



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PUBLIC WORKS COMMITTEE

*Jim King, Chairperson
Grif Chalfant
Annette Lewis*

Monday, February 25, 2013

5:15 PM

Council Chamber

Presiding: Jim King

Present: Grif Chalfant, and Annette Lewis

Also Present:

R. Steve Tumlin, Mayor

Johnny Sinclair, Council - Ward 3

G. A. (Andy) Morris - Ward 4

Rev. Anthony Coleman, Council - Ward 5

Philip M. Goldstein, Council - Ward 7

William F. Bruton, Jr., City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Chairman Jim King called the meeting to order at 5:18 p.m.

MINUTES:

20130154 Regular Meeting - January 30, 2013

Review and approval of the January 30, 2013 regular meeting minutes.

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

Vote: 2 – 0 – 1 Approved

Abstaining: Jim King

BUSINESS:

20130212 2005 SPLOST TIP Summary

Discussion on the 2005 SPLOST TIP Summary.

Reported

20130213 2011 SPLOST TIP Summary

Discussion on the 2011 SPLOST TIP Summary.

Reported**20130214 Speed Hump Policy**

Consideration of modifications to the Speed Hump Policy.

Discussion was held regarding the revised Speed Hump Policy. Several residents in the Lee's Crossing subdivision expressed regarding the balloting process.

Further discussion was held regarding the Speed Hump Policy POA provision as it relates to Lee's Crossing, other streets and/or subdivisions.

The City Attorney was asked to further define the requirements regarding a neighborhood HOA and/or /POA. Staff was also asked to draft additional language regarding the balloting process.

A motion was made by Council member Chalfant, seconded by Council member Lewis, that this matter be Referred to the City Council Agenda Work Session. The motion carried by the following vote:

Vote: 3 – 0 – 0 Referred to the City Council Agenda Work Session

20130087 Church Street and Cherokee Street Traffic

Request by Councilmember King to discuss vehicular traffic safety on Church and Cherokee Streets.

This matter was discussed. No action taken at this time.

Discussed**20130215 Traffic Calming in Church Street/Cherokee Street/Kennestone Area**

Discussion of the intersection traffic calming methods to be used in the 2011 SPLOST project.

This matter was discussed. No action taken at this time.

Discussed**20130090 Traffic Calming**

Discussion of the next locations for speed hump balloting.

Discussion was held regarding the next locations for speed hump balloting. There was general agreement that this would be determined by the approval of the revised Speed Hump Policy.

Discussed

20130092 Marble Mill Road Speed Tables

Request by Councilperson Morris to consider installation of speed tables on portions of Marble Mill Road.

This matter was discussed. No action taken at this time.

Discussed

20130121 Saint Annes Road Speed Humps

Request by Councilperson Morris for consideration of installing speed humps on Saint Annes Road.

This matter was discussed. No action taken at this time.

Discussed

20130124 Otis A. Brumby, Jr. Memorial Way

Request by Mayor Tumlin to study the ramifications, appropriateness, acceptability and costs (both to City and property owners) of renaming Fairground St. to Otis A. Brumby, Jr. Way.

Motion to approve "Otis A. Brumby, Jr. Memorial Way" by maintaining Fairground Street as the street name but to memorialize Fairground Street from South Marietta Parkway to South Cobb Drive, as "Otis A. Brumby, Jr. Memorial Way".

The motion was made by Council member Chalfant, seconded by Council member Lewis, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 – 0 – 0

Recommended for Approval - Consent Agenda

Council member Goldstein left the dais after submitting the following disclosure regarding agenda item 20130235:

Philip M. Goldstein is the owner and Manager of PMG 358 Roswell Street, LLC. PMG 358 Roswell Street, LLC owns property at 358 Roswell Street, Marietta, Georgia 30060 that was purchased on December 30, 2011 from Emerson, LLC. Part of the property purchased is the subject matter of

Public Works Agenda item 20130235. Councilman Philip M. Goldstein will not participate in this particular matter in the capacity as a Marietta City Councilman.

20130235**358 Roswell Street**

Motion to deny the claim of PMG 358 Roswell Street, LLC to ownership of right-of-way previously deeded to the City of Marietta in Deed Book 14559, Page 3495 Cobb County, Georgia records and to further deny all claims and statements in an email from Philip M. Goldstein dated February 14, 2013. This item was requested by Mayor Tumlin.

City Attorney Doug Haynie summarized the history regarding this matter. Mr. Haynie also presented documents related to claims by private entity of ownership of public property. The documents attached included copies of the motion approved by City Council March 15, 2007 showing the intent of Council to accept the donation of right-of-way from Emerson, LLC; the right-of-way deed regarding the same; the Emerson, LLC bankruptcy letter dated April 13, 2012; Quitclaim Deed Mr. Jeffrey K. Kerr, trustee for the bankruptcy estate of Emerson, LLC; the certificate of voluntary termination of Emerson Development, LLC; the Quitclaim Deed from Mr. Roger DeBoy and Emerson Development, LLC; and the document showing the Emerson, LLC bankruptcy still pending.

After reviewing the documents, Mr. Haynie recommended that the motion to deny the claim be added to the Council agenda for approval.

The City Attorney called forward and swore in Public Works Director Dan Conn. Mr. Conn answered questions regarding the photographs submitted of the subject property and regarding the right-of-way previously deeded to the City of Marietta. Mr. Philip Goldstein, who resides at 31 Powers Ferry Manor and owns 358 Roswell Street, LLC, was also allowed to ask questions of staff regarding this matter. Mr. Goldstein mentioned that he had no evidence to present at this time, as he was not aware that a hearing would be held during the Committee meeting.

Staff was asked to present any additional information regarding this matter at the Council meeting.

A motion was made by Council member Chalfant, seconded by Council member Lewis, to deny the claim of PMG 358 Roswell Street, LLC to ownership of right-of-way previously deeded to the City of Marietta in Deed Book 14559, Page 3495 Cobb County, Georgia records and to further deny all claims and statements in an email from Philip M. Goldstein dated February 14, 2013. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

ADJOURNMENT:

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____