



# 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**

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Wednesday, October 14, 2009

7:00 PM

Council Chamber

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**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 7:10 p.m.*

## **INVOCATION:**

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

## **PLEDGE OF ALLEGIANCE:**

*Mayor Dunaway asked everyone to stand for the pledge of allegiance.*

## **PRESENTATIONS:**

### **20090873 Park Street Awards Presentations**

Park Street Awards Presentations as part of our Public Power/Clean Water Week celebration

**This matter was Presented.**

### **20091039 Public Power and Clean Water poster contest winners**

Karmen Scarbro and Kim Holland present Public Power and Clean Water poster contest winners from Park Street Elementary School.

Public Power Contest Winners

Grand Prize - Vivian Natasya -5th grade

1st Place - Jose Perez Francisco- 4th grade

2nd Place- Kimberly Guzman- 3rd grade

3rd Place - Daniela Rodriguez- 4th grade

Clean Water Contest Winners  
Grand Prize - Victor Ayala- 4th grade  
1st Place - Maria Gallardo - 5th grade  
2nd Place - Joanna Juarez- 4th grade  
3rd Place- Eduardo Ochoa- 4th grade

**This matter was Presented.**

**20091106 US 10K Classic**

Presentation to the Mayor and City Council by Don Whitney, US 10K Classic.

**This matter was Presented.**

**PROCLAMATIONS:**

**20090997 Stay Fire Smart Don't Get Burned!**

Lt. Tim Cameron , Marietta Fire Department accepts Proclamation declaring the month of October, 2009 as "Stay Fire Smart Don't Get Burned!" which encompasses developing a safety plan to include smoke alarms and residential sprinkler installation and maintenance, as well as a home fire inspection plan to aid in preventing and limiting home fires.

**Proclamation Read.**

**20091057 Domestic Violence Awareness Day**

Proclamation declaring October 22, 2009 as DOMESTIC VIOLENCE AWARENESS DAY throughout the City of Marietta, asking all to join together in efforts to eliminate domestic violence in our state, our counties and our homes.

**Proclamation Read.**

**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 Goldstein, seconded by Council member King, to suspend the rules of order to add an agenda item regarding a request to authorize the acquisition of property located at 477 N. Fairground Street , 463 N.*

*Fairground Street, 485 N. Fairground Street, 493 N. Fairground Street by means of eminent domain; to accept a donation of property located at 202 Waterman Street and 251 Waterman Street; and to accept a settlement in the case of Scott Loughrey v. Aderhold Properties, Inc., and the City of Marietta. The motion carried by the following vote:*

*Vote: 7 - 0 - 0*

*Approved*

*(See agenda items 20091123, 20091124, 20091125, 20091126, 20091127 and 20091129)*

*-under Minutes: Agenda item 20090995 was removed from the agenda.*

*-under Council Appointments: Agenda item 20091003 was amended to read, "Motion appointing Sterling G. Wharton to Post 3, for a term of 4 years and James D Southerland to Post 5, for a term of 6 years to the Marietta Development Authority Board."*

*-under Ordinances: Agenda items 20090944, 20090945 and 20090946 were added to the consent agenda to table with the applicant being responsible for re-advertisement costs. Agenda items 20091071, 20091089 and 20091090 were removed from the agenda.*

*-under Judicial/Legislative: Agenda item 20091056 was added to the consent agenda.*

*-under Public Works: Agenda item 20091016 was added to the consent agenda. Agenda item 20091032 was removed from the agenda.*

*-under Other Business: Agenda item 20091036 was added to the consent agenda.*

*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 Coleman, 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 20091008, 20091009, 20091011, 20091043, 20091045, 20091046, 20091047, 20091051, 20091052, 20091053, 20091072, 20091073, 20091076, 20091078, 20091085, 20091086, 20091087 and voting against 20091016.*

*-Council member Coleman abstaining on agenda items 20091124, 20091125, 20091126 and 20091127.*

*-Council member Walquist abstaining on agenda item 20091003.*

*-Council member Pearlberg voting against agenda item 20091036.*

*-Council member King voting against agenda item 20090990 and 20091016.*

*-Council member Lewis voting against agenda item 20091016.*

**MINUTES:****20090995 Regular Meeting - September 9, 2009**

Review and approval of the September 9, 2009 regular meeting minutes.

**This matter was Tabled.**

**\* 20091116 Special Called Meeting - October 9, 2009**

Review and approval of the October 9, 2009 special called meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**MAYOR'S APPOINTMENTS:****CITY COUNCIL APPOINTMENTS:****\* 20091003 Marietta Development Authority Vacancies**

Motion appointing \_\_\_\_\_ to Post 3, for a term of 4 years and \_\_\_\_\_, to Post 5 for a term of 6 years to the Marietta Development Authority Board.

*Motion appointing Sterling G. Wharton to Post 3, for a term of 4 years and James D Southerland to Post 5, for a term of 6 years to the Marietta Development Authority Board.*

**This matter was Approved as Stipulated on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved as Stipulated**

Abstain: Holly Walquist

**ORDINANCES:****20090933 Z2009-15 Chad Curry/ABC Sign Group, LLC 35 and 45 Aviation Road**

*Ord 7391* Z2009-15 [REZONING] CHAD CURRY (ABC SIGN GROUP, LLC) request rezoning for property located in Land Lot 12360, District 16, Parcels 78 and 79 , 2nd Section, Marietta, Cobb County, Georgia and being known as 35 and 45 Aviation Road from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 7.

*Mayor Dunaway opened the public hearing. City Attorney Douglas Haynie explained the rules of order and swore in those wishing to speak.*

*Chad Curry, representing the ABC Sign Group, requested rezoning for property located at 35 and 45 Aviation Road from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial) in order to install signs directing traffic to parking areas for the Roswell Street Baptist Church.*

*Discussion was held. Mr. Curry stated that he would be willing to accept a rezoning from R-4 (Residential Single Family 4 units/acre) to R-4 (Residential Single Family 4 units/acre) with variances, if that would allow them to install the signs.*

*A motion was made by Council member Goldstein, seconded by Council member Coleman to approve the rezoning request from R-4 (Residential Single Family 4 units/acre) to R-4 (Residential Single Family 4 units/acre) with the following variances:*

- 1) Variance to allow a parking lot as a permitted use in an area zoned R-4 (Residential Single Family 4 units/acre).*
- 2) Variance to allow a freestanding (detached) monument sign, approximately 2 ft. x 4 ft. in area north of the driveway entering off Aviation road, otherwise the sign shall comply with all City Sign regulations.*
- 3) Variance to allow a sign to be located on the parcel of property separate from the parcel upon which the main business or institution is located.*

*A substitute motion was made by Council member Lewis, seconded by Council member King, to approve the previous motion with the additional stipulation that the applicant install a fence 6ft in height on the northern side of this parcel.*

**The motion was made by Council member Lewis, seconded by Council member King, that this matter be Approved as Amended. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved as Amended**

**\* 20090944 Z2009-16 John B. Harbour 33 & 37 Garrison Road**

Z2009-16 [REZONING] JOHN B. HARBOUR request rezoning for property located in Land Lots 218 and 219, District 17, Parcel 114 and 21, 2nd Section, Marietta, Cobb County, Georgia and being known as 33 and 37 Garrison Road from R-3 [Single Family Residential 3 units/acre (City)] and R-20 [Single Family Residential (County)] to CRC [Community Retail Commercial (City)]. Ward 3.

*Motion to table this matter until the next City Council meeting, with the applicant responsible for advertising costs.*

**This matter was Approved as Amended on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved as Amended**

**\* 20090945 A2009-04 John B. Harbour 33 Garrison Road**

A2009-04 [ANNEXATION] JOHN B. HARBOUR request annexation for property located in Land Lot 02190, District 17, Parcel 21 and being known as 33 Garrison Road, 2nd Section, Cobb County, Georgia consisting of 0.78 acres. Ward 3.

*Motion to table this matter until the next City Council meeting, with the applicant responsible for advertising costs.*

**This matter was Approved as Amended on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved as Amended**

\* **20090946 CA2009-06 John B. Harbour 33 & 37 Garrison Road**

CA2009-06 [CODE AMENDMENT] JOHN B. HARBOUR in conjunction with the requested annexation of property located in Land Lots 218 and 219, District 17, Parcels 114 and 21, 2nd Section, Marietta, Cobb County, Georgia, and being known as 33 and 37 Garrison Road, the City of Marietta proposes to designate the Future Land Use of said property as MXD (Mixed Use Development). Ward 3.

*Motion to table this matter until the next City Council meeting, with the applicant responsible for advertising costs.*

**This matter was Approved as Amended on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved as Amended**

\* **20091008 Code Enforcement - 1129 Mountain View Drive**

*Ord 7395*

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 1129 Mountain View Drive.

Listed Owner: Bank of America NA

Repeat Violation History: ( 4 ) previous cases since 2004.

Certified mail receipt received 09/21/09; not signed by registered agent.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 – 1**

**Approved**

Abstain: Philip M. Goldstein

\* **20091009 Code Enforcement - 1663 Barrington Overlook**

*Ord 7396*

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 1663 Barrington Overlook.

Listed Owner: Taesha McLean

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

Certified mail receipt received 09/25/09; "Unable to Forward."

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

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

- \* **20091011** **Code Enforcement - 862 Meadow Place**  
*Ord 7397* 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 862 Meadow Place.  
Listed Owner: Hills, James J & Wanda S  
Repeat Violation History: ( 4 ) previous cases since July, 1997.  
Certified mail receipt not received as of 10/01/09.  
Taxes paid: Yes  
**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

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

- \* **20091043** **Code Enforcement - 460 Glover Street**  
*Ord 7398* 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 460 Glover Street.  
Listed Owner: Adams Partnership; c/o Noah McKinnon Jr. Esq.  
Repeat Violation History: None  
Certified mail receipt received; signed by Rose Mattoon (unknown person).  
Taxes paid: Yes  
**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

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

- \* **20091045** **Code Enforcement - 255 McIntosh Avenue**  
*Ord 7399* 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 255 McIntosh Avenue.  
Listed Owner: Walter Mortgage Company  
Repeat Violation History: ( 3 ) previous cases since October 2008.  
Certified mail receipt received signed; signature not legible.  
Taxes paid: Yes  
**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

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



vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 482 Hyde Drive.

Listed Owner: Sammie Jean Stacy & Betty Louise Stacy

Repeat Violation History: ( 7 ) previous cases since May 15, 2006

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: Philip M. Goldstein

\* **20091053**  
*Ord 7404*

**Code Enforcement - 496 Barnes Mill 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 496 Barnes Mill Drive.

Listed Owner: Lanham Marjorie Juanita

Repeat Violation History: ( 16 ) previous cases since August 2001.

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: Philip M. Goldstein

\* **20091071**

**Code Enforcement - 1503 Church Street Extension**

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 1503 Church Street Extension.

Listed Owner: DBT Ventures LLC

Repeat Violation History: ( 2 ) previous cases since April 28, 2009.

Certified mail receipt received 09/30/09; not signed by Registered Agent.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This matter was Removed.**

\* **20091072**

**Code Enforcement - 173 Hamilton Trace**

*Ord 7405*

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 173 Hamilton Trace.

Listed Owner: Ehrenberg Gerri

Repeat Violation History: ( 5 ) previous cases since January 14, 2002.

Certified mail receipt not received as of 10/02/09.

Taxes paid: Yes



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

Abstain: Philip M. Goldstein

\* **20091085** **Code Enforcement - 397 Windsor Drive**

*Ord 7409*

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 397 Windsor Drive.

Listed Owner: Peter F. & Susan M. Polyak

Repeat Violation History: ( 4 ) previous cases since May 21, 2007

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

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

Abstain: Philip M. Goldstein

\* **20091086** **Code Enforcement - 1204 Scripps Court**

*Ord 7410*

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 1204 Scripps Court.

Listed Owner: Alexis A. Mills

Repeat Violation History: ( 2 ) previous cases since July 12, 1999

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

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

Abstain: Philip M. Goldstein

\* **20091087** **Code Enforcement - 417 Cascade Drive**

*Ord 7411*

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 417 Cascade Drive.

Listed Owner: Neal K. Keys (deceased)

Repeat Violation History: None

Certified mail receipt received 09/23/09; signed by Hazel B. Bartlett (family friend where mail is received).

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

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

Abstain: Philip M. Goldstein

- \* **20091089 Code Enforcement - 344 W. Post Oak Crossing**  
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 344 W. Post Oak Crossing.  
Listed Owner: Mark J. Moorhead  
Repeat Violation History: ( 5 ) previous cases since August 28, 2006.  
Certified mail receipt received; signature not legible.  
Taxes paid: Yes  
PUBLIC HEARING REQUIRED

**This matter was Removed.**

- \* **20091090 Code Enforcement - 354 W. Post Oak Crossing**  
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 W. Post Oak Crossing.  
Listed Owner: Arias, Gilde  
Repeat Violation History: ( 6 ) previous cases since August 27, 2007  
Certified mail receipt not received as of 10/01/09.  
Taxes paid: Yes  
PUBLIC HEARING REQUIRED

**This matter was Removed.**

## **RESOLUTIONS:**

## **CITY ATTORNEY'S REPORT:**

## **CITY MANAGER'S REPORT:**

## **MAYOR'S REPORT:**

## **COMMITTEE REPORTS:**

### **1. Economic/Community Development: Grif Chalfant, Chairperson**

#### **20091001 Marietta Growth Fund**

Motion to establish a Grant/Loan Review Committee for the Marietta Growth Fund, with seven (7) members as recommended by staff and including the Chairman of the Economic Development Committee as a non-voting ex-officio member.

*Mayor Dunaway called for a motion regarding this matter.*

*A motion was made by Council member Walquist, seconded by Council member King to approve the motion as presented.*

*A substitute motion was made by Council member Goldstein, seconded by Council member Lewis, to approve the motion without the addition of the Chairman of the Economic Development Committee as a non-voting ex-officio member.*

**The motion failed by the following vote:**

**Vote: 2 - 5 - 0**

**Failed**

Vote Against: Grif Chalfant, Holly Walquist, Van Pearlberg, Rev. Anthony Coleman and Jim King

*Mayor Dunaway called for a vote on the original motion.*

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

**Vote: 5 - 2 - 0**

**Approved**

Vote Against: Van Pearlberg and Philip M. Goldstein

## **2. Finance/Investment: Annette Lewis, Chairperson**

\* **20090973 Franklin Road Early Learning Initiative**

*Ord 7412* Approval of an Ordinance amending the Fiscal Year 2010 Weed and Seed Fund budget to accept additional funding of \$20,250 from the United Way of Metropolitan Atlanta to expand programming for the Franklin Road Early Learning Initiative.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

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

\* **20090716 Scenic Easement**

*Deed 5202* Motion approving the Declaration of Scenic Easement for 1.023 acres, being the Common Area as shown on the plat of survey for Robert M. Goodman, Jr., Oakton, Inc. as attached.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20090776 Pedicabs**

*Ord 7392* Ordinance to allow for Pedicabs along public streets.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20091004 Kennesaw Avenue Historic District Design Guidelines**

Motion to authorize advertisement of a Public Hearing regarding the Kennesaw Avenue Historic District Design Guidelines set for November 11, 2009 City Council Meeting.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**





**Vote: 4 - 3 - 0**

**Approved**

Vote Against: Annette Lewis, Jim King and Philip M. Goldstein

\* **20091026 Fairground Street Improvements**

Motion authorizing the Public Works Department to remove the Lawrence Street and Black Street intersection improvements from the Fairground Street Improvements List.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**20091032 East Park Square Parking**

Motion approving the installation of signs at two parking spaces "for use by Law Enforcement and District Attorney's Office Only" on East Park Square.

**This matter was Removed.**

\* **20091033 GDOT Mowing and Maintenance Agreements**

*c/a 3707*

Motion authorizing the Public Works Department to sign the GDOT Mowing and Maintenance Agreements as attached.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20091110 Property Acquisitions for Fairground Street**

Motion authorizing acquisition of right-of-way and easements within the following properties for the purposes of Fairground Road Improvements:  
480 Fairground Street from Turner Chapel AME in exchange for \$4269 (Allgood to N. Marietta Pkwy)  
586 Kenneth Marcus Way from Turner Chapel AME in exchange for \$23,849 attached. (Allgood to N. Marietta Pkwy)  
74 Black Street from Bailey Realty Assoc. in exchange for \$750 (S. Marietta Pkwy to N. Marietta Pkwy)  
155 S. Fairground Street from Hubert F. & Jo B. Bagwell in exchange for \$3995 (S. Marietta Pkwy to N. Marietta Pkwy)

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20091112 Property Acquisition Donations**

Motion to accept the following donations of properties:

Temporary easement for the purpose of the Kennesaw Avenue Road Improvement Project:  
601 Oakledge Drive from Beth Cox

Temporary easement for the purpose of the Powder Springs Road and Streetscape Project:  
680 Powder Springs Road from Young Thomas Heritage Properties with stipulation that signage is not to be disturbed.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20091117 Property Acquisition for Roswell Street Improvements**

Motion authorizing acquisition right-of-way and easement within the following properties for the purposes of Roswell Road Street Improvements:

863/865/879 Roswell Street from Banister in exchange for \$67,350 with letter of stipulations attached. (Victory Drive to Cobb Pkwy)

933 Roswell Street from Horace Orr Post 29 Inc. in exchange for \$17,825 (Victory Drive to Cobb Pkwy) with no stipulations.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20091118 Property Acquisition for Franklin Road Project**

Motion authorizing acquisition right-of-way and easement within the following properties for the purposes of the Franklin Road Streetscape and road project, between S. Marietta Pkwy and Delk Road. With stipulations as attached.

2150 Delk Road from Cracker Barrell Old Country Store Inc. in exchange for \$9530 (S. Marietta Pkwy- Delk Rd.)

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20091119 Property Acquisitions for Powder Springs Road Streetscapes Project**

Motion authorizing acquisition the following properties for the purposes of the Powder Springs Road Streetscapes and road improvements:

692 Powder Springs Street from Century Partnerships in exchange for \$30,393 with letter of stipulations attached.

761 Powder Springs Street from Georgia Federal Savings in exchange for \$35,800 with letter of stipulations attached.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**SCHEDULED APPEARANCES:**

*Larry Wills, who resides at 60 Oakmont Drive, expressed concern regarding the improper use of the City's web site.*

**UNSCHEDULED APPEARANCES:**

*Bill Bolton, who resides at 2104 Drogheda Lane, commented regarding the Parks and Recreation Bond Referendum/Park Improvements.*

*Mayor Pro tem, Jim King, presided over this portion of the meeting.*

*Mayor Dunaway spoke regarding comments and articles written in the Marietta Daily Journal by Mr. Larry Wills.*

**OTHER BUSINESS:**

- \* **20090990 National League of Cities 2009 Congress of Cities and Exposition**  
Motion approving travel and training expenses for Mayor and Council members who wish to attend the NLC 2009 Congress of Cities and Exposition in San Antonio, Texas, November 10-14, 2009.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 6 - 1 - 0 Approved**  
Vote Against: Jim King
- \* **20090991 NLC Annual Congress of Cities Business Meeting**  
Motion approving the appointment of Philip M. Goldstein as voting delegate and Annette Lewis as alternate voting delegate for the NLC Annual Congress of Cities Business Meeting on Saturday, November 14, 2009, in San Antonio, Texas.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 - 0 - 0 Approved**
- \* **20091022 Combined Cycle Power Sales Contracts-First Amendment**  
C/A 3699  
Motion to authorize execution of the BLW Resolution with the Municipal Electric Authority of Georgia (MEAG) authorizing the execution and delivery of a First Amendment to the amended and restated Combined Cycle Power Sales Contracts, as recommended by the Board of Lights and Water.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 - 0 - 0 Approved**
- \* **20091023 Municipal Competitive Trust-Second Replacement Amendment**

C/A 3700 Motion to authorize the execution and delivery of a BLW Second Replacement Amendment to the Municipal Competitive Trust as presented, as recommended by the Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

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

- \* **20091036      City website**  
Motion to approve elected officials' use of city web site stating "unless the message has been generated as the official policy of the City, there shall be a disclaimer that the posting is of the individual and does not represent the position of the City of Marietta."

**This Matter was Approved on the Consent Agenda.**

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

- \* **20091048      Civil Service Board Uncontested Election**  
Motion approving the certified Uncontested Election results for the Marietta Civil Service Board Post 2 vacancy, electing Edgar Darden Borders, II for a term of three years, effective January 1, 2010 and expiring on December 31, 2012.

**This Matter was Approved on the Consent Agenda.**

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

- \* **20090992      BLW Actions of September 14, 2009**  
Review and approval of the September 14, 2009 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**

- \* **20090993      BLW Actions of October 12, 2009**  
Review and approval of the October 12, 2009 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**

- \* **20091123      Renaissance District Donations**  
Motion to accept the following donations of properties:

Right of Way for the purpose of the Renaissance District Sidewalk and Landscape Improvement Project:

202 Waterman Street from Salvation Army with stipulations:

1. The fence be reconfigured before construction begins.

2. The fence to be put up in a one day period.
3. The property to remain secure at all times.

Right of Way and Temporary Easement for the purpose of the Renaissance District Sidewalk and Landscape Improvement Project:

251 Waterman Street from Clarence O. Taylor IV with stipulations:

1. Extend plantings from the new ROW (@L2) across front yard to existing driveway. Using similar /same plantings as found in improvements @ corner.
2. Do not disturb existing conc. walk outside right of way.
3. Install new driveway apron for future driveway along Alexander Street.
4. All vegetation in temporary construction easement to be replace with like kind materials.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20091124 477 N. Fairground Street**

Motion to authorize the acquisition of property located at 477 N. Fairground Street, owned by Mr. Eddie Price 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: 6 - 0 - 1**

**Approved**

Abstain: Rev. Anthony Coleman

\* **20091125 463 N. Fairground Street**

Motion to authorize the acquisition of property located at 463 N. Fairground Street, owned by Mr. Eddie Price 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: 6 - 0 - 1**

**Approved**

Abstain: Rev. Anthony Coleman

\* **20091126 485 N. Fairground Street**

Motion to authorize the acquisition of property located at 485 N. Fairground Street, owned by Mr. Eddie Price 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: 6 - 0 - 1** **Approved**  
Abstain: Rev. Anthony Coleman

\* **20091127** **493 N. Fairground Street**

Motion to authorize the acquisition of property located at 493 N. Fairground Street, owned by Mr. Eddie Price 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: 6 - 0 - 1** **Approved**  
Abstain: Rev. Anthony Coleman

\* **20091129** **Scott Loughrey v. Aderhold Properties, Inc., and the City of Marietta**

Motion to approve a settlement as presented regarding Scott Loughrey v. Aderhold Properties, Inc., and the City of Marietta.

**This Matter was Approved on the Consent Agenda.**

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

**ADJOURNMENT:**

*The meeting adjourned at 8:25 p.m.*

**Date Approved: 11/03/09**

\_\_\_\_\_  
**William B. Dunaway, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**