



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

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, December 9, 2009

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

Yvonne Williams, Deputy City Clerk

CALL TO ORDER:

Mayor Dunaway called the meeting to order at 7:15 p.m.

INVOCATION:

Mayor Dunaway called upon Council member Rev. Anthony Coleman to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Jim Curtis to lead the pledge of allegiance.

PRESENTATIONS:

City Manager Bill Bruton presented a news video covering Marietta as we celebrate the Gone With the Wind's 70th anniversary.

20090885 Marietta Citizens' Police Academy Graduates

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

Sam Brogdon Brandon Larson

Ann Marie Burley Janice Mannes

Charlene Cook Stan Mannes

Douglas Crooks	Jaquelina Michienzi
Irene D. Dickman	Sharon Muir
Ron Dobos	Lorenzo Pritchard
Susan Hardage	Lisa Rollo
Hugh Humphrey	Dianne Ryan
Douglas Kanter	Terry Ryan
Jennifer LaBrecque	Cheryl Wagner
Matthew LaPlante	Leroy Wagner

This matter was Presented

PROCLAMATIONS:

20091411 Proclamations - Outstanding Service in Recognition of Marietta's 175th Anniversary

Proclamations are presented to the following for their service and dedication to the citizens' of Marietta for their work on the 175th Anniversary events.

Kim Gresh - 175th Steering Committee Co-chair

Earl Reece - 175th Steering Committee Co-chair

Mary Ansley Southerland - 175th Anniversary Gala on the Square

Connie Sutherland - Gone with the Wind Anniversary and 175th Gala Celebration

Alice Summerour - 175th Concert on the Square

Bill Bruton - Leadership of city staff for 175th Anniversary

Proclamation

Whereas: William F. Bruton has served Marietta as City Manager since 2000, performing his duties with knowledge and finesse; and

Whereas: Under Bill's leadership and following his example, City Staff takes pride in providing excellent customer service, weathering an economic downturn that has left them with fewer resources and fewer people, but the same population to serve; and

Whereas: He and City Staff skillfully implement policy set by the City Council, keeping Marietta fiscally healthy, and maintaining the same level of service that residents expect and value; and

Whereas: Bill and City Staff played important roles in planning the events for the 175th Anniversary of our city, working hard in the background and many times volunteering their personal time; and

The city's designation as an All-America City, along with other awards naming it a City of Excellence, Trendsetter and Certified City of Ethics are the direct result of Mr. Bruton's dynamic leadership and staff teamwork; and

Whereas: Employees benefit from Bill's mentoring and professional growth he encourages, with at least two going on to become city managers themselves; and

Whereas: Marietta has thrived due to the continuity provided by dedicated City Staff members who faithfully fulfill duties as elected officials come and go; now

Therefore: Mayor and Council join in expressing gratitude to William F. Bruton, City Manager and Marietta City Employees

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

The following comments were made by Council member Holly Walquist:

“As I bring my council term to a close, I would like to take this last opportunity as a member of this council to make a statement.

Mayor Dunaway, members of the council, I would like to thank you for your hard work and dedication to serving the citizens of Marietta over the past years. Serving on council has given me the privilege of knowing just how difficult it is to do this job. I am very glad to have gotten to know each of you and to have worked with you the past 4 years.

I would like to also thank all of the city staff. They are ALL such very hard working and dedicated professionals. Every day they take their jobs seriously and do their best for all of us who live here and for those visitors whose first impressions of Marietta depend on their efforts.

I would like to say a special thank you to our City Manager Bill Bruton, and his staff for the excellent way that you operate the city. And thanks also to Stephanie Guy, City Clerk and her staff for all of the work you do managing all of the details of city council. A special thank you to our Attorney, Doug Haynie, who I have consulted often and have assisted me over the years in countless ways. It has been a great pleasure to work with each of you.

Lastly I would like to thank the voters of ward 3 and the City of Marietta as I am very humbled and privileged to have had the opportunity to serve you and participate in the truly American experience of being an elected official.

In America, we are blessed with the freedom to vote, but with that freedom comes much responsibility. Our democracy depends on everyone to always exercise our right to vote, to educate ourselves about the issues and to serve in public office when called. I'm proud to say that when I was called, I served.

Thank you very much for the honor and privilege to serve you.”

The following comments were made by Mayor William B. Dunaway:

“There will be a final meeting of this Council on January 4th at which time the New Mayor and Council will be sworn in. I know I am scheduled then to make some remarks, and I will make a few brief comments at that time. However, January 4th is Thunder Tumlin's evening, not mine. Pardon the pun, but I do not want to steal Thunder's thunder.

I hope this really will be my last full City Council meeting so I want to take this opportunity to express my "thank yous" and sincere appreciation for the people and groups that have made the past eight years the most rewarding and satisfying period of my life.

It really has been a great eight years!

I could talk past midnight if I tried to thank everyone who has helped and supported both Marietta and me. I won't even attempt that, but I do want to mention a few.

Marietta has made the most progress and positive changes in the past eight years than in other similar period in its history. This is fact, not brag. This is certainly not a brag about

me. This is a fact that the City Council, Bill Bruton, the city staff, many groups and many individuals have successfully worked so hard to accomplish.

This fact is known to most of you and to most of the Marietta citizens already. However, if your only source of information is the Marietta Daily Journal, this fact is new, but still "Great News." Thank goodness our citizens have other sources of news about Marietta than the MDJ!

For several years, Otis Brumby and Jon Gillooly have consistently refused to report any "Good News" about Marietta. The MDJ has concentrated only on the negative, and, in many instances, manufactured negative stories and controversies. This is also a fact. I don't think anyone needs proof about this, but Otis Brumby has provided even more proof in the past months.

I have made 5 major presentations to the public since last April. In these presentations, the only major topic was this "Progress and Positive Changes" that have occurred in Marietta. In those talks, which are available on the city website, I gave proof of this amazing fact.

Two of these talks were "State of City" talks. Not only did the MDJ not make any prior announcement about any of these talks, the MDJ did not print a single word about this important message, even though everyone at the MDJ received printed copies of each of my talks, with the Power Points. This is Otis Brumby's demonstration of "Transparency." If you don't read it in the MDJ, it doesn't exist; it is "transparent.

The MDJ has caused so much damage to Marietta with its omissions and with false and negative reporting.

The latest MDJ damage to the city happened just a month ago. The city staff and I had worked very hard with Melanie Oudin, her family, and her representatives to have a wonderful "Welcome home, Melanie" celebration in the Square. We had it set. Then, an MDJ reporter asked this 17 year old tennis star some very inappropriate and personal questions at a press conference. She and her family were understandably upset, especially that the questions were from her hometown newspaper and supposedly "friendly." Rather than risking these types of questions again in a public setting, Melanie canceled her appearance. I hope the MDJ will repair this damage. I hope the next Mayor and Council can re-schedule this deserved Celebration with her and make her "Marietta's Official Tennis Ambassador."

My first "Thank you" is to Otis Brumby and Jon Gillooly. With your omissions about the "Good News," with your false negative reporting, and with your attacks on the city and the city staff, you have been a good source of motivation for me to just do my job and to ignore your criticism about me.

Someone gave this bracelet to me a few years ago as a joke. It says WWOD, what would Otis do? I never put it on; I never considered it. I think that is one of the reasons Marietta has done so well.

Jon, you sat in my office, July 2007, and delivered the threat that if I didn't quit reacting to the MDJ, that you and Otis were going to do to me what you did to General Joe Redden. I will give you credit for trying, but you didn't do it. Every attack made me stronger and gave both the city and me more friends and support. I guess it is OK to attack the city and people almost daily to some 17,000 subscribers, but it is wrong for anyone to have any reaction.

Jon, you are the 14th reporter in the past 8 years to be assigned to City Hall. You are the only one that has not quit. I wonder why.

I know I should be criticized for spending so much time on the MDJ; it is a "downer." However, my reaction to the MDJ is the same reaction that each one of you has when someone attacks your family. Marietta is my family.

Now, for more joyous "Thank yous." My next "Thank you" is for each member of this council and the previous council. Yes, the paper has enjoyed exaggerating differences among the council members and with me. But, you know what? We really have done so many great things together. Additionally, the Councils have really made some wonderful appointments and selections for the city boards. The public should all be grateful, I am grateful for your work.

Bill Bruton, "Thank you" for your management skills and leadership skills that have lead the city staff so well so that they contributed to Marietta's successes. In this, "Thank you," I include all the department heads and each member of the Marietta staff. They are the greatest, most dedicated, most talented group of people I have ever had the enjoyment of working with. Their support and friendship have been invaluable. I will miss everyone here. Also, Bill has remarkable patience; I am sure I put that to the test on more than one occasion. You are the best manager I have ever worked with, both in government and in the private sector.

I do give "Thank yous" to the Cobb County Government, the Marietta School System, the Cobb County School System, the Marietta Housing Authority, the Marietta Redevelopment Corporation, the Marietta Board of Lights and Water, the Historic Preservation Commission, the new Historic Board of Review, the Marietta Development Authority, the DMDA, the 175th Anniversary Steering Committee, Friends of the Strand, the Cobb Galleria Authority, and Cobb Housing. Strong working partnerships have been created in the past 8 years.

So many civic groups have helped make the past years successful. I am sure I am going to leave some important groups and people out of the following list:

The Cobb County Chamber of Commerce, the various Marietta Rotary, Kiwanis, Civitan, and Lions Clubs. Also, all of the Veterans' groups, the many neighborhood associations, and all of our non-profits such as the Marietta Cobb Art Museum, Theater on the Square, the Marietta Museum of History, the Marietta Welcome Center, the Marietta Business Association, the Marietta Farmer's Market, the Concerts in the Square, Masonic groups, and especially IMPACT and the Marietta Tree Keepers.

All of the above and the so many I have mistakenly left out, my heartfelt "Thank You" and gratitude.

I do give Holly Walquist a special "Thank you" for her dedication and service. We all have profited from your love of Marietta. Many good things you have done will live on in Marietta. I am proud of what you did to insure the future of Marietta's Parks. I have to say that I am personally proud that I had something to do with that. Thank you, Holly.

I have a heartfelt "Thank you" for Thunder Tumlin. Thank you for being elected to be the next Marietta Mayor, the city is very fortunate. The public does not know the sacrifice you are going to make for our city. You will do well and I feel very good about the future of Marietta.

Of course, my greatest "Thank you is for my wife, Dot, my daughters and their families.

Thank you for giving me the time, the concentration, the support and just for putting up with me these past eight years. Now maybe I can pay you back by being the husband, father and grandfather that I want to be.

I could go on and on trying to express what the past eight years have meant to me and the many people who have helped me so much.

I could not have become Mayor with your support; I could not have worked so hard without your support. You have made the few bad days fade down to insignificance.

I do not know what, if any, my legacy will be.

My real legacy is already in the minds of my friends, the city staff, and the many City supporters.

Thank you for the best eight years of my life!"

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 items to the consent agenda regarding the donation of property located at 830 Kennesaw Avenue, condemnation of property located at 721/731 Powder Springs Road, condemnation of property located at 952 Roswell Road, acquisition of right of way and easements for property located at 250/256/260 North Fairground Street / 330 Victory Drive, and condemnation of property located at 12 Cobb Parkway and 1040 Roswell Road. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

-under Economic/Community Dev: Agenda item 20091302 was amended to read, "Motion to approve..."

-under Finance: Agenda items 20091180 and 20091321 were amended to read, "Motion to approve..."

-under Judicial/Legislative: Agenda item 20091268 and 20091309 were amended to read, "Motion to approve..."

-under Other Business: Agenda item 20091407 was amended to read, "Motion to authorize..." Agenda item 20091413 was amended to authorize acquisition of right-of-way and easements within 170 North Fairground Street, with the stipulation to perform construction activities along the frontage of one of the two properties held by the owner at a time, the other being 528 North Marietta Parkway. Also the amount for the property at 528 North Marietta Parkway was changed to \$75,600.

Mayor Dunaway opened the public hearing for items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

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

Vote: 7 - 0 - 0 Approved

With the following exceptions:

-Council member Goldstein abstaining on agenda items 20091338, 20091343, 20091414.

-Council members Goldstein Coleman voting against BLW agenda items 20091362, 20091375, 20091350, 20091351 and 20091359.

MINUTES:

- * **20091326 Regular Meeting - November 9, 2009**
Review and approval of the November 9, 2009 regular meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved
- * **20091327 Special Meeting - November 13, 2009**
Review and approval of the November 13, 2009 special called meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved
- * **20091365 Special Meeting - November 19, 2009**
Review and approval of the November 19, 2009 special called meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved
- * **20091366 Special Meeting - November 25, 2009**
Review and approval of the November 25, 2009 special called meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

- * **20091308 Planning Commission Appointment**
Reappointment of Carol Sonnenfeld to the Planning Commission for Ward 3.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- * **20091405 Appointments to the Citizens Advisory Committee for Marietta Parks (CACMP)**

Annette Lewis: Betty Hunter
 Holly Walquist: Larry Ceminsky
 Van Pearlberg: Ford Bohannon and James Morris
 Rev. Anthony Coleman: Walter Moon
 Mayor-elect Steve Tumlin: Heath Garrett
 Johnny Sinclair: Mitch Hunter

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

ORDINANCES:

- * **20091182 Z2009-17 Northwest Exterminating (Stanford Phillips & Stephen Phillips, Jr.)**

[Ord 7429](#)

Z2009-17 [REZONING] NORTHWEST EXTERMINATING (STANFORD PHILLIPS & STEPHEN PHILLIPS, JR.) Motion to approve a request rezoning for property located in Land Lots 939 and 1006, District 16, Parcels 26 and 32 , 2nd Section, Marietta, Cobb County, Georgia and being known as 830 Kennesaw Avenue from OS & LI [Office Services & Light Industrial (County)] to OS [Office Services (City)]. Ward 4.

Planning Commission recommends approval Vote: 6 - 0 - 0

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- * **20091183 A2009-05 Northwest Exterminating (Stanford Phillips & Stephen Phillips, Jr.)**

[Ord 7430](#)

A2009-05 [ANNEXATION] NORTHWEST EXTERMINATING (STANFORD PHILLIPS & STEPHEN PHILLIPS, JR.) Motion to approve a request annexation for property located in Land Lots 939 and 1006, District 16, Parcels 26 and 32 and being known as 830 Kennesaw Avenue, 2nd Section, Cobb County, Georgia consisting of 2.189 acres. Ward 4.

Planning Commission recommends approval Vote: 6 - 0 - 0

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- * **20091184** **CA2009-07 Northwest Exterminating (Stanford Phillips & Stephen Phillips, Jr.) 830 Kennesaw Avenue**

[Ord 7431](#)

CA2009-07 [CODE AMENDMENT] NORTHWEST EXTERMINATING (STANFORD PHILLIPS & STEPHEN PHILLIPS, JR.) in conjunction with the requested annexation of property located in Land Lots 939 and 1006, District 16, Parcels 26 and 32, 2nd Section, Marietta, Cobb County, Georgia, and being known as 830 Kennesaw Avenue, the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Services & Institutional). Ward 4.

Planning Commission recommends Approval Vote: 6 - 0 - 0

Motion: Mr. Gillis made a motion to approve the proposal made by the City of Marietta to designate the Future Land Use as CSI (Community Services & Institutional) seconded by Mr. Carter.

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- * **20091338** **Code Enforcement - 1170 Booth Road**

[Ord 7432](#)

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 1170 Booth Road.

Listed Owner: Chalmers Gerard and Bynums Kenneth

Repeat Violation History: (2) previous cases since April 8, 2008.

Certified mail receipt not received as of 11/30/09.

Taxes paid: Unpaid; owes \$2,589.95

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 Approved

Abstain: Philip M. Goldstein

- * **20091343** **Code Enforcement - 369 E. Post Oak Crossing**

[Ord 7433](#)

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 369 E. Post Oak Crossing.

Listed Owner: Marsella Imonti & Adri Brito

Repeat Violation History: None

Certified mail receipt not received as of 11-23-09.

