

AMENDMENT: AMENDS THE LEGISLATION BY DELETING THE WORDS "DOES NOT EXCEED" IN ITALICIZED AMENDED LANGUAGE OF SECTION 1 AND REPLACE WITH THE WORDS "SHALL BE".

Attachment: 1000397 (1967 : 10-O-0397 Amend Secs 162-227, 162-232 Establish Fees Admin Costs Nonconsensual Motor Vehicle Towing)

10-O-0397

**AN ORDINANCE BY:
COUNCILMEMBER H. LAMAR WILLIS
AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE 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.

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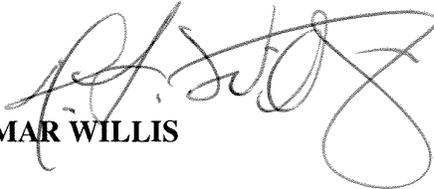
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Sec. 162-232. Notification upon removal of vehicle

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AN ORDINANCE BY
COUNCILMEMBER H. LAMAR WILLIS



10-0-0397

AN ORDINANCE 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.

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Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or

Attachment: 1000397 (1967 : 10-O-0397 Amend Secs 162-227, 162-232 Establish Fees Admin Costs Nonconsensual Motor Vehicle Towing)

any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification of which \$5.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for electronic notification service for private property impounds. An administrative fee of \$20.00 shall be collected as part of the towing fee of which \$10.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for the electronic notification service for law enforcement authorized tows, so long as the towing and administrative fee does not exceed \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following:

Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

10-O-0399 AN ORDINANCE BY COUNCILMEMBER IVORY L. YOUNG, JR. AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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; Amended and held 5/28/13; Amended to remove 5/28/13 amendment and held 6/11/13.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	

05/06/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION
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05/14/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	

05/20/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION
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05/28/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Bottoms, Martin, Hall, Willis, Winslow, Young Jr.
ABSENT:	Michael Julian Bond

06/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION
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06/11/13 Public Safety & Legal Administration Committee

06/17/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
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06/25/13 Public Safety & Legal Administration Committee

07/01/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
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07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
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07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 9/10/2013 3:00 PM

09/10/13 Public Safety & Legal Administration Committee

09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES



Ivory Lee Young Jr., Councilmember, District 3

10-O-0399 AN ORDINANCE BY COUNCILMEMBER IVORY L. YOUNG, JR. AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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; AMENDED AND HELD 5/28/13; AMENDED TO REMOVE 5/28/13 AMENDMENT AND HELD 6/11/13.)

WHEREAS, the City of Atlanta has an interest in promoting the general health, safety, and welfare of the citizens of the City of Atlanta; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including vending on public property; and

WHEREAS, the City of Atlanta has implemented a Public Property Vending Management Program which manages vending on public property under the jurisdiction of the City of Atlanta; and

WHEREAS, it is the desire of the City of Atlanta to exempt all disabled veterans from participation in the Public Property Vending Management Program.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA

as follows:

SECTION 1: That Article XXIII, ("Vending on Public Property"), Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, which currently reads:

Sec. 30-1436. [Disabled veterans.]

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended and who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall be permitted to participate in the public vending program at a location in the public vending program closest to their existing licensed location subject to full application to the public vending management company in the same manner as all other participants and the execution of a lease, license or other form of contract or agreement as is generally utilized between the public vending management company and other vendors who will participate in the program, provided however that the rental or lease of any equipment required to participate in the public vending management

program shall not exceed \$200.00 per month for the first 60 months that such vendor participates in the public vending program.

(b) In the event that a disabled veteran as that term is defined in this subsection (g) applies to participate in the public property vending program after the adoption of this ordinance, such disabled veteran shall be permitted to participate in the program at a discounted rate for the first 36 months provided that the disabled veteran has been approved under the application process and further provided that no more than six spaces shall be dedicated to disabled veterans including those made available to subpart (g) above.

be amended such as Article XXIII, ("Vending on Public Property"), Chapter 30, ("Businesses"), Section 30-1436("Disabled Veterans"), shall read as follows:

Sec.30-1436. Disabled veterans.

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended, shall be exempt from any requirements that they participate in the public vending management program.

(b) All disabled veterans who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall retain the ability to continue to vend at their existing licensed locations subject to the requirements contained in this Article, unrelated to those concerning the public vending management program.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

10-0-0399

AN ORDINANCE BY
COUNCILMEMBER IVORY LEE YOUNG JR.

AN ORDINANCE 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.

WHEREAS, the City of Atlanta has an interest in promoting the general health, safety, and welfare of the citizens of the City of Atlanta; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including vending on public property; and

WHEREAS, the City of Atlanta has implemented a Public Property Vending Management Program which manages vending on public property under the jurisdiction of the City of Atlanta; and

WHEREAS, it is the desire of the City of Atlanta to exempt all disabled veterans from participation in the Public Property Vending Management Program.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That **Article XXIII, ("Vending on Public Property"), Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans")**, of the Code of Ordinances of the City of Atlanta, Georgia, which currently reads:

Sec. 30-1436. [Disabled veterans.]

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended and who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall be permitted to participate in the public vending program at a location in the public vending program closest to their existing licensed location subject to full application to the public vending management company in the same manner as all other participants and the execution of a lease, license or other form of contract or agreement as is generally utilized between the public vending management company and other vendors who will participate in the program, provided however that the rental or lease of any equipment required to participate in the public vending management

program shall not exceed \$200.00 per month for the first 60 months that such vendor participates in the public vending program.

(b) In the event that a disabled veteran as that term is defined in this subsection (g) applies to participate in the public property vending program after the adoption of this ordinance, such disabled veteran shall be permitted to participate in the program at a discounted rate for the first 36 months provided that the disabled veteran has been approved under the application process and further provided that no more than six spaces shall be dedicated to disabled veterans including those made available to subpart (g) above.

be amended such as Article XXIII, (“Vending on Public Property”), Chapter 30, (“Businesses”), Section 30-1436 (“Disabled Veterans”), shall read as follows:

Sec. 30-1436. Disabled veterans.

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended, shall be exempt from any requirements that they participate in the public vending management program.

(b) All disabled veterans who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall retain the ability to continue to vend at their existing licensed locations subject to the requirements contained in this Article, unrelated to those concerning the public vending management program.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

AMENDMENT FORM

COMMITTEE: PUBLIC SAFETY & LEGAL ADMINISTRATION

PAGE NUMBER(S): _____

COMMUNICATION I.D.#: _____

CAPTION: YES NO

ORDINANCE I.D.#: 10-0-0399

SECTION(S): _____

RESOLUTION I.D.#: _____

PARAGRAPH(S): _____

AUTHORIZING SIGNATURE: Councilman Young

DATE: 5/28 2013

Add a subsection (c) which shall provide as follows:

(c) All persons who held valid vending permits during fiscal year 2012.

Attachment: 5.28CommAmend (1968 : 10-O-0399 Amend Chpt 30, Art XXIII, Vending on Public Property Section 30-1436)

RESULT:	REFERRED WITHOUT OBJECTION	
05/14/13	Public Safety & Legal Administration Committee HELD IN COMMITTEE	
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clela Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	
09/16/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
10/01/13	Public Safety & Legal Administration Committee	

10/07/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
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10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
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10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

10-O-0728 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.)

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to Escort Services, (O.C.G.A. § 48-13-9 (29)); and

WHEREAS, City of Atlanta Code of Ordinances Chapter 30, Article VIII, Division 2, Sections 30-651 and 30-338 respectively require persons operating escort services or working for an escort service in the City of Atlanta to apply for and obtain permits issued by the City; and

WHEREAS, currently, the State of Georgia prohibits persons from performing, offering, or consenting to perform a sexual act, including but not limited to sexual intercourse or sodomy, for money or other items of value, (O.C.G.A. § 16-6-9); and

WHEREAS, it is the desire of the Atlanta City Council to clearly distinguish between persons who perform such prohibited acts, and legitimate escorts holding permits issued by the City of Atlanta; and

WHEREAS, a revision of Chapter 30, Article VIII, of the City of Atlanta Code is required to make such a distinction.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 30, Article VIII, Division 1, Section 30-641 of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert the following language in lieu thereof so that said section shall read as follows:

Sec. 30-641. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Escort means a person who is held out to the public to be available for hire; and who; for monetary

consideration in the form of a fee, commission or salary, consorts with, or accompanies or who offers, for monetary consideration, to consort or accompany another or others to social affairs, entertainments or places of amusement or within any place of public resort or within any private quarters.

Escort service means a person or an entity who, for a fee, commission, profit, payment or other monetary consideration, furnishes, refers to, offers to furnish or refer escorts, or provides or offers to introduce patrons to escorts.

Escort service runner means an employee, agent or independent contractor of the service who, after the service receives a call from a prospective customer, goes to the customer's location to collect the escort fee and to make other necessary arrangements.

Offer to provide acts of sexual conduct means to offer, propose or to solicit to provide sexual conduct to a patron. Such definition includes all conversations, advertisements and acts which would lead a reasonably prudent person to conclude that such acts were to be provided.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, sodomy or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

Section 2: That Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances is hereby amended to create a new Division 4, to be entitled "Operational Rules and Prohibited Acts" which shall read as follows:

DIVISION 4· OPERATIONAL RULES AND PROHIBITED ACTS Sec. 30-669. Operational Rules.

(a)Each person authorized to operate as an escort under this article shall operate from an open office.

(b)Each person or entity authorized to operate as an escort service under this article shall:

1. Maintain an open office at an established place of business;
2. Deliver contracts to every patron or customer.

Sec. 30-670. Certain Acts by Escorts Prohibited.

No person authorized to operate as an escort under this article shall:

1. Employ or use an escort service runner;
2. Advertise that sexual conduct will be provided to the patron or work for an escort service which

so advertises;

3. Solicit, offer or provide sexual conduct to an escort patron, or accept an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort service;
4. Work as an escort without having a current employee permit issued for the referring escort service in their possession at all times when working as an escort;
 - s. Accept a fee from a patron who has not first been delivered a contract.

Sec. 30-671. Certain Acts by Escort Services Prohibited.

No person or entity authorized to operate as an escort service under this article shall:

1. Employ an escort service runner as an employee, agent or independent contractor;
2. Advertise that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided referred or introduced to a patron;
3. Solicit, offer to provide or provide acts of sexual conduct to a patron;
4. Employ, contract with or provide or refer escorts who do not possess employee permits as required in section 30-668 of this article.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

RCS# 210

5/03/10

2:28 PM

Atlanta City Council

REGULAR SESSION

CONSENT II
EXCEPT 10-0-0739,10-0-0740

REFER

YEAS:	1
	1
NAYS:	0
ABSTENTION	0
S:	
NOT	3
VOTING:	
EXCUSED:	0
ABSENT	2

- NV Smith
- Y Hall
- Y Young
- B Winslow
- Y Archibong
- Y Wan
- Y Shook
- Y Adrean
- Y Moore
- Y Martin

Legislative Counsel's Signature: s/Amber A. Robinson 404-330-6494

Amber A. Robinson

Anticipated Full Council Date: _____

Commissioner Signature:

Chief Procurement Officer Signature: _____ CAPTION

AN ORDINANCE 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.

Mayor's Staff Only

Received by LC from CPO: _____

Received by LC from CPO: _____

3/3/10 (date)

Office: *[Signature]*
(date)

Reviewed by: *[Signature]*
(date)

_____ (date)

Received by LC from CPO: _____

Received by LC from CPO: _____

3/3/10 (date)

Office: *[Signature]*
(date)

Reviewed by: *[Signature]*
(date)

10-0-0728

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE 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.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to Escort Services, (O.C.G.A. § 48-13-9 (29)); and

WHEREAS, City of Atlanta Code of Ordinances Chapter 30, Article VIII, Division 2, Sections 30-651 and 30-338 respectively require persons operating escort services or working for an escort service in the City of Atlanta to apply for and obtain permits issued by the City; and

WHEREAS, currently, the State of Georgia prohibits persons from performing, offering, or consenting to perform a sexual act, including but not limited to sexual intercourse or sodomy, for money or other items of value, (O.C.G.A. § 16-6-9); and

WHEREAS, it is the desire of the Atlanta City Council to clearly distinguish between persons who perform such prohibited acts, and legitimate escorts holding permits issued by the City of Atlanta; and

WHEREAS, a revision of Chapter 30, Article VIII, of the City of Atlanta Code is required to make such a distinction.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 30, Article VIII, Division 1, Section 30-641 of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert the following language in lieu thereof so that said section shall read as follows:

Sec. 30-641. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Escort means a person who is held out to the public to be available for hire; and who; for monetary consideration in the form of a fee, commission or salary, consorts with, or accompanies or who offers, for monetary consideration, to consort or accompany another or others to social affairs, entertainments or places of amusement or within any place of public resort or within any private quarters.

Escort service means a person or an entity who, for a fee, commission, profit, payment or other monetary consideration, furnishes, refers to, offers to furnish or refer escorts, or provides or offers to introduce patrons to escorts.

Escort service runner means an employee, agent or independent contractor of the service who, after the service receives a call from a prospective customer, goes to the customer's location to collect the escort fee and to make other necessary arrangements.

Offer to provide acts of sexual conduct means to offer, propose or to solicit to provide sexual conduct to a patron. Such definition includes all conversations, advertisements and acts which would lead a reasonably prudent person to conclude that such acts were to be provided.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, sodomy or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

Section 2: That Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances is hereby amended to create a new Division 4, to be entitled "Operational Rules and Prohibited Acts" which shall read as follows:

DIVISION 4. OPERATIONAL RULES AND PROHIBITED ACTS

Sec. 30-669. Operational Rules.

(a) Each person authorized to operate as an escort under this article shall operate from an open office.

(b) Each person or entity authorized to operate as an escort service under this article shall:

1. Maintain an open office at an established place of business;
2. Deliver contracts to every patron or customer.

Sec. 30-670. Certain Acts by Escorts Prohibited.

No person authorized to operate as an escort under this article shall:

1. Employ or use an escort service runner;
2. Advertise that sexual conduct will be provided to the patron or work for an escort service which so advertises;
3. Solicit, offer or provide sexual conduct to an escort patron, or accept an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort service;
4. Work as an escort without having a current employee permit issued for the referring escort service in their possession at all times when working as an escort;
5. Accept a fee from a patron who has not first been delivered a contract.

Sec. 30-671. Certain Acts by Escort Services Prohibited.

No person or entity authorized to operate as an escort service under this article shall:

1. Employ an escort service runner as an employee, agent or independent contractor;
2. Advertise that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided referred or introduced to a patron;
3. Solicit, offer to provide or provide acts of sexual conduct to a patron;
4. Employ, contract with or provide or refer escorts who do not possess employee permits as required in section 30-668 of this article.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Kurt Braunsroth

Contact Number: 404-853-4266

Originating Department: Atlanta Police Department

Committee(s) of Purview: Public Safety and Legal Administration

Anticipated Committee Meeting Date(s): Cycle 5 March 9, 2010; March 30, 2010

Anticipated Full Council Date: April 19, 2010

Legislative Counsel's Signature: s/Amber A. Robinson 404-330-6494

Commissioner Signature:

[Handwritten Signature]

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE 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.

Mayor's Staff Only

Received by CPO:

(date)

Received by LC from CPO:

(date)

3/3/10

Received by Mayor's Office:

(date)

Reviewed by:

(date)

Submitted to Council:

(date)

Attachment: 1000728 (1969 : 10-O-0728 Amend Chpt 30 Art VIII Escorts)

RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clela Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	
09/16/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
10/01/13	Public Safety & Legal Administration Committee	
10/07/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee
 10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee
 11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee
 11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

10-R-0855 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.)

Entered -11125/09 - sb

CL- 09L0934 - Angelena Kelly

Claim of: Ron Tusso

4060 Peachtree Road, D -170

Atlanta, GA 30319

For damages alleged to have been sustained as a result of a sewer back-up on November 10, 2009 at 1850 Memorial Drive.


JERRY L. DELOACH
DEPUTY CITY

THIS ADVERSED REPORT IS APPROVED

BY:

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/10 → Hold for review

CHAIR: _____ Law Department

ATTORNEY

ADVERSE

Entered - 11/25/09 - sb
CL- 09L0934 - Angelena Kelly

10- R -0855

Claim of: Ron Tusso
4060 Peachtree Road, D - 170
Atlanta, GA 30319

For damages alleged to have been sustained as a result of a sewer back-up on November 10, 2009 at 1850 Memorial Drive.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/10 →

CHAIR: _____

*Hold for review by
Law Department*

Attachment: 10R0855 (1970 : 10-R-0855 Claim CL-09L0934 Ron Tusso -Adverse)

10-O-1173 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
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10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
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10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
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10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

Clarence T Martin Jr
Clarence "C. T." Martin, Councilmember

Ivory Lee Young Jr.
Ivory Lee Young Jr., Councilmember, District 3

10-O-1173 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.)

CONDITION FOR APPROVAL FORM

(TO ACCOMPANY LEGISLATION)

COMMITTEE: Public Safety and
Legal Administration

DATE: 6/29/10

ORDINANCE I;0 t';; !!'13: RESOLUTION *-----

REQUESTED BY: The Committee

DIRECTED TO: The Administration & The Law Dept

NATURE OF CONDITION FOR APPROVAL:

WHEN IS THIS INFORMATION DUE, AND TO WHOM?

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES () NO ()

WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?

YES () NO ()

Administration - Sent a position letter to GGP with regard to the city's position concerning public property vending issues

Various provisions relevant to GGP's obligations and responsibilities.
July 6, 2010 council meeting, to all council members.

HAS THIS INFORMATION BEEN RECEIVED?

DATB OJ' RECEIPT: _____ YES () NO ()

WHEREAS, the authority to allow vendors to vend their goods and wares on the public right-of-ways of the city is an exercise of the city's police power; and

WHEREAS, as a further exercise of said police power, the city possesses the right to regulate vending activities on the public right-of-way; and

WHEREAS, until June 22, 2009, the city maintained and operated the public property vending program; and

WHEREAS, on said date, the city entered into a contract with U. K. LaSalle LLC, an entity solely owned by GOP Holding II Inc. (General Growth); and

WHEREAS, the contract with General Growth is for a term of twenty (20) years and grants General Growth the exclusive right to occupy and use all public property vending sites which meet the requirements of the Atlanta City Code including without limitation those vending sites currently occupied by public property vendors already licensed by the city; and

WHEREAS, on Thursday, April 29, 2010, members of the city's Public Safety and Legal Administration Committee visited the vending kiosks and sites located on Marietta Street, at Five Points and bordering Woodruff Park; and

WHEREAS, during said tour, the council members had an opportunity to talk with the vendors and to observe their operation as well as to observe the kiosks themselves; and

WHEREAS, the kiosks in this area are said to represent Phase 1 of the privately managed public property vending program; and

WHEREAS, General Growth is embarking upon Phase 2 of the program which involve vending sites located near Turner Field; and

WHEREAS, several concerns and complaints have been brought to the attention of council members regarding the manner in which the program is being operated; and

WHEREAS, while acknowledging the contract with General Growth, the city wishes to revisit and study the terms of the contract and the operation of the program; and

WHEREAS, the city desires to maintain the status quo for a period of ninety (90) days while these matters are reviewed.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

1: The City of Atlanta hereby imposes a ninety (90) day moratorium on the Public Property Vending Program. Said moratorium shall begin upon the date of the approval of this ordinance.

Section 2: A subcommittee shall be formed to study and review the operation of the Public Property Vending Program. Said subcommittee members shall be as follows:

1. Council Members
2. Representative (s) of the Administration
3. Representative from General Growth Properties
4. Representative from Central Atlanta Progress
5. Representative from the Atlanta Downtown Improvement District
6. Representative from the Atlanta Development Authority
7. Representative from the U.S. Veterans Administration
8. A disabled vendor
9. A disabled veteran vendor
10. Turner Field vendor
11. Three (3) vendors from other vending areas in the city
12. Present kiosk vendor
13. Representative from APD License and Permits Unit
14. Representative from the City Law Department

Section 3: All ordinances, code sections or parts of ordinances or code sections in conflict herewith are hereby waived to the extent of any such conflict.

Atlanta City Council

REGULAR SESSION

10-0-1173

IMPOSE 90 MORATORIUM ON THE CITY'S PUBLIC VENDING PROGRAM
REFER PUB.SAFE.

YEAS:	1
	1
NAYS:	0
ABSTENTION	0
S:	
NOT	1
VOTING:	
EXCUSED:	0
ABSENT	4

- B Smith
- Y Hall
- Y Young
- Y Winslow
- Y Archibong
- Y Wan
- B Shook
- Y Adrean
- Y Moore
- B Martin

B Bottoms
Y Sheperd
Y Bond
Y Watson
Y Willis
NV Mitchell

Atlanta City Council

REGULAR SESSION

10-0-1173

IMPOSE 90 MORATORIUM ON THE CITY'S PUBLIC VENDING PROGRAM
REMOVE FR.TABLE

YEAS:	1
	1
NAYS:	0
ABSTENTION	0
S:	
NOT	1
VOTING:	
EXCUSED:	0
ABSENT	4

B Smith
Y Hall
Y Young
Y Winslow
Y Archibong
Y Wan
B Shook
Y Adrean
Y Moore
B Martin
B Bottoms
Y Sheperd
Y Bond
Y Watson
Y Willis
NV Mitchell

Atlanta City Council

REGULAR SESSION

10-0-1173

IMPOSING 90 DAY MORATORIUM ON CITY'S PUBLIC PROPERTY VENDING PROGRAM
TABLE

YEAS:	1
	4
NAYS:	0
ABSTENTION	0
S:	
NOT	1
VOTING:	
EXCUSED:	0
ABSENT	1

Y Smith
Y Hall
Y Young
Y Winslow
Y Archibong
Y Wan
Y Shook
Y Adrean
Y Moore
Y Martin
Y Bottoms
Y Sheperd
Y Bond
Y Watson
B Willis
NV Mitchell



CITY OF ATLANTA

KASIM REED

MAYOR

55 Trinity Avenue, SW Atlanta, Georgia 30303-0300

TEL (404) 330-6100

Ms. Michelle B. Washington

General Growth Properties, Inc.

110 N. Wacker Drive

Chicago, IL 60606

Re: Contract No. FC-600700095 City of Atlanta Public Vending Program

Dear Ms. Washington:

As the city's authorized representative on the Professional Services Agreement between the City of Atlanta and U.K. LaSalle (designated as Contract Number. FC-600700095), I want to make you aware that the City Council has raised a number of concerns its members would like addressed.

The City requests you or a designated representative of U.K. LaSalle LLC be available at a

meeting of the Public Safety and Legal Administration Committee which is to be held on July 20, 2010 in Committee Room 2 of Atlanta City Hall, 55 Trinity Avenue, Atlanta, Georgia, 30303 at 3:00p.m.

Pursuant to Sec. 13.1 of the Agreement, U.K. LaSalle LLC is hereby placed on notice through this letter to you as the designated representative that the City seeks immediate access to personnel who may respond to certain questions to be posed by the City and the Atlanta City Council concerning the performance of services under the Agreement, compliance with the terms of the Agreement as well as other matters which may be reasonably relevant to the Agreement and the performance of U.K. LaSalle LLC. The City deems the Agreement to require that full cooperation be provided by U.K. LaSalle LLC in this regard and that failure to do so is a violation of its terms.

The Agreement requires that you provide such information through discussions with the individuals designated by the City and the production of any reasonably relevant documents necessary for the City to perform the review and audit allowed by the Agreement. The City hereby designates the chair of the City Council Public Safety and Legal Administration

Committee, under authorization and direction of a vote by the majority of the committee, as a person who may invoke the right to request such information.

The specific questions and areas of concern that the City Council seek to review in the initial meeting are as follows:

1. There have been a number of concerns around the design of the kiosks that have been installed. You will be asked to address certain issues with regard to the functionality of the chosen design, including without limitation, size; suitability for the display and security of merchandise; how the kiosks function in inclement weather; handicapped accessibility; and visibility and lines of sight.
2. There are questions concerning the performance with respect to the "Vending Program Development and Management Services." These are set forth in the Scope of Work at Section 2.0 with specific reference to: Section 2.1.1 "Develop a vending location plan;" Section 2.1.2 which references the City Council approval of kiosk design and such obligations with respect to the design as are as set forth in the enabling legislation, 08-R-1209; Section 2.1.3 "Develop a merchandising and marketing strategy;" Section 2.1.4 "Developing a leasing plan"; and Section 2.1.5 Develop a launch plan.
3. The access to the program which has been provided to disabled veterans and other disabled persons.
4. There will be questions concerning the required monthly reports as well as the

more specific data which is summarized in the reports provided.

5. Such other questions regarding the Agreement as may be posed

The City appreciates the work done so far through the public vending contract and the work your firm has put into this effort. And, we look forward to working with you and the Council as this program moves forward.

If I can answer any questions, please contact me at 404-330-6129 at any time. Sincerely,

David Bennett,

Senior Policy Advisor

Office of Atlanta Mayor Kasim Reed

UNFINISHED BUSINESS

CONDITION FOR APPROVAL FORM (TO ACCOMPANY LEGISLATION)

COMMITTEE: Public Safety and
Legal Administration

DATE: 6/29/10

ORDINANCE # 10-O-1173 RESOLUTION # _____

REQUESTED BY: The Committee

DIRECTED TO: The Administration & The Law Dept

NATURE OF CONDITION FOR APPROVAL:

- ① Administration - Sent a position letter to GGP with regard to the city's position concerning public property handling issues
 - ② Law Dept - Review provisions of the contract with GGP and provide an interpretation and analysis of the various provisions relevant to GGP's obligations and responsibilities.
- WHEN IS THIS INFORMATION DUE, AND TO WHOM?
July 6, 2010 council meeting to all council members.

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES () NO (✓)

WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?

YES () NO (✓)

HAS THIS INFORMATION BEEN RECEIVED? YES () NO ()

DATE OF RECEIPT: _____

Attachment: 1001173 (1971 : 10-O-1173 90 Moratorium on Public Property Vending Program)

10-0-1173

AN ORDINANCE**BY COUNCILMEMBERS IVORY L. YOUNG, JR. AND C. T. MARTIN**

Ivory L. Young, Jr. *C. T. Martin*

AN ORDINANCE 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.

WHEREAS, the authority to allow vendors to vend their goods and wares on the public right-of-ways of the city is an exercise of the city's police power; and

WHEREAS, as a further exercise of said police power, the city possesses the right to regulate vending activities on the public right-of-way; and

WHEREAS, until June 22, 2009, the city maintained and operated the public property vending program; and

WHEREAS, on said date, the city entered into a contract with U. K. LaSalle LLC, an entity solely owned by GGP Holding II Inc. (General Growth); and

WHEREAS, the contract with General Growth is for a term of twenty (20) years and grants General Growth the exclusive right to occupy and use all public property vending sites which meet the requirements of the Atlanta City Code including without limitation those vending sites currently occupied by public property vendors already licensed by the city; and

WHEREAS, on Thursday, April 29, 2010, members of the city's Public Safety and Legal Administration Committee visited the vending kiosks and sites located on Marietta Street, at Five Points and bordering Woodruff Park; and

WHEREAS, during said tour, the council members had an opportunity to talk with the vendors and to observe their operation as well as to observe the kiosks themselves; and

WHEREAS, the kiosks in this area are said to represent Phase 1 of the privately managed public property vending program; and

WHEREAS, General Growth is embarking upon Phase 2 of the program which involve vending sites located near Turner Field; and

WHEREAS, several concerns and complaints have been brought to the attention of council members regarding the manner in which the program is being operated; and

WHEREAS, while acknowledging the contract with General Growth, the city wishes to revisit and study the terms of the contract and the operation of the program; and

WHEREAS, the city desires to maintain the status quo for a period of ninety (90) days while these matters are reviewed.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: The City of Atlanta hereby imposes a ninety (90) day moratorium on the Public Property Vending Program. Said moratorium shall begin upon the date of the approval of this ordinance.

Section 2: A subcommittee shall be formed to study and review the operation of the Public Property Vending Program. Said subcommittee members shall be as follows:

1. **Council Members**
2. **Representative (s) of the Administration**
3. **Representative from General Growth Properties**
4. **Representative from Central Atlanta Progress**
5. **Representative from the Atlanta Downtown Improvement District**
6. **Representative from the Atlanta Development Authority**
7. **Representative from the U. S. Veterans Administration**
8. **A disabled vendor**
9. **A disabled veteran vendor**
10. **Turner Field vendor**
11. **Three (3) vendors from other vending areas in the city**
12. **Present kiosk vendor**
13. **Representative from APD License and Permits Unit**
14. **Representative from the City Law Department**

Section 3: All ordinances, code sections or parts of ordinances or code sections in conflict herewith are hereby waived to the extent of any such conflict.

RCS# 448
7/19/10
3:07 PM

Atlanta City Council

REGULAR SESSION

10-O-1173

IMPOSE 90 MORATORIUM ON THE CITY'S
PUBLIC VENDING PROGRAM
REFER PUB.SAFE.

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 4

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	B Martin	Y Watson
Y Young	B Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

10-O-1173

Attachment: 1001173 (1971 : 10-O-1173 90 Moratorium on Public Property Vending Program)

RCS# 447
7/19/10
3:07 PM

Atlanta City Council

REGULAR SESSION

10-O-1173

IMPOSE 90 MORATORIUM ON THE CITY'S
PUBLIC VENDING PROGRAM
REMOVE FR.TABLE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 4

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	B Martin	Y Watson
Y Young	B Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

10-O-1173

Attachment: 1001173 (1971 : 10-O-1173 90 Moratorium on Public Property Vending Program)



CITY OF ATLANTA

KASIM REED
MAYOR

55 Trinity Avenue, SW
Atlanta, Georgia 30303-0300

TEL (404) 330-6100

Ms. Michelle B. Washington
General Growth Properties, Inc.
110 N. Wacker Drive
Chicago, IL 60606

Re: Contract No. FC-600700095 City of Atlanta Public Vending Program

Dear Ms. Washington:

As the city's authorized representative on the Professional Services Agreement between the City of Atlanta and U.K. LaSalle (designated as Contract Number. FC-600700095), I want to make you aware that the City Council has raised a number of concerns its members would like addressed.

The City requests you or a designated representative of U.K. LaSalle LLC be available at a meeting of the Public Safety and Legal Administration Committee which is to be held on July 20, 2010 in Committee Room 2 of Atlanta City Hall, 55 Trinity Avenue, Atlanta, Georgia, 30303 at 3:00 p.m.

Pursuant to Sec. 13.1 of the Agreement, U.K. LaSalle LLC is hereby placed on notice through this letter to you as the designated representative that the City seeks immediate access to personnel who may respond to certain questions to be posed by the City and the Atlanta City Council concerning the performance of services under the Agreement, compliance with the terms of the Agreement as well as other matters which may be reasonably relevant to the Agreement and the performance of U.K. LaSalle LLC. The City deems the Agreement to require that full cooperation be provided by U.K. LaSalle LLC in this regard and that failure to do so is a violation of its terms.

The Agreement requires that you provide such information through discussions with the individuals designated by the City and the production of any reasonably relevant documents necessary for the City to perform the review and audit allowed by the Agreement. The City hereby designates the chair of the City Council Public Safety and Legal Administration

Committee, under authorization and direction of a vote by the majority of the committee, as a person who may invoke the right to request such information.

The specific questions and areas of concern that the City Council seek to review in the initial meeting are as follows:

1. There have been a number of concerns around the design of the kiosks that have been installed. You will be asked to address certain issues with regard to the functionality of the chosen design, including without limitation, size; suitability for the display and security of merchandise; how the kiosks function in inclement weather; handicapped accessibility; and visibility and lines of sight.
2. There are questions concerning the performance with respect to the "Vending Program Development and Management Services." These are set forth in the Scope of Work at Section 2.0 with specific reference to: Section 2.1.1 "Develop a vending location plan;" Section 2.1.2 which references the City Council approval of kiosk design and such obligations with respect to the design as are as set forth in the enabling legislation, 08-R-1209; Section 2.1.3 "Develop a merchandising and marketing strategy;" Section 2.1.4 "Developing a leasing plan"; and Section 2.1.5 Develop a launch plan.
3. The access to the program which has been provided to disabled veterans and other disabled persons.
4. There will be questions concerning the required monthly reports as well as the more specific data which is summarized in the reports provided.
5. Such other questions regarding the Agreement as may be posed

The City appreciates the work done so far through the public vending contract and the work your firm has put into this effort. And, we look forward to working with you and the Council as this program moves forward.

If I can answer any questions, please contact me at 404-330-6129 at any time.

Sincerely,

David Bennett,

Senior Policy Advisor

Office of Atlanta Mayor Kasim Reed

UNFINISHED BUSINESS

10-O-1342 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
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Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [UNANIMOUS] Next: 5/14/2013 3:00 PM
AYES: Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.

05/06/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/14/2013 3:00 PM

05/14/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [4 TO 0] Next: 5/20/2013 1:00 PM
AYES: Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.
AWAY: Kwanza Hall, H. Lamar Willis, Clea Winslow

05/20/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

05/28/13 Public Safety & Legal Administration Committee

06/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/11/2013 3:00 PM

06/11/13 Public Safety & Legal Administration Committee

06/17/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/25/2013 3:00 PM

06/25/13 Public Safety & Legal Administration Committee

07/01/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/9/2013 3:00 PM

07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/30/2013 3:00 PM

07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next: 9/10/2013 3:00 PM**

09/10/13 Public Safety & Legal Administration Committee
 09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/1/2013 3:00 PM**

10/01/13 Public Safety & Legal Administration Committee
 10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/15/2013 3:00 PM**

10/15/13 Public Safety & Legal Administration Committee
 10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/29/2013 3:00 PM**

10/29/13 Public Safety & Legal Administration Committee
 11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/12/2013 3:00 PM**

11/12/13 Public Safety & Legal Administration Committee
 11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

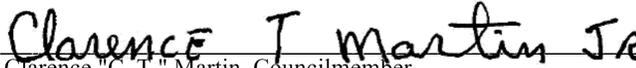
CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES



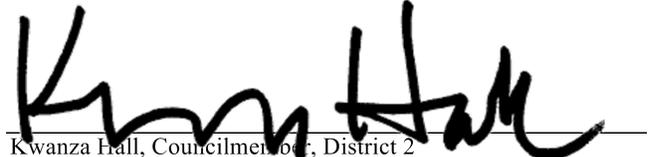
Alex Wan, Councilmember



Aaron Watson, Councilmember, Post 2 -at-Large



Clarence "C. T." Martin, Councilmember



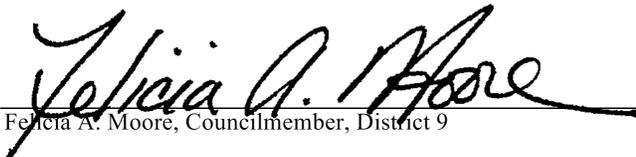
Kwanza Hall, Councilmember, District 2



Michael Julian Bond, Councilmember, Post 1 -at-Large



Ivory Lee Young Jr., Councilmember, District 3



Felicia A. Moore, Councilmember, District 9

10-O-1342 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.)

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcohol within its territorial limits; and

WHEREAS, the City of Atlanta is authorized to regulate the hours within which establishments licensed to sell alcoholic beverages may sell such beverages; and

WHEREAS, vibrant and active commercial areas, which often include well-run hospitality establishments that sell alcohol for in-premises consumption, can positively contribute to the economic development objectives of these areas while generating significant tax revenue; and

WHEREAS, the City of Atlanta recognizes the benefit of promoting the development of vibrant and active commercial centers where appropriate; and

WHEREAS, the City of Atlanta believes it would be appropriate to conduct a temporary pilot program to examine the benefits versus the risks of extending the permissible hours for sales of alcohol for businesses located in a specific and limited area; and

WHEREAS, the City of Atlanta believes that said pilot program may assist the City in determining whether said hours of operation should be extended city-wide and, if so, how the expansion of this privilege should be managed so as to serve the best interests and public safety of the City of Atlanta.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That Chapter 10, Article II, Division 3 of the Code of Ordinances be amended by creating a new Section 10-130, which shall read as follows:

Section 10-130- Extended Hours Permit Pilot Program

(a) The provisions of Section 10-209 (c)(1) and (d)(1) of the Code of Ordinances of the City of Atlanta, Georgia are hereby temporarily waived to the extent that said provisions prohibit qualified establishments licensed for the sale of alcoholic beverages for on-premises consumption, that are located in the Edgewood Avenue/Auburn Avenue Pilot District of the City of Atlanta, to extend the hours within which alcohol may be sold to Monday through Friday from 9:00a.m. until 3:55 a.m. of the following day and on Saturdays from 9:00a.m. until 2:55 a.m. on Sunday. The Edgewood Avenue/Auburn Avenue Pilot District is more particularly described in the map attached hereto as Exhibit A.

(b) A qualified establishment under Section 1 above shall meet the following requirements: (1) Said establishment shall possess a valid annual license for the sale of alcohol pursuant to Section 10-60(a)(4) of the Code for on-premises consumption of distilled spirits, wine and malt beverages; and

(2) Said establishment shall be located within the boundaries of the Edgewood Avenue/Auburn Avenue Pilot District shown on Exhibit A; and

(3) Said establishment shall possess an extended hours permit issued by the City of Atlanta Police Department in accordance with this section.

(c) The City of Atlanta Police Department shall be authorized to issue an extended hours permit under the following circumstances:

(1) The annual license holder seeking to obtain an extended hours permit at said license holder's licensed establishment located within the Edgewood Avenue/Auburn Avenue Pilot District shall make written application to the Licenses and Permits Unit of the Atlanta Police Department for that privilege upon forms approved by the City of Atlanta Police Department. The annual license holder shall file the application for an extended hours permit with the Licenses and Permit Unit of the Police Department along with all required supporting documentation and a non-refundable \$300.00 filing fee payable by money order, certified check or

cashier's check and an annual extended hour permit fee of \$2,500 payable by money order, certified check or cashier's check; and

(2) The annual license holder seeking an extended hours permit has not been found, by either the City or any Court of competent jurisdiction, to have violated any provision of the City of Atlanta Alcohol Code or state laws regulating the sale of alcohol within twelve (12) months immediately preceding submission of an application; and

(3) The annual license holder seeking to obtain an extended hours permit provides a copy of an agreement for the provision of off-duty police services at the licensed establishment for the additional time authorized by the extended hours permit, at an enhanced level established by the police chief.

(4) An extended hours permit may be immediately revoked by the police chief for due cause for a violation of this chapter which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

(d) An extended hours permit shall be valid for the same period of time as its' associated annual license and shall be renewable in the same manner as an annual license. Without further action by the City Council of the City of Atlanta, extended hours permits issued pursuant to this Code section may not be renewed beyond December 31, 2011.

(e) During the time period that the Extended Hours Permit Pilot Program shall be authorized by this ordinance, the Atlanta City Council and Department of Police shall study the impact of said extended hours of service of alcohol for on-premises consumption on the Edgewood Avenue/Auburn Avenue District defined by Exhibit A, in order to make a determination as to whether it would be in the best interest of the City to extend said Pilot Program to other areas of the City of Atlanta.

(f) This ordinance shall become effective thirty (30) days after its adoption by Council and approval by the Mayor.

SECTION 2: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only, and shall otherwise remain in full force and effect.

EXHIBIT "A"

AUBURN: FROM THE EAST SIDE OF PIEDMONT AVENUE TO THE
DOWNTOWN CONNECTOR

EDGEWOOD: FROM THE EAST SIDE OF PIEDMONT AVENUE TO
THE WEST SIDE OF DANIEL STREET

Gea
Wat

[Handwritten signatures]

10-0-1342

**AN ORDINANCE
BY COUNCILMEMBERS KWANZA HALL AND MICHAEL JULIAN BOND**

AN ORDINANCE 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.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcohol within its territorial limits; and

WHEREAS, the City of Atlanta is authorized to regulate the hours within which establishments licensed to sell alcoholic beverages may sell such beverages; and

WHEREAS, vibrant and active commercial areas, which often include well-run hospitality establishments that sell alcohol for in-premises consumption, can positively contribute to the economic development objectives of these areas while generating significant tax revenue; and

WHEREAS, the City of Atlanta recognizes the benefit of promoting the development of vibrant and active commercial centers where appropriate; and

WHEREAS, the City of Atlanta believes it would be appropriate to conduct a temporary pilot program to examine the benefits versus the risks of extending the permissible hours for sales of alcohol for businesses located in a specific and limited area; and

WHEREAS, the City of Atlanta believes that said pilot program may assist the City in determining whether said hours of operation should be extended city-wide and, if so, how the expansion of this privilege should be managed so as to serve the best interests and public safety of the City of Atlanta.

Attachment: 1001342 (1972 : 10-O-1342 Amend Chpt 10 Art II Div 3 Sec 10-130 Extended Hours Permit Pilot Program)

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Section 10-130 - Extended Hours Permit Pilot Program

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(2) The annual license holder seeking an extended hours permit has not been found, by either the City or any Court of competent jurisdiction, to have violated any provision of the City of Atlanta Alcohol Code or state laws regulating the sale of alcohol within twelve (12) months immediately preceding submission of an application; and

(3) The annual license holder seeking to obtain an extended hours permit provides a copy of an agreement for the provision of off-duty police services at the licensed establishment for the additional time authorized by the extended hours permit, at an enhanced level established by the police chief.

(4) An extended hours permit may be immediately revoked by the police chief for due cause for a violation of this chapter which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

(d) An extended hours permit shall be valid for the same period of time as its' associated annual license and shall be renewable in the same manner as an annual license. Without further action by the City Council of the City of Atlanta, extended hours permits issued pursuant to this Code section may not be renewed beyond December 31, 2011.

(e) During the time period that the Extended Hours Permit Pilot Program shall be authorized by this ordinance, the Atlanta City Council and Department of Police shall study the impact of said extended hours of service of alcohol for on-premises consumption on the Edgewood Avenue/Auburn Avenue District defined by Exhibit A, in order to make a determination as to whether it would be in the best interest of the City to extend said Pilot Program to other areas of the City of Atlanta.

(f) This ordinance shall become effective thirty (30) days after its adoption by Council and approval by the Mayor.

SECTION 2: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only, and shall otherwise remain in full force and effect.

EXHIBIT "A"

Auburn: From the east side of Piedmont Avenue to the Downtown Connector.

Edgewood: From the east side of Piedmont Avenue to the west side of Daniel Street.

10-R-1343 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
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Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
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AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
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07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
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10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
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10/15/13 Public Safety & Legal Administration Committee

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RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES



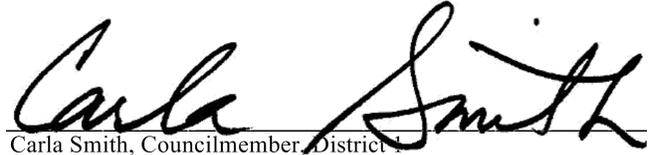
Alex Wan, Councilmember



Aaron Watson, Councilmember, Post 2 -at-Large



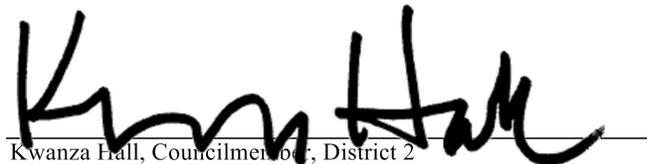
Clarence "C. T." Martin, Councilmember



Carla Smith, Councilmember, District 1



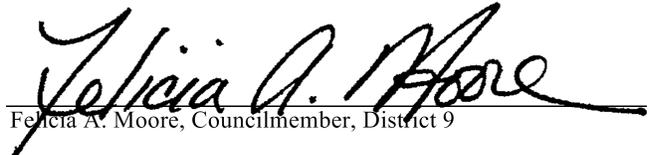
Michael Julian Bond, Councilmember, Post 1 -at-Large



Kwanza Hall, Councilmember, District 2



Natalyn Mosby Archibong, Councilmember, District 5



Felicia A. Moore, Councilmember, District 9

10-R-1343 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.)

COMMITTEE AMENDMENT FORM

Committee: Public Safety &

PageNumber_1

Legal Administration Committee

Ordinance I.D. #

Section(s)

Resolution I.D.#

Paragraph

Date. July 13, 2010

Amendment: ① Add Council members Ivory L. Young, Jr. and Joyce Sheperd as sponsors;
② Delete Council member C.T. Martin as a sponsor;
③ Replace the words "working group" with the words "task force" wherever said words appear in the resolution

Amend to add / substitute

1) working group membership
 of ADL to make recommendations
 to the full council within
 ninety (90) days of the approval
 of this resolution, as to any
 proposed changes to be made
 to the city's alcoholic beverage
 code.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcohol within its territorial limits; and

WHEREAS, the alcoholic beverage laws, ordinances and regulations should be reviewed so as to ascertain and recommend improvements to the city's system of alcoholic beverage licensing and enforcement; and

WHEREAS, it is recommended that a working group comprised of citizens, industry and city government representatives be convened to carry out this task and function.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: A working group is hereby established 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.

Section 2: The Public Safety and Legal Administration Committee is hereby authorized to determine the membership structure of the working group.

Section 3: All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

COMMITTEE AMENDMENT FORM

Committee Public Safety Page Number(s) 1

Ordinance I.D.# Legal Administration Section(s) 1 and 2 and the 4th "whereas" clause

Resolution I.D.# 10-R-1343 Paragraph _____

Date July 13, 2010

Amendment: ① Add Council members Ivory L. Young, Jr. and Joyce Shaperd as sponsors;

② Delete Council member C.T. Martin as a sponsor; and

③ Replace the words "working group" with the words "task force" wherever said words appear in the resolution

Amend to add / substitute
1) working group membership of AD to make recommendations to the full council within ninety (90) days of the approval of this resolution, as to any proposed changes to be made to the city's alcoholic beverage code.

Attachment: 10R1343 (1973 : 10-R-1343 Establish a Group to Review Alcoholic Beverage Licensing Process)

Carla Antin
Felicia A. Moore
Natasha Archibong
John
Jats
Alexander

10-R-1343

**A RESOLUTION
BY COUNCILMAN KWANZA HALL**

A RESOLUTION TO ESTABLISH A WORKING GROUP 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 WORKING GROUP; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcohol within its territorial limits; and

WHEREAS, the alcoholic beverage laws, ordinances and regulations should be reviewed so as to ascertain and recommend improvements to the city's system of alcoholic beverage licensing and enforcement; and

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Section 2: The Public Safety and Legal Administration Committee is hereby authorized to determine the membership structure of the working group.

Section 3: All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

Attachment: 10R1343 (1973 : 10-R-1343 Establish a Group to Review Alcoholic Beverage Licensing Process)

10-O-1880 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

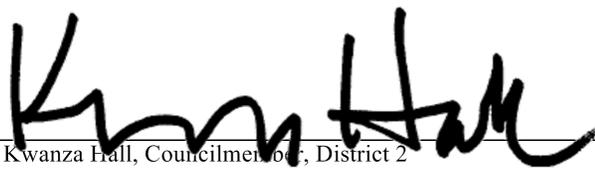
11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES



Kwanza Hall, Councilmember, District 2



Aason Watson, Councilmember, Post 2 -at-Large



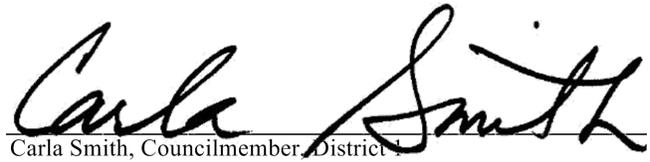
Alex Wan, Councilmember



H. Lamar Wilks, Councilmember, Post 3 -at-Large



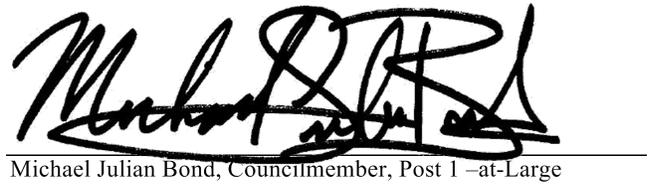
Keisha Lance Bottoms, Councilmember, District 11



Carla Smith, Councilmember, District 1



Natalyn Mosby Archibong, Councilmember, District 5



Michael Julian Bond, Councilmember, Post 1 -at-Large

10-O-1880 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.)

WHEREAS, the City Council seeks to allow the operation of human-drawn vehicles (pedicabs) within the City limits of Atlanta;

WHEREAS, the current City of Atlanta Code of Ordinances contains no provisions which concern the regulation of human-drawn vehicle (pedicab) trade on a permanent basis; and

WHEREAS, the City of Atlanta desires to authorize the operation of human drawn vehicles (pedicabs) and to regulate such operation to ensure that the health, safety and welfare of its citizens is maintained in conjunction with such operation and regulation; and

NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1. That Chapter 162 of the City of Atlanta Code of Ordinances is hereby amended by creating a new article to be known as "Article VI" to be entitled "Human Drawn Vehicles (Pedicabs)" and to insert new language in such article which shall read as follows:

ARTICLE VI. PEDICABS DIVISION 1. GENERALLY Sec. 162-269. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Bureau" means the bureau of taxicabs and vehicles for hire.

"Business license" means the license required of any business operating within the city by chapter 30, article III.

Company means any person, association, corporation or other organization operating or intending to engage in the business of operating vehicles for hire.

"Company permit" means the permit to operate a pedicab service issued to a company under this article.

"Director" means the director of the bureau of taxicabs and vehicles for hire.

"Operator" means the individual who actually operates the pedicab whether as the owner, an employee of the owner or as an independent contractor.

Operator permit means a valid document issued by the bureau to operate a human-drawn vehicle ("Pedicab").

"Owner" means any person who owns, leases, or otherwise has possession of the pedicab. "Pedicab" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, having two or more wheels and constructed in such a manner as to engage in the business of carrying passengers for hire.

"Person" means any corporation, association, syndicate, joint stock company, partnership or individual.

Vehicle for hire means any motor vehicle, animal-drawn vehicle or other vehicle or device designed or used for the transportation of passengers for hire, the charges for use of which are determined by agreement.

Sec. 162-270. Unlawful acts.

It shall be unlawful for any person to knowingly operate, offer to operate or permit another person to operate a pedicab service in the city in violation of this article. It shall be unlawful for any person to hold such person out to the public or advertise that such person renders a pedicab service in the city unless the person shall have obtained and holds a permit under this article.

Sec. 162-271. Enforcement; violations.

The department of police, along with the bureau of vehicles for hire, shall enforce this article.

Violations of this article are punishable as provided in section 1-8.

DIVISION 2. PERMIT

Sec. 162-272. Requirements.

The permit for the rendering of pedicab service shall be applied for with the Bureau of Taxicabs and Vehicles for Hire. The Bureau shall prescribe the form of application for issuance of a permit to operate a pedicab service.

Director of the Bureau shall issue the permit to operate a pedicab service if the following conditions are met:

- (1) The applicant is an individual at least 18 years of age or a legal entity registered to do business in Georgia
- (2) Holds a current valid city business license.
- (3) If an individual, the applicant must be a citizen of the United States or an alien admitted for permanent residence or otherwise granted employment authorization by the United States Citizen and Immigration Service.
- (4) If an individual, the applicant has not been convicted of a felony within the 5 years preceding the filing of the application. (5) The applicant owns at least one pedicab.
- (6) The applicant has provided a publicly listed telephone number.
- (7) The applicant has provided a description of the type and model of the pedicabs it owns, technical specifications from the manufacturer, and the number of pedicabs it owns. The applicant has provided the identifying numbers for each pedicab.
- (8) The applicant has submitted proof of liability insurance as required by this article.
- (9) All vehicles rendering pedicab service have been inspected by a police officer and found to be pedicabs and found to meet reasonable standards of comfort and safe operation based on the standards by the pedicab industry.
- (10) The applicant has designated and maintains an office in the city and garages the pedicabs in the city and makes them available for inspection at all reasonable times by a police officer.
- (11) The applicant has paid the \$150.00 application fee.

If the applicant has ever held a permit in the past, which permit has been revoked, suspended or not renewed for any reason, the applicant shall be granted a permit if the applicant has not been found guilty of violating the provisions of this article three or more times within the two years preceding the filing of the application, provided that the applicant is in compliance with all other requirements of this section, and that in case of revocation 12 months has passed from the date of revocation.

Sec. 162-273. Certain continuous duties.

In order to maintain a permit to operate a pedicab service issued under the preceding section, the company must:

- (1) Maintain a publicly listed telephone number.
- (2) Maintain the name and home address of each driver affiliated with the company. (3) Maintain a log listing the type and model of the pedicabs it owns, and the identifying numbers for each pedicab.
- (4) Maintain a log of all accidents, repairs and maintenance done on each of the pedicabs it owns.
- (5) Have knowledge that all pedicabs operating for the company have the insurance coverage required under this article and have knowledge that such pedicabs are in compliance with the standards concerning inspection.

Sec. 162-274. Report of changes.

The company shall provide notice in writing to the Bureau, including the names of the persons involved, when applicable, within five working days of any of the following:

- (1) Change in the chief executive officer, if a corporation.
- (2) Change in the holder of 50 percent or more of the proprietary interest, if a partnership, corporation, firm or association.
- (3) Change in company phone number. (4) Change of company name.
- (5) Change of company location.

Sec. 162-275. Permit Displayed.

A copy of the permit to operate a pedicab service shall be conspicuously displayed in each vehicle for hire. Each vehicle for hire shall carry a vehicle number, displayed conspicuously on the outside of the vehicle. Vehicle numbers shall be provided to the Bureau and used as identification numbers for each individual pedicab.

Within 10 days of adding a new pedicab to its fleet, the permit holder is required to report to the Bureau the addition of the pedicab and the identification number assigned to that pedicab. If the permit holder discontinues the use of a particular pedicab, it has to report that fact and the pedicab identification number of the discontinued pedicab to the Bureau within 10 days.

Sec. 162-276. Renewal Application.

After its initial issuance, a company permit under this division shall be renewed no later than December 31 of the year the company permit was issued, upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.

All company pennits issued by the city shall expire on December 31 and will be renewed for a one year period upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.

The fee of \$150.00 shall accompany the renewal application.

Director of the Vehicles for Hire department shall automatically renew the permit to operate a pedicab service for another year if the applicant has not been found guilty of violating any of the provisions of this article during the preceding year.

If the applicant has been found by any court to have violated the provisions of this article three or more times, the Director may in his or her discretion refuse to renew the permit.

Sec. 162-277. Revocation or suspension.

(a) Upon a finding of due cause, as defined in subsection (b) of this section, the Director shall have the authority to revoke or suspend any company permit issued by the city under this division.

(b) Due cause for the revocation or suspension of a company permit shall include but shall not be limited to the following:

- (1) The failure of the company to maintain any and all of the general qualifications applicable to the initial issuance of the company permit.
- (2) Obtaining a company permit by providing false information.
- (3) Conviction by a court of competent jurisdiction of any shareholder, partner or member of any corporation, partnership, firm or association holding a 51 percent interest or more in the entity of any violation of this article.
- (4) Conviction by a court of competent jurisdiction of any shareholder, partner or member of any corporation, partnership, firm or association holding a 51 percent interest or more in the entity of any of the following: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants if such violation is related to

operation of the company or violation of any section of this Code or other ordinances of the city governing the conduct of holders of company permits.

(5) If the company has knowledge or in the exercise of reasonable care should have had knowledge of the violation of a driver who is affiliated with the company of any of the following offenses:

a. Driving under the influence of intoxicating beverages or drugs.

b. Criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants, if such violation is related to the operation of a vehicle for hire or violation of any section of this Code or other ordinance of the city governing the conduct of drivers of vehicles for hire

(6) Violation of any of the sections of this Code or other ordinances regulating vehicle for hire companies or excessive violations of regulations governing vehicles for hire by drivers affiliated with the company.

(c) No company permit issued by the city shall be revoked or suspended except upon a finding of due cause as defined in subsection (b) of this section and after a hearing and upon a prior five-day written notice to the company stating the place, date, time and purpose of such hearing and setting forth the charges upon which the hearing shall be held. The hearing shall be held within 15 days of the date the notice is issued.

(d) A duly appointed hearing officer shall conduct the hearings and report the conclusions and recommendations to the Director. The Director, upon receiving the report, may revoke or suspend any company permit. In lieu of suspension or revocation, the Director may impose a fine upon any company, such fine not to exceed \$500.00 for each violation. A hearing officer from this section shall be one of the hearing officers described in Sec. 162-29. The procedure prescribed in Sec. 162-29 shall reasonably apply to hearings under this section except that any reference to the police chief shall, for the purposes of this section, be deemed a reference to the Director.

(e) After revocation of a company permit, no application for a company permit shall be accepted or considered for a period of 12 months from the date of revocation.

(f) For due cause for a violation of this article which results in a situation in which continued operation by the company endangers the health, welfare or safety of the public, the Director or the Director's designee may suspend any company's permit. Such immediate temporary suspension may be done by summary consideration of facts that indicate due cause and of facts that indicate an immediate danger. Notice of the temporary suspension shall be given immediately to the company stating the facts upon which the suspension is based and stating the time and place of a full hearing as provided in subsections (d) and (e) of this section.

(g) Whenever any person holding a company permit is convicted of or pleads guilty to or pleads nolo contendere to any of the following offenses in any court, such disposition shall constitute due cause for suspension, revocation or a fine in accordance with subsections (b), (c) and (d) of this section: driving under the influence of intoxicating beverages or drugs, criminal homicide, rape, aggravated battery, mayhem, burglary,

aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants.

Sec. 162-278. Transferability.

Any permit granted in accordance with this division may be transferred in the same manner as provided in section 162-103.

DIVISION 3. PEDICAB OPERATORS Sec. 162-279. Operator Qualifications.

Compliance with the pedicab operator qualifications is the responsibility of both the permit holder and the actual operator of the pedicab. Depending on the circumstances either the permit holder, the operator or both could be cited for violating the provisions of this article regardless of whether the operator is an employee of the permit holder, is an independent contractor, or merely leases the vehicle from the permit holder.

Pedicab operator may not be less than 16 years of age, and shall be free of any physical infirmities which might make the operator an unsafe or unsatisfactory pedicab driver.

No person should be allowed to operate a pedicab if they have been convicted of operating a motor vehicle while under the influence of intoxicating beverages or drugs two or more times within one year prior to the date they began to operate a pedicab or if they have been convicted of the offense three or more times within five years prior to the date they began to operate a pedicab.

No person should be allowed to operate a pedicab if they have within three years prior to the date they began to operate a pedicab been convicted of any crime related to transporting persons for immoral purposes or have within three years prior to the date they began to operate a pedicab been convicted of a felony.

Sec. 162-280. Current state driver's license required.

Any pedicab operator must have a current motor vehicle operator's license issued or approved by the State of Georgia, and that license should not be under suspension or revocation.

DIVISION 4. INSURANCE REQUIREMENT Sec. 162-281. Insurance.

Any pedicab company desiring a permit to do business shall give and maintain a policy of comprehensive general liability insurance from an insurance company authorized to do business in the State of Georgia for each pedicab in use as a transportation vehicle, with minimum general liability coverage of \$1,000,000.00. Such insurance shall inure to the benefit of any person who shall be injured or shall sustain damage to property caused by the negligence or misconduct of a pedicab company, its servants or agents. Copies of such insurance policies shall be filed with the Bureau.

DIVISION 5. OPERATING RULES Sec. 162-282. Operating Regulations

(a) Human-drawn vehicles shall adhere to the following operating specifications during the hours of operation:

(1) Vehicles shall not make any left turn movements except from one-way streets and those included in routes authorized by the bureau.

(2) Vehicles shall travel in the curb lane except when passing parked vehicles or other obstructions which prevent use of the curb lane.

(3) Vehicles shall not travel on streets with grades equal to or greater than ten percent without approval of the bureau and bureau of traffic and transportation.

(4) Vehicles shall not stop within the roadway other than at designated loading and unloading areas except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(5) Vehicles shall observe all applicable rules of the road as set forth in the state rules of the road.

(b) The driver of a human drawn vehicle shall:

(1) Possess and display at all times his or her license to operate a human-drawn vehicle in the front/passenger compartment of the pedicab.

(2) A driver shall not drive a pedicab when a passenger is standing or not seated securely inside of the pedicab.

(3) No person shall drive or operate a human drawn vehicle on any public street in the city at any hour other than those so designated, without first obtaining a "special event" permit from the bureau. Such a permit should be applied for at least seven days in advance of the event. (i.e., weddings, parades, etc.). The driver of the pedicab shall have such permit in his or her possession at all times, and must produce it on demand of any law enforcement agent.

(4) No person shall drive or operate an human drawn vehicle on any public street in the city on any day or time designated by the chief of the police department.

(c) The hours of operation shall be 6:30p.m. until 6:00 a.m., Monday through Friday, excluding holidays. Saturday, Sunday and holiday hours of operation shall be 1:00 p.m. until 6:00 a.m.

Sec. 162-283. Identification and marking generally.

Every pedicab shall have a sign plainly painted on each side of the vehicle, in letters not less than one inch high, containing the full name of the company operating the pedicab.

Sec. 162-284. Signs Allowed.

Notwithstanding any provisions of the City of Atlanta Sign Ordinance, pedicabs are permitted to carry signs that are either attached to or painted on the pedicab. Provided, however, that the size of the sign is such that no part of the sign is protruding away from the pedicab, and that the signs do not emit any sound.

Sec. 162-285. Alteration of permits prohibited.

It shall be unlawful for any person willfully to alter, deface, obliterate, or destroy a permit to operate a pedicab service, or cause or allow the same.

Sec. 162-286. Safe mechanical condition of pedicab required.

Every pedicab operated on the streets of the city shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operative at all times when the pedicab is in service.

Sec. 162-287. Illumination of pedicab.

Each pedicab shall be equipped with electrically powered lights and with reflectors, which lights shall be in use when operating during the hours of darkness and when raining. The lights and reflectors shall be mounted so that they are visible from a distance of 500 feet in any direction.

Sec. 162-288. Cleanliness of pedicab required.

Each vehicle operating under this article shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times suitable for public transportation of passengers.

Sec. 162-289. Rates of fare.

(a) Rate card required. No owner or driver of a pedicab shall charge a greater amount for the use of the pedicab than in accordance with the published and advertised rates which shall be displayed on each pedicab. Rates shall be displayed in such place as to be conspicuous and to be in clear view of all passengers.

(b) Published literature. Any published literature provided by pedicab companies shall describe specifically all services offered and the rate to be charged.

Sec. 162-290. Restriction on number of passengers.

No driver shall permit more persons to be carried in a pedicab as passengers than the rated seating capacity of the pedicab as determined by the manufacturer's specifications. A child in arms shall not be counted as a passenger.

Sec. 162-291. Refusal to carry orderly passengers prohibited.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.

Sec. 162-292. Pedicab movement prohibited under certain circumstances.

No driver shall collect fares, make change, or take on or discharge passengers while his or her pedicab is in motion.

Sec. 162-293. Property left in a pedicab by passenger.

Any pedicab driver discovering in any pedicab under his or her control personal property which was lost or left therein by a passenger of such pedicab shall report the loss and deliver all the property to the office of the pedicab company within 12 hours after the discovery of the property. The driver's report shall include brief particulars to enable the company to identify the owner of the property. The company shall retain the property on behalf of the owner for at least 60 days.

Sec. 162-294. Area of operation.

Pedicabs carrying passengers for hire shall be allowed to operate anywhere in the City, except on those streets where specifically prohibited.

Pedicabs are prohibited on the following streets and street segments within the area defined above, except to cross from one side to the other: [*** List the streets ***]

Sec. 162-295. Traffic regulations.

Every person driving a pedicab within the city limits of the City of Atlanta shall be subject to the provisions of this article and shall operate pedicabs in accordance with the traffic laws of the State of Georgia and the City of Atlanta.

Unless otherwise provided in this article, the same traffic laws apply to vehicles for hire as they do for motor vehicles.

Sec. 162-296. Operating after suspension or revocation.

It shall be unlawful for any person to operate a pedicab for hire for the transportation of passengers during any period in which the permit to operate a pedicab service IS suspended or revoked in accordance with the provisions of this article.

Section 2. That Section 162-31 of the City of Atlanta Code of Ordinances, entitled "Classification of vehicles," is hereby amended by inserting a new subsection (7) at the end of that section. The new subsection (7) shall read as follows: "(7) Pedicabs."

AN ORDINANCE

BY: COUNCILMEMBER KWANZA HALL

AN ORDINANCE 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.

[Handwritten signatures and the number 10-O-1880]

WHEREAS, the City Council seeks to allow the operation of human-drawn vehicles (pedicabs) within the City limits of Atlanta;

WHEREAS, the current City of Atlanta Code of Ordinances contains no provisions which concern the regulation of human-drawn vehicle (pedicab) trade on a permanent basis; and

WHEREAS, the City of Atlanta desires to authorize the operation of human-drawn vehicles (pedicabs) and to regulate such operation to ensure that the health, safety and welfare of its citizens is maintained in conjunction with such operation and regulation; and

NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1. That Chapter 162 of the City of Atlanta Code of Ordinances is hereby amended by creating a new article to be known as "Article VI" to be entitled "Human-Drawn Vehicles (Pedicabs)" and to insert new language in such article which shall read as follows:

ARTICLE VI. PEDICABS

DIVISION 1. GENERALLY

Sec. 162-269. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Bureau" means the bureau of taxicabs and vehicles for hire.

"Business license" means the license required of any business operating within the city by chapter 30, article III.

Attachment: 1001880 (1974 : 10-O-1880 Chpt 162 Establish Requirements and Regulations for Human Drawn Vehicles (Pedicabs))

Company means any person, association, corporation or other organization operating or intending to engage in the business of operating vehicles for hire.

"Company permit" means the permit to operate a pedicab service issued to a company under this article.

"Director" means the director of the bureau of taxicabs and vehicles for hire.

"Operator" means the individual who actually operates the pedicab whether as the owner, an employee of the owner or as an independent contractor.

Operator permit means a valid document issued by the bureau to operate a human-drawn vehicle ("Pedicab").

"Owner" means any person who owns, leases, or otherwise has possession of the pedicab.

"Pedicab" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, having two or more wheels and constructed in such a manner as to engage in the business of carrying passengers for hire.

"Person" means any corporation, association, syndicate, joint stock company, partnership or individual.

Vehicle for hire means any motor vehicle, animal-drawn vehicle or other vehicle or device designed or used for the transportation of passengers for hire, the charges for use of which are determined by agreement.

Sec. 162-270. Unlawful acts.

It shall be unlawful for any person to knowingly operate, offer to operate or permit another person to operate a pedicab service in the city in violation of this article. It shall be unlawful for any person to hold such person out to the public or advertise that such person renders a pedicab service in the city unless the person shall have obtained and holds a permit under this article.

Sec. 162-271. Enforcement; violations.

The department of police, along with the bureau of vehicles for hire, shall enforce this article.

Violations of this article are punishable as provided in section 1-8.

DIVISION 2. PERMIT**Sec. 162-272. Requirements.**

The permit for the rendering of pedicab service shall be applied for with the Bureau of Taxicabs and Vehicles for Hire. The Bureau shall prescribe the form of application for issuance of a permit to operate a pedicab service.

Director of the Bureau shall issue the permit to operate a pedicab service if the following conditions are met:

- (1) The applicant is an individual at least 18 years of age or a legal entity registered to do business in Georgia
- (2) Holds a current valid city business license.
- (3) If an individual, the applicant must be a citizen of the United States or an alien admitted for permanent residence or otherwise granted employment authorization by the United States Citizen and Immigration Service.
- (4) If an individual, the applicant has not been convicted of a felony within the 5 years preceding the filing of the application.
- (5) The applicant owns at least one pedicab.
- (6) The applicant has provided a publicly listed telephone number.
- (7) The applicant has provided a description of the type and model of the pedicabs it owns, technical specifications from the manufacturer, and the number of pedicabs it owns. The applicant has provided the identifying numbers for each pedicab.
- (8) The applicant has submitted proof of liability insurance as required by this article.
- (9) All vehicles rendering pedicab service have been inspected by a police officer and found to be pedicabs and found to meet reasonable standards of comfort and safe operation based on the standards by the pedicab industry.

- (10) The applicant has designated and maintains an office in the city and garages the pedicabs in the city and makes them available for inspection at all reasonable times by a police officer.
- (11) The applicant has paid the \$150.00 application fee.

If the applicant has ever held a permit in the past, which permit has been revoked, suspended or not renewed for any reason, the applicant shall be granted a permit if the applicant has not been found guilty of violating the provisions of this article three or more times within the two years preceding the filing of the application, provided that the applicant is in compliance with all other requirements of this section, and that in case of revocation 12 months has passed from the date of revocation.

Sec. 162-273. Certain continuous duties.

In order to maintain a permit to operate a pedicab service issued under the preceding section, the company must:

- (1) Maintain a publicly listed telephone number.
- (2) Maintain the name and home address of each driver affiliated with the company.
- (3) Maintain a log listing the type and model of the pedicabs it owns, and the identifying numbers for each pedicab.
- (4) Maintain a log of all accidents, repairs and maintenance done on each of the pedicabs it owns.
- (5) Have knowledge that all pedicabs operating for the company have the insurance coverage required under this article and have knowledge that such pedicabs are in compliance with the standards concerning inspection.

Sec. 162-274. Report of changes.

The company shall provide notice in writing to the Bureau, including the names of the persons involved, when applicable, within five working days of any of the following:

- (1) Change in the chief executive officer, if a corporation.
- (2) Change in the holder of 50 percent or more of the proprietary interest, if a partnership, corporation, firm or association.

- (3) Change in company phone number.
- (4) Change of company name.
- (5) Change of company location.

Sec. 162-275. Permit Displayed.

A copy of the permit to operate a pedicab service shall be conspicuously displayed in each vehicle for hire. Each vehicle for hire shall carry a vehicle number, displayed conspicuously on the outside of the vehicle. Vehicle numbers shall be provided to the Bureau and used as identification numbers for each individual pedicab.

Within 10 days of adding a new pedicab to its fleet, the permit holder is required to report to the Bureau the addition of the pedicab and the identification number assigned to that pedicab. If the permit holder discontinues the use of a particular pedicab, it has to report that fact and the pedicab identification number of the discontinued pedicab to the Bureau within 10 days.

Sec. 162-276. Renewal Application.

After its initial issuance, a company permit under this division shall be renewed no later than December 31 of the year the company permit was issued, upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.

All company permits issued by the city shall expire on December 31 and will be renewed for a one year period upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.

The fee of \$150.00 shall accompany the renewal application.

Director of the Vehicles for Hire department shall automatically renew the permit to operate a pedicab service for another year if the applicant has not been found guilty of violating any of the provisions of this article during the preceding year.

If the applicant has been found by any court to have violated the provisions of this article three or more times, the Director may in his or her discretion refuse to renew the permit.

Sec. 162-277. Revocation or suspension.

(a) Upon a finding of due cause, as defined in subsection (b) of this section, the Director shall have the authority to revoke or suspend any company permit issued by the city under this division.

(b) Due cause for the revocation or suspension of a company permit shall include but shall not be limited to the following:

- (1) The failure of the company to maintain any and all of the general qualifications applicable to the initial issuance of the company permit.
- (2) Obtaining a company permit by providing false information.
- (3) Conviction by a court of competent jurisdiction of any shareholder, partner or member of any corporation, partnership, firm or association holding a 51 percent interest or more in the entity of any violation of this article.
- (4) Conviction by a court of competent jurisdiction of any shareholder, partner or member of any corporation, partnership, firm or association holding a 51 percent interest or more in the entity of any of the following: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants if such violation is related to operation of the company or violation of any section of this Code or other ordinances of the city governing the conduct of holders of company permits.
- (5) If the company has knowledge or in the exercise of reasonable care should have had knowledge of the violation of a driver who is affiliated with the company of any of the following offenses:
 - a. Driving under the influence of intoxicating beverages or drugs.
 - b. Criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants, if such violation is related to the operation of a vehicle for hire or violation of any section of this Code or other ordinance of the city governing the conduct of drivers of vehicles for hire

- (6) Violation of any of the sections of this Code or other ordinances regulating vehicle for hire companies or excessive violations of regulations governing vehicles for hire by drivers affiliated with the company.
- (c) No company permit issued by the city shall be revoked or suspended except upon a finding of due cause as defined in subsection (b) of this section and after a hearing and upon a prior five-day written notice to the company stating the place, date, time and purpose of such hearing and setting forth the charges upon which the hearing shall be held. The hearing shall be held within 15 days of the date the notice is issued.
- (d) A duly appointed hearing officer shall conduct the hearings and report the conclusions and recommendations to the Director. The Director, upon receiving the report, may revoke or suspend any company permit. In lieu of suspension or revocation, the Director may impose a fine upon any company, such fine not to exceed \$500.00 for each violation. A hearing officer from this section shall be one of the hearing officers described in Sec. 162-29. The procedure prescribed in Sec. 162-29 shall reasonably apply to hearings under this section except that any reference to the police chief shall, for the purposes of this section, be deemed a reference to the Director.
- (e) After revocation of a company permit, no application for a company permit shall be accepted or considered for a period of 12 months from the date of revocation.
- (f) For due cause for a violation of this article which results in a situation in which continued operation by the company endangers the health, welfare or safety of the public, the Director or the Director's designee may suspend any company's permit. Such immediate temporary suspension may be done by summary consideration of facts that indicate due cause and of facts that indicate an immediate danger. Notice of the temporary suspension shall be given immediately to the company stating the facts upon which the suspension is based and stating the time and place of a full hearing as provided in subsections (d) and (e) of this section.
- (g) Whenever any person holding a company permit is convicted of or pleads guilty to or pleads nolo contendere to any of the following offenses in any court, such disposition shall constitute due cause for suspension, revocation or a fine in accordance with subsections (b), (c) and (d) of this section: driving under the influence of intoxicating beverages or drugs, criminal homicide, rape, aggravated battery, mayhem, burglary,

aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants.

Sec. 162-278. Transferability.

Any permit granted in accordance with this division may be transferred in the same manner as provided in section 162-103.

DIVISION 3. PEDICAB OPERATORS

Sec. 162-279. Operator Qualifications.

Compliance with the pedicab operator qualifications is the responsibility of both the permit holder and the actual operator of the pedicab. Depending on the circumstances either the permit holder, the operator or both could be cited for violating the provisions of this article regardless of whether the operator is an employee of the permit holder, is an independent contractor, or merely leases the vehicle from the permit holder.

Pedicab operator may not be less than 16 years of age, and shall be free of any physical infirmities which might make the operator an unsafe or unsatisfactory pedicab driver.

No person should be allowed to operate a pedicab if they have been convicted of operating a motor vehicle while under the influence of intoxicating beverages or drugs two or more times within one year prior to the date they began to operate a pedicab or if they have been convicted of the offense three or more times within five years prior to the date they began to operate a pedicab.

No person should be allowed to operate a pedicab if they have within three years prior to the date they began to operate a pedicab been convicted of any crime related to transporting persons for immoral purposes or have within three years prior to the date they began to operate a pedicab been convicted of a felony.

Sec. 162-280. Current state driver's license required.

Any pedicab operator must have a current motor vehicle operator's license issued or approved by the State of Georgia, and that license should not be under suspension or revocation.

DIVISION 4. INSURANCE REQUIREMENT**Sec. 162-281. Insurance.**

Any pedicab company desiring a permit to do business shall give and maintain a policy of comprehensive general liability insurance from an insurance company authorized to do business in the State of Georgia for each pedicab in use as a transportation vehicle, with minimum general liability coverage of \$1,000,000.00. Such insurance shall inure to the benefit of any person who shall be injured or shall sustain damage to property caused by the negligence or misconduct of a pedicab company, its servants or agents. Copies of such insurance policies shall be filed with the Bureau.

DIVISION 5. OPERATING RULES**Sec. 162-282. Operating Regulations**

(a) Human-drawn vehicles shall adhere to the following operating specifications during the hours of operation:

- (1) Vehicles shall not make any left turn movements except from one-way streets and those included in routes authorized by the bureau.
- (2) Vehicles shall travel in the curb lane except when passing parked vehicles or other obstructions which prevent use of the curb lane.
- (3) Vehicles shall not travel on streets with grades equal to or greater than ten percent without approval of the bureau and bureau of traffic and transportation.
- (4) Vehicles shall not stop within the roadway other than at designated loading and unloading areas except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(5) Vehicles shall observe all applicable rules of the road as set forth in the state rules of the road.

(b) The driver of a human drawn vehicle shall:

(1) Possess and display at all times his or her license to operate a human-drawn vehicle in the front/passenger compartment of the pedicab.

(2) A driver shall not drive a pedicab when a passenger is standing or not seated securely inside of the pedicab.

(3) No person shall drive or operate a human drawn vehicle on any public street in the city at any hour other than those so designated, without first obtaining a "special event" permit from the bureau. Such a permit should be applied for at least seven days in advance of the event. (i.e., weddings, parades, etc.). The driver of the pedicab shall have such permit in his or her possession at all times, and must produce it on demand of any law enforcement agent.

(4) No person shall drive or operate an human drawn vehicle on any public street in the city on any day or time designated by the chief of the police department.

(c) The hours of operation shall be 6:30 p.m. until 6:00 a.m., Monday through Friday, excluding holidays. Saturday, Sunday and holiday hours of operation shall be 1:00 p.m. until 6:00 a.m.

Sec. 162-283. Identification and marking generally.

Every pedicab shall have a sign plainly painted on each side of the vehicle, in letters not less than one inch high, containing the full name of the company operating the pedicab.

Sec. 162-284. Signs Allowed.

Notwithstanding any provisions of the City of Atlanta Sign Ordinance, pedicabs are permitted to carry signs that are either attached to or painted on the pedicab. Provided, however, that the size of the sign is such that no part of the sign is protruding away from the pedicab, and that the signs do not emit any sound.

Sec. 162-285. Alteration of permits prohibited.

It shall be unlawful for any person willfully to alter, deface, obliterate, or destroy a permit to operate a pedicab service, or cause or allow the same.

Sec. 162-286. Safe mechanical condition of pedicab required.

Every pedicab operated on the streets of the city shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operative at all times when the pedicab is in service.

Sec. 162-287. Illumination of pedicab.

Each pedicab shall be equipped with electrically powered lights and with reflectors, which lights shall be in use when operating during the hours of darkness and when raining. The lights and reflectors shall be mounted so that they are visible from a distance of 500 feet in any direction.

Sec. 162-288. Cleanliness of pedicab required.

Each vehicle operating under this article shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times suitable for public transportation of passengers.

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(a) Rate card required. No owner or driver of a pedicab shall charge a greater amount for the use of the pedicab than in accordance with the published and advertised rates which shall be displayed on each pedicab. Rates shall be displayed in such place as to be conspicuous and to be in clear view of all passengers.

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Sec. 162-295. Traffic regulations.

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Unless otherwise provided in this article, the same traffic laws apply to vehicles for hire as they do for motor vehicles.

Sec. 162-296. Operating after suspension or revocation.

It shall be unlawful for any person to operate a pedicab for hire for the transportation of passengers during any period in which the permit to operate a pedicab service is suspended or revoked in accordance with the provisions of this article.

Section 2. That Section 162-31 of the City of Atlanta Code of Ordinances, entitled "Classification of vehicles," is hereby amended by inserting a new subsection (7) at the end of that section. The new subsection (7) shall read as follows: "(7) Pedicabs."

11-R-0929 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
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10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
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10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
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10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

11-R-0929 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.)

CONDITION FOR APPROVAL FORM
(TO ACCOMPANY LEGISLATION)

Public Safety and
Legal Administration

COMMITTEE: DATE: 9/27/11

ORDINANCE · # _____ .RESOLUTION 11-R-0929

REQUESTED BY: The Committee

DIRECTED TO: Law Department

Prepare a substitute for this resolution authorizing
one of the 7 contracts and then prepare six new
contracts to be adopted at Monday's Council meeting.

NATURE OF CONDITION FOR APPROVAL:

WHEN IS THIS INFORMATION DUE, AND TO WHOM?

C. \:;j,-

At Monday's council meeting to the chair of
the

.....

a. "fillit-----

Committee

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES () NO •

WILL THIS RESULT IN A SUBSTITUTION TO THE LEGISLATION?

plus

• YES (•) NO () 6 new resolutions

HAS THIS INFORMATION BEEN RECEIVED?*Council**meeting*

YES () NO ()

DATE OF RECEIPT: _____*The legislation is to be received at the*

WHEREAS, the City of Atlanta ("City") approved and entered into contract FC-6008000003 ("contract") for Wrecker Services for vehicles under two (2) tons on behalf of the Department of Police ("Department") that is set to expire on July 10, 2011; and

WHEREAS, FC-60080000003 includes seven sections, one each for the seven separate vendors ("vendors"), which were each approved under seven separate resolutions ("resolutions") by Council on 2 June 2008 and by the Mayor on 10 June 2008 as follows: FC-6008000003-A with S&W Services, Inc. was approved by 08-R-1053 on behalf of Zone One Precinct of the Department of Police ("Department"), FC-6008000003-B with Futos, Inc. was approved by 08-R-1054 on behalf of Zone Two Precinct of the Department, FC-6008000003-C with South Metro Towing was approved by 08-R-1055 on behalf of the Zone Three Precinct of the Department, FC-6008000003-D with B&L Wrecker Service was approved by 08-R-1056 on behalf of Zone Four Precinct of the Department, FC-6008000003-E with A-Tow, Inc. was approved by 08-R-

1057 on behalf of the Zone Five Precinct of the Department, FC-6008000003-F with Buckhead Towing, Inc. was approved by 08-R-1058 on behalf of the Zone Six Precinct of the Department, and FC-6008000003-G with Moody's Wrecker Services, approved by 08-R-1059 on behalf of the Airport Precinct of the Department; and

WHEREAS, all revenue generated from the seven vendors of the contract were deposited as follows:

B&L: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000529 (Customer#)

A-Tow: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000530 (Customer#)

South Metro: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000531 (Customer#)

S&W: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000532 (Customer#)

Futo's: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000533 (Customer#)

Moody's: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000534 (Customer#)

Buckhead: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000537 (Customer#)

WHEREAS, FC-6008000003 includes two (2) one (1) year renewal options for each vendor at the sole discretion of the City of Atlanta; and

WHEREAS, The Agreement became effective July 11, 2008 and expires July 10, 2011; and

WHEREAS, The City desires to exercise its first option to renew the Agreement for an additional one (1) year, effective July 11, 2011 through July 10, 2012; and

WHEREAS, the Department and the Chief Procurement Officer recommend exercising the renewal option with each and every one of the seven wrecker service vendors listed on contract FC-6008000003, for wrecker services for vehicles under two (2) tons.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or his designee be and is hereby directed to exercise the first of two (2) one (1) year renewal options of FC-6008000003-A with S&W Services, Inc., and of FC-6008000003-B with Futos, Inc., and of FC-6008000003-C with South Metro Towing, and of FC-6008000003-D with B&L Wrecker Service, and of FC-6008000003-E with A-Tow, Inc., and of FC-6008000003-F with Buckhead Towing, Inc., and of FC-6008000003-G with Moody's Wrecker Services.

BE IT FURTHER RESOLVED, that the Contract includes an additional one (1) year renewal option at the sole discretion of the City of Atlanta.

BE IT FURTHER RESOLVED, that the term of Renewal No. 1 shall be for a period of one (1) year, effective July 11, 2011 through July 10, 2012.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the extension of these contractual agreements shall not become binding on the City, and the City shall incur no liability upon the same until the renewal option has been executed by the Mayor and delivered to the contracting parties.

BE IT FINALLY RESOLVED, that all revenue generated from these contractual agreements through wrecker sales shall be deposited as follows:

B&L: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000529 (Customer#)

A-Tow: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000530 (Customer#)

South Metro: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000531 (Customer#)

S&W: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000532 (Customer#)

Futo's: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000533 (Customer#)

Moody's: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession),
10000534 (Customer#)

Buckhead: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession),
10000537 (Customer#)

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Atlanta City Council

REGULAR SESSION

RCS# 1454

10/03/11

2:56 PM

RENEWAL OPTIONS WITH WRECKER SERVICE VENDORS CONTRACT FC-6008000003
REFER

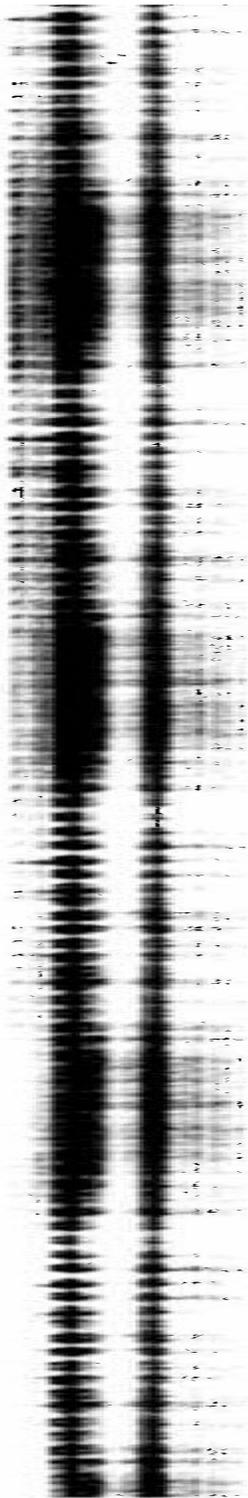
YEAS:	1
	3
NAYS:	0
ABSTENTION	0
S:	
NOT	3
VOTING:	
EXCUSED:	0
ABSENT	0

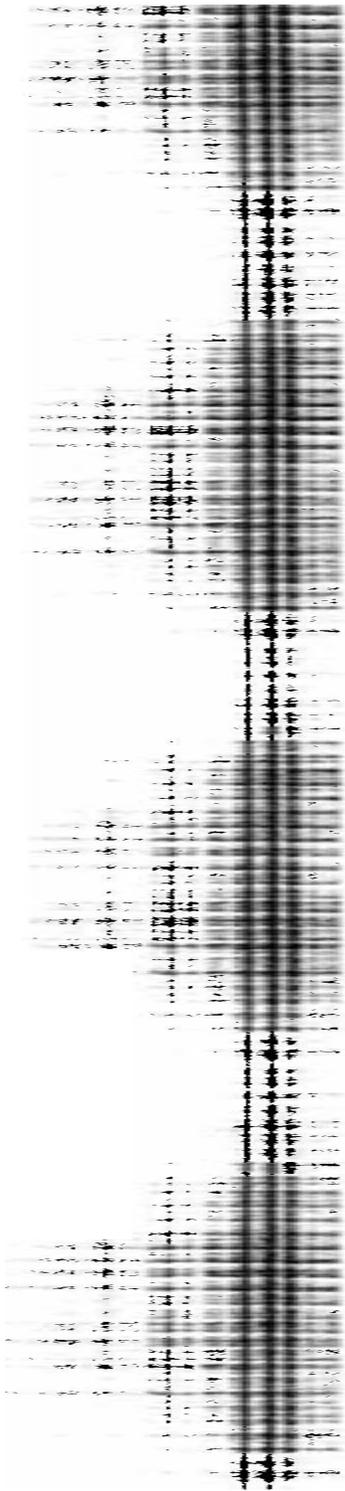
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11-R-0929

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Legislative Counsel (Signature): Contact Number: (404) 546-4266

Investigator Kurt Braunsroth

Originating Department:

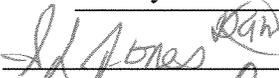
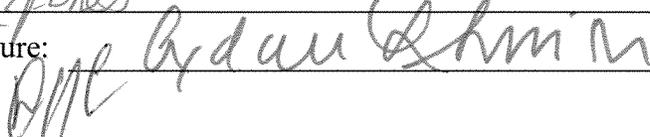
Committee(s) of Purview:

Department of Police

Public Safety and Legal Administration

Council Deadline: 17 June 2011 (to Chief of Staff by 10 June)

Anticipated Committee Meeting Date(s): 28- 29 June 2011

5 July 2011

Chief Procurement Officer Signature: 

Anticipated Full Council Date:

Commissioner Signature:

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE RENEWAL OPTIONS WITH WRECKER SERVICE VENDORS LISTED ON CONTRACT FC-600800003 ("CONTRACT"), FOR WRECKER SERVICES FOR VEHICLES UNDER TWO (2) TONS, ON BEHALF OF THE DEPARTMENT OF POLICE, ALL REVENUES FROM GENERATED UNDER THIS CONTRACT SHALL BE DEPOSITED AS DESCRIBED BELOW.

FINANCIAL IMPACT (if any) Mayor's StaffOnly

Received by LC from CPO:

(date) _____ 6/7/11 _____ (date)
Received by Mayor's Office: [Signature] Reviewed by: [Signature]
(date) _____

Received by CPO:

Submitted to Council:

(date)

(date)



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11-P-0929

Atlanta City Council

REGULAR SESSION

ECKER SERVICE VENDORS CONTRACT REFEE

YEAS:	8
NAYS:	0
ABSTENTIONS:	0

NOT VOTING:	1
EXCUSED:	0
ABSENT	7

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RCS# 1298
7/18/11
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Atlanta City Council

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REGULAR SESSION

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Atlanta City Council



REGULAR SESSION

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AUTH.MAYOR TO EXERCISE RENEWAL OPTIONS

RCS# 12

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2:38 PJ'vl

/WRECKER

[f]

SERVICE VENDORS TABLE



Wan

L "IV y tvloore y Bond

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y Watson

Adrean

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Willis

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rd NV Mitchell

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**CONDITION FOR APPROVAL FORM
(TO ACCOMPANY LEGISLATION)**

COMMITTEE: Public Safety and
Legal Administration

DATE: 9/27/11

ORDINANCE # _____ **RESOLUTION #** 11-R-0929

REQUESTED BY: The Committee

DIRECTED TO: Law Department

NATURE OF CONDITION FOR APPROVAL:

Prepare a substitute for this resolution authorizing
one of the 7 contracts and then prepare six new
contracts to be adopted at Monday's council meeting.

WHEN IS THIS INFORMATION DUE, AND TO WHOM?

At Monday's council meeting to the chair of
the committee

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES () **NO** ()

WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?

YES () **NO** () plus 6 new resolutions.

HAS THIS INFORMATION BEEN RECEIVED? YES () **NO** ()

DATE OF RECEIPT: _____

The legislation is to be received at the council meeting.

Attachment: 11R0929 (1975 : 11-R-0929 Renewal Option Wrecker Vendors FC-6008000003 Under Two Tons)

11-*R*-0929**A RESOLUTION BY****PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION 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 FROM GENERATED UNDER THIS CONTRACT SHALL BE DEPOSITED AS DESCRIBED BELOW.

WHEREAS, the City of Atlanta (“City”) approved and entered into contract FC-6008000003 (“contract”) for Wrecker Services for vehicles under two (2) tons on behalf of the Department of Police (“Department”) that is set to expire on July 10, 2011; and

WHEREAS, FC-6008000003 includes seven sections, one each for the seven separate vendors (“vendors”), which were each approved under seven separate resolutions (“resolutions”) by Council on 2 June 2008 and by the Mayor on 10 June 2008 as follows: FC-6008000003-A with S&W Services, Inc. was approved by 08-R-1053 on behalf of Zone One Precinct of the Department of Police (“Department”), FC-6008000003-B with Futos, Inc. was approved by 08-R-1054 on behalf of Zone Two Precinct of the Department, FC-6008000003-C with South Metro Towing was approved by 08-R-1055 on behalf of the Zone Three Precinct of the Department, FC-6008000003-D with B&L Wrecker Service was approved by 08-R-1056 on behalf of Zone Four Precinct of the Department, FC-6008000003-E with A-Tow, Inc. was approved by 08-R-1057 on behalf of the Zone Five Precinct of the Department, FC-6008000003-F with Buckhead Towing, Inc. was approved by 08-R-1058 on behalf of the Zone Six Precinct of the Department, and FC-6008000003-G with Moody’s Wrecker Services, approved by 08-R-1059 on behalf of the Airport Precinct of the Department; and

WHEREAS, all revenue generated from the seven vendors of the contract were deposited as follows:

B&L: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000529 (Customer #)

A-Tow: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000530 (Customer #)

South Metro: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000531 (Customer #)

S&W: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000532 (Customer #)

Futo's: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000533 (Customer #)

Moody's: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000534 (Customer #)

Buckhead: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000537 (Customer #)

WHEREAS, FC-6008000003 includes two (2) one (1) year renewal options for each vendor at the sole discretion of the City of Atlanta; and

WHEREAS, The Agreement became effective July 11, 2008 and expires July 10, 2011; and

WHEREAS, The City desires to exercise its first option to renew the Agreement for an additional one (1) year, effective July 11, 2011 through July 10, 2012; and

WHEREAS, the Department and the Chief Procurement Officer recommend exercising the renewal option with each and every one of the seven wrecker service vendors listed on contract FC-6008000003, for wrecker services for vehicles under two (2) tons.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or his designee be and is hereby directed to exercise the first of two (2) one (1) year renewal options of FC-6008000003-A with S&W Services, Inc., and of FC-6008000003-B with Futos, Inc., and of FC-6008000003-C with South Metro Towing, and of FC-6008000003-D with B&L Wrecker Service, and of FC-6008000003-E with A-Tow, Inc., and of FC-6008000003-F with Buckhead Towing, Inc., and of FC-6008000003-G with Moody's Wrecker Services.

BE IT FURTHER RESOLVED, that the Contract includes an additional one (1) year renewal option at the sole discretion of the City of Atlanta.

BE IT FURTHER RESOLVED, that the term of Renewal No. 1 shall be for a period of one (1) year, effective July 11, 2011 through July 10, 2012.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the extension of these contractual agreements shall not become binding on the City, and the City shall incur no liability upon the same until the renewal option has been executed by the Mayor and delivered to the contracting parties.

BE IT FINALLY RESOLVED, that all revenue generated from these contractual agreements through wrecker sales shall be deposited as follows:

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Moody's: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000534 (Customer #)

Buckhead: 1001 (General Fund), 000002 (Department), 3223002 (Fees, Towing Concession), 10000537 (Customer #)

RCS# 1454
10/03/11
2:56 PM

Atlanta City Council

REGULAR SESSION

11-R-0929

RENEWAL OPTIONS WITH WRECKER SERVICE
VENDORS CONTRACT FC-6008000003
REFER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

11-R-0929

Attachment: 11R0929 (1975 : 11-R-0929 Renewal Option Wrecker Vendors FC-6008000003 Under Two Tons)

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Legislative Counsel (Signature): Investigator Kurt Braunsroth

Contact Number: (404) 546-4266

Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: 17 June 2011 (to Chief of Staff by 10 June)

Anticipated Committee Meeting Date(s): 28 - 29 June 2011

Anticipated Full Council Date: 5 July 2011

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

A RESOLUTION 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 FROM GENERATED UNDER THIS CONTRACT SHALL BE DEPOSITED AS DESCRIBED BELOW.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: (date) Received by LC from CPO: (date)

Received by Mayor's Office: (date) Reviewed by: (date)

Submitted to Council: (date)

Attachment: 11R0929 (1975 : 11-R-0929 Renewal Option Wrecker Vendors FC-6008000003 Under Two Tons)

RCS# 1299
7/18/11
4:13 PM

Atlanta City Council

REGULAR SESSION

11-R-0929 RENEWAL WRECKER SERVICE VENDORS CONTRACT

REFER

YEAS: 8
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 7

Y Smith	B Archibong	Y Moore	B Bond
Y Hall	B Wan	Y Martin	Y Watson
Y Young	B Shook	B Bottoms	B Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

11-R-0929

Attachment: 11R0929 (1975 : 11-R-0929 Renewal Option Wrecker Vendors FC-6008000003 Under Two Tons)

RCS# 1298
7/18/11
3:58 PM

Atlanta City Council

REGULAR SESSION

11-R-0929 RENEWAL WRECKER SERVICE VENDORS CONTRACT

REMOVE FR TABLE

YEAS: 7
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 7

Y Smith	B Archibong	Y Moore	B Bond
Y Hall	B Wan	Y Martin	Y Watson
N Young	B Shook	B Bottoms	B Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

11-R-0929

Attachment: 11R0929 (1975 : 11-R-0929 Renewal Option Wrecker Vendors FC-6008000003 Under Two Tons)

RCS# 1258
7/05/11
2:38 PM

Atlanta City Council

REGULAR SESSION

11-R-0929 AUTH.MAYOR TO EXERCISE RENEWAL OPTIONS
W/WRECKER SERVICE VENDORS
TABLE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y Smith	NV Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	B Willis
Y Winslow	B Adrean	Y Sheperd	NV Mitchell

11-R-0929

Attachment: 11R0929 (1975 : 11-R-0929 Renewal Option Wrecker Vendors FC-6008000003 Under Two Tons)

11-O-0996 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

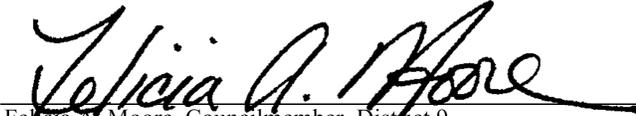
11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

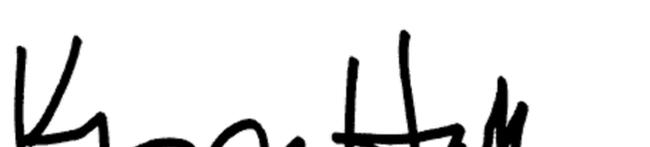

Felicia A. Moore, Councilmember, District 9


Joyce Sheperd, Councilmember, District 12


Natalyn Mosby Archibong, Councilmember, District 5


Yolanda Adrean, Councilmember, District 8


Michael Julian Bond, Councilmember, Post 1 -at-Large


Kwanza Hall, Councilmember, District 2


Alex Wan, Councilmember

**11-O-0996 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.)**

WHEREAS, Section 4-104 (a) of the Charter of the City of Atlanta, Georgia provides as follows: "Number of judges. The municipal court shall be presided over by such number of municipal court judges as shall be authorized by the city council."; and

WHEREAS, Section 62-27 of the Code of Ordinances of the City of Atlanta, Georgia provides: "There shall be a chief judge of the municipal court. There shall be such number of associate judges as shall be provided by ordinance. The term 'municipal judge' shall include any person authorized by the Charter and applicable related law to try cases in the municipal court."; and

WHEREAS, Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia provides that "Effective September 21, 2009, the number of municipal court judges shall be ten (10)." (Ordinance #08-0-1760 creating said code section is attached); and

WHEREAS, the city council desires to reduce the number of municipal court judges.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Effective September 21, 2009, the number of municipal court judges shall be ten (10).

Is hereby amended so as to reduce the number of judges from ten (10) to eight (8), so that when amended, said Section 62-27.1 shall provide as follows:

"Sec. 62-27.1. Number of judges.

Effective June 30, 2011, the number of municipal court judges shall be eight (8)."

Section 2: All ordinances and code sections or parts of ordinances and code sections in conflict with this ordinance are hereby waived to the extent of any such conflict.



RCS# 1259

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Atlant City Council

REGULAR SESSION

AMEND SEC.62-27.1 OF THE CODE OF ORDINANCES
REFEP PUB SAFET

YEAS: 8

NAYS:

ABS

IONS: 0

NOT VOTING: EXCUSED:

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ABSENT

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Archibong
Wan
Shook

N Moore N Bo;ld
y Martin y \rJat-son

y Bottoms

B Willis

Ad

N rd

NV Mitchel

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AN ORDINANCE

BY COUNCILMEMBER FELICIA A. MOORE

Felicia A. Moore
James W. Shepherd
Natalie Anshel
 JOHNSON
 11-0-0996
[Signature]

AN ORDINANCE 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.

[Signature]

WHEREAS, Section 4-104 (a) of the Charter of the City of Atlanta, Georgia provides as follows: “Number of judges. The municipal court shall be presided over by such number of municipal court judges as shall be authorized by the city council.”; and

WHEREAS, Section 62-27 of the Code of Ordinances of the City of Atlanta, Georgia provides: “There shall be a chief judge of the municipal court. There shall be such number of associate judges as shall be provided by ordinance. The term ‘municipal judge’ shall include any person authorized by the Charter and applicable related law to try cases in the municipal court.”; and

WHEREAS, Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia provides that “Effective September 21, 2009, the number of municipal court judges shall be ten (10).” (Ordinance #08-O-1760 creating said code section is attached); and

WHEREAS, the city council desires to reduce the number of municipal court judges.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:
 Effective September 21, 2009, the number of municipal court judges shall be ten (10).

Is hereby amended so as to reduce the number of judges from ten (10) to eight (8), so that when amended, said Section 62-27.1 shall provide as follows:

**“Sec. 62-27.1. Number of judges.
 Effective June 30, 2011, the number of municipal court judges shall be eight (8).”**

Section 2: All ordinances and code sections or parts of ordinances and code sections in conflict with this ordinance are hereby waived to the extent of any such conflict.

Attachment: 11O0996 (1976 : 11-O-0996 Amend Sec 62-27.1 Decrease Municipal Court Judges from 10 to 8)

RCS# 1259
7/05/11
2:50 PM

Atlanta City Council

REGULAR SESSION

11-O-0996 AMEND SEC.62-27.1 OF THE CODE OF
ORDINANCES
REFER PUB SAFET

YEAS: 8
NAYS: 5
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	N Archibong	N Moore	N Bond
Y Hall	N Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	B Willis
Y Winslow	B Adrean	N Sheperd	NV Mitchell

11-O-0996

Attachment: 11O0996 (1976 : 11-O-0996 Amend Sec 62-27.1 Decrease Municipal Court Judges from 10 to 8)

11-O-1479 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond". The signature is written in a cursive, stylized font with a horizontal line underneath it.

Michael Julian Bond, Councilmember, Post 1 –at-Large

11-O-1479 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.)

WHEREAS, communtles have expressed concern regarding the ease with which certain weapons, drug paraphernalia, as well as other inappropriate materials are distributed within the City; and,

WHEREAS, it has been determined that local package and convenience stores are often a primary source of the distribution of such materials and go on to become a focal point of criminal activity within various communities; and,

WHEREAS, the health, safety, and welfare of the citizens of the City of Atlanta will be positively impacted by the adoption of this ordinance.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Sec. XX-XX.-Drug Paraphernalia

(a) As used in this section, the following terms shall be ascribed the following meanings:

"Display" means to show to a patron or place in a manner so as to be available for viewing or inspection by a patron.

"Distribute" means to transfer ownership or a possessory interest to another, whether for consideration, as a gratuity, for consignment, or otherwise.

"Distribute" includes both sales and gifts.

"Drug paraphernalia" means any of the following:

Any item whether useful for non drug-related purposes or not, which is displayed, grouped with other items, advertised, or promoted in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, manufacturing, preserving, inhaling, injecting or ingesting of marijuana, hashish, cocaine, or any controlled substance as defined in United States Code (21 USC §§ 801-971) as such now exist or may hereafter be amended;

Any item, whether useful for non drug-related purposes or not, which is designed, decorated or adorned in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, inhaling, injecting, or ingesting of marijuana, hashish, cocaine, or any controlled substance as defined in United States Code (21 USC §§ 801-971) as such now exist or may hereafter be amended.

Any item defined by any statute of the state of Georgia as drug paraphernalia or by any statute of the United States Code (21 USC §§ 801-971) as drug paraphernalia.

The term "drug paraphernalia" includes, without limitation, all equipment, products, and materials of any kind, whether useful for non drug-related purposes or not, whose primary design function is for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body unlawful drugs, including, but not limited to, controlled substance. Such term includes, but is not limited to:

- A. Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance or unlawful drug can be derived.
- B. Kits used, intended for use, or designed for use in the manufacturing, compounding, converting, producing, processing, or preparing of unlawful drugs.
- C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is an unlawful drug.
- D. Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of unlawful drugs.
- E. Scales and balances used, intended for use, or designed for use in weighing or measuring unlawful drugs.
- F. Dilutants and adulterants, such as gumme hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting unlawful drugs.

- G. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- H. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding unlawful drugs.
- I. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of unlawful drugs.
- J. Containers and other objects used, intended for use, or designed for use in storing or concealing unlawful drugs.
- K. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:
1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 2. Water pipes;
 3. Carburetion tubes and devices;
 4. Smoking and carburetion masks;
 5. Roach clips - meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 6. Miniature cocaine spoons and cocaine vials;
 7. Chamber pipes;
 8. Carburetor pipes;
 9. Electric pipes;
 10. Air-driven pipes;
 11. Chilams;
 12. Bongs;
 13. Ice pipes or chillers;
 14. Wired cigarette papers; or
 15. Cocaine freebase kits

L. In determining whether an object is "drug paraphernalia," the following logically relevant factors, may be considered:

1. Statement by an owner or by anyone in control of the object concerning its use;
2. The proximity of the object to controlled substances;
3. The existence of any residue of controlled substances on the object;
4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom he knows or reasonably should know intend to use the object to facilitate a violation of the laws of the state or the United States relating to controlled substances;
5. Descriptive materials or instructions, written or oral, accompanying the object, which explain or depict its use;
6. National and local advertising concerning its use;
7. The manner in which the object is displayed for sale, including its proximity to other objects falling within the definition of drug paraphernalia;
8. The existence and scope of legitimate uses for the object in the community; and
9. Expert testimony concerning its use, including testimony from law enforcement personnel regarding their knowledge and experience concerning its use;

"Patron" means a person who enters a business for the purpose of purchasing or viewing as a shopper for merchandise offered for sale at the business.

"Person" means a natural person or any firm, partnership, association, corporation or cooperative association.

(b) Display or Sale.

1. If a package or convenience store or the owner thereof maintains a license for the sale of alcoholic beverages pursuant to Chapter 10 of the Code of Ordinances it shall be unlawful for any person to maintain or operate any such package or convenience store where drug paraphernalia is also displayed or sold at such convenience store. Law Enforcement Officers and City officials charged with enforcing City ordinances may provide verbal or written notification to a package or convenience store that drug paraphernalia is on display or being sold. A package or convenience store that receives such a notice shall have twenty-four (24) hours to remove from display all drug paraphernalia identified in the notice and shall immediately cease all sales upon receipt of said notice. Any display of drug paraphernalia subsequent to the expiration of the 24-hour period or any sale of drug paraphernalia following service of the notice shall constitute a rebuttable

presumption that the person or business has knowingly displayed or sold drug paraphernalia.

2. If a package or convenience store or the owner thereof maintains a license for the sale of alcoholic beverages pursuant to Chapter 10 of the Code of Ordinances it shall be unlawful for any person who is the owner of a package or convenience store, an employee thereof or who works at such convenience store as an agent of the owner to display or sell drug paraphernalia. Law Enforcement Officers and City officials charged with enforcing City ordinances may provide verbal or written notification to an employee, agent, or owner of the package or convenience store that drug paraphernalia is on display or being sold at the package or convenience store in violation of this ordinance. An employee, agent or owner that receives such a notice shall have twenty-four (24) hours to remove from display all drug paraphernalia identified in the notice and shall immediately cease all sales upon receipt of said notice. Any display of drug paraphernalia subsequent to the expiration of the 24-hour period or any sale of drug paraphernalia following service of the notice shall constitute a rebuttable presumption that the employee, agent or owner has knowingly displayed or sold drug paraphernalia.

Sec. XX-XXX.- Prohibition of Sale of Certain Weapons

(a) If a package or convenience store or the owner thereof maintains a license for the sale alcoholic beverages pursuant to Chapter 10 of the Code of Ordinances, City of Atlanta Georgia, it shall be unlawful for such convenience store to display, sell or

otherwise make available for purchase any dangerous knife, switchblade knife, ballistic knife balisong knife, disguised knife, fighting knife, martial arts weapon or electrical weapon.

(b) The following terms shall have the following definitions:

1. "Blade" has its usual and ordinary meaning and includes the shank.

2. "Dangerous knife" means any knife having a blade more than three and one-half inches in length or any dagger, sword, bayonet, bolo knife, hatchet, straightedge razor, or razor blade not in its package, dispenser, or shaving appliance.

3. "Electrical weapon" means:

Any portable device by whatever name (taser, stun gun, etc.) that is designed as a weapon capable of injuring or incapacitating an individual by the discharge of an electrical current.

4. "Fighting knife" means:

1. Any knife with a handle or guard with spikes, serrations, sharp edges, or metal knuckles;

2. Any knife that is designed for fighting or self defense and utilizes two or more blades at once;

5. A balisong knife. "Balisong knife" means a single- or double-edged blade knife which has a twopiece handle. The two halves of the handle sheathe the blade when it is in the closed position. In the open position, the two halves of the handle form a haft. A balisong knife is also known as a butterfly knife.
6. A disguised knife. "Disguised knife" means any knife, blade, or pointed tool encased in or disguised as a writing pen or any knife, blade, or pointed tool encased in or disguised as a cane.
7. A ballistic knife. "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
8. "Martial arts weapon" includes, but is not limited to, the following devices in common usage in what is known as the martial arts or arts of self-defense: Nuchaku (chako sticks), consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; throwing stars, which are multi-pointed, metal objects designed to embed upon impact from any aspect; ninja chains; sai; tonfa; three section staffs; spike balls; telescopic metal stick (telescopic police baton); jutte; and kama.
9. "Switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls, or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.

Sec. XX-XXX. -Tobacco Products

- (a) It shall be unlawful for any person, firm or corporation to exhibit tobacco or tobacco related products of any kind, shape or form at a height of less than sixty (60) inches from the floor level immediately in front of the display racks or shelves or, in the absence of shelves or bookracks, having a minimum shelf height of less than sixty (60) inches.
- (b) It shall be unlawful for any person, firm or corporation to exhibit tobacco or tobacco related products of any kind, shape or form in front of the store counter.

Sec. XX-XXX. -Adult Materials

- (a) It shall be unlawful for any person, firm or corporation knowingly offering for sale adult books and/or magazines or any material covered by O.C.G.A. § 16-12-103 to exhibit, expose or display them on shelves, bookracks or other display devices at a height of less than sixty (60) inches from the floor level immediately in front of the display racks or shelves or, in the absence of shelves or bookracks, having a minimum shelf height of less than sixty (60) inches; adult books, magazines, movies or similar media shall be displayed on shelves behind the operator or the sales register or checkout counter; and any material covered by O.C.G.A. § 16-12-103, including any adult book or magazine cover thereof containing pictures, photographs or drawings of a person or portion of the human body, which depicts sexual conduct and which, taken as a whole, is harmful to minors shall not be open to public view.

- (b) It shall be unlawful for any package or convenience store that knowingly offers for sale adult books and/or magazines or any material covered by O.C.G.A. § 16-12-103 to also sell beverages regulated under Chapter 10 of the Code of Ordinances.

Sec. XX-XXX.- Coin Operated Amusement Machines

- (a) It shall be unlawful for package or convenience stores to allow the sale of alcoholic beverages on their premises where coin-operated amusement machines are placed or kept on the premises for use or play by the general public, in accordance with Section X-XX.
- (b) Package or convenience stores must otherwise comply with the provisions of Chapter X.

Sec. XX-XXX.- Gambling in Package or Convenience Stores

- (a) A person commits the offense of gambling, as defined in O.C.G.A. § 16-12-20, when he or she:
- (1) Makes a bet upon the partial or final result of any game or contest or upon the performance of any participant in such game or contest;
 - (2) Makes a bet upon the result of any political nomination, appointment, or election or upon the degree of success of any nominee, appointee, or candidate; or
 - (3) Plays and bets for money or other thing of value at any game played with cards, dice, or balls.
- (b) Except as otherwise provided for by law, a person who commits the offense of gambling in a convenience store shall be guilty of a violating the Code of Ordinances, and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the city jail for not more than one hundred and eighty (180) days.

SECTION 5: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of that conflict.

AN ORDINANCE BY:

COUNCILMEMBER MICHAEL JULIAN BOND

11-0-

11-0 -1479

AN ORDINANCE 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.

WHEREAS, communities have expressed concern regarding the ease with which certain weapons, drug paraphernalia, as well as other inappropriate materials are distributed within the City; and,

WHEREAS, it has been determined that local package and convenience stores are often a primary source of the distribution of such materials and go on to become a focal point of criminal activity within various communities; and,

WHEREAS, the health, safety, and welfare of the citizens of the City of Atlanta will be positively impacted by the adoption of this ordinance.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Sec. XX-XX. – Drug Paraphernalia

(a) As used in this section, the following terms shall be ascribed the following meanings:

“Display” means to show to a patron or place in a manner so as to be available for viewing or inspection by a patron.

“Distribute” means to transfer ownership or a possessory interest to another, whether for consideration, as a gratuity, for consignment, or otherwise.

“Distribute” includes both sales and gifts.

“Drug paraphernalia” means any of the following:

1. Any item whether useful for non drug-related purposes or not, which is displayed, grouped with other items, advertised, or promoted in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, manufacturing, preserving, inhaling, injecting or ingesting of marijuana, hashish, cocaine, or any controlled substance as defined in United States Code (21 USC §§ 801-971) as such now exist or may hereafter be amended;

2. Any item, whether useful for non drug-related purposes or not, which is designed, decorated or adorned in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, inhaling, injecting, or ingesting of marijuana, hashish, cocaine, or any controlled substance as defined in United States Code (21 USC §§ 801-971) as such now exist or may hereafter be amended.
3. Any item defined by any statute of the state of Georgia as drug paraphernalia or by any statute of the United States Code (21 USC §§ 801-971) as drug paraphernalia.
4. The term "drug paraphernalia" includes, without limitation, all equipment, products, and materials of any kind, whether useful for non drug-related purposes or not, whose primary design function is for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body unlawful drugs, including, but not limited to, controlled substance. Such term includes, but is not limited to:
 - A. Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance or unlawful drug can be derived.
 - B. Kits used, intended for use, or designed for use in the manufacturing, compounding, converting, producing, processing, or preparing of unlawful drugs.
 - C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is an unlawful drug.
 - D. Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of unlawful drugs.
 - E. Scales and balances used, intended for use, or designed for use in weighing or measuring unlawful drugs.
 - F. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting unlawful drugs.

- G. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- H. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding unlawful drugs.
- I. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of unlawful drugs.
- J. Containers and other objects used, intended for use, or designed for use in storing or concealing unlawful drugs.
- K. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - 2. Water pipes;
 - 3. Carburetion tubes and devices;
 - 4. Smoking and carburetion masks;
 - 5. Roach clips - meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - 6. Miniature cocaine spoons and cocaine vials;
 - 7. Chamber pipes;
 - 8. Carburetor pipes;
 - 9. Electric pipes;
 - 10. Air-driven pipes;
 - 11. Chilams;
 - 12. Bongs;
 - 13. Ice pipes or chillers;
 - 14. Wired cigarette papers; or
 - 15. Cocaine freebase kits

- L. In determining whether an object is “drug paraphernalia,” a the following logically relevant factors, may be considered:
1. Statement by an owner or by anyone in control of the object concerning its use;
 2. The proximity of the object to controlled substances;
 3. The existence of any residue of controlled substances on the object;
 4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom he knows or reasonably should know intend to use the object to facilitate a violation of the laws of the state or the United States relating to controlled substances;
 5. Descriptive materials or instructions, written or oral, accompanying the object, which explain or depict its use;
 6. National and local advertising concerning its use;
 7. The manner in which the object is displayed for sale, including its proximity to other objects falling within the definition of drug paraphernalia;
 8. The existence and scope of legitimate uses for the object in the community; and
 9. Expert testimony concerning its use, including testimony from law enforcement personnel regarding their knowledge and experience concerning its use;

“Patron” means a person who enters a business for the purpose of purchasing or viewing as a shopper for merchandise offered for sale at the business.

“Person” means a natural person or any firm, partnership, association, corporation or cooperative association.

(b) Display or Sale.

1. If a package or convenience store or the owner thereof maintains a license for the sale of alcoholic beverages pursuant to Chapter 10 of the Code of Ordinances it shall be unlawful for any person to maintain or operate any such package or convenience store where drug paraphernalia is also displayed or sold at such convenience store. Law Enforcement Officers and City officials charged with enforcing City ordinances may provide verbal or written notification to a package or convenience store that drug paraphernalia is on display or being sold. A package or convenience that receives such a notice shall have twenty-four (24) hours to remove from display all drug paraphernalia identified in the notice and shall immediately cease all sales upon receipt of said notice. Any display of drug paraphernalia subsequent to the expiration of the 24-hour period or any sale of drug paraphernalia following service of the notice shall constitute a rebuttable

presumption that the person or business has knowingly displayed or sold drug paraphernalia.

2. If a package or convenience store or the owner thereof maintains a license for the sale of alcoholic beverages pursuant to Chapter 10 of the Code of Ordinances it shall be unlawful for any person who is the owner of a package or convenience store, an employee thereof or who works at such convenience store as an agent of the owner to display or sell drug paraphernalia. Law Enforcement Officers and City officials charged with enforcing City ordinances may provide verbal or written notification to an employee, agent, or owner of the package or convenience store that drug paraphernalia is on display or being sold at the package or convenience store in violation of this ordinance. An employee, agent or owner that receives such a notice shall have twenty-four (24) hours to remove from display all drug paraphernalia identified in the notice and shall immediately cease all sales upon receipt of said notice. Any display of drug paraphernalia subsequent to the expiration of the 24-hour period or any sale of drug paraphernalia following service of the notice shall constitute a rebuttable presumption that the employee, agent or owner has knowingly displayed or sold drug paraphernalia.

Sec. XX-XXX. – Prohibition of Sale of Certain Weapons

- (a) If a package or convenience store or the owner thereof maintains a license for the sale of alcoholic beverages pursuant to Chapter 10 of the Code of Ordinances, City of ~~College Park~~ ^{Atlanta}, Georgia, it shall be unlawful for such convenience store to display, sell or otherwise make available for purchase any dangerous knife, switchblade knife, ballistic knife balisong knife, disguised knife, fighting knife, martial arts weapon or electrical weapon. *me*
- (b) The following terms shall have the following definitions:
1. “Blade” has its usual and ordinary meaning and includes the shank.
 2. “Dangerous knife” means any knife having a blade more than three and one-half inches in length or any dagger, sword, bayonet, bolo knife, hatchet, straightedge razor, or razor blade not in its package, dispenser, or shaving appliance.
 3. “Electrical weapon” means:
Any portable device by whatever name (taser, stun gun, etc.) that is designed as a weapon capable of injuring or incapacitating an individual by the discharge of an electrical current.
 4. “Fighting knife” means:
 1. Any knife with a handle or guard with spikes, serrations, sharp edges, or metal knuckles;
 2. Any knife that is designed for fighting or self defense and utilizes two or more blades at once;
 5. A balisong knife. “Balisong knife” means a single- or double-edged blade knife which has a twopiece handle. The two halves of the handle sheathe the blade when it is

in the closed position. In the open position, the two halves of the handle form a haft. A balisong knife is also known as a butterfly knife.

6. A disguised knife. "Disguised knife" means any knife, blade, or pointed tool encased in or disguised as a writing pen or any knife, blade, or pointed tool encased in or disguised as a cane.
7. A ballistic knife. "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
8. "Martial arts weapon" includes, but is not limited to, the following devices in common usage in what is known as the martial arts or arts of self-defense: Nuchaku (chako sticks), consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; throwing stars, which are multi-pointed, metal objects designed to embed upon impact from any aspect; ninja chains; sai; tonfa; three section staffs; spike balls; telescopic metal stick (telescopic police baton); jutte; and kama.
9. "Switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls, or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.

Sec. XX-XXX. – Tobacco Products

- (a) It shall be unlawful for any person, firm or corporation to exhibit tobacco or tobacco-related products of any kind, shape or form at a height of less than sixty (60) inches from the floor level immediately in front of the display racks or shelves or, in the absence of shelves or bookracks, having a minimum shelf height of less than sixty (60) inches.
- (b) It shall be unlawful for any person, firm or corporation to exhibit tobacco or tobacco-related products of any kind, shape or form in front of the store counter.

Sec. XX-XXX. – Adult Materials

- (a) It shall be unlawful for any person, firm or corporation knowingly offering for sale adult books and/or magazines or any material covered by O.C.G.A. § 16-12-103 to exhibit, expose or display them on shelves, bookracks or other display devices at a height of less than sixty (60) inches from the floor level immediately in front of the display racks or shelves or, in the absence of shelves or bookracks, having a minimum shelf height of less than sixty (60) inches; adult books, magazines, movies or similar media shall be displayed on shelves behind the operator or the sales register or checkout counter; and any material covered by O.C.G.A. § 16-12-103, including any adult book or magazine cover thereof containing pictures, photographs or drawings of a person or portion of the human body, which depicts sexual conduct and which, taken as a whole, is harmful to minors shall not be open to public view.
- (b) It shall be unlawful for any package or convenience store that knowingly offers for sale adult books and/or magazines or any material covered by O.C.G.A. § 16-12-103 to also

sell beverages regulated under Chapter 10 of the Code of Ordinances.

Sec. XX-XXX. – Coin Operated Amusement Machines

- (a) It shall be unlawful for package or convenience stores to allow the sale of alcoholic beverages on their premises where coin-operated amusement machines are placed or kept on the premises for use or play by the general public, in accordance with Section X-XX.
- (b) Package or convenience stores must otherwise comply with the provisions of Chapter X.

Sec. XX-XXX. – Gambling in Package or Convenience Stores

- (a) A person commits the offense of gambling, as defined in O.C.G.A. § 16-12-20, when he or she:
 - (1) Makes a bet upon the partial or final result of any game or contest or upon the performance of any participant in such game or contest;
 - (2) Makes a bet upon the result of any political nomination, appointment, or election or upon the degree of success of any nominee, appointee, or candidate; or
 - (3) Plays and bets for money or other thing of value at any game played with cards, dice, or balls.
- (b) Except as otherwise provided for by law, a person who commits the offense of gambling in a convenience store shall be guilty of a violating the Code of Ordinances, and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the city jail for not more than one hundred and eighty (180) days.

SECTION 5: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of that conflict.

12-O-0488 AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO REPURPOSE GENERAL FUND REVENUE FROM CITY CELL TOWER LEASES FOR PUBLIC SAFETY PURPOSES INTO A SPECIAL PUBLIC SAFETY REVENUE FUND TO INCLUDE AMONG OTHER PROJECTS FUNDING FOR A GUNSHOT DETECTION TECHNOLOGY PROGRAM, VIDEO SURVEILLANCE CAMERAS IN HIGH CRIME AREAS AND FOR THE VIDEO INTEGRATION CENTER; AND FOR OTHER PURPOSES.

(Held 5/1/12 for further review) (Substituted and held 5/15/12)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
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10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
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10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
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10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond". The signature is written in a cursive, somewhat stylized font. It is positioned above a horizontal line.

Michael Julian Bond, Councilmember, Post 1 -at-Large

**12-O-0488 AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO REPURPOSE GENERAL FUND REVENUE FROM CITY CELL TOWER LEASES FOR PUBLIC SAFETY PURPOSES INTO A SPECIAL PUBLIC SAFETY REVENUE FUND TO INCLUDE AMONG OTHER PROJECTS FUNDING FOR A GUNSHOT DETECTION TECHNOLOGY PROGRAM, VIDEO SURVEILLANCE CAMERAS IN HIGH CRIME AREAS AND FOR THE VIDEO INTEGRATION CENTER; AND FOR OTHER PURPOSES.
(HELD 5/1/12 FOR FURTHER REVIEW) (SUBSTITUTED AND HELD 5/15/12)**

WHEREAS, The General Fund receives annual revenue in the amount of approximately \$680,000.00 as a result of leases with various wireless carriers for cell towers erected on City of Atlanta-General Fund properties; and,

WHEREAS, This revenue is not a result of City of Atlanta property or sales taxes but can supplement such taxes; and,

WHEREAS, Use of cell tower lease payments constitute a source of funding for much-needed public safety initiatives to protect the health, welfare and safety of Atlanta's residents and visitors; and,

WHEREAS, The Atlanta Police Department has expressed its desire to install and implement gunshot location/detection technology citywide, crime surveillance video cameras in high crime areas of the City and to continue upgrading its Video Integration Center (VIC); and,

WHEREAS, Among other public safety needs that include the Atlanta Police Department, Atlanta Fire Rescue, the Department of Corrections and the Municipal Courts, it is necessary to create a Special Public Safety Revenue Fund.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That the City's Chief Finance Officer establish a Special Public Safety Revenue Fund.

SECTION 2: That said fund is used to supplement the funding of various special public safety initiatives for the Atlanta Police Department, Atlanta Fire Rescue, the Department of Corrections and/or the Municipal Courts (including the Office of Solicitor and Public Defender).

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of that conflict.

AN ORDINANCE

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The Revenue Fund

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AN ORDINANCE TO REPURPOSE GENERAL FUND REVENUE FROM CITY CELL TOWER LEASES FROM THE ATLANTA POLICE DEPARTMENT SHOT SPOTTER PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, The General Fund receives annual revenue of some \$68,000.00 from leases with various wireless carriers which have located cell towers on City-owned property; and,

WHEREAS, Said revenue should be repurposed to fund a Shot Spotter program for the Atlanta Police Department, which will provide a 360-degree acoustic surveillance gunfire alert and analysis program.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the portion of all revenue generated by City cell tower leases allocated to the General Fund be repurposed to fund a Shot Spotter gunfire surveillance program for the Atlanta Police Department.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only t

12-O-0488

**AN ORDINANCE BY
COUNCILMEMBER MICHAEL JULIAN BOND**

AS SUBSTITUTED BY PUBLIC SAFETY-LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO REPURPOSE GENERAL FUND REVENUE FROM CITY CELL TOWER LEASES FOR PUBLIC SAFETY PURPOSES INTO A SPECIAL PUBLIC SAFETY REVENUE FUND TO INCLUDE AMONG OTHER PROJECTS FUNDING FOR A GUNSHOT DETECTION TECHNOLOGY PROGRAM, VIDEO SURVEILLANCE CAMERAS IN HIGH CRIME AREAS AND FOR THE VIDEO INTEGRATION CENTER; AND FOR OTHER PURPOSES.

WHEREAS, The General Fund receives annual revenue in the amount of approximately \$680,000.00 as a result of leases with various wireless carriers for cell towers erected on City of Atlanta-General Fund properties; and,

WHEREAS, This revenue is not a result of City of Atlanta property or sales taxes but can supplement such taxes; and,

WHEREAS, Use of cell tower lease payments constitute a source of funding for much-needed public safety initiatives to protect the health, welfare and safety of Atlanta's residents and visitors; and,

WHEREAS, The Atlanta Police Department has expressed its desire to install and implement gunshot location/detection technology citywide, crime surveillance video cameras in high crime areas of the City and to continue upgrading its Video Integration Center (VIC); and,

WHEREAS, Among other public safety needs that include the Atlanta Police Department, Atlanta Fire Rescue, the Department of Corrections and the Municipal Courts, it is necessary to create a Special Public Safety Revenue Fund.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

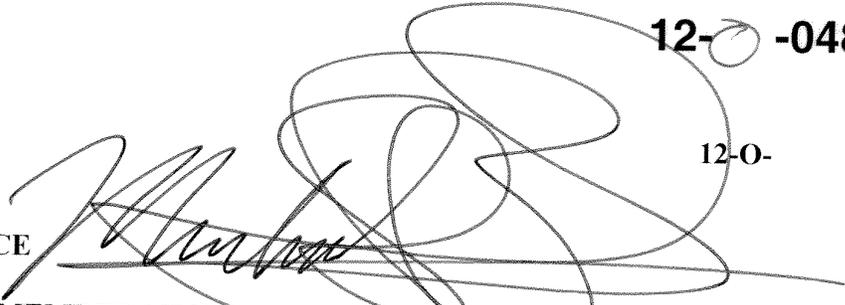
SECTION 1: That the City's Chief Finance Officer establish a Special Public Safety Revenue Fund.

SECTION 2: That said fund is used to supplement the funding of various special public safety initiatives for the Atlanta Police Department, Atlanta Fire Rescue, the Department of Corrections and/or the Municipal Courts (including the Office of Solicitor and Public Defender).

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of that conflict.

12-0-0488

12-O-



AN ORDINANCE

BY: COUNCILMEMBER MICHAEL J. BOND

Public Safety Purpose - Special Public Safety Revenue Fund

AN ORDINANCE TO REPURPOSE GENERAL FUND REVENUE FROM CITY CELL TOWER LEASES FOR THE ATLANTA POLICE DEPARTMENT SHOT SPOTTER PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, The General Fund receives annual revenue of some \$68,000.00 from leases with various wireless carriers which have located cell towers on City-owned property; and,

WHEREAS, Said revenue should be repurposed to fund a Shot Spotter program for the Atlanta Police Department, which will provide a 360-degree acoustic surveillance gunfire alert and analysis program.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the portion of all revenue generated by City cell tower leases allocated to the General Fund be repurposed to fund a Shot Spotter gunfire surveillance program for the Atlanta Police Department.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

Attachment: 1200488 (1979 : 12-O-0488 Repurpose General Fund Revenue (Cell Tower Leases))

12-R-0670 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’s request.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
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Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
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Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
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Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
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Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

12-R-0670 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'S REQUEST.)

WHEREAS, the City of Atlanta and the City of Sandy Springs are contiguous; and

WHEREAS, the City of Atlanta and The City of Sandy Springs each maintain and staff a fire department for the purpose of providing fire suppression, protection, prevention, and emergency medical services; and

WHEREAS, the City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other local emergency; and

WHEREAS, the City of Atlanta and County of Fulton, Georgia, entered into the Agreement of Mutual Aid and Automatic Response on April 6, 1994 (the "Fulton County Mutual Aid Agreement") as well as the lease agreement for Atlanta Fire Rescue Station 39 (hereinafter referred as "Fire Station 39") on May 2, 2005 (the "Fulton County Lease"); and

WHEREAS, the City of Atlanta, with consent of Fulton County, terminated the Fulton County lease effective December 2006, and enter into a new lease with Sandy Springs in December of 2006, as agreed upon by the City, Sandy Springs, and Fulton County; and

WHEREAS, the City of Atlanta and Sandy Springs intend to entered into an agreement for mutual aid and first response pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph 3 and Article IX, Section III, Paragraph 1 concurrently with the 1st Lease agreement attached as Exhibit B and reference hereby incorporated herein.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES THE FOLLOWING:

Section 1: That the Mayor or his designee is hereby authorized to execute on behalf of the City of Atlanta, Georgia, that intergovernmental Agreement entitled, "LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE CITY OF SANDY SPRINGS, GEORGIA FOR THE USE OF ATLANTA FIRE STATION 39," in substantial form to that document attached as Exhibit "B" hereto for the mutual provision of fire and support services between the fire departments of the City of Atlanta

and Sandy Springs, said agreement to become effective upon approval by Council and execution by the Mayor.

LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE CITY OF SANDY SPRINGS, GEORGIA FOR THE USE OF ATLANTA FIRE STATION 39

THIS LEASE, made and entered into this day 2012, between the City of Atlanta (hereinafter referred to as "City"), a political subdivision of the State of Georgia, acting by and through its duly elected Mayor and City Council, and the City of Sandy Springs (hereinafter referred to as "Sandy Springs"), a political subdivision of the State of Georgia, acting by and through its duly elected Mayor and City Council. This lease is authorized to a resolution adopted by the Atlanta City Council and approved by the Mayor, a copy of said resolution which is attached as Exhibit A and by reference hereby incorporated herein.

This lease shall create the relationship of Landlord and Tenant between the parties hereto. The City shall be Landlord and Sandy Springs shall be Tenant. No estate shall pass out of the City. Sandy Springs only has a usufruct, not subject to levy and sale, and not assignable by Sandy Springs, except by written consent of the City.

WITNESSETH:

WHEREAS, the City of Atlanta and the City of Sandy Springs are contiguous; and

WHEREAS, the City of Atlanta and The City of Sandy Springs each maintain and staff a fire department for the purpose of providing fire suppression, protection, prevention, and emergency medical services; and

WHEREAS, the City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other local emergency; and

WHEREAS, the City of Atlanta and County of Fulton, Georgia, entered into the Agreement of Mutual Aid and Automatic Response on April 6, 1994 (the "Fulton County Mutual Aid Agreement") as well as the lease agreement for Atlanta Fire Rescue Station 39 (hereinafter referred as "Fire Station 39") on May 2, 2005 (the "Fulton County Lease"); and

WHEREAS, the City of Atlanta, with consent of Fulton County, terminated the Fulton County lease effective December 2006, and enter into a new lease with Sandy Springs in December of 2006, as agreed upon by the City, Sandy Springs, and Fulton County; and

WHEREAS, the City of Atlanta and Sandy Springs intend to entered into an agreement for mutual aid and first response pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph 3 and Article IX, Section III, Paragraph 1 concurrently with the 1st Lease agreement attached as Exhibit B and reference hereby incorporated herein.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties hereunto agree as follows:

ARTICLE I-USE OF FACILITIES

Paragraph 1.0. Sandy Springs agrees to provide fire protection services for City within no less than two (2) mile radius of Fire Station 39.

Paragraph 1.1. City agrees that Sandy Springs has sole and exclusive possession of Fire Station 39 through its lease and shall continue such procession until termination hereunder.

Paragraph 1.2. City acknowledges that the lease spaces shall be used primarily to provide fire protection services to Sand Springs in areas designated and described in Exhibit C attached and by this reference incorporated herein.

Paragraph 1.3. City agrees to provide the use of Fire Station 39, located at 4697 Wieuca Road NE, to Sandy Springs primarily to house fire apparatus and personnel of the Sandy Springs Fire Department. Notwithstanding anything to the contrary herein, City reserves the right to store additional fire apparatus within the basement of Fire Station 39 for use by Atlanta Fire Rescue Department (hereinafter referred to ("AFRD")), and reserves the right to use the training/meeting room facilities located upstairs.

Paragraph 1.4. At all times possible herein, the City shall retain title to Fire Station 39, the property and the facilities.

Paragraph 1.5. The City agrees that upon commencement of the Lease, Fire Station 39 shall be identified to the public and to all City and Sandy Springs Personnel as the "Atlanta-Sandy Springs Fire Station #4."

Paragraph 1.6. The City agrees to be responsible for providing the following:

1. A base station communications radio transceiver, for the purposes of communications with Atlanta Fire Communication Center;
2. The refrigerator presently on the premises; and

3. An approved above ground storage tank for storage of petroleum fuels for fire apparatus and an approved pump device to deliver the fuel from the tank to the fire apparatus fuel tank, at the time of occupancy.

Paragraph 1.7. Sandy Springs agrees to be responsible for providing the following:

1. Maintenance, inspection and upkeep of the underground storage tank;
2. Any fuels to be used in fire apparatus used by Sandy Springs in the above ground storage tank;
3. Maintenance of the building and normal preventive practices to maintain the station in a safe and reasonable manner, inclusive of the auxiliary power unit;
4. Normal cleaning and general daily maintenance of the fire station, both internal and external;
5. Small equipment to maintain the fire station, including but not limited to a lawn mower, cleaning supplies and paper supplies;
6. Furnishings for personnel assigned to the fire station;
7. Any capital improvements that will maintain living and working conditions;
8. Repairs caused by negligence of Sandy Springs employees;
9. Prompt notification to the Atlanta Fire Rescue Department Real Property Chief of any items needing attention for which the City is responsible pursuant to the terms and conditions of the Lease herein; and
10. All natural gas, electric, water, and telephone services as required for the operation of the station.
11. Mobile and portable radio units capable of communicating with Atlanta 911 Communications Center.

Paragraph 1.8. Sandy Springs agrees that no modifications, improvements, alterations or additions may be made to said premises without the prior written consent of the City.

Any additions caused by Sandy Springs shall become the property of the City upon termination of the Lease.

Paragraph 1.9. Sandy Springs indemnifies and holds the City harmless from and against any and all loss, cost, liability, damage and expense Sandy Springs may suffer or incur, including, without limitation, attorneys fees and court cost, arising from or related to the Sandy Springs renovation, use and occupancy of the premises.

ARTICLE II-COMPENSATION

Paragraph 2.0. Sandy Springs agrees that upon commencement of the Lease, it shall provide to the City rent payments of ONE DOLLAR (\$1.00) per year for each year of the Lease.

ARTICLE III-AUTOMATIC RESPONSE

Said Lease shall cover:

Paragraph 3.0. Sandy Springs shall provide at least one approved Class A fire pumper with a pumping capacity of not less than 1500 gallons per minute and staffed with not

less than four (4) State of Georgia Standard and Training Council certified firefighters, two (2) who are trained to the NREMT-1 NREMT-A level to respond to an automatic response area as determined by the AFRD.

Paragraph 3.1. Nothing in the Lease shall change or alter in any way the Agreement of Mutual Aid and Automatic Response entered into on (typed in date), between Sandy Springs and the City.

ARTICLE IV-NOTIFICATIONS & COMMUNICATIONS Paragraph 4.0. Sandy Springs

agrees that when the Atlanta Fire Rescue

Communications Center receives a call for the Fire Station 39 area, the City will dispatch the alarm to Fire Station 39 by radio transceiver as the primary means of dispatch.

Paragraph 4.1. City agrees that the alarm information will be relayed to Sandy Springs Communications Center, by telephone when the primary communications means fails to notify the unit.

Paragraph 4.2. Sandy Springs agrees that once the Fire Station 39 unit is responding, the unit shall acknowledge it is responding on the appropriate assigned channel through Atlanta 911 Communications Center. All communications should remain with Atlanta

911 Communications Center pursuant to AFD.SOP-92.6, included herewith as Exhibit

D, until the incident is terminated and the fire unit has returned to the fire station. Paragraph 4.3. Sandy Springs agrees that when the Fire Station 39 units is responding to an alarm in Sandy Springs, or is otherwise out of service, it shall notify Atlanta 911

Communications so that Atlanta can make adequate provisions to provide continued protection to the City area.

Paragraph 4.4. City agrees to provide Atlanta Fire Rescue Communications personnel to conduct training in the use of the City's communication equipment and procedures to Sandy Spring's personnel assigned to Fire Station 39.

Paragraph 4.5. Sandy Springs agrees that upon receiving a verbal alarm at Fire Station

39. Personnel on duty shall notify Atlanta 911 Communications Center of the situation and any intended action.

Paragraph 4.6. Both City and Sandy Springs agree that should either communications system fail, the other party will be notified.

ARTICLE V-TERMINATION

Paragraph 5.0. The term of this Lease shall commence upon approval of the governing bodies of Sandy Springs and the City of Atlanta, and shall continue for a term not to exceed five (5) years from date of renewal, and to be renewed only by approval of said governing bodies.

Paragraph 5.1. In the event that either party wishes to terminate the Lease, they may do so by providing the other party with no less than ninety (90) days prior written notice.

Paragraph 5.2. In the event that Fire Station 39 is totally destroyed by storm, fire, lighting, earthquake, or other casualty, the Lease shall be terminated as of the date of the destruction.

ARTICLE VI-NOTIFIERS

Paragraph 6.0. Any notice hereunder shall be sufficient if sent by registered or certified U.S. Mail, addressed to:

Sandy Springs:

Chief Jack McElfish, Fire Chief
City of Sandy Springs Fire Rescue
7840 Roswell Road, Suite 500
Sandy Springs, Georgia 30350

City of Atlanta:

Chief Kelvin J. Cochran, Fire Chief
City of Atlanta Department of Fire Rescue
226 Peachtree Street, SW Atlanta, Georgia 30303

ARTICLE VII-VARIATIONS OR MODIFICATIONS TO LEASE Paragraph 7.0. The Lease agreement and Exhibits A, B, C and D incorporated herein

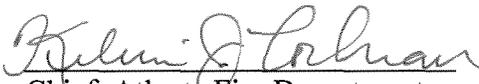
constitute the entire agreement between the City and Sandy Springs and there are no further written or oral arguments with respect thereto. No variation or modification of the agreement, and no waiver of this provision, shall be valid unless in writing and signed by parties hereto.

ARTICLE VIII-GOVERNING LAW

Paragraph 8.0. This lease agreement shall be governed in all respects, as to validity, constitution, and capacity, performance, or otherwise, by the laws of the State of Georgia.

IN WITNESS THEREOF, the parties hereto have set their hands and seals.
THE CITY OF ATLANTA, a political subdivision on the State of Georgia

Mayor, City of Atlanta


Chief, Atlanta Fire Department

Chief Financial Officer

Chief Operating Officer

ATTEST:

APPROVED AS TO FORM:

Clerk, City of Atlanta

City Attorney

THE CITY OF SANDY SPRINGS, a political subdivision on the
State of Georgia

Mayor, City of Sandy Springs

Chief, Sandy Springs
 Fire Department
 City Manager
 City of Sandy Springs

ATTEST:

APPROVED AS TO FORM:

Clerk, City of Sandy Springs

City Attorney

Parl/1: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Councilmembers and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Public Safety and Legal Administration Committee

Caption: A RESOLUTION 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..

Council Meeting Date: May 21, 2012

Requesting Dept: Fire Rescue

FAC Confirmed by:

I

I

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The legislation is to authorize 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.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other localemergency.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): NA (b) Source

Selection: NA

(c) Bids/Proposals Due: NA (d) Invitations Issued: NA

(e) Number of Bids: NA

(f) Proposals Received: NA (g) Bidders/Proponents: NA (h) Term of Contract: NA

4. Fund Account Center (Ex. *Name and number*):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Grant- Georgia Highway Safety*

6. Fiscal Impact: NA

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____

7. Method of Cost Recovery: NA

Examples:

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Wilmond Meadows, (404) 449-2682

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACEBYRD

Department Legislative Liaison: Wilmond Meadows

Contact Number: (404) 449-2682

Originating Department: Department of Fire Rescue

Committee(s) of Purview: Public Safety and Legal Administration

Chief of Staff Deadline: 4/27/12

Anticipated Committee Meeting Date(s): 5/15/12

Anticipated Full Council Date: 5/21/12

Legislative Counsel's Signature: 1

Commissioner Signature:

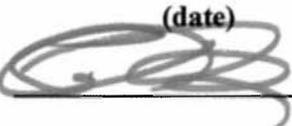
Chief Procurement Officer Signature: -----

CAPTION

A RESOLUTION 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.

FINANCIAL IMPACT (if any): N/A

Mayor's Staff Only

<p>Received by LC from CPO: _____ (date)</p> <p>Reviewed by:  _____</p>
--

PO: ----- (date)

Received by Mayor's Office: j. 30. (c;±.£2
(date)

oil: ----- (date)

12- R -0670

A RESOLUTION**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION 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.

WHEREAS, the City of Atlanta and the City of Sandy Springs are contiguous; and

WHEREAS, the City of Atlanta and The City of Sandy Springs each maintain and staff a fire department for the purpose of providing fire suppression, protection, prevention, and emergency medical services; and

WHEREAS, the City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other local emergency; and

WHEREAS, the City of Atlanta and County of Fulton, Georgia, entered into the Agreement of Mutual Aid and Automatic Response on April 6, 1994 (the "Fulton County Mutual Aid Agreement") as well as the lease agreement for Atlanta Fire Rescue Station 39 (hereinafter referred as "Fire Station 39") on May 2, 2005 (the "Fulton County Lease"); and

WHEREAS, the City of Atlanta, with consent of Fulton County, terminated the Fulton County lease effective December 2006, and enter into a new lease with Sandy Springs in December of 2006, as agreed upon by the City, Sandy Springs, and Fulton County; and

WHEREAS, the City of Atlanta and Sandy Springs intend to entered into an agreement for mutual aid and first response pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph 3 and Article IX, Section III, Paragraph 1 concurrently with the 1st Lease agreement attached as Exhibit B and reference hereby incorporated herein.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES THE FOLLOWING:

Section 1: That the Mayor or his designee is hereby authorized to execute on behalf of the City of Atlanta, Georgia, that intergovernmental Agreement entitled, "LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE CITY OF SANDY SPRINGS, GEORGIA FOR THE USE OF ATLANTA FIRE STATION 39," in substantial form to that document attached as Exhibit "B" hereto for the mutual provision of fire and support services between the fire departments of the City of Atlanta and Sandy Springs, said agreement to become effective upon approval by Council and execution by the Mayor.

**LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND
THE CITY OF SANDY SPRINGS, GEORGIA FOR THE USE OF
ATLANTA FIRE STATION 39**

THIS LEASE, made and entered into this _____ day of _____, 2012, between the City of Atlanta (hereinafter referred to as “City”), a political subdivision of the State of Georgia, acting by and through its duly elected Mayor and City Council, and the City of Sandy Springs (hereinafter referred to as “Sandy Springs”), a political subdivision of the State of Georgia, acting by and through its duly elected Mayor and City Council. This lease is authorized to a resolution adopted by the Atlanta City Council and approved by the Mayor, a copy of said resolution which is attached as Exhibit A and by reference hereby incorporated herein.

This lease shall create the relationship of Landlord and Tenant between the parties hereto. The City shall be Landlord and Sandy Springs shall be Tenant. No estate shall pass out of the City. Sandy Springs only has a usufruct, not subject to levy and sale, and not assignable by Sandy Springs, except by written consent of the City.

WITNESSETH:

WHEREAS, the City of Atlanta and the City of Sandy Springs are contiguous; and

WHEREAS, the City of Atlanta and The City of Sandy Springs each maintain and staff a fire department for the purpose of providing fire suppression, protection, prevention, and emergency medical services; and

WHEREAS, the City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other local emergency; and

WHEREAS, the City of Atlanta and County of Fulton, Georgia, entered into the Agreement of Mutual Aid and Automatic Response on April 6, 1994 (the “Fulton County Mutual Aid Agreement”) as well as the lease agreement for Atlanta Fire Rescue Station 39 (hereinafter referred as “Fire Station 39”) on May 2, 2005 (the “Fulton County Lease”); and

WHEREAS, the City of Atlanta, with consent of Fulton County, terminated the Fulton County lease effective December 2006, and enter into a new lease with Sandy Springs in December of 2006, as agreed upon by the City, Sandy Springs, and Fulton County; and

WHEREAS, the City of Atlanta and Sandy Springs intend to entered into an agreement for mutual aid and first response pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph 3 and Article IX, Section III, Paragraph 1 concurrently with the 1st Lease agreement attached as Exhibit B and reference hereby incorporated herein.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties hereunto agree as follows:

ARTICLE I – USE OF FACILITIES

Paragraph 1.0. Sandy Springs agrees to provide fire protection services for City within no less than two (2) mile radius of Fire Station 39.

Paragraph 1.1. City agrees that Sandy Springs has sole and exclusive possession of Fire Station 39 through its lease and shall continue such proccession until termination hereunder.

Paragraph 1.2. City acknowledges that the lease spaces shall be used primarily to provide fire protection services to Sand Springs in areas designated and described in Exhibit C attached and by this reference incorporated herein.

Paragraph 1.3. City agrees to provide the use of Fire Station 39, located at 4697 Wieuca Road NE, to Sandy Springs primarily to house fire apparatus and personnel of the Sandy Springs Fire Department. Notwithstanding anything to the contrary herein, City reserves the right to store additional fire apparatus within the basement of Fire Station 39 for use by Atlanta Fire Rescue Department (hereinafter referred to (“AFRD”), and reserves the right to use the training/meeting room facilities located upstairs.

Paragraph 1.4. At all times possible herein, the City shall retain title to Fire Station 39, the property and the facilities.

Paragraph 1.5. The City agrees that upon commencement of the Lease, Fire Station 39 shall be identified to the public and to all City and Sandy Springs Personnel as the “Atlanta-Sandy Springs Fire Station #4.”

Paragraph 1.6. The City agrees to be responsible for providing the following:

1. A base station communications radio transceiver, for the purposes of communications with Atlanta Fire Communication Center;
2. The refrigerator presently on the premises; and
3. An approved above ground storage tank for storage of petroleum fuels for fire apparatus and an approved pump device to deliver the fuel from the tank to the fire apparatus fuel tank, at the time of occupancy.

Paragraph 1.7. Sandy Springs agrees to be responsible for providing the following:

1. Maintenance, inspection and upkeep of the underground storage tank;
2. Any fuels to be used in fire apparatus used by Sandy Springs in the above ground storage tank;
3. Maintenance of the building and normal preventive practices to maintain the station in a safe and reasonable manner, inclusive of the auxiliary power unit;
4. Normal cleaning and general daily maintenance of the fire station, both internal and external;
5. Small equipment to maintain the fire station, including but not limited to a lawn mower, cleaning supplies and paper supplies;
6. Furnishings for personnel assigned to the fire station;
7. Any capital improvements that will maintain living and working conditions;
8. Repairs caused by negligence of Sandy Springs employees;
9. Prompt notification to the Atlanta Fire Rescue Department Real Property Chief of any items needing attention for which the City is responsible pursuant to the terms and conditions of the Lease herein; and
10. All natural gas, electric, water, and telephone services as required for the operation of the station.
11. Mobile and portable radio units capable of communicating with Atlanta 911 Communications Center.

Paragraph 1.8. Sandy Springs agrees that no modifications, improvements, alterations or additions may be made to said premises without the prior written consent of the City. Any additions caused by Sandy Springs shall become the property of the City upon termination of the Lease.

Paragraph 1.9. Sandy Springs indemnifies and holds the City harmless from and against any and all loss, cost, liability, damage and expense Sandy Springs may suffer or incur, including, without limitation, attorneys fees and court cost, arising from or related to the Sandy Springs renovation, use and occupancy of the premises.

ARTICLE II – COMPENSATION

Paragraph 2.0. Sandy Springs agrees that upon commencement of the Lease, it shall provide to the City rent payments of ONE DOLLAR (\$1.00) per year for each year of the Lease.

ARTICLE III – AUTOMATIC RESPONSE

Said Lease shall cover:

Paragraph 3.0. Sandy Springs shall provide at least one approved Class A fire pumper with a pumping capacity of not less than 1500 gallons per minute and staffed with not

less than four (4) State of Georgia Standard and Training Council certified firefighters, two (2) who are trained to the NREMT-I NREMT-A level to respond to an automatic response area as determined by the AFRD.

Paragraph 3.1. Nothing in the Lease shall change or alter in any way the Agreement of Mutual Aid and Automatic Response entered into on (typed in date), between Sandy Springs and the City.

ARTICLE IV – NOTIFICATIONS & COMMUNICATIONS

Paragraph 4.0. Sandy Springs agrees that when the Atlanta Fire Rescue Communications Center receives a call for the Fire Station 39 area, the City will dispatch the alarm to Fire Station 39 by radio transceiver as the primary means of dispatch.

Paragraph 4.1. City agrees that the alarm information will be relayed to Sandy Springs Communications Center, by telephone when the primary communications means fails to notify the unit.

Paragraph 4.2. Sandy Springs agrees that once the Fire Station 39 unit is responding, the unit shall acknowledge it is responding on the appropriate assigned channel through Atlanta 911 Communications Center. All communications should remain with Atlanta 911 Communications Center pursuant to AFD.SOP – 92.6, included herewith as Exhibit D, until the incident is terminated and the fire unit has returned to the fire station.

Paragraph 4.3. Sandy Springs agrees that when the Fire Station 39 units is responding to an alarm in Sandy Springs, or is otherwise out of service, it shall notify Atlanta 911 Communications so that Atlanta can make adequate provisions to provide continued protection to the City area.

Paragraph 4.4. City agrees to provide Atlanta Fire Rescue Communications personnel to conduct training in the use of the City's communication equipment and procedures to Sandy Springs's personnel assigned to Fire Station 39.

Paragraph 4.5. Sandy Springs agrees that upon receiving a verbal alarm at Fire Station 39. Personnel on duty shall notify Atlanta 911 Communications Center of the situation and any intended action.

Paragraph 4.6. Both City and Sandy Springs agree that should either communications system fail, the other party will be notified.

ARTICLE V – TERMINATION

Paragraph 5.0. The term of this Lease shall commence upon approval of the governing bodies of Sandy Springs and the City of Atlanta, and shall continue for a term not to exceed five (5) years from date of renewal, and to be renewed only by approval of said governing bodies.

Paragraph 5.1. In the event that either party wishes to terminate the Lease, they may do so by providing the other party with no less than ninety (90) days prior written notice.

Paragraph 5.2. In the event that Fire Station 39 is totally destroyed by storm, fire, lighting, earthquake, or other casualty, the Lease shall be terminated as of the date of the destruction.

ARTICLE VI – NOTIFIERS

Paragraph 6.0. Any notice hereunder shall be sufficient if sent by registered or certified U.S. Mail, addressed to:

Sandy Springs:

Chief Jack McElfish, Fire Chief
City of Sandy Springs Fire Rescue
7840 Roswell Road, Suite 500
Sandy Springs, Georgia 30350

City of Atlanta:

Chief Kelvin J. Cochran, Fire Chief
City of Atlanta Department of Fire Rescue
226 Peachtree Street, SW
Atlanta, Georgia 30303

ARTICLE VII – VARIATIONS OR MODIFICATIONS TO LEASE

Paragraph 7.0. The Lease agreement and Exhibits A, B, C and D incorporated herein constitute the entire agreement between the City and Sandy Springs and there are no further written or oral arguments with respect thereto. No variation or modification of the agreement, and no waiver of this provision, shall be valid unless in writing and signed by parties hereto.

ARTICLE VIII – GOVERNING LAW

Paragraph 8.0. This lease agreement shall be governed in all respects, as to validity, constitution, and capacity, performance, or otherwise, by the laws of the State of Georgia.

IN WITNESS THEREOF, the parties hereto have set their hands and seals.

**THE CITY OF ATLANTA,
a political subdivision on the
State of Georgia**

Mayor, City of Atlanta

Kelvin J. Cochran

Chief, Atlanta Fire Department

Chief Financial Officer

Chief Operating Officer

ATTEST:

APPROVED AS TO FORM:

Clerk, City of Atlanta

City Attorney

**THE CITY OF SANDY SPRINGS,
a political subdivision on the
State of Georgia**

Mayor, City of Sandy Springs

Chief, Sandy Springs
Fire Department

City Manager
City of Sandy Springs

ATTEST:

APPROVED AS TO FORM:

Clerk, City of Sandy Springs

City Attorney

Attachment: 12R0670 (1980 : 12-R-0670 Agreement Between COA and City of Sandy Springs Aid Emergency/Non Emergency Responses)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Public Safety and Legal Administration Committee

Caption: A RESOLUTION 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..

Council Meeting Date: May 21, 2012

Requesting Dept.: Fire Rescue

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The legislation is to authorize 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.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other local emergency.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): NA
- (b) Source Selection: NA
- (c) Bids/Proposals Due: NA
- (d) Invitations Issued: NA
- (e) Number of Bids: NA
- (f) Proposals Received: NA
- (g) Bidders/Proponents: NA
- (h) Term of Contract: NA

4. Fund Account Center (Ex. Name and number):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Grant – Georgia Highway Safety***6. Fiscal Impact: NA**

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: NA**Examples:**

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Wilmond Meadows, (404) 449-2682

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE BYRD

Department Legislative Liaison: Wilmond Meadows

Contact Number: (404) 449-2682

Originating Department: Department of Fire Rescue

Committee(s) of Purview: Public Safety and Legal Administration

Chief of Staff Deadline: 4/27/12

Anticipated Committee Meeting Date(s): 5/15/12

Anticipated Full Council Date: 5/21/12

Legislative Counsel's Signature: Kristin Denius

Commissioner Signature: Kevin J. Colman

Chief Procurement Officer Signature:

CAPTION

A RESOLUTION 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.

FINANCIAL IMPACT (if any): N/A

Mayor's Staff Only

Received by CPO: (date)

Received by LC from CPO: (date)

Received by Mayor's Office: 4.30.12 (date)

Reviewed by: [Signature]

Submitted to Council: (date)

Attachment: 12R0670 (1980 : 12-R-0670 Agreement Between COA and City of Sandy Springs Aid Emergency/Non Emergency Responses)

12-O-0693 AN ORDINANCE BY COUNCILMEMBERS MICHAEL J. BOND, NATALYN M. ARCHIBONG, H. LAMAR WILLIS, C. T. MARTIN, KWANZA HALL, KEISHA LANCE BOTTOMS, 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 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.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
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Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [UNANIMOUS] Next: 5/14/2013 3:00 PM
AYES: Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.

05/06/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/14/2013 3:00 PM

05/14/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [4 TO 0] Next: 5/28/2013 3:00 PM
AYES: Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.
AWAY: Kwanza Hall, H. Lamar Willis, Clela Winslow

05/20/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/28/2013 3:00 PM

05/28/13 Public Safety & Legal Administration Committee

06/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/11/2013 3:00 PM

06/11/13 Public Safety & Legal Administration Committee

06/17/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/25/2013 3:00 PM

06/25/13 Public Safety & Legal Administration Committee

07/01/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/9/2013 3:00 PM

07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/30/2013 3:00 PM

07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next: 9/10/2013 3:00 PM**

09/10/13 Public Safety & Legal Administration Committee
 09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/1/2013 3:00 PM**

10/01/13 Public Safety & Legal Administration Committee
 10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/15/2013 3:00 PM**

10/15/13 Public Safety & Legal Administration Committee
 10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/29/2013 3:00 PM**

10/29/13 Public Safety & Legal Administration Committee
 11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/12/2013 3:00 PM**

11/12/13 Public Safety & Legal Administration Committee
 11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

Clarence T. Martin Jr
Clarence "C. T." Martin, Councilmember

K. Batters
Keisha Lance Bottoms, Councilmember, District 11

Anton Watson
Anton Watson, Councilmember, Post 2 -at-Large

Alex Wan
Alex Wan, Councilmember

Natalyn Mosby Archibong
Natalyn Mosby Archibong, Councilmember, District 5

Michael Julian Bond
Michael Julian Bond, Councilmember, Post 1 -at-Large

Joyce M. Shepherd
Joyce Shepherd, Councilmember, District 12

H. Lamar Wilks
H. Lamar Wilks, Councilmember, Post 3 -at-Large

Felicia A. Moore
Felicia A. Moore, Councilmember, District 9

Yolanda Adrean
Yolanda Adrean, Councilmember, District 8

Kwanza Hall
Kwanza Hall, Councilmember, District 2

Howard Shook
Howard Shook, Councilmember, District 7

Carla Smith
Carla Smith, Councilmember, District 4

**12-O-0693 AN ORDINANCE BY COUNCILMEMBERS MICHAEL J. BOND, NATALYN M. ARCHIBONG, H. LAMAR WILLIS, C. T. MARTIN, KWANZA HALL, KEISHA LANCE BOTTOMS, 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 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.)**

AN ORDINANCE 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 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.

WHEREAS, There is a growing presence of a potentially dangerous substance affecting the public health, safety and welfare of the citizens, particularly the youth of the City of Atlanta; and

WHEREAS, This threat is presented in the form of products sold or distributed as a mixture of dried vegetation when covered, sprayed or mixed with certain specific chemicals (sold under the names "Pineapple Express," "K2," "Spice," "Genie" and many others) producing the physiological and psychological effects of a controlled substance such as marijuana; and

WHEREAS, The substances described above may be marketed as incense but are commonly being used as an alternative to marijuana which is an identified and documented controlled substance, the sale and use of which is prohibited under the laws of the State of Georgia and the United States; and

WHEREAS, These unregulated synthetic cannabinoids and salvia divinorum produce a very potent, intoxicating effect which is estimated by the medical community to produce effects ranging from three to one hundred times greater and more potent than THC, the active ingredient in marijuana; and

WHEREAS, Such substances are reported to cause hallucinations, vomiting, agitation, panic attacks, tachycardia, elevated blood pressure, pallor, numbness and tingling, disorientation, loss of time awareness and, in some cases, tremors and seizures; and

WHEREAS, The substances identified above manifest all of the demonstrated attributes of substances that deprive persons of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, The available medical and law enforcement information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others; and,

WHEREAS, In response to these known dangers, Governor Nathan Deal signed Senate Bill 370 ("Controlled Substances; Schedule I and V controlled substance; 'dangerous drug'; provisions") into law on March 27, 2012, amending the State of Georgia Schedule I and V provisions related to controlled substances (See Exhibit A); and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA THAT:

Section 1: Definitions for Section XXX-XX are as follows:

"Person" shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

"Banned Smoking Product" shall mean any product containing any of the chemical compounds set forth in Senate Bill 370. And shall also include all tobacco herbs, incense spice, aromatherapy incense, aromatic substance, or any blend thereof that may not contain any chemical listed above but may cause sense of euphoria or any side effect that may alter mental state of person(s).

"Ingestion Device" shall mean equipment, product or material that is used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing an illegal or banned smoking product into the human body such as, but not limited to:

- 1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipe with or without screens, permanent screens, hashish heads or punctured metal bowls;
- 2) Water pipes;
- 3) Carburetion tubes or devices;
- 4) Smoking and carburetion masks;
- 5) Roach clips: meaning objects used to hold burning material, such as marijuana cigarette, that has

become too small or too short to be held in the hand;

- 6) Chamber pipes;
- 7) Carburetor pipes;
- 8) Electric pipes;
- 9) Air driven pipe;
- 10) Chillum;
- 11) Bongs;
- 12) Ice pipes or chillers;
- 13) Glass tubes which are hollow, cylindrical items made of glass which are smaller than three-quarters of an inch in diameter, shorter than 12 inches in length, and which are not sealed with glass at both ends.

Section 2: It shall be unlawful for any person(s) to use, possess, purchase, barter, give, publicly display, sell or offer for sale within the city limits of Atlanta, Georgia, any banded smoking product or ingestion device.

Section 3: It shall be unlawful for any person(s) to use or possess with intent to use an ingestion device to inject, ingest, inhale or otherwise introduce into the human body an illegal smoking product within the city limits of Atlanta, Georgia.

Section 4: Violation of this Ordinance may also result in the revocation of any person, firm, corporation or entity's business and/or liquor licenses within the city limits of Atlanta, Georgia.

Section 5: This ordinance shall take effect immediately upon approval.

Section 6: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

[Handwritten signatures]

[Large handwritten signature]
12-0-0693
[Handwritten signature]

AN ORDINANCE

BY COUNCILMEMBER MICHAEL JULIAN BOND

[Handwritten signatures]

AN ORDINANCE 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 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.

[Handwritten signatures]

WHEREAS, There is a growing presence of a potentially dangerous substance affecting the public health, safety and welfare of the citizens, particularly the youth of the City of Atlanta; and

WHEREAS, This threat is presented in the form of products sold or distributed as a mixture of dried vegetation when covered, sprayed or mixed with certain specific chemicals (sold under the names "Pineapple Express," "K2," "Spice," "Genie" and many others) producing the physiological and psychological effects of a controlled substance such as marijuana; and

WHEREAS, The substances described above may be marketed as incense but are commonly being used as an alternative to marijuana which is an identified and documented controlled substance, the sale and use of which is prohibited under the laws of the State of Georgia and the United States; and

WHEREAS, These unregulated synthetic cannabinoids and salvia divinorum produce a very potent, intoxicating effect which is estimated by the medical community to produce effects ranging from three to one hundred times greater and more potent than THC, the active ingredient in marijuana; and

WHEREAS, Such substances are reported to cause hallucinations, vomiting, agitation, panic attacks, tachycardia, elevated blood pressure, pallor, numbness and tingling, disorientation, loss of time awareness and, in some cases, tremors and seizures; and

WHEREAS, The substances identified above manifest all of the demonstrated attributes of substances that deprive persons of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, The available medical and law enforcement information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others; and,

Attachment: 1981 : 12-O-0693 Amend Chpt 106 Art IV Div 3 New Sec Incense Potpourri Aromatics)

WHEREAS, In response to these known dangers, Governor Nathan Deal signed Senate Bill 370 (“Controlled Substances; Schedule I and V controlled substance; ‘dangerous drug’; provisions”) into law on March 27, 2012, amending the State of Georgia Schedule I and V provisions related to controlled substances (See Exhibit A); and

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Section 1: Definitions for Section XXX-XX are as follows:

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“**Ingestion Device**” shall mean equipment, product or material that is used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing an illegal or banned smoking product into the human body such as, but not limited to:

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- 11) Bongs;
- 12) Ice pipes or chillers;
- 13) Glass tubes which are hollow, cylindrical items made of glass which are smaller than three-quarters of an inch in diameter, shorter than 12 inches in length, and which are not sealed with glass at both ends.

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Section 3: It shall be unlawful for any person(s) to use or possess with intent to use an ingestion device to inject, ingest, inhale or otherwise introduce into the human body an illegal smoking product within the city limits of Atlanta, Georgia.

Section 4: Violation of this Ordinance may also result in the revocation of any person, firm, corporation or entity's business and/or liquor licenses within the city limits of Atlanta, Georgia.

Section 5: This ordinance shall take effect immediately upon approval.

Section 6: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

EXHIBIT A

12

SP370/AP

Senate Bill 370

By: Senators Carter of the 1st, Bethel of the 54th, Jackson of the 2nd and Goggans of the 7th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, so as to change certain provisions relating to Schedule I and V
3 controlled substances; to provide for a short title; to change certain provisions relating to the
4 definition of "dangerous drug"; to provide an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 This 2012 Act which provides for the annual update of the identity of controlled substances
8 and dangerous drugs is dedicated to the memory of Chase Corbitt Burnett and shall be known
9 and may be cited as "Chase's Law."
10

SECTION 2.

11 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
12 substances, is amended in Code Section 16-13-25, relating to Schedule I controlled
13 substances, by adding a new subparagraph to paragraph (3) to read as follows:
14

15 "(GGG) Fluorophenylpiperazine (FPP);"

SECTION 3.

16 Said chapter is further amended in Code Section 16-13-25, relating to Schedule I controlled
17 substances, by revising paragraph (12) to read as follows:
18

19 ~~"(12) Any material, compound, mixture, or preparation which contains any quantity of~~
20 ~~the following substances, their salts, isomers (whether optical, positional, or geometric);~~
21 ~~homologues, and salts of isomers and homologues, unless specifically excepted;~~
22 ~~whenever the existence of these salts, isomers, homologues, and salts of isomers and~~
23 ~~homologues is possible within the specific chemical designation:~~

24 (A) 1-pentyl-3-(1-naphthoyl)indole (JWH-018);

S. B. 370

- 1 -

- 25 (B) ~~1,1-dimethylheptyl-11-hydroxy-delta-8-tetrahydrocannabinol (HU-210; (6a;~~
 26 ~~10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydr~~
 27 ~~obenzofc]chromen-1-ol);~~
 28 (C) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (CP 47,497);
 29 (D) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
 30 (E) 2-(2-Methoxyphenyl)-1-(1-pentylindole-3-yl) ethanone (JWH-250);
 31 (F) 4-Methoxynaphthalen-1-yl-(1-pentylindole-3-yl) methanone (JWH-081);
 32 Any of the following compounds, derivatives, their salts, isomers, and salts of isomers,
 33 unless specifically utilized as part of the manufacturing process by a commercial industry
 34 of a substance or material not intended for human ingestion or consumption, as a
 35 prescription administered under medical supervision, or research at a recognized
 36 institution, whenever the existence of these salts, isomers, and salts of isomers is possible
 37 within the specific chemical designation:
 38 (A) Naphthoylindoles;
 39 (B) Naphthylmethylindoles;
 40 (C) Naphthoylpyrroles;
 41 (D) Naphthylideneindenes;
 42 (E) Phenylacetylindoles;
 43 (F) Cyclohexylphenols;
 44 (G) Benzoylindoles;
 45 (H) Tricyclic benzopyrans;
 46 (I) Adamantoylindoles;
 47 (J) Indazole amides;
 48 (K) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin
 49 -6-yl]-1-naphthalenylmethanone (WIN 55,212-2); or
 50 (L) Any compound, unless specifically excepted or listed in this or another schedule,
 51 structurally derived from 2-aminopropan-1-one by substitution at the 1-position with
 52 either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is
 53 further modified in any of the following ways:
 54 (i) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
 55 haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the
 56 ring system;
 57 (ii) By substitution at the 3-position with an acyclic alkyl substitution; or
 58 (iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
 59 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
 60 structure."

61 **SECTION 4.**

62 Said chapter is further amended in Code Section 16-13-29, relating to Schedule V controlled
 63 substances, by deleting "or" at the end of paragraph (4), by replacing the period at the end
 64 of paragraph (5) with "; or", and by adding a new paragraph to read as follows:

65 "(6) Ezogabine."

66 **SECTION 5.**

67 Said chapter is further amended in Code Section 16-13-71, relating to the definition of
 68 dangerous drug, by adding new paragraphs to subsection (b) to read as follows:

69 "(14.5) Adenovirus."

70 "(17.3) Aflibercept."

71 "(17.7) Albiraterone."

72 "(72.43) Azficel-T."

73 "(72.45) Azilsartan."

74 "(78.3) Belatacept."

75 "(78.5) Belimumab."

76 "(104.5) Boceprevir."

77 "(106.5) Brentuxima vedotin."

78 "(154.5) Centruroides [Scorpion] Immune."

79 "(198.05) Clobazam."

80 "(208.5) Coccidioides immitis."

81 "(217.8) Crizotinib."

82 "(386.05) Fidaxomicin."

83 "(408.27) Gadobutrol."

84 "(464.07) Icatibant."

85 "(469.07) Indacaterol."

86 "(487.06) Ioflupane."

87 "(490.7) Ipilimumab."

88 "(520.5) Linagliptin."

89 "(842.18) Rilpivirine."

90 "(843.825) Rivaroxaban."

91 "(844.75) Roflumilast."

92 "(885.5) Spinosad."

93 "(931.553) Telaprevir."

94 "(964.7) Ticagrelor."

95 "(1025.2) Vandetanib."

96 "(1027.55) Vemuranfenib."

12-R-0888 A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I, LLC, FOR THE RENTAL OF 1,707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612 MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1.00 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER LISTED; AND FOR OTHER PURPOSES.

(Referred back from Full Council 7/2/12) (Held 7/10/12 at the request of Councilmember Young for further review.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
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Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

LEGISLATION HISTORY – BLUE BACK

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
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RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

12-R-0888 A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I, LLC, FOR THE RENTAL OF 1,707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612 MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1.00 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER LISTED; AND FOR OTHER PURPOSES. (REFERRED BACK FROM FULL COUNCIL 7/2/12) (HELD 7/10/12 AT THE REQUEST OF COUNCILMEMBER YOUNG FOR FURTHER REVIEW.)

A RESOLUTION BY

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

12- o888

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I LLC, FOR THE RENTAL OF 1707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612

MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND), 240403 (APD POLICE PRECINCT ZONE 1), 5223103 (BUILDING RENTAL OR LEASE SERVICES), 3223000 (PATROL); AND FOR OTHER PURPOSES.

WHEREAS, the Department of Police currently occupies 1701 square feet of office space at 612 Magnolia Street, pursuant to a lease agreement between Vine City Plaza I LLC, and the City of Atlanta; and

WHEREAS, the current Lease Agreement expires on August 31, 2012; and

WHEREAS, the Department of Police desires to continue occupying 612 Magnolia Street for use as the Police Zone One Investigations Mini-Precinct.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor be and is hereby authorized to enter into a new lease agreement with The Vine City Plaza I LLC, for the lease of 1701 square feet of office space located at 612 Magnolia Street, Atlanta, Georgia, for the Department of Police Zone One Investigations Mini

Precinct, from September 1, 2012, until August 31, 2015, at a rental rate of \$1 for the year, to be charged to and paid from fund account and center number 1001 (General Fund), 240403 (APD Precinct Zone 1), 5223103 (Building Rental or Lease Services), 3223000 (Patrol).

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to review the lease agreement prior to execution by the Mayor.

BE IT FINALLY RESOLVED, that the agreement shall not be binding upon the City and the City will incur no obligation or liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, and attested to by the Municipal Clerk.

Rev. 02021 I

STATE OF GEORGIA

COUNTY OF FULTON

LEASE AGREEMENT

THIS AGREEMENT made this first day of September, 2012, between the Vine City Plaza I, LLC, hereinafter referred to as "Lessor" and THE CITY OF ATLANTA, hereinafter referred to as "Lessee";

WITNESSETH:

1. For and in consideration of the sum of One Dollar (\$1) per year to the Lessor hereinafter recited, Lessee does hereby lease property from lessor known as 612

Magnolia Street, Atlanta, Fulton County, Georgia.

2. Said lease shall cover the period from September 1, 2012, until August 31, 2015.

3. The premises shall be used as a mini police precinct for the Atlanta Police Department (hereinafter APD). Upon termination of this lease the Lessee shall surrender the premises to the Lessor in the same condition as it was received normal wear and tear excepted.

4. Premises shall not be used for any illegal purposes; nor in a manner to create any nuisance or trespass; nor in any way which could violate any law, ordinance, or restrictive covenant affecting the premises. Lessee shall promptly pay all fines, penalties and damages which may arise out of, or be imposed because of Lessee's failure to comply with the provisions of any applicable statute, ordinance, or regulation.

5. No goods, merchandise or material shall be kept or stored in or on said premises which are explosive. No alcoholic beverages shall be sold or used upon the premises. Nothing shall be done on said premises, other than as is provided for in this Agreement, which

will increase the rate of or suspend the insurance upon said premises or other property of Lessor.

6. Either party to this lease may cancel said lease upon giving the other party thirty (30) days written notice.

7. Lessor shall be responsible for making necessary repairs to the roofing, plumbing, structural, foundation, exterior walls and other facilities on the leased premises. Lessee will be responsible for minor repairs, janitorial, and utilities.

8. Lessor and its agents may inspect the premises at any time during the term of this lease. Lessor agrees to use its best efforts to cause the least amount of disruption to the Lessee's activities while inspecting the premises.

9. Lessee shall not make any structural alterations, modifications or repairs to the premises during the term of this lease. Non-structural alterations may be made with the prior consent of the Lessor, providing all necessary permits, consents and approvals have first been obtained. Lessee shall not permit any mechanics liens to attach to the premises and shall pay all sums due and payable on account of any labor performed or materials furnished in connection with work performed on the premises during the term of this lease.

10. Lessee shall not, without the written consent of Lessor, transfer, assign, sublet, encumber or otherwise alienate Lessee's interest in the premises under this lease.

11. This lease may be terminated by Lessor in the event Lessee is in breach of any provisions of this lease upon delivery of thirty (30) days written notice to Lessee.

12 Any notice which may be permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and the time the same are deposited in the mail, with postage prepaid, to be mailed by registered or certified United States mail, return receipt requested, and addressed as follows:

To the Lessee, City of Atlanta:

ChiefProcurement Officer, Bureau of Purchasing and Real Estate
55 Trinity Avenue, SW, Suite 1790
Atlanta, Georgia 30335

With a concurrent copy of the same also addressed to:

Deputy Chief for Support Services, Atlanta Police Department
675 Ponce de Leon Avenue NE Atlanta, Georgia 30308

And to the Lessor as follows: The Vine City Plaza I, LLC
C/O G. Hawthorne
228 Maple Place NW Atlanta, Georgia 30314

13. This Lease contains the entire and integrated agreement of the parties and may be amended only by written instrument which is approved by both parties to the Lease. No representations or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect.

14. The parties agree that this Lease shall not become binding on the Lessee, and the Lessee shall incur no liability upon the same, until this Lease has been executed by the Mayor, officially sealed by the Municipal Clerk and delivered to the Lessor.

RCS# 2129

7/02/12

2:21 PM

Atlanta City Council

12-R-0888

LEASE AGRMNT W/VINE CITY PLAZA LLC. 612

MAGNOLIA ST. APD ZONE ONE MINI PRECINCT REFER TO PSLA

YEAS :	1
	1
NAYS :	0
ABSTENTIONS :	0
NOT VOTING :	5
EXCUSED :	0
ABSENT	0

Y Smith

Y Hall

Y Young

Y Winslow
Y Archibong
Y Wan
Y Shook
Y Adrean
Y Moore
Y Martin NV Bottoms NV Sheperd
Y Bond
NV Watson
NV Willis
NV Mitchell

12-R-0888

Legislative Waite Paper

Committee of Purview: Public Safety

Caption: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I LLC, FOR THE RENTAL OF 1707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612 MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF

SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND), 240403 (APD POLICE PRECINCT ZONE 1), 5223103 (BUILDING RENTAL OR LEASE SERVICES), 3223000 (PATROL); AND FOR OTHER PURPOSES.

Council Meeting Date: 2 July 2012

Legislation Title: Magnolia.

Resolution to renew lease at Vine City Mini-Precinct 612

Requesting Dept.: Police Contract Type: N/A Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids/ Proposals Received:

N/A

Bidders/Proponents: N/A

Background: Renewal of a \$1 per year lease for Mini-precinct. Fund Account Center: N/A

Source of Funds: N/A Fiscal Impact: None

Term of Contract: 3 years from 1 September 2012 to 31 August 2015

Method of Cost Recovery: N/A

Approvals: DOF: DOL:

Prepared By: Investigator Kurt Braunsroth

Contact Number: 404-546-4266

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: K=urt=B=ra=u=ns=r=ot=h Contact

Number: 404-546-4266

Committee(s) of Purview:

Chief of Staff Deadline:

Public Safety

June 2012

Anticipated Committee Meeting Date(s): 26-27 June 2012

2 July 2012



Officer Signature (for IT Procurements)

Anticipated Full Council Date:

Legislative Counsel's Signature/

/
/''''''

Commissioner's Signature:

Chief Information

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I LLC, FOR THE RENTAL OF 1707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612

MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF

POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND), 240403 (APD POLICE PRECINCT ZONE 1), 5223103 (BUILDING RENTAL OR LEASE SERVICES), 3223000 (PATROL); AND FOR OTHER PURPOSES.

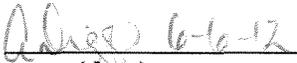
FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Reviewed by: 
(date)

O: ----- (date)

CPO: _____ (date)

Received by Mayor's Office:  6-6-12
(date)

Submitted to Council: -----(date)

12-R-0888

**A RESOLUTION BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I LLC, FOR THE RENTAL OF 1707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612 MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND), 240403 (APD POLICE PRECINCT ZONE 1), 5223103 (BUILDING RENTAL OR LEASE SERVICES), 3223000 (PATROL); AND FOR OTHER PURPOSES.

WHEREAS, the Department of Police currently occupies 1701 square feet of office space at 612 Magnolia Street, pursuant to a lease agreement between Vine City Plaza I LLC, and the City of Atlanta; and

WHEREAS, the current Lease Agreement expires on August 31, 2012; and

WHEREAS, the Department of Police desires to continue occupying 612 Magnolia Street for use as the Police Zone One Investigations Mini-Precinct.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor be and is hereby authorized to enter into a new lease agreement with The Vine City Plaza I LLC, for the lease of 1701 square feet of office space located at 612 Magnolia Street, Atlanta, Georgia, for the Department of Police Zone One Investigations Mini Precinct, from September 1, 2012, until August 31, 2015, at a rental rate of \$1 for the year, to be charged to and paid from fund account and center number 1001 (General Fund), 240403 (APD Precinct Zone 1), 5223103 (Building Rental or Lease Services), 3223000 (Patrol).

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to review the lease agreement prior to execution by the Mayor.

BE IT FINALLY RESOLVED, that the agreement shall not be binding upon the City and the City will incur no obligation or liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, and attested to by the Municipal Clerk.

Attachment: 12R0888 (1982 : 12-R-0888 Lease Agreement Vine City Plaza I, LLC Rental 612 Magnolia Street Polic Zone One)

STATE OF GEORGIA

COUNTY OF FULTON

LEASE AGREEMENT

THIS AGREEMENT made this first day of September, 2012, between the Vine City Plaza I, LLC, hereinafter referred to as "Lessor" and THE CITY OF ATLANTA, hereinafter referred to as "Lessee";

WITNESSETH:

1. For and in consideration of the sum of One Dollar (\$1) per year to the Lessor hereinafter recited, Lessee does hereby lease property from lessor known as 612 Magnolia Street, Atlanta, Fulton County, Georgia.
2. Said lease shall cover the period from September 1, 2012, until August 31, 2015.
3. The premises shall be used as a mini police precinct for the Atlanta Police Department (hereinafter APD). Upon termination of this lease the Lessee shall surrender the premises to the Lessor in the same condition as it was received normal wear and tear excepted.
4. Premises shall not be used for any illegal purposes; nor in a manner to create any nuisance or trespass; nor in any way which could violate any law, ordinance, or restrictive covenant affecting the premises. Lessee shall promptly pay all fines, penalties and damages which may arise out of, or be imposed because of Lessee's failure to comply with the provisions of any applicable statute, ordinance, or regulation.
5. No goods, merchandise or material shall be kept or stored in or on said premises which are explosive. No alcoholic beverages shall be sold or used upon the premises. Nothing shall be done on said premises, other than as is provided for in this Agreement, which will increase the rate of or suspend the insurance upon said premises or other property of Lessor.
6. Either party to this lease may cancel said lease upon giving the other party thirty (30) days written notice.
7. Lessor shall be responsible for making necessary repairs to the roofing, plumbing, structural, foundation, exterior walls and other facilities on the leased premises. Lessee will be responsible for minor repairs, janitorial, and utilities.
8. Lessor and its agents may inspect the premises at any time during the term of this lease. Lessor agrees to use its best efforts to cause the least amount of disruption to the Lessee's activities while inspecting the premises.

9. Lessee shall not make any structural alterations, modifications or repairs to the premises during the term of this lease. Non-structural alterations may be made with the prior consent of the Lessor, providing all necessary permits, consents and approvals have first been obtained. Lessee shall not permit any mechanics liens to attach to the premises and shall pay all sums due and payable on account of any labor performed or materials furnished in connection with work performed on the premises during the term of this lease.

10. Lessee shall not, without the written consent of Lessor, transfer, assign, sublet, encumber or otherwise alienate Lessee's interest in the premises under this lease.

11. This lease may be terminated by Lessor in the event Lessee is in breach of any provisions of this lease upon delivery of thirty (30) days written notice to Lessee.

12 Any notice which may be permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and the time the same are deposited in the mail, with postage prepaid, to be mailed by registered or certified United States mail, return receipt requested, and addressed as follows:

To the Lessee, City of Atlanta:

Chief Procurement Officer, Bureau of Purchasing and Real Estate
55 Trinity Avenue, SW, Suite 1790
Atlanta, Georgia 30335

With a concurrent copy of the same also addressed to:

Deputy Chief for Support Services, Atlanta Police Department
675 Ponce de Leon Avenue NE
Atlanta, Georgia 30308

And to the Lessor as follows:

The Vine City Plaza I, LLC
C/O G. Hawthorne
228 Maple Place NW
Atlanta, Georgia 30314

13. This Lease contains the entire and integrated agreement of the parties and may be amended only by written instrument which is approved by both parties to the Lease. No representations or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect.

14. The parties agree that this Lease shall not become binding on the Lessee, and the Lessee shall incur no liability upon the same, until this Lease has been executed by the Mayor, officially sealed by the Municipal Clerk and delivered to the Lessor.

RCS# 2129
7/02/12
2:21 PM

Atlanta City Council

12-R-0888 LEASE AGRMNT W/VINE CITY PLAZA LLC. 612
MAGNOLIA ST. APD ZONE ONE MINI PRECINCT
REFER TO PSLA

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

12-R-0888

Attachment: 12R0888 (1982 : 12-R-0888 Lease Agreement Vine City Plaza I, LLC Rental 612 Magnolia Street Polic Zone One)

Legislative White Paper

Committee of Purview: Public Safety

Caption: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I LLC, FOR THE RENTAL OF 1707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612 MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND), 240403 (APD POLICE PRECINCT ZONE 1), 5223103 (BUILDING RENTAL OR LEASE SERVICES), 3223000 (PATROL); AND FOR OTHER PURPOSES.

Council Meeting Date: 2 July 2012

Legislation Title: Resolution to renew lease at Vine City Mini-Precinct 612 Magnolia.

Requesting Dept.: Police

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids/Proposals Received: N/A

Bidders/Proponents: N/A

Background: Renewal of a \$1 per year lease for Mini-precinct.

Fund Account Center: N/A

Source of Funds: N/A

Fiscal Impact: None

Term of Contract: 3 years from 1 September 2012 to 31 August 2015

Method of Cost Recovery: N/A

Approvals:

DOF:

DOL:

Prepared By:

Investigator Kurt Braunsroth

Contact Number:

404-546-4266

Attachment: 12R0888 (1982 : 12-R-0888 Lease Agreement Vine City Plaza I, LLC Rental 612 Magnolia Street Polic Zone One)

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Kurt Braunsroth

Contact Number: 404-546-4266

Originating Department: Police

Committee(s) of Purview: Public Safety

Chief of Staff Deadline: 15 June 2012

Anticipated Committee Meeting Date(s): 26 - 27 June 2012

Anticipated Full Council Date: 2 July 2012

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW LEASE AGREEMENT WITH THE VINE CITY PLAZA I LLC, FOR THE RENTAL OF 1707 SQUARE FEET OF OFFICE SPACE LOCATED AT 612 MAGNOLIA STREET, ATLANTA, GEORGIA, FOR THE DEPARTMENT OF POLICE ZONE ONE INVESTIGATIONS MINI PRECINCT, FROM THE PERIOD OF SEPTEMBER 1, 2012, UNTIL AUGUST 31, 2015, AT A RENTAL RATE OF \$1 FOR THE YEAR, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND), 240403 (APD POLICE PRECINCT ZONE 1), 5223103 (BUILDING RENTAL OR LEASE SERVICES), 3223000 (PATROL); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: Adrian 6-6-12
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____ (date)

Attachment: 12R0888 (1982 : 12-R-0888 Lease Agreement Vine City Plaza I, LLC Rental 612 Magnolia Street Polic Zone One)

12-O-0900 AN ORDINANCE BY COUNCILMEMBERS FELICIA A. MOORE AND NATALYN M. ARCHIBONG TO AMEND CHAPTER 18, ARTICLE III (ANIMAL CONTROL) OF THE CITY OF ATLANTA CODE OF ORDINANCES BY ACTIVATING CODE SECTIONS 18-70 AND 18-131 (BOTH BEING CURRENTLY RESERVED) SO AS TO MAKE UNLAWFUL THE USE OF "BULLHOOKS" OR OTHER SIMILAR DEVICES ON ELEPHANTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

(Held 6/26/12 at the request of the Author.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

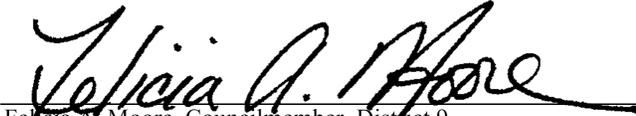
11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES**



Felicia A. Moore, Councilmember, District 9



Natalyn Mosby Archibong, Councilmember, District 5

12-O-0900 AN ORDINANCE BY COUNCILMEMBERS FELICIA A. MOORE AND NATALYN M. ARCHIBONG TO AMEND CHAPTER 18, ARTICLE III (ANIMAL CONTROL) OF THE CITY OF ATLANTA CODE OF ORDINANCES BY ACTIVATING CODE SECTIONS 18-70 AND 18-131 (BOTH BEING CURRENTLY RESERVED) SO AS TO MAKE UNLAWFUL THE USE OF "BULLHOOKS" OR OTHER SIMILAR DEVICES ON ELEPHANTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

(HELD 6/26/12 AT THE REQUEST OF THE AUTHOR.)

AN ORDINANCE

12- -0900

BY COUNCILMEMBER FELICIA A. MOORE AND NATALYN MARCHIBONG

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE III (ANIMAL CONTROL) OF THE CITY OF ATLANTA CODE OF ORDINANCES BY ACTIVATING CODE SECTIONS 18-70 AND 18-131 (BOTH BEING CURRENTLY RESERVED) SO AS TO MAKE UNLAWFUL THE USE OF "BULLHOOKS" OR OTHER SIMILAR DEVICES ON ELEPHANTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the use of bullhooks and similar devices on elephants causes pain, suffering and trauma, often leading to lacerations, puncture wounds and abscesses; and

WHEREAS, alternative methods for the restraint and handling of elephants are available and effective; and

WHEREAS, it is in the best interest of the City of Atlanta that the use of bullhooks and other similar devices be banned in the City of Atlanta.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: Sections 18-70 (currently reserved) of the Code of Ordinances of the City of Atlanta is hereby activated and shall provide as follows:

Sec. 18-70 - Cruelty to elephants. /

(a)

As used in this section, the term "bullhook" shall mean a device or instrument containing a spike, hook, or any combination thereof. A bullhook is also known as an ankus, ankusha, elephant goad, or elephant hook.

(b)

It shall be unlawful for any person to use a bullhook on an elephant within the City of Atlanta.

(c)

It shall be unlawful for any person to use on an elephant, any device or instrument that inflicts pain on, or causes or is likely to cause injury to, an elephant, except as necessary to administer legitimate medical treatment or in response to an immediate threat to public safety.

Section 2: Sections 18-131 (currently reserved) of the Code of Ordinances of the City of Atlanta is hereby activated and shall provide as follows:

Sec. 18-131- Cruelty to elephants....

(a)

As used in this section, the term "bullhook" shall mean a device or instrument containing a spike, hook, or any combination thereof. A bullhook is also known as an ankus, ankusha, elephant goad, or elephant hook.

(b)

It shall be unlawful for any person to use a bullhook on an elephant within the City of Atlanta.

(c)

It shall be unlawful for any person to use on an elephant, any device or instrument that inflicts pain on, or causes or is likely to cause injury to, an elephant, except as necessary to administer legitimate medical treatment or in response to an immediate threat to public safety.

Section 3: All ordinances and code sections and parts of ordinances and code sections in conflict herewith are hereby waived to the extent of any such conflict.

12-0-0900

AN ORDINANCE

BY COUNCIL MEMBER FELICIA A. MOORE

Felicia A. Moore *Natasha Archibald*

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE III (ANIMAL CONTROL) OF THE CITY OF ATLANTA CODE OF ORDINANCES BY ACTIVATING CODE SECTIONS 18-70 AND 18-131 (BOTH BEING CURRENTLY RESERVED) SO AS TO MAKE UNLAWFUL THE USE OF "BULLHOOKS" OR OTHER SIMILAR DEVICES ON ELEPHANTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the use of bullhooks and similar devices on elephants causes pain, suffering and trauma, often leading to lacerations, puncture wounds and abscesses; and

WHEREAS, alternative methods for the restraint and handling of elephants are available and effective; and

WHEREAS, it is in the best interest of the City of Atlanta that the use of bullhooks and other similar devices be banned in the City of Atlanta.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: Sections 18-70 (currently reserved) of the Code of Ordinances of the City of Atlanta is hereby activated and shall provide as follows:

Sec. 18-70 - Cruelty to elephants.

(a)

As used in this section, the term "bullhook" shall mean a device or instrument containing a spike, hook, or any combination thereof. A bullhook is also known as an ankus, ankusha, elephant goad, or elephant hook.

(b)

It shall be unlawful for any person to use a bullhook on an elephant within the City of Atlanta.

(c)

It shall be unlawful for any person to use on an elephant, any device or instrument that inflicts pain on, or causes or is likely to cause injury to, an elephant, except as necessary to administer legitimate medical treatment or in response to an immediate threat to public safety.

Attachment: 12O0900 (1983 : 12-O-0900 Amend Chpt 18, Art III Animal Control Sec 18-70 and 18-131 Bullhooks)

Section 2: Sections 18-131 (currently reserved) of the Code of Ordinances of the City of Atlanta is hereby activated and shall provide as follows:

Sec. 18-131 - Cruelty to elephants. 

(a)

As used in this section, the term "bullhook" shall mean a device or instrument containing a spike, hook, or any combination thereof. A bullhook is also known as an ankus, ankusha, elephant goad, or elephant hook.

(b)

It shall be unlawful for any person to use a bullhook on an elephant within the City of Atlanta.

(c)

It shall be unlawful for any person to use on an elephant, any device or instrument that inflicts pain on, or causes or is likely to cause injury to, an elephant, except as necessary to administer legitimate medical treatment or in response to an immediate threat to public safety.

Section 3: All ordinances and code sections and parts of ordinances and code sections in conflict herewith are hereby waived to the extent of any such conflict.

RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clela Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	
09/16/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
10/01/13	Public Safety & Legal Administration Committee	

10/07/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
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10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
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10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee

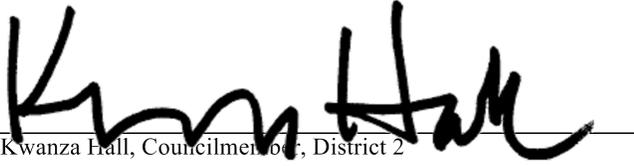
11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES**



Kwana Hall, Councilmember, District 2

**12-O-1001 AN ORDINANCE BY COUNCILMEMBER KWANZA HALL TO AMEND ARTICLE V-VEHICLE IMMOBILIZATION SERVICES OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.
(HELD 7/31/2 AT THE AUTHOR'S REQUEST.)**

12- -1001

AN ORDINANCE

BY: COUNCILMEMBER KWANZA HALL

AN ORDINANCE TO AMEND ARTICLE V - VEIDCLE IMMOBILIZATION SERVICES OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Article V of the City of Atlanta Code of Ordinces addresses immobilization of vehicles illegally parked on private and public property; and

WHEREAS, it has been recently brought to the attention of the City that there are instances where private booting companies may be booting vehicles that are appropriately parked, including payment of parking fees; and

WHEREAS, in instances where there are disputes with patrons regarding payment, there are inadequate policies to regulate and verify payment; and

WHEREAS; the Council of the City of Atlanta desires to ensure that parking patrons, property owners and parking/booting companies all have clear and adequate policies regarding vehicle booting.

NOW THEREFORE THE COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS:

Section 1. That Article V of the City of Atlanta Code of Ordinances be amended to clarify policies regarding vehicle immobilization/booting policies; including when and how booting is to be accomplished, receipting of patron parking, immobilization/booting oversight, vehicle owner property rights and public display of the lot owner name and contact information,

Section 2. All ordinances and parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

12-0-1001

AN ORDINANCE
 BY: COUNCILMEMBER KWANZA HALL



**AN ORDINANCE TO AMEND ARTICLE V – VEHICLE
 IMMOBILIZATION SERVICES OF THE CITY OF
 ATLANTA CODE OF ORDINANCES; AND FOR OTHER
 PURPOSES.**

WHEREAS, the Article V of the City of Atlanta Code of Ordinances addresses immobilization of vehicles illegally parked on private and public property; and

WHEREAS, it has been recently brought to the attention of the City that there are instances where private booting companies may be booting vehicles that are appropriately parked, including payment of parking fees; and

WHEREAS, in instances where there are disputes with patrons regarding payment, there are inadequate policies to regulate and verify payment; and

WHEREAS, the Council of the City of Atlanta desires to ensure that parking patrons, property owners and parking/booting companies all have clear and adequate policies regarding vehicle booting.

NOW THEREFORE THE COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS:

Section 1. That Article V of the City of Atlanta Code of Ordinances be amended to clarify policies regarding vehicle immobilization/booting policies; including when and how booting is to be accomplished, receipting of patron parking, immobilization/booting oversight, vehicle owner property rights and public display of the lot owner name and contact information.

Section 2. All ordinances and parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

Attachment: 12O1001 (1984 : 12-O-1001 Amend Art V Vehicle Immobilization Services)

12-O-1138 AN ORDINANCE BY COUNCILMAN KWANZA HALL TO ACTIVATE SECTION 106-13 (WHICH CODE SECTION IS CURRENTLY “RESERVED”) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED “LOITERING OR PROWLING” SO AS TO MAKE UNLAWFUL THE ACTIVITY DESCRIBED THEREIN AND TO PROVIDE FOR THE PENALTY TO BE IMPOSED UPON PERSONS CONVICTED FOR THE VIOLATION OF SAID ORDINANCE AND CODE SECTION; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

(Held 8/28/12 for further discussions.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

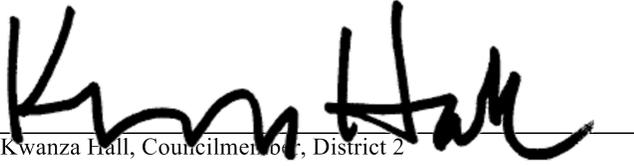
11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES



Kwana Hall, Councilmember, District 2

12-O-1138 AN ORDINANCE BY COUNCILMAN KWANZA HALL TO ACTIVATE SECTION 106-13 (WHICH CODE SECTION IS CURRENTLY "RESERVED") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED "LOITERING OR PROWLING" SO AS TO MAKE UNLAWFUL THE ACTIVITY DESCRIBED THEREIN AND TO PROVIDE FOR THE PENALTY TO BE IMPOSED UPON PERSONS CONVICTED FOR THE VIOLATION OF SAID ORDINANCE AND CODE SECTION; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES. (HELD 8/28/12 FOR FURTHER DISCUSSIONS.)

12-0-1138

AN ORDINANCE

BY COUNCILMAN KWANZA HALL

AN ORDINANCE TO ACTIVATE SECTION 106-13 (WHICH CODE SECTION IS CURRENTLY "RESERVED") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED "LOITERING OR PROWLING" SO AS TO MAKE UNLAWFUL THE ACTIVITY DESCRIBED THEREIN AND TO PROVIDE FOR THE PENALTY TO BE IMPOSED UPON PERSONS CONVICTED FOR THE VIOLATION OF SAID ORDINANCE AND CODE SECTION; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, certain personal behavior and activities threaten the safety of persons or property within the City of Atlanta; and

WHEREAS, that behavior and activity is best described as loitering or prowling; and

WHEREAS, in addition to threatening the safety of persons and property in the City, such behavior and activity has a deleterious effect on the quality of life and the fabric and decorum of the City; and

WHEREAS, in 1980, the Georgia General Assembly enacted a law (O.C.G.A. § 16-11-36) that provides that a person committing the offense of loitering or prowling shall be guilty of a misdemeanor; and

WHEREAS, that law also provided, in subsection (d) thereof that "This Code section shall not be deemed or construed to affect or limit the powers of counties or municipal corporations to adopt ordinances or resolutions prohibiting loitering or prowling within their respective limits."; and

WHEREAS, such an ordinance is needed in the City of Atlanta.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: Section 106-13 (which Code section is currently "Reserved") of the Code of Ordinances of the City of Atlanta, Georgia, is hereby activated and entitled "Loitering or prowling" and shall provide as follows:

Section 106-13.- Loitering or prowling.

(a) A person commits the offense of loitering or prowling when he or she is in a place at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(b) Among the circumstances which may be considered in determining whether alarm is warranted, is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself, or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this code section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself, and explain his or her presence and conduct. No person shall be convicted of an offense under this code section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(c) A person committing the offense of loitering or prowling shall, upon conviction, be punished as provided in Section 1-8 of this Code.

Section 2: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

12-0-1138
Kw

**AN ORDINANCE
BY COUNCILMAN KWANZA HALL**

AN ORDINANCE TO ACTIVATE SECTION 106-13 (WHICH CODE SECTION IS CURRENTLY “RESERVED”) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED “LOITERING OR PROWLING” SO AS TO MAKE UNLAWFUL THE ACTIVITY DESCRIBED THEREIN AND TO PROVIDE FOR THE PENALTY TO BE IMPOSED UPON PERSONS CONVICTED FOR THE VIOLATION OF SAID ORDINANCE AND CODE SECTION; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, certain personal behavior and activities threaten the safety of persons or property within the City of Atlanta; and

WHEREAS, that behavior and activity is best described as loitering or prowling; and

WHEREAS, in addition to threatening the safety of persons and property in the City, such behavior and activity has a deleterious effect on the quality of life and the fabric and decorum of the City; and

WHEREAS, in 1980, the Georgia General Assembly enacted a law (O.C.G.A. § 16-11-36) that provides that a person committing the offense of loitering or prowling shall be guilty of a misdemeanor; and

WHEREAS, that law also provided, in subsection (d) thereof that “This Code section shall not be deemed or construed to affect or limit the powers of counties or municipal corporations to adopt ordinances or resolutions prohibiting loitering or prowling within their respective limits.”; and

WHEREAS, such an ordinance is needed in the City of Atlanta.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: Section 106-13 (which Code section is currently “Reserved”) of the Code of Ordinances of the City of Atlanta, Georgia, is hereby activated and entitled “Loitering or prowling” and shall provide as follows:

Section 106-13. - Loitering or prowling.

(a) A person commits the offense of loitering or prowling when he or she is in a place at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(b) Among the circumstances which may be considered in determining whether alarm is warranted, is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself, or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this code section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself, and explain his or her presence and conduct. No person shall be convicted of an offense under this code section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(c) A person committing the offense of loitering or prowling shall, upon conviction, be punished as provided in Section 1-8 of this Code.

Section 2: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

12-C-1636 A COMMUNICATION FROM MR. TYLER JOSHUA GREEN, PRESIDENT, STUDENT GOVERNMENT ASSOCIATION, CLARK ATLANTA UNIVERSITY, TO COUNCIL PRESIDENT CEASAR C. MITCHELL AND MEMBERS OF COUNCIL, APPOINTING HIMSELF AS THEIR REPRESENTATIVE TO SERVE AS A MEMBER OF THE STUDENT SAFETY COUNCIL ADVISORY GROUP.

(Held 11/27/12 by the Committee to allow the appointee an opportunity to appear before the Committee.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Office of the Municipal Clerk	Skipped	
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	
Office of Research and Policy Analysis	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: **HELD IN COMMITTEE [UNANIMOUS]** Next: 5/14/2013 3:00 PM
AYES: Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.

05/06/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 5/14/2013 3:00 PM

05/14/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE
Next: 05/28/13

RESULT: **HELD IN COMMITTEE [4 TO 0]** Next: 5/28/2013 3:00 PM
AYES: Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.
AWAY: Kwanza Hall, H. Lamar Willis, Cleta Winslow

05/20/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 5/28/2013 3:00 PM

05/28/13 Public Safety & Legal Administration Committee

06/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 6/11/2013 3:00 PM

06/11/13 Public Safety & Legal Administration Committee

06/17/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 6/25/2013 3:00 PM

06/25/13 Public Safety & Legal Administration Committee

07/01/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 7/9/2013 3:00 PM

07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 7/30/2013 3:00 PM

07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: **REFERRED AS HELD** Next: 9/10/2013 3:00 PM

09/10/13 Public Safety & Legal Administration Committee

09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk

**TYLER GREEN PRESIDENT STUDENT GOVERNMENT ASSOCIATION CLARK
ATLANTA UNIVERSITY**

**12-C-1636 A COMMUNICATION FROM MR. TYLER JOSHUA GREEN,
PRESIDENT, STUDENT GOVERNMENT ASSOCIATION, CLARK ATLANTA
UNIVERSITY, TO COUNCIL PRESIDENT CEASAR C. MITCHELL AND
MEMBERS OF COUNCIL, APPOINTING HIMSELF AS THEIR
REPRESENTATIVE TO SERVE AS A MEMBER OF THE STUDENT SAFETY
COUNCIL ADVISORY GROUP.**

**(Held 11/27/12 by the Committee to allow the appointee
an opportunity to appear before the Committee.)**

12- C -1636

I am happy to appoint myself, Tyler Joshua Green, as the Clark Atlanta University representative on the Student Safety Council Advisory Group. I will serve as our representative for the duration of this Advisory Group, to begin on the date of Council confirmation.

I look forward to serving the City of Atlanta and the Student Safety Council Advisory Group.

In Service and Sincerity, Tyler Joshua Green
President-Student Government Association
Clark Atlanta University



Caesar C. Mitchell, President of Council

12-C-1636



CLARK ATLANTA
UNIVERSITY

Dear President Mitchell and Members of Council,

I am happy to appoint myself, Tyler Joshua Green, as the Clark Atlanta University representative on the Student Safety Council Advisory Group. I will serve as our representative for the duration of this Advisory Group, to begin on the date of Council confirmation.

I look forward to serving the City of Atlanta and the Student Safety Council Advisory Group.

In Service and Sincerity,

Tyler Joshua Greean
President-Student Government Association
Clark Atlanta University

Attachment: 12C1636 (1986 : 12-C-1636 Tyler Green Clark Atlanta University to the Student Safety Advisory Group)

Tyler Joshua Green
Student Government Association President
Clark Atlanta University

Attachment: 12C1636 (1986 : 12-C-1636 Tyler Green Clark Atlanta University to the Student Safety Advisory Group)

12-O-1735 AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND TO ACTIVATE SECTION 10-76 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA (WHICH SECTION IS CURRENTLY RESERVED), CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION 1 (GENERAL PROVISIONS), SO AS TO PROVIDE FOR NOT LESS THAN FORTY-FIVE (45) DAYS NOTICE TO ALL INTERESTED PARTIES IN ALL PROCEEDINGS BEFORE THE LICENSE REVIEW BOARD; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

(Held 11/27/12 for further review.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
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Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
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Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
AWAY:	Kwanza Hall, H. Lamar Willis, Clea Winslow	
05/20/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/28/2013 3:00 PM
05/28/13	Public Safety & Legal Administration Committee	
06/03/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/11/2013 3:00 PM
06/11/13	Public Safety & Legal Administration Committee	
06/17/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/25/2013 3:00 PM
06/25/13	Public Safety & Legal Administration Committee	
07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

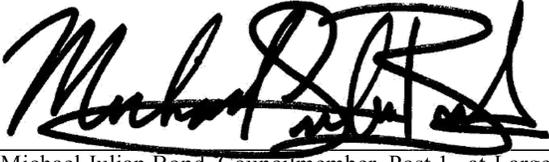
11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond". The signature is written in a cursive, somewhat stylized font. It is positioned above a horizontal line.

Michael Julian Bond, Councilmember, Post 1 –at-Large

12-O-1735 AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND TO ACTIVATE SECTION 10-76 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA (WHICH SECTION IS CURRENTLY RESERVED), CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION 1 (GENERAL PROVISIONS), SO AS TO PROVIDE FOR NOT LESS THAN FORTY-FIVE (45) DAYS NOTICE TO ALL INTERESTED PARTIES IN ALL PROCEEDINGS BEFORE THE LICENSE REVIEW BOARD; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES. (HELD 11/27/12 FOR FURTHER REVIEW.)

12-0 -1735

AN ORDINANCE

BY COUNCILMAN MICHAEL J. BOND

AN ORDINANCE TO ACTIVATE SECTION 10-76 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA (WHICH SECTION IS CURRENTLY RESERVED) CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION 1 (GENERAL PROVISIONS) SO AS TO PROVIDE FOR NOT LESS THAN FORTY-FIVE (45) DAYS NOTICE TO ALL INTERESTED PARTIES IN ALL PROCEEDINGS BEFORE THE LICENSE REVIEW BOARD; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OYHER PURPOSES.

WHEREAS, in 2003, then city council member and current city council president, Ceasar C. Mitchell, lead the effort to create the Alcohol Technical Advisory Group (ATAG) which was charged with the task of reviewing the city's alcoholic beverage code and providing recommendations to the mayor and council with regard to ways in which the existing process of issuing licenses and enforcing applicable laws could be improved; and

WHEREAS, as a result thereof, ATAG, consisting of council members and community and industry representatives, proposed a series of ordinance changes to the then alcohol beverage code which were adopted and approved and which led to improvements in the process of alcoholic beverage licensing and enforcement; and

WHEREAS, new and additional concerns about alcoholic beverage licensing and enforcement are being raised by city council members and community representatives giving rise to the necessity of recreating the ATAG concept; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the city and its visitors; and

WHEREAS, the alcoholic beverage laws, ordinances and regulations should be reviewed so as to ascertain and recommend improvements to the city's system of alcoholic beverage licensing and enforcement; and

WHEREAS, pursuant to Resolution #11-R-0936, adopted June 20, 2011 and approved June 29, 2011, ATAG II was established; and

WHEREAS, ATAG II was populated and held its first meeting on November 30, 2011; and

WHEREAS, ATAG II has held public input hearings in every quadrant of the city, has had experts from government and the private sector appear before its members, and has discussed, deliberated and debated the myriad of issues involved in the licensing and enforcement of alcoholic beverages; and

WHEREAS, at a duly noticed work session held on November 15, 2012, the members of ATAG II, voted to recommend the principles contained in this ordinance to the city council and the mayor

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: Section 10-76 of the code of ordinances of the city of Atlanta (which section is currently reserved) Chapter 10 (Alcoholic Beverages), Article II (Dealers and Manufacturer), Division 2 (License), Subdivision 1 (General Provisions) is hereby activated and shall provide as follows:

Sec. 10-76. Notice of proceedings before the License Review Board.

The License and Permits Unit of the Atlanta Police Department shall provide not less than forty-five (45) days notice to all interested parties in all proceedings before the License Review Board which shall include but shall not be limited to new applications, applications for renewal, applications for transfer of location or ownership, assessment of a fine, suspension or revocation.

Section 2: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

12-C-1759 A COMMUNICATION FROM ART R. MALLOY, DEAN OF STUDENT SUCCESS, SAVANNAH COLLEGE OF ART AND DESIGN (SCAD), TO COUNCIL PRESIDENT CEASAR C. MITCHELL AND MEMBERS OF COUNCIL, SUBMITTING MS. LINDA CHANG AS THEIR REPRESENTATIVE TO SERVE AS A MEMBER OF THE STUDENT SAFETY COUNCIL ADVISORY GROUP.

(Held 12/11/12 by the Committee to allow the appointee an opportunity to appear before the Committee.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Office of the Municipal Clerk	Skipped	
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
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Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	
Office of Research and Policy Analysis	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: **HELD IN COMMITTEE [UNANIMOUS]** Next: 5/14/2013 3:00 PM
AYES: Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.

05/06/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 5/14/2013 3:00 PM

05/14/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE
Next: 05/28/13

RESULT: **HELD IN COMMITTEE [4 TO 0]** Next: 5/28/2013 3:00 PM
AYES: Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.
AWAY: Kwanza Hall, H. Lamar Willis, Cleta Winslow

05/20/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 5/28/2013 3:00 PM

05/28/13 Public Safety & Legal Administration Committee

06/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 6/11/2013 3:00 PM

06/11/13 Public Safety & Legal Administration Committee

06/17/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 6/25/2013 3:00 PM

06/25/13 Public Safety & Legal Administration Committee

07/01/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 7/9/2013 3:00 PM

07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 7/30/2013 3:00 PM

07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: **REFERRED AS HELD** Next: 9/10/2013 3:00 PM

09/10/13 Public Safety & Legal Administration Committee

09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk

**ART MALLOY DEAN OF STUDENT SUCCESS SAVANNAH COLLEGE OF DESIGN
(SCAD)**

12-C-1759A COMMUNICATION FROM ART R. MALLOY, DEAN OF STUDENT SUCCESS, SAVANNAH COLLEGE OF ART AND DESIGN (SCAD), TO COUNCIL PRESIDENT CEASAR C. MITCHELL AND MEMBERS OF COUNCIL, SUBMITTING MS. LINDA CHANG AS THEIR REPRESENTATIVE TO SERVE AS A MEMBER OF THE STUDENT SAFETY COUNCIL ADVISORY GROUP.

(Held 12/11/12 by the Committee to allow the appointee an opportunity to appear before the Committee.)

12- -1759

November 28, 2012

Council President Ceasar Mitchell
55 Trinity Avenue, SW Suite 2900
Atlanta, Georgia 30303

Dear President Mitchell and Members of Council,

I am happy to appoint Linda Chang to serve as the SCAD Atlanta representative on the Student

Safety Advisory Group.

I know that Linda will bring his ideas and dedication to the Student Safety Advisory Group, and we look forward to the work of this Advisory Group.

Sincerely,

Art R. Malloy

Dean of Student Success

RCS# 2445

12/03/12

2:56 PM

Atlanta City Council

12-C-1759

APPOINTMENT TO STUDENT SAFETY ADVISORY

BOARD

REFER TO PS

YEAS :	1
	2
NAYS :	0
ABSTENTION	0
S :	
NOT	3
VOTING :	
EXCUSED :	0
ABSENT	1

Y Smith

Y Hall

B Young

Y Winslow

Y Archibong

Y Wan

Y Shook

Y Adrean

Y Moore

Y Martin

Y Bottoms

Y Sheperd

NV Bond

NV Watson

Y Willis

NV Mitchell

12-C-1759



Caesar C. Mitchell, President of Council

12- C -1759

November 28, 2012

Council President Ceasar Mitchell
55 Trinity Avenue, SW
Suite 2900
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Dear President Mitchell and Members of Council,

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Sincerely,

Art R. Malloy
Dean of Student Success

Attachment: 12C1759 (1989 : 12-C-1759 Linda Chang to the Student Safety Council Advisory Group)

12-O-1817 AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG TO ACTIVATE §158-12 (CURRENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXEMPT PROPERTIES CERTIFIED BY THE NATIONAL WILDLIFE FEDERATION AS WILDLIFE HABITATS, FROM ALL CITY OF ATLANTA VEGETATIVE GROWTH, WEED, GRASS AND NUISANCE ORDINANCES AND REGULATIONS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

(Held 12/11/12 at the request of the author for further discussion and review.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
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Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/14/2013 3:00 PM
AYES:	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	
05/06/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/14/2013 3:00 PM
05/14/13	Public Safety & Legal Administration Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE [4 TO 0]	Next: 5/28/2013 3:00 PM
AYES:	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
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07/09/13	Public Safety & Legal Administration Committee	
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	

09/16/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

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RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

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RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

**CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES**



Natalyn Mosby Archibong, Councilmember, District 5

12-O-1817 AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG TO ACTIVATE §158-12 (CURRENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXEMPT PROPERTIES CERTIFIED BY THE NATIONAL WILDLIFE FEDERATION AS WILDLIFE HABITATS, FROM ALL CITY OF ATLANTA VEGETATIVE GROWTH, WEED, GRASS AND NUISANCE ORDINANCES AND REGULATIONS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES. (HELD 12/11/12 AT THE REQUEST OF THE AUTHOR FOR FURTHER DISCUSSION AND REVIEW.)

AN ORDINANCE

BY COUNCIL MEMBER NATALYN ARCHMONG

12- -1817

AN ORDINANCE TO ACTIVATE §158-12 (CURRENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXEMPT PROPERTIES CERTIFIED BY THE NATIONAL WILDLIFE FEDERATION AS WILDLIFE HABITATS, FROM ALL CITY OF ATLANTA VEGETATIVE GROWTH, WEED, GRASS AND NUISANCE ORDINANCES AND REGULATIONS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is a community that lives in harmony with nature and wildlife while developing the area to accommodate a growing economy and population; and

WHEREAS, as such, the City of Atlanta acknowledges the Wildlife Habitat Conservation Program as advocated by the National Wildlife Federation; and

WHEREAS, the City of Atlanta seeks to become an even more wildlife friendly community.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS as follows:

Section 1: §158-12 (currently reserved) of the Code of Ordinances of the City of Atlanta, Georgia, is hereby activated and shall provide as follows:

§158-12. Properties exempt from vegetative growth, weed, grass and nuisance ordinances and regulations.

- (a) All properties and parcels of land certified by the National Wildlife Federation as *wildlife habitats*. shall be exempt from all vegetative growth, weed, grass and nuisance ordinances and regulations of the city.

(b) To be eligible for certification, a property must have a food source, water source, cover for animals and places to raise young animals.

(c) (c) A property may be certified at the National Wildlife Federation web site at -
<<http://www.nwf.org/Get-Outside/Outdoor-Activities/Garden-for-Wildlife/Certify-Your-Wildlife-Garden.aspx>>

Section 2: All ordinances and code sections and parts of ordinances and code sections in conflict herewith are hereby waived to the extent of any such conflict.

AN ORDINANCE
BY COUNCIL MEMBER NATALYN ARCHIBONG



12-0-1817

AN ORDINANCE TO ACTIVATE §158-12 (CURRENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXEMPT PROPERTIES CERTIFIED BY THE NATIONAL WILDLIFE FEDERATION AS WILDLIFE HABITATS, FROM ALL CITY OF ATLANTA VEGETATIVE GROWTH, WEED, GRASS AND NUISANCE ORDINANCES AND REGULATIONS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

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Section 2: All ordinances and code sections and parts of ordinances and code sections in conflict herewith are hereby waived to the extent of any such conflict.



START A NEW BASIC CERTIFICATION
UPGRADE TO AN ADVANCED CERTIFICATION
SIGN IN TO YOUR ACCOUNT

Garden For Wildlife

MAKING WILDLIFE HABITAT AT HOME

WILDLIFE HABITAT CERTIFICATION

[SIGN IN](#)

[HABITAT ELEMENTS](#)

[ABOUT YOUR HABITAT
\(OPTIONAL\)](#)

[ADDRESSES](#)

[PAYMENT](#)

NOT DONE

NOT DONE

NOT DONE

NOT DONE

NOT DONE

TELL US ABOUT YOUR HABITAT ELEMENTS

Answer the questions about the property that you want to certify — whether it is your home, a gift certification, or you are completing the certification for an organization.

What is your habitat's type?
(required)

- Apartment / Condo
- Business / Corporation
- Community Garden / Park
- Farm
- Home
- Nature Center / Educational Setting
- Other
- Place of Worship
- School / University / College

What is your habitat's size?
(required)

- Less than 1/8 Acre
- 1/8 - 1/4 Acre
- 1/4 - 1 Acre
- 1 - 5 Acres
- 5 - 10 Acres
- 10+ Acres

What best describes your habitat?
(required)

- Rural
- Suburban
- Urban

WILDLIFE FRIENDLY ELEMENTS OF YOUR HABITAT

Please check the boxes so we can get a full picture of your efforts. The minimum amounts are set by our naturalists as a measure of "wildlife-friendly" habitat.

FOOD SOURCES

Plants provide food for wildlife. Feeders can also be used as a supplemental source of nourishment. How do you provide food for wildlife? (minimum required : 3)

- | | |
|--|--------------------------------------|
| Food provided naturally by plants | Supplemental Feeders |
| <input type="checkbox"/> Seeds | <input type="checkbox"/> Seed |
| <input type="checkbox"/> Nuts | <input type="checkbox"/> Suet |
| <input type="checkbox"/> Berries | <input type="checkbox"/> Hummingbird |
| <input type="checkbox"/> Fruits | <input type="checkbox"/> Squirrel |
| <input type="checkbox"/> Nectar | <input type="checkbox"/> Butterfly |
| <input type="checkbox"/> Sap | |
| <input type="checkbox"/> Foliage/Twigs | |
| <input type="checkbox"/> Pollen | |



WATER SOURCES

Animals need clean water for drinking, bathing, and reproduction. How do you provide water for wildlife? (minimum required : 1)

- Lakefront
- Seasonal Pond
- Coastal
- Birdbath
- Water Garden/Pond



Attachment: 1201817 (1990 : 12-O-1817 Activate Code Sec 158-12 National Wildlife Federation Properties Exempt from Nuisance)

- Rain Garden
- Lake
- River/Stream
- Spring
- Shallow Dish
- Puddling Area



COVER

Wildlife need shelter from bad weather and hiding places - for both predators and prey. How do you provide cover for wildlife? (minimum required : 2)

- Brush Pile
- Log Pile
- Wooded Area
- Dense Shrubs / Thicket
- Meadow / Prairie
- Evergreens
- Ground Cover
- Roosting Box
- Water Garden / Pond
- Bramble Patch
- Burrow
- Cave
- Rock Pile / Wall



PLACES TO RAISE YOUNG

In order to provide a complete habitat, you must provide places for wildlife to raise their young. How do you provide places to raise young for wildlife? (minimum required : 2)

- Mature Trees
- Dense Shrubs / Thicket
- Meadow / Prairie
- Host Plants for Caterpillars
- Dead Trees / Snags
- Water Garden / Pond
- Wetland
- Burrow
- Cave
- Nesting Box



Save and Continue - Tell us about your habitat

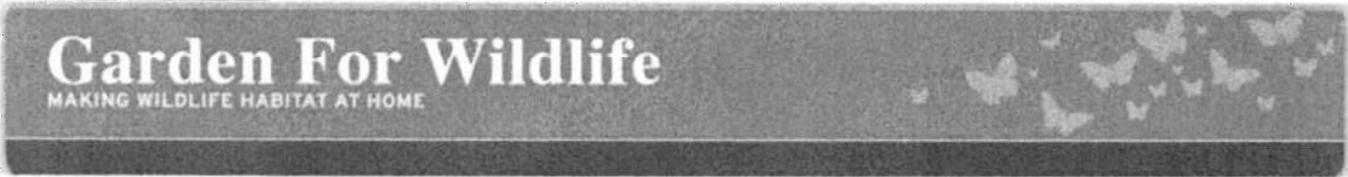
Save and Continue

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Attachment: 12O1817 (1990 : 12-O-1817 Activate Code Sec 158-12 National Wildlife Federation Properties Exempt from Nuisance)



START A NEW BASIC CERTIFICATION
UPGRADE TO AN ADVANCED CERTIFICATION
SIGN IN TO YOUR ACCOUNT



WILDLIFE HABITAT CERTIFICATION

[SIGN IN](#)

[HABITAT ELEMENTS](#)

[ABOUT YOUR HABITAT
\(OPTIONAL\)](#)

[ADDRESSES](#)

[PAYMENT](#)

NOT DONE

NOT DONE

NOT DONE

NOT DONE

NOT DONE

TELL US ABOUT YOUR HABITAT

This page is optional, but we would love to know more about your habitat.

[Skip this Step](#)

YOUR HABITAT STORY

This is your moment! Tell us the most amazing thing about your wildlife habitat. For example, what have you learned from making it? What features are you most proud of? What do you say to people about it?

We will feature quotes from your stories on our website and other materials if you give us permission.

Paragraph Font Family Font Size

Path: p

I give permission to National Wildlife Federation to reprint my story

YOUR WILDLIFE HABITAT PHOTOS

We'd love to see your special place! You can upload your photos now or at a later time to NWF's Wildlife Gardens group on Flickr. Photos will be uploaded to Flickr and entered into our Wildlife Gardens group for the public to view.

[View the current collection of photos in a new browser window](#)

Attachment: 12O1817 (1990 : 12-O-1817 Activate Code Sec 158-12 National Wildlife Federation Properties Exempt from Nuisance)

12/3/12

Tell About Your Habitat (Optional)

[Choose File](#) No file chosen

[Remove](#)

[Add Photo](#)

- I give permission to National Wildlife Federation to upload my photo(s) to their Wildlife Gardens Flickr group.
- I give permission to National Wildlife Federation to use my photo(s) in promotional efforts.

Save and Continue - Habitat Elements

Save and Continue - Addresses

Save and Continue

Save and Continue

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Attachment: 12O1817 (1990 : 12-O-1817 Activate Code Sec 158-12 National Wildlife Federation Properties Exempt from Nuisance)

13-O-0025 AN AMENDED ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED “SOLICITATION FOR AN ILLICIT SEXUAL ACT,” TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHICAL AREAS WITHIN THE CITY OF ATLANTA DEFINED AS “AREAS OF PROSTITUTION” DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM “AREAS OF PROSTITUTION” DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.

**(Referred back by Full Council 2/4/13; Work Session 2/11/13;
Held 2/12/13 by the Committee for further review; Work
Session 2/25/13.)**

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [UNANIMOUS] Next: 5/14/2013 3:00 PM
AYES: Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.

05/06/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/14/2013 3:00 PM

05/14/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [4 TO 0] Next: 5/28/2013 3:00 PM
AYES: Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.
AWAY: Kwanza Hall, H. Lamar Willis, Clea Winslow

05/20/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/28/2013 3:00 PM

05/28/13 Public Safety & Legal Administration Committee

06/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/11/2013 3:00 PM

06/11/13 Public Safety & Legal Administration Committee

06/17/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/25/2013 3:00 PM

06/25/13 Public Safety & Legal Administration Committee

07/01/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/9/2013 3:00 PM

07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/30/2013 3:00 PM

07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next: 9/10/2013 3:00 PM**

09/10/13 Public Safety & Legal Administration Committee
 09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/1/2013 3:00 PM**

10/01/13 Public Safety & Legal Administration Committee
 10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/15/2013 3:00 PM**

10/15/13 Public Safety & Legal Administration Committee
 10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/29/2013 3:00 PM**

10/29/13 Public Safety & Legal Administration Committee
 11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/12/2013 3:00 PM**

11/12/13 Public Safety & Legal Administration Committee
 11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**13-O-0025 AN AMENDED ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT," TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHICAL AREAS WITHIN THE CITY OF ATLANTA DEFINED AS "AREAS OF PROSTITUTION" DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM "AREAS OF PROSTITUTION" DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.
(REFERRED BACK BY FULL COUNCIL 2/4/13; WORK SESSION 2/11/13; HELD 2/12/13 BY THE COMMITTEE FOR FURTHER REVIEW; WORK SESSION 2/25/13.)**

COMMITTEE AMENDMENT FORM

To AMEND SECTION 2 AS FOLLOWS:

Section 2: This ordinance shall become effective immediately upon its approval. That this ordinance shall become effective February 1, 2013.

AN ORDINANCE BY

THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

13- -0025

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT," TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHIC AREAS WITHIN THE CITY OF ATLANTA DEFINED AS "AREAS OF PROSTITUTION" DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM "AREAS OF PROSTITUTION" DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, O.C.G.A. § 36-32-1(c) authorizes the Municipal Court to impose any punishment up to the maximums specified by general law; and

WHEREAS, the Municipal Court has the ability to impose banishment as a condition of probation, so long as the banishment is not from the State of Georgia altogether, Ga. Const. of 1983, Art. I, Sec. I, Par. XXI; Terry v. Hambrick, 284 Ga. 24, 26-29, 663 S.E. 2d 256 (2008); and

WHEREAS, accordingly, persons convicted of a second violation of Section 106-127 of the City of Atlanta Code of Ordinances, (Solicitation for an illicit sexual act), may, as a special condition of probation, be required to leave the corporate limits of the city and not return during their probationary period, ACC § 106-127(d)(2)(b); and

WHEREAS, the Atlanta Police Department has observed that a significant number of violations of Section 106-127 occur in certain geographic areas of the City of Atlanta; and

WHEREAS, these areas may be designated administratively based upon current crime statistical data; and

WHEREAS, it is the desire of the City of Atlanta to mandate banishment from these designated "Areas of Prostitution" for those having either a first or second conviction of Section 106-127 as a special condition of probation; and

WHEREAS, it is the desire of the City of Atlanta to ensure that the Municipal Court retains the ability to, in its discretion, require any person convicted of a second violation of Section 162-127, as a special condition of probation, to leave the corporate limits of the city and not return during the probationary period; and

WHEREAS, Section 106-127 currently includes two sets of sentencing provisions, one of which is superfluous; and

WHEREAS, it is also the desire of the City of Atlanta to remove the superfluous sentencing provisions from Section 106-127.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 106, Article IV, Division 1, Section 106-127, of the City of Atlanta Code of Ordinances, which currently reads as follows:

Sec. 106-127. - Solicitation for an illicit sexual act.

- (a) It shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to offer or consent to perform any illicit sexual act for money. Furthermore, it shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to attempt to induce, entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money. An illicit sexual act is defined as one or more of the following:

- (1) Prostitution;
- (2) Sodomy for hire; or
- (3) Masturbation for hire.

Any person in violation of this Code section shall be guilty of the offense of idling and loitering for the purpose of committing an illicit sexual act.

- (b) For the purpose of subsection (a) any person shall include solicitors of illicit sexual acts or panderers, who solicit, procure or purchase an other to perform any illicit sexual act in exchange for money, and who are commonly referred to as "johns" or "tricks".

- (c) The following penalties shall be imposed upon the conviction of the offense of idling and loitering for the purpose of committing an illicit sexual act.

- (1) *First conviction.* Punishment as provided in section 1-8.
- (2) *Second conviction.* Sixty days incarceration in the city jail or stockade without a reduction in time.
- (3) *Third and subsequent convictions.* Six months in the city jail or stockade without a reduction in time.

(d) The following penalties shall be imposed upon the conviction of subsection (a), (b) or (c) of this section.

- (1) *First conviction.* A mandatory minimum term of imprisonment of 15 days in the city jail and a minimum mandatory fine of \$250.00.

(2) *Second conviction.*

- a. A mandatory term of 180 days imprisonment with a minimum of 60 days of said sentence of imprisonment to be served in confinement in the city jail. The remaining 120 days may be served on probation as prescribed in subsection 2(b);

- b. The sentencing court may, in its discretion, require any person convicted of a second violation of subsection (a), (b) or (c) of this Code section, as a special condition of probation, to leave the corporate limits of the city and not return during the probationary period;
- c. Any person convicted of a second violation of subsection (a), (b) or (c) of this Code section shall also pay a fine of \$1,000.00.
- (3) *Third and subsequent convictions.* A mandatory term of six months of imprisonment in the city jail.
- (4) None of the mandatory sentences referred to in this Code section shall be suspended, probated, deferred or withheld, except as provided herein.
- (5) Nothing in this Code section shall affect the sentencing court's authority to impose any other condition of probation as set forth in O.C.G.A. § 42-8-5.
- (6) The city solicitor may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section and provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he finds that the defendant has rendered such substantial assistance.
- (7) *Diversion program*
- a. Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, the sentencing court may, in its discretion, without entering a judgment of guilt and with the consent of the defendant, defer further proceeding and enroll the defendant in an educational program administered by the City Solicitor's Office in accordance with Official Code of Georgia Annotated 15-18-80, and designed to address issues related to idling and loitering for the purpose of committing an illegal sexual act and/ or prostitution.
- b. Upon fulfillment of the terms of the educational program, including a showing that the defendant has not violated this Code Section for a period of one year, the defendant shall be discharged without court adjudication of guilt.
- c. The City Solicitor's Office is authorized to assess and collect from each defendant who enters the program a fee as set forth in O.C.G.A. 15-18-80 for the administration of the program. Any such fee collected shall be deposited into the City of Atlanta General Fund.
- (8) With the exception of those fees collected in accordance with 106-127(d)(7), all fines paid to and collected by the city's courts pursuant to conviction under this section shall be deposited to the Inmate Welfare Program Trust Fund, 3P02494008121CL9999, to defray the cost of inmate programs and services in the department of

corrections.

be amended so that it shall read as follows:

Sec. 106-127. - Solicitation for an illicit sexual act.

(a) It shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to offer or consent to perform any illicit sexual act for money. Furthermore, it shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to attempt to induce, entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money. An illicit sexual act is defined as one or more of the following:

- (1) Prostitution;
- (2) Sodomy for hire; or
- (3) Masturbation for hire.

Any person in violation of this Code section shall be guilty of the offense of idling and loitering for the purpose of committing an illicit sexual act.

(b) For the purpose of subsection (a) any person shall include solicitors of illicit sexual acts or panderers, who solicit, procure or purchase another to perform any illicit sexual act in exchange for money, and who are commonly referred to as "johns" or "tricks".

(e) The following penalties shall be imposed upon the conviction of the offense of idling and loitering for the purpose of committing an illicit sexual act.

- (1) *First conviction.* Punishment as provided in section 18.
- (2) *Second conviction.* Sixty days incarceration in the city jail or stockade without a reduction in time.
- (3) *Third and subsequent convictions.* Six months in the city jail or stockade without a reduction in time.

(de) The following penalties shall be imposed upon the conviction of subsection (a), (b) or (e) of this section.

Areas of Prostitution. For purposes of this section "*Areas of Prostitution*" shall mean certain geographic areas of the City of Atlanta wherefrom significant numbers of violations of this section have occurred. Areas of

Prostitution shall be designated in writing by the Atlanta Police Department and delivered to the Chief Judge of the Municipal Court of Atlanta by no later than February 1 of each year. This designation shall be based upon the crime statistics from the previous calendar year.

(1) *First conviction.*

- a. A mandatory minimum term of 180 days imprisonment with a minimum of 15 days of said sentence of imprisonment to be served in confinement in the city jail, the remaining 165 days to be served on probation, where as a special condition thereof, the sentencing court shall require the person to stay out of Areas of Prostitution during the probationary period.
- b. Any person convicted of a first violation of this section shall also pay a minimum mandatory fine of \$250.00.

(2) *Second conviction.*

- a. A mandatory term of 180 days imprisonment with a minimum of 60 days of said sentence of imprisonment to be served in confinement in the city jail, the remaining 120 days may to be served on probation as provided in subsection 2(b) where as a special condition thereof, the sentencing court shall require the person to stay out of Areas of Prostitution during the probationary period; except that the sentencing court may, in its discretion, require any person convicted of a second violation of subsection (a), (b) or (e) of this Code section, as a special condition of probation, to leave the corporate limits of the city and not return during the probationary period.
- b. Any person convicted of a second violation of subsection (a), (b) or (e) of this Code section shall also pay a fine of \$1,000.00.

- (3) *Third and subsequent convictions.* A mandatory term of six months of imprisonment in the city jail.
- (4) None of the mandatory sentences referred to in this Code section shall be suspended, probated, deferred or withheld, except as provided herein.
- (5) Nothing in this Code section shall affect the sentencing court's authority to impose any other additional condition of probation as set forth in O.C.G.A. § 42-8-5.

- (6) The city solicitor may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section and provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he finds that the defendant has rendered such substantial assistance.

(7) *Diversion program*

- a. Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, the sentencing court may, in its discretion, without entering a judgment of guilt and with the consent of the defendant, defer further proceeding and enroll the defendant in an educational program administered by the City Solicitor's Office in accordance with Official Code of Georgia Annotated 15-18-80, and designed to address issues related to idling and loitering for the purpose of committing an illegal sexual act and/or prostitution.
- b. Upon fulfillment of the terms of the educational program, including a showing that the defendant has not violated this Code Section for a period of one year, the defendant shall be discharged without court adjudication of guilt.
- c. The City Solicitor's Office is authorized to assess and collect from each defendant who enters the program a fee as set forth in O.C.G.A. 15-18-80 for the administration of the program. Any such fee collected shall be deposited into the City of Atlanta General Fund.
- (8) With the exception of those fees collected in accordance with 106-127(d)(7), all fines paid to and collected by the city's courts pursuant to conviction under this section shall be deposited to the Inmate Welfare Program Trust Fund, 3P02494008121CL9999, to defray the cost of inmate programs and services in the department of corrections.

Section 2: That this ordinance shall become effective February 1, 2013.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

RCS# 2547

2/04/13

4:27 PM

Atlanta City Council

13-0-0025

IEND COA CODE SEC. 106-127 SOLICITATION FOR AN ILLEGAL SEXUAL ACT
REFER/PSLA

YEAS :	1
	5
NAYS :	0
ABSTENTIONS :	0
NOT VOTING :	1
EXCUSED :	0
ABSENT	0

Y Smith
Y Hall
Y Young
Y Winslow
Y Archibong
Y Wan
Y Shook

Y Adrean
Y Moore
Y Martin
Y Bottoms
Y Sheperd
Y Bond
Y Watson
Y Willis
NV Mitchell

RCS# 2546
2/04/13
4:27 PM

Atlanta City Council

PROCEDURE
CALL THE QUESTION

CALL QUESTION

YEAS :	1
	5
NAYS :	0
ABSTENTIONS :	0
NOT VOTING :	1
EXCUSED :	0
ABSENT	0

Y Smith

Y Hall

Y Young

Y Winslow

Y Archibong

Y Wan

Y Shook

Y Adrean

Y Moore

Y Martin

Y Bottoms

Y Sheperd

Y Bond

Y Watson

Y Willis

NV Mitchell

Legislative WhitePaper

Committee of Purview: Public Safety & Legal Administration

Caption:

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT," TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM

GEOGRAPHIC AREAS WITHIN THE CITY OF ATLANTA DEFINED AS "AREAS OF PROSTITUTION" DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM "AREAS OF PROSTITUTION" DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.

Council Meeting Date: 22 January 2013

Legislation Title: Amend 106-127, Stay Out of Areas of Prostitution, ("SOAP") Requesting Dept.:
Police

Contract Type: N/A Source Selection: N/A Bids/Proposals Due: N/A Invitations Issued:
N/A Number of Bids/ N/A Proposals Received: N/A Bidders/Proponents: N/A

Background: The Atlanta Police Department has determined that a "Stay Out of Areas of Prostitution" ("SOAP") court order as part of a probationary sentence for violations of Chapter 106, Article IV, would make the enforcement of these offenses against public morals far more effective.

Fund Account Center: N/A Source of Funds: N/A Fiscal Impact: N/A

Term of Contract: N/A Method of Cost Recovery: N/A

Approvals: DOF: DOL:

Prepared By: Investigator Kurt Braunsroth

Contact Number: 404-546-4266

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Investigator Kurt Braunsroth

Contact Number: 404-546-4266

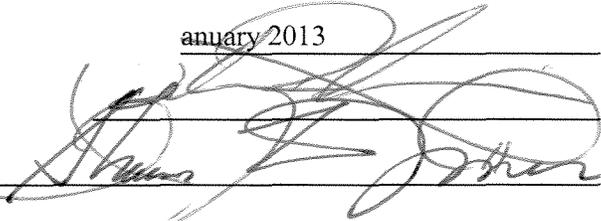
Originating Department: Police

Committee(s) of Purview:

Chief of Staff Deadline:

Public Safety

28 December 2012

<p>15-16 January 2013</p> <hr/> <p>January 2013</p> <hr/>  <hr/> <p>Chief Information Officer Signature (for IT Procurements)</p>

Anticipated Committee Meeting Date(s):

Anticipated Full Council Date: , - ; ;

/

Legislative Counsel's Signature:

t \

Commissioner's Signature:
" " " " "

Chief Procurement Officer Signature:

CAPTION

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT," TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHIC AREAS WITHIN THE CITY OF ATLANTA DEFINED AS "AREAS OF PROSTITUTION" DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM "AREAS OF PROSTITUTION" DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by LC from CPO: _____	
	(date)
Diogo 12-26-12	by: 
(date)	(date)

Received by CPO:
_ (date)

Received by Mayor's Office: _L...(:'.....:l:....:_::'''' Reviewed

Submitted to Council: _____(date)

COMMITTEE AMENDMENT FORM

Committee Public Safety and Legal Administration Page Number(s) 6

Ordinance I.D.# 13-0-0025 Section(s) 2

Resolution I.D.# _____ Paragraph _____

Date 1/29/13

Amendment: Amend Section 2 as follows

Section 2: This ordinance shall become effective immediately upon its approval. That this ordinance shall become effective February 1, 2013.

Attachment: 1300025 (1992 : 13-0-0025 Amend Chpt 106 Art IV Div 1 Sec 106-127 S.O.A.P. Solicitation for an Illicit Sexual Act)

13-0-0025

AN ORDINANCE BY

THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT," TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHIC AREAS WITHIN THE CITY OF ATLANTA DEFINED AS "AREAS OF PROSTITUTION" DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM "AREAS OF PROSTITUTION" DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, O.C.G.A. § 36-32-1(c) authorizes the Municipal Court to impose any punishment up to the maximums specified by general law; and

WHEREAS, the Municipal Court has the ability to impose banishment as a condition of probation, so long as the banishment is not from the State of Georgia altogether, Ga. Const. of 1983, Art. I, Sec. I, Par. XXI; *Terry v. Hambrick*, 284 Ga. 24, 26-29, 663 S.E. 2d 256 (2008); and

WHEREAS, accordingly, persons convicted of a second violation of Section 106-127 of the City of Atlanta Code of Ordinances, (Solicitation for an illicit sexual act), may, as a special condition of probation, be required to leave the corporate limits of the city and not return during their probationary period, ACC § 106-127(d)(2)(b); and

WHEREAS, the Atlanta Police Department has observed that a significant number of violations of Section 106-127 occur in certain geographic areas of the City of Atlanta; and

WHEREAS, these areas may be designated administratively based upon current crime statistical data; and

WHEREAS, it is the desire of the City of Atlanta to mandate banishment from these designated "Areas of Prostitution" for those having either a first or second conviction of Section 106-127 as a special condition of probation; and

WHEREAS, it is the desire of the City of Atlanta to ensure that the Municipal Court retains the ability to, in its discretion, require any person convicted of a second violation of Section 162-127, as a special condition of probation, to leave the corporate limits of the city and not return during the probationary period; and

WHEREAS, Section 106-127 currently includes two sets of sentencing provisions, one of which is superfluous; and

WHEREAS, it is also the desire of the City of Atlanta to remove the superfluous sentencing provisions from Section 106-127.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 106, Article IV, Division 1, Section 106-127, of the City of Atlanta Code of Ordinances, which currently reads as follows:

Sec. 106-127. - Solicitation for an illicit sexual act.

(a) It shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to offer or consent to perform any illicit sexual act for money. Furthermore, it shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to attempt to induce, entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money. An illicit sexual act is defined as one or more of the following:

- (1) Prostitution;
- (2) Sodomy for hire; or
- (3) Masturbation for hire.

Any person in violation of this Code section shall be guilty of the offense of idling and loitering for the purpose of committing an illicit sexual act.

- (b) For the purpose of subsection (a) any person shall include solicitors of illicit sexual acts or panders, who solicit, procure or purchase an other to perform any illicit sexual act in exchange for money, and who are commonly referred to as "johns" or "tricks".
- (c) The following penalties shall be imposed upon the conviction of the offense of idling and loitering for the purpose of committing an illicit sexual act.
 - (1) *First conviction.* Punishment as provided in section 1-8.
 - (2) *Second conviction.* Sixty days incarceration in the city jail or stockade without a reduction in time.
 - (3) *Third and subsequent convictions.* Six months in the city jail or stockade without a reduction in time.
- (d) The following penalties shall be imposed upon the conviction of subsection (a), (b) or (c) of this section.
 - (1) *First conviction.* A mandatory minimum term of imprisonment of 15 days in the city jail and a minimum mandatory fine of \$250.00.

- (2) *Second conviction.*
- a. A mandatory term of 180 days imprisonment with a minimum of 60 days of said sentence of imprisonment to be served in confinement in the city jail. The remaining 120 days may be served on probation as prescribed in subsection 2(b);
 - b. The sentencing court may, in its discretion, require any person convicted of a second violation of subsection (a), (b) or (c) of this Code section, as a special condition of probation, to leave the corporate limits of the city and not return during the probationary period;
 - c. Any person convicted of a second violation of subsection (a), (b) or (c) of this Code section shall also pay a fine of \$1,000.00.
- (3) *Third and subsequent convictions.* A mandatory term of six months of imprisonment in the city jail.
- (4) None of the mandatory sentences referred to in this Code section shall be suspended, probated, deferred or withheld, except as provided herein.
- (5) Nothing in this Code section shall affect the sentencing court's authority to impose any other condition of probation as set forth in O.C.G.A. § 42-8-5.
- (6) The city solicitor may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section and provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he finds that the defendant has rendered such substantial assistance.
- (7) *Diversion program*
- a. Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, the sentencing court may, in its discretion, without entering a judgment of guilt and with the consent of the defendant, defer further proceeding and enroll the defendant in an educational program administered by the City Solicitor's Office in accordance with Official Code of Georgia Annotated 15-18-80, and designed to address issues related to idling and loitering for the purpose of committing an illegal sexual act and/or prostitution.
 - b. Upon fulfillment of the terms of the educational program, including a showing that the defendant has not violated this Code Section for a period of one year, the defendant shall be discharged without court adjudication of guilt.
 - c. The City Solicitor's Office is authorized to assess and collect from each defendant who enters the program a fee as set forth in O.C.G.A. 15-18-80

for the administration of the program. Any such fee collected shall be deposited into the City of Atlanta General Fund.

- (8) With the exception of those fees collected in accordance with 106-127(d)(7), all fines paid to and collected by the city's courts pursuant to conviction under this section shall be deposited to the Inmate Welfare Program Trust Fund, 3PO2494008121CL9999, to defray the cost of inmate programs and services in the department of corrections.

be amended so that it shall read as follows:

Sec. 106-127. - Solicitation for an illicit sexual act.

- (a) It shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to offer or consent to perform any illicit sexual act for money. Furthermore, it shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to attempt to induce, entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money. An illicit sexual act is defined as one or more of the following:

- (1) Prostitution;
- (2) Sodomy for hire; or
- (3) Masturbation for hire.

Any person in violation of this Code section shall be guilty of the offense of idling and loitering for the purpose of committing an illicit sexual act.

- (b) For the purpose of subsection (a) any person shall include solicitors of illicit sexual acts or panders, who solicit, procure or purchase another to perform any illicit sexual act in exchange for money, and who are commonly referred to as "johns" or "tricks".
- ~~(c) The following penalties shall be imposed upon the conviction of the offense of idling and loitering for the purpose of committing an illicit sexual act.~~
- ~~(1) *First conviction.* Punishment as provided in section 1-8.~~
 - ~~(2) *Second conviction.* Sixty days incarceration in the city jail or stockade without a reduction in time.~~
 - ~~(3) *Third and subsequent convictions.* Six months in the city jail or stockade without a reduction in time.~~
- ~~(d) The following penalties shall be imposed upon the conviction of subsection (a), (b) or (c) of this section.~~

Areas of Prostitution. For purposes of this section "Areas of Prostitution" shall mean certain geographic areas of the City of Atlanta wherefrom significant numbers of violations of this section have occurred. Areas of

Prostitution shall be designated in writing by the Atlanta Police Department and delivered to the Chief Judge of the Municipal Court of Atlanta by no later than February 1 of each year. This designation shall be based upon the crime statistics from the previous calendar year.

- (1) *First conviction.*
 - a. A mandatory minimum term of **180 days** imprisonment with a **minimum** of 15 days of said sentence of imprisonment to be served in confinement in the city jail, **the remaining 165 days to be served on probation, where as a special condition thereof, the sentencing court shall require the person to stay out of Areas of Prostitution during the probationary period.**
 - b. **Any person convicted of a first violation of this section shall also pay a minimum mandatory fine of \$250.00.**
- (2) *Second conviction.*
 - a. A mandatory term of 180 days imprisonment with a minimum of 60 days of said sentence of imprisonment to be served in confinement in the city jail, ~~the remaining 120 days may to be served on probation as prescribed in subsection 2(b)~~ **where as a special condition thereof, the sentencing court shall require the person to stay out of Areas of Prostitution during the probationary period; except that** the sentencing court may, in its discretion, require any person convicted of a second violation of ~~subsection (a), (b) or (c)~~ of this Code section, as a special condition of probation, to leave the corporate limits of the city and not return during the probationary period.
 - b. Any person convicted of a second violation of ~~subsection (a), (b) or (c)~~ of this Code section shall also pay a fine of \$1,000.00.
 - e. _____
- (3) *Third and subsequent convictions.* A mandatory term of six months of imprisonment in the city jail.
- (4) None of the mandatory sentences referred to in this Code section shall be suspended, probated, deferred or withheld, except as provided herein.
- (5) Nothing in this Code section shall affect the sentencing court's authority to impose any ~~other~~ additional condition of probation as set forth in O.C.G.A. § 42-8-5.
- (6) The city solicitor may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section and provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge

hearing the motion may impose a reduced or suspended sentence if he finds that the defendant has rendered such substantial assistance.

- (7) *Diversion program*
- a. Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, the sentencing court may, in its discretion, without entering a judgment of guilt and with the consent of the defendant, defer further proceeding and enroll the defendant in an educational program administered by the City Solicitor's Office in accordance with Official Code of Georgia Annotated 15-18-80, and designed to address issues related to idling and loitering for the purpose of committing an illegal sexual act and/or prostitution.
 - b. Upon fulfillment of the terms of the educational program, including a showing that the defendant has not violated this Code Section for a period of one year, the defendant shall be discharged without court adjudication of guilt.
 - c. The City Solicitor's Office is authorized to assess and collect from each defendant who enters the program a fee as set forth in O.C.G.A. 15-18-80 for the administration of the program. Any such fee collected shall be deposited into the City of Atlanta General Fund.
- (8) With the exception of those fees collected in accordance with 106-127(d)(7), all fines paid to and collected by the city's courts pursuant to conviction under this section shall be deposited to the Inmate Welfare Program Trust Fund, 3PO2494008121CL9999, to defray the cost of inmate programs and services in the department of corrections.

Section 2: That this ordinance shall become effective February 1, 2013.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

RCS# 2546
2/04/13
4:27 PM

Atlanta City Council

PROCEDURE

CALL THE QUESTION

CALL QUESTION

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

PROCEDURE

Attachment: 13O0025 (1992 : 13-O-0025 Amend Chpt 106 Art IV Div 1 Sec 106-127 S.O.A.P. Solicitation for an Illicit Sexual Act)

Legislative White Paper

Committee of Purview: Public Safety & Legal Administration

Caption:

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT," TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHIC AREAS WITHIN THE CITY OF ATLANTA DEFINED AS "AREAS OF PROSTITUTION" DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM "AREAS OF PROSTITUTION" DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.

Council Meeting Date: 22 January 2013

Legislation Title: Amend 106-127, Stay Out of Areas of Prostitution, ("SOAP")

Requesting Dept.: Police

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids/ N/A

Proposals Received: N/A

Bidders/Proponents: N/A

Background: The Atlanta Police Department has determined that a "Stay Out of Areas of Prostitution" ("SOAP") court order as part of a probationary sentence for violations of Chapter 106, Article IV, would make the enforcement of these offenses against public morals far more effective.

Fund Account Center: N/A

Source of Funds: N/A

Fiscal Impact: N/A

Term of Contract: N/A

Method of Cost Recovery: N/A

Approvals:

DOF:

DOL:

Prepared By: Investigator Kurt Braunsroth

Contact Number: 404-546-4266

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Investigator Kurt Braunsroth

Contact Number: 404-546-4266

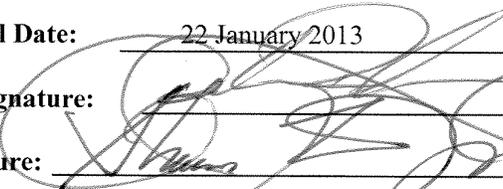
Originating Department: Police

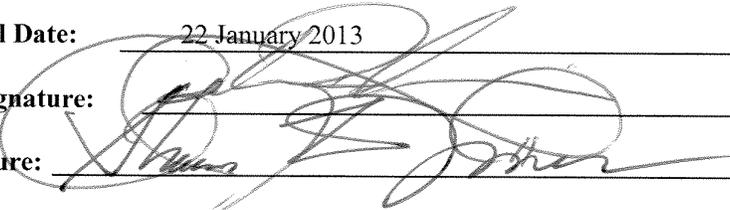
Committee(s) of Purview: Public Safety

Chief of Staff Deadline: 28 December 2012

Anticipated Committee Meeting Date(s): 15-16 January 2013

Anticipated Full Council Date: 22 January 2013

Legislative Counsel's Signature: 

Commissioner's Signature: 

Chief Information Officer Signature (for IT Procurements): _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT," TO MANDATE A SENTENCE OF A TERM OF PROBATION FOR A FIRST CONVICTION OF A VIOLATION OF SECTION 162-127, AND TO MANDATE BANISHMENT FROM GEOGRAPHIC AREAS WITHIN THE CITY OF ATLANTA DEFINED AS "AREAS OF PROSTITUTION" DURING THE TIME OF SAID PROBATION; TO REQUIRE BANISHMENT FROM "AREAS OF PROSTITUTION" DURING THE PROBATIONARY PERIOD MANDATED FOR A SECOND VIOLATION OF SECTION 162-127, SHOULD THE SENTENCING COURT DECLINE TO BANISH THE OFFENDER FROM THE CORPORATE LIMITS OF THE CITY AS CURRENTLY ALLOWED; TO REMOVE SUPERFLUOUS SENTENCING LANGUAGE; AND FOR OTHER PURPOSES.

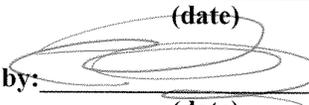
FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: ADiep 12-26-12
(date)

Reviewed by: 
(date)

Submitted to Council: _____ (date)

Attachment: 1300025 (1992 : 13-O-0025 Amend Chpt 106 Art IV Div 1 Sec 106-127 S.O.A.P. Solicitation for an Illicit Sexual Act)

13-O-0163 AN ORDINANCE BY COUNCILMEMBER CLETA WINSLOW TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES BY REPEALING CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ITS ENTIRETY; TO THEREBY ELIMINATE PUBLIC PROPERTY VENDING IN THE CITY OF ATLANTA; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

(Held 1/29/13 by the Committee for two weeks time certain to hear from the Administration; Held 2/12/13 at the request of the Administration for 60 days. Taking into account the Council Recess in April, the next regularly scheduled PSLA Committee meeting is April 30, 2013.)

Review List:

Public Safety & Legal Administration Committee	Completed	06/19/2013 4:57 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/31/2013 5:18 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:53 AM
Atlanta City Council	Completed	10/15/2013 4:07 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Public Safety & Legal Administration Committee	Completed	08/20/2013 11:42 AM
Atlanta City Council	Completed	06/11/2013 11:28 AM
Public Safety & Legal Administration Committee	Completed	06/21/2013 5:06 PM
Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

04/30/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [UNANIMOUS] Next: 5/14/2013 3:00 PM
AYES: Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.

05/06/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/14/2013 3:00 PM

05/14/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [4 TO 0] Next: 5/28/2013 3:00 PM
AYES: Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.
AWAY: Kwanza Hall, H. Lamar Willis, Clea Winslow

05/20/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/28/2013 3:00 PM

05/28/13 Public Safety & Legal Administration Committee

06/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/11/2013 3:00 PM

06/11/13 Public Safety & Legal Administration Committee

06/17/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 6/25/2013 3:00 PM

06/25/13 Public Safety & Legal Administration Committee

07/01/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/9/2013 3:00 PM

07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/30/2013 3:00 PM

07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next: 9/10/2013 3:00 PM**

09/10/13 Public Safety & Legal Administration Committee
 09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/1/2013 3:00 PM**

10/01/13 Public Safety & Legal Administration Committee
 10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/15/2013 3:00 PM**

10/15/13 Public Safety & Legal Administration Committee
 10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 10/29/2013 3:00 PM**

10/29/13 Public Safety & Legal Administration Committee
 11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/12/2013 3:00 PM**

11/12/13 Public Safety & Legal Administration Committee
 11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

RESULT: REFERRED WITHOUT OBJECTION **Next: 11/26/2013 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES

A handwritten signature in black ink that reads "Cleta Winslow". The signature is written in a cursive style. A vertical line is drawn to the right of the signature, and a horizontal line is drawn below it, intersecting at the end of the signature.

Cleta Winslow, Councilmember, District 4

13-O-0163 AN ORDINANCE BY COUNCILMEMBER CLETA WINSLOW TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES BY REPEALING CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ITS ENTIRETY; TO THEREBY ELIMINATE PUBLIC PROPERTY VENDING IN THE CITY OF ATLANTA; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

(HELD 1/29/13 BY THE COMMITTEE FOR TWO WEEKS TIME CERTAIN TO HEAR FROM THE ADMINISTRATION; HELD 2/12/13 AT THE REQUEST OF THE ADMINISTRATION FOR 60 DAYS. TAKING INTO ACCOUNT THE COUNCIL RECESS IN APRIL, THE NEXT REGULARLY SCHEDULED PSLA COMMITTEE MEETING IS APRIL 30, 2013.)

AN ORDINANCE BY COUNCILMEMBER CLETA WINSLOW TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES BY REPEALING CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ITS ENTIRETY; TO THEREBY ELIMINATE PUBLIC PROPERTY VENDING IN THE CITY OF ATLANTA; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Charter provides that the City of Atlanta may lease, regulate the use of, and control public ways located in the City of Atlanta. Atlanta City Charter, 2 102(c)(14); and

WHEREAS, "[t]he streets [and public ways] belong to the public and are primarily for the use of the public in the ordinary way. Their use for the purposes of gain is special and extraordinary, and, generally at least, may be prohibited or conditioned as the legislature deems proper." *Packard v. Banton*, 264 U.S. 140, 144 (1924); *Schlesinger v. City of Atlanta*, 129 S.E. 861, 867 (1925) (individuals do not have the inherent right to conduct their private businesses in the streets and public property of a city, and a city may prohibit such business activities); and

WHEREAS, on September 2, 2008, the Atlanta City Council adopted 08 0 1220, which was approved by the Mayor on September 8, 2008; and

WHEREAS, 08 0 1220 amended Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances to create a Public Property Vending Management Program coordinated under a contract with a Public Property Vending Management Company which would manage public property vending in the City of Atlanta; and

WHEREAS, following the passage of 08 01220, certain parties were issued permits to vend within

the Public Property Vending Management Program in accordance with the prescriptions contained in Chapter 30, Article XXIII as amended by 08 0 1220; and

WHEREAS, due to various delays in the implementation of the Public Property Vending Management Program, other parties were permitted, though various temporary legislative and administrative actions, to continue to vend pursuant to permits issued pursuant to Chapter 30, Article XXIII during calendar year 2003; and

WHEREAS, on July 28, 2011, a lawsuit was filed in the Superior Court of Fulton County challenging the 08 01220, and the resulting Public Property Vending Management Agreement. *Larry Miller and Stanley Hambrick v. City of Atlanta, 2011CV203707*; and

WHEREAS, on December 21, 2012, the Superior Court issued an Order declaring 08 01220 and the Public Property Vending Management Agreement void and without effect; and

WHEREAS, as a result, Chapter 30, Article XXIII is now void and without effect; and

WHEREAS, therefore, no public property vending permits may be issued thereunder, and those previously so issued are no longer in effect; and

WHEREAS, there are no legislative or administrative actions currently in effect which authorize the continued public property vending of those who were issued permits during the 2003 calendar year; and

WHEREAS, in accordance with the December 21, 2012 Superior Court Order, it is the desire of the Atlanta City Council to repeal Chapter 30, Article XXIII in its entirety, thereby eliminating public property vending in the City of Atlanta, including as previously authorized thereby and as previously authorized via permits issued thereunder in 2003.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances, (Vending on Public Property), is hereby amended by repealing the text thereof, as set forth in Exhibit A, in its entirety.

Section 2: That Chapter 30, Article XXIII shall be further amended such as it shall read as follows:

Secs.1400 1460 Reserved.

Section 3: This ordinance shall become effective on March 1, 2013.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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Atlanta, Georgia, Code of Ordinances »PART II - CODE OF ORDINANCES-GENERAL ORDINANCES » Chapter 30 - BUSINESSES » ARTICLE XXIII. - VENDING ON PUBLIC PROPERTY »DIVISION 1.- GENERALLY>>

DIVISION 1.- GENERALLY

Sec. 30-1400.- Statement of intent. Sec. 30-1401. - Definitions.

Sec. 30-1402.- Permit required to use public property for vending purposes. Sec. 30-1403.- Vending advisory board.

Sec. 30-1404.- Penalties.

Sec. 30-1405.- Vending locations.

Sec. 30-1406.- Records of vendors and public vending management companies; inspection of records.

Sec. 30-1407.- Duties of vendors.

Sec. 30-1408.- Restrictions on vending locations and operations. Sec. 30-1409.- Public vending management program.

Sec. 30-1410. - Hours of operation of vendor stations. Sec. 30-1411. - Persons selling from motor vehicles. Sec. 30-1412.- Uttering.

Sec. 30-1413.- Unlawful to display goods without a permit. Sees. 30-1414-30-1425.- Reserved.

Sec.30-1400.- Statement of intent.

The Charter provides that the City of Atlanta may regulate or restrict the manufacture, sale, lease, rental, use, or solicitation of personal property by licenses, bonds, perrms, or other regulatory methods and may allow or decline to anow the use of public spaces and right-of-way to offer such items to the public. Pursuant to those powers, it is the intent of the City Council to use this article and any other part of the Code to which this article refers to regulate vending on public property and the advertising of commercial products and services associated with the vending structures to achieve the following public policy objectives:

- (1) Serve and protect the heaHh, safety and welfare of the generalpublic;

- (2) Develop a public vending program to enhance the overall appearance and environment along public streets, pedestrian ways and other public property in a manner that will enhance the city's international image;
- (3) Increase the variety and quality of goods and services for sale or rent pursuant to contractual agreements between the City and private entities;
- (4) Provide guidelines for the erection of structures on public property under the general authority allowed by Division 7 of Article 2 of Chapter 138 of this Code as it now exists or it may be from time to time amended;
- (5) Authorize the use of public property for vending purposes through peritting the use of specifically identified sites on public property;
- (6) Provide economic development opportunities;
- (7) Allow limited commercial messages to be displayed on vending structures peritted on public property in order to defray the City's costs in managing the vending program, as

well as to maximize the revenue and economic development opportunities available as a part of the public vending management program;

- (8) Authorize a vending advisory board to act as a liaison between the City, vendors, vending management companies, the manufacturers of vending equipment and other interested parties for the purpose of offering advisory opinions on the operation of public property vending.

(*Ore/. No. 2008-74(08-0-1220), § 2, 9-8-08; Ore/. No. 2009-68(09-0-1895), § 1(a), 11-24-09*)

Sec. 30-1401. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicable building code requirements means any law or regulation which pertains to the erection or use of structures in the City of Atlanta including without limitation the "state minimum codes" listed in O.C.G.A. § 8-2-20(9)(B)(i) as it exists now or may be from time to time amended and all local amendments,

Assistant *vendor* means a person who assists a vendor at the vendor's assigned vending site.

Blind person means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

Class *C food vending station* means a fully enclosed, self-contained, non-motor vehicle that is approved by the Fulton County health department for the purpose of vending on city streets or from a

public assigned location.

Disabled individual means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment or being regarded as having such impairment as determined by the Americans with Disabilities Act of 1990.

Disabled veteran means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.

- (1) A war veteran must furnish satisfactory proof that the veteran has a physical handicap which is disabling to the extent of ten percent or more; that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable; and that the veteran's service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March

20, 1933, entitled, "An Act to Maintain the Credit of the United States," and commonly known as PL 2, 73rd Congress; or that some part of the veteran's service was rendered on or after December 7, 1941 and before December 31, 1946; or that some part of the veteran's service was rendered on or after June 27, 1950 and before January 31, 1955; or that some part of the veteran's service was rendered on or after August 5, 1946, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability or by letter or other written evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served.

- (2) A veteran of peacetime service in the United States armed forces must furnish proof that

the veteran has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the

United States Department of Veterans Affairs stating the degree of disability or by written evidence, from the branch of armed forces of the United States in which such veteran served, that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable.

- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A.

§ 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

Display goods for sale or distribution means the act of offering goods for sale or the act of free distribution of goods by display or arrangement of the goods on a table, stand, or ground cover or by offering such goods from the hands of individuals.

Household means a principal place of abode comprised of a group of persons constituting a distinct domestic or social body living in the same residence. A household can include parents, children, stepchildren, domestics, lodgers and boarders.

Immediate family shall include the spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children.

Motor vehicle vending means the use of any motorized vehicle, approved for use by the department of police, and used by a lawfully permitted vendor for the purpose of vending from place to place and on city streets. No such vehicle shall be authorized to vend from any fixed location. The vehicles include rolling stores, catering trucks, ice cream trucks and motorized carts.

License and Permits Unit means that unit of the Atlanta Police Department which issues permits for public vending or any other unit or division of the Atlanta Police Department assigned by the Chief of Police to undertake the duties of the License and Permits Unit.

Managed public vending area means that public property which is the subject of a public vending management contract.

Motorized vehicle means any vehicle, trailer or bicycle propelled by a motor capable of moving a vending station from place to place which is used for vending food, merchandise or services for sale.

Non-managed public vending area means that public property which has been made available for use by persons whose designated location existing under a prior ordinance has been terminated or eliminated.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the county health department.

Prior vending location means a location on public property where vending was permitted prior to the institution of a public vending management program.

Produce means any agricultural product raised on a farm or orchard.

Public festival means a public function or activity which does not exceed two weeks in duration and which has been issued a festival permit in accordance with chapter 138, article VI of this Code.

Public property and "*public space*" both mean for the purpose of this article any property owned

by the City of Atlanta within street rights-of-way, including any roadways and sidewalks, but excluding city-owned parks.

Public vending means vending activity as permitted on publicly owned property under the jurisdiction of the City of Atlanta other than on city-owned parks, except where such activity is associated with a special event and/or subject to regulation under a more specific permit.

Public vending contractor is a person or entity whose contract with the city allows such person or entity the right to conduct vending activities including, without limitation, the right to subcontract to other vendors, on property under the jurisdiction of the City of Atlanta other than city-owned parks.

Public vending management contract means that contract, between a public vending contractor and the City of Atlanta, granting the right to conduct vending activities on property under the jurisdiction of the City of Atlanta other than city-owned parks, and may include prescribed rules and procedures, in addition to the requirements in this article, which vendors at public vending sites must follow in the operation of those sites.

Public vending management program means that method of selecting and contracting with a public vending contractor to conduct and/or manage public vending activities pursuant to a contract with the City.

Public vending management contract means that contract, between a public vending contractor and the City of Atlanta, granting the right to conduct vending activities on property under the jurisdiction of the City of Atlanta and may include prescribed rules and procedures, in addition to the requirements in this article, which vendors at public vending sites must follow in the operation of those sites.

Public vending site means an individual vending site on public property.

Pushcart/vending cart means any portable vehicle or device from which property intended to be sold is displayed at an approved public vending site. The term "pushcart" shall be synonymous with the term "vending cart."

Reasonable distance shall mean 400 feet as measured from the edge of vending structure along the path of pedestrian travel to the nearest edge of the next vending structure including within such distance all public rights-of-way.

Registered agent means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service of process and legal notices on behalf of a vendor or itinerant vendor.

Special events means those which have regional, national or international significance and which

attract a magnitude of people to the city up to a two-week period, e.g., the World Series, the Super Bowl, the Olympics, among others.

Street furniture zone means a geographical area located on the sidewalk portion of a street right-of-way whose width lies between the street curb extending four feet onto the sidewalk, as measured from the curb, and whose length extends from intersecting street to intersecting street.

Street music means a music performance for which the musician or musical group requires payment by the audience or business owner as a precondition for performing. The act of accepting donations from listeners while performing music in public is excluded from regulation under this Code section.

Street vending means vending activity permitted within public street rights-of-way.

Vendor permit means those document(s) issued by the license and permits unit which contain information necessary to identify the vendor such as name, photograph, vending type and classification, authorized location and period of time for which the permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public in public space and approved by the city.

Vending site or vending location means the assigned area where a vendor permit is valid and includes any fixed or movable structure, table or device used by a vendor.

Vending Station means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Vendor means any person whose primary business is the selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, merchandise, services, food, confectionery or drink carried by hand, from portable stands or tables, pushcarts or vending carts, by manually propelled vehicles or by motor or animal-driven vehicles.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08; Ord. No. 2009-68(09-0-1895), § 1(b), 11-24-09)

Sec. 30-1402. • Permit required to use public property for vending purposes.

- (a) Pursuant to this article, a permit issued by the license and permits unit shall be required to vend on public property owned or otherwise under the jurisdiction of the City of Atlanta.

- (i) Specific permit and licensing requirements set forth in Division II of this article are in addition to the general requirements of this section.
- (ii) Certain vending activities may be permitted at specific locations and for specific times pursuant to other sections of the code which allow for vending on public property. In the event that no specific regulation covers a vending activity on public property, the rules of this article shall govern.
- (iii) Where a public vending management contract gives a public vending contractor the right to control the placement of vending stations, vending carts, and/or control vending activity in the area specified in the contract, individual vendors shall obtain the written approval of the public vending contractor before being eligible to apply.
- (b) The right to manage vending on public property may be contracted to private persons or entities. A public vending management contract may provide that the public vending management company be allowed the exclusive right to vend on public property within a specified area of the city or the entire city.
- (c) No public vending permit or public vending management contract shall convey any interest in the real property under the jurisdiction of the City of Atlanta which is identified in any permit or contract and such permit or contract shall only convey the right to use the property for the purposes allowed in this article.
- (d) All public property identified as suitable for use as a public vending site under a permit issued pursuant to this article shall only be used for that purpose and the premises and the right to occupy or use any structures thereon shall at all times be controlled by the terms of this article and any applicable building code requirements.
- (e) The placement of structures at public vending sites, including sites which are part of public vending management program, shall not be allowed unless and until the site where the activity

is to be conducted has been approved by the commissioner of the department of public works. Except in the case of an imminent public health, safety or welfare need, such approval may be withdrawn for the convenience of the City at a time to coincide with the expiration of the vendor's lease with the public vending contractor and the site shall be vacated within 30 days of the date of expiration. In the case of an imminent public health, safety or welfare need, any public vending site shall be closed when the closing is ordered by the police department or the department of public works and may not be reopened until the order is lifted. This section shall not limit the City's right to condemn any public vending site.

- (f) The public vending contractor shall provide a copy of a specimen or form lease or form license which sets forth the general terms under which it shall form agreements with the vendors who shall lease or license the vending sites or vending stations. Such requirement to provide a specimen or form lease or form license shall not require a public vending manager to provide copies of any specific lease, license or other form of contract or agreement between the public vending contractor and individual vendors.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1403. -Vending advisory board.

- (a) The vending advisory board shall be composed of six members nominated by the mayor and confirmed by the city council. The members of the board shall annually select a chair and a vice-chair from the membership of the board. The mayor shall nominate the following:
- (1) One vendor with experience in food vending.
 - (2) One vendor with experience in merchandise vending.
 - (3) One representative of the Buckhead Community Improvement District
 - (4) One representative of Central Atlanta Progress, Inc.
 - (5) One representative of the Midtown Community Improvement District (6)
One representative of individual, blind or disabled veteran vendors. (7)
One representative of the Atlanta Planning Advisory Board.
 - (8) One representative from MARTA
- (b) The members of the board to be appointed under the terms of this section shall serve an initial term which begins as of the date of the adoption of this ordinance and terminates as of the end of the calendar year following the adoption. After the initial term, all subsequent terms for positions 1, 2, 3 and 4 shall be for two years and positions 5, 6, 7 and 8 shall be for three years. Any board member who misses two consecutive meetings of the board may be deemed to have abandoned the position on the board and the mayor is authorized to nominate a new member to fill the position.
- (c) Members of the board shall not be compensated for their service and may serve more than one term.
- (d) Operation of the vending advisory board.
- (1) The board shall establish a quarterly meeting time and place and shall publish schedule of the meetings for that year on the City website. The board may but is not required publish agendas of items to be discussed in advance.
 - (2) The board shall establish its own rules of procedure at its initial meeting and may update the rules annually at the first meeting of each calendar year.
 - (3) Each meeting shall reserve a portion of time for public comment as may be provided in the board's adopted rules of procedure.
 - (4) The board may call special meetings as it deems necessary provided however that the board shall cause notice of such meeting to be posted on the City's website.
- (5) All meetings shall be open to the public, and all votes of the board shall be announced in public session.
- (6) Administrative and legal services as may be required by the board shall be furnished by appropriate departments and agencies of the city.
 - (7) The department of public works shall provide staff support for the board.
- (e) The board shall advise the mayor and city council on public property vending by informing the mayor of the issues discussed and results of the votes taken. The board is not required to vote any particular issue

since its role is advisory but a vote on a question made by motion shall be taken at the request of any board member.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1404.- Penalties.

(a) Any person violating this article shall, upon conviction thereof, be punished as follows:

- (1) *First conviction.* A fine of not less than \$100.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (2) *Second conviction.* A fine of not less than \$200.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (3) *Third conviction.* A fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (4) *Fourth conviction.* Any person convicted of four or more violations of this article, within any 12-month period, shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both, and a court-ordered referral shall be forwarded to the police chief for revocation of the person's permit.
- (b) Revocation, non-renewal or termination of the right to participate in a public vending program set up under a public vending management contract shall not require conviction under this section where violation of the contract between the vendor and the public vending management company provides for such grounds of termination.
- (c) Failure to comply with public vending program operating protocols set by the public vending contractor shall be sufficient cause for the public vending administrator to request that the permit be revoked by the license and permits unit or by the public vending management company.
- (d) The issuance of citations to individuals for violation of the public vending ordinances shall not prevent the city from pursuing any remedies under a public vending management contract.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1405. -Vending locations.

- (a) The department of public works shall create a public vending location map to specify the location of all vending sites existing as of the date of this ordinance.
- (b) Public vending sites which are permitted under the terms of a public vending management contract shall be added to the public vending location map. The public vending location map is to be amended administratively to record the changes to the existing public vending sites which

occur as the result of the implementation of the public vending management program. Amendments to the map shall be recorded in a manner which shall allow identification of such changes.

- (c) Where prior vending locations are included in the area of a public vending management contract that has been authorized by the governing authority, such locations shall not be

permitted at the conclusion of the term of the permit for the prior existing location.

- (d) Public vending sites approved by the Department of Public Works may be added to the map prior to the issuance of permits to vend at such locations.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1406. - Records of vendors and public vending management companies;
inspection of records.

Every vendor and public vending management company shall keep records utilizing generally accepted accounting practices for the purpose of compliance with the city occupation tax. Any record which meets the requirement set forth in this section shall be subject to the same confidentiality protections as set forth in that article of the city code which governs occupation taxes.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1407. -Duties of vendors.

Every person authorized to vend under this article shall:

- (1) Comply with all laws and regulations applicable to the operation of a vending business; (2) Refrain from engaging in any vending business after the expiration of the vendor permit
and during any period when it has been suspended or revoked;
- (3) Surrender the vendor permit promptly to the department of police license and permit section upon its expiration or upon revocation or suspension;
- (4) Where the permit is issued for a site subject to the terms of a public vending management contract, follow the operating protocols in the agreement under which the public vending program manager agreed to recommend the applicant for the issuance of the permit. Violations of operating protocols, which are not also violations of this article, shall not be a basis for the issuance of citations, but are grounds for revocation of the permit.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1408. - Restrictions on vending locations and operations.

(a) Specific location criteria:

- (1) No vending location may interfere with the visibility of a street intersection or pedestrian crosswalk as reasonably determined by the department of public works.
- (2) No vending location may impede the reasonable use of a driveway, parking entrance or parking space.
- (3) All vending locations shall allow for sufficient space for pedestrian travel on any public or private sidewalk.
- (4) No vending location may be within 50 feet of any entrance or exit of any hotel or motel except with permission of the owner.
- (5) No vending location shall unreasonably block the view of the entrance or display windows of fixed location businesses when viewed from the route of closest pedestrian travel.
- (6) No vending location shall be within 15 feet of a fire hydrant.
- (7) No vending location shall be located within 600 feet of the closest property line of any public or private elementary, middle or high school.
- (8)

Any location within 100 feet of the entrance to a MARTA Station shall be reviewed by MARTA and the Department of Public Works shall consider MARTA's comments in its consideration of the application.

(b) The following prohibitions on vendor's operations shall apply at all times.

- (1) Vending operations shall not unduly obstruct vehicular traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise.
- (2) Vending businesses shall not obstruct traffic signals or regulatory signs.
- (3) Vending operations which obstruct pedestrian traffic flow due to heavy volume may be required to relocate or utilize temporary pedestrian traffic control measures or structures to aid in the orderly processing of sales or service.
- (c) No vendors are authorized to sell any products within 500 feet of any Atlanta Housing Authority property unless authorized by the housing authority.

(Orri. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1409. - Public vending management program.

- (a) The public vending management program shall be implemented by one or more contracts approved by the governing authority designating one or more private entities to manage vending on public property under the jurisdiction of the City of Atlanta.
- (b) All public vending management contracts approved by the governing authority shall require compliance

with this article. No term of any public vending contract shall excuse compliance with any provision of this article and any such term which purports to excuse such compliance shall be void.

- (c) The public vending management company shall have the right to employ personnel or choose the persons with whom it wishes to contract for the operation of public vending sites to be implemented pursuant to the terms of its contract. All operating employees and operators of vending sites shall be required to have a valid vendor permit.
- (d) A public vending management program contract shall set forth the City's policy on the type of advertising which will meet the City's goals of: (i) defraying the City's costs in managing the vending program; (ii) maximizing revenue potential for the City, the vending management company and the vendors; (iii) supporting economic development opportunities pursuant to the City's guidelines for the area; and (iv) maintaining the appearance of the public spaces in a manner which maintains an aesthetically attractive city in which such advertising is compatible with the use patterns of established zoning districts in the immediate area of the vending site.
- (e) A public vending management program contract shall set forth the minimum operating protocols to be enforced in the operation of vending site.
- (f) A public vending management program contract shall set forth the method for the enforcing the maintenance responsibilities with respect to any structures or equipment which are to be leased to operators or operated by its employees as well as the requirement for cleanliness of the areas in the proximity of the vending site.

(Orri. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1410.- Hours of operation of vendor stations.

No vending station or any item related to the operation of a vending business shall be located in public space between the hours of 2:00 a.m. and 5:00 a.m. except, however, that a vendor participating in any public vending management program shall further be subject to the terms and conditions related to hours of operation as set forth in any agreement related thereto.

(Orri. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1411. - Persons selling from motor vehicles.

- (a) Vendors selling ice cream or other food items out of motor vehicles shall be subject to this section.
- (b) Every vendor selling ice cream or other food items out of a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.
- (c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily or between the hours of 9:30 a.m. and

12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. No motor vehicle shall be operated within 600 feet of any public school in the city between the hours of 7:30 a.m. and

3:30 p.m. on days in which schools are actually in session.

(d) No vehicle shall stop or stand and do business for more than 30 minutes.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1412. -Littering.

- (a) Vendors shall keep the sidewalks, roadways and other space immediately adjoining and adjacent to their vending sites or locations clean and free from paper, peelings and refuse of any kind generated from the operation of their businesses.
- (b) A person engaged in food vending shall affix to the vending station or motorized vehicle or pushcart a receptacle for litter which shall be maintained and emptied regularly and which shall be marked as being for litter.
- (c) A vendor participating in any public vending management program shall further be subject to the terms and conditions related to trash removal as set forth in any agreement related thereto.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1413.- Unlawful to display goods without a permit.

A valid vendor license assigned to that specific location of public property shall be required for a person to display goods for sale or to offer free goods for distribution in connection with advertising promotions regardless of whether such goods are advertised by commercial signage, commercial flyers or commercial handbills or by voice or by music (recorded or live) and without regard to whether such goods are not advertised in any way. This requirement shall also be applied to all goods carried by hand

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sees. 30-1414-30-1425. - Reserved.

Atlanta, Georgia, Code of Ordinances » PART II - CODE OF ORDINANCES-GENERAL ORDINANCES » Chapter 30 - BUSINESSES » ARTICLE XXVI. - VENDING ON PUBLIC PROPERTY»» DIVISION 2. - PERMITS AND LICENSES >>

DIVISION 2.- PERMITS AND LICENSES

Sec. 30-1426.- Vending permits and business licenses required. Sec. 30-1427.- Certain vending activities exempted.

Sec. 30-1428.- Application for permit.

Sec. 30-1429.- Vending site requirements. Sec. 30-1430.- Term and renewal of permits. Sec. 30-1431.- Permit fees.

Sec. 30-1432.- Display of permit; alteration of permit.

Sec. 30-1433.- Notification of change of name or address.

Sec. 30-1434.- Grounds for denial, revocation and suspension of vendor permits. Sec. 30-1435.- Appeal of suspension. revocation or denial of permits.

Sec. 30-1436.- [Disabled veterans.] Sees. 30-1437-30-1460.- Reserved.

Sec. 30-1426.- Vending permits and business licenses required.

- (a) No person shall vend any article, merchandise, produce, permissible food item or service where public vending is allowed in the city without first having obtained a vending permit and satisfied all other requirements of this article, including without limitation, those of any county health department or applicable state laws.
- (b) No person shall vend in the city on public property except in conformity with the permit and this article. The vending permit is in addition to any general business license or other requirements imposed by this article or other sections of the City Code.
- (c) No person permitted to engage in any vending related activity may undertake such activity without first obtaining a business license from the office of revenue or its successor agency. Pursuant to O.C.G.A §43-12-1 et seq., as existing and as from time to time amended and upon the meeting the criteria as defined therein, disabled veterans and blind persons are exempt from the payment of occupation taxes, administrative fees, or regulatory fees which would ordinarily be imposed. All persons entitled to an exemption from the payment of fees and taxes shall meet all other requirements necessary to obtain the permits and licenses required by this article.
 - (d) All vendor permits are nontransferable.
 - (e) No vendor permit shall authorize vending at more than one location.
- (f) There shall be no subleasing of any assigned vending site or location by vendors. Public vending management programs may reallocate their assignment of locations between permitted vendors provided however that such transfer of locations shall not become effective until an amendment to each vendor permit has been processed by the license and permits unit.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec.30-1427.- Certain vending activities exempted.

- (a) Vending on public property pursuant to a permit issued under the Outdoor Events Chapter (City Code section 142-1 et seq. as amended) shall not require a separate vending permit under this article.
- (b) No permit shall be required for persons selling newspapers at large other than from a fixed location on public space or on public streets.
- (c) No permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec.30-1428. - Application for permit.

- (a) An application shall be required by all persons seeking issuance of a vending permit to allow that person to vend on public property. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the license and permits unit. Any application to vend in an area under a public vending management contract shall also include the approval of the public vending management company and copies of all materials required to be submitted by the public vending management contract.
- (b) A nonrefundable application fee of \$150.00 is required which shall accompany each application for a vendor's permit.
 - (c) The permit fee is due and payable when the permit is issued.
 - (d) The application for a vendor's permit shall, at a minimum, require that the following information be provided:
 - (1) Applicant's name and current address.
 - (2) Applicant's previous addresses within the last five years. (3) Social security number.
 - (4) Applicant's previous city vending license number.
 - (5) The vending site or location for which the permit will be effective
 - (6) Required vending site information.
 - (7) Federal tax J.D. number, if applicable.
 - (8) State department revenue retail J.D. number, if applicable.
- (9) Whether the application is for a person who has a subcontract with a public vending management

company and holds the vending site permit for the location or is an employee at that vending location.

- (e) Each person working at any vending location must obtain her/his own individual vending permit, except:
- (1) Where a park conservancy with a valid memorandum of understanding with the city performs vending pursuant to that memorandum of understanding, only the company performing the vending under a contract with the conservancy must receive a permit, and each employee thereof need only pass a background check."

- (2) Where a person or corporation holding an approved vendor permit in an area managed by a public vending company hires employees and first submits to the license and permits unit a list of the employees for a particular site, such employees will be allowed to work at such site without obtaining an individual vending permit. The information to be submitted to the license and permits unit shall list the name and social security number of

the employees to be employed at each site prior to the first day of any employee at such site.

(f)

All vending applications shall contain the vending site information or make specific reference to

a vending site permit. No vendor permit shall be issued without the specific identification of the site where the vendor will operate and each site so identified must meet the site requirements of this article.

- (g) No permit will be issued to any vending employee unless the person who has a subcontract with a public vending management company for the vending site also has a vending permit.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08; Ord. No. 2009-68(09-0-1895), § 1(c), 11-24-09)

Sec. 30-1429. -Vending site requirements.

- (a) A public vending management company may provide to the public works department an application for vending site approval which shall not require that such site application identify those vendors who will operate thereon but no vending site permit will be issued until the subcontractor who will operate on the site has a vendor permit.
- (b) The license and permit unit shall consult with the department of public works as to the suitability of any vending site application or any vendor permit application which contains site information and render a decision within 30 days. In the event that the location is approved, the site shall be added to the public vending location map.
- (c) All vending site applications shall contain the following information as to a vending site or location:
- (i) The type of food or merchandise to be sold or the service to be provided;
- (ii) The location of the area or vending station as identified by a map which makes reference to the nearest intersections of any public right-of-way and specifies the distance from the edge of the curb at the nearest lane of travel for each public right of-way;
- (iii) A drawing or photograph of any vending station, its size and height and details as to where the proposed vending station is to be located on the vending site including a statement as to how the proposed vending

station will be configured on the vending site and where the persons who operate the vending station will be located during the normal course of business;

- (iv) Where the vending station is attached to the ground or requires any type of utility connections, a site survey prepared by a surveyor licensed in the State of Georgia showing the actual dimensions of the structure relative to the public right-of-way and any other building or structure within 400 feet of the vending station, and shall include the location of connection for utilities;
- (v) Where the vending station is attached to the ground or requires any type of utility connections, an encroachment agreement approved by the department of public works shall be required and shall reference the consent of the department to the location of the vending station and the location of the utility connections;
- (d) A permit to vend at the location requested in the vending site application shall not relieve the applicant from the obligation to obtain a building permit and a certificate of occupancy, if it is required for the vending station.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1430. -Term and renewal of permits.

- (a) An annual vendor permit shall be valid only for the calendar year in which it is issued.
- (b) An application for renewal of an annual vendor permit for the next calendar year shall be received by the license and permits unit no later than December 15.
- (c) The license and permits unit may choose to issue a vendor permit with a term that matches the

term of a vendor's agreement with the public vending management company, provided however that the permit fee shall be increased in accord with the length of the permit term to the same rate as if the permit were required to be renewed annually.

- (1) No extended term vendor permit shall be issued unless the vending management contractor specifies that an extended term is requested in their endorsement of the vendor permit application.
- (2) No extended term vendor permit shall prevent the city from revoking a vendor permit for cause.
- (3) Renewal of an extended term vendor permit is permitted under the same terms as the renewal of an annual vendor permit and an application for renewal of an extended term vendor permit beginning in the next calendar year following the years of expiration of such extended term vendor permit shall be received by the license and permits unit no later than December 15 of the year of expiration
- (4) Any refund of the extended term permit shall be prorated.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1431. - Permit fees.

- (a) Permit fees are due and payable by cash or money order after approval of the vending application. A vending permit shall not be issued prior to payment of the fees.

Permit fees for vending shall be as follows:

Type of Permit	Fee
Initial vendor permit application	\$150.00
Renewal of vendor permits	\$100.00
Vending site	\$250.00
Vending employee	\$100.00

- (b) The fee for a replacement vending permit photo identification card that has been lost shall be \$30.00 and may be obtained at the department of police license and permit section.
(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1432. - Display of permit; alteration of permit.

- (a) All vendor permits shall be properly and conspicuously displayed at all times during the operation. Such permit shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when it is firmly attached to the vending pushcart, motorized or non-motorized vehicle or vending station and clearly visible to the public and law enforcement officials.
- (b) No person shall fraudulently alter, mutilate, forge or unlawfully display any vending permit issued pursuant to this division.
(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1433. - Notification of change of name or address.

Whenever either the name or address provided by the permit holder the application for a vending permit or health or building inspection certificate changes, the permit holder shall notify the

license and permit unit in writing within ten days of such change and provide the department with the name change or address change. Vendors shall ensure that a current and correct name, residence address

and mailing address are on file with the license and permit section at all times.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1434. - Grounds for denial, revocation and suspension of vendor permits.

- (a) No vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to alcohol or drug offenses and related matters; crimes of moral turpitude; gambling offenses and related matters; larceny, fraudulent conveyance, perjury or false swearing; or subrogation. Any conviction for dealing or trafficking in illegal drugs will automatically disqualify an applicant from approval.
- (b) No permit for a motorized vehicle vendor shall be issued if the applicant has been convicted of five or more moving violations for three years immediately prior to the application. To be eligible for such a permit, the applicant must possess a current state driver's license, proper registration, liability insurance on the vehicle to be used in the vending operation and an emissions sticker, regardless of county registration. A motorized vendor is held to the same standards as any other vendor.
 - (c) Failure to maintain initial qualifications shall be grounds for revocation or suspension.
- (d) Any permit issued pursuant to this article may be suspended or revoked by the license and permits unit for any of the following causes:
 - (1) Fraud, misrepresentation or false statements contained in the application for the vending permit;
 - (2) Fraud, misrepresentation or false statements made in connection with the selling of any article, merchandise, produce or permissible food item;
 - (3) Violation of the provisions of Fulton County or DeKalb County health department regulations applicable to holders of food permits;
 - (4) Conduct of a vending business in an unlawful manner or in such a way as to constitute a menace or detriment to the health, safety or welfare of the public;
 - (5) Failure to furnish any and all documentation requested by the police department, the department of finance or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to section 30-1406 within 30 days of such request;
 - (6) Notice of termination from the vending management company of a subcontract for a vending location.
 - (7) Four violations of any section of this article within a 12-month period shall constitute grounds for denial, revocation or suspension of a vendor permit.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sec. 30-1435.- Appeal of suspension, revocation or denial of permits.

- (a) A suspension, revocation or denial of a permit issued under this division may be appealed to the license

review board within 20 days of the applicant or permit holder's receipt of notice as described in section 30-1435(b).

- (b) Notice of the suspension or revocation shall be given in writing, setting forth the complaint; the grounds for suspension or revocation; and the time, date and place of the hearing. Such notice shall be mailed to the vending permit holder at least five calendar days prior to the date set for

the hearing. The notice shall be mailed to the address shown on the application by registered or certified mail.

- (c) The license review board shall conduct the hearing and report its conclusions and recommendations to the mayor. The mayor, upon receiving the recommendation of the license review board, may, within 60 calendar days of receipt of said recommendation, deny or grant an application for a new permit and may revoke, suspend, or refuse to renew any existing permit. In addition, within said 60-day period, if the mayor determines there is a need to correct a clear error or prevent a manifest injustice, the mayor may remand the application or matter back to the license review board for further hearing. If the mayor fails to take action within the

60-day period, the recommendation of the license review board shall become the final decision of the mayor.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08; Ord. No. 2008-79(08-0-16n), § 20, 11-6-08)

Sec. 30-1436. - [Disabled veterans.]

- (a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. §

49-4-51(b) as it exists now or is from time to time amended and who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall be permitted to participate in the public vending program at a location in the public vending program closest to their existing licensed location subject to full application to the public vending management company in the same manner as all other participants and the execution of a lease, license or other form of contract or agreement as is generally utilized between the public vending management company and other vendors who will participate in the program, provided however that the rental or lease of any equipment required to participate in the public vending management program shall not exceed \$200.00 per month for the first 60 months that such vendor participates in the public vending program.

- (b) In the event that a disabled veteran as that term is defined in this subsection (g) applies to participate in the public property vending program after the adoption of this ordinance, such disabled veteran shall be permitted to participate in the program at a discounted rate for the first 36 months provided that the disabled veteran has been approved under the application process and further provided that no more than six spaces shall be dedicated to disabled veterans including those made available to subpart (g) above.

(Ord. No. 2008-74(08-0-1220), § 2, 9-8-08)

Sees. 30-1437-30-1460. • Reserved.

13-0-0163

AN ORDINANCE BY

COUNCILMEMBER CLETA WINSLOW

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES BY REPEALING CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ITS ENTIRETY; TO THEREBY ELIMINATE PUBLIC PROPERTY VENDING IN THE CITY OF ATLANTA; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Charter provides that the City of Atlanta may lease, regulate the use of, and control public ways located in the City of Atlanta. Atlanta City Charter, 2-102(c)(14); and

WHEREAS, “[t]he streets [and public ways] belong to the public and are primarily for the use of the public in the ordinary way. Their use for the purposes of gain is special and extraordinary, and, generally at least, may be prohibited or conditioned as the legislature deems proper.” Packard v. Banton, 264 U.S. 140, 144 (1924); Schlesinger v. City of Atlanta, 129 S.E. 861, 867 (1925) (individuals do not have the inherent right to conduct their private businesses in the streets and public property of a city, and a city may prohibit such business activities); and

WHEREAS, on September 2, 2008, the Atlanta City Council adopted 08-O-1220, which was approved by the Mayor on September 8, 2008; and

WHEREAS, 08-O-1220 amended Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances to create a Public Property Vending Management Program coordinated under a contract with a Public Property Vending Management Company which would manage public property vending in the City of Atlanta; and

WHEREAS, following the passage of 08-O-1220, certain parties were issued permits to vend within the Public Property Vending Management Program in accordance with the prescriptions contained in Chapter 30, Article XXIII as amended by 08-O-1220; and

WHEREAS, due to various delays in the implementation of the Public Property Vending Management Program, other parties were permitted, though various temporary legislative and administrative actions, to continue to vend pursuant to permits issued pursuant to Chapter 30, Article XXIII during calendar year 2003; and

WHEREAS, on July 28, 2011, a lawsuit was filed in the Superior Court of Fulton County challenging the 08-O-1220, and the resulting Public Property Vending Management Agreement. Larry Miller and Stanley Hambrick v. City of Atlanta, 2011CV203707; and

WHEREAS, on December 21, 2012, the Superior Court issued an Order declaring 08-O-1220 and the Public Property Vending Management Agreement void and without effect; and

WHEREAS, as a result, Chapter 30, Article XXIII is now void and without effect; and

WHEREAS, therefore, no public property vending permits may be issued thereunder, and those previously so issued are no longer in effect; and

WHEREAS, there are no legislative or administrative actions currently in effect which authorize the continued public property vending of those who were issued permits during the 2003 calendar year; and

WHEREAS, in accordance with the December 21, 2012 Superior Court Order, it is the desire of the Atlanta City Council to repeal Chapter 30, Article XXIII in its entirety, thereby eliminating public property vending in the City of Atlanta, including as previously authorized thereby and as previously authorized via permits issued thereunder in 2003.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances, (Vending on Public Property), is hereby amended by repealing the text thereof, as set forth in Exhibit A, in its entirety.

Section 2: That Chapter 30, Article XXIII shall be further amended such as it shall read as follows:

Secs. 1400----1460-Reserved.

Section 3: This ordinance shall become effective on March 1, 2013.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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**Atlanta, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES—GENERAL ORDINANCES >>
Chapter 30 - BUSINESSES >> ARTICLE XXIII. - VENDING ON PUBLIC PROPERTY >> DIVISION 1. -
GENERALLY >>**

DIVISION 1. - GENERALLY

Sec. 30-1400. - Statement of intent.

Sec. 30-1401. - Definitions.

Sec. 30-1402. - Permit required to use public property for vending purposes.

Sec. 30-1403. - Vending advisory board.

Sec. 30-1404. - Penalties.

Sec. 30-1405. - Vending locations.

Sec. 30-1406. - Records of vendors and public vending management companies; inspection of records.

Sec. 30-1407. - Duties of vendors.

Sec. 30-1408. - Restrictions on vending locations and operations.

Sec. 30-1409. - Public vending management program.

Sec. 30-1410. - Hours of operation of vendor stations.

Sec. 30-1411. - Persons selling from motor vehicles.

Sec. 30-1412. - Littering.

Sec. 30-1413. - Unlawful to display goods without a permit.

Secs. 30-1414—30-1425. - Reserved.

Sec. 30-1400. - Statement of intent.

The Charter provides that the City of Atlanta may regulate or restrict the manufacture, sale, lease, rental, use, or solicitation of personal property by licenses, bonds, permits, or other regulatory methods and may allow or decline to allow the use of public spaces and right-of-way to offer such items to the public. Pursuant to those powers, it is the intent of the City Council to use this article and any other part of the Code to which this article refers to regulate vending on public property and the advertising of commercial products and services associated with the vending structures to achieve the following public policy objectives:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Develop a public vending program to enhance the overall appearance and environment along public streets, pedestrian ways and other public property in a manner that will enhance the city's international image;
- (3) Increase the variety and quality of goods and services for sale or rent pursuant to contractual agreements between the City and private entities;
- (4) Provide guidelines for the erection of structures on public property under the general authority allowed by Division 7 of Article 2 of Chapter 138 of this Code as it now exists or it may be from time to time amended;
- (5) Authorize the use of public property for vending purposes through permitting the use of specifically identified sites on public property;
- (6) Provide economic development opportunities;
- (7) Allow limited commercial messages to be displayed on vending structures permitted on public property in order to defray the City's costs in managing the vending program, as

well as to maximize the revenue and economic development opportunities available as a part of the public vending management program;

- (8) Authorize a vending advisory board to act as a liaison between the City, vendors, vending management companies, the manufacturers of vending equipment and other interested parties for the purpose of offering advisory opinions on the operation of public property vending.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2009-68(09-O-1895), § 1(a), 11-24-09)

Sec. 30-1401. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicable building code requirements means any law or regulation which pertains to the erection or use of structures in the City of Atlanta including without limitation the "state minimum codes" listed in O.C.G.A. § 8-2-20(9)(B)(i) as it exists now or may be from time to time amended and all local amendments,

Assistant vendor means a person who assists a vendor at the vendor's assigned vending site.

Blind person means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

Class C food vending station means a fully enclosed, self-contained, non-motor vehicle that is approved by the Fulton County health department for the purpose of vending on city streets or from a public assigned location.

Disabled individual means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment or being regarded as having such impairment as determined by the Americans with Disabilities Act of 1990.

Disabled veteran means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.

- (1) A war veteran must furnish satisfactory proof that the veteran has a physical handicap which is disabling to the extent of ten percent or more; that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable; and that the veteran's service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled, "An Act to Maintain the Credit of the United States," and commonly known as PL 2, 73rd Congress; or that some part of the veteran's service was rendered on or after December 7, 1941 and before December 31, 1946; or that some part of the veteran's service was rendered on or after June 27, 1950 and before January 31, 1955; or that some part of the veteran's service was rendered on or after August 5, 1946, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability or by letter or other written evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served.
- (2) A veteran of peacetime service in the United States armed forces must furnish proof that

the veteran has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence, from the branch of armed forces of the United States in which such veteran served, that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable.

- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

Display goods for sale or distribution means the act of offering goods for sale or the act of free distribution of goods by display or arrangement of the goods on a table, stand, or ground cover or by offering such goods from the hands of individuals.

Household means a principal place of abode comprised of a group of persons constituting a distinct domestic or social body living in the same residence. A household can include parents, children, stepchildren, domestics, lodgers and boarders.

Immediate family shall include the spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children.

Motor vehicle vending means the use of any motorized vehicle, approved for use by the department of police, and used by a lawfully permitted vendor for the purpose of vending from place to place and on city streets. No such vehicle shall be authorized to vend from any fixed location. The vehicles include rolling stores, catering trucks, ice cream trucks and motorized carts.

License and Permits Unit means that unit of the Atlanta Police Department which issues permits for public vending or any other unit or division of the Atlanta Police Department assigned by the Chief of Police to undertake the duties of the License and Permits Unit.

Managed public vending area means that public property which is the subject of a public vending management contract.

Motorized vehicle means any vehicle, trailer or bicycle propelled by a motor capable of moving a vending station from place to place which is used for vending food, merchandise or services for sale.

Non-managed public vending area means that public property which has been made available for use by persons whose designated location existing under a prior ordinance has been terminated or eliminated.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the county health department.

Prior vending location means a location on public property where vending was permitted prior to the institution of a public vending management program.

Produce means any agricultural product raised on a farm or orchard.

Public festival means a public function or activity which does not exceed two weeks in duration and which has been issued a festival permit in accordance with chapter 138, article VI of this Code.

Public property and "*public space*" both mean for the purpose of this article any property owned by the City of Atlanta within street rights-of-way, including any roadways and sidewalks, but excluding city-owned parks.

Public vending means vending activity as permitted on publicly owned property under the jurisdiction of the City of Atlanta other than on city-owned parks, except where such activity is associated with a special event and/or subject to regulation under a more specific permit.

Public vending contractor is a person or entity whose contract with the city allows such person or entity the right to conduct vending activities including, without limitation, the right to subcontract to other vendors, on property under the jurisdiction of the City of Atlanta other than city-owned parks.

Public vending management contract means that contract, between a public vending contractor and the City of Atlanta, granting the right to conduct vending activities on property under the jurisdiction of the City of Atlanta other than city-owned parks, and may include prescribed rules and procedures, in addition to the requirements in this article, which vendors at public vending sites must follow in the operation of those sites.

Public vending management program means that method of selecting and contracting with a public vending contractor to conduct and/or manage public vending activities pursuant to a contract with the City.

Public vending management contract means that contract, between a public vending contractor and the City of Atlanta, granting the right to conduct vending activities on property under the jurisdiction of the City of Atlanta and may include prescribed rules and procedures, in addition to the requirements in this article, which vendors at public vending sites must follow in the operation of those sites.

Public vending site means an individual vending site on public property.

Pushcart/vending cart means any portable vehicle or device from which property intended to be sold is displayed at an approved public vending site. The term "pushcart" shall be synonymous with the term "vending cart."

Reasonable distance shall mean 400 feet as measured from the edge of vending structure along the path of pedestrian travel to the nearest edge of the next vending structure including within such distance all public rights-of-way.

Registered agent means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service of process and legal notices on behalf of a vendor or itinerant vendor.

Special events means those which have regional, national or international significance and which attract a magnitude of people to the city up to a two-week period, e.g., the World Series, the Super Bowl, the Olympics, among others.

Street furniture zone means a geographical area located on the sidewalk portion of a street right-of-way whose width lies between the street curb extending four feet onto the sidewalk, as measured from the curb, and whose length extends from intersecting street to intersecting street.

Street music means a music performance for which the musician or musical group requires payment by the audience or business owner as a precondition for performing. The act of accepting donations from listeners while performing music in public is excluded from regulation under this Code section.

Street vending means vending activity permitted within public street rights-of-way.

Vendor permit means those document(s) issued by the license and permits unit which contain information necessary to identify the vendor such as name, photograph, vending type and classification, authorized location and period of time for which the permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public in public space and approved by the city.

Vending site or vending location means the assigned area where a vendor permit is valid and includes any fixed or movable structure, table or device used by a vendor.

Vending Station means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Vendor means any person whose primary business is the selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, merchandise, services, food, confectionery or drink carried by hand, from portable stands or tables, pushcarts or vending carts, by manually propelled vehicles or by motor or animal-driven vehicles.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2009-68(09-O-1895), § 1(b), 11-24-09)

Sec. 30-1402. - Permit required to use public property for vending purposes.

- (a) Pursuant to this article, a permit issued by the license and permits unit shall be required to vend on public property owned or otherwise under the jurisdiction of the City of Atlanta.
 - (i) Specific permit and licensing requirements set forth in Division II of this article are in addition to the general requirements of this section.
 - (ii) Certain vending activities may be permitted at specific locations and for specific times pursuant to other sections of the code which allow for vending on public property. In the event that no specific regulation covers a vending activity on public property, the rules of this article shall govern.
 - (iii) Where a public vending management contract gives a public vending contractor the right to control the placement of vending stations, vending carts, and/or control vending activity in the area specified in the contract, individual vendors shall obtain the written approval of the public vending contractor before being eligible to apply.
- (b) The right to manage vending on public property may be contracted to private persons or entities. A public vending management contract may provide that the public vending management company be allowed the exclusive right to vend on public property within a specified area of the city or the entire city.
- (c) No public vending permit or public vending management contract shall convey any interest in the real property under the jurisdiction of the City of Atlanta which is identified in any permit or contract and such permit or contract shall only convey the right to use the property for the purposes allowed in this article.
- (d) All public property identified as suitable for use as a public vending site under a permit issued pursuant to this article shall only be used for that purpose and the premises and the right to occupy or use any structures thereon shall at all times be controlled by the terms of this article and any applicable building code requirements.
- (e) The placement of structures at public vending sites, including sites which are part of public vending management program, shall not be allowed unless and until the site where the activity

is to be conducted has been approved by the commissioner of the department of public works. Except in the case of an imminent public health, safety or welfare need, such approval may be withdrawn for the convenience of the City at a time to coincide with the expiration of the vendor's lease with the public vending contractor and the site shall be vacated within 30 days of the date of expiration. In the case of an imminent public health, safety or welfare need, any public vending site shall be closed when the closing is ordered by the police department or the department of public works and may not be reopened until the order is lifted. This section shall not limit the City's right to condemn any public vending site.

- (f) The public vending contractor shall provide a copy of a specimen or form lease or form license which sets forth the general terms under which it shall form agreements with the vendors who shall lease or license the vending sites or vending stations. Such requirement to provide a specimen or form lease or form license shall not require a public vending manager to provide copies of any specific lease, license or other form of contract or agreement between the public vending contractor and individual vendors.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1403. - Vending advisory board.

- (a) The vending advisory board shall be composed of six members nominated by the mayor and confirmed by the city council. The members of the board shall annually select a chair and a vice-chair from the membership of the board. The mayor shall nominate the following:
- (1) One vendor with experience in food vending.
 - (2) One vendor with experience in merchandise vending.
 - (3) One representative of the Buckhead Community Improvement District
 - (4) One representative of Central Atlanta Progress, Inc.
 - (5) One representative of the Midtown Community Improvement District
 - (6) One representative of individual, blind or disabled veteran vendors.
 - (7) One representative of the Atlanta Planning Advisory Board.
 - (8) One representative from MARTA.
- (b) The members of the board to be appointed under the terms of this section shall serve an initial term which begins as of the date of the adoption of this ordinance and terminates as of the end of the calendar year following the adoption. After the initial term, all subsequent terms for positions 1, 2, 3 and 4 shall be for two years and positions 5, 6, 7 and 8 shall be for three years. Any board member who misses two consecutive meetings of the board may be deemed to have abandoned the position on the board and the mayor is authorized to nominate a new member to fill the position.
- (c) Members of the board shall not be compensated for their service and may serve more than one term.
- (d) Operation of the vending advisory board.
- (1) The board shall establish a quarterly meeting time and place and shall publish schedule of the meetings for that year on the City website. The board may but is not required publish agendas of items to be discussed in advance.
 - (2) The board shall establish its own rules of procedure at its initial meeting and may update the rules annually at the first meeting of each calendar year.
 - (3) Each meeting shall reserve a portion of time for public comment as may be provided in the board's adopted rules of procedure.
 - (4) The board may call special meetings as it deems necessary provided however that the board shall cause notice of such meeting to be posted on the City's website.

- (5) All meetings shall be open to the public, and all votes of the board shall be announced in public session.
- (6) Administrative and legal services as may be required by the board shall be furnished by appropriate departments and agencies of the city.
- (7) The department of public works shall provide staff support for the board.
- (e) The board shall advise the mayor and city council on public property vending by informing the mayor of the issues discussed and results of the votes taken. The board is not required to vote any particular issue since its role is advisory but a vote on a question made by motion shall be taken at the request of any board member.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1404. - Penalties.

- (a) Any person violating this article shall, upon conviction thereof, be punished as follows:
 - (1) *First conviction.* A fine of not less than \$100.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (2) *Second conviction.* A fine of not less than \$200.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (3) *Third conviction.* A fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (4) *Fourth conviction.* Any person convicted of four or more violations of this article, within any 12-month period, shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both, and a court-ordered referral shall be forwarded to the police chief for revocation of the person's permit.
- (b) Revocation, non-renewal or termination of the right to participate in a public vending program set up under a public vending management contract shall not require conviction under this section where violation of the contract between the vendor and the public vending management company provides for such grounds of termination.
- (c) Failure to comply with public vending program operating protocols set by the public vending contractor shall be sufficient cause for the public vending administrator to request that the permit be revoked by the license and permits unit or by the public vending management company.
- (d) The issuance of citations to individuals for violation of the public vending ordinances shall not prevent the city from pursuing any remedies under a public vending management contract.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1405. - Vending locations.

- (a) The department of public works shall create a public vending location map to specify the location of all vending sites existing as of the date of this ordinance.
- (b) Public vending sites which are permitted under the terms of a public vending management contract shall be added to the public vending location map. The public vending location map is to be amended administratively to record the changes to the existing public vending sites which occur as the result of the implementation of the public vending management program. Amendments to the map shall be recorded in a manner which shall allow identification of such changes.
- (c) Where prior vending locations are included in the area of a public vending management contract that has been authorized by the governing authority, such locations shall not be

permitted at the conclusion of the term of the permit for the prior existing location.

- (d) Public vending sites approved by the Department of Public Works may be added to the map prior to the issuance of permits to vend at such locations.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1406. - Records of vendors and public vending management companies; inspection of records.

Every vendor and public vending management company shall keep records utilizing generally accepted accounting practices for the purpose of compliance with the city occupation tax. Any record which meets the requirement set forth in this section shall be subject to the same confidentiality protections as set forth in that article of the city code which governs occupation taxes.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1407. - Duties of vendors.

Every person authorized to vend under this article shall:

- (1) Comply with all laws and regulations applicable to the operation of a vending business;
- (2) Refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked;
- (3) Surrender the vendor permit promptly to the department of police license and permit section upon its expiration or upon revocation or suspension;
- (4) Where the permit is issued for a site subject to the terms of a public vending management contract, follow the operating protocols in the agreement under which the public vending program manager agreed to recommend the applicant for the issuance of the permit. Violations of operating protocols, which are not also violations of this article, shall not be a basis for the issuance of citations, but are grounds for revocation of the permit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1408. - Restrictions on vending locations and operations.

- (a) Specific location criteria:
- (1) No vending location may interfere with the visibility of a street intersection or pedestrian crosswalk as reasonably determined by the department of public works.
 - (2) No vending location may impede the reasonable use of a driveway, parking entrance or parking space.
 - (3) All vending locations shall allow for sufficient space for pedestrian travel on any public or private sidewalk.
 - (4) No vending location may be within 50 feet of any entrance or exit of any hotel or motel except with permission of the owner.
 - (5) No vending location shall unreasonably block the view of the entrance or display windows of fixed location businesses when viewed from the route of closest pedestrian travel.
 - (6) No vending location shall be within 15 feet of a fire hydrant.
 - (7) No vending location shall be located within 600 feet of the closest property line of any public or private elementary, middle or high school.
 - (8)

Any location within 100 feet of the entrance to a MARTA Station shall be reviewed by MARTA and the Department of Public Works shall consider MARTA's comments in its consideration of the application.

- (b) The following prohibitions on vendor's operations shall apply at all times.
 - (1) Vending operations shall not unduly obstruct vehicular traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise.
 - (2) Vending businesses shall not obstruct traffic signals or regulatory signs.
 - (3) Vending operations which obstruct pedestrian traffic flow due to heavy volume may be required to relocate or utilize temporary pedestrian traffic control measures or structures to aid in the orderly processing of sales or service.
- (c) No vendors are authorized to sell any products within 500 feet of any Atlanta Housing Authority property unless authorized by the housing authority.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1409. - Public vending management program.

- (a) The public vending management program shall be implemented by one or more contracts approved by the governing authority designating one or more private entities to manage vending on public property under the jurisdiction of the City of Atlanta.
- (b) All public vending management contracts approved by the governing authority shall require compliance with this article. No term of any public vending contract shall excuse compliance with any provision of this article and any such term which purports to excuse such compliance shall be void.
- (c) The public vending management company shall have the right to employ personnel or choose the persons with whom it wishes to contract for the operation of public vending sites to be implemented pursuant to the terms of its contract. All operating employees and operators of vending sites shall be required to have a valid vendor permit.
- (d) A public vending management program contract shall set forth the City's policy on the type of advertising which will meet the City's goals of: (i) defraying the City's costs in managing the vending program; (ii) maximizing revenue potential for the City, the vending management company and the vendors; (iii) supporting economic development opportunities pursuant to the City's guidelines for the area; and (iv) maintaining the appearance of the public spaces in a manner which maintains an aesthetically attractive city in which such advertising is compatible with the use patterns of established zoning districts in the immediate area of the vending site.
- (e) A public vending management program contract shall set forth the minimum operating protocols to be enforced in the operation of vending site.
- (f) A public vending management program contract shall set forth the method for the enforcing the maintenance responsibilities with respect to any structures or equipment which are to be leased to operators or operated by its employees as well as the requirement for cleanliness of the areas in the proximity of the vending site.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1410. - Hours of operation of vendor stations.

No vending station or any item related to the operation of a vending business shall be located in public space between the hours of 2:00 a.m. and 5:00 a.m. except, however, that a vendor participating in any public vending management program shall further be subject to the terms and conditions related to hours of operation as set forth in any agreement related thereto.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1411. - Persons selling from motor vehicles.

- (a) Vendors selling ice cream or other food items out of motor vehicles shall be subject to this section.
- (b) Every vendor selling ice cream or other food items out of a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.
- (c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily or between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. No motor vehicle shall be operated within 600 feet of any public school in the city between the hours of 7:30 a.m. and 3:30 p.m. on days in which schools are actually in session.
- (d) No vehicle shall stop or stand and do business for more than 30 minutes.
(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1412. - Littering.

- (a) Vendors shall keep the sidewalks, roadways and other space immediately adjoining and adjacent to their vending sites or locations clean and free from paper, peelings and refuse of any kind generated from the operation of their businesses.
- (b) A person engaged in food vending shall affix to the vending station or motorized vehicle or pushcart a receptacle for litter which shall be maintained and emptied regularly and which shall be marked as being for litter.
- (c) A vendor participating in any public vending management program shall further be subject to the terms and conditions related to trash removal as set forth in any agreement related thereto.
(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1413. - Unlawful to display goods without a permit.

A valid vendor license assigned to that specific location of public property shall be required for a person to display goods for sale or to offer free goods for distribution in connection with advertising promotions regardless of whether such goods are advertised by commercial signage, commercial flyers or commercial handbills or by voice or by music (recorded or live) and without regard to whether such goods are not advertised in way. This requirement shall also applied to all goods carried by hand

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Secs. 30-1414—30-1425. - Reserved.

Atlanta, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES—GENERAL ORDINANCES >>
 Chapter 30 - BUSINESSES >> ARTICLE XXIII. - VENDING ON PUBLIC PROPERTY >> DIVISION 2. -
 PERMITS AND LICENSES >>

DIVISION 2. - PERMITS AND LICENSES

- Sec. 30-1426. - Vending permits and business licenses required.
- Sec. 30-1427. - Certain vending activities exempted.
- Sec. 30-1428. - Application for permit.
- Sec. 30-1429. - Vending site requirements.
- Sec. 30-1430. - Term and renewal of permits.
- Sec. 30-1431. - Permit fees.
- Sec. 30-1432. - Display of permit; alteration of permit.
- Sec. 30-1433. - Notification of change of name or address.
- Sec. 30-1434. - Grounds for denial, revocation and suspension of vendor permits.
- Sec. 30-1435. - Appeal of suspension, revocation or denial of permits.
- Sec. 30-1436. - [Disabled veterans.]
- Secs. 30-1437—30-1460. - Reserved.

Sec. 30-1426. - Vending permits and business licenses required.

- (a) No person shall vend any article, merchandise, produce, permissible food item or service where public vending is allowed in the city without first having obtained a vending permit and satisfied all other requirements of this article, including without limitation, those of any county health department or applicable state laws.
- (b) No person shall vend in the city on public property except in conformity with the permit and this article. The vending permit is in addition to any general business license or other requirements imposed by this article or other sections of the City Code.
- (c) No person permitted to engage in any vending related activity may undertake such activity without first obtaining a business license from the office of revenue or its successor agency. Pursuant to O.C.G.A. § 43-12-1 et seq., as existing and as from time to time amended and upon the meeting the criteria as defined therein, disabled veterans and blind persons are exempt from the payment of occupation taxes, administrative fees, or regulatory fees which would ordinarily be imposed. All persons entitled to an exemption from the payment of fees and taxes shall meet all other requirements necessary to obtain the permits and licenses required by this article.
- (d) All vendor permits are nontransferable.
- (e) No vendor permit shall authorize vending at more than one location.
- (f) There shall be no subleasing of any assigned vending site or location by vendors. Public vending management programs may reallocate their assignment of locations between permitted vendors provided however that such transfer of locations shall not become effective until an amendment to each vendor permit has been processed by the license and permits unit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1427. - Certain vending activities exempted.

- (a) Vending on public property pursuant to a permit issued under the Outdoor Events Chapter (City Code section 142-1 et seq. as amended) shall not require a separate vending permit under this article.
- (b) No permit shall be required for persons selling newspapers at large other than from a fixed location on public space or on public streets.
- (c) No permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1428. - Application for permit.

- (a) An application shall be required by all persons seeking issuance of a vending permit to allow that person to vend on public property. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the license and permits unit. Any application to vend in an area under a public vending management contract shall also include the approval of the public vending management company and copies of all materials required to be submitted by the public vending management contract.
- (b) A nonrefundable application fee of \$150.00 is required which shall accompany each application for a vendor's permit.
- (c) The permit fee is due and payable when the permit is issued.
- (d) The application for a vendor's permit shall, at a minimum, require that the following information be provided:
 - (1) Applicant's name and current address.
 - (2) Applicant's previous addresses within the last five years.
 - (3) Social security number.
 - (4) Applicant's previous city vending license number.
 - (5) The vending site or location for which the permit will be effective
 - (6) Required vending site information.
 - (7) Federal tax I.D. number, if applicable.
 - (8) State department revenue retail I.D. number, if applicable.
 - (9) Whether the application is for a person who has a subcontract with a public vending management company and holds the vending site permit for the location or is an employee at that vending location.
- (e) Each person working at any vending location must obtain her/his own individual vending permit, except:
 - (1) Where a park conservancy with a valid memorandum of understanding with the city performs vending pursuant to that memorandum of understanding, only the company performing the vending under a contract with the conservancy must receive a permit, and each employee thereof need only pass a background check."
 - (2) Where a person or corporation holding an approved vendor permit in an area managed by a public vending company hires employees and first submits to the license and permits unit a list of the employees for a particular site, such employees will be allowed to work at such site without obtaining an individual vending permit. The information to be submitted to the license and permits unit shall list the name and social security number of the employees to be employed at each site prior to the first day of any employee at such site.
- (f) All vending applications shall contain the vending site information or make specific reference to

a vending site permit. No vendor permit shall be issued without the specific identification of the site where the vendor will operate and each site so identified must meet the site requirements of this article.

- (g) No permit will be issued to any vending employee unless the person who has a subcontract with a public vending management company for the vending site also has a vending permit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2009-68(09-O-1895), § 1(c), 11-24-09)

Sec. 30-1429. - Vending site requirements.

- (a) A public vending management company may provide to the public works department an application for vending site approval which shall not require that such site application identify those vendors who will operate thereon but no vending site permit will be issued until the subcontractor who will operate on the site has a vendor permit.
- (b) The license and permit unit shall consult with the department of public works as to the suitability of any vending site application or any vendor permit application which contains site information and render a decision within 30 days. In the event that the location is approved, the site shall be added to the public vending location map.
- (c) All vending site applications shall contain the following information as to a vending site or location:
- (i) The type of food or merchandise to be sold or the service to be provided;
 - (ii) The location of the area or vending station as identified by a map which makes reference to the nearest intersections of any public right-of-way and specifies the distance from the edge of the curb at the nearest lane of travel for each public right-of-way;
 - (iii) A drawing or photograph of any vending station, its size and height and details as to where the proposed vending station is to be located on the vending site including a statement as to how the proposed vending station will be configured on the vending site and where the persons who operate the vending station will be located during the normal course of business;
 - (iv) Where the vending station is attached to the ground or requires any type of utility connections, a site survey prepared by a surveyor licensed in the State of Georgia showing the actual dimensions of the structure relative to the public right-of-way and any other building or structure within 400 feet of the vending station, and shall include the location of connection for utilities;
 - (v) Where the vending station is attached to the ground or requires any type of utility connections, an encroachment agreement approved by the department of public works shall be required and shall reference the consent of the department to the location of the vending station and the location of the utility connections;
- (d) A permit to vend at the location requested in the vending site application shall not relieve the applicant from the obligation to obtain a building permit and a certificate of occupancy, if it is required for the vending station.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1430. - Term and renewal of permits.

- (a) An annual vendor permit shall be valid only for the calendar year in which it is issued.
- (b) An application for renewal of an annual vendor permit for the next calendar year shall be received by the license and permits unit no later than December 15.
- (c) The license and permits unit may choose to issue a vendor permit with a term that matches the

term of a vendor's agreement with the public vending management company, provided however that the permit fee shall be increased in accord with the length of the permit term to the same rate as if the permit were required to be renewed annually.

- (1) No extended term vendor permit shall be issued unless the vending management contractor specifies that an extended term is requested in their endorsement of the vendor permit application.
- (2) No extended term vendor permit shall prevent the city from revoking a vendor permit for cause.
- (3) Renewal of an extended term vendor permit is permitted under the same terms as the renewal of an annual vendor permit and an application for renewal of an extended term vendor permit beginning in the next calendar year following the years of expiration of such extended term vendor permit shall be received by the license and permits unit no later than December 15 of the year of expiration
- (4) Any refund of the extended term permit shall be prorated.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1431. - Permit fees.

- (a) Permit fees are due and payable by cash or money order after approval of the vending application. A vending permit shall not be issued prior to payment of the fees.
Permit fees for vending shall be as follows:

Type of Permit	Fee
Initial vendor permit application	\$150.00
Renewal of vendor permits	\$100.00
Vending site	\$250.00
Vending employee	\$100.00

- (b) The fee for a replacement vending permit photo identification card that has been lost shall be \$30.00 and may be obtained at the department of police license and permit section.
(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1432. - Display of permit; alteration of permit.

- (a) All vendor permits shall be properly and conspicuously displayed at all times during the operation. Such permit shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when it is firmly attached to the vending pushcart, motorized or non-motorized vehicle or vending station and clearly visible to the public and law enforcement officials.
- (b) No person shall fraudulently alter, mutilate, forge or unlawfully display any vending permit issued pursuant to this division.
(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1433. - Notification of change of name or address.

Whenever either the name or address provided by the permit holder the application for a vending permit or health or building inspection certificate changes, the permit holder shall notify the

license and permit unit in writing within ten days of such change and provide the department with the name change or address change. Vendors shall ensure that a current and correct name, residence address and mailing address are on file with the license and permit section at all times.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1434. - Grounds for denial, revocation and suspension of vendor permits.

- (a) No vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to alcohol or drug offenses and related matters; crimes of moral turpitude; gambling offenses and related matters; larceny, fraudulent conveyance, perjury or false swearing; or subrogation. Any conviction for dealing or trafficking in illegal drugs will automatically disqualify an applicant from approval.
- (b) No permit for a motorized vehicle vendor shall be issued if the applicant has been convicted of five or more moving violations for three years immediately prior to the application. To be eligible for such a permit, the applicant must possess a current state driver's license, proper registration, liability insurance on the vehicle to be used in the vending operation and an emissions sticker, regardless of county registration. A motorized vendor is held to the same standards as any other vendor.
- (c) Failure to maintain initial qualifications shall be grounds for revocation or suspension.
- (d) Any permit issued pursuant to this article may be suspended or revoked by the license and permits unit for any of the following causes:
 - (1) Fraud, misrepresentation or false statements contained in the application for the vending permit;
 - (2) Fraud, misrepresentation or false statements made in connection with the selling of any article, merchandise, produce or permissible food item;
 - (3) Violation of the provisions of Fulton County or DeKalb County health department regulations applicable to holders of food permits;
 - (4) Conduct of a vending business in an unlawful manner or in such a way as to constitute a menace or detriment to the health, safety or welfare of the public;
 - (5) Failure to furnish any and all documentation requested by the police department, the department of finance or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to section 30-1406 within 30 days of such request;
 - (6) Notice of termination from the vending management company of a subcontract for a vending location.
 - (7) Four violations of any section of this article within a 12-month period shall constitute grounds for denial, revocation or suspension of a vendor permit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1435. - Appeal of suspension, revocation or denial of permits.

- (a) A suspension, revocation or denial of a permit issued under this division may be appealed to the license review board within 20 days of the applicant or permit holder's receipt of notice as described in section 30-1435(b).
- (b) Notice of the suspension or revocation shall be given in writing, setting forth the complaint; the grounds for suspension or revocation; and the time, date and place of the hearing. Such notice shall be mailed to the vending permit holder at least five calendar days prior to the date set for

the hearing. The notice shall be mailed to the address shown on the application by registered or certified mail.

- (c) The license review board shall conduct the hearing and report its conclusions and recommendations to the mayor. The mayor, upon receiving the recommendation of the license review board, may, within 60 calendar days of receipt of said recommendation, deny or grant an application for a new permit and may revoke, suspend, or refuse to renew any existing permit. In addition, within said 60-day period, if the mayor determines there is a need to correct a clear error or prevent a manifest injustice, the mayor may remand the application or matter back to the license review board for further hearing. If the mayor fails to take action within the 60-day period, the recommendation of the license review board shall become the final decision of the mayor.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2008-79(08-O-1677), § 20, 11-6-08)

Sec. 30-1436. - [Disabled veterans.]

- (a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended and who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall be permitted to participate in the public vending program at a location in the public vending program closest to their existing licensed location subject to full application to the public vending management company in the same manner as all other participants and the execution of a lease, license or other form of contract or agreement as is generally utilized between the public vending management company and other vendors who will participate in the program, provided however that the rental or lease of any equipment required to participate in the public vending management program shall not exceed \$200.00 per month for the first 60 months that such vendor participates in the public vending program.
- (b) In the event that a disabled veteran as that term is defined in this subsection (g) applies to participate in the public property vending program after the adoption of this ordinance, such disabled veteran shall be permitted to participate in the program at a discounted rate for the first 36 months provided that the disabled veteran has been approved under the application process and further provided that no more than six spaces shall be dedicated to disabled veterans including those made available to subpart (g) above.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Secs. 30-1437—30-1460. - Reserved.

**Atlanta, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES—GENERAL ORDINANCES >>
Chapter 30 - BUSINESSES >> ARTICLE XXIII. - VENDING ON PUBLIC PROPERTY >> DIVISION 1. -
GENERALLY >>**

DIVISION 1. - GENERALLY

Sec. 30-1400. - Statement of intent.

Sec. 30-1401. - Definitions.

Sec. 30-1402. - Permit required to use public property for vending purposes.

Sec. 30-1403. - Vending advisory board.

Sec. 30-1404. - Penalties.

Sec. 30-1405. - Vending locations.

Sec. 30-1406. - Records of vendors and public vending management companies; inspection of records.

Sec. 30-1407. - Duties of vendors.

Sec. 30-1408. - Restrictions on vending locations and operations.

Sec. 30-1409. - Public vending management program.

Sec. 30-1410. - Hours of operation of vendor stations.

Sec. 30-1411. - Persons selling from motor vehicles.

Sec. 30-1412. - Littering.

Sec. 30-1413. - Unlawful to display goods without a permit.

Secs. 30-1414—30-1425. - Reserved.

Sec. 30-1400. - Statement of intent.

The Charter provides that the City of Atlanta may regulate or restrict the manufacture, sale, lease, rental, use, or solicitation of personal property by licenses, bonds, permits, or other regulatory methods and may allow or decline to allow the use of public spaces and right-of-way to offer such items to the public. Pursuant to those powers, it is the intent of the City Council to use this article and any other part of the Code to which this article refers to regulate vending on public property and the advertising of commercial products and services associated with the vending structures to achieve the following public policy objectives:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Develop a public vending program to enhance the overall appearance and environment along public streets, pedestrian ways and other public property in a manner that will enhance the city's international image;
- (3) Increase the variety and quality of goods and services for sale or rent pursuant to contractual agreements between the City and private entities;
- (4) Provide guidelines for the erection of structures on public property under the general authority allowed by Division 7 of Article 2 of Chapter 138 of this Code as it now exists or it may be from time to time amended;
- (5) Authorize the use of public property for vending purposes through permitting the use of specifically identified sites on public property;
- (6) Provide economic development opportunities;
- (7) Allow limited commercial messages to be displayed on vending structures permitted on public property in order to defray the City's costs in managing the vending program, as

well as to maximize the revenue and economic development opportunities available as a part of the public vending management program;

- (8) Authorize a vending advisory board to act as a liaison between the City, vendors, vending management companies, the manufacturers of vending equipment and other interested parties for the purpose of offering advisory opinions on the operation of public property vending.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2009-68(09-O-1895), § 1(a), 11-24-09)

Sec. 30-1401. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicable building code requirements means any law or regulation which pertains to the erection or use of structures in the City of Atlanta including without limitation the "state minimum codes" listed in O.C.G.A. § 8-2-20(9)(B)(i) as it exists now or may be from time to time amended and all local amendments,

Assistant vendor means a person who assists a vendor at the vendor's assigned vending site.

Blind person means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

Class C food vending station means a fully enclosed, self-contained, non-motor vehicle that is approved by the Fulton County health department for the purpose of vending on city streets or from a public assigned location.

Disabled individual means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment or being regarded as having such impairment as determined by the Americans with Disabilities Act of 1990.

Disabled veteran means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.

- (1) A war veteran must furnish satisfactory proof that the veteran has a physical handicap which is disabling to the extent of ten percent or more; that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable; and that the veteran's service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled, "An Act to Maintain the Credit of the United States," and commonly known as PL 2, 73rd Congress; or that some part of the veteran's service was rendered on or after December 7, 1941 and before December 31, 1946; or that some part of the veteran's service was rendered on or after June 27, 1950 and before January 31, 1955; or that some part of the veteran's service was rendered on or after August 5, 1946, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability or by letter or other written evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served.
- (2) A veteran of peacetime service in the United States armed forces must furnish proof that

the veteran has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence, from the branch of armed forces of the United States in which such veteran served, that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable.

- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

Display goods for sale or distribution means the act of offering goods for sale or the act of free distribution of goods by display or arrangement of the goods on a table, stand, or ground cover or by offering such goods from the hands of individuals.

Household means a principal place of abode comprised of a group of persons constituting a distinct domestic or social body living in the same residence. A household can include parents, children, stepchildren, domestics, lodgers and boarders.

Immediate family shall include the spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children.

Motor vehicle vending means the use of any motorized vehicle, approved for use by the department of police, and used by a lawfully permitted vendor for the purpose of vending from place to place and on city streets. No such vehicle shall be authorized to vend from any fixed location. The vehicles include rolling stores, catering trucks, ice cream trucks and motorized carts.

License and Permits Unit means that unit of the Atlanta Police Department which issues permits for public vending or any other unit or division of the Atlanta Police Department assigned by the Chief of Police to undertake the duties of the License and Permits Unit.

Managed public vending area means that public property which is the subject of a public vending management contract.

Motorized vehicle means any vehicle, trailer or bicycle propelled by a motor capable of moving a vending station from place to place which is used for vending food, merchandise or services for sale.

Non-managed public vending area means that public property which has been made available for use by persons whose designated location existing under a prior ordinance has been terminated or eliminated.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the county health department.

Prior vending location means a location on public property where vending was permitted prior to the institution of a public vending management program.

Produce means any agricultural product raised on a farm or orchard.

Public festival means a public function or activity which does not exceed two weeks in duration and which has been issued a festival permit in accordance with chapter 138, article VI of this Code.

Public property and "*public space*" both mean for the purpose of this article any property owned by the City of Atlanta within street rights-of-way, including any roadways and sidewalks, but excluding city-owned parks.

Public vending means vending activity as permitted on publicly owned property under the jurisdiction of the City of Atlanta other than on city-owned parks, except where such activity is associated with a special event and/or subject to regulation under a more specific permit.

Public vending contractor is a person or entity whose contract with the city allows such person or entity the right to conduct vending activities including, without limitation, the right to subcontract to other vendors, on property under the jurisdiction of the City of Atlanta other than city-owned parks.

Public vending management contract means that contract, between a public vending contractor and the City of Atlanta, granting the right to conduct vending activities on property under the jurisdiction of the City of Atlanta other than city-owned parks, and may include prescribed rules and procedures, in addition to the requirements in this article, which vendors at public vending sites must follow in the operation of those sites.

Public vending management program means that method of selecting and contracting with a public vending contractor to conduct and/or manage public vending activities pursuant to a contract with the City.

Public vending management contract means that contract, between a public vending contractor and the City of Atlanta, granting the right to conduct vending activities on property under the jurisdiction of the City of Atlanta and may include prescribed rules and procedures, in addition to the requirements in this article, which vendors at public vending sites must follow in the operation of those sites.

Public vending site means an individual vending site on public property.

Pushcart/vending cart means any portable vehicle or device from which property intended to be sold is displayed at an approved public vending site. The term "pushcart" shall be synonymous with the term "vending cart."

Reasonable distance shall mean 400 feet as measured from the edge of vending structure along the path of pedestrian travel to the nearest edge of the next vending structure including within such distance all public rights-of-way.

Registered agent means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service of process and legal notices on behalf of a vendor or itinerant vendor.

Special events means those which have regional, national or international significance and which attract a magnitude of people to the city up to a two-week period, e.g., the World Series, the Super Bowl, the Olympics, among others.

Street furniture zone means a geographical area located on the sidewalk portion of a street right-of-way whose width lies between the street curb extending four feet onto the sidewalk, as measured from the curb, and whose length extends from intersecting street to intersecting street.

Street music means a music performance for which the musician or musical group requires payment by the audience or business owner as a precondition for performing. The act of accepting donations from listeners while performing music in public is excluded from regulation under this Code section.

Street vending means vending activity permitted within public street rights-of-way.

Vendor permit means those document(s) issued by the license and permits unit which contain information necessary to identify the vendor such as name, photograph, vending type and classification, authorized location and period of time for which the permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public in public space and approved by the city.

Vending site or vending location means the assigned area where a vendor permit is valid and includes any fixed or movable structure, table or device used by a vendor.

Vending Station means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Vendor means any person whose primary business is the selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, merchandise, services, food, confectionery or drink carried by hand, from portable stands or tables, pushcarts or vending carts, by manually propelled vehicles or by motor or animal-driven vehicles.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2009-68(09-O-1895), § 1(b), 11-24-09)

Sec. 30-1402. - Permit required to use public property for vending purposes.

- (a) Pursuant to this article, a permit issued by the license and permits unit shall be required to vend on public property owned or otherwise under the jurisdiction of the City of Atlanta.
 - (i) Specific permit and licensing requirements set forth in Division II of this article are in addition to the general requirements of this section.
 - (ii) Certain vending activities may be permitted at specific locations and for specific times pursuant to other sections of the code which allow for vending on public property. In the event that no specific regulation covers a vending activity on public property, the rules of this article shall govern.
 - (iii) Where a public vending management contract gives a public vending contractor the right to control the placement of vending stations, vending carts, and/or control vending activity in the area specified in the contract, individual vendors shall obtain the written approval of the public vending contractor before being eligible to apply.
- (b) The right to manage vending on public property may be contracted to private persons or entities. A public vending management contract may provide that the public vending management company be allowed the exclusive right to vend on public property within a specified area of the city or the entire city.
- (c) No public vending permit or public vending management contract shall convey any interest in the real property under the jurisdiction of the City of Atlanta which is identified in any permit or contract and such permit or contract shall only convey the right to use the property for the purposes allowed in this article.
- (d) All public property identified as suitable for use as a public vending site under a permit issued pursuant to this article shall only be used for that purpose and the premises and the right to occupy or use any structures thereon shall at all times be controlled by the terms of this article and any applicable building code requirements.
- (e) The placement of structures at public vending sites, including sites which are part of public vending management program, shall not be allowed unless and until the site where the activity

is to be conducted has been approved by the commissioner of the department of public works. Except in the case of an imminent public health, safety or welfare need, such approval may be withdrawn for the convenience of the City at a time to coincide with the expiration of the vendor's lease with the public vending contractor and the site shall be vacated within 30 days of the date of expiration. In the case of an imminent public health, safety or welfare need, any public vending site shall be closed when the closing is ordered by the police department or the department of public works and may not be reopened until the order is lifted. This section shall not limit the City's right to condemn any public vending site.

- (f) The public vending contractor shall provide a copy of a specimen or form lease or form license which sets forth the general terms under which it shall form agreements with the vendors who shall lease or license the vending sites or vending stations. Such requirement to provide a specimen or form lease or form license shall not require a public vending manager to provide copies of any specific lease, license or other form of contract or agreement between the public vending contractor and individual vendors.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1403. - Vending advisory board.

- (a) The vending advisory board shall be composed of six members nominated by the mayor and confirmed by the city council. The members of the board shall annually select a chair and a vice-chair from the membership of the board. The mayor shall nominate the following:
- (1) One vendor with experience in food vending.
 - (2) One vendor with experience in merchandise vending.
 - (3) One representative of the Buckhead Community Improvement District
 - (4) One representative of Central Atlanta Progress, Inc.
 - (5) One representative of the Midtown Community Improvement District
 - (6) One representative of individual, blind or disabled veteran vendors.
 - (7) One representative of the Atlanta Planning Advisory Board.
 - (8) One representative from MARTA.
- (b) The members of the board to be appointed under the terms of this section shall serve an initial term which begins as of the date of the adoption of this ordinance and terminates as of the end of the calendar year following the adoption. After the initial term, all subsequent terms for positions 1, 2, 3 and 4 shall be for two years and positions 5, 6, 7 and 8 shall be for three years. Any board member who misses two consecutive meetings of the board may be deemed to have abandoned the position on the board and the mayor is authorized to nominate a new member to fill the position.
- (c) Members of the board shall not be compensated for their service and may serve more than one term.
- (d) Operation of the vending advisory board.
- (1) The board shall establish a quarterly meeting time and place and shall publish schedule of the meetings for that year on the City website. The board may but is not required publish agendas of items to be discussed in advance.
 - (2) The board shall establish its own rules of procedure at its initial meeting and may update the rules annually at the first meeting of each calendar year.
 - (3) Each meeting shall reserve a portion of time for public comment as may be provided in the board's adopted rules of procedure.
 - (4) The board may call special meetings as it deems necessary provided however that the board shall cause notice of such meeting to be posted on the City's website.

- (5) All meetings shall be open to the public, and all votes of the board shall be announced in public session.
- (6) Administrative and legal services as may be required by the board shall be furnished by appropriate departments and agencies of the city.
- (7) The department of public works shall provide staff support for the board.
- (e) The board shall advise the mayor and city council on public property vending by informing the mayor of the issues discussed and results of the votes taken. The board is not required to vote any particular issue since its role is advisory but a vote on a question made by motion shall be taken at the request of any board member.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1404. - Penalties.

- (a) Any person violating this article shall, upon conviction thereof, be punished as follows:
 - (1) *First conviction.* A fine of not less than \$100.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (2) *Second conviction.* A fine of not less than \$200.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (3) *Third conviction.* A fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
 - (4) *Fourth conviction.* Any person convicted of four or more violations of this article, within any 12-month period, shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both, and a court-ordered referral shall be forwarded to the police chief for revocation of the person's permit.
- (b) Revocation, non-renewal or termination of the right to participate in a public vending program set up under a public vending management contract shall not require conviction under this section where violation of the contract between the vendor and the public vending management company provides for such grounds of termination.
- (c) Failure to comply with public vending program operating protocols set by the public vending contractor shall be sufficient cause for the public vending administrator to request that the permit be revoked by the license and permits unit or by the public vending management company.
- (d) The issuance of citations to individuals for violation of the public vending ordinances shall not prevent the city from pursuing any remedies under a public vending management contract.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1405. - Vending locations.

- (a) The department of public works shall create a public vending location map to specify the location of all vending sites existing as of the date of this ordinance.
- (b) Public vending sites which are permitted under the terms of a public vending management contract shall be added to the public vending location map. The public vending location map is to be amended administratively to record the changes to the existing public vending sites which occur as the result of the implementation of the public vending management program. Amendments to the map shall be recorded in a manner which shall allow identification of such changes.
- (c) Where prior vending locations are included in the area of a public vending management contract that has been authorized by the governing authority, such locations shall not be

- permitted at the conclusion of the term of the permit for the prior existing location.
- (d) Public vending sites approved by the Department of Public Works may be added to the map prior to the issuance of permits to vend at such locations.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1406. - Records of vendors and public vending management companies; inspection of records.

Every vendor and public vending management company shall keep records utilizing generally accepted accounting practices for the purpose of compliance with the city occupation tax. Any record which meets the requirement set forth in this section shall be subject to the same confidentiality protections as set forth in that article of the city code which governs occupation taxes.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1407. - Duties of vendors.

Every person authorized to vend under this article shall:

- (1) Comply with all laws and regulations applicable to the operation of a vending business;
- (2) Refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked;
- (3) Surrender the vendor permit promptly to the department of police license and permit section upon its expiration or upon revocation or suspension;
- (4) Where the permit is issued for a site subject to the terms of a public vending management contract, follow the operating protocols in the agreement under which the public vending program manager agreed to recommend the applicant for the issuance of the permit. Violations of operating protocols, which are not also violations of this article, shall not be a basis for the issuance of citations, but are grounds for revocation of the permit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1408. - Restrictions on vending locations and operations.

- (a) Specific location criteria:
- (1) No vending location may interfere with the visibility of a street intersection or pedestrian crosswalk as reasonably determined by the department of public works.
 - (2) No vending location may impede the reasonable use of a driveway, parking entrance or parking space.
 - (3) All vending locations shall allow for sufficient space for pedestrian travel on any public or private sidewalk.
 - (4) No vending location may be within 50 feet of any entrance or exit of any hotel or motel except with permission of the owner.
 - (5) No vending location shall unreasonably block the view of the entrance or display windows of fixed location businesses when viewed from the route of closest pedestrian travel.
 - (6) No vending location shall be within 15 feet of a fire hydrant.
 - (7) No vending location shall be located within 600 feet of the closest property line of any public or private elementary, middle or high school.
 - (8)

Any location within 100 feet of the entrance to a MARTA Station shall be reviewed by MARTA and the Department of Public Works shall consider MARTA's comments in its consideration of the application.

- (b) The following prohibitions on vendor's operations shall apply at all times.
 - (1) Vending operations shall not unduly obstruct vehicular traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise.
 - (2) Vending businesses shall not obstruct traffic signals or regulatory signs.
 - (3) Vending operations which obstruct pedestrian traffic flow due to heavy volume may be required to relocate or utilize temporary pedestrian traffic control measures or structures to aid in the orderly processing of sales or service.
- (c) No vendors are authorized to sell any products within 500 feet of any Atlanta Housing Authority property unless authorized by the housing authority.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1409. - Public vending management program.

- (a) The public vending management program shall be implemented by one or more contracts approved by the governing authority designating one or more private entities to manage vending on public property under the jurisdiction of the City of Atlanta.
- (b) All public vending management contracts approved by the governing authority shall require compliance with this article. No term of any public vending contract shall excuse compliance with any provision of this article and any such term which purports to excuse such compliance shall be void.
- (c) The public vending management company shall have the right to employ personnel or choose the persons with whom it wishes to contract for the operation of public vending sites to be implemented pursuant to the terms of its contract. All operating employees and operators of vending sites shall be required to have a valid vendor permit.
- (d) A public vending management program contract shall set forth the City's policy on the type of advertising which will meet the City's goals of: (i) defraying the City's costs in managing the vending program; (ii) maximizing revenue potential for the City, the vending management company and the vendors; (iii) supporting economic development opportunities pursuant to the City's guidelines for the area; and (iv) maintaining the appearance of the public spaces in a manner which maintains an aesthetically attractive city in which such advertising is compatible with the use patterns of established zoning districts in the immediate area of the vending site.
- (e) A public vending management program contract shall set forth the minimum operating protocols to be enforced in the operation of vending site.
- (f) A public vending management program contract shall set forth the method for the enforcing the maintenance responsibilities with respect to any structures or equipment which are to be leased to operators or operated by its employees as well as the requirement for cleanliness of the areas in the proximity of the vending site.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1410. - Hours of operation of vendor stations.

No vending station or any item related to the operation of a vending business shall be located in public space between the hours of 2:00 a.m. and 5:00 a.m. except, however, that a vendor participating in any public vending management program shall further be subject to the terms and conditions related to hours of operation as set forth in any agreement related thereto.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1411. - Persons selling from motor vehicles.

- (a) Vendors selling ice cream or other food items out of motor vehicles shall be subject to this section.
 - (b) Every vendor selling ice cream or other food items out of a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.
 - (c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily or between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. No motor vehicle shall be operated within 600 feet of any public school in the city between the hours of 7:30 a.m. and 3:30 p.m. on days in which schools are actually in session.
 - (d) No vehicle shall stop or stand and do business for more than 30 minutes.
- (Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)*

Sec. 30-1412. - Littering.

- (a) Vendors shall keep the sidewalks, roadways and other space immediately adjoining and adjacent to their vending sites or locations clean and free from paper, peelings and refuse of any kind generated from the operation of their businesses.
 - (b) A person engaged in food vending shall affix to the vending station or motorized vehicle or pushcart a receptacle for litter which shall be maintained and emptied regularly and which shall be marked as being for litter.
 - (c) A vendor participating in any public vending management program shall further be subject to the terms and conditions related to trash removal as set forth in any agreement related thereto.
- (Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)*

Sec. 30-1413. - Unlawful to display goods without a permit.

A valid vendor license assigned to that specific location of public property shall be required for a person to display goods for sale or to offer free goods for distribution in connection with advertising promotions regardless of whether such goods are advertised by commercial signage, commercial flyers or commercial handbills or by voice or by music (recorded or live) and without regard to whether such goods are not advertised in way. This requirement shall also applied to all goods carried by hand

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Secs. 30-1414—30-1425. - Reserved.

**Atlanta, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES—GENERAL ORDINANCES >>
Chapter 30 - BUSINESSES >> ARTICLE XXIII. - VENDING ON PUBLIC PROPERTY >> DIVISION 2. -
PERMITS AND LICENSES >>**

DIVISION 2. - PERMITS AND LICENSES

- Sec. 30-1426. - Vending permits and business licenses required.
Sec. 30-1427. - Certain vending activities exempted.
Sec. 30-1428. - Application for permit.
Sec. 30-1429. - Vending site requirements.
Sec. 30-1430. - Term and renewal of permits.
Sec. 30-1431. - Permit fees.
Sec. 30-1432. - Display of permit; alteration of permit.
Sec. 30-1433. - Notification of change of name or address.
Sec. 30-1434. - Grounds for denial, revocation and suspension of vendor permits.
Sec. 30-1435. - Appeal of suspension, revocation or denial of permits.
Sec. 30-1436. - [Disabled veterans.]
Secs. 30-1437—30-1460. - Reserved.

Sec. 30-1426. - Vending permits and business licenses required.

- (a) No person shall vend any article, merchandise, produce, permissible food item or service where public vending is allowed in the city without first having obtained a vending permit and satisfied all other requirements of this article, including without limitation, those of any county health department or applicable state laws.
- (b) No person shall vend in the city on public property except in conformity with the permit and this article. The vending permit is in addition to any general business license or other requirements imposed by this article or other sections of the City Code.
- (c) No person permitted to engage in any vending related activity may undertake such activity without first obtaining a business license from the office of revenue or its successor agency. Pursuant to O.C.G.A. § 43-12-1 et seq., as existing and as from time to time amended and upon the meeting the criteria as defined therein, disabled veterans and blind persons are exempt from the payment of occupation taxes, administrative fees, or regulatory fees which would ordinarily be imposed. All persons entitled to an exemption from the payment of fees and taxes shall meet all other requirements necessary to obtain the permits and licenses required by this article.
- (d) All vendor permits are nontransferable.
- (e) No vendor permit shall authorize vending at more than one location.
- (f) There shall be no subleasing of any assigned vending site or location by vendors. Public vending management programs may reallocate their assignment of locations between permitted vendors provided however that such transfer of locations shall not become effective until an amendment to each vendor permit has been processed by the license and permits unit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1427. - Certain vending activities exempted.

- (a) Vending on public property pursuant to a permit issued under the Outdoor Events Chapter (City Code section 142-1 et seq. as amended) shall not require a separate vending permit under this article.
- (b) No permit shall be required for persons selling newspapers at large other than from a fixed location on public space or on public streets.
- (c) No permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1428. - Application for permit.

- (a) An application shall be required by all persons seeking issuance of a vending permit to allow that person to vend on public property. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the license and permits unit. Any application to vend in an area under a public vending management contract shall also include the approval of the public vending management company and copies of all materials required to be submitted by the public vending management contract.
- (b) A nonrefundable application fee of \$150.00 is required which shall accompany each application for a vendor's permit.
- (c) The permit fee is due and payable when the permit is issued.
- (d) The application for a vendor's permit shall, at a minimum, require that the following information be provided:
 - (1) Applicant's name and current address.
 - (2) Applicant's previous addresses within the last five years.
 - (3) Social security number.
 - (4) Applicant's previous city vending license number.
 - (5) The vending site or location for which the permit will be effective
 - (6) Required vending site information.
 - (7) Federal tax I.D. number, if applicable.
 - (8) State department revenue retail I.D. number, if applicable.
 - (9) Whether the application is for a person who has a subcontract with a public vending management company and holds the vending site permit for the location or is an employee at that vending location.
- (e) Each person working at any vending location must obtain her/his own individual vending permit, except:
 - (1) Where a park conservancy with a valid memorandum of understanding with the city performs vending pursuant to that memorandum of understanding, only the company performing the vending under a contract with the conservancy must receive a permit, and each employee thereof need only pass a background check."
 - (2) Where a person or corporation holding an approved vendor permit in an area managed by a public vending company hires employees and first submits to the license and permits unit a list of the employees for a particular site, such employees will be allowed to work at such site without obtaining an individual vending permit. The information to be submitted to the license and permits unit shall list the name and social security number of the employees to be employed at each site prior to the first day of any employee at such site.
- (f) All vending applications shall contain the vending site information or make specific reference to

a vending site permit. No vendor permit shall be issued without the specific identification of the site where the vendor will operate and each site so identified must meet the site requirements of this article.

- (g) No permit will be issued to any vending employee unless the person who has a subcontract with a public vending management company for the vending site also has a vending permit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2009-68(09-O-1895), § 1(c), 11-24-09)

Sec. 30-1429. - Vending site requirements.

- (a) A public vending management company may provide to the public works department an application for vending site approval which shall not require that such site application identify those vendors who will operate thereon but no vending site permit will be issued until the subcontractor who will operate on the site has a vendor permit.
- (b) The license and permit unit shall consult with the department of public works as to the suitability of any vending site application or any vendor permit application which contains site information and render a decision within 30 days. In the event that the location is approved, the site shall be added to the public vending location map.
- (c) All vending site applications shall contain the following information as to a vending site or location:
- (i) The type of food or merchandise to be sold or the service to be provided;
 - (ii) The location of the area or vending station as identified by a map which makes reference to the nearest intersections of any public right-of-way and specifies the distance from the edge of the curb at the nearest lane of travel for each public right-of-way;
 - (iii) A drawing or photograph of any vending station, its size and height and details as to where the proposed vending station is to be located on the vending site including a statement as to how the proposed vending station will be configured on the vending site and where the persons who operate the vending station will be located during the normal course of business;
 - (iv) Where the vending station is attached to the ground or requires any type of utility connections, a site survey prepared by a surveyor licensed in the State of Georgia showing the actual dimensions of the structure relative to the public right-of-way and any other building or structure within 400 feet of the vending station, and shall include the location of connection for utilities;
 - (v) Where the vending station is attached to the ground or requires any type of utility connections, an encroachment agreement approved by the department of public works shall be required and shall reference the consent of the department to the location of the vending station and the location of the utility connections;
- (d) A permit to vend at the location requested in the vending site application shall not relieve the applicant from the obligation to obtain a building permit and a certificate of occupancy, if it is required for the vending station.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1430. - Term and renewal of permits.

- (a) An annual vendor permit shall be valid only for the calendar year in which it is issued.
- (b) An application for renewal of an annual vendor permit for the next calendar year shall be received by the license and permits unit no later than December 15.
- (c) The license and permits unit may choose to issue a vendor permit with a term that matches the

term of a vendor's agreement with the public vending management company, provided however that the permit fee shall be increased in accord with the length of the permit term to the same rate as if the permit were required to be renewed annually.

- (1) No extended term vendor permit shall be issued unless the vending management contractor specifies that an extended term is requested in their endorsement of the vendor permit application.
- (2) No extended term vendor permit shall prevent the city from revoking a vendor permit for cause.
- (3) Renewal of an extended term vendor permit is permitted under the same terms as the renewal of an annual vendor permit and an application for renewal of an extended term vendor permit beginning in the next calendar year following the years of expiration of such extended term vendor permit shall be received by the license and permits unit no later than December 15 of the year of expiration
- (4) Any refund of the extended term permit shall be prorated.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1431. - Permit fees.

- (a) Permit fees are due and payable by cash or money order after approval of the vending application. A vending permit shall not be issued prior to payment of the fees.
Permit fees for vending shall be as follows:

Type of Permit	Fee
Initial vendor permit application	\$150.00
Renewal of vendor permits	\$100.00
Vending site	\$250.00
Vending employee	\$100.00

- (b) The fee for a replacement vending permit photo identification card that has been lost shall be \$30.00 and may be obtained at the department of police license and permit section.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1432. - Display of permit; alteration of permit.

- (a) All vendor permits shall be properly and conspicuously displayed at all times during the operation. Such permit shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when it is firmly attached to the vending pushcart, motorized or non-motorized vehicle or vending station and clearly visible to the public and law enforcement officials.
- (b) No person shall fraudulently alter, mutilate, forge or unlawfully display any vending permit issued pursuant to this division.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1433. - Notification of change of name or address.

Whenever either the name or address provided by the permit holder the application for a vending permit or health or building inspection certificate changes, the permit holder shall notify the

Attachment: Vending_on_Public_Property_Code (1999 : 13-O-0163 Amend Chpt 30, Art XXIII Vending on Public Property Elimination)

license and permit unit in writing within ten days of such change and provide the department with the name change or address change. Vendors shall ensure that a current and correct name, residence address and mailing address are on file with the license and permit section at all times.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1434. - Grounds for denial, revocation and suspension of vendor permits.

- (a) No vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to alcohol or drug offenses and related matters; crimes of moral turpitude; gambling offenses and related matters; larceny, fraudulent conveyance, perjury or false swearing; or subrogation. Any conviction for dealing or trafficking in illegal drugs will automatically disqualify an applicant from approval.
- (b) No permit for a motorized vehicle vendor shall be issued if the applicant has been convicted of five or more moving violations for three years immediately prior to the application. To be eligible for such a permit, the applicant must possess a current state driver's license, proper registration, liability insurance on the vehicle to be used in the vending operation and an emissions sticker, regardless of county registration. A motorized vendor is held to the same standards as any other vendor.
- (c) Failure to maintain initial qualifications shall be grounds for revocation or suspension.
- (d) Any permit issued pursuant to this article may be suspended or revoked by the license and permits unit for any of the following causes:
 - (1) Fraud, misrepresentation or false statements contained in the application for the vending permit;
 - (2) Fraud, misrepresentation or false statements made in connection with the selling of any article, merchandise, produce or permissible food item;
 - (3) Violation of the provisions of Fulton County or DeKalb County health department regulations applicable to holders of food permits;
 - (4) Conduct of a vending business in an unlawful manner or in such a way as to constitute a menace or detriment to the health, safety or welfare of the public;
 - (5) Failure to furnish any and all documentation requested by the police department, the department of finance or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to section 30-1406 within 30 days of such request;
 - (6) Notice of termination from the vending management company of a subcontract for a vending location.
 - (7) Four violations of any section of this article within a 12-month period shall constitute grounds for denial, revocation or suspension of a vendor permit.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Sec. 30-1435. - Appeal of suspension, revocation or denial of permits.

- (a) A suspension, revocation or denial of a permit issued under this division may be appealed to the license review board within 20 days of the applicant or permit holder's receipt of notice as described in section 30-1435(b).
- (b) Notice of the suspension or revocation shall be given in writing, setting forth the complaint; the grounds for suspension or revocation; and the time, date and place of the hearing. Such notice shall be mailed to the vending permit holder at least five calendar days prior to the date set for

the hearing. The notice shall be mailed to the address shown on the application by registered or certified mail.

- (c) The license review board shall conduct the hearing and report its conclusions and recommendations to the mayor. The mayor, upon receiving the recommendation of the license review board, may, within 60 calendar days of receipt of said recommendation, deny or grant an application for a new permit and may revoke, suspend, or refuse to renew any existing permit. In addition, within said 60-day period, if the mayor determines there is a need to correct a clear error or prevent a manifest injustice, the mayor may remand the application or matter back to the license review board for further hearing. If the mayor fails to take action within the 60-day period, the recommendation of the license review board shall become the final decision of the mayor.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08; Ord. No. 2008-79(08-O-1677), § 20, 11-6-08)

Sec. 30-1436. - [Disabled veterans.]

- (a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended and who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall be permitted to participate in the public vending program at a location in the public vending program closest to their existing licensed location subject to full application to the public vending management company in the same manner as all other participants and the execution of a lease, license or other form of contract or agreement as is generally utilized between the public vending management company and other vendors who will participate in the program, provided however that the rental or lease of any equipment required to participate in the public vending management program shall not exceed \$200.00 per month for the first 60 months that such vendor participates in the public vending program.
- (b) In the event that a disabled veteran as that term is defined in this subsection (g) applies to participate in the public property vending program after the adoption of this ordinance, such disabled veteran shall be permitted to participate in the program at a discounted rate for the first 36 months provided that the disabled veteran has been approved under the application process and further provided that no more than six spaces shall be dedicated to disabled veterans including those made available to subpart (g) above.

(Ord. No. 2008-74(08-O-1220), § 2, 9-8-08)

Secs. 30-1437—30-1460. - Reserved.

07/01/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/09/13 Public Safety & Legal Administration Committee

07/15/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 7/30/2013 3:00 PM

07/30/13 Public Safety & Legal Administration Committee

08/19/13 Atlanta City Council

08/27/13 Public Safety & Legal Administration Committee

09/03/13 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 9/10/2013 3:00 PM

09/10/13 Public Safety & Legal Administration Committee

09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/1/2013 3:00 PM

10/01/13 Public Safety & Legal Administration Committee

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/15/2013 3:00 PM

10/15/13 Public Safety & Legal Administration Committee

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 10/29/2013 3:00 PM

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/12/2013 3:00 PM

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

RESULT: REFERRED WITHOUT OBJECTION Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES



Howard Shook, Councilmember, District 7

**13-O-0637 AN ORDINANCE BY COUNCILMEMBER HOWARD SHOOK TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88.1(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM DISTANCE REQUIREMENTS FOR CERTAIN ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND WINE LOCATED IN LARGE RETAIL SHOPPING CENTERS WITH ADDRESSES ON PEACHTREE ROAD AND PEACHTREE STREET NORTH OF INTERSTATE 85; AND FOR OTHER PURPOSES.
(HELD 4/30/12 FOR FURTHER DISCUSSION AND REVIEW.)**

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, the City of Atlanta is authorized to regulate the locations of establishments which are licensed to sell alcoholic beverages including malt beverages and wine by the package; and

WHEREAS, certain large retail shopping centers in the Buckhead community of the City of Atlanta are being re-developed and leased to take advantage of the opportunity to establish an environment of in-town living which includes certain types of specialized retail trade for the convenience of the residents and businesses therein; and

WHEREAS, the City of Atlanta recognizes that this type of specialized in-town development presents many advantages, including safe, pleasant, and convenient pedestrian circulation, minimal conflict between pedestrians and vehicles, and the opportunity for more dense and unique uses and activities; and

WHEREAS, the City of Atlanta desires to encourage opportunities for economic development, both residential and commercial; and

WHEREAS, some of the existing distance requirements found in the City of Atlanta Code of Ordinances prohibit the existence of certain types of retail businesses which could be reasonably located in these large retail shopping centers that are desirable to and compatible with the surrounding community; and

WHEREAS, the City of Atlanta desires to allow the sale of packaged malt beverages and wine in establishments located within these large retail commercial shopping centers provided that the establishments meet certain requirements; and

WHEREAS, Section 10-88.1 of the City of Atlanta Code of Ordinances provides that certain types of establishments seeking a license from the City of Atlanta to sell alcoholic beverages must comply with certain specified distance requirements; and

WHEREAS, Section 10-88.1 (b) (1) of the City of Atlanta Code of Ordinances provides that no package store shall be located within 600 feet of structures in residential use; and

WHEREAS, the regulations regarding distance requirements to sell alcoholic beverages may prohibit the sale of malt beverages and/or wine by the package in large retail shopping centers in the Buckhead community with addresses on Peachtree Road and Peachtree Street north of Interstate 85 notwithstanding the desire to create livable, walkable, shopping experiences to these commercial uses; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1. The provisions of Chapter 10, Article II, Division 2, Subdivision II, Section 10-88.1 (b) (1) of the City of Atlanta Code of Ordinances, are amended to insert new language so that Section 10-88.1 (b) (1) shall read in its entirety as follows:

(b) No package store, as defined in section 10-1, shall be located within the following distances of the specified other uses:

(1) From any structures in residential use, 600 feet, provided however, that a package store selling malt beverages and/or wine but not distilled spirits may be located within 600 feet of structures in residential use if the package store is located within a shopping center that contains a minimum of 75,000 square feet of gross leasable area and which has an address on Peachtree Road or Peachtree Street and which is located north of Interstate 85.

Section 2. Should any provision of the City of Atlanta Code of Ordinances or part thereof be found to conflict with this ordinance or the provisions thereof, then those provisions contained herein shall be deemed controlling.

#10

13-0-0637

Handwritten initials

AN ORDINANCE
 BY COUNCIL MEMBER HOWARD SHOOK

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88.1(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM DISTANCE REQUIREMENTS FOR CERTAIN ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND WINE LOCATED IN LARGE RETAIL SHOPPING CENTERS WITH ADDRESSES ON PEACHTREE ROAD AND PEACHTREE STREET NORTH OF INTERSTATE 85 AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: 4/15/13
 Referred To: Public Safety
 Date Referred: _____
 Referred To: _____
 Date Referred: _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED		MAYOR'S ACTION	
Committee	Committee	Committee	Committee
Date	Date	Date	Date
Chair	Chair	Chair	Chair
Action	Action	Action	Action
Other	Other	Other	Other
Members	Members	Members	Members
Refer To	Refer To	Refer To	Refer To

13-○-0637

ORDINANCE 13-O-__

AN ORDINANCE
 BY COUNCIL MEMBER HOWARD SHOOK



AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88.1(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM DISTANCE REQUIREMENTS FOR CERTAIN ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND WINE LOCATED IN LARGE RETAIL SHOPPING CENTERS WITH ADDRESSES ON PEACHTREE ROAD AND PEACHTREE STREET NORTH OF INTERSTATE 85 AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, the City of Atlanta is authorized to regulate the locations of establishments which are licensed to sell alcoholic beverages including malt beverages and wine by the package; and

WHEREAS, certain large retail shopping centers in the Buckhead community of the City of Atlanta are being re-developed and leased to take advantage of the opportunity to establish an environment of in-town living which includes certain types of specialized retail trade for the convenience of the residents and businesses therein; and

WHEREAS, the City of Atlanta recognizes that this type of specialized in-town development presents many advantages, including safe, pleasant, and convenient pedestrian circulation, minimal conflict between pedestrians and vehicles, and the opportunity for more dense and unique uses and activities; and

WHEREAS, the City of Atlanta desires to encourage opportunities for economic development, both residential and commercial; and

WHEREAS, some of the existing distance requirements found in the City of Atlanta Code of Ordinances prohibit the existence of certain types of retail businesses which could be reasonably located in these large retail shopping centers that are desirable to and compatible with the surrounding community; and

WHEREAS, the City of Atlanta desires to allow the sale of packaged malt beverages and wine in establishments located within these large retail commercial shopping centers provided that the establishments meet certain requirements; and

WHEREAS, Section 10-88.1 of the City of Atlanta Code of Ordinances provides that certain types of establishments seeking a license from the City of Atlanta to sell alcoholic beverages must comply with certain specified distance requirements; and

WHEREAS, Section 10-88.1 (b) (1) of the City of Atlanta Code of Ordinances provides that no package store shall be located within 600 feet of structures in residential use; and

WHEREAS, the regulations regarding distance requirements to sell alcoholic beverages may prohibit the sale of malt beverages and/or wine by the package in large retail shopping centers in the Buckhead community with addresses on Peachtree Road and Peachtree Street north of Interstate 85 notwithstanding the desire to create livable, walkable, shopping experiences to these commercial uses; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1. The provisions of Chapter 10, Article II, Division 2, Subdivision II, Section 10-88.1 (b) (1) of the City of Atlanta Code of Ordinances, are amended to insert new language so that Section 10-88.1 (b) (1) shall read in its entirety as follows:

(b) No package store, as defined in section 10-1, shall be located within the following distances of the specified other uses:

- (1) From any structures in residential use, 600 feet, **provided however, that a package store selling malt beverages and/or wine but not distilled spirits may be located within 600 feet of structures in residential use if the package store is located within a shopping center that contains a minimum of 75,000 square feet of gross leasable area and which has an address on Peachtree Road or Peachtree Street and which is located north of Interstate 85.**

Section 2. Should any provision of the City of Atlanta Code of Ordinances or part thereof be found to conflict with this ordinance or the provisions thereof, then those provisions contained herein shall be deemed controlling.

A RESOLUTION BY COUNCILMEMBERS C.T. MARTIN, KEISHA LANCE BOTTOMS, KWANZA HALL AND MICHAEL JULIAN BOND TO MAKE THE VENDING LOCATIONS AROUND TURNER FIELD SPECIAL EVENT CATEGORY VENDING DURING THE ATLANTA BRAVES' BASEBALL SEASON; AND FOR OTHER PURPOSES.

(Held 6/25/13 by the Committee for further review [2 NAYS].)

Review List:

Atlanta City Council	Completed	11/05/2013 7:43 PM
Public Safety & Legal Administration Committee	Completed	07/05/2013 5:53 PM
Atlanta City Council	Completed	11/05/2013 8:54 PM
Public Safety & Legal Administration Committee	Completed	07/26/2013 5:10 PM
Atlanta City Council	Completed	11/08/2013 2:50 PM
Public Safety & Legal Administration Committee	Completed	08/20/2013 12:48 PM
Atlanta City Council	Completed	11/08/2013 3:36 PM
Public Safety & Legal Administration Committee	Completed	08/29/2013 3:50 PM
Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

06/17/13	Atlanta City Council
06/25/13	Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [3 TO 2]
AYES:	Keisha Lance Bottoms, Kwanza Hall, H. Lamar Willis
NAYS:	Michael Julian Bond, Clarence "C. T." Martin
ABSENT:	Ivory Lee Young Jr.
AWAY:	Cleta Winslow

07/01/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/9/2013 3:00 PM
07/09/13	Public Safety & Legal Administration Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/30/2013 3:00 PM
07/30/13	Public Safety & Legal Administration Committee	
08/19/13	Atlanta City Council	
08/27/13	Public Safety & Legal Administration Committee	
09/03/13	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/10/2013 3:00 PM
09/10/13	Public Safety & Legal Administration Committee	
09/16/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
10/01/13	Public Safety & Legal Administration Committee	
10/07/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 3:00 PM
10/15/13	Public Safety & Legal Administration Committee	
10/21/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/29/2013 3:00 PM
10/29/13	Public Safety & Legal Administration Committee	
11/04/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
11/12/13	Public Safety & Legal Administration Committee	
11/18/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

13-R-3272

SPONSOR SIGNATURES


Clarence "C. T." Martin, Councilmember


Keisha Lance Bottoms, Councilmember, District 11


Kwanza Hall, Councilmember, District 2


Michael Julian Bond, Councilmember, Post 1 -at-Large

A RESOLUTION BY COUNCILMEMBERS C.T. MARTIN, KEISHA LANCE BOTTOMS, KWANZA HALL AND MICHAEL JULIAN BOND TO MAKE THE VENDING LOCATIONS AROUND TURNER FIELD SPECIAL EVENT CATEGORY VENDING DURING THE ATLANTA BRAVES' BASEBALL SEASON; AND FOR OTHER PURPOSES.

(HELD 6/25/13 BY THE COMMITTEE FOR FURTHER REVIEW [2 NAYS].)

WHEREAS, the Atlanta Braves' baseball season is only for six month and cannot sustain year round public vending; and

WHEREAS, vendors such as Mr. Willie H. Brown d/b/a Moochie Sales and many others, began their public property vending careers in the Turner Field area as far back as seventeen to thirty years ago; and

WHEREAS, these vendors have dedicated their lives to this profession, have invested their time and energy, have provided for their families and educated their children from the proceeds of this endeavor; and

WHEREAS, allowing vendors to utilize the public vending locations at Turner Field will assist displaced vendors in recovering from the devastating ordeal they have had to endure while the city's vending program has played out in the court system; and

WHEREAS, it's in the best interest of the City and of the vending community that some form of protection be afforded to these vendors by allowing them the opportunity vend in the Special Event Category at Turner Field.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the current vendors with legitimate vending permits as of November 21, 2001, be allowed to resume vending at the designated locations around Turner Field in the Special Event Category during the Atlanta Braves' baseball season.

SECTION 2: Should any other vendors want to vend in the vacant designated locations would have to apply with the City of Atlanta and they would be selected once the necessary due diligence has been done on a first come basis.

SECTION 3: That all resolutions and parts of resolutions in conflict herewith be and the same are hereby waived to the extent of the conflict.

AN ORDINANCE BY COUNCILMAN MICHAEL J. BOND AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND SECTION 10-109.1 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION III (RENEWAL, REVOCATION TRANSFER) SO AS TO CREATE MANDATORY PROGRESSIVE PENALTIES FOR “DUE CAUSE” FINDINGS MADE BY THE LICENSE REVIEW BOARD AND PENALTIES IMPOSED BY THE MAYOR; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

(Held 9/10/13 at the author’s request for further discussion.)

Review List:

Atlanta City Council	Completed	09/19/2013 10:36 AM
Public Safety & Legal Administration Committee	Completed	09/19/2013 10:53 AM
Atlanta City Council	Completed	09/27/2013 12:38 PM
Public Safety & Legal Administration Committee	Completed	10/31/2013 11:17 AM
Atlanta City Council	Completed	10/22/2013 1:22 PM
Public Safety & Legal Administration Committee	Completed	10/23/2013 11:16 AM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Public Safety & Legal Administration Committee	Completed	11/08/2013 2:55 PM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

09/03/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION
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09/10/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Bottoms, Bond, Martin, Willis, Winslow, Young Jr.
ABSENT:	Kwanza Hall

09/16/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/1/2013 3:00 PM
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10/01/13 Public Safety & Legal Administration Committee

10/07/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** **Next: 10/15/2013 3:00 PM**

10/15/13 Public Safety & Legal Administration Committee APPROVED ON
SUBSTITUTE

RESULT: **APPROVED ON SUBSTITUTE [4 TO 0]**
AYES: Keisha Lance Bottoms, Michael Julian Bond, Kwanza Hall, Ivory Lee Young Jr.
ABSENT: H. Lamar Willis, Cleta Winslow
AWAY: Clarence "C. T." Martin

10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** **Next: 10/29/2013 3:00 PM**

10/29/13 Public Safety & Legal Administration Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** **Next: 11/12/2013 3:00 PM**

11/12/13 Public Safety & Legal Administration Committee

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: **REFERRED WITHOUT OBJECTION** **Next: 11/26/2013 12:30 PM**

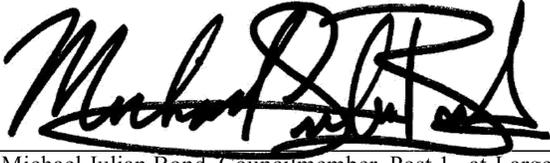
RESULT: **REFERRED WITHOUT OBJECTION** **Next: 11/26/2013 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA

13-O-1264

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond". The signature is stylized and somewhat cursive, with a large initial "M" and "J".

Michael Julian Bond, Councilmember, Post 1 -at-Large

**AN ORDINANCE BY COUNCILMAN MICHAEL J. BOND AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND SECTION 10-109.1 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION III (RENEWAL, REVOCATION TRANSFER) SO AS TO CREATE MANDATORY PROGRESSIVE PENALTIES FOR "DUE CAUSE" FINDINGS MADE BY THE LICENSE REVIEW BOARD AND PENALTIES IMPOSED BY THE MAYOR; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.
(HELD 9/10/13 AT THE AUTHOR'S REQUEST FOR FURTHER DISCUSSION.)**

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the city and its visitors; and,

WHEREAS, the alcoholic beverage laws, ordinances and regulations should be reviewed so as to ascertain and recommend improvements to the city's system of alcoholic beverage licensing and enforcement; and,

WHEREAS, pursuant to Resolution #11-R-0936, adopted June 20, 2011 and approved June 29, 2011, ATAG II was established; and,

WHEREAS, ATAG II was populated and held its first meeting on November 30, 2011; and

WHEREAS, ATAG II has held public input hearings in every quadrant of the city, has had experts from government and the private sector appear before its members, and has discussed, deliberated and debated the myriad of issues involved in the licensing and enforcement of alcoholic beverages; and

WHEREAS, one of the issues discussed, deliberated and debated by ATAG II was the imposition of penalties on licensees upon violations of the Alcoholic Beverage Code of Ordinances; and

WHEREAS, on May 8, 2013, ATAG II took a vote on each of myriad issues to determine whether to include a recommendation regarding each specific issue in a final report to the City Council;

WHEREAS, during the vote on May 8, 2013, ATAG II voted to approve the inclusion of a recommendation to City Council which addressed the imposition of penalties on licensees upon violations of the Alcoholic Beverage Code of Ordinances; and

WHEREAS, ATAG II specifically voted to "change the ordinance to include a penalty matrix for violations of the alcohol ordinance, such that for each type of violation there is a prescribed penalty for the first, second and third violation of the ordinance, and that the prescribed penalties increase with each violation of the ordinance;" and

WHEREAS, after ATAG II completed its vote on May 8, 2013, regarding each issue, ATAG II presented a report to the City Council entitled "Alcohol Technical Advisory Group Recommendations and Narrative Explaining Concepts" (hereinafter known as "ATAG II Recommendations"); and

WHEREAS, included within the ATAG II Recommendations was a specific narrative explaining ATAG II's recommendation and the concept that ATAG II envisioned for creating a matrix for assessing penalties for violations of the Alcoholic Beverage Code; and

WHEREAS, in its narrative, ATAG II explained the concept by stating the following:

"[A]s a function of the nature of the violation, the penalty for a first violation may involve only a financial penalty, or a fine and/or a short suspension of the license. A second violation (which may be similar to or different from the first) within a certain time of the first violation, may involve only a larger financial penalty, or a fine and/or a longer suspension of the license. A third violation (which may be similar to or different from the second) within a certain time of the second violation may result in only a very large financial penalty and/or revocation of and loss of the license. This is a conceptual explanation of how the 'progressive' three step or incremental penalty assessment framework should be structured" (a copy of ATAG II's Recommendation and Narrative Explaining Concepts for Concept Number 22 is attached hereto); and

WHEREAS, ATAG II's Recommendation and Narrative Explaining Concepts, including the above-cited language, was attached to and made a part of a Resolution 13-R-3271 adopted by the City Council July 1, 2013; and

WHEREAS, the City Council recognizes that the recently enacted legislation, 12-O-1734, which set forth specific penalties based on first, second and third violations, imposes a minimum suspension period for each and every violation of the Alcoholic Beverage Code regardless of the severity of the violation; and

WHEREAS, the City Council recognizes that the imposition of a minimum suspension on certain violations of the Alcoholic Beverage Code may have unintended consequences, as some violations are not so severe to warrant the imposition of a minimum suspension period, but rather, should be addressed through the imposition of a financial penalty instead; and

WHEREAS, the City Council recognizes that the Georgia Department of Revenue has had a long-standing policy of utilizing a penalty matrix in regard to the imposition of penalties for violations by alcohol license holders which: categorizes violations by severity, allows for consideration of both mitigating and aggravating circumstances related to violations, imposes only financial penalties for some violations and a mix of financial and suspension and/or revocation penalties for more severe violations, and which utilizes a three (3) year review period to assess the number of violations attributed to a licensee when imposing an adequate penalty for a current violation; and

WHEREAS, in addition to establishing a penalty matrix based on the category and severity of the violation, the City Council also desires to implement a finite period of time within which violations by alcohol license holders are calculated, comparable with that of the Georgia Department of Revenue's three (3) year review as referenced immediately above; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: Chapter 10, Article II, Division II, Section 10-109.1 of the Code of Ordinances of the City of Atlanta is hereby amended to delete the current language contained in said section and to insert in lieu thereof the following language:

Sec. 10-109.1 Mandatory progressive penalties for "due cause" findings by the License Review Board and penalties imposed by the Mayor.

- (a) Purpose. The purpose of this Subsection is to establish a standard by which the mayor may determine the financial penalties to be assessed, the length of license suspensions and/or the propriety of revocations after he or she reviews the conclusions and recommendations of the License Review Board following a “due cause” hearing. The License Review Board, in making its conclusions and recommendations, shall consider all of the standards established by this section. This section shall apply to licensees of all premises licensed under this Chapter and the penalties herein shall be presumed to be appropriate. The mayor may deviate from the presumptive penalty when he or she finds that there exists extenuating, aggravating, and/or mitigating, reasons to deviate, including, but not limited to a licensee's efforts, in combination with the state or the city, to prevent the sale of alcohol of minors, and those other circumstances as set forth in this section below. When deviating from these standards, the mayor shall provide written findings supporting the penalty selected.
- (b) Presumed Penalties for Violations. With respect to existing licenses, penalties for “due cause” findings by the mayor shall be as follows:
SEE ATTACHMENT 1

13-O-1264

AN ORDINANCE**BY COUNCILMAN MICHAEL J. BOND****AS SUBSTITUTED BY PUBLIC SAFETY-LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND SECTION 10-109.1 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION III (RENEWAL, REVOCATION TRANSFER) SO AS TO CREATE MANDATORY PROGRESSIVE PENALTIES FOR “DUE CAUSE” FINDINGS MADE BY THE LICENSE REVIEW BOARD AND PENALTIES IMPOSED BY THE MAYOR; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the city and its visitors; and,

WHEREAS, the alcoholic beverage laws, ordinances and regulations should be reviewed so as to ascertain and recommend improvements to the city’s system of alcoholic beverage licensing and enforcement; and,

WHEREAS, pursuant to Resolution #11-R-0936, adopted June 20, 2011 and approved June 29, 2011, ATAG II was established; and,

WHEREAS, ATAG II was populated and held its first meeting on November 30, 2011; and

WHEREAS, ATAG II has held public input hearings in every quadrant of the city, has had experts from government and the private sector appear before its members, and has discussed, deliberated and debated the myriad of issues involved in the licensing and enforcement of alcoholic beverages; and

WHEREAS, one of the issues discussed, deliberated and debated by ATAG II was the imposition of penalties on licensees upon violations of the Alcoholic Beverage Code of Ordinances; and

WHEREAS, on May 8, 2013, ATAG II took a vote on each of myriad issues to determine whether to include a recommendation regarding each specific issue in a final report to the City Council;

WHEREAS, during the vote on May 8, 2013, ATAG II voted to approve the inclusion of a recommendation to City Council which addressed the imposition of penalties on licensees upon violations of the Alcoholic Beverage Code of Ordinances; and

WHEREAS, ATAG II specifically voted to "change the ordinance to include a penalty matrix for violations of the alcohol ordinance, such that for each type of violation there is a prescribed penalty for the first, second and third violation of the ordinance, and that the prescribed penalties increase with each violation of the ordinance;" and

WHEREAS, after ATAG II completed its vote on May 8, 2013, regarding each issue, ATAG II presented a report to the City Council entitled "Alcohol Technical Advisory Group Recommendations and Narrative Explaining Concepts" (hereinafter known as "ATAG II Recommendations"); and

WHEREAS, included within the ATAG II Recommendations was a specific narrative explaining ATAG II's recommendation and the concept that ATAG II envisioned for creating a matrix for assessing penalties for violations of the Alcoholic Beverage Code; and

WHEREAS, in its narrative, ATAG II explained the concept by stating the following:

"[A]s a function of the nature of the violation, the penalty for a first violation may involve only a financial penalty, or a fine and/or a short suspension of the license. A second violation (which may be similar to or different from the first) within a certain time of the first violation, may involve only a larger financial penalty, or a fine and/or a longer suspension of the license. A third violation (which may be similar to or different from the second) within a certain time of the second violation may result in only a very large financial penalty and/or revocation of and loss of the license. This is a conceptual explanation of how the 'progressive' three step or incremental penalty assessment framework should be structured" (a copy of ATAG II's Recommendation and Narrative Explaining Concepts for Concept Number 22 is attached hereto); and

WHEREAS, ATAG II's Recommendation and Narrative Explaining Concepts, including the above-cited language, was attached to and made a part of a Resolution 13-R-3271 adopted by the City Council July 1, 2013; and

WHEREAS, the City Council recognizes that the recently enacted legislation, 12-O-1734, which set forth specific penalties based on first, second and third violations, imposes a minimum suspension period for each and every violation of the Alcoholic Beverage Code regardless of the severity of the violation; and

WHEREAS, the City Council recognizes that the imposition of a minimum suspension on certain violations of the Alcoholic Beverage Code may have unintended consequences, as some violations are not so severe to warrant the imposition of a minimum suspension period, but rather, should be addressed through the imposition of a financial penalty instead; and

WHEREAS, the City Council recognizes that the Georgia Department of Revenue has had a long-standing policy of utilizing a penalty matrix in regard to the imposition of penalties for violations by alcohol license holders which: categorizes violations by severity, allows for consideration of both mitigating and aggravating circumstances related to violations, imposes only financial penalties for some violations and a mix of financial and suspension and/or revocation penalties for more severe violations, and which utilizes a three (3) year review period to assess the number of violations attributed to a licensee when imposing an adequate penalty for a current violation; and

WHEREAS, in addition to establishing a penalty matrix based on the category and severity of the violation, the City Council also desires to implement a finite period of time within which violations by alcohol license holders are calculated, comparable with that of the Georgia Department of Revenue's three (3) year review as referenced immediately above; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: Chapter 10, Article II, Division II, Section 10-109.1 of the Code of Ordinances of the City of Atlanta is hereby amended to delete the current language contained in said section and to insert in lieu thereof the following language:

Sec. 10-109.1 Mandatory progressive penalties for "due cause" findings by the License Review Board and penalties imposed by the Mayor.

- (a) **Purpose.** The purpose of this Subsection is to establish a standard by which the mayor may determine the financial penalties to be assessed, the length of license suspensions and/or the propriety of revocations after he or she reviews the conclusions and recommendations of the License Review Board following a "due cause" hearing. The License Review Board, in making its conclusions and recommendations, shall consider all of the standards established by this section. This section shall apply to licensees of all premises licensed under this Chapter and the penalties herein shall be presumed to be appropriate. The mayor may deviate from the presumptive penalty when he or she finds that there exists extenuating, aggravating, and/or mitigating, reasons to deviate, including, but not limited to a licensee's efforts, in combination with the state or the city, to prevent the sale of alcohol of minors, and those other circumstances as set forth in this section below. When deviating from these standards, the mayor shall provide written findings supporting the penalty selected.
- (b) **Presumed Penalties for Violations.** With respect to existing licenses, penalties for "due cause" findings by the mayor shall be as follows:

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(1)	Failure to post sign indicating persons under 21 are prohibited in establishment.	10-14 10-109(a)(2)	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 1 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 1 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation
(2)	Failure of private club to submit names, addresses, telephone #s of each officer and director of private club, or any person(s) who will manage, operate, direct, supervise or otherwise have any control over the day-to-day operations of the private club, including sale of alcoholic bev. Failure to submit minutes of any meeting held during prior 12 months where salary of any member, director, officer, agent, employee of corporation was set. Failure to provide proof of tax exempt status under IRS section 501(c).	10-48(h)	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation

Sub-section No.	Type of Violation	Code Section	Penalty Recommendation 1 st Violation	Penalty Recommendation 2 nd Violation	Penalty Recommendation 3 rd Violation	Revocation	Revocation
(3)	Failure to timely renew.	10-61	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 1 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 1 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation
(4)	Failure to timely file CPA reports with renewals.	10-109(a)(18)	A Fine between \$500.00 - \$1,000.00, and/or a Suspension between 1 - 3 Days subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00, and/or a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(5)	Failure to timely pay excise taxes.	10-151 through 10-192 10-109(a)(8)	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 1 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 1 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation
(6)	Failure of employer to maintain employee permit where employee is required to have a permit.	10-206	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation
(7)	Failure to post sign about admission fee.	10-224	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation
(8)	Failure to post sign requiring identification.	10-225	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(9)	The violation by either the owner, licensee, management, employee, independent contractor, or anyone acting as an agent for or on behalf of any establishment licensed to sell alcohol of any of the city's ordinances which pertain to the posting of signage and/or banners found in chapters 138 and 16-28A if such violation is reasonably related to operation of licensed establishment and the owner or licensee knew or should have known of the posting.	10-109(a)(16)	A Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 1 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$0.00 - \$1,000.00 and a Suspension between 0 - 3 days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 0 - 3 Days, subject to mitigating and/or aggravating factors.	Revocation
(10)	Selling without an additional facility license.	10-60(a)(4)	A Fine between \$500.00 - \$1,500.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00, and/or a Suspension between 1 - 2 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 2 - 5 Days, subject to mitigating and/or aggravating factors.	A Fine between \$0.00 - \$2,500.00 and a Suspension between 2 - 5 Days, subject to mitigating and/or aggravating factors.	Revocation
(11)	Interior of package store not visible from outside.	10-72	A Fine between \$500.00 - \$1,000.00 and a Suspension of 1 - 3 Days subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00, and a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.	Revocation
(12)	Failure to post sign regarding removal of alcohol from premises.	10-212	A Fine between \$500.00 - \$1,500.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00, and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	Revocation
(13)	Failure to post sign on package store.	10-213	A Fine between \$500.00 - \$500.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00, and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00 and a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00 and a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(14)	Failure to abide by fire or health codes.	10-215	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension of 1 Day , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$1,500.00 and a Suspension of 1 Day , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,000.00 and a Suspension of 3 Days subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 5 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 5 Days , subject to mitigating and/or aggravating factors.	Revocation
(15)	Crediting drink price to cover charge or admission fee.	10-219	A Fine between \$500.00 and \$1,500.00 , subject to mitigating and/or aggravating factors.	A Fine between \$1000.00 and \$2,500.00 , and/or a Suspension between 1 - 2 Days , subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension of 5 Days , subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension of 5 Days , subject to mitigating and/or aggravating factors.	Revocation
(16)	No underage person loitering.	10-222	For all licensees except for retail consumption on premises licensees, a Fine of \$1000.00 and a Suspension of 1 Day , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$1,500.00 and a Suspension of 1 Day , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,000.00 and a Suspension of 3 Days subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 5 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 5 Days , subject to mitigating and/or aggravating factors.	Revocation

Sub-section No.	Type of Violation	Code Section	Penalty Recommendation 1 st Violation	Penalty Recommendation 2 nd Violation	Penalty Recommendation 3 rd Violation	Revocation	Revocation
(17)	Failure to uniformly apply dress code.	10-227	A Fine between \$500.00 - \$1,500.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00, and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00, and a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00, and/or a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.	Revocation
(18)	The failure of a licensee whose licensed premises directly abuts a public street directly to maintain all property outside the lot and property line and inside the curb line upon the public street, including any sidewalk, within reasonable time after the close of business each day.	10-109(a)(15)	<p>For all licensees except for retail consumption on premises licensees, a Fine between of \$500.00 and Suspension of 1 - 3 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$500.00 and a Suspension of 1 Day, subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 3 - 5 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$2,000.00 and a Suspension of 2 Days subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 - 10 days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 5 - 10 Days, subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 - 10 days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 5 - 10 Days, subject to mitigating and/or aggravating factors.</p>	Revocation

Attachment: Attachment 1 (13-O-1264 : Amend action 10-109.9 to create mandatory progressive penalties for "due cause" findings)

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(19)	Failure to abide by noise ordinance.	10-109(a)(17)	<p>For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension of 1 - 3 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine between \$500.00 - \$1,500.00 and/or a Suspension of 1 - 3 Days, subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension of 3 - 5 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,000.00 and/or a Suspension of 3 - 5 Days subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 5 Days, subject to mitigating and/or aggravating factors.</p>	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(20)	Operating beyond permitted hours / failure to timely clear patrons.	10-209	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors.	Revocation
(21)	Selling/serving to an underage person.	10-10 10-109(a)(2)	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000 and a Suspension between 3 - 5 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 3 - 5 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 5 - 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 5 - 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation , subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(22)	Failure to provide agreements that reflect or control ownership, division of profits, sharing of revenues of any kind, including payment of rents, or which agreements reflect any other arrangements in connection with ownership, rents, profit sharing or income application upon request of the Police Department, and/or failure to furnish any and all data, information, and records related to the operations of a licensed establishment, when such has been requested by the Police Department or the License Review Board.	10-31 10-109(a)(9)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(23)	Providing false information in an application.	10-49	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000 and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(24)	Failure to disclose change of ownership interest in liquor store.	10-64	A Fine between \$500.00 - \$1,000 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00 and/or a Suspension between 10 - 30 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors.	Revocation
(25)	Interest in more than two (2) liquor stores.	10-64	A Fine between \$500.00 - \$1,000 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00 and/or a Suspension between 10 - 30 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(26)	Interest in alcohol license by family of police officer.	10-65	A Fine between \$500.00 - \$1,000 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$1,000.00 and/or a Suspension between 10 - 30 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 10 - 30 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and Revocation, subject to mitigating and/or aggravating factors.	Revocation
(27)	Failure of package store to sell more than 14 ounces of malt beverages in a transaction.	10-74	A Fine of \$1,000 and a Suspension of 3 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 10 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(28)	Failure to provide proof that the licensee maintains contractual agreements for parking as required, or failure of licensee to report alcohol and food sales information as required.	10-106	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and a Suspension of 3 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension of 10 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(29)	Revocation of state license.	10-110	Revocation	N/A	N/A	N/A	N/A
(30)	Filing of false excise tax returns and/or failure to timely pay excise taxes.	10-151 through 10-192 10-109-(a)(8)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(31)	Adult Entertainment employee working without a permit.	10-206	A Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(32)	Employment of entertainer who is less than 18 years-of-age without permission of parent or guardian.	10-208	A Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors	A Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(33)	Selling/delivering alcohol beyond premises.	10-212	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 1 - 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension between 3 - 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(34)	Misrepresentation of alcohol product.	10-216	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(35)	Maintenance of Coin Operating Amusement Machines in package store.	10-221	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(36)	Discrimination in admission or cover charge.	10-223 10-224 10-109(a)(13)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(37)	Unlawful promotions.	10-226	For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors.	For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors.	For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(38)	Conduct of employer/entertainer.	10-228	For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 1 - 3 Days , subject to mitigating and/or aggravating factors.	For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 10 Days , subject to mitigating and/or aggravating factors.	For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(39)	The conviction of any felony reasonably related to the ability of the licensee to operate and maintain the premises in a proper manner.	10-109(a)(3)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 3 - 5 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 5 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension between 5 - 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 5 - 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation

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(40)	The violation of any section of O.C.G.A. tit. 10, ch. 1, art. 15, pt. 1 (O.C.G.A. § 10-1-370 et seq.), the Uniform Deceptive Trade Practices Act, reasonably related to the operation of licensed establishments.	10-109(a)(5)	<p>For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and/or a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 3 - 5 Days, subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and/or a Suspension between 5 - 10 Days, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and/or a Suspension between 5 - 10 Days, subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.</p>	<p>For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.</p> <p>For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 - 30 Days, or Revocation, subject to mitigating and/or aggravating factors.</p>	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(41)	Permitting the solicitation of patrons on the licensed premises for prostitution or any other unlawful act where the licensee or the licensee's employee or agent knew or should have known of such conduct.	10-109(a)(6)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(42)	The selling or serving of any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be in a state of intoxication.	10-109(a)(7)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation

<u>Sub-section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1st Violation</u>	<u>Penalty Recommendation 2nd Violation</u>	<u>Penalty Recommendation 3rd Violation</u>	<u>Revocation</u>	<u>Revocation</u>
(43)	The failure to obtain prior approval of the mayor after hearing by the license review board for changing the type of establishment operated pursuant to Section 10-62.	10-109(a)(11)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 3 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	Revocation
(44)	Permitting the sale of illegal drugs on the licensed premises where the licensee or the licensee's employee or agent knew or should have known of such conduct.	10-109(a)(19)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000 and a Suspension of 5 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 5 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 - \$1,000.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine between \$500.00 - \$2,500.00 and a Suspension of 10 Days , subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors. For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days , or Revocation, subject to mitigating and/or aggravating factors.	

(c) **Other Penalties.** When the penalty for violations of this Chapter or an applicable statute, ordinance, or rule regarding alcoholic beverages is without a presumptive penalty, the penalty shall be determined by the mayor after consideration of the License Review Board's conclusions and recommendations and any extenuating, aggravating and/or mitigating circumstances which the mayor deems to be appropriate.

(d) **Multiple Violations Within A Single "Due Cause" Hearing.** Following a "due cause" hearing before the License Review Board, and after consideration of the License Review Board's conclusions and recommendations, the mayor must act upon all of the violations that have been alleged in the notice letter sent to the licensee and shall dismiss any violation which was not specifically brought before and considered by the License Review Board for hearing.

~~When a licensee is alleged to have violated Section 10-109(b)(12) in conjunction with an alleged violation of one or more other sections of Chapter 10, the penalty for the violation of Section 10-109(b)(12) shall be merged with the penalty for the violation of the other section(s) so that only one penalty is assessed against the licensee.~~

The mayor shall consider the presumptive penalty for each violation which the mayor deems to have been proven during the License Review Board hearing separately under the appropriate column in Subsection (b) above. To determine the appropriate column, the mayor shall assess whether each specific violation constitutes the first, second, **third occurrence or revocation penalty** of the specific type of violation by the licensee within the period of time prescribed in Subsection (f) below. In assessing penalties for multiple violations, the mayor may use a combination of penalties, as long as he or she stays within the appropriate column for each violation and uses the range of penalties which corresponds to the violation. The occurrence of multiple violations is grounds for deviation from the presumed penalties in the mayor's discretion. In addition, the mayor may merge penalties for multiple violations into penalties for a lesser number of violations if the mayor deems it appropriate to do so.

(e) **Subsequent Violations Occurring After Notice Letter is Sent to Licensee.** An alleged violation occurring after the notice of hearing has been mailed, but prior to the hearing before the License Review Board, must be treated as a separate alleged violation and dealt with as a subsequent alleged violation, unless the licensee agrees in writing to add the subsequent alleged violation to the licensee's appearance before the License Review Board. An alleged violation occurring after the License Review Board has submitted its recommendations and conclusions to the mayor but before the mayor has made a decision shall require a new notice letter to the Licensee and a new hearing before the License Review Board.

(f) **Computation of Violations.** In determining the penalty for a current violation, the mayor may consider any previous violation of the same type which has occurred within thirty-six (36) months of the date of the current violation being considered for penalty. The date of the previous violation shall be the date from which the thirty-six (36) month period commences. In assessing a penalty for a specific violation, the mayor is prohibited from considering violations of the same type which took place more than thirty-six months before the occurrence of the violation being considered.

(g) **Extenuating, Aggravating and Mitigating Circumstances.** In determining the penalty to impose on a licensee for any violation or for multiple violations of the law by the licensee, the mayor may consider extenuating, aggravating and/or mitigating circumstances, including but not limited to the following:

1. Implementation and components of the licensee's written alcohol awareness training policies;
2. Implementation and results of licensee's engagement in a mystery shopper program;
3. Implementation and components of licensee's management and employee training program;
4. The number of violations of the licensed business in the city of Atlanta within the three (3) years immediately preceding the violations being considered;
5. The number of violations of the licensee in the city of Atlanta within the three (3) years immediately preceding the violations being considered;
6. The length of time the licensee has been in business;
7. Whether the compliance check was due to a complaint;
8. Whether identification was checked; and
9. Any other facts properly in the record deemed relevant by the mayor.

(h) **Public notice of "Due Cause" hearing.** A first read notice of a "due cause" charge(s) and hearing date shall appear on one of the two monthly License Review Board meeting agendas and shall serve as notice to the defendant/license holder and the general public. At the subsequent meeting, the License Review Board shall make a penalty recommendation to the mayor for each "due cause" charge.

Section 2: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

AN ORDINANCE BY COUNCILMEMBER KWANZA HALL TO ESTABLISH A NEW SECTION 10-130 (PRESENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 3 (SPECIAL PERMITS), SO AS TO AUTHORIZE THE ISSUANCE OF HOME-BREW SPECIAL EVENT PERMITS; TO IMPOSE A PERMIT FEE OF \$50.00 AS AUTHORIZED BY STATE LAW; TO WAIVE CITY CODE SECTION 2-45; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

(Held 11/12/13 at the request of the Law Department for further review of a new state law.)

Review List:

Atlanta City Council	Completed	11/07/2013 12:37 PM
Public Safety & Legal Administration Committee	Completed	11/20/2013 5:02 PM
Atlanta City Council	Completed	11/21/2013 4:07 PM
Public Safety & Legal Administration Committee	Pending	
Mayor's Office	Pending	

HISTORY:

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/12/2013 3:00 PM
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11/12/13 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [4 TO 0]
AYES:	Michael Julian Bond, H. Lamar Willis, Clea Winslow, Ivory Lee Young Jr.
AWAY:	Keisha Lance Bottoms, Clarence "C. T." Martin, Kwanza Hall

11/18/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/26/2013 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

13-O-1376

SPONSOR SIGNATURES



Kwanza Hall, Councilmember, District 2

AN ORDINANCE BY COUNCILMEMBER KWANZA HALL TO ESTABLISH A NEW SECTION 10-130 (PRESENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 3 (SPECIAL PERMITS), SO AS TO AUTHORIZE THE ISSUANCE OF HOME-BREW SPECIAL EVENT PERMITS; TO IMPOSE A PERMIT FEE OF \$50.00 AS AUTHORIZED BY STATE LAW; TO WAIVE CITY CODE SECTION 2-45; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

(HELD 11/12/13 AT THE REQUEST OF THE LAW DEPARTMENT FOR FURTHER REVIEW OF A NEW STATE LAW.)

WHEREAS, during the 2013 session of the Georgia General Assembly, House Bill 99 was enacted which authorized the issuance of home-brew special event permits by counties and municipalities and for such local authorities to provide for ordinances governing home-brew special events; and

WHEREAS, businesses and residents have expressed an interest in such home-brew special events to be held in the City of Atlanta.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: A new section 10-130 (presently reserved) of the Code of Ordinances of the City of Atlanta, Chapter 10 (Alcoholic Beverages), Article II (Dealers and Manufacturer), Division 3 (Special Permits), is hereby established, which shall provide as follows:

(a) Malt beverages produced under the provisions of O. C. G.A. 3-5-4 (malt beverages produced by a person in his or her private residence) may be removed from the residence where produced for transportation and delivery by the producer for use at home-brew special events in a quantity not to exceed 25 gallons, provided that such malt beverages are securely sealed in one or more containers and clearly labeled with the following information:

- (1) The name of the producer;
- (2) The address of the residence at which it was produced;
- (3) The name and address of the home-brew special event to which it is being transported; and
- (4) The permit number under which the home-brew special event is being held.

(b) If transported in a motor vehicle, the securely sealed containers shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(c)(l) A home-brew special event permit may be issued for the holding of home-brew special events, including contests, tastings, and judging at locations not otherwise licensed for the sale of alcoholic beverages.

(2) Consumption of malt beverages at home-brew special events shall be limited solely to malt beverages produced pursuant to O.e.G.A. 3-5-4 (malt beverages produced by a person in his or her private residence), and such malt beverages shall only be consumed by the participants in and judges of the home-brew special events.

Section 2: A home-brew special event permit shall cost \$50.00 and shall be valid for not more than six events per calendar year.

Section 3: That Chapter 2, Article II, Division 1, Section 2-45 (Establishment or change in fees; notice to public) is waived to the extent that it is applicable to this ordinance.

Section 4: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.



AN ORDINANCE

BY COUNCIL MEMBER KWANZA HALL

AN ORDINANCE TO ESTABLISH A NEW SECTION 10-130 (PRESENTLY RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 3 (SPECIAL PERMITS), SO AS TO AUTHORIZE THE ISSUANCE OF HOME-BREW SPECIAL EVENT PERMITS; TO IMPOSE A PERMIT FEE OF \$50.00 AS AUTHORIZED BY STATE LAW; TO WAIVE CITY CODE SECTION 2-45; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

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