



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL SPECIAL MEETING

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Vacant, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, July 25, 2012

5:15 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 5:21 p.m.

BUSINESS:

20120661 Marietta City School System Resolution

Resolution to adopt and accept the FY2013 property tax maintenance and operations levy of 19.157 mills for the Marietta City School System.

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

Vote: 5 - 0 - 0 Approved

20120662 Ordinance for final adoption of FY2013 Ad Valorem Tax Levies

Adopting the final Ad Valorem tax levies for support of City government and public operations and debt service obligations.

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

Vote: 5 - 0 - 0 Approved

Council member King expressed concern regarding receipt of the revised agenda and whether there was proper notice. He requested that the new items be added at this time.

A motion was made by Council member King, seconded by Council member Goldstein, to suspend the rules of order and add several motions to the agenda regarding property acquisition.

Discussion was held.

Mayor Tumlin objected to the addition of the items since the items already appear on the agenda that properly noticed, as per the City Code. Mayor Tumlin acknowledged Council member King's concern for the record. The courier delivery sheet was also entered into the record and shall be filed with the minutes of the meeting.

Council member King withdrew his motion and Council member Goldstein withdrew his second to the motion.

20120709**1038 Arden Drive**

Motion authorizing acquisition of the property at 1038 Arden Drive from Anita Jean Guess for the purpose of constructing the Powder Springs Street Multiuse Trail Improvement Project - Bellmeade Drive to Chestnut Hill Road in exchange for \$7,400.00 with revised stipulation that Grantor and Grantee agree that all of the construction work will be completed and accomplished within the Right-of-Way and easement as shown on the attached exhibit and that there will be no encroachment on the Grantors Driveway or the portion of her property outside of said right-of-way and easements.

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

Vote: 4 - 0 - 1 Approved

Abstaining: Jim King

20120714**1137 Powder Springs Street**

Motion authorizing acquisition of 1137 Powder Springs Street from Boyd Georgia Property, LLC for Ten-Thousand Two-Hundred and No/100 Dollars (\$10,200.00). City Attorney is authorized to take any and all action necessary to complete the acquisition.

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

Vote: 4 - 0 - 1 Approved

Abstaining: Jim King

20120710 965 Brownstone Lane & 1003 Brownstone Drive

Motion to authorize the acquisition of property owned by Brownstone Development, 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.

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

Vote: 4 - 0 - 1 Approved

Abstaining: Jim King

20120711 1067 Longwood Drive

Motion to authorize the acquisition of property owned by Judith Ann Kyburz 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.

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

Vote: 4 - 0 - 1 Approved

Abstaining: Jim King

20120712 1101 Powder Springs Street

Motion authorizing acquisition of right-of-way and easements of 1101 Powder Springs Street in exchange for \$24,225.00.00 from Steven E. Light & Cynthia Light Martin for the purpose of Powder Springs Multi-use Trail Project - Bellmeade Drive to Chestnut Hill Road.

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

Vote: 4 - 0 - 1 Approved

Abstaining: Jim King

20120713

1119 Powder Springs Street

Motion to authorize the acquisition of property owned by WIN & Associates, 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.

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

Vote: 4 - 0 - 1 Approved

Abstaining: Jim King

20120731

1125 Powder Springs Street

Motion to authorize the acquisition of property owned by WIN & Associates, 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.

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

Vote: 4 - 0 - 1 Approved

Abstaining: Jim King

20120715

1177 Powder Springs Street

Motion to authorize the acquisition of property owned by John L. Bradford and Diane W. Bradford 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.

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

Vote: 4 - 0 - 1 Approved
Abstaining: Jim King

20120716 1180 Powder Springs Street

Motion to authorize the acquisition of property owned by TME Enterprises, I, Ltd. 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.

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

Vote: 4 - 0 - 1 Approved
Abstaining: Jim King

20120717 1185 Powder Springs Street

Motion to authorize the acquisition of property owned by Devaz, 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.

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

Vote: 4 - 0 - 1 Approved
Abstaining: Jim King

20120718 931 Powder Springs Street

Motion to authorize the acquisition of property owned by Johnny L. Anglin 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.

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

Vote: 4 - 0 - 1 Approved
Abstaining: Jim King

ADJOURNMENT:

The meeting was adjourned at 5:52 p.m.

Date Approved: August 8, 2012

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk