

Entered - 08/07/02 - sb
CL02L0559 - DIANNE C. MITCHELL

03-*R*-0091

Ms
MUNICIPAL CLERK
2003

CLAIM OF: **MICHAEL VARNETT THOMPSON**
1182 Cahaba Drive
Atlanta, Georgia 30311

For damages alleged to have been sustained as a result of his property being disposed of after his arrest on August 2, 2000 at 1141 Bankhead Highway.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL FEB 03 2003

Cathie W. Woodard
ATLANTA CITY COUNCIL PRESIDENT
FEB 03 2003
CERTIFIED

ADVERSE REPORT

COMM: *Public Safety*
DATE: *11-28-03*
CHAIR: *[Signature]*
Alan Rowson
[Signature]
[Signature]
[Signature]
[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 6, 2003

Michael Varnett Thompson
1181 Cahaba Drive
Atlanta, Georgia 30311

03-R-0091

Dear Mr. Thompson:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 03, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0559

Date: January 15, 2003

Claimant /Victim MICHAEL VARNETT THOMPSON

BY: (Atty)(Ins. Co.)

Address: 1182 Cahaba Drive, Atlanta, Georgia 30311

Subrogation: Claim for Property damage \$ 280.00 Bodily Injury \$

Date of Notice: 08/05/02 Method: Written, proper X Improper

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

Date of Occurrence 08/02/00 Place: 1141 Bankhead Highway

Department Police Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his property was seized by police when he was arrested on August 2, 2000. The investigation determined that the claimant's property was held as evidence until March 17, 2001 when the property status was changed and the claimant was sent a notice to retrieve the property. The claimant did not retrieve the property within the specified time and it has been disposed of in accordance with the departmental rules and procedures. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

Pictures Diagrams 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 X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 01-16-03

Committee Action: Council Action

RCS# 4417
2/03/03
2:27 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7: Except 02-0-2096

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

CONSENT I

2/03/03 FULL COUNCIL MEETING

**Items Adopted on the
Consent Agenda**

1. 03-O-0033
2. 03-O-0123
3. 03-O-0109
4. 02-O-1038
5. 03-O-0105
6. 03-O-0057
7. 03-O-0111
8. 03-R-0121
9. 03-R-0069
10. 03-R-0070
11. 03-R-0071
12. 03-R-0072
13. 03-R-0073
14. 03-R-0074
15. 03-R-0075
16. 03-R-0076
17. 03-R-0077
18. 03-R-0078
19. 03-R-0079
20. 03-R-0126
21. 03-R-0090

**Items Adversed on the Consent
Agenda**

22. 03-R-0091
23. 03-R-0092
24. 03-R-0093
25. 03-R-0094
26. 03-R-0095
27. 03-R-0096
28. 03-R-0097
29. 03-R-0098
30. 03-R-0099
31. 03-R-0100

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4417)
Item Removed from the Consent Agenda: 02-O-2096