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

Monday, November 17, 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 7:15 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20081369 **Newsletter and video on demand website win awards**

The International Economic Development Council on Excellence in Economic Development presents the city of Marietta with an award in two competition categories: the city's Blueprint Marietta newsletter and video on demand stories on redevelopment on the city website.

This matter was Presented.

20081408 **Swearing-in of new police officer**

Swearing in of Michael Humfleet in the Marietta Police Department.

This matter was Presented.

20081392 **Marietta Citizens' Police Academy Graduates**

Presentation of certificates by Officer Joshua Liedke and Chief Daniel Flynn to graduates of the Marietta Citizens' Police Academy.

Mattie Akinlososе (Ms. Mattie)	William Alberding
Nancy Ayers	Jean Banister
Mason Brown	David Craton
Ellen Gardner	Liz Graves
Fannie Mae Hunter	Jayson January
Marc Kornfield	Rebecca Morrow-Jones
Christopher Neill	Cathy Plouff
Thomas Plouff	Victoria Renhoe
Carolyn Richardson	Gregory Samuels
Camy Smith	Stephanie Streck
David Suddath	William Thomas
Andrew Thornton	Arlene Thornton
Jose Vanegas	Marieta Venters
Lawrence Weintraub	Cindy Worley
Matthew Worley	

This matter was Presented.

PROCLAMATIONS:

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).

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

A motion was made by Council member King, seconded by Council member Pearlberg, to add an agenda item for the Denial of a claim of Shantai Bettistea and for the approval of the Second Amendment to the Municipal Competitive Trust. The motion carried by the following vote:

Vote: 7 - 0 - 0 **Approved**
(See agenda items 20081394 and 20081443.)

-under Minutes: Agenda item 20081386 was added to the consent agenda.
-under Council Appointments: Agenda item 20081410 was tabled. Agenda item 20081178 was amended to add the name Millard Slayton.
-under Ordinances: Agenda items 20081331, 20081339, 20081342, 20081357 and 20081361 were removed from the agenda.
-under Economic/Community Development: Agenda item 20081377 was removed from the agenda.

-under Other Business: Agenda items 20081417, 20081418 and 20081419 were added to consent and amended to add the address of the properties. Agenda item 20081420 was removed from the agenda. Agenda item 20081421 was amended to read, "Motion to require the utilities relocated as part of the Franklin Road Streetscape Project to be placed underground from South Marietta Parkway to the end of construction approximately south of Twin Brooks Drive. Utilities relocated as part of the Franklin Road Streetscape Project in the vicinity of Delk Road may remain above ground."

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. The property owners of agenda items 20081353 and 20081360 were present and wished to speak. Those agenda items were removed from the consent agenda. Mayor Dunaway closed the public hearing.

A motion was made by Council member Walquist, seconded by Council member King, 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 member Goldstein abstained on agenda items 20081328, 20081335, 20081336, 20081338, 20081352, 20081354, 20081418 and 20081419.
Council member Goldstein opposed to agenda items 20081364, 20081298, and 20081278.
Council member Pearlberg opposed to agenda items 20081278, and 20081421.
Council member Chalfant opposed to agenda item 20081421.
Council member Coleman opposed to agenda item 20081421.

MINUTES:

* **20081386** **Regular Meeting - October 13, 2008**

Review and approval of the October 13, 2008 regular meeting minutes.

This Matter was Removed on the Consent Agenda.

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

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

20081178 **Board of Zoning Appeals (Ward 6)**

Appointment to the Board of Zoning Appeals (Ward 6) for a three year term expiring September 8, 2011.

Motion to reappoint Millard Slayton to the Board of Zoning Appeals (Ward 6) for a three year term expiring September 8, 2011.

This Matter was Removed on the Consent Agenda.

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

20081410 **Planning Commission Appointment (Ward 7)**

Appointment to the Marietta Planning Commission (Ward 7) for a three-year term.

This matter was Tabled.

ORDINANCES:

* **20081328** **Code Enforcement - 725 Bothwell Place**

Ord 7258 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 725 Bothwell Place.
Listed Owner: Martha Gallo
Certified mail receipt not received as of 10/29/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

* **20081331** **Code Enforcement - 654 Seminole Place**

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 654 Seminole Place.
Listed Owner: Shannon Ryan (Norman) Master Account, c/o Cheryl Downing
Certified mail receipt not received as of 10/29/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

This Matter was Removed.

* **20081335** **Code Enforcement - 126 South Avenue**

Ord 7259 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 126 South Avenue.
Listed Owner: Gwen Wilcox Newberry
Certified mail receipt returned 10/12/08; not deliverable as addressed/unable to forward

Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

* **20081336** **Code Enforcement - 619 North Fairground Street**

Ord 7260 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 619 North Fairground Street.
Listed Owner: A & S Cheema, Inc.
Certified mail receipt returned 10/07/08; "no forwarding" address.
Taxes paid: Unpaid; in the amount of $1,506.08
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

* **20081338** **Code Enforcement - 354 Lawrence Street**

Ord 7261 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 354 Lawrence Street.
Listed Owner: Richard L. Roberts
Certified mail receipt not received as of 10/30/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

* **20081339** **Code Enforcement - 206 Lakewood Drive**

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 206 Lakewood Drive.
Listed Owner: Kevin . Jordan
Certified mail receipt returned 10/13/08; "attempted, not known, unable to forward."
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Removed.

* **20081342** **Code Enforcement - 68 Height Street**

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 68 Height Street.
Listed Owner: Richard Tyre
Certified mail receipt received on 10/10/08.
Taxes paid: Unpaid; in the amount of $225.64.
PUBLIC HEARING REQUIRED

This Matter was Removed.

* **20081352** **Code Enforcement - 1830 Cobb Parkway South**

Ord 7263

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 1830 Cobb Parkway South.
Listed Owner: Point Center Financial, Inc.
Certified mail receipt received 10/31/08; not signed by officer.
Taxes paid: Unpaid, owes $59,419.20
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

20081353 **Code Enforcement - 1725 Spinks Drive**

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 1725 Spinks Drive.
Listed Owner: Nabil Michael Mansour & Awatef T. Mansour
Certified mail receipt received 10/15/08; signature not legible.
Taxes paid: Unpaid; in the amount of $5,192.03
PUBLIC HEARING REQUIRED

Mayor Dunaway opened the public hearing regarding this matter. City Attorney Douglas Haynie explained the rules of order for public hearings.

Nabil Michael Mansour expressed concern about the violations submitted for his property located at 1725 Spinks Drive.

Discussion was held and Council requested additional information regarding the violations and the pertaining code section.

Mayor Dunaway closed the public hearing.

Motion to table this matter until the next regular City Council meeting.

The motion was made by Council member King, seconded by Council member Chalfant, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0 **Tabled**

* **20081354** **Code Enforcement - 454 Patricia Way**

Ord 7264

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 454 Patricia Way.
Listed Owner: Brian T. & Patricia M. McNair
Certified mail receipt not received as of 10/29/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

* **20081357** **Code Enforcement - 165 N. Fairground Street**

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 165 North Fairground Street.
Listed Owner: James Lewis Nichols & Freda Durrett
Actual Owner: Elias Nikiforou, c/o Michael Kyriacou
Certified mail receipt received 10/22/08; signature not legible.
Taxes paid: Yes
PUBLIC HEARING RQUIRED
Philip M. Goldstein abstaining

This Matter was Removed.

20081360 **Code Enforcement - 180 Powers Ferry Road**

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 180 Powers Ferry Road.
Listed Owner: Bradford Frank
Certified mail receipt received 10/27/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

Mayor Dunaway opened the public hearing regarding this matter.

Frank Bradford expressed concern about the violations submitted for his property located at 180 Powers Ferry Road.

Discussion was held and Council requested that the property be inspected again to determine if the property was indeed in compliance.

Mayor Dunaway closed the public hearing.

Motion to table this matter until the next regular City Council meeting.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0 **Tabled**

* **20081361** **Code Enforcement - 1252 Roswell Road**

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 1252 Roswell Road.
Listed Owner: Parsa International LLC
Certified mail receipt received 10/07/08; not signed by managing member.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

This Matter was Removed.

* **20081362** **Code Enforcement - 153 Hamilton Trace**
Ord 7265

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 153 Hamilton Trace.
Listed Owner: Uppaluri Praveen & Veemuri Hasita
Certified mail receipt received 09/24/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

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

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20081372** **Denial of a claim**

Denial of a claim of Trevor J. Young.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved to Deny Claim**

* **20081373** **Denial of a claim**

Denial of the claim of Beverly Nielbock.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved to Deny Claim**

* **20081374** **Denial of a claim**

Denial of the claim of Raphael Christian.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved to Deny Claim**

* **20081443** **Denial of Claim**

Denail of a claim of Shantai Bettistea.

This matter was Approved to Deny Claim. The motion carried.

Vote: 7 - 0 - 0 **Approved to Deny Claim**

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

* **20081364** **2008 Work Plan**

Motion to extend the 2008 Work Plan for the Marietta Redevelopment Corporation through and including December 11, 2008.

This Matter was Approved on the Consent Agenda.

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

Vote Against: 1 - Philip M. Goldstein

20081377 **FY2009 Fund Work Plan**

Review and approval of the DRAFT FY2009 Work Plan for the Marietta Fund for Neighborhood and Community Revitalization.

This matter was Removed.

* **20081367** **Section 8 Housing Choice Voucher Program**

Motion approving the Section 8 Housing Choice Voucher Program 2008 Fair Market Rents.

This Matter was Approved on the Consent Agenda.

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

2. Finance/Investment: Annette Lewis, Chairperson

* **20081309** **Erosion Control Violations**

Ord 7266

Approval of an Ordinance amending the budget to receive and appropriate funds from erosion control violations.

This Matter was Approved on the Consent Agenda.

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

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

* **20081261** **Ordinance 10-6-050**

Ord 7267

Motion approving the proposed changes to Ordinance 10-6 Noise, 050F Restricted Uses and Activities regarding the times of day for which personal or commercial vehicular music may not be audible from a distance of 50 feet in any direction.

This Matter was Approved on the Consent Agenda.

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

* **20081283** **2009 City of Marietta Legislative Agenda**

Motion approving Marietta's 2009 Georgia General Assembly Legislative Session draft priorities list.

This Matter was Approved on the Consent Agenda.

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

* **20081284** **Intergovernmental Agreement with the Georgia Department of Revenue**

c/a 3592

Motion approving the Intergovernmental Agreement with the state Department of Revenue for access to vehicle tag information by the city's vendor for the purpose of processing intersection enforcement citations.

This Matter was Approved on the Consent Agenda.

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

* **20081285** **Quitclaim Deed**

Motion approving a Quitclaim Deed regarding certain property being purchased by Southern Polytechnic Foundation.

This Matter was Approved on the Consent Agenda.

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

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

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20081274** **Parks and Recreation Department Reorganization**

Ord 7268 Approval of an Ordinance amending the 2008-2009 City of Marietta/BLW pay and position allocation chart adopted by Ordinance 7214 so as to delete one (1) Parks & Grounds Foreperson position and one (1) Parks & Grounds City Service Worker I position and to add one (1) Parks & Grounds Supervisor position to Parks & Grounds Maintenance [#3053].

This Matter was Approved on the Consent Agenda.

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

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20081297** **Building Permit Fees**

Res. 1449 Motion authorizing adding the following fees to the Fee Chart:
Tenant Move-in Inspection - $30

Building re-permitting fees applicable when a permit has been expired for no greater than one year:
Footing or Foundation Stage - 100% Standard permit fee
Framing Stage - 50% Standard permit fee
Final Stage - 30% Standard permit fee

This Matter was Approved on the Consent Agenda.

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

* **20081299** **Lockheed Avenue**

Motion authorizing the Public Works Department to install signs stating "No Parking" along the frontage of 340 Lockheed Avenue.

This Matter was Approved on the Consent Agenda.

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

* **20081298** **Speed Cushion Pilot Program**

Motion to allow a test area for speed cushions within the East Park Subdivision for residents who wish to have speed cushions in their neighborhood pay for the materials subject to the majority of residents agreeing and the location and type of speed cushions are acceptable to the Public Works Director.

This Matter was Approved on the Consent Agenda.

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

Vote Against: 1 - Philip M. Goldstein

* **20081303** **Campbell Hill Street Closure Agreement**

c/a 3584 Motion to approve the attached amendment to the Campbell Hill Street Memorandum of Agreement.

This Matter was Approved on the Consent Agenda.

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

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Vincent Curcuru, who resides at 1355 Echo Mills Court, expressed concern about the proposed streetscape planned for Powder Springs Street. Mr. Curcuru owns a business at Powder Springs Street and Sandtown Road, which will be severely impacted. Mayor Dunaway suggested that Mr. Curcuru meet with Public Works Director Dan Conn and the City Manager to possibly reach a compromise regarding this matter.

OTHER BUSINESS:

* **20081278** **CA2008-09 Proposed Amendment to Sign Ordinance**

Ord 7269 Proposal to amend Comprehensive Development Code, Division 714, Signs.

This Matter was Approved on the Consent Agenda.

Vote: 5 - 2 - 0 **Approved**

Vote Against: 2 - Van Pearlberg and Philip M. Goldstein

* **20081296** **Building Construction Costs**

Ord 7262 Ordinance amending City Code 7-4-2-050-G, Section 5 & 6; Building Permit Valuations and Building Construction Costs.

This Matter was Approved on the Consent Agenda.

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

* **20081365** **NLC Congress of Cities Voting Delegate**

Appointment of Annette Lewis as voting and Rev. Anthony Coleman as alternate

voting delegates for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting on Saturday, November 15, 2008.

This Matter was Approved on the Consent Agenda.

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

* **20081389** *Res. 1451*

Safe Routes To School Program Grant Application

Resolution to allow staff to apply for funds from the Safe Routes To School Program

This Matter was Approved on the Consent Agenda.

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

* **20081406**

Permanent and Temporary Property Easements

Motion authorizing acquisition of permanent and temporary easements within the following properties:

Roswell Street Streetscape
487 Roswell Street John McGrath $3300

This Matter was Approved on the Consent Agenda.

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

* **20081407**

Property Acquisition

Motion authorizing total acquisition within the following properties for the purpose of Fairground Street Median and Streetscape

513 Ramona Street Mickey King $147,000

This Matter was Approved on the Consent Agenda.

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

* **20081409**

Property Acquisition

Motion authorizing acquisition of permanent and temporary easements within the following properties:

Roswell Street Median and Streetscape between Victory and Cobb Parkway
1018, 1024, 1032 Roswell Street Marcello Reyes $30,525

This Matter was Approved on the Consent Agenda.

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

* **20081411**

Letter of Endorsement for Marietta Housing Authority

Motion approving a Letter of Endorsement from the City of Marietta for the Marietta Housing Authority regarding the Demolition of Boston Homes Application.

This Matter was Approved on the Consent Agenda.

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

* **20081412** **Quit Claim Deed Transfer of Property - Marietta Housing Authority**

Deed 5076

Motion approving a Quit Claim Deed to transfer property located on Victory Drive from the City of Marietta to the Marietta Housing Authority, subject to the final approval of the City Manager and City Attorney.

This Matter was Approved on the Consent Agenda.

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

* **20081417** **Property Acquisition**

Motion to authorize the acquisition of property owned by Mr. Frank Holcombe located at 324 S Fairground Street on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Motion to authorize the acquisition of property owned by Mr. Frank Holcombe located at 324 S Fairground Street on behalf of the City of Marietta by means of eminent domain.

This matter was Approved as Amended on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved as Amended**

* **20081418** **Property Acquisition**

Motion to authorize the acquisition of property owned by Mr. William D. Young and Mr. Earl H. Young located at 72 Atlanta Street on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Motion to authorize the acquisition of property owned by Mr. William D. Young and Mr. Earl H. Young located at 72 Atlanta Street on behalf of the City of Marietta by means of eminent domain.

This matter was Approved as Amended on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved as Amended**

* **20081419** **Property Acquisition**

Motion to authorize the acquisition of property owned by Ms. Margaret Hulme Anderson and the Citizens and Southern National Bank as Executors of the Estate of John D. Anderson located at 107 Waverly Way on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Motion to authorize the acquisition of property owned by Ms. Margaret Hulme Anderson and the Citizens and Southern National Bank as Executors of the Estate of John D. Anderson located at 107 Waverly Way on behalf of the City of Marietta by means of eminent domain.

This matter was Approved as Amended on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved as Amended**

20081420 **Update/discussion on MRC Issues**

Update and discussion on work plan, funding and other issues.

This matter was Removed.

* **20081421** **Utility location- Franklin Road**

Motion to approve utility relocation as a result of SPLOSTproject on Franklin Road.

Motion to require the utilities relocated as part of the Franklin Road Streetscape Project to be placed underground from South Marietta Parkway to the end of construction approximately south of Twin Brooks Drive. Utilities relocated as part of the Franklin Road Streetscape Project in the vicinity of Delk Road may remain above ground.

This Matter was Approved on the Consent Agenda.

Vote: 4 - 3 - 0 **Approved as Amended**

Vote Against: 3 - Van Pearlberg, Grif Chalfant and Rev. Anthony Coleman

* **20081394** **Second Amendment to the Municipal Competitive Trust**

c/a 3585

Motion to execute the Second Amendment to the Municipal Competitive Trust which (1) creates a new generation funding account which will provide each Participant the option to make deposits into this account to pay for its share of any new generation facility constructed by the Municipal Electric Authority of Georgia (MEAG), including the new nuclear units proposed at Plant Vogtle and (2) requires

each Participant to reconfirm two (2) individuals by position or name who are authorized to make decisions on behalf of the Participant involving deposits into or withdrawal from any of the accounts established under the Municipal Competitive Trust.

This Matter was Approved on the Consent Agenda.

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

* **20081387** **BLW Actions of November 10, 2008**

Review and approval of the November 10, 2008 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**

A motion was made in open session by Council member Goldstein, seconded by Council member Pearlberg, to enter an Executive Session to discuss legal and real estate matters. The motion carried by the following vote:

Vote: 7 - 0 - 0 **Approved**
For: Annette Lewis, Holly Walquist, Grif Chalfant, Van Pearlberg, Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).

A motion was made in open session by Council member Lewis, seconded by Council member King, to close the Executive Session. The motion carried by the following vote:

Vote: 7 - 0 - 0 **Approved**
For: Annette Lewis, Holly Walquist, Grif Chalfant, Van Pearlberg, Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

A motion was made by Council member Goldstein, seconded by Council member Coleman, to suspend the rules of order to add a motion to the agenda to authorize the acquisition of property owned by Towers Partners, LLC, located at 300 Tower Road on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference. Further, the City Attorney is required to contact the owners' attorney prior to generating or filing any proceedings in court. The motion carried by the following vote:

Vote: 7 - 0 - 0 *Approved*
(See agenda item 20081444.)

20081444 **Property Acquisition**

Motion to authorize the acquisition of property owned by Towers Partners, LLC, located at 300 Tower Road on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference. Further, the City Attorney is required to contact the owners attorney prior to generating or filing any proceedings in court.

A motion was made by Council member King, seconded by Council member Walquist, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 2 - 0 **Approved**
Vote Against: 2 - Van Pearlberg and Rev. Anthony Coleman

ADJOURNMENT:

The meeting was adjourned at 8:40 p.m.

Date Approved: 12/10/08

_____
William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk