



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Ruben Sands, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, August 10, 2016

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Stuart Fleming, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20160824 Marietta High School Football Team

Marietta celebrates the opening of Marietta City Schools, the introduction of the 2016 Seniors of the Marietta Blue Devils football team and Coach Richard Morgan Jr and his coaching staff.

20160835 Dr. Curtis McClung/Motorola Award of Excellence

Recognition of Four Officers from the Marietta Police Department for the CRASE (Civilian Response to Active Shooter Events) seminars that they had been presenting for the citizens of Marietta. They won during a special Awards Banquet at the GACP (Georgia Association of Chiefs of Police) Summer Conference in Savannah, Georgia on July 25th.

PROCLAMATIONS:

20160790 Marietta Art in the Park

Recognition of Marietta Art in the Park celebrating 30 years on the square
September 3-5, 2016.

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

Each speaker is allotted five (5) minutes.

20160809 Scheduled Appearance - Larry Wills

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:

- * **20160793 Regular Meeting - July 13, 2016**
Review and approval of the July 13, 2016 regular meeting minutes
- * **20160794 Special Meeting - July 27, 2016**
Review and approval of the July 27, 2016 special meeting minutes.
- * **20160810 Executive Session Minutes**
Review and approval of the following executive session minutes:
May 13, 2015 Agenda Review Session
May 13, 2015 City Council Meeting
May 27, 2015 Special Called Agenda Work Session
June 8, 2015 Agenda Work Session
June 10, 2015 Agenda Review Session

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

* **20160670** **Z2016-21 [SPECIAL LAND USE PERMIT] REPUBLIC SERVICES (CIVIL & ENVIRONMENTAL CONSULTANTS)**

Z2016-21 [SPECIAL LAND USE PERMIT] REPUBLIC SERVICES (CIVIL & ENVIRONMENTAL CONSULTANTS) for property in the corporate limits of the City of Marietta, Georgia in Land Lot 1005, District 16, Parcel 0220, 2nd Section, Marietta, Cobb County, Georgia, and being known 325 Marble Mill Road, only to alter the configuration of the parking lots, as shown on the attached site plan, for the existing waste transfer facility.

The Planning Commission recommended this be approved as Stipulated

Ms. McCrae made a motion to deny. No second was made. The motion died due to lack of a second.

Mr. Poor made a motion, seconded by Mr. Diffley to recommend approval as submitted strictly for the changes shown on the site plan. The motion carried 5 1 0. Ms. McCrae opposed.

Public Hearing (all parties are sworn in)

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore and/or his firm.

* **20160676** **Z2016-23 [REZONING] F & L INVESTMENTS, L.P.**

Z2016-23 [REZONING] F & L INVESTMENTS, L.P. is requesting the rezoning of 5.674 acres located in Land Lots 728, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2253 Northwest Parkway from LI (Cobb County) to LI (City). Ward 7A.

The Planning Commission recommended this item for approval.

Mr. Vanderslice made a motion, seconded by Mr. Hicks to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in)

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore and/or his firm.

* **20160677** **A2016-03 [ANNEXATION] F & L INVESTMENTS, L.P.**

A2016-03 [ANNEXATION] F & L INVESTMENTS, L.P. is requesting the annexation of property located in Land Lot 728, District 17, Parcel 0050 (also known as 2253 Northwest Parkway), of the 2nd Section, Cobb County, Georgia consisting of 5.674 acres. Ward 7A.

The Planning Commission recommended this item for approval.

Mr. Diffley made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in)

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore and/or his firm.

* **20160681** **CA2016-06 [CODE AMENDMENT]**

CA2016-06 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lot 728, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2253 Northwest Parkway, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 7A.

The Planning Commission recommended this item for approval.

Mr. Vanderslice made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in)

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore and/or his firm.

* **20160678** **Z2016-24 [REZONING] WADE HOLDINGS, LLC**

Z2016-24 [REZONING] WADE HOLDINGS, LLC is requesting the rezoning of 3.75 acres located in Land Lot 728, District 17, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2255 Northwest Parkway from LI (Cobb County) to LI (City). Ward 7A.

