

00- R-1814

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$1,000.00 IN SETTLEMENT OF THE
CLAIM OF MIRIAM H. KEMP
AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES

ADOPTED BY

APPROVED BY: NOV 20 2000

Rosalind Rubens Newell

- ROSALIND RUBENS NEWELL
- CONSENT REFER
- DEPUTY CITY ATTORNEY
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee <i>P.S. & L.A.</i>	Committee
Date <i>11/14/00</i>	Date
Chair <i>[Signature]</i>	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <i>[Signatures]</i>	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Consent V Vote RC Vote

CERTIFIED

CERTIFIED

NOV 20 2000

Dem M. Spans

COUNCIL PRESIDENT PROTEM

CERTIFIED

NOV 20 2000

Rosalind Rubens Newell

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 29 2000

MAYOR'S ACTION
BY ORDER

A RESOLUTION

00- R-1814

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE CLAIM
OF MIRIAM H. KEMP AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES**

WHEREAS, MIRIAM H. KEMP has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by James H. Coleman, an employee of the Department of Police Services and Ms. Kemp's vehicle; and

WHEREAS, the collision occurred as a result of the City employee driving left of the center line and collided claimant's vehicle.; and

WHEREAS, the claimant has asserted damages in the amount of \$3,000.00, but the claimant has agreed to accept the sum of \$1,000.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Miriam H. Kemp be settled for ~~the sum of \$1,000.00.~~

WHREAS, this claim was previously denied by City Council on January 18, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-0008 be hearby rescinded and that \$1,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Miriam H. Kemp may have stemming from damages sustained to her property on or about August 14, 1998.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

November 20, 2000

November 29, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0109

Date: November 2, 2000

Claimant /Victim MIRIAM H. KEMP
BY: (Atty) (Ins.Co.) _____
Address: 6570 Deshon Circle, Lithonia, Georgia 30058
Subrogation: Claim for Property damage \$ 3,000.00 Bodily Injury \$ _____
Date of Notice: 02/11/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/14/98 Place: Memorial Drive
Department Police Division: _____
Employee involved James H. Coleman Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle was driving left of the center line and collided with the claimant's vehicle causing damages in the above amount.

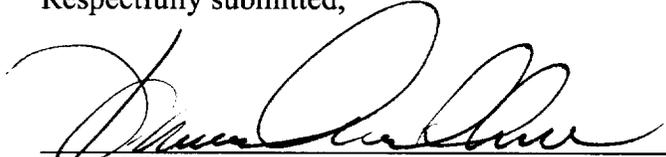
INVESTIGATION:

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

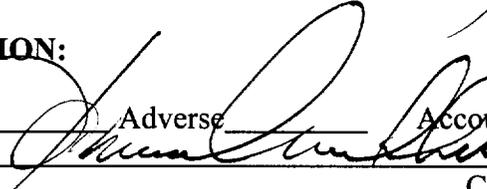
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ 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,

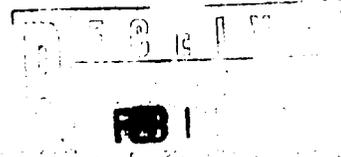

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 11-22-00
Committee Action: _____ Council Action _____

STATE PATROL - ATTACH P.R./T INCIDENT REPORT
MAYOR
1 copy 4 atty
Copy pictures

Mitchell
02/22/99
[Signature]



ENTERED - 2-23-99 - SB
99LO109 - DIANNE MITCHELL

MUNICIPAL CLERK OF THE CITY OF ATLANTA

RE: CLAIM FOR DAMAGES

MUNICIPAL CLERK

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Today's Date: 1/28/99

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3,000 property and/or NOT ESTIMATED bodily injury for which I contend the City is liable.

1. Date of incident: 8-14-98 2. Time of Incident: 9:45 AM 3. Police called: Yes No
(month/day/year)

4. Location of incident (including street address): MEMORIAL DR. E.

5. Name of your insurance company: STATE FARM INSURANCE Co. Policy No. *P21-8366-225-11B

6. State what and how incident occurred: (SEE ATTACHED)

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!

* ** CAR TOTAL LOSS PER STATE FARM - 8198 -
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 (copy of the current tag receipt or title).

Your vehicle: 1992 GEO STORM 2540-RT MIRIAM LEMP, (MOTHER)
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: TAURUS (SEE ATTACHED POLICE REPORT) CITY OF ATL POLICE
(Make) (City Driver's Name) (Department/Bureau)

Witness: NA
(Name) (Address) (Telephone Number)

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. This claim should be mailed immediately to the address shown above.

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

Miriam H. Kemp

MIRIAM H. KEMP
(Print Claimant's Name)
6570 Deshaun Dr.

Council President Pro Tem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
NV Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
NV Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

11/20/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690	30. 00-R-1815	55. 00-R-1816
2. 00-O-1691	31. 00-R-1849#	56. 00-R-1817
3. 00-O-1692	32. 00-R-1858	57. 00-R-1818
4. 00-O-1845	33. 00-R-1862	58. 00-R-1819
5. 00-O-1864	34. 00-R-1787*	59. 00-R-1820
6. 00-O-0728	35. 00-R-1790	60. 00-R-1821
7. 00-R-1702	36. 00-R-1791	61. 00-R-1822
8. 00-R-1703	37. 00-R-1794	62. 00-R-1823
9. 00-R-1705	38. 00-R-1798	63. 00-R-1824
10. 00-R-1707	39. 00-R-1861	64. 00-R-1825
11. 00-R-1850	40. 00-R-1686	65. 00-R-1826
12. 00-R-1865	41. 00-R-1843	66. 00-R-1827
13. 00-R-1851	42. 00-R-1869	67. 00-R-1828
14. 00-R-1873	43. 00-R-1870	68. 00-R-1829
15. 00-R-1622	44. 00-R-0973	69. 00-R-1830
16. 00-R-1623	45. 00-R-0816	70. 00-R-1831
17. 00-R-1699	46. 00-R-1803	71. 00-R-1832
18. 00-R-1775*	47. 00-R-1805	72. 00-R-1833
19. 00-R-1776*	48. 00-R-1806	73. 00-R-1834
20. 00-R-1777*	49. 00-R-1807	74. 00-R-1836
21. 00-R-1782	50. 00-R-1808	75. 00-R-1837
22. 00-R-1687	51. 00-R-1809	76. 00-R-1838
23. 00-R-1668	52. 00-R-1810	77. 00-R-1839
24. 00-R-1786	53. 00-R-1811	78. 00-R-1840
25. 00-R-1789	54. 00-R-1812	79. 00-R-1841
26. 00-R-1799		80. 00-R-1842
27. 00-R-1800		
28. 00-R-1813		
29. 00-R-1814		
		* President Pitts recused himself.
		# Lee Morris not voting.