



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

04-R-1916

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$21,749.88 IN SETTLEMENT OF THE CLAIM OF CAROL WILLIAMS, THROUGH HER ATTORNEY, NEIL J. KOPITSKY AGAINST THE CITY OF ATLANTA TO BE PAID FROM ACCOUNT NUMBER 2P01(SOLID WASTE SERVICES) 529017(PROPERTY LIQUIDATION) T31001(NON DEPARTMENTAL) AND FOR OTHER PURPOSES

WHEREAS, Carol Williams, through her attorney, Neil J. Kopitsky, has filed a claim against the City of Atlanta seeking damages arising out of a collision with a vehicle operated by an employee of the Bureau of Solid Waste Services; and

WHEREAS, the collision occurred when the brakes failed on a Solid Waste Services truck causing the driver of same to rear end a MARTA bus on which the claimant was riding; and

WHEREAS, the claimant asserted damages in the amount of \$300,000.00 but has agreed to accept the sum of \$21,749.88 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Carol Williams, through her attorney, Neil J. Kopitsky, be settled for the sum of \$21,749.88.

WHEREAS, the claimant's previous attorney had filed a claim on her behalf but abandoned the claim and the Council of the City of Atlanta adopted an adverse recommendation on February 2, 2004.

THEREFORE, BE IT RESOLVED that Resolution 04-R-0117 be hereby rescinded.

BE IT FURTHER RESOLVED that the Council of the City of Atlanta, Georgia that \$21,749.88 be paid by the City of Atlanta in satisfaction of any and all claims Carol Williams, through her attorney, Neil J. Kopitsky, may have stemming from damages sustained due to a motor vehicle collision on or about August 14, 2004 at Browns Mill Road and Jonesboro Road.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2P01(Solid Waste Services) 529017 (Property Liquidation)T31001(Non Departmental).

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 01, 2004
NOV 05, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0732

Date: October 13, 2004

Claimant /Victim CAROL WILLIAMS
BY: (Atty) Neil Kopitsky
Address: 100 Colony Square, Suite 820, 1175 Peachtree Street, Atlanta, Georgia 30361
Subrogation: Claim for Property damage \$ Bodily Injury \$ 300,000.00
Date of Notice: 09/08/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/14/03 Place: Browns Mill Road and Jonesboro Road
Department Public Works Bureau: Solid Waste Services
Employee involved Darryl D. Winfrey Disciplinary Action: No Action Taken/Equipment Failure

NATURE OF CLAIM: The claimant alleges she was injured when the MARTA bus in which she was riding was rear ended by a City Solid Waste Services truck. This accident occurred as a result of brake failure.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

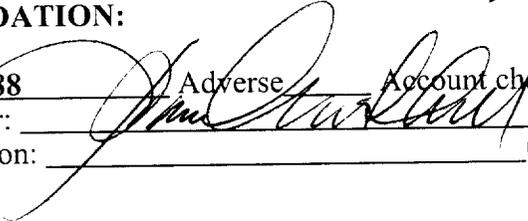
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 21,749.88 Adverse X Account charged: 1A01 2J01 2H01 2P01 X
Claims Manager:  Concur/date 10/13/04
Committee Action: Council Action

RCS# 6199
11/01/04
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 3-15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	E Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

CONSENT I

		11-01-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1626	38. 04-R-1878	48. 04-R-1162
2. 04-O-1795	39. 04-R-1940	49. 04-R-1172
3. 04-O-1796	40. 04-R-1908	50. 04-R-1178
4. 04-O-1828	41. 04-R-1909	51. 04-R-1782
5. 04-O-1819	42. 04-R-1910	52. 04-R-1900
6. 04-O-1929	43. 04-R-1911	53. 04-R-1901
7. 04-O-1758	44. 04-R-1912	54. 04-R-1902
8. 04-O-1932	45. 04-R-1913	55. 04-R-1903
9. 04-O-1430	46. 04-R-1914	56. 04-R-1904
10. 04-O-1926	47. 04-R-1915	57. 04-R-1905
11. 04-O-1885		58. 04-R-1906
12. 04-O-1937		59. 04-R-1907
13. 04-O-1941		
14. 04-R-1893		
15. 04-R-1894		
16. 04-R-1895		
17. 04-R-1916		
18. 04-R-1917		
19. 04-R-1918		
20. 04-R-1920		
21. 04-R-1896		
22. 04-R-1897		
23. 04-R-1898		
24. 04-R-1899		
25. 04-R-1930		
26. 04-R-1884		
27. 04-R-1886		
28. 04-R-1888		
29. 04-R-1889		
30. 04-R-1890		
31. 04-R-1891		
32. 04-R-1928		
33. 04-R-1938		
34. 04-R-1870		
35. 04-R-1871		
36. 04-R-1874		
37. 04-R-1945		

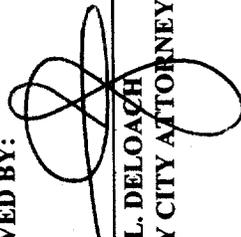
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T31001(NON DEPARTMENTAL) AND FOR OTHER
PURPOSES

APPROVED BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADOPTED BY
NOV 0 1 2004

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
Referred 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

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd Readings
- Consent
- V Vote
- RRC Vote

CERTIFIED

CERTIFIED

NOV 0 1 2004

ATLANTA CITY COUNCIL PRESIDENT

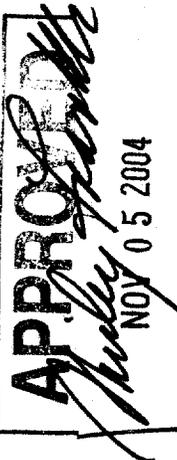


CERTIFIED

NOV 0 1 2004


MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 0 5 2004

MAYOR