

Entered - 12/03/04 - sb  
CL - 03L0937 - LISA CARTER

04-R-0080

**CLAIM OF: BELLSOUTH**  
675 W. Peachtree Street, NE  
Atlanta, Georgia 30375

For damages alleged to have been sustained as result of a city employee cutting tree limbs on July 9, 2003 at the intersection of Ashwood Avenue and Pick Fair Way.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **BELLSOUTH** the sum of **\$4,337.31** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a city employee cutting tree limbs on July 9, 2003 at the intersection of Ashwood Avenue and Pick Fair Way as is more particularly set forth in the within claim; said sum taken from and charged to account **2P01/529017/T31001**.

**ADOPTED BY**  
FEB 0 2 2004  
**COUNCIL**

FEB 0 2 2004

**APPROVED: LINDA K. DISANTIS**  
CITY ATTORNEY

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

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 1/27/04  
C-43  
Charles Henderson  
Nasir Donwood  
Harold Smith  
Robert Smith  
Carla Smith

**CERTIFIED**  
FEB 0 2 2004  
Municipal Clerk  
K. L. D. [Signature]

**APPROVED**  
FEB 1 9 2004  
[Signature]  
**MAYOR**



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-0080**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **BellSouth** in the sum of **\$4,337.31** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of a city employee cutting tree limbs on July 9, 2003 at the intersection of Ashwood Avenue and Pick Fair Way** as set forth in the within claim; said sum taken from and charged to Account 2P01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
APPROVED by the Mayor**

FEB 02, 2004  
FEB 10, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0937

Date: January 13, 2004

Claimant /Victim BELLSOUTH

BY: (Atty) (Ins. Co.)

Address: 675 W. Peachtree Street, NE Atlanta, Georgia 30375

Subrogation: Claim for Property damage \$ 4,337.31 Bodily Injury \$

Date of Notice: 11/26/03 Method: Written, proper X Improper

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

Date of Occurrence 07/09/03 Place: Intersection of Ashwood Avenue and Pick Fair Way

Department Public Works Bureau: Solid Waste Services Division:

Employee involved Willie Wiggins Disciplinary Action: No action taken

NATURE OF CLAIM: The claimant alleges that it sustained damages to its telephone cables as result of a city employee cutting tree limbs at the intersection of Ashwood Avenue and Pick Fair Way. An investigation determined that a Solid Waste Service employee was cutting tree limbs at this location and accidentally cut the telephone cables as he was trimming the trees causing damages in the above amount.

INVESTIGATION:

Statements: City employee X Claimant Others Written X Oral

Pictures 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 X

City not involved Offer rejected Compromise settlement

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

Claimant Negligent X City Negligent X Joint Claim Abandoned

Respectfully submitted,

Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 4,337.31 Adverse Account charged: 1A01 2J01 2P01 X

Claims Manager: Concur/date 07/11/04

Committee Action: Council Action

RCS# 5372  
2/02/04  
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14 EXCEPT; 04-R-0185,  
04-R-0186  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
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	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>2-02-4 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 04-O-0033	41. 04-R-0088
2. 04-O-0037	42. 04-R-0089
3. 04-O-0151	43. 04-R-0090
4. 04-O-0159	44. 04-R-0091
5. 04-O-0153	45. 04-R-0092
6. 04-R-0176	46. 04-R-0093
7. 04-R-0133	47. 04-R-0094
8. 04-R-0178	<b>ITEMS ADVERSED ON CONSENT</b>
9. 04-R-2123	48. 04-R-0096
10. 04-R-0135	49. 04-R-0097
11. 04-R-0136	50. 04-R-0098
12. 04-R-0137	51. 04-R-0099
13. 04-R-0138	52. 04-R-0100
14. 04-R-0139	53. 04-R-0101
15. 04-R-0145	54. 04-R-0102
16. 04-R-0146	<b>55.</b> 04-R-0103
17. 04-R-0147	56. 04-R-0104
18. 04-R-0148	57. 04-R-0105
19. 04-R-0149	58. 04-R-0106
20. 04-R-0150	59. 04-R-0107
21. 04-R-0154	60. 04-R-0108
22. 04-R-0160	61. 04-R-0109
23. 04-R-0161	62. 04-R-0110
24. 04-R-0162	63. 04-R-0111
25. 04-R-0164	64. 04-R-0112
26. 04-R-0184	65. 04-R-0113
27. 04-R-0140	66. 04-R-0114
28. 04-R-0170	67. 04-R-0115
29. 04-R-0076	68. 04-R-0116
30. 04-R-0077	69. 04-R-0117
31. 04-R-0078	70. 04-R-0118
32. 04-R-0079	71. 04-R-0119
33. 04-R-0080	72. 04-R-0120
34. 04-R-0081	73. 04-R-0121
35. 04-R-0082	74. 04-R-0122
36. 04-R-0083	75. 04-R-0123
37. 04-R-0084	76. 04-R-0124
38. 04-R-0085	
39. 04-R-0086	
40. 04-R-0087	