Taxes paid: Unpaid, owes \$843.53 for 2009.
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

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

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

* **20091246 Housing Choice Voucher Program**

City of Marietta Housing Choice Voucher Program Administrative Plan Revision
2010

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 **Approved**

* **20091302 Marietta Growth Fund Grant Award**

[Ord 7434](#) Motion to approve an ordinance amending the FY10 Marietta Growth Fund budget to receive and appropriate federal grant funds in order to award a grant to Summit Industries.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 **Approved**

* **20091303 Opportunity Zones**

Motion to accept the official designation of three Opportunity Zones in the City of Marietta as approved by the Georgia Department of Community Affairs on November 20, 2009 and as indicated on the attached three maps labeled: "Official Opportunity Zone Map for- Marietta Zone 1, Official Opportunity Zone Map for- Marietta Zone 2 and Official Opportunity Zone Map for- Marietta Zone 3".

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 **Approved**

2. Finance/Investment: Annette Lewis, Chairperson*** 20091180 Donation from Mt. Paran Christian School**

[Ord 7435](#) Motion to approve an ordinance amending the Fiscal Year 2010 General Fund budget to receive and appropriate a donation from Mt. Paran Christian School to support the fire museum.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20091320 Energy Efficiency Conservation Block Grant (EECBG) from U.S. Dept of Energy**

[Ord 7436](#) Approval of an ordinance amending the FY10 Grant Fund Budget to receive a grant from the Department of Energy for \$785,500 for energy efficiency projects throughout the city.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20091321 Finance/Tax division expenses increased from collecting back taxes**

[Ord 7437](#) Motion to approve a request to approve ordinance amending the FY10 budget to appropriate \$15,000 from increase of reimbursement revenue from back taxes to cover cost of collection agency expenses.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20091268 2010 Meeting Calendar**

A Resolution establishing the City Council meeting calendar for 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20091309 Public Art Donation Agreement**

Motion to approve the attached Public Art Donation Agreement between the Kiwanis Club of Marietta and the City of Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- * **20091256 Kennesaw to Chattahoochee Multi-Use Trail**
- Motion approving a Preliminary Engineering Agreement with CSX Transportation as per attached.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**
- * **20091257 No parking zone at Barrington Hill Subdivision**
- Motion approving request by Council Member Pearlberg for a no commercial vehicle parking zone in the cul-de-sac at the end of Barrington Overlook.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**
- * **20091261 Union Chapel Indemnification Agreement**
- Motion to approve request to allow parking to remain on city property as identified in attached Indemnification Agreement..
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**
- * **20091306 Powder Springs Street SPLOST Improvement Project**
- Motion approving a revised scope to construct improvements at the intersection of South Marietta Parkway and Whitlock Avenue as shown on the attached concept drawing.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**
- * **20090364 1994 SPLOST Reallocation**
- Motion to reallocate 1994 SPLOST funds as shown on the attached reallocation table.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**

SCHEDULED APPEARANCES:**UNSCHEDULED APPEARANCES:****OTHER BUSINESS:**

* **20091345 Intergovernmental Agreement**

Motion approving an Intergovernmental Agreement between the City of Marietta and Cobb Housing, Inc. and Community Block Grant Development as requested by Council Members Coleman and Walquist.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20091407 Property Condemnation - 585 Franklin Road**

Motion to authorize the acquisition of property owned by Nazareth Plaza, LLC 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20091408 Property Condemnation - 690 Sandtown Road**

Motion to authorize the acquisition of property owned by YNH Properties 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20091414 Right of way acquisitions and easements - 107 Waverly Way**

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of Atlanta Street Improvements

107 Waverly Way in exchange for \$30,000 from Synovus Trust Co., N.A., et al

107 Waverly Way in exchange for \$3,000 from Sherwin Williams

Council member Goldstein disclosed that he and/or an entity that he owns, owns property on Waverly Way.

This Matter was Approved on the Consent Agenda.**Vote: 6 - 0 - 1** **Approved**

Abstain: Philip M. Goldstein

*** 20091413 Right of way acquisitions and easements
528 N. Marietta Parkway and 170 North Fairground Street**

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of Fairground Street Improvements

528 North Marietta Parkway in exchange for \$75,600 from Covenant Ministries.

Stipulations:

1. The City will ensure that a temporary fence is maintained between the church facilities and construction activities during construction.
2. The City will construct a permanent decorative wall with ornamental fence similar to walls constructed along Roswell Street as a barrier between the church facilities and Fairground Street.
3. The City will only perform construction activities along the frontage of one of the two properties held by the owner at a time, the other property being 170 North Fairground Street.

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of Fairground Street Improvements

528 North Marietta Parkway in exchange for \$75,600 from Covenant Ministries.

Stipulations:

1. *The City will ensure that a temporary fence is maintained between the church facilities and construction activities during construction.*
2. *The City will construct a permanent decorative wall with ornamental fence similar to walls constructed along Roswell Street as a barrier between the church facilities and Fairground Street.*
3. *The City will only perform construction activities along the frontage of one of the two properties held by the owner at a time, the other property being 170 North Fairground Street.*

170 North Fairground Street

Stipulation:

1. *The City will only perform construction activities along the frontage of one of the two properties held by the owner at a time, the other being 528 North Marietta Parkway.*

This Matter was Approved as Amended on the Consent Agenda.**Vote: 7 - 0 - 0** **Approved**

* **20091410 Right of way acquisition and easements - 932 Roswell Street and 251 Roswell Street**

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of Roswell Street Improvements.

932 Roswell Street in exchange for \$248,000 from Bill Spinks

251 Roswell Street in exchange for \$4,700 from Bill Spinks

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20091412 Property donations - 123 Whitlock Drive, 578 Walnut Drive, 102 S. Fairground, 360 N. Fairground, and 162 & 166 Anderson Street**

Motion to accept the following donations of properties:

Acquisition of Driveway easements and Temporary Construction Easements for the purpose of the 2009 City of Marietta Sidewalks Project: **123 Whitlock Drive** from Mark E. and Elisabeth A. Denney.

Stipulations: If fence is disturbed, to be replaced (or moved) with like kind materials. City to relocate if necessary.

Acquisition of Driveway easements and Temporary Construction Easements for the purpose of the 2009 City of Marietta Sidewalks Project: **578 Walnut Drive** from Elba N. Pagan and Robert H. Leedy.

Stipulations: If sprinkler system is damaged during construction o be repaired or replaced by City of Marietta at their expense.

Acquisition of Driveway Easements and Temporary Construction Easement for the purpose of the Fairground Street Improvements Projects: **102 S. Fairground** from Magurite D. and Tony M. Little.

Stipulations: Access to property will be maintained during construction.

Acquisition of Driveway Easements and Temporary Construction Easement for the purpose of the Fairground Street Improvements Projects: **360 N. Fairground** from Michael W. Nelson.

Acquisition of Temporary Construction Easements at **162 & 166 Anderson Street** for the purpose of the Roswell Street Streetscapes Project: 162 & 166 Anderson Street from Lawyers Realty, LLP.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

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- * **20091329** **BLW Actions of December 7, 2009**
- Review and approval of the December 7, 2009 actions and minutes of the Marietta Board of Lights and Water, with the exception of agenda item 20091360.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
Council members Goldstein Coleman voting against BLW agenda items 20091362, 20091375, 20091350, 20091351, 20091359 and 20091360.
Council member King not opposed to agenda item 20091360.
- * **20091422** **Property Condemnation - 12 Cobb Parkway and 1040 Roswell Road**
- Motion to authorize the acquisition of property owned by H. J. Millwood, LLC 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.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20091421** **Property Condemnation - 952 Roswell Road**
- Motion to authorize the acquisition of property owned by Car Guys, Inc., 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.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20091420** **Property Condemnation - 721/731 Powder Springs Road**
- Motion to authorize the acquisition of property owned by Sky International 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- * **20091419 Right of way acquisitions and easements - 250/256/260 North Fairground Street, 330 Victory Drive**

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of Fairground Street Improvements.

250/256/260 North Fairground Street in exchange for \$31,900 from Turner Chapel AME Church.

330 Victory Drive in exchange for \$26,000 from Cobb Children's Center.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- * **20091418 Property Donation - 830 Kennesaw Avenue**

Motion to accept the following donation:

Acquisition of right-of-way for the following properties for the purpose of radius improvements at Kennesaw Ave/Marble Mill Road: **830 Kennesaw Avenue**

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

ADJOURNMENT:

The meeting was adjourned at 8:03 p.m.

Date Approved: January 13, 2010

Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk