



**City of Marietta
Meeting Minutes
CITY COUNCIL**

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, 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, August 12, 2009

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist,
Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:10 p.m.

INVOCATION:

Mayor Dunaway called upon the Reverend from Back to the Bible Church to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon the Boy Scouts in the audience to lead the pledge of allegiance.

PRESENTATIONS:

PROCLAMATIONS:

20090618 Dave Coleman, Recognition

Proclamation recognizing Marietta Golf Center as winning for the second year in a row the top 100 driving ranges in the United States.

This matter was 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 Dunaway 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 an item to the consent agenda regarding the acquisition of property at 317/319 N Fairground Street for the purpose of the Fairground Street Improvements. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

(See Agenda Item 20090847)

-under Ordinances: Agenda item 20090411 was added to the consent agenda, with stipulations. Agenda item 20090670 was added to the consent agenda and amended to read, "Motion to postpone this matter until a Special Called Meeting on August 26, 2009." Agenda item 20090784 was removed from the agenda.

-under Judicial/Legislative: Agenda item 20090775 was added to the consent agenda and amended to read, "...architectural renderings shall only apply to and be approved for the building that contains units 36 through 41, as indicated on the attached site plan. All other conditions and stipulations that have been previously approved by the Mayor and City Council shall continue to be required of the applicant ..."

-under Parks and Rec: Agenda item 20090823 was added to the consent agenda, with an amendment to the ordinance. Agenda item 20090824 was added to the consent agenda.

-under Public Safety: Agenda item 20090765 was added to the consent agenda.

-under Other Business: Agenda item 20090848 was removed from the agenda.

Mayor Dunaway opened the public hearing for 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 Walquist, seconded by Council member King, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

With the following exceptions:

-Council member Goldstein abstaining on agenda items 20090747, 20090805, and 20090806.

-Council members Goldstein and Coleman voting against agenda item 20090775.

MINUTES:

- * **20090819 Regular Meeting - July 8, 2009**
Review and approval of the July 8, 2009 regular meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved
- * **20090820 Special Meeting - July 30, 2009**
Review and approval of the July 30, 2009 special meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

- * **20090411 Z2009-10 Neil Bishop 367 Glover Street, 547 Atlanta Street, 537 Atlanta Street and 345 Hawkins Street**
[Ord 7370](#) Z2009-10 [REZONING] NEIL BISHOP request rezoning for property located in Land Lot 02900, District 17, Parcels 0170, 0150, 0160 and 0890, 2nd Section, Marietta, Cobb County, Georgia and being known as 367 Glover Street, 547 and 537 Atlanta Street and 345 Hawkins Street from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 3.
This Matter was Approved as Stipulated on the Consent Agenda.
Vote: 7 - 0 - 0 Approved as Stipulated
- * **20090670 Z2009-14 Acme American, LLC 2265 Kingston Court**
Z2009-14 [SPECIAL LAND USE PERMIT] ACME AMERICAN, LLC (JOEL DIGBY) request Special Land Use Permit (to operate an extended stay facility) for property located in Land Lots 726 and 787, District 17, a portion of parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 2265 Kingston Court, Building 200, and being zoned OHR (Office High Rise). Ward 7.
Motion to postpone this matter until a Special Called Meeting on August 26, 2009.
This Matter was Approved as Stipulated on the Consent Agenda.
Vote: 7 - 0 - 0 Approved as Amended

Listed Owner: Kwon Phil
Current Owner: Smith Brennon
Repeat Violation History: (1) previous case sine 05/07/08.
Certified mail receipt not received as of 07/30/09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

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

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

* **1. Economic/Community Development: Grif Chalfant, Chairperson**

20090763 Section 8 Management Assessment Program (SEMAP) 2009 Certification

Res 1468 Approval of a Resolution authorizing the acceptance of the Section Eight Management Assessment Program (SEMAP) 2009 Certification.

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

* **20090775 Caswell Overlook**

Motion to approve a request from Corbitt Woods of Caswell Overlook to modify the previously approved architectural renderings associated with the Detailed Plan for Caswell Overlook. The attached architectural renderings shall only be approved for the building that contains units 36 through 41, as indicated on the attached site plan. All other conditions and stipulations that have been previously approved by the Mayor and City Council would continue to be required of the applicant and/or developer. The original Detailed Plan was approved on May 24, 2006 (#20060582). Ward 1.

Motion to approve with an amendment that should read, "...architectural renderings shall only apply to and be approved for the building that contains units 36 through 41, as indicated on the attached site plan. All other conditions and stipulations that have been previously approved by the Mayor and City Council shall continue to be required of the applicant ..."

Vote: 7 - 0 - 0**Approved****20090706 Parks and Recreation Bond Referendum/Park Improvements**

Motion to approve a referendum resolution to regulate and provide for the calling of an election and to call an election to determine the issuance or non-issuance by the City of Marietta of General Obligation Park and Recreational Facilities Bonds in an aggregate principal amount not to exceed \$30,000,000; to provide for the date, rate or rates of interest, and schedule of maturities that such bonds shall bear and that the bonds may be made subject to redemption prior to maturity to the extent permitted by law; to provide for the levy and collection of taxes to service such bonded indebtedness, if so authorized; to provide that the bonds authorized may be issued in one or more series and on one or more dates of issuance; and for other purposes.

A motion was made by Council member Walquist, seconded by Council member Chalfant, to approve a referendum resolution to regulate and provide for the calling of an election and to call an election to determine the issuance or non-issuance by the City of Marietta of General Obligation Park and Recreational Facilities Bonds in an aggregate principal amount not to exceed \$25,000,000.

Discussion was held and comments made by Council members.

City Attorney Doug Haynie explained that the amortization schedule would have to be amended to coincide with the new amount of the bond.

This matter was suspended until the necessary information could be obtained.

5. Personnel/Insurance: Van Pearlberg, Chairperson*** 20090778 Insurance Renewal**

Motion approving property casualty and other miscellaneous coverages, premiums and companies utilized for the policy period of August 17, 2009 to August 16, 2010 as follows

1. Trident/Argonaut through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for the following coverages: GL, Law, Public Officials [City & BLW], Property, Flood, Earthquake, Terrorism, Inland Marine, Boiler & Machinery, Public Employee Blanket Crime.
2. Midwest Insurance Co. through BB&T/McGriff, Siebels & Williams of Georgia, Inc. as Brokers for Excess Workers' Compensation.
3. Travelers Casualty & Surety., through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for Fiduciary Responsibility, various Public Officials' Bonds and the BLW Pole Attachment Bond for Bell South Telecommunication, Inc.

This Matter was Approved on the Consent Agenda.

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

6. Public Safety Committee: Anthony Coleman, Chairperson*** 20090765 Marietta inmates**

Motion to approve an Intergovernmental Agreement with Smyrna to house Marietta Police Department inmates.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

7. Public Works Committee: Jim King, Chairperson**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

Bill Bolton, who resides at 2104 Drogheda Lane, commented regarding the Parks and Recreation Bond Referendum/Park Improvements.

Mayor Dunaway recessed the meeting at 8:20p.m., and reconvened at 9:15 p.m.

20090706 Parks and Recreation Bond Referendum/Park Improvements

Motion to approve a referendum resolution to regulate and provide for the calling of an election and to call an election to determine the issuance or non-issuance by the City of Marietta of General Obligation Park and Recreational Facilities Bonds in an aggregate principal amount not to exceed \$25,000,000; to provide for the date, rate or rates of interest, and schedule of maturities that such bonds shall bear and that the bonds may be made subject to redemption prior to maturity to the extent permitted by law; to provide for the levy and collection of taxes to service such bonded indebtedness, if so authorized; to provide that the bonds authorized may be issued in one or more series and on one or more dates of issuance; and for other purposes.

Mayor Dunaway called for further discussion regarding this matter. Further discussion was held.

Mayor Dunaway called for a vote on the motion.

Motion to approve a referendum resolution to regulate and provide for the calling of an election and to call an election to determine the issuance or non-issuance by the City of Marietta of General Obligation Park and Recreational Facilities Bonds in an aggregate principal amount not to exceed \$25,000,000.

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

Vote: 4 - 3 - 0

Approved as Amended

Vote Against: 3 - Philip M. Goldstein, Rev. Anthony Coleman and Annette Lewis

OTHER BUSINESS:*** 20090845 Partial property acquisitions and easements**

Motion authorizing partial property acquisition and easement of the following properties:

127 S. Fairground St. from Edgar H. Pounds in exchange for \$4,300 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Fairground St. Improvements (N. Marietta Pkwy-S. Marietta Pkwy)

749 Roswell Street from HKFS in exchange for \$3,160 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr.-Cobb Pkwy)

843 Roswell Street from W.E. Belcher Jr. in exchange for \$47,100 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr-Cobb Pkwy)

1176 Franklin Road from Franklin Delk Properties in exchange for \$3,350 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Franklin Rd. Improvements (S. Marietta Pkwy-Delk Rd.)

795 Powder Springs Road from NAJCO, Inc in exchange for \$90,200 for Right of Way, Permanent Easement & Temporary Construction Easement for the Powder Springs Road Streetscapes Project

803 Powder Springs Road from NAJCO, Inc in exchange for \$4,950 for Right of Way, Permanent Easement & Temporary Construction Easement for the Powder Springs Road Streetscapes Project

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090846 Donation of construction and driveway easements**

Motion authorizing donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following property 256 Kennesaw Ave.(Mary Mayne Ramsey) - with stipulation that all possible care should be exhibited so as not to disturb or otherwise damage the existing steps. In the event of such damage, repair and replacement shall be made using like style and materials. Existing shrubs are not to be removed or damaged. If trimming is needed, trim minimally in order to complete work. Any damaged shrub that results in death of one year of project completion, said shrub shall be replaced with compatible species closest in size and density as possible.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090847 Partial property acquisition and easement**

Motion authorizing partial property acquisition and easement of the following properties 317/319 N. Fairground Street from Ms. Jessie Edward Wheatcroft in exchange for \$144,000 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Fairground St. Improvements (Allgood Rd- N. Marietta Pkwy)

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20090848 528 N. Marietta Pkwy**

Motion to authorize the acquisition of property owned by Covenant Christian Ministries Church at 528 N. Marietta Parkway 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 Removed.

* **20090851 65 N. Fairground Street**

Motion to authorize the acquisition of property owned by Mr. Charlie Haley at 65 N. Fairground Street 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

* **20090821 BLW Actions of August 10, 2009**

Review and approval of the August 10, 2009 actions and minutes of the Marietta Board of Lights and Water Works. (BLW).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

ADJOURNMENT:

The meeting was adjourned at 9:27 p.m.

Date Approved: 09/09/2009

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk