

A RESOLUTION

02- R -1212

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,000.00 IN SETTLEMENT OF THE CLAIM OF CHARLES FLEMING, THROUGH HIS ATTORNEY PEGGY GOLDEN AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

WHEREAS, CHARLES FLEMING, through his attorney Peggy Golden has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Anthony Hayes, an employee of the Department of Police, and Mr. Fleming's vehicle; and

WHEREAS, the collision occurred when the City employee's vehicle rear-ended with the claimant's vehicle; and

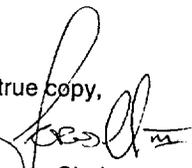
WHEREAS, the claimant has asserted damages in the amount of \$7,263.64, but has agreed to accept the sum of \$2,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **CHARLES FLEMING through his attorney, Peggy Golden** be settled for the sum of \$2,000.00.

WHEREAS, this claim was previously approved by City Council on May 6, 2002 for payment to Charles Fleming in the amount of \$763.64.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 02-R-0616 be hereby rescinded and that \$2,000.00 be paid by the City of Atlanta in satisfaction of any and all claims **CHARLES FLEMING, through his attorney, Peggy Golden** may have stemming from damages sustained as a result of a vehicular collision that occurred at Allene Avenue and Elbert Street on January 29, 2002.

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,

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

JULY 15, 2002
JULY 22, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0178

Date: 06/25/02

Claimant /Victim CHARLES FLEMING
BY: (Atty)(Ins.) Peggy Golden
Address: Ressie B. Jones Building 1050 Spring Street, NW Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 7,263.64 Bodily Injury \$
Date of Notice: 02/21/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/29/02 Place: Allene Avenue and Elbert Street
Department Police Division: FOD
Employee involved Officer Anthony Hayes Disciplinary Action: Pending

NATURE OF CLAIM: The brakes on the City vehicle malfunctioned causing the City driver to rear end the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral X
Pictures Diagrams X 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 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 06-27-02
Committee Action: Council Action

RCS# 3893
7/15/02
5:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11; EXCEPT 02-R-1278

ADOPT

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

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

1st Consent I Vote: 15 Yeas; 0 Nays (See RCS #3874)
Reconsidered 11 Yeas; 0 Nays (See RCS #3892)

CONSENT I

		07/15/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1255	34. 02-R-1229	52. 02-R-1197
2. 02-O-1256	35. 02-R-1230	53. 02-R-1198
3. 02-O-1262	36. 02-R-1231	55. 02-R-1199
4. 02-O-0969	37. 02-R-1252	56. 02-R-1200
5. 02-O-1149	38. 02-R-1183	57. 02-R-1201
6. 02-O-1100	39. 02-R-1184	58. 02-R-1202
7. 02-O-1175	40. 02-R-1185	59. 02-R-1203
8. 02-O-1105	41. 02-R-1186	60. 02-R-1204
9. 02-O-1109	42. 02-R-1187	61. 02-R-1205
10. 02-O-1110	43. 02-R-1188	62. 02-R-1206
11. 02-O-1111	44. 02-R-1189	63. 02-R-1207
12. 02-O-1112	45. 02-R-1190	64. 02-R-1208
13. 02-O-1113	46. 02-R-1191	65. 02-R-1209
14. 02-O-1114	47. 02-R-1192	66. 02-R-1210
15. 02-O-1115	48. 02-R-1193	
16. 02-O-1116	49. 02-R-1194	
17. 02-O-1117	50. 02-R-1195	
18. 02-O-1144	51. 02-R-1196	
19. 02-R-0363		
20. 02-R-1225		
21. 02-R-1249		
22. 02-R-1250		
23. 02-R-1251		
24. 02-R-1263		
25. 02-R-1276		
26. 02-R-1277		
27. 02-R-1214		
28. 02-R-1215		
29. 02-R-1274		
30. 02-R-1211		
31. 02-R-1212		
32. 02-R-1227		
33. 02-R-1228		

02-R -1212

(Do Not Write Above This Line)

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A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,000.00 IN SETTLEMENT OF THE CLAIM OF CHARLES FLEMING AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

APPROVED BY:


ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADOPTED BY

JUL 15 2002

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

Date Referred

Referred To:

Date Referred

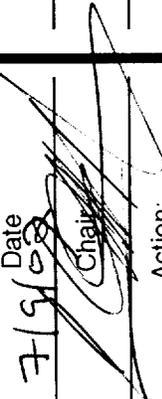
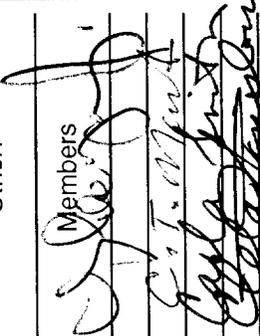
Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee PSA
Date 7/9/02
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
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED

JUL 15 2002

ATLANTA CITY COUNCIL PRESIDENT

Calvin W. Wooldred

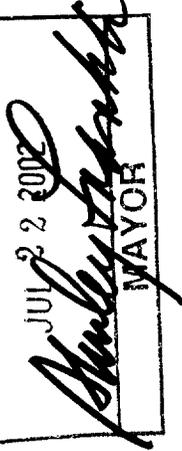
CERTIFIED

JUL 15 2002

Frankie Douglas Johnson
MUNICIPAL CLERK

APPROVED

JUL 22 2002


MAYOR