



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, July 11, 2007

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 7:07 p.m.

INVOCATION:

Council member Van Pearlberg called upon Paster Tom Tanner of Riverstone Church to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Mark Haynie of Wellstar Health Systems to lead the pledge of allegiance.

PRESENTATIONS:

20070536 Fire Fighter Presentations

Presentation to Darrin Lewis, Fire Recruit of the Year, Lt. Meg Richardson, Firefighter of the Year and Commander Kip Stanger, Fire Officer of the Year.

This matter was Presented.

PROCLAMATIONS:

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

Mayor Dunaway thanked the staff of the City of Marietta for a very successful Fourth of July Celebration.

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:

-under Judicial/Legislative: Agenda item 20070436 was added to the consent for approval and amended to read, "Motion to approve the Detailed Plan for Forest Avenue Manor last dated July 12, 2007, with the following stipulations:

1) A sight visibility easement at the intersection of Hunt Street and Cole Street with Forest Avenue shall be granted to provide minimum sight distance as defined by the AASHTO Policy for Geometric Design. The trees and landscaping within the sight visibility easement shall be maintained by the mandatory Homeowners Association consistent with the easement. The applicant shall maintain said trees and landscaping until it is turned over to the Homeowners Association.

2) Staff shall approve the relocation of any trees within the easement area.

-under Parks and Recreation: Agenda item 20070685 was amended to read, "Motion to approve the extension of the lease for the baseball field at Commerce Park (Aviation Softball and Baseball Complex) with the School Board until December 31, 2007.

-under Parks and Recreation: The fourth paragraph of the License Agreement for agenda item 20070690 was amended changing the "of" to "are".

-under Other Business: Agenda items 20070639 and 20070640 were added to the consent agenda and the stipulations for both amended to read, "(1) The applicant is required to plant certain trees and/or vegetation on City right-of-way located around the subject property including decorative lighting and brick pavers (per the landscape plan drawn by Bilson and Assoc, dated May 14, 2007), decorative lighting and brick pavers as approved by the appropriate staff members of the City of Marietta;

(2) The applicant shall permanently maintain the trees and/or vegetation planted on the City right-of-way; and,

(3) The City of Marietta has the right to remove the trees and/or vegetation planted by the applicant at any time it is deemed appropriate.

-under Other Business: Agenda item 20070709 was added to the consent agenda.

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing.

Cynthia Northcott expressed concern regarding agenda item 20070667, variance for Keeler Woods Joint Venture 269 Mountain View Road to become a gated subdivision. Another resident in the Keeler Woods area also spoke against agenda item 20070667.

The public hearing was also held for agenda item 20070692. Seeing no one wishing to speak, the public hearing was closed for all items.

A motion was made by Council member King, seconded by Council member Coleman, to approve the consent agenda as modified.

Further discussion was held regarding agenda item 20070667, variance for Keeler Woods Joint Venture 269 Mountain View Road to become a gated subdivision.

The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council member Goldstein voting against agenda item 20070436.

-Council member Pearlberg voting against agenda item 20070685.

-Council member Walquist voting against agenda item 20070706.

-Council member Goldstein and Coleman abstaining on agenda item 20070707.

MINUTES:

- * **20070665 Regular Meeting - June 13, 2007**
Review and approval of the June 13, 2007 regular meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved
- * **20070736 Special Meeting - June 28, 2007**
Review and approval of the June 28, 2007 special meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

- * **20070671 Board of Lights and Water - Non- Resident Member**
Re-appointment Alice R. Summerour to the Board of Lights and Water (Non-Resident Member) for a four-year term, effective July 15, 2007 and expiring July 14, 2011.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved

* **20070695 Marietta Redevelopment Corporation**

Motion to reappoint Floyd Northcutt as Chairman and James A. (Micky) Blackwell as Vice Chairman of the Marietta Redevelopment Corporation for a one-year term expiring July 11, 2008.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ORDINANCES:

* **20070692 Commercial Corridor Overlay District Ordinance**

Ord 7062

Ordinance amending the Comprehensive Development Code of the City of Marietta, Division 712.09, paragraphs E and G, regarding the optional elements points of the Commercial Corridor Design Overlay District.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

* **20070686 FFY 2008 CDBG Program Final Statement and Project List**

Res. 2007-1425

Approval of a Resolution authorizing the submittal of the City's FFY'2008 CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, approving any additional CDBG FFY'2008 funds the City may receive from actions by Congress be allocated to Homeownership Assistance.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070719 Reallocation of FY2006 CDBG Funds**

Res. 2007-1426

Resolution authorizing reallocations of \$550,000 in FY'2006 CDBG funds to Housing Rehabilitation LUMP SUM \$300,000, \$50,000 for acquisition of Hickory Hills Park, and \$200,000 in related Lead Based Paint Abatement and service delivery costs.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

2. Finance/Investment: Annette Lewis, Chairperson

* **20070701 2005 SPLOST Budget**

Ord 7063

Approval of an Ordinance amending the Fiscal Year 2008 SPLOST Fund budget to receive and appropriate \$9,820,000 in bond proceeds to accelerate the SPLOST project schedule.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070715 MPD Federal grant funds for vests**

Ord 7064

Approval of an Ordinance amending the Fiscal Year 2007 General Fund budget to receive and appropriate \$5,326 in federal grant reimbursement for the purchase of bullet resistant vests for police officers.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070728 FY 2007 General Fund Budget Surplus**

Ord 7065

Approval of an Ordinance amending the Fiscal Year 2007 General Fund budget to use \$100,000 in budget surplus to cover expenses in the City Attorney account.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

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

* **20070436 Forest Avenue Manor Detailed Plan**

Motion to approve the Detailed Plan for Forest Avenue Manor.

Motion to approve the Detailed Plan for Forest Avenue Manor last dated July 12, 2007, with the following stipulations:

- 1) A sight visibility easement at the intersection of Hunt Street and Cole Street with Forest Avenue shall be granted to provide minimum sight distance as defined by the AASHTO Policy for Geometric Design. The trees and landscaping within the sight visibility easement shall be maintained by the mandatory Homeowners Association consistent with the easement. The applicant shall maintain said trees and landscaping until it is turned over to the Homeowners Association.*
- 2) Staff shall approve the relocation of any trees within the easement area.*

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Voting Against: 1 - Philip M. Goldstein

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

- * **20070685 Commerce Park Baseball Field Lease**
C/A 3421 Motion to approve the extension of the lease for the baseball field at Commerce Park (Aviation Softball and Baseball Complex) with the School Board until January 2008.
Motion to approve the extension of the lease for the baseball field at Commerce Park (Aviation Softball and Baseball Complex) with the School Board until December 31, 2007.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 - 1 - 0 Approved**
Vote Against: 1 - Van Pearlberg
- * **20070696 Laurel Park Contract Extension**
C/A 3422 Motion to approve renewal of the contract for operations of the tennis courts and other amenities at Laurel Park, expiring March 10, 2010.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**
- * **20070690 Friends of Brown Park**
C/A 3423 Motion to approve a License Agreement with the Friends of Brown Park establishing rights, responsibilities and ownership of improvements contracted for, or completed, to Brown Park by the Friends of Brown Park.
- Motion to approve the License Agreement with the Friends of Brown Park amending the "of" to "are" in the fourth paragraph of the Agreement.*
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**

5. Personnel/Insurance: Van Pearlberg, Chairperson

- * **20070675 Property Casualty Insurance Coverage**
- Motion to approve property casualty and other miscellaneous coverages, premiums and companies utilized for the policy period of August 17, 2007 to August 16, 2008 as follows:
1. Trident/Argonaut through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for the following coverages: GL, Law, Public Officials, Employment Practices, Auto Liability & Physical Damage, Benefits Liability, Public Officials [City & BLW], Property, Flood, Earthquake, Terrorism, Inland Marine, Boiler & Machinery, and Public Employee Blanket Crime.

2. Midwest Insurance Co. through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for Excess Workers' Compensation.
3. Travelers Casualty & Surety, Inc., through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for Fiduciary Responsibility, various Public Officials' Bonds and the BLW Pole Attachment Bond for Bell South Telecommunication, Inc.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070716 Amendment of FY08 Position Allocation Chart**

Ord 7066 Ordinance amending the FY08 Position Allocation Chart as noted in Exhibit A of Ordinance 7060 so as to assign the Electrical Department [#5001] positions into divisions.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20070443 False Alarm Ordinance**

Ord 7067 Motion to approve the False Alarm Ordinance as amended and the approval of requested software.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070541 Standard Operating Procedures**

Motion to adopt amendments to Marietta Police Department Standard Operating A029 Law Enforcement Safety Act, Procedures A030 Code of Conduct, A035 Salary Augmentation, A041 Organizational Structure, A044 Uniforms, Equipment & Department Property, A048 Administrative Protocol, A050 Secondary Employment, A085 Promotions, C070 Police Athletic League, P048 Vehicle Impounds, T030 Career Tracking, and T050 Training in order to assure CALEA Accreditation.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

7. Public Works Committee: Jim King, Chairperson

* **20070218 Handicap Parking at Marietta Square**

Motion to approve the following recommended changes to the Handicap Parking at Marietta Square: 1) deleting the handicap parking space on West Park Square, 2) adding a regular parking space and a handicap parking space on East Park Square.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070567** **2006 Sidewalks**

Motion to approve staff recommendation to construct sidewalks along Frazier Street and Park Street in lieu of Armstrong St.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070699** **1994 SPLOST Re-Allocation**

Motion to approve re-allocation of 1994 SPLOST funds from completed projects of the 1994 SPLOST Inter-Local Agreement with Cobb County to the Roswell Street (East Park Square to Cobb Parkway) project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070741** **Countdown Pedestrian Signals**

Res. 2007-1427

Resolution to Federal Highway Administration for request to change Manual for Uniform Traffic Control Devices regarding countdown pedestrian signals.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070689** **No Truck Route Signs on Church & Cherokee Streets**

Motion to approve the installation of signs on Church and Cherokee Streets that designate the two streets as "No Thru Truck Streets."

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0 **Approved**

Voting Against: 1 - Philip M. Goldstein

* **20070706** **358 Roswell Street**

Motion to approve the Landscaping Plan at Emerson Court retaining wall.

A This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0 **Approved**

Vote Against: 1 - Holly Walquist

* **20070707** **Polk Street to Burnt Hickory Turn Lane**

Motion to authorize an expenditure up to \$24,600 for removing and rebuilding a wall in conflict with the turn lane project on Polk Street.

A This Matter was Approved on the Consent Agenda.

Vote: 5 - 2 - 0

Approved

Vote Against: 2 - Philip M. Goldstein and Rev. Anthony Coleman

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Mr. McClure, who resides at 275 S Woodland Dr, expressed concern regarding coyotes in the Whitlock Heights neighborhood.

OTHER BUSINESS:

* **20070639 V2007-22 Wellstar Health Systems 677 Church Street (Parking Lot)**

V2007-22 Wellstar Health Systems requests a variance for property located in Land Lots 1074 and 1075, 16th District, 2nd Section of Cobb County, Marietta, Georgia and being located at 677 Church Street. Variance to eliminate the 10-foot planted border area adjacent to Tower Road (712.08.G), with following stipulations are incorporated herein:

- (1) The applicant is given authority to plant certain trees and/or vegetation on City right-of-way located around the subject property (per the landscape plan drawn by Bilson and Assoc, dated May 14, 2007), as approved by the appropriate staff members of the City of Marietta;
- (2) The applicant shall permanently maintain the trees and/or vegetation planted on the City right-of-way; and,
- (3) The City of Marietta has the right to remove the trees and/or vegetation planted by the applicant at any time it is deemed appropriate.

Motion to approve V2007-22 Wellstar Health Systems variance request for property located at 677 Church Street. The variance would eliminate the 10-foot planted border area adjacent to Tower Road (712.08.G), with following stipulations are incorporated herein:

- (1) The applicant is required to plant certain trees and/or vegetation on City right-of-way located around the subject property including decorative lighting and brick pavers (per the landscape plan drawn by Bilson and Assoc, dated May 14, 2007), decorative lighting and brick pavers as approved by the appropriate staff members of the City of Marietta;*
- (2) The applicant shall permanently maintain the trees and/or vegetation planted on the City right-of-way; and,*
- (3) The City of Marietta has the right to remove the trees and/or vegetation planted by the applicant at any time it is deemed appropriate.*

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070640 V2007-23 Wellstar Health Systems 677 Church Street (Medical Building)**

V2007-23 Wellstar Health Systems request variances for property located in Land Lots 1074 and 1075, 16th District, 2nd Section of Cobb County, Marietta, Georgia and being located at 677 Church Street. Variance to eliminate the 10-foot planted border area adjacent to Tower Road (712.08.G), with the following stipulations are incorporated herein:

- (1) The applicant is given authority to plant certain trees and/or vegetation on City right-of-way located around the subject property (per the landscape plan drawn by Bilson and Assoc, dated May 14, 2007), as approved by the appropriate staff members of the City of Marietta;
- (2) The applicant shall permanently maintain the trees and/or vegetation planted on the City right-of-way; and,
- (3) The City of Marietta has the right to remove the trees and/or vegetation planted by the applicant at any time it is deemed appropriate.

Motion to approve V2007-23 Wellstar Health Systems variance request for property located at 677 Church Street. The variance would eliminate the 10-foot planted border area adjacent to Tower Road (712.08.G), with following stipulations are incorporated herein:

- (1) The applicant is required to plant certain trees and/or vegetation on City right-of-way located around the subject property including decorative lighting and brick pavers (per the landscape plan drawn by Bilson and Assoc, dated May 14, 2007), decorative lighting and brick pavers as approved by the appropriate staff members of the City of Marietta;*
- (2) The applicant shall permanently maintain the trees and/or vegetation planted on the City right-of-way; and,*
- (3) The City of Marietta has the right to remove the trees and/or vegetation planted by the applicant at any time it is deemed appropriate.*

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070667 V2007-28 Keeler Woods Joint Venture 269 Mountain View Road**

V2007-28 KEELER WOODS JOINT VENTURE - JOHN J. ELLIOTT, JR. request variance for property located in Land Lot 1153, District 16, Parcel 0400 and being known as 269 Mountain View Road. Variance to install a security gate at entrance of proposed subdivision. Ward 4.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070775 Salon Q - Written Notice of Appeal**

Motion to authorize the city attorney and city manager to set a date for an appeal hearing relative to the revocation of licenses for the Salon Q as requested by Alan I. Begner, attorney for Salon Q.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070776** **Brown Park/Confederate Cemetery Master Plan**

Motion to approve the Brown Park/Confederate Cemetery Master Plan.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070733** **Franklin Road Soccer in the Streets Program**

Ord 7068

An Ordinance approving an amendment to the Fiscal Year 2007 General Fund budget receive and appropriate a donation of \$25,000 from the United Way for the Franklin Road Soccer In The Streets program.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070734** **Weed and Seed KSU Evaluation Contract**

Ord 7069

An Ordinance approving an amendment to the Fiscal Year 2007 General Fund budget receive and appropriate a donation of \$2,500 from the Marietta Housing Authority to cover the cost of program evaluation services.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070784** **Council Meeting Minutes of May 9, 2007**

Motion to rescind the approval of agenda item 20070521 of the May 9, 2007 meeting minutes, which was approved at the June 11, 2007 and to approve the corrected language regarding the vote.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070709** **PURPA**

Approval of the actions of the Board of Lights and Water (BLW) for PURPA.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* **20070783** **BLW Actions of July 9, 2007**

Review and approval of the July 9, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

ADJOURNMENT:

The meeting was adjourned at 8:42 p.m.

Date Approved: _____

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk