



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, December 8, 2010

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Johnny Sinclair, Ward 3 Council Member introduces Pastor David Eldridge, StoneBridge Church

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20101278 Government Finance Officers Association Award

Sam Lady, Finance Director, and Beth Keller, Accounting Manager, City of Marietta Finance Department, receive the GFOA Award for the 23rd consecutive year. The Certificate of Achievement for "Excellence in Financial Reporting" is given by the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR). The GFOA Press Release states "This Certificate is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management."

PROCLAMATIONS:

20101313 Proclamation - Center for Family Resources

Proclamation presented to Jeri Barr, CEO and Brian Noyes, Board Member for Cobb Family Resources for their 50th Anniversary.

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR,
COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

- * **20101301** **Regular Meeting - November 10, 2010**

 Review and approval of the November 10, 2010 regular meeting minutes.

- * **20101302** **Special Meeting - November 18, 2010**

 Review and approval of the November 18, 2010 special called meeting minutes.

- * **20101327** **Special Meeting - December 6, 2010**

 Review and approval of the December 6, 2010 special called meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

- * **20101279** **Planning Commission Appointment**

 Appointment of R. W. (Bob) Kinney to the Planning Commission (Ward 6) for a three-year term, expiring December 14, 2014.

ORDINANCES:

20101190 Z2010-13 Patrick Vince Lanzo 1051 South Marietta Parkway

Z2010-13 [REZONING] PATRICK VINCE LANZO request rezoning for property located in Land Lot 05040, District 17, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1051 South Marietta Parkway from CRC (Community Retail Commercial) to CRC w/stipulations (Community Retail Commercial w/stipulations). Ward 7.

Planning Commission recommends approval Vote: 6 – 0 – 0

Motion: Mr. Kinney made a motion to recommend to City Council that this request be approved, seconded by Mr. Diffley.

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20101304 Denial of Claim**

Denial of the claim of Zakiya Makini.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20101086 CDBG Supplemental Allocation**

Approval of a Resolution authorizing the reallocations of \$178,129 of FFY-08 CDBG funds to the YWCA expansion of their domestic violence shelter (\$50,000) and slum and blight clearance (\$128,129).

*** 20101159 CDBG Sub-recipient Agreement**

Approval of a Resolution authorizing the execution of the FFY'10 CDBG Sub-recipient Agreement with Cobb County.

* **20101215 Annual revision to the Administrative Plan**

Approval of a Resolution authorizing revisions to the Housing Choice Voucher Program Administrative Plan.

* **20101262 Land Donation**

Motion approving acceptance of a land donation designated as 240 Frasier Street from Charles H., Annette L., and Sylvia A. Smith and authorizing the City Attorney to take legal action necessary to transfer deed to the property by December 31, 2010.

2. Finance/Investment: Annette Lewis, Chairperson

* **20101259 Donation from Legion Home of Marietta**

Approval of an Ordinance approving an amendment to the Fiscal Year 2011 Fire Museum budget to receive and appropriate a donation from Legion Home of Marietta, Inc. for \$2,250 for fire museum purchases.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20101092 Southern Polytechnic University Campus Police**

Approval of an Ordinance amending City Code to add section 10-4-220 Enforcement of City Ordinances on the Campus of Southern Polytechnic State University.

* **20101257 2011 Legislative Agenda**

Motion to approve the 2011 Legislative Agenda.

Council members Goldstein and Sinclair voting against the Prescription Database.

* **20101263 2011 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates for 2011.

* **20101269 SB 370 - Water Supply and Water Conservation**

Approval of an Ordinance amending City Code Section 6-8-4-020 to comply with SB 370.

* **20101252 Personal Care Homes and Assisted Living Facilities**

Motion to authorize advertisement to amend the Comprehensive Development Code of the City of Marietta, Division 708.01 (B), Division 708.02 (B), Division 708.03 (B), Division 708.04 (B), Division 712.02 (B) and Division 724.02, regarding group homes and personal care homes.

20101319 18 Whitlock Avenue Lease for Gone with the Wind Museum

Motion approving the lease for 18 Whitlock Avenue for use by the Gone with the Wind Museum, between the Marietta Welcome Center and Visitors Bureau and the city of Marietta.

* **20101256 Gone with the Wind Memorabilia Collection Lease Renewal**

Motion to approve the renewal of the contract with Dr. Chris Sullivan for the lease of his Gone with the Wind Memorabilia collection.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20101261 City Club, Marietta Management Contract Renewal**

Motion authorizing renewal of the management contract between the City and Classic Golf Management, Inc. for operation of the City Club, Marietta through December 31, 2013.

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20101238 Civil Service Board Appointment**

Appointment of Leon King to the Civil Service Board (Post 3) to fill the expiring term of Leon King, for a three (3) year term expiring December 31, 2013.

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20101155 Barclay Circle Traffic Calming Devices**

Motion approving five (5) speed tables with pedestrian crossings on Barclay Circle to be constructed by Life University with design and location to be approved by Public Works.

* **20101232 ADA Parking on West Park Square**

Motion authorizing Public Works to convert the two southwestern most parking spaces on West Park Square to one ADA parking space and ADA access isle.

Council member Goldstein disclosed that he, his family members and/or entities own property in the downtown area.

Council member Goldstein abstaining.

20101332 ADA Parking on North Park Square

Motion authorizing Public Works to modify ADA parking on North Park Square as follows:

1. Convert existing ADA parking on North Park Square to two standard parking spaces.
2. Convert the two northwestern most parking spaces on North Park Square to one ADA parking space and ADA access isle.

Council member Goldstein disclosed that he, his family members and/or entities own property in the downtown area.

Council member Goldstein abstaining

SCHEDULED APPEARANCES:

20101316 Michael O' Brien, 420 Williamson Street, Marietta
Speaking relative to "Club Kongas," 401 Roselane Marietta
Business License: Ruben Dario Montes, REMD Productions, Inc. d/b/a Kongas
Nightclub
Ward 7

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

* **20101324 Employee Medical Center Site Lease**

Motion approving the attached Lease Agreement for property located at 78 Atlanta Street for the employee medical center.

Council member Pearlberg voting against. Council member Goldstein abstaining.

20101321 Motion to Rescind

Motion to Rescind Legistar Number 20101274 Entitled 2011 SPLOST Project List as approved on Thursday, November 18, 2010 Special Called Council Meeting.

20101322 Motion to Rescind

Motion to Rescind Legistar Number 20101275 Entitled 2011 SPLOST Intergovernmental Agreement as approved on Thursday, November 18, 2010 Special Called Council Meeting.

20101320 2011 SPLOST

Motion approving the 2011 Draft SPLOST Intergovernmental Agreement for the use and distribution of proceeds from the 2011 Special Purpose Local Option Sales Tax (SPLOST) for capital outlay projects from Cobb County. Further, authorizing the City Manager, City Attorney and Mayor to make modifications to the 2011 Draft SPLOST Intergovernmental Agreement based upon the proposed four (4), five (5) or six (6) years sales tax projection as passed by a vote of the Cobb County Board of Commissioners on Tuesday, December 7, 2010 and other modifications as needed.

20101323 2011 SPLOST Project List

Motion approving the selection of Option 1 (4 years), Option 2 (5 years), or Option 3 (6 years) SPLOST project list as approved by the vote of the Cobb County Board of Commissioner's at their December 7, 2010 scheduled meeting.

20101303 BLW Actions of December 6, 2010

Approval of the December 6, 2010 actions and minutes of the Marietta Board of Lights and Water

ADJOURNMENT: