

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE CASE OF CAROLINE MANN FLEMING SMITH V. CITY OF ATLANTA, ET. AL. CIVIL ACTION FILE NO. 99VS015464-D IN THE AMOUNT OF \$5,000.00

WHEREAS, Caroline Mann Fleming Smith filed a lawsuit against the City of Atlanta, Blasting Consultants & Services, Inc.; ETI Explosives Technologies International, Inc.; ETI Canada, Inc.; Union Espanola de Explosivos, S.A.; American East Explosives, Inc.; and Blastrite Services, a division of American East Explosives, Inc. in the State Court of Fulton County on June 25, 1999; and

WHEREAS, Plaintiff's decedent, James Kevin Fleming, was a 25 year-old equipment operator employed by Reynolds, Inc., a contractor hired to perform work on the Utoy Creek Combined Sewer Separation construction project; and

WHEREAS, On August 4, 1997, approximately 45 minutes after explosives were fired in the area, carbon monoxide gas migrated into a manhole under construction; and

WHEREAS, James Kevin Fleming entered said manhole filled with carbon monoxide gas to rescue another employee who had collapsed inside the manhole; and

WHEREAS, James Kevin Fleming was successful in his attempt to rescue said employee, but did not himself survive; and

WHEREAS, Caroline Mann Fleming Smith, the mother of James Kevin Fleming, brought a wrongful death action against the City and the other named Co-Defendants, as described above; and

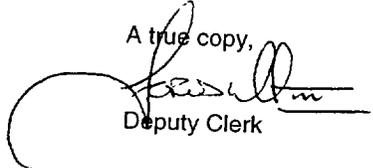
WHEREAS, the City Attorney's office has thoroughly investigated the facts and circumstances involved in this case and has determined that it is desirable and in the best interests of the City to settle this lawsuit for \$5,000.00 and Plaintiff, through her attorney, has agreed to accept such a settlement;

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that \$5,000.00 be paid by the City of Atlanta to the Plaintiff, Caroline Mann Fleming Smith, for the purpose of fully resolving all claims in the lawsuit styled: Caroline Mann Fleming Smith V. City Of Atlanta, et. al. Civil Action File No. 99vs015464-D; provided that Plaintiff dismisses the lawsuit with prejudice and executes a release satisfactory to the City Attorney; and



BE IT FURTHER RESOLVED that the City of Atlanta Department of Finance is authorized to issue a check for \$5,000.00 payable to the Plaintiff, Caroline Mann Fleming Smith and issued from account number 2J21/529017/T31001.

A true copy,



Deputy Clerk

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

DEC 04, 2000

DEC 13, 2000

00- -2013

(Do Not Write Above This Line)

AN RESOLUTION BY

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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ADOPTED BY

DEC 0 4 2000

COUNCIL

- CONSENT REFER
- 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 E. T. Martin
 Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd Readings
- Consent
- V Vote
- RC Vote
- 3rd

CERTIFIED

CERTIFIED
 DEC 4 2000
Dem M. Evans
 COUNCIL PRESIDENT PROTEM

CERTIFIED
 DEC 0 4 2000
Richard D. Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 1 3 2000

WITHOUT SIGNATURE BY OPERATION OF LAW

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

12/04/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1289	36. 00-R-1959	64. 00-R-1816
2. 00-O-1680	37. 00-R-1882	65. 00-R-1817
3. 00-O-1792	38. 00-R-1985	66. 00-R-1818
4. 00-O-1797	39. 00-R-1943	67. 00-R-1819
5. 00-O-1003	40. 00-R-1945	68. 00-R-1820
6. 00-O-1228	41. 00-R-1946	69. 00-R-1821
7. 00-O-1795	42. 00-R-1947	70. 00-R-1822
8. 00-O-1796	43. 00-R-1948	71. 00-R-1823
9. 00-O-1860	44. 00-R-1949	72. 00-R-1824
10. 00-O-1616	45. 00-R-1951	73. 00-R-1825
11. 00-O-1853	46. 00-R-1970	74. 00-R-1826
12. 00-O-1801	47. 00-R-2016	75. 00-R-1827
13. 00-O-1963	48. 00-R-1901	76. 00-R-1828
14. 00-O-1965	49. 00-R-1902	77. 00-R-1829
15. 00-R-1788	50. 00-R-1903	78. 00-R-1830
16. 00-R-1886	51. 00-R-1904	79. 00-R-1831
17. 00-R-1953	52. 00-R-1905	80. 00-R-1832
18. 00-R-1955	53. 00-R-1906	81. 00-R-1833
19. 00-R-2009	54. 00-R-1907	82. 00-R-1834
20. 00-R-2010	55. 00-R-1908	83. 00-R-1836
21. 00-R-2011*	56. 00-R-1909	
22. 00-R-1890	57. 00-R-1910	
23. 00-R-1937	58. 00-R-1911	
24. 00-R-1938	59. 00-R-1912	
25. 00-R-1939	60. 00-R-1913	
26. 00-R-1940	61. 00-R-1914	
27. 00-R-1988	62. 00-R-1915	
28. 00-R-2006	63. 00-R-1916	
29. 00-R-2013		
30. 00-R-1887		
31. 00-R-2015		
32. 00-R-1957		
33. 00-R-1958		
34. 00-R-1877		
35. 00-R-2008		

* President Pitts
recused himself.