

12-R-0436

(Do Not Write Above This Line)

A RESOLUTION  
BY THE PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CARL GENTRY v. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2011CV200116, PENDING IN FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$48,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 170201 (DEPARTMENTAL); 5750002 (ACCOUNT); 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY  
ERIC RICHARDSON  
DEPUTY CITY ATTORNEY

ADOPTED BY  
APR 16 2012  
COUNCIL

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

PSLA Committee

Date 3/25/12

Chair [Signature]

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

[Signatures]

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

FINAL COUNCIL ACTION  
 2nd  1st & 2nd  3rd  
Readings  
 Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
APR 16 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED  
APR 16 2012

[Signature]  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 25 2012

WITHOUT SIGNATURE  
BY OPERATION OF LAW



A RESOLUTION

12-R-\_\_\_\_\_

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CARL GENTRY v. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2011CV200116, PENDING IN FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$48,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Carl Gentry v. City of Atlanta, et al., is a case in which the Plaintiff alleges personal injury damages resulting from stepping onto a replacement water meter cover that was not properly fitted;

WHEREAS, Plaintiff alleges that he suffered serious bodily injury as a result of the City of Atlanta's failure to properly maintain and replace the water meter cover after determining that the original cover did not fit properly;

WHEREAS, Plaintiff sought damages for personal injuries, physical pain and suffering, medical expenses incurred as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$48,000.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$48,000.00 to settle all claims against the City of Atlanta;



THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of Carl Gentry v. City of Atlanta, et al., in the amount of Forty – Eight Thousand Dollars and no Cents (\$48,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from Fund 5051 (Water & Wastewater Revenue Fund), 170201 (Departmental), 5750002 (Account), 4310000 (Functional Activity). Payment shall be in the form of a check in the amount of \$48,000.00 payable to Cash V. Morris, PC., Mayer & Harper, LLP, 297 Prince Avenue, Suite 24, Athens, GA 30601. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

APR 16, 2012  
APR 25, 2012

		04-16-12
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 12-O-0298	38. 12-R-0416	
2. 12-O-0306	39. 12-R-0417	
3. 12-O-0307	40. 12-R-0418	
4. 12-O-0447	41. 12-R-0419	
5. 12-O-0459	42. 12-R-0420	
6. 12-O-0292	43. 21-R-0421	
7. 12-O-0206	44. 12-R-0422	
8. 12-O-0291	45. 12-R-0423	
9. 12-O-0235	46. 12-R-0424	
10. 12-O-0373	47. 12-R-0425	
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16. 12-R-0403	53. 12-R-0431	
17. 12-R-0404	54. 12-R-0432	
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20. 12-R-0406	56. 12-R-0434	
21. 12-R-0460		
22. 12-R-0461		
23. 12-R-0462		
24. 12-R-0463		
25. 12-R-0390		
26. 12-R-0441		
27. 12-R-0407		
28. 12-R-0456		
29. 12-R-0435		
30. 12-R-0436		
31. 12-R-0413		
32. 12-R-0414		
33. 12-R-0415		
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35. 12-R-0468		
36. 12-R-0469		
37. 12-R-0470		

RCS# 1860  
4/16/12  
2:25 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I  
MONDAY, APRIL 16, 2012; EXCEPT 12-R-0451  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

NV Smith	B Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I