



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, 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 8, 2012

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Grif Chalfant, Johnny Sinclair, Van Pearlberg, Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

Absent: Annette Lewis

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Council member Johnny Sinclair called upon Council member Jim King to give the invocation.

PLEDGE OF ALLEGIANCE:

Council member Johnny Sinclair asked everyone to remain standing for the pledge of allegiance.

PRESENTATIONS:

20120114 Municipal Court Judge

Swearing in of Municipal Court Judge Robert J. Grayson.

Oath Administered

PROCLAMATIONS:**20120067 Proclamation - Mr. Charles Ferguson**

Presentation of a Proclamation to Mr. Charles Ferguson in celebration of Black History Month.

Presented

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

Larry Willis, who resides at 60 Oakmont, expressed concern regarding agenda item 20120058, the appropriation of the unused fund balance in the 1994 SPLOST to be used by Public Works as matching funds for the Roswell Street Streetscape Livable Centers Initiative Project Phase I.

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 Tumlin called upon Mayor Pro tem, Johnny Sinclair, to preside over this portion of the meeting. Mayor Pro tem Sinclair briefly explained the consent agenda process. The following amendments were made to the consent agenda:

-under Public Works: The disclosure under agenda item 20120058 was amended to read, "Council member Goldstein disclosed that PMG 358 Roswell Street, LLC owns the property at 358 Roswell Street, Marietta GA 30060. He is the owner of said entity and from his understanding; no monies from this item will go towards the streetscape touching the property on the south side of Roswell Street as that has already been done in front of that address on the south side of the street."

-under Other Business: Agenda item 20110982 was added to the consent agenda, with an amendment to stipulation number 1 and the addition of stipulation number 4. Stipulation #1 shall read, "The sidewalk previously approved to be located along the eastern side of Rockmann Lane and the northern side of Rockmann Terrace will be relocated along the western side of Rockmann Lane and the southern side of Rockmann Terrace, so as to preserve the existing trees on the Smith-Manning House property." Stipulation # 4 shall read, "The Tree Replacement Plan for Rockford Township, date stamped Feb. 3, 2012, is approved with adjustment to Detention Area 2, by moving eleven (11) evergreen trees from the rear and placing eight (8) evergreen trees in the rear of Lot #20 and three (3) evergreen trees near the outlet structure on Detention Area 1."

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

* **20120111 Denial of Claim**

Denial of Claim of Crestwood Park Apartments.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

* **20120112 Denial of Claim**

Denial of the claim of Clinton Skipper.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

* **20120062 2012-02 Detailed Plan Manget Phase I (Revised)**

Motion to approve the Revised Detailed Plan for Manget Phase I located in Land Lots 1287 & 1288, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:

- 1. Reduce seven (7) townhome parcels, previously identified as T15 - T21, to five townhome parcels, to be identified as T15 - T19.
- 2. Convert six (6) single family parcels, previously identified as SF22 - SF27, to three (3) single family parcels identified as SF25 - SF27.
- 3. As a result, the total number of units approved for the Manget Phase I will be reduced by five (5) units, from 75 to 70, and the total number of units approved for the entire Manget development will be reduce by five (5) units, from 265 to 260.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 0 Approved

*** 20120063 2012-03 Final Plat Manget Phase I (Revised)**

Motion to approve the Revised Final Plat for Manget Phase I located in Land Lots 1287 & 1288, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:

1. Reduce seven (7) townhome parcels, previously identified as T15 - T21, to five townhome parcels, to be identified as T15 - T19.
2. Convert six (6) single family parcels, previously identified as SF22 - SF27, to three (3) single family parcels identified as SF25 - SF27.

As a result, the total number of units approved for the Manget Phase I will be reduced by five (5) units, from 75 to 70, and the total number of units approved for the entire Manget development will be reduce by five (5) units, from 265 to 260.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 0 Approved

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

*** 20120047 2012 Street Closure Requests**

Motion approving the closure of various streets throughout 2012 to accommodate the Glover Park Concert Series, Taste of Marietta, May-retta Daze, Marietta Police Motorcycle Ride for Special Olympics, Cobb Heart Walk, Juneteenth, Fourth in the Park Parade and Festival, Labor Day Fine Art Show (Art in the Park), Antique Street Festival, Marietta Reads, Harvest Square Arts and Crafts Show/Halloween Happenings, MUST Ministries Gobble Jog, and the Marietta Farmer's Market.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 0 Approved

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20120058 Roswell Street Streetscape Livable Centers Initiative Project Phase I.**

Motion authorizing the appropriation of the unused fund balance in the 1994 SPLOST to be used by Public Works as matching funds for the Roswell Street Streetscape Livable Centers Initiative Project Phase I.

Council member Goldstein disclosed that PMG, LLC owns the property at 358 Roswell Street, Marietta GA 30060. He is the owner of said property and from his understanding; no monies from this item will go towards the streetscape touching the property on the south side of Roswell Street as that has clearly been done in front of that address on the south side of the street.

The disclosure was amended to read, "Council member Goldstein disclosed that PMG 358 Roswell Street, LLC owns the property at 358 Roswell Street, Marietta GA 30060. He is the owner of said entity and from his understanding; no monies from this item will go towards the streetscape touching the property on the south side of Roswell Street as that has already been done in front of that address on the south side of the street."

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

* **20120059 Wellstar Health System Easement**

Motion authorizing an easement allowing Wellstar Health System to install and maintain a way finding sign within the Dickson Avenue right of way as shown on the attached drawings for Wellstar Health System, provided by CDH Partners. Sign must comply with all applicable ordinances and processes not otherwise addressed in this motion. Approval is subject to approval of final easement, location, and indemnification agreement(s) by the City Attorney and Public Works Director.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

APPEARANCES:

OTHER BUSINESS:

* **20110982 V2011-33 [Variance] Traton Homes (Rockford Township) Land Lots 00360, 00370, and 00380, District 19.**

Motion to approve the following variances for property located in Land Lots 00360, 00370, and 00380, District 19 and being known as Rockford Township. Variance to reduce the total number of street trees required to be planted in the front yards of the development from 169 to 148 (as shown on the attached Tree

Replacement Plan for Rockford Township, date stamped Feb. 3, 2012), in lieu of the requirements for planted border areas listed under Table G-1. [Section 712.08 (G)(2)(a)]; with the following stipulations:

1. The sidewalk previously approved to be located along the eastern side of Rockmann Lane will be located along the western side of Rockmann Lane, so as to preserve the existing trees on the Smith-Manning House property.
2. No tree replacement will be required for the unintentional loss of any trees identified on the Tree Replacement Plan.
3. No disturbance or construction activities, such as vehicle or material storage, shall encroach upon the critical root zone for designated tree save areas, which shall include no less than the total area beneath the canopy drip line of the tree(s). Further, prior to any land disturbance, active tree protective fencing must be installed to protect the critical root zone.

Mayor Tumlin disclosed that in 2009 political contributions were reported from Traton and its principals in the aggregate of over \$250. Also, Smith, Tumlin, McCurley & Patrick, P.C., represented Mr. John Elliott in the sale and separation of the Smith Manning property.

Council member Sinclair disclosed that in 2009 he received a political contribution of greater than \$250 from Mr. Bill Poston of Traton Corporation. Also, he sold Mr. Will Etheredge, the neighboring property owner at the Smith Manning House, his house. In addition, he was the listing agent at Rockford for Mr. John Elliott, the previous owner, in his capacity as a Realtor at Harry Norman Realtors, but the project went bankrupt before they sold anything.

V2011-33 [Variance] Traton Homes (Rockford Township) Land Lots 00360, 00370, and 00380, District 19.

Motion to approve the following variances for property located in Land Lots 00360, 00370, and 00380, District 19 and being known as Rockford Township. Variance to reduce the total number of street trees required to be planted in the front yards of the development from 169 to 148 (as shown on the attached Tree Replacement Plan for Rockford Township, date stamped Feb. 3, 2012), in lieu of the requirements for planted border areas listed under Table G-1. [Section 712.08 (G)(2)(a)]; with the following stipulations:

1. *The sidewalk previously approved to be located along the eastern side of Rockmann Lane and the northern side of Rockmann Terrace will be relocated along the western side of Rockmann Lane and the southern side of Rockmann Terrace, so as to preserve the existing trees on the Smith-Manning House property.*
2. *No tree replacement will be required for the unintentional loss of any trees identified on the Tree Replacement Plan.*

3. No disturbance or construction activities, such as vehicle or material storage, shall encroach upon the critical root zone for designated tree save areas, which shall include no less than the total area beneath the canopy drip line of the tree(s). Further, prior to any land disturbance, active tree protective fencing must be installed to protect the critical root zone.

4. The Tree Replacement Plan for Rockford Township, date stamped Feb. 3, 2012, is approved with adjustment to Detention Area 2, by moving eleven (11) evergreen trees from the rear and placing eight (8) evergreen trees in the rear of Lot #20 and three (3) evergreen trees near the outlet structure on Detention Area 1.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

* **20120127 Acquisition of Property**

Motion to approve purchase and sale agreement between Abbott Products, Inc. as Seller and the City of Marietta as Purchaser regarding the purchase of 15.5 acres, more or less, for the price of \$1,236,000.00 per the terms of the contract on file with the City Clerk's office. This motion authorizes minor changes to the agreement as approved by the Chief of the Fire Department, the City Manager and the City Attorney.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

* **20120128 Budget Amendment**

Request for approval of an ordinance amending the Fiscal Year 2012 budget to appropriate unused fund balance in the 1994 SPLOST Funds to use as matching funds for the Roswell Street Streetscape Livable Centers Initiative Project Phase I.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

* **20120129 Donation of Landscape Easement - 595 Roswell Street**

Motion accepting donation of permanent landscaping easement at 595 Roswell Street from Corn Enterprises for planting trees and landscaping enhancements.

Mayor Tumlin disclosed that his firm represented the owners of this property in this matter.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 Approved

20120115 Charter Review Commission

Motion to create a “Charter Review Commission” with a suggested composition of a City wide cross section of Marietta Citizens, a liaison representative from Cobb Delegation, and professional expertise from Carl Vision Institute and Georgia Municipal Association. To meet within the definition of the Open Meetings Act for a period of not less than six months and not more than a year.

Removed

20120125 Opinions of the Ethics Committee

Motion to amend the city Ethics Ordinance related to the Ethics Committee rendering opinions.

Removed

BLW Actions of February 6, 2012

Review and approval of the February 6, 2012 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 0 Approved

* **20120092**

Motion authorizing acquisition of the following easements for the Powder Springs Street Multi-use Trail Project:

803 Powder Springs Street from Najco Inc. in exchange for \$17,000

881 Powder Springs Street from G. William Thackston, Jr. in exchange for \$4,125

* **20120135**

887 Powder Springs Street from Martha W. & Dennis L. Moore in exchange for \$7,200 with stipulations:

(1) “Permanent construction easement” will be converted to “temporary construction easement”

(2) Drive will be a smooth transition to the street with flared sides which allow a safe re-entry from highway

1115 Powder Springs Street from LN Neighborhood Retail Centers, LLC in exchange for \$9,100 1175 Powder Springs Street from SBJ, Inc. in exchange for \$11,000

Tax ID# 17-01480-0050 from Michael P. & Harris Gail Good in exchange for \$7,000

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 0

Approved

UNSCHEDULED APPEARANCES:

Larry Willis, who resides at 60 Oakmont, expressed concern regarding an agenda item that was approved last month. During the January meeting, Council approved a variance from the underground utility ordinance for Zayo Fiber Solutions.

ADJOURNMENT:

The meeting was adjourned at 7:26 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk