

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY COUNCILMEMBER

Cosetta C. Mitchell :

AN ORDINANCE AUTHORIZING THE CITY
ATTORNEY TO SETTLE THE CASE OF *GLEN FALLS
INSURANCE COMPANY* v. *THE CITY OF ATLANTA* And
CHARLES DAVID SMITH, CIVIL ACTION NO. 01-VS-
017385, IN THE STATE COURT OF FULTON
COUNTY, GEORGIA, AND FOR OTHER PURPOSES

02-0-0672

WHEREAS, Charles David Smith, a long-time employee of the City of Atlanta, was involved in a traffic accident with the insured of the Glen Falls Insurance Company; and

WHEREAS, it appears that Mr. Smith, who was driving a city-owned vehicle at the time, was unable to stop his vehicle before it crashed into the vehicle driven by Glen Falls' insured; and

WHEREAS, Mr. Smith prior to this time had a safe driving record with the City, but it appears in the opinion of the City Attorney that it is likely that the court would find negligence on the part of the City employee-driver; and

WHEREAS, the recovery against the City is limited to the sum of \$2,000.00, without waiver of the relevant ordinance, but the Glen Falls Insurance Company, through its attorney has proposed a settlement which would include the employee Charles David Smith, provided the City would pay one-half the amount claimed, which is \$10,333,12, in compromise of the disputed claim; and

WHEREAS, in the opinion of the City Attorney the proposed settlement, in the total sum of \$5,166.56, is in the best interests of the City and will protect the employee:



NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF
THE CITY OF ATLANTA, GEORGIA:

Section 1: THAT the Interim City Attorney is hereby authorized on behalf of the City of Atlanta to settle the case of *Glen Falls Insurance Company v. the City of Atlanta and Charles David Smith*, Civil Action No. 01-VS-017385, in the State Court of Fulton County, Georgia, by paying to Glen Fall Insurance Company through its attorney the sum of \$ 5,166.56, in full settlement of all claims in said suit against the City of Atlanta and its employee, Charles David Smith;

Section 2: THAT the Acting Chief Financial Officer is authorized upon the voucher of the Interim City Attorney to issue the City's check in the sum of \$ 5,166.56, payable to the Glen Falls Insurance Company, and its attorney, Roger Howard, and to charge such amount to Account No. 1A01-529017-T31001, "Settlement of Suits and Claims."

Section 3: THAT all ordinances, or parts of ordinances, in conflict herewith are waived for the purpose of this ordinance in this transaction, and only for such purpose.

Glen Falls Settlement Ordinance 4/1/2002.1

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 06, 2002
MAY 14, 2002

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507; 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

**SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA**

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

**ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668**

CONSENT I

05/06/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADVERSED ON CONSENT AGENDA

1. 02-O-0666
2. 02-O-0678
3. 02-O-0681
4. 02-O-0684
5. 02-O-0487
6. 02-O-0491
7. 02-O-0686
8. 02-O-0687
9. 02-O-0688
10. 02-O-0086
11. 02-O-0672
12. 02-O-0689
13. 02-O-0563
14. 02-O-0673
15. 02-O-0674
16. 02-R-0512
17. 02-R-0680
18. 02-R-0598
19. 02-R-0697
20. 02-R-0600
21. 02-R-0658
22. 02-R-0702
23. 02-R-0480
24. 02-R-0507
25. 02-R-0501
26. 02-R-0604
27. 02-R-0704
28. 02-R-0607
29. 02-R-0608
30. 02-R-0609
31. 02-R-0610
32. 02-R-0611
33. 02-R-0612

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35. 02-R-0614
36. 02-R-0615
37. 02-R-0616
38. 02-R-0617
39. 02-R-0618
40. 02-R-0619
41. 02-R-0620
42. 02-R-0621
43. 02-R-0622
44. 02-R-0623
45. 02-R-0624
46. 02-R-0700

47. 02-R-0625
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 72. 02-R-0650
 73. 02-R-0651
 74. 02-R-0652
 75. 02-R-0653
 76. 02-R-0654
 77. 02-R-0655
 78. 02-R-0656
 79. 02-R-0657
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02-0 -0672

(Do Not Write Above This Line)

A ORDINANCE BY
COUNCILMEMBER _____

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO SETTLE THE CASE OF GLEN FALLS INSURANCE COMPANY v. THE CITY OF ATLANTA AND CHARLES DAVID SMITH, CIVIL ACTION NO. 01-VS-017385, IN THE STATE COURT OF FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

APPROVED BY:

[Signature]
CITY ATTORNEY
[Signature]
Deputy

ADOPTED BY

MAY 06 2002

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 4/1/02

Referred To: Public safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

PSLA

Date 4/9/02

Chair *[Signature]*

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

[Signatures]

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
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED

MAY 06 2002

ATLANTA CITY COUNCIL PRESIDENT

[Signature]
Catherine W. Woodard

CERTIFIED

MAY 06 2002

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
[Signature]
MAY 14 2002
MAYOR