

Entered - 02/11/03 - sb  
CL03L0095 - DIANNE C. MITCHELL

CLAIM OF: **RONALD SMALLS**  
**201 Moury Avenue**  
**Apt. 704**  
**Atlanta, Georgia 30315**

**03-2-1408**

For damages alleged to have been sustained as a result of vehicular damage due to a storm sewer overflow on September 21, 2002 at Westview Drive.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**



**CERTIFIED**  
ATLANTA CITY COUNCIL PRESIDENT  
SEP 15 2003  
*Cathon W. Hubbard*

**CERTIFIED**  
MUNICIPAL CLERK  
SEP 15 2003  
*R. L. Dampkins*

### ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 9/9/03

CHAIR: \_\_\_\_\_

*Mary Norwood*

*[Signature]*

\_\_\_\_\_

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

September 30, 2003

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

Ronald Smalls  
201 Moury Ave.  
Apartment 704  
Atlanta, GA 30315

03-R-1408

Dear Mr. Smalls:

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 September 15, 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. 03L0095

Date: August 21, 2003

Claimant /Victim RONALD SMALLS

BY: (Atty)(Ins. Co.)

Address: 201 Moury Avenue, #704, Atlanta, Georgia 30315

Subrogation: Claim for Property damage \$ 2,300.66 Bodily Injury \$

Date of Notice: 02/11/03 Method: Written, proper X Improper

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

Date of Occurrence 09/21/02 Place: Westview Drive

Department Watershed Management Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to the flooding of the street at the above location. The investigation determined that the City had no notice of any problems with the sewer system prior to the claimant's incident. Furthermore, the flooding on the date in question was due to a heavy amount of rainfall for which the City is not responsible.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X 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 X 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,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 08-27-03

Committee Action: Council Action

RCS# 5027  
9/15/03  
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-13, EXCEPT:03-R-1449  
03-R-1460, 03-R-1463  
ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 2

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

CONSENT I

<b>9-15-03 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 03-O-1347	35. 03-R-1399
2. 03-O-1451	36. 03-R-1400
3. 03-O-1311	37. 03-R-1401
4. 03-O-1443	38. 03-R-1402
5. 03-O-1319	39. 03-R-1403
6. 03-O-1317	40. 03-R-1404
7. 03-O-1441	41. 03-R-1405
8. 03-O-1447	42. 03-R-1406
9. 03-O-1109	43. 03-R-1407
10. 03-O-1329	44. 03-R-1408
11. 03-O-1330	45. 03-R-1409
12. 03-R-1371	46. 03-R-1410
13. 03-R-1372	47. 03-R-1411
14. 03-R-1373	48. 03-R-1412
15. 03-R-1374	49. 03-R-1413
16. 03-R-1437	50. 03-R-1414
17. 03-R-1458	51. 03-R-1415
18. 03-R-1459	52. 03-R-1416
19. 03-R-1383	53. 03-R-1417
20. 03-R-1446	54. 03-R-1418
21. 03-R-1456	55. 03-R-1419
22. 03-R-1316	56. 03-R-1420
23. 03-R-1337	57. 03-R-1421
24. 03-R-1381	58. 03-R-1422
25. 03-R-1382	59. 03-R-1423
26. 03-R-1449	60. 03-R-1424
27. 03-R-1390	61. 03-R-1425
28. 03-R-1392	62. 03-R-1426
29. 03-R-1393	63. 03-R-1427
30. 03-R-1394	64. 03-R-1428
31. 03-R-1395	65. 03-R-1429
32. 03-R-1396	66. 03-R-1430
33. 03-R-1397	67. 03-R-1431
34. 03-R-1398	68. 03-R-1432

**Consent I Vote:** 10 Yeas; 0Nays: (See RCS #5027); 9Yeas; 0Nays: (See RCS #5008)

**Items Removed from the Consent Agenda:** 03-R-1460; 03-R-1463; Mitchell abstained on 03-R-1449;