



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, November 11, 2015

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

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:

Mayor Tumlin called upon Council member Michelle Cooper Kelly to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20151046

Marietta wins ARC's Developments of Excellence Awards

On Friday, October 30, 2015, the Atlanta Regional Commission (ARC) presented its 17th Annual Developments of Excellence awards at the State of the Region breakfast, where the Historic Marietta Square was honored to receive the Great Place Award.

ARC's Development of Excellence awards recognize projects that exemplify cutting-edge, livable design that enhances the surrounding community. The awards are given to developers, local governments and others who are making the 10-county Atlanta region a better place to live, work and play.

"The square is lined with restaurants, shops, museums, county government offices and the historic Strand Theater, making the Marietta Square a vibrant, walkable community center for people of all ages," said the Atlanta Regional Commission. "Whether you come for the Glover Park Concert Series, the Marietta Square Farmers Market, the history, or simply to hang out and relax, the Marietta Square is definitely one of the Atlanta region's Great Places."

Presented

20151018 Award Presentation - Scott Lawler, Fleet Maintenance Supervisor

Mr. Jason Allen, Employer Outreach Coordinator for the Georgia Employer Support of the Guard and Reserve will present the Patriot Award to Scott Lawler, Fleet Maintenance Supervisor. Mr. Lawler was nominated for this award by Mr. Brandon Mecum for recognition of his support for Mr. Mecum's service to this nation.

Presented

20151052 National Fire Safety Prevention Week Poster Contest Winner

The Marietta Fire Department Honors Hickory Hills Elementary Students for their Participation in the Fire Safety Prevention Week Poster Contest. With the help of art teacher, Jessica Nicula, many students submitted posters depicting the importance of fire safety and prevention. The winner of the poster contest was third grader, Bryanna Gibson, who received a gift card to Marietta Pizza Company and a free ride home from school in a Marietta Fire Truck.

Presented

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Larry Wills, who lives on Oakmont Drive, expressed concern regarding the Memorandum of Understanding between the City and Atlanta United Football Club, LLC.

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).

Pro tem Johnny Walker briefly explained the consent agenda process.

City Attorney Doug Haynie noted that there were no changes to the consent agenda. Mr. Haynie then opened the public hearing for those 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 Coleman, seconded by Council member Kelly, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

MINUTES:

*** 20151037 Regular Meeting - October 14, 2015**

Review and approval of the October 14, 2015 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20151041 Special Meeting - October 28, 2015**

Review and approval of the October 28, 2015 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR’S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

*** 20150896 Z2015-36 [REZONING] SANFORD C. BENNETT**

Ord 7854

Z2015-36 [REZONING] SANFORD C. BENNETT requesting rezoning for property located in Land Lot 1226, District 16, Parcel 0110, 2nd Section,

Marietta, Cobb County, Georgia, and being known as 671 Whitlock Avenue from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 2A.

Public Hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20150897 Z2015-37 [REZONING] MOTION CITY, LLC

Z2015-37 [REZONING] MOTION CITY, LLC requesting rezoning for property located in Land Lot 1232, District 16, Parcel 0550, 2nd Section, Marietta, Cobb County, Georgia, and being known as 279 Alexander Street from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use (residential). Ward 1A.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie then swore in those wishing to speak.

Brian Binzer, Development Services Director, presented information regarding the request to rezone property located at 279 Alexander Street from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use (residential).

Ms. Mary Montgomery, the Applicant, requested to rezone the property to allow for extra parking. She explained that her business across the street has grown and cars generally park on the street. She purchased this property with a tenant already there in hopes of using the back area as additional parking as well as allow the current resident to remain at the house.

Cheryl Richardson, who lives on Grogan Street, spoke in opposition to the rezoning request. Ms. Richardson expressed concern regarding the additional use to allow additional parking.

Discussion was held.

The public hearing was closed.

Motion to deny the request for rezoning for property located at 279 Alexander Street from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use (residential).

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

Vote: 6 – 1 – 0 Denied
Voting Against: Anthony Coleman

- * **20150881** **CA2015-10 [CODE AMENDMENT]**
- [Ord 7856](#) CA2015-10 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 723.03, Sanitary sewers, to address minimum lot size of septic tank lots.

Public Hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: G. A. (Andy) Morris, Chairperson

- * **20150863** **FFY16 CDBG Proposed Projects**
- Approval of a Resolution authorizing the submittal of the city's FFY2016 proposed Community Development Block Grant (CDBG) projects to Cobb County CDBG for inclusion in their submittal to the U.S. Department of Housing and Urban Development.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20151005** **2016 ARC LCI Study Grant Program-Grant Application**
- Motion to approve the submittal of a grant request application to Atlanta Regional Commission for federal funds to complete a major study update of the Franklin/Delk LCI.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

2. Finance/Investment: Stuart Fleming, Chairperson

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

* **20150879** **Final Plat for the Estates at Parkside**

Motion to approve the final plat for the Estates at Parkside, a twelve (12) lot residential subdivision off of Gilbert Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20150986** **Revised Detailed Plan for Marvelle**

Motion to approve a revision to the detailed plan for the Marvelle Development (formerly Boston Homes) off Washington Avenue in order to shift lots and relocate the detention pond. All previously approved zoning stipulations shall remain in effect, with the following additional variances:

1. Variance to allow Private Drive K without a minimum turnaround of 80' roadway diameter and 100' right of way diameter.
2. Variance to allow a break in the street trees in front of the retaining wall of the stormwater facility along Adams Circle.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20150973** **Glover Park Restrooms**

Motion to approve additional funding in the amount of \$52,000 from the 2009 Parks Bond Fund for a total project cost of \$219,000. The additional funding shall be broken down as follow: \$8,000 from the Glover Park line item in Category B, Improvements to Existing Parks; and, \$44,000 from Category D, Planning/ Design/Administration/Contingencies that will be transferred to the Glover Park line item in Category B.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20150974** **Laurel Park Tennis Court Resurfacing**

[Ord 7855](#)

Ordinance approving an amendment to the Fiscal Year 2016 Parks & Recreation Fund budget to appropriate \$13,900 from the Whitaker Estate Fund for the resurfacing of 5 tennis courts at Laurel Park.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20151016 Custer Park Sports and Fitness Center**

Motion authorizing the Marietta City Schools Faculty, Staff and Dependent Family Members use of the Custer Park Sports and Fitness Center at the City of Marietta resident rates as is currently the practice with city employees.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

5. Personnel/Insurance: Johnny Walker, Chairperson

* **20150968 Civil Service Board Election**

Motion approving the Certified Election results for the Marietta Civil Service Board Post 2 vacancy, re-electing the incumbent E. Darden Borders for a term of three years, effective January 1, 2016 and expiring on December 31, 2018.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20150982 National League of Cities (NLC) Annual Meeting**

Motion approving the appointment of Philip M. Goldstein as the voting delegate and Anthony Coleman as the alternate voting delegate for the National League of Cities (NLC) Annual Business Meeting that will be held during the Congress of Cities in Nashville, TN, November 7, 2015.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20150977 Speed Limit on Village Greene Northwest**

Motion to approve Village at Barrett Green HOA to reduce the speed limit on Village Greene NW as requested by Council Member Andy Morris.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:

20151049 Memorandum of Understanding

Motion to approve the Memorandum of Understanding (MOU) as amended between the City of Marietta and Atlanta United Football Club, LLC and to authorize the Mayor and City Clerk to execute same. Certain matters in the Memorandum of Understanding require further consideration and review by the parties and same shall proceed as outlined therein.

Mayor Tumlin called for a vote regarding the Memorandum of Understanding between the City and Atlanta United Football Club, LLC.

A motion was made by Council member Morris, seconded by Council member Walker, that this matter be approved as presented.

An amendment to the motion was made by Council member Goldstein; on page 2 of the document under the Site section, the language that says, "...and fiber at the street of the Facilities" would be changed to "...and fiber on Franklin Road in front of the Facilities". The motion died for lack of a second.

Council member Goldstein expressed concern regarding other terms of the Memorandum of Understanding.

A motion was made by Council member Morris, seconded by Council member Walker, to call the question. The motion failed by the following vote:

Vote: 4 – 3 – 0

Failed

Voting Against: Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

Council member Goldstein continued his comments. Shortly thereafter, Mayor Tumlin called for a vote.

The motion was made by Council member Morris, seconded by Council member Walker, that this matter be approved as presented. The motion passed by the following vote:

Vote: 6 – 1 – 0

Approved

*** 20151050****Zayo Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

1. Zayo permit #FG23359 for overlash of existing FIBER along Franklin Road from the Marietta Fire Station on Franklin Road to Cobb Parkway intersection. This motion does not grant a perpetual variance. Zayo must relocate underground at their expense if other utilities at the location are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20151051** **Burnap Street Right of Way**

Motion authorizing the abandonment, sale, and/or exchange of Burnap Street right of way between Roselane Street and North Avenue, subject to permanent easements being provided for all existing utilities within said right of way until such utilities are abandoned.

This Matter was Approved for Advertisement on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved for Advertisement**

* **20151038** **BLW Actions of November 9, 2015**

Review and approval of the November 9, 2015 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

UNSCHEDULED APPEARANCES:

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

Vote: 7 – 0 – 0 **Approved**

A motion was made in open session by Council member Morris, seconded by Council member Fleming, to immediately exit the Executive Session. The motion carried by the following vote:

Vote: 7–0–0 **Approved**

(Clerk's Note: There was a brief recess of the Council meeting.)

A motion was made in open session by Council member Morris, seconded by Council member Fleming, to enter an Executive Session to discuss pending litigation and real estate acquisition. The motion carried by the following vote:

Vote: 6 – 0 – 0 **Approved**

Absent for the vote: Anthony Coleman

Mayor Tumlin also not present for the executive session.