The Planning Commission recommended this item for approval.

Mr. Vanderslice made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in)

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore and/or his firm.

* **20160679** **A2016-04 [ANNEXATION] WADE HOLDINGS, LLC**

A2016-04 [ANNEXATION] WADE HOLDINGS, LLC is requesting the annexation of property located in Land Lot 728, District 17, Parcel 0040 (also known as 2255 Northwest Parkway), of the 2nd Section, Cobb County, Georgia consisting of 3.75 acres. Ward 7A.

The Planning Commission recommended this item for approval.

Mr. Diffley made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in)

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore and/or his firm.

* **20160680** **CA2016-07 [CODE AMENDMENT]**

CA2016-07 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lot 728, District 17, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2255 Northwest Parkway, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 7A.

The Planning Commission recommended this item for approval.

Mr. Vanderslice made a motion, seconded by Ms. McCrae to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in)

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore and/or his firm.

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20160799** **Denial of Claim**

Denial of the claim Jamie Yerber-Burris, Shaun Satterwhite and Kajuan Yerger.

* **20160837** **Denial of Claim**

Denial of the claim for Robert Stanley and Barbara Stanley.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:**COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson***** 20160737 Recommended FFY2017 CDBG Projects**

Approval of a Resolution authorizing the submittal of the City's FFY2017 Recommended Community Development Block Grant (CDBG) projects to Cobb County CDBG for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD).

2. Finance/Investment: Stuart Fleming, Chairperson*** 20160731 Donation to the Tree Preservation Fund by PRO Building Systems (Ed Voyles Honda)**

Ordinance approving an amendment to the Fiscal Year 2017 Tree Preservation Fund budget to receive and appropriate a donation from PRO Building Systems, Inc. (Ed Voyles Honda).

*** 20160742 Donation to the Tree Preservation Fund by Craftsmen Business Interiors, Inc. (Christ the Redeemer Church)**

Ordinance approving an amendment to the Fiscal Year 2017 Tree Preservation Fund budget to receive and appropriate a donation from Craftsmen Business Interiors, Inc. (Christ the Redeemer Church).

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20160730 Preliminary Plat - Sun Lucas (770, 780, 786, 790 Powers Ferry Road)**

Motion to approve the preliminary plat for a new subdivision, annexed and rezoned (Z2015-32) in October 2015.

*** 20160743 Detailed Plan for Heritage Ridge Single Family Homes - 1725 White Circle**

Motion to approve the detailed plan for 1725 White Circle. The 9.65 acre proposed Single Family Homes community was rezoned to PRD-SF with stipulations in September 2014.

* **20160640 Church Cherokee Streets Historic District**

Approval of an Ordinance designating portions of Church Street, Cherokee Street, Freyer Drive, Seminole Drive, and Frances Avenue as a local Historic District.

PUBLIC HEARING REQUIRED

Council member Goldstein disclosed that he is the owner of four (4) parcels in the proposed Church-Cherokee Street Historic District.

Council member Fleming disclosed that he is the owner of property at 564 Cherokee Street in the proposed Church-Cherokee Street Historic District.

Council members Fleming and Goldstein abstaining.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

5. Personnel/Insurance: Johnny Walker, Chairperson

* **20160736 Property & Casualty/Miscellaneous Coverage**

Motion approving the City of Marietta/BLW property & casualty and other miscellaneous coverage, premiums, and companies utilized for the policy period of August 17, 2016, to August 17, 2017.

20160747 Limited Appeal Rights of Surviving Spouse as to Beneficiary Benefits:

Motion to approve recommendation of amendment of City of Marietta Consolidated Retirement Plan for consideration of Pension Board subject to compliance with Federal and State laws and all promulgated rules and regulations of all regulating bodies thereto:

Notwithstanding any other provision to the contrary in the City of Marietta Consolidated Retirement Plan, a non-employee surviving spouse who was married for at least 1 year to and was married at the time of death to a City of Marietta employee who was vested in the Consolidated Retirement Plan and had yet to retire and file a beneficiary designation form ("qualified employee") shall have the option and right to apply for pension benefits of qualified employee that could have been extended to said surviving spouse if beneficiary form had been completed. The pension benefit shall be determined at the joint beneficiary rate of 50% as adjusted for death benefits paid in lieu of "no pension benefits" including any refund of participant contributions and payment of life insurance proceeds of qualified employee either paid previously to surviving spouse or that could have been paid to surviving spouse.

Appeal/application period shall be open for 2 years following the death of the qualified employee addressed to the Pension Board subject to approval by Council for period following effective date of this amended ordinance and the limited period of five years following the death of the qualified employee prior to the adoption of this amendment (from October 2011 forward). Determinations will be on a case-by-case basis by Pension Board. Pension annuity shall commence upon approval of appeal with no recapture of payments from date of death of qualified employee with the Pension Board given flexibility to allow Appealing Beneficiary to retain employee death benefits paid previously in lieu of pension as calculated and then commence adjusted pension annuity benefits, as adjusted, commencing at a later date reflecting the amount of retained benefit or any combination thereto. Upon determination and detail of distribution of benefit by Pension Board, said decision is subject to approval of City Council. These amended spousal protection distributions shall be funded from the pension fund.

This amended provision is limited to the above stated surviving spouse of qualified deceased employee for stated periods with no other appeal rights created, implied, or stated.

This item is requested by Mayor Tumlin.

6. Public Safety Committee: Ruben Sands, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson**

- * **20160660** **2011 SPLOST Project Funding Reallocation**

Motion authorizing Public Works to reallocate project funding to balance projects and allocate additional proceeds received.

- * **20160755** **Intergovernmental Agreement for GDOT Regional Traffic Operations Program**

Motion authorizing revision to the RTOP agreement with GDOT to include all state routes.

- * **20160758** **Forest Avenue No Parking Zone**

Motion authorizing a No Parking Zone along the North side of Forest Ave. between North Forest Ave. and Cherokee St.

Council Member Chalfant Abstains

- * **20160759** **Chestnut Hill Road Driver Speed Feedback Signs**

Motion authorizing two driver speed feedback signs on Chestnut Hill Road near Tumlin Park.

- * **20160812** **Speed Limit on Sequoia Drive, Iroquois, & Etowah Dr. N. of Chicopee Drive**

Motion to establish the speed limit at 25 mph on Sequoia Drive, Iroquois, and Etowah Drive North of Chicopee Drive requested by Councilman Morris.

OTHER BUSINESS:**20160722** **Appeal Hearing - Officer Written Order of Case # 14-0000971 560 Powder Springs Street, Wynhaven Property**

Appeal hearing required for boarded up buildings located at 560 Powder Springs Street (Wynhaven).

Motion to (affirm) (reverse) the order of the Director of Development Services for the City of Marietta dated June 27, 2016.

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore.

Mayor Tumlin as Chairman of the Board of the BLW discloses that Kevin Moore represents, as legal counsel, the Marietta Board of Lights and Water.

* **20160800 Charter Amendment for Salary of Mayor, Mayor Pro Tem and Members of the City Council effective January, 2018.**

Motion to approve the second reading of Amendment to the Charter for City of Marietta Section 2.12 and Section 2.7 related to Compensation for the Mayor of the City of Marietta, the Mayor Pro Tem and the members of the City Council, effective January, 2018.

Second Reading

Public Hearing

Council member Chalfant opposed.

20160808 Marietta Municipal Court

Motion to authorize staff to examine operational and budgetary issues related to changing court positions.

This item is requested by Mayor Tumlin

* **20160840 Property Acquisition 426/428 Frasier Street**

Motion authorizing acquisition of 426/428 Frasier Street from Daniel C. Vite per the executed contract in exchange for \$200,000 from the 2009 Parks Bond Fund.

20160795 BLW Actions of August 8, 2016

Review and approval of the August 8, 2016 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: