



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
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, June 12, 2013

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Rev. Anthony Coleman, Jim King and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Doug Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:07 p.m.

INVOCATION:

Council member Sinclair called upon Dr. Bill Ross, Pastor of the First Baptist Church, to give the invocation.

PLEDGE OF ALLEGIANCE:

Council member Sinclair called upon Smyrna Police Officer Tim Sharples to lead the invocation. Mr. Sharples is also a resident of the Brown Park subdivision in Marietta.

PRESENTATIONS:

20130637

Presentation - Black Heritage Walking Tour Brochure

Members of the Black Heritage Walking Tour Committee present the newly designed brochure.

Presented

20130640 Theresa Jenkins, Director of the Marietta Welcome Center and Visitor's Bureau

The city of Marietta wishes to thank Theresa Jenkins, Executive Director of the Marietta Welcome Center and Visitors Bureau for 29 years of service to the citizens of Marietta.

Presented

20130587 Marietta Citizens' Police Academy

Graduates from the Marietta Citizens' Police Academy are:

| | |
|------------------|--------------------|
| Willie Atkinson | Liz Hobbs |
| Ed Bentley | Debbie Johnson |
| Marilyn Carney | Susan Marshall |
| Heather Chandler | Ron Mason |
| Kathryn Coefield | Dr. Ron Nierenberg |
| Arit Essien | Bob Owenby |
| Doug Haddon | Raul Randolph |
| Brenda Hawkins | Wayne Schlegel |
| Lamar Hawkins | Sandra Summerman |
| Shyam Heda | |

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20130614 Mr. Joe Collette, District Manager of Jiffy Lube located at 1605 Cobb Parkway. Ward 1.**

Re: Banners are prohibited at his business and he feels like they are necessary for advertising.

Present

UNSCHEDULED APPEARANCES:

Ed Bentley, who lives on Whitlock Drive, spoke regarding the proposal to expand the area where digital billboards are allowed.

Maurice Levitt, who lives on Blair Valley Drive, spoke regarding the administrative variance process.

Charles Livingston, who lives on Kiowa Drive, spoke regarding the agenda item 20130534 Adoption of the Recommended Budget for FY2014.

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 Pro tem Andy Morris called upon Council member Johnny Sinclair, to preside over this portion of the meeting. Council member Sinclair briefly explained the consent agenda process.

-under Mayor's Appointment: An item was added to the agenda regarding appointment of Fran Sutton to the Marietta Housing Authority for a five (5) year term expiring May 29, 2018.

-under City Council Appointments: Agenda item 20130606 was removed from the agenda.

-under Ordinances: Agenda item 20130466 was added to the consent agenda, but later removed from consent to allow public comment.

-under Judicial/Legislative: Agenda item 20130560 was added to the consent agenda as a motion to table.

-under Other Business: Agenda item 20130469 was removed from the consent agenda.

-under Other Business: Agenda item 20130657 remains on the consent agenda and amended to read, "Motion to approve travel expenses for Council members who wish to attend the 2013 MEAG Power Annual Meeting July 2013 in Amelia Island, Florida." This item should also show Council member King voting against.

-under Other Business: Agenda items 20130658, 20130659 and 20130660 were added to the consent agenda.

City Attorney Doug Haynie 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 Lewis, seconded by Council member King, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

Council member Goldstein abstaining on agenda items 20130603, 20130608 and 20130609.

Council member King voting against agenda item 20130657.

MINUTES:

- * **20130571** **Regular Meeting - May 8, 2013**
- Review and approval of the May 8, 2013 regular meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130604** **Special Meeting - May 29, 2013**
- Review and approval of the May 29, 2013 special meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130572** **Special Meeting - May 30, 2013**
- Review and approval of the May 30, 2013 special meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**

MAYOR'S APPOINTMENTS:

- 20130671** Appointment of Fran Sutton to the Marietta Housing Authority for a five (5) year term expiring May 29, 2018.
- Appointment Made**

CITY COUNCIL APPOINTMENTS:

- 20130606** **Planning Commission Appointment**
- Consideration of an appointment to the Planning Commission (Ward 3), for a three year term.
- Removed**

ORDINANCES:

20130390**Z2013-16 Ray L. Beaty 925 Industrial Park Drive**

Z2013-16 [SPECIAL LAND USE PERMIT] RAY L. BEATY requests a Special Land Use Permit for a computer and electronics recycling facility for property located in Land Lot 09990, District 16, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia and being known as 925 Industrial Park Drive, currently zoned HI (Heavy Industrial). Ward 5.

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

Development Services Director Brian Binzer presented information regarding the Special Land Use Permit request for property located at 925 Industrial Park Drive. Mr. Binzer also summarized the criteria for which a Special Land Use Permit should be considered.

Ray Beaty requested approval of the Special Land Use Permit to add an addition to the existing warehouse to accommodate a computer and electronics recycling facility on the property.

Earl Smith, owner of a neighboring property, expressed concern regarding the location and design of the building addition.

Discussion was held regarding prior code violations for the property, some which were related to outside storage.

Mayor Tumlin closed the public hearing.

A motion was made by Council member Coleman, seconded by Council member Sinclair, to deny the request for a Special Land Use Permit.

Further discussion was held. There was general agreement to allow the applicant to work with Mr. Smith to address his concerns.

A substitute motion was made by Council member King, seconded by Council member Goldstein, that this matter be Tabled until the July Council meeting. The motion carried by the following vote:

Vote: 5 - 2 - 0

Approved

Voting Against: Anthony Coleman and Johnny Sinclair

20130466

Z2013-17 Kevin Seifert 181 and 197 Lakewood Drive

Z2013-17 [REZONING] KEVIN SEIFERT requests rezoning for property located in Land Lot 12880, District 16, Parcel 0770 and 0920, 2nd Section, Marietta, Cobb County, Georgia and being known as 181 & 197 Lakewood Drive from RA-6 (Single Family Residential - Attached) to PRD-MF (Planned Residential Development - Multi Family), with the following stipulations are incorporated as conditions of zoning:

1. The property will be posted and advertised at least 15 days prior to consideration of the detailed plan by the Mayor and City Council.
2. A mandatory homeowners association shall be created for the entire development.
3. A maximum of five percent (5%) of the townhomes and condominiums shall be rental units at any one time for a period of one year. This stipulation shall also be included as a deed restriction and included on the plat.
4. There shall be no apartments in the development.
5. All roads shall meet city standards with any changes presented for approval at the time the detailed plan is presented for approval.
6. The architecture shall be presented for review at the time the detailed plan is presented for approval.

City Attorney Doug Haynie opened the public hearing and swore in those wishing to speak.

Adam Brock with Brock Built requesting rezoning of property located at 181 and 197 Lakewood Drive in order to include the property in the Magnet Development.

Robbie Huck, who lives on Summit Avenue, expressed concern regarding the proposed stipulations and the final detailed plan for the Magnet Development.

Discussion was held by Council. The applicant was encouraged to work with the neighboring community regarding the detailed plan for the development.

Mayor Tumlin closed the public hearing.

A motion was made by Council member Lewis, seconded by Council member King, to approved the rezoning of property located at 181 and 197 Lakewood Drive from RA-6 (Single Family Residential – Attached) to PRD-MF (Planned Residential Development – Multi Family), with the following stipulations are incorporated as conditions of zoning:

- 1. The property will be posted and advertised at least 15 days prior to consideration of the detailed plan by the Mayor and City Council.*
- 2. A mandatory homeowners association shall be created for the entire development.*
- 3. A maximum of five percent (5%) of the townhomes and condominiums shall be rental units at any one time for a period of one year. This stipulation shall also be included as a deed restriction and included on the plat.*
- 4. There shall be no apartments in the development.*

5. All roads shall meet city standards with any changes presented for approval at the time the detailed plan is presented for approval.

6. The architecture shall be presented for review at the time the detailed plan is presented for approval.

7. These parcels shall be incorporated into the Manget Development and adjacent existing PRD-MF zoning as identified in Ordinance 6874 adopted by City Council on November 9, 2005. Any future development of these lots shall have their detailed plan approved by City Council to show the incorporation into the Manget Development.

The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

- * **20130326** **CA2013-06 Amendment to the Comprehensive Development Code regarding Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District**

CA2013-06 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District.

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:

- * **20130646** **Denial of Claim**

Denial of Claim of Jocelyn Guillaume.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 - 0 - 0

Approved to Deny

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

20130515 Redevelopment Bond

Motion to approve Bond Resolution for Urban Redevelopment Bond to be placed on the November 5, 2013 ballot.

Economic Development Manager Beth Sessoms commented that the Redevelopment Bond Resolution submitted incorporates all changes previously suggested by Council. She mentioned that Financial consultant Diane McNabb and Bond Attorney Teresa Finister were also present to answer questions.

Discussion was held regarding a statement in the resolution that read, "Notwithstanding the foregoing, the City shall be deemed to have satisfied the foregoing spending requirements if actual expenditures are 90% or more of the foregoing spending requirements." There was general agreement that this statement be removed anywhere it appears in the document.

A motion was made by Council member King, seconded by Council member Sinclair, to approve the Bond Resolution with the removal of the statement "Notwithstanding the foregoing, the City shall be deemed to have satisfied the foregoing spending requirements if actual expenditures are 90% or more of the foregoing spending requirements." The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Amended

(Clerk's Note: Agenda item 20130515 was rescinded during the July 10, 2013 City Council meeting.)

2. Finance/Investment: Annette Lewis, Chairperson**20130534 Adoption of Recommended Budget for FY2014**

Approval of an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

City Manager Bill Bruton updated Council regarding the ability to reinstate the former PAL Coordinator for the proposed position. The person would be available and would be interested in continuing her work with the PAL program and with other programs on Franklin Road.

Motion to approve the Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2013, and ending June 30, 2014, with the addition of the PAL/Franklin Road Programs Coordinator position for one year.

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

Vote: 7 - 0 - 0

Approved

- * **20130632** **FY2013 Budget Amendment for receipt of funding**
- Approval of an Ordinance amending the FY2013 budget to appropriate a \$15,131 Wellstar payment for installing the mid-block pedestrian crossing over Witcher Street.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**
- * **20120819** **Future Land Use Map**
- Motion to amend the Future Land Use Map, a component of the City of Marietta's Comprehensive Plan 2006-2030, according to the attached updated maps.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130558** **Interagency Service Agreement**
- Motion approving an Interagency Service Agreement with Marietta City Schools for the implementation of an Automated Safety Enforcement Program on city school buses, as requested by the Marietta School System.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130560** **Manget Phases II, III, and IV Update**
- Update on the Detailed Plan for Manget Phases II, III, and IV.
- Motion to table this matter until the next regular City Council meeting.*
- This Matter was Tabled on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Tabled**
- * **20130576** **Amendments to the Comprehensive Development Code**
- Motion to amend the Comprehensive Development Code of the City of Marietta, Division 708.15 Neighborhood Retail Commercial (NRC), Division 708.16 Community Retail Commercial (CRC), Division 708.17 Regional Retail Commercial (RRC), Division 708.18 Central Business District (CBD), Division 708.26 Light Industrial (LI), Division 708.27 Heavy Industrial (HI), Division 712.01 Special Land Use Permits (SLUP) and Division 724.02 Definitions of Terms, regarding brew pubs, breweries, distilleries and wineries.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved for Advertisement

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

* **20130561 Art in the Park Request**

Motion approving a waiver in accordance with City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the annual Labor Day Weekend "Art in the Park" event sponsored by the Marietta Business Association with the stipulation that the applicant conduct the sale of beer and wine in the intersection of N. Park Square/Lawrence St. and the intersection of Roswell St. and E. Park Square Saturday, August 31 through Monday, September 2, 2013 during festival operating hours in accordance with local and state regulations.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20130603 Tourism Grants**

Motion to approve request to allocate hotel/motel and 3% auto rental tax funds according to the FY2014 Welcome Center Contract.

