



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, March 12, 2014

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 Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20140255

Government Finance Officers Association Award

Sam Lady, Finance Director, and Beth Keller, Accounting Manager, City of Marietta Finance Department, receives the GFOA Award for the 26th consecutive year. The Certificate of Achievement for "Excellence in Financial Reporting" is given by the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR). The GFOA Press Release states "This Certificate is the highest form of

recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management."

Presented

20140242 150th Anniversary Commemoration Activities

Presentation of activities associated with the 150th Anniversary Commemoration Committee.

Presented

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

20140146 Georgia Symphony Orchestra

Mr. Christopher Clark with the Georgia Symphony Orchestra will speak about his organization. The Georgia Symphony Orchestra will be moving to the Marietta High School this summer.

Presented

UNSCHEDULED APPEARANCES:

Mr. Ray Summerour, owner of the property at 329 Allgood Road, spoke regarding agenda item 20140206, Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 329 Allgood Road.

Mrs. Peggy Price, owner of the property at 335 Allgood Road, accompanied by Mr. James Gober, spoke regarding agenda item 20140207, Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 335 Allgood Road.

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 called upon Mayor Pro tem Johnny Walker who briefly explained the consent agenda process. City Attorney Doug Haynie noted the following changes:

-under Council Appointments: Agenda item 20140273 remained on the consent agenda and was amended to read, "Appointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two year term expiring March 12, 2016."

-under Ordinances: Agenda item 20131513 was added to the consent agenda and amended to read, "Motion to accept the withdrawal of the rezoning request by LMG Capital, LLC, for property located at 2042 Airport Court without prejudice."

-under Ordinances: Agenda item 20140092 was added to the consent agenda provided that the applicant agrees to the stipulations as printed on the agenda.

-under Parks and Rec: Agenda item 20140212 remained on consent and amended as a "Motion to refer the matter to the Park, Recreation and Tourism Committee."

-under Public Works: Agenda item 20140186 was added to the consent agenda, as there were no objections from those present in the audience. The motion was amended to read, "Motion to approve the installation of speed tables in the East Worthington Parkway."

-under Public Works: Agenda item 20140239 was removed from the consent agenda.

-under Other Business: Agenda item 20140216 was removed from the consent agenda and amended to read, "Motion to Table the variance request for property located at 692 Powder Springs Street."

-under Other Business: Agenda item 20140250 was added to the consent agenda.

City Attorney Doug Haynie opened the public hearing for those items on the consent agenda requiring a public hearing.

Mr. Bob Kinney, who lives in the East Worthington community, spoke in favor of agenda item 20140186, East Worthington Speed Tables.

Seeing no one else 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:

* **20140249 Regular Meeting - February 14, 2014**

Review and approval of the February 14, 2014 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

MAYOR'S APPOINTMENTS (for informational purposes only)

20140202 Ethics Committee - Mayor's Appointment

Appointment Arthur D. Vaughn to the Ethics Committee (Mayor's Appointment) for a two (2) term expiring March 12, 2016.

Made

CITY COUNCIL APPOINTMENTS:

* **20140195 Board of Zoning Appeals Appointment**

Appointment of Brad Leskoven to the Board of Zoning Appeals (Ward 1) for a two (2) year term, expiring March 12, 2016.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20140240 Planning Commission Appointment**

Appointment of Byron "Tee" Anderson to the Planning Commission (Ward 2), for a three year term expiring March 12, 2017.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20140273 Marietta Historic Board of Review**

Appointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 6), for a two year term expiring March 12, 2016.

Appointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two year term expiring March 12, 2016.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

ORDINANCES:

* **20131513 Z2013-33 LMG Capital, LLC 2042 Airport Court**

Z2013-33 [REZONING & SPECIAL LAND USE PERMIT] LMG CAPITAL, LLC requests Rezoning and a Special Land Use Permit for property located in Land Lot 06600, District 17, Parcel 0070, 2nd Section, Marietta, Cobb

County, Georgia and being known as 2042 Airport Court, from LI (Light Industrial) to HI (Heavy Industrial) with a Special Land Use Permit for this property so it may be used as a transfer facility for paints, oils, and other similar wastes (no solid waste). Ward 7A.

The following stipulations are incorporated as part of the zoning:

1. That the zoning remain LI (Light Industrial) with a Special Land Use Permit for this property so it may be used as a transfer facility for the transfer of paints, oils, and solvents (no solid waste).
2. The applicant must comply with all rules and regulations pertaining to the handling of hazardous materials.
3. Letter dated February 10, 2014, from J. Kevin Moore, Moore, Ingram, Johnson & Steele, LLP, to Russell J. Roth, Planning & Zoning Manager.

Council member Goldstein disclosed that Kevin Moore and/or his firm have done work for him, entities he owns and/or family members, etc.

Motion to accept the withdrawal of the rezoning request by LMG Capital, LLC, for property located at 2042 Airport Court without prejudice.

This Matter was Approved to Withdraw on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Withdraw

* **20140092 Z2014-01 John F. Flynn 925 Industrial Park Drive**

Z2014-01 [SPECIAL LAND USE PERMIT] JOHN F. FLYNN requests a Special Land Use Permit for a computer/electronics glass and plastics recycling facility on 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 5B.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

20140210

Acquisition of 409 N. Marietta Parkway

A motion authorizing the acquisition of 409 North Marietta Parkway from the Marietta Redevelopment Corporation in exchange for \$91,000.

A motion was made by Council member Kelly, seconded by Council member Goldstein, to authorize the acquisition of 409 North Marietta Parkway from the Marietta Redevelopment Corporation in exchange for \$91,000.

A substitute motion was made by Council member Chalfant, seconded by Council member Fleming, to deny authorization to acquire the property at 409 North Marietta Parkway from the Marietta Redevelopment Corporation in exchange for \$91,000. The motion failed by the following vote:

Vote: 3 – 4 – 0

Failed

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

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member Kelly, seconded by Council member Goldstein, to authorize the acquisition of 409 North Marietta Parkway from the Marietta Redevelopment Corporation in exchange for \$91,000. The motion carried by the following vote:

Vote: 4 – 3 – 0

Approved

Voting Against: Stuart Fleming, Grif Chalfant, and G. A. (Andy) Morris

Mayor Tumlin vetoed the motion.

(The official veto is on file in the City Clerk's Office.)

After a brief recess, discussion was held regarding the motion to acquire the property located at 409 North Marietta Parkway.

Mayor Tumlin called for any other motion/action regarding this matter.

A motion was made by Council member Kelly, seconded by Council member Goldstein, to table agenda item 20140210 until the April 9, 2014 council meeting.

A substitute motion was made by Council member Chalfant to table agenda item 20140210 until the May 14, 2014 council meeting.

After further discussion, Council member Chalfant withdrew his motion.

Vote: 5 – 1 – 0 **Approved**
Voting Against: Anthony Coleman
Absent for the vote: Philip M. Goldstein

Council member Goldstein returned to the dais.

OTHER BUSINESS:

20140216 V2014-05 QuikTrip Corporation, Inc. 692 Powder Springs Street

V2014-05 [VARIANCE] QUIKTRIP CORPORATION request variances for property located in Land Lot 02140, District 17, Parcel 0680, 2nd Section, Marietta, Cobb County, Georgia and being known as 692 Powder Springs Street, currently zoned CRC (Community Retail Commercial). Ward 3.

1. Variance to reduce the planted border area along Powder Springs Street from 10' to 6.' [§712.08 (G.2)]

Richard Calhoun, attorney for the applicant, briefly explained that additional information has come to their attention, therefore, the applicant requests that this matter be tabled.

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

Vote: 7 – 0 – 0 **Tabled**

* **20140250 BLW Actions of the March 10, 2014**

Review and approval of the March 10, 2014 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:

No unscheduled appearances at this time.

Prior to adjourning, a motion was made in open session by Council member Goldstein, seconded by Council member Fleming, to enter an Executive Session to discuss legal and real estate matters. The motion carried by the following vote:

Vote: 7 – 0 – 0 **Approved**
For: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

The Executive Session was held.

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

Vote: 7 – 0 – 0

Approved

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

A motion was made by Council member Goldstein, seconded by Council member Morris, to suspend the rules of order to add motion(s) regarding property acquisition. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to authorize the acquisition of a portion of property and easements at 180 N. Fairground Street from AJOR Inc. for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$5,500.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to authorize the acquisition of a portion of property and easements at 200 N. Fairground Street from John Pensinger for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$3,000.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to authorize the acquisition of a portion of property and easements at 565 Lawrence Street from Yvonne Scott for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$300.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to authorize the acquisition of a portion of property at 575 Lawrence Street from Cornelius Savage and Iran Kears for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$1,500.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

