



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, 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, February 13, 2008

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:05 p.m.

INVOCATION:

Mayor Dunaway called upon Van Pearlberg who in turn asked Mr. Amos Williams, Pastor of the Liberty Hill Mission Baptist Church, to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Fran Diedrich, City of Marietta Personnel Director, to lead the Pledge of Allegiance.

PRESENTATIONS:

PROCLAMATIONS:

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

Mayor Dunaway mentioned that the Marietta Kiwanis Club would make an announcement on February 14, 2008 regarding Victory Park. The Kiwanis Club has adopted Victory Park as a major project this year.

Mayor Dunaway announced that on February 26, 2008 at 6:00 p.m., he would begin having "Discussions with Dunaway", a citywide town hall meeting.

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).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

A motion was made by Council member Goldstein, seconded by Council member King, to suspend the rules of order to add, 1) Resolution relating to House Bill 938, 2) an appointment to the Americans with Disabilities Advisory Board, 3) the employment contract for the Executive Director of the Marietta Redevelopment Corporation, 4) a motion related to the condemnation of property located 567 and 595 Roswell Street, 5) a budget amendment related to the KABOOM project, and 6) a motion to except a donation of right-of-way located at 43 S Fairground Street. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

(See agenda items 20080176, 20080065, 20080177, 20080178, 20080175 and 20080179)

-under Ordinances: Agenda item 20080111 should not show Council member Goldstein abstaining.

-under Personnel: Agenda item 20080050 was added to the consent agenda.

-under Public Safety: Agenda item 20070617 was added to the consent agenda.

-under Public Works: Agenda item 20080170 was added to the consent agenda and was amended to read, "Ordinance amending chapter 5-4 Streets and Sidewalks of the Marietta City Code by adding Section 5-4-180 Modification of Sidewalks within the Central Business District; Permit Required, with the following amendments: 1) Item B5 shall read, "...inappropriate language by the City Council, the City Manager or the Director of Public Works."

2) Item B7 shall be added to read, "All bricks shall only contain the names of donors, organization, memorial and/or dates."

-under Public Works: Agenda item 20071408 was added to the consent agenda.

A motion was made by Council member Walquist, seconded by Council member Coleman, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council members Pearlberg and Coleman voting against agenda item 20080175.

-Council members Lewis and Walquist voting against agenda item 20080165.

-Council member Goldstein abstaining on agenda items 20080170, 20071408, 20080107, 20080124, 20080110, 20080108 and 20080144.

MINUTES:

- * **20080084 Special Meeting - January 16, 2008**
Review and approval of the January 16, 2008 special meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved
- * **20080085 Regular Meeting - January 9, 2008**
Review and approval of the January 9, 2008 regular meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:

- * **20080064 Ethics Committee Appointment**
Reappointment of Warren Herron to the Ethics Committee for a term of two years expiring on March 12, 2010.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved

CITY COUNCIL APPOINTMENTS:**ORDINANCES:**

- * **20080107 Code Enforcement - 1124 Burbank Circle**
Ord 7126 An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1124 Burbank Circle.
Owner: Spivak Helen A
Certified mail receipt not received as of 01-30-08
Taxes paid: Yes
PUBLIC HEARING REQUIRED
This Matter was Approved on the Consent Agenda.
Vote: 6 - 0 - 1 Approved
Abstain: 1 - Philip M. Goldstein
- * **20080108 Code Enforcement - 496 Barnes Mill Drive**
Ord 7127 An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the

corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.

Owner: Lanham Marjorie Juanita

Certified mail receipt not received as of 01-30-08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20080110 Code Enforcement - 442 Roosevelt Circle**

Ord 7128

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 442 Roosevelt Circle.

Owner: Ramiro Rodriguez

Certified mail receipt not received as of 01/29/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20080111 Code Enforcement - 232 McInstosh Avenue**

Ord 7129

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 232 McIntosh Avenue.

Owner: Ramiro Rodriguez

Certified mail receipt received 01/16/08; signed by Karen Rodriguez

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20080124 Code Enforcement - 213 Gramling Street**

Ord 7130

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 213 Gramling Street.

Owner: Hal Vester Miles, Jr.

* **20080050 Construction Board of Adjustment and Appeals**

Motion to reappoint Steve Arrants to the Construction Board of Adjustment and Appeals (Ward 2) for a five-year term, expiring January 31, 2013.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20080073 Amendment of Personnel Rules and Regulations**

Ord 7133

Ordinance approving amendments to the Personnel Rules and Regulations contained in Part 4, Subsection 16-080 of the Code of Ordinance for revisions to current standards.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20071436 Marietta Cobb New Markets Fund, Inc.**

Motion to appoint Council member Griffin L. Chalfant to the Marietta Cobb New Markets Fund, Inc., Community Development Entity.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20070617 Intersection Traffic Enforcement**

Motion to move forward with the Intersection Traffic Enforcement Cameras at Powder Springs and South Marietta Parkway.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20080040 Standard Operating Procedures for the Marietta Police Department**

Motion approving revisions to the following Standard Operating Procedures for the Marietta Police Department:

A018 Goals & Objectives; A020 Deadly & Non-Deadly Force, A025 Electronic Control Weapons (new policy), A045 Time Control Procedures; A073 Building Security; A078 Transfers; A082 Performance Evaluations; A085 Promotions; P044 Police Vehicles; S034 Juvenile Procedures; T050 Training

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

7. Public Works Committee: Jim King, Chairperson

* **20071235 Dumpsters**

Code by adding Section 5-4-180 Modification of Sidewalks within the Central Business District; Permit Required, with the following amendments:

1) Item B5 shall read, "...inappropriate language by the City Council, the City Manager or the Director of Public Works."

2) Item B7 shall be added to read, "All bricks shall only contain the names of donors, organization, memorial and/or dates."

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20071408 Friends of the Strand**

Motion authorizing the Friends of the Strand to install new pavers under the marquee of the Strand Theater for the purposes of raising funds towards the Strand Theater improvements in accordance with Marietta City Code Section 5-4-180.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Bill Bolton, who resides at 2104 Drogheda Lane, spoke regarding rules and/or regulations that he felt was needed for witnesses speaking with the Police Department.

OTHER BUSINESS:

* **20080142 National League of Cities (NLC)**

Motion to approve travel and training expenses for Council members who wish to attend the National League of Cities (NLC) 2008 Annual Congressional City Conference in Washington, DC on March 8-12, 2008.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20080143 National League of Cities (NLC)**

Motion to approve travel and training expenses for Council members who wish to attend the National League of Cities (NLC) Leadership Training Institute in Charleston, South Carolina on April 27-29, 2008.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20080075 Service Agreement with Principal Financial Group**

Motion approving a Service Agreement with Principal Financial Group for services to the City's Supplemental Pension Plan.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20080144 321 Cole Street and 325 North Marietta Parkway

Motion approving proposal response to RFP# 08-013008, for sale and redevelopment of 321 Cole Street and 325 North Marietta Parkway.

Motion to approve the proposal response to RFP# 08-013008, for sale and redevelopment of 321 Cole Street and 325 North Marietta Parkway, with the following stipulations:

- 1) That building elevations and finishings shall be substantially similar to the drawings submitted.*
- 2) The applicant shall comply with and the property shall be subject to all codes and ordinances for the City of Marietta.*
- 3) Approval of the Bid Proposal shall be conditioned upon inclusion of a restriction in the conveyance deed that there be no access onto North Marietta Parkway (State Route 120) from parcels A2 and B2; however, a curb cut shall be granted for access onto Cole Street, as recommended by the Public Works Director of the City of Marietta.*
- 4) Item 4 on page 7 of the Bid Proposal shall be amended to state that the curb cut shown on the site plan for parcels A2 and B2 allowing access onto Marietta Parkway shall be moved to Cole Street.*
- 5) The applicant shall amend the Bid Proposal submitted to reflect the stipulations stated and submit in writing acceptance of the motion as approved by City Council within three (3) days of the date approved.*

A substitute motion was made by Council member Pearlberg, seconded by Council member Chalfant, to approve the sell of the property located at 321 Cole Street and 325 North Marietta Parkway. The motion failed by the following vote:

Vote: 2 - 5 - 0

Failed

The original motion was made by Council member Walquist, seconded by Council member Coleman, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 6 - 1 - 0

Approved as Stipulated

Voting Against: Van Pearlberg

* **20080154 Conference Center Renovation Financing**

Res 1433

Motion approving the issuance of \$7M in 2008 Revenue Bonds for financing MCCR renovations as authorized by City Resolution and 3rd Supplemental Conference Center Funding Agreement between DMDA and City of Marietta.

