



02-R-1331

AMENDED  
RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$4,286.62 IN SETTLEMENT OF THE CLAIM  
OF JOSPEH P. MEYER, AGAINST THE CITY OF ATLANTA**

**WHEREAS, JOSEPH P. MEYER** has filed a claim against the City of Atlanta seeking damages arising out of vehicular damages sustained when he drove his motor vehicle over a improperly secured City sewer construction cut in the roadway; and

**WHEREAS,** on September 12, 2001 the claimant was proceeding to drive on Peachtree Battle Avenue when he drove over a metal plate covering a ditch that was the width of the roadway of 446 Peachtree Battle Avenue; and

**WHEREAS,** the metal plate had slipped away from the ditch causing major damages to claimant's vehicle; and

**WHEREAS,** the claimant has asserted damages in the amount of \$4,993.69 but has agreed to accept the sum of \$4,286.62 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 **JOSEPH P. MEYER** be settled for the sum of \$4,286.62.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$4,286.62 be paid by the City of Atlanta in satisfaction of any and all claims **JOSEPH P. MEYER** may have stemming from vehicle damages sustained by him on or about September 12, 2001 at 446 Peachtree Battle Avenue, NW.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 2J01/529017/T31001.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

AUG 19, 2002  
AUG 26, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0795

Date: 07/15/02

Claimant /Victim: JOSEPH P. MEYER

BY: (Atty)

Address: 2515 Woodward Way Atlanta, Georgia 30305

Subrogation: Claim for Property damage \$ 4,993.69 Bodily Injury \$

Date of Notice: 12/12/01 Method: Written, proper X Improper

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

Date of Occurrence 09/12/01 Place: 446 Peachtree Battle Avenue, NE

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant sustained damages to his vehicle after driving over an improperly secured City sewer construction site in the roadway causing damages in the above amount. The City had notice of the condition of the roadway prior to the claimant's accident. The City has taken the necessary steps to repair the roadway.

INVESTIGATION:

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

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 X Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 4,286.62 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: Concur/date 07-17-02

Committee Action: Council Action



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**08/19/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-1181
2. 02-O-1221
3. 02-O-1222
4. 02-O-1282
5. 02-O-1300
6. 02-O-1245
7. 02-O-1293
8. 02-O-1294
9. 02-O-1223
10. 02-O-1220
11. 02-O-1289
12. 02-O-1291
13. 02-O-1273
14. 02-O-1224
15. 02-O-1232
16. 02-O-1233
17. 02-O-1287
18. 02-R-1362
19. 02-R-1283
20. 02-R-1288
21. 02-R-1334
22. 02-R-1279
23. 02-R-1331
24. 02-R-1332
25. 02-R-1333
26. 02-R-1338
27. 02-R-1349
28. 02-R-1350
29. 02-R-1348
30. 02-R-1303
31. 02-R-1304
32. 02-R-1305
33. 02-R-1306

**ITEMS ADVERSED  
ON CONSENT AGENDA**

34. 02-R-1307
35. 02-R-1308
36. 02-R-1309
37. 02-R-1310
38. 02-R-1311
39. 02-R-1312
40. 02-R-1313
41. 02-R-1314
42. 02-R-1315
43. 02-R-1316
44. 02-R-1317
45. 02-R-1318
46. 02-R-1319
47. 02-R-1320
48. 02-R-1321
49. 02-R-1322
50. 02-R-1323
51. 02-R-1324
52. 02-R-1325
53. 02-R-1326
54. 02-R-1327
55. 02-R-1328
56. 02-R-1329
57. 02-R-1330

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1<sup>st</sup> Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)  
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272

02-1331

(Do Not Write Above This Line)

**A RESOLUTION  
BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING  
PAYMENT IN THE AMOUNT OF  
\$4,286.62 IN SETTLEMENT OF THE  
CLAIM OF JOSEPH P. MEYER  
AGAINST THE CITY OF ATLANTA AND  
FOR OTHER PURPOSES**

APPROVED BY:

**ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY**

**AUG 19 2002**

**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 Willie Chan C.T. Moore  
Referred to \_\_\_\_\_

Committee \_\_\_\_\_  
Date 7/30/02  
Chair Willie Chan C.T. Moore  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members Willie Chan, C.T. Moore, [Signature]  
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
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED

AUG 19 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

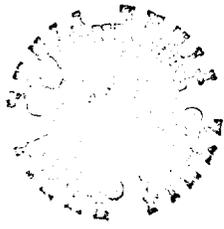
CERTIFIED

AUG 19 2002

Renee Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

Shirley Franklin  
AUG 26 2002  
MAYOR



A RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

02-R-1332

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$3,707.35 IN SETTLEMENT OF THE CLAIM  
OF GREGORY A. TEAL, SR. AGAINST THE CITY OF  
ATLANTA**

**WHEREAS**, Gregory A. Teal, Sr. has filed a claim against the City of Atlanta seeking damages arising out of a collision between his vehicle and a City garbage truck operated by Kassey Smith, an employee of the Bureau of Solid Waste Services; and

**WHEREAS**, the collision occurred as a result of the City employee backing into Mr. Teal's parked vehicle; and

**WHEREAS**, the Bureau of Solid Waste Services performs ministerial functions and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS**, the claimant has asserted damages in the amount of \$3,707.35 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of