



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

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

Wednesday, February 9, 2011

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, Van Pearlberg,
Rev. Anthony Coleman, Jim King, 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 7:06 p.m.

INVOCATION:

Anthony Coleman, Ward 5 Council Member introduces Reverend Randolph Scott, Pleasant Grove Missionary Baptist Church

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the pledge of allegiance.

PRESENTATIONS:

PROCLAMATIONS:

20110095 Proclamation - Mr. Lewis Clyde Scott

Proclamation presented to Mr. Lewis Clyde Scott honoring him during Black History Month and thanking him for his service to the City of Marietta.

Presented

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 Tumlin briefly explained the consent agenda process. The following amendments were made to the consent agenda:

A motion was made by Council member King, seconded by Council member Goldstein, to suspend the rules of order to add the following item regarding the property acquisition to the agenda and placed on consent:

Motion authorizing acquisition of the property at 210 N Fairground Street from Fairground Street Motors, Inc. for the purpose of constructing the Fairground Street Improvement Project - Allgood Road to North Marietta Parkway in exchange for \$10,930.00. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

-under Other Business: Agenda item 20110057 was added to the consent agenda and amended to read, "Motion to allow Garrard Development Services, LLC (V2011-05) to withdraw their request for variances for property located at 119 and 1125 Powder Springs Street without prejudice."

Agenda item 20110102 regarding condemnation of property located at 210 N Fairground Street was removed from the agenda.

A motion was made by Council member Sinclair, seconded by Council member Coleman, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

with the following exception:

Council member Goldstein voting against agenda item 20110108

MINUTES:

* **20110073 Regular Meeting - January 12, 2011**

Review and approval of the January 12, 2011 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20110074 Special Meeting - January 26, 2011**

Review and approval of the January 26, 2011 special called meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

20101189 Z2010-12 MRW Properties, LLC 313 Marble Mill Road

Z2010-12 [SPECIAL LAND USE PERMIT] MRW PROPERTIES request a Special Land Use Permit for property located in Land Lot 1005, District 16, Parcel 0280, 2nd Section, Marietta, Cobb County, Georgia and being known as 313 Marble Mill Road in order to operate a vehicle towing company at this location. The property is currently zoned HI (Heavy Industrial). Ward 5.

City Attorney, Douglas Haynie, re-opened the public hearing and called forward those wishing to speak.

Melissa Haisten, attorney for the applicant, requested a Special Land Use Permit for property located at 313 Marble Mill Road in order to operate a vehicle towing company at this location. Mrs. Haisten also presented a revised Letter of Stipulations dated February 9, 2011, that the applicant hoped would address the concerns of nearby residents.

Council member Coleman disclosed that one of the residents wishing to speak was his mother, Mrs. Juanita Carmichael

Mrs. Juanita Carmicheal, who resides at 1008 James Street, expressed ongoing concern regarding the proposed Special Land Use Permit.

Discussion was held regarding the revised Letter of Stipulations dated February 9, 2011.

Mayor Tumlin closed the public hearing.

Further discussion was held. City Attorney Douglas Haynie read, for the record, the criteria that should be considered by Council regarding a Special Land Use Permit. He also read the list of uses the applicant has agreed not to allow on the property.

A motion was made by Council member Sinclair, seconded by Council member Coleman, to deny the Special Land Use Permit request, which incorporates the Letter of Stipulations dated February 9, 2011.

A substitute motion was made by Council member Pearlberg, seconded by Council member Lewis, to approve the Special Land Use Permit request, incorporating the Letter of Stipulations dated November 29, 2010 and including a stipulation not to allow vehicles on the property for more than a one (1) year period.

Further discussion was held. Council member Pearlberg agreed to amend is substitute motion to incorporate the Letter of Stipulations dated February 9, 2011, amending item 5c to read, "Wrecked or inoperable vehicles will be parked on a paved surface with design and runoff system that incorporates an oil/water separator system..." and amending item 11 to read, "no additional vehicles will be placed on the rear 1/3 of the property." Council member Lewis agreed to amend her second to the substitute motion. The motion failed by the following vote:

Vote: 3 - 4 - 0 Failed

Voting Against: Grif Chalfant, Johnny Sinclair, Rev. Anthony Coleman and Philip M. Goldstein

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member Sinclair, seconded by Council member Coleman, to Deny the Special Land Use Permit request, which incorporates the Letter of Stipulations dated February 9, 2011. The motion carried by the following vote:

Vote: 5 - 2 - 0 Approved

Voting Against: Annette Lewis and Van Pearlberg

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20110083 Denial of Claim**

Denial of claim of Zakiya Makini.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

* **20101347 Camera Ready Communities**

Motion to authorize a letter of support from Mayor and City Council to Cobb County for the Camera Ready Community Program initiative of Georgia's Film, Music, and Digital Entertainment Office.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

2. Finance/Investment: Annette Lewis, Chairperson**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

- * 20101353 **Historic Board of Review Attendance Policy**
- [Ord 7519](#) Approval of an Ordinance amending the Historic Board of Review Attendance Policy.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**

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

- * 20110061 **Hickory Hills Park**
- Motion to approve proceeding with the detailed construction documents for Hickory Hills Park as presented at the January 26, 2011 Parks, Recreation and Tourism Committee meeting.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**

5. Personnel/Insurance: Van Pearlberg, Chairperson**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Jim King, Chairperson**

- * 20110054 **Northwest Atlanta Corridor Alternatives Analysis**
- Motion to approve participation in the Northwest Atlanta Corridor Alternatives Analysis with a commitment of \$10,000.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**

- * 20110056 **Beaver Street Closure**
- Motion approving a request from the Marietta Housing Authority to barricade an unused section of Beaver Street to prevent dumping.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**

SCHEDULED APPEARANCES:**UNSCHEDULED APPEARANCES:**

OTHER BUSINESS:

- * **20110057** **V2011-05 Garrard Development Services, LLC 1119 and 1125 Powder Springs Street**

Motion to allow Garrard Development Services, LLC (V2011-05) to withdraw their request for variances for property located at 119 and 1125 Powder Springs Street without prejudice.

Motion to allow Garrard Development Services, LLC (V2011-05) to withdraw their request for variances for property located at 119 and 1125 Powder Springs Street without prejudice.

This Matter was Approved on the Consent Agenda.

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

- * **20110097** **Precinct Polling Place Amendment**

Request for approval of a polling place change for Ward 7 from the Mansour Center to the Cobb County Civic Center, 548 S Marietta Parkway, Marietta to coincide with the change adopted by the Cobb County Board of Election and Registration.

This Matter was Approved on the Consent Agenda.

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

- * **20110023** **Executive Session Minutes**

Review and approval of Executive Session Minutes for the following:

June 9, 2010 Agenda Review Session (Pre-Council Meeting)
June 30, 2010 Special Meeting Work Session (After Committee Meetings)
July 28, 2010 Special Called City Council Meeting
August 25, 2010 Special Meeting Work Session (After Committee Meetings)
September 13, 2010 Agenda Work Session (COW)
September 15, 2010 Agenda Review Session (Pre-Council Meeting)
September 29, 2010 Special Meeting Work Session (After Committee Meetings)
October 11, 2010 Agenda Work Session (COW)
October 13, 2010 City Council Meeting
November 8, 2010 Agenda Work Session (COW)
December 8, 2010 Agenda Review Session (Pre-Council Meeting)
December 29, 2010 Special Meeting Work Session (After Committee Meetings)

This Matter was Approved on the Consent Agenda.

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

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20110101 568 N. Fairground Street**

Motion to authorize the acquisition of property owned by Tuggle Partners, L.P. 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

* **20110103 47 Whitlock Avenue**

Motion to authorize the acquisition of property owned by Inland Group, 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20110076 BLW Actions of February 7, 2011**

Review and approval of the February 7, 2011 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

ADJOURNMENT:

The meeting was adjourned at 7:32 p.m.

Date Approved: March 9, 2011

R. Steve Tumlin, Mayor

Attest: Stephanie Guy, City Clerk