Council member Goldstein previously disclosed that he is an owner of and a general manager for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. The tenant has an agreement with the Atlantic Lyric Theater, Inc., to use the facility. Council member Goldstein also owns the properties formerly occupied by Theatre in the Square, Inc. Young Actors Production, Inc. (Don Goodner) is a tenant in that property. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities or entities that lease the above properties.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art; and the Marietta Museum of History. He is also the Council's appointed member serving on the board of the Marietta Welcome Center and Visitors Bureau, Inc.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstaining: Philip M. Goldstein

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

20130556 Position allocation and compensation plan

Approval of an Ordinance adopting the position allocation chart for the City of Marietta and the Board of Lights and Water and approval of the City of Marietta/BLW position classification and compensation plans for the period of July 1, 2013 to June 30, 2014.

Approval of the Position allocation and compensation plan, with an addition of the PAL/Franklin Road Programs Coordinator.

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: 7 - 0 - 0

Approved as Amended

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Jim King, Chairperson***** 20130539 Traffic Calming**

Motion to begin design and balloting for speed tables on Maple Avenue and Bouldercrest Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20130540 Reaffirming/Accepting dedicated street, Brown Avenue**

Motion to expressly affirm/reaffirm/accept the dedicated street and revoke any act of abandonment and assert title to the dedicated street, including the unimproved portion, of "Brown Avenue" pursuant to that certain subdivision plat of Joseph M. Brown as recorded in Cobb County records in 1922.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20130475 Brown Avenue Sidewalk**

Motion approving Brown Avenue Sidewalk Option 3 as presented with the addition of a radius and other improvements to guide pedestrians along sidewalk at Brown Avenue and Polk Avenue intersections.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

- * **20130430** **Kennestone Hospice Sign**
- Motion to approve a Revocable Easement Agreement to allow WellStar Hospice to install a monument sign at the intersection of Kennesaw Avenue and Dickson Avenue.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130541** **Transportation Alternatives Projects**
- Motion to submit the Rottenwood Creek Trail, Phase 1 and 2 to the Atlanta Regional Commission for Transportation Alternatives funding.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130543** **Barclay Circle Signage**
- Motion to approve decorative signage along Barclay Circle. Life University to fund purchase of signs. Public Works to install signs.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130544** **Waterman Street and Alexander Street Intersection**
- Motion to approve creating an all way stop at the northern intersection of Waterman Street and Alexander Street.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130670** **111 N. Marietta Parkway, 115 N. Marietta Parkway, and 281 Church Street**
- Motion authorizing the acquisition of the property at 111 N. Marietta Parkway, 115 N. Marietta Parkway, and 281 Church Street from Brumby Property Investors, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$422,427.00 and the following stipulations.
1. Replace two (2) ornamental light fixtures at N Marietta Pkwy.
 2. Brumby Properties Investors, LLC shall not be responsible for any construction, Construction management, or installation of materials for this project. City to reconstruct parking and related Items in cost-to-cure.

This Matter was Approved on the Consent Agenda.**Vote: 7 - 0 – 0****Approved****APPEARANCES:**

The following residents spoke regarding agenda item 20130515 Redevelopment Bond:

Charles Levington, who lives on Kiawa Drive

Robbie Huck, who lives on Summit Avenue

Larry Wills, who lives on Oakmont Drive

Robin Montgomery, who lives on Franklin Road

Tasha Freeman, who lives on Franklin Road

Cindy Reed, who lives on Franklin Road

Council member Philip M. Goldstein, who has an office on South Park Square

**There were several speakers who did not give their name and/or it was not audible.*

OTHER BUSINESS:**20130469****V2013-23 Kennestone Hospital, Inc. - 818 Church Street**

V2013-23 [VARIANCE] KENNESTONE HOSPITAL, INC. requests the following variances for property located in Land Lot 10150, District 16, Parcel 0280 and being known as 818 Church Street:

1. Variance to remove three (3) existing planter islands. §712.08 (G) (1.c)
2. Variance to reduce the tree site density factor on the site in order to remove two existing trees §712.08 (D)(4).

Development Services Director Brian Binzer presented information regarding the variance request for property located at 818 Church Street.

Discussion was held regarding the requested variance and the Letter of Stipulations dated June 11, 2013 to Mayor Tumlin & Council Members from Richard W. Calhoun.

A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the variance request for property located at 818 Church Street, with an additional stipulation:

1. Variance to remove three (3) existing planter islands. §712.08 (G) (1.c)
2. Variance to reduce the tree site density factor on the site in order to remove two existing trees §712.08 (D)(4).
3. The above variances are requested as conditioned upon conformity with those provisions identified in the attached letter dated June 11, 2013 to Mayor Tumlin & Council Members from Richard W. Calhoun.

The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

* **20130644 MEAG Power Annual Meeting Voting Delegate**

Motion appointing Johnny Sinclair as voting delegate for the 2013 MEAG Power Annual Meeting to be held July 2013 in Amelia Island, Florida as requested by Council Member Morris.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20130645 MEAG Power Annual Meeting Alternate Voting Delegate**

Motion appointing Grif Chalfant as the alternate voting delegate for the 2013 MEAG Power Annual Meeting to be held July 2013 in Amelia Island, Florida as requested by Council Member Morris.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20130657 MEAG Power Annual Meeting**

Motion to approve travel expenses for Council members who wish to attend the 2013 MEAG Power Annual Meeting July 2013 in Amelia Island, Florida.

Vote: 7 - 0 - 0 Approved

* **20130608 26 Powder Springs Street**

Motion authorizing acquisition of the property at 26 Powder Springs Street from 3G Manning, LLLP for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$3,100.00.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 Approved

Abstaining: Philip M. Goldstein

* **20130609** **40 Powder Springs Street**

Motion authorizing acquisition of the property at 40 Powder Springs Street from Murray House Realty, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$5,500.00 and the following stipulations below:

1. Temporary Construction Easement shall expire 9 months after construction begins on property.
2. The City agrees that it will construct the header curb along the easterly r/w line and repair any damage to asphalt located on the property that occurs as a result of construction at their sole cost.

This Matter was Approved on the Consent Agenda.

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

20130610 **530 Roselane Street**

Motion authorizing acquisition of the property at 530 Roselane Street from Carl J. Galgano for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$35,500.00.

This Matter was Approved on the Consent Agenda.

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

20130611 **1051 S. Marietta Parkway**

Motion to authorize the acquisition of property owned by Patrick Vince Lanzo 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**

* **20130658** **929 S. Marietta Parkway and 1157 S. Marietta Parkway**

Motion to accept the donation of the necessary easements of the following properties for the purpose of constructing the South Marietta Pkwy Sidewalk Project:

929 S. Marietta Parkway from RLSR Five, LLC

1157 S. Marietta Parkway from Kenneth Clyde Brown

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20130659** **531 Roselane Street & 598 Nancy Street**

Motion authorizing the acquisition of the property at 531 Roselane Street & 598 Nancy Street from the corresponding property owners Decatur Properties IV, Inc, et al., for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for the monies already paid to the Cobb County Superior Court and the following stipulations.

1. The sign at the southern entrance is not to be disturbed. In the event that the sign is disturbed, the City or its Contractor will replace the sign at their expense.
2. The 3' hedge row along the Roselane Street Frontage is to be re-established with 5 gallon Purple Diamond Lorapetlum shrubs 36 inches apart at the expense of the City and/or its contractor.
3. Per the drawing in the Exhibit "A" attached to this document there is 1 (one) handicapped space in the reconfigured parking. Re-establish 2 (two) handicap parking spaces on the North end of the reconfigured spaces.
4. The \$2,250 for the 598 Nancy St. property will be disbursed to the corresponding property owner SFURAU, LLC and Decatur Properties IV, Inc., and the \$68,700 for the 531 Roselane St. property will be dispersed to the corresponding property owner Decatur Properties IV, Inc., Cincinnati Properties, LLC, et al.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20130660** **261 Washington Avenue**

Motion authorizing the acceptance of the acquisition of the necessary easements at 261 Washington Avenue from J. Alfred Johnson for the purpose of constructing the Alexander Street Improvements - Roswell to Washington Project in exchange for \$3,530.48 and the following stipulation.

1. The City of Marietta shall address drainage issue on Alexander Street behind existing sidewalk.

20130662

Motion to authorize the City Attorney and staff to proceed with negotiations with the appropriate appraisals to acquire the following properties for the purpose of completing the Elizabeth Porter Recreation Center:

321 Allgood Road
329 Allgood Road
335 Allgood Road
343 Allgood Road
349 Allgood Road
409 N Marietta Parkway

Discussion and comments were made regarding the motion to use condemnation to acquire properties for the purpose of completing the Elizabeth Porter Recreation Center.

A motion was made by Council member Sinclair, seconded by Council member King, to authorize the City Attorney and staff to proceed with any actions necessary for the Council to consider a resolution approving the use of eminent domain to acquire the following properties at the July 10, 2013 Council meeting for the purpose of completing the Elizabeth Porter Recreation Center: 321 Allgood Road, 329 Allgood Road, 335 Allgood Road, 343 Allgood Road, 349 Allgood Road and 409 N Marietta Parkway.

Further discussion was held regarding the timeline for the necessary actions and the desire to actually condemn the property.

Council member Sinclair withdrew his motion. Council member King withdrew his second.

After further discussion, there was general agreement to add an item to the Parks, Recreation and Tourism Committee agenda to discuss this matter further. In the meantime, Council felt it appropriate to begin negotiations with property owners to acquire the necessary property.

A motion was made by Council member Sinclair, seconded by Council member Goldstein, to authorize the City Attorney and staff to proceed with negotiations with the appropriate appraisals to acquire the following properties for the purpose of completing the Elizabeth Porter Recreation Center: 321 Allgood Road, 329 Allgood Road, 335 Allgood Road, 343 Allgood Road, 349 Allgood Road and 409 N Marietta Parkway.

The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

* **20130573**

BLW Actions of the June 10, 2013 meeting

Review and approval of the June 10, 2013 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

UNSCHEDULED APPEARANCES:

Sam Davis, who represents a business owner on Allgood Road, spoke regarding agenda item 20130662 Condemnation of Property.

Larry Wills, who lives on Oakmont Drive, spoke regarding agenda item 20130515 Redevelopment Bond.

20130652

Executive Session

Executive Session to discuss legal, personnel and/or real estate matters.

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

Vote: 6 - 0 - 0 Approved

For: Annette Lewis, Grif Chalfant, G. A. (Andy) Morris, Rev. Anthony Coleman, Jim King and Philip M. Goldstein

Absent for the vote: Johnny Sinclair

The Executive Session was held.

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

Vote: 6- 0 - 0 Approved

For: Annette Lewis, Grif Chalfant, G. A. (Andy) Morris, Rev. Anthony Coleman, Jim King and Philip M. Goldstein

Absent for the vote: Johnny Sinclair

A motion was made by Council member King, seconded by Council member Goldstein to suspend the rules of order to add an agenda item to authorize property acquisition. The motion carried by the following vote:

Vote: 6 - 0 - 0 Approved

Absent for the vote: Johnny Sinclair

A motion was made by Council member King, seconded by Council member Goldstein, to authorizing the acquisition of the property at 111 N. Marietta Parkway, 115 N. Marietta Parkway, and 281 Church Street from Brumby Property Investors, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$422,427.00 and the following stipulations:

- 1. Replace two (2) ornamental light fixtures at N Marietta Pkwy.*
- 2. Brumby Properties Investors, LLC shall not be responsible for any construction, Construction management, or installation of materials for this project. City to reconstruct parking and related Items in cost-to-cure.*

The motion carried by the following vote:

*Vote: 6 - 0 - 0 Approved
Absent for the vote: Johnny Sinclair
(See agenda item 20130670 under Public Works.)*

ADJOURNMENT:

The meeting was adjourned at 10:28 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk