



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda

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, March 6, 2013

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Grif Chalfant, Ward 2

20130172 Dr. Oral Moses

Dr. Oral Moses will sing the National Anthem.

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20130182 Proclamation - Dr. Oral Moses

Presentation of a proclamation to Dr. Oral Moses, retired Professor of Voice and Music Literature and Director of the Gospel Choir at Kennesaw State University. Dr. Moses is a bass-baritone who has numerous successes in Oratorio and Opera performing major roles. Dr. Oral Moses has recorded several CDs of Art Songs and Spirituals by African-American composers.

20130265 Proclamation - Lawton Ward

Presentation of a proclamation to Lawton Ward, Student/Athlete at MHS being recognized as "Marietta's 2nd State Champ in wrestling ever."

20130266 Proclamation - Zach Cole

Presentation of a proclamation to Zach Cole, MHS Senior Star Student.

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

20130253 Philip M. Goldstein of 31 Powers Ferry Manor, Ward 7.

UNSCHEDULED APPEARANCES:

* **20130249 Rescind Legistar 20130192**

Motion to rescind Legistar item 20130192, appeal request for the abatement of penalty for failure to pay property tax on time, as related to property located at 1970 Roswell 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).

MINUTES:

20130230 Regular Meeting - February 13, 2013

Review and approval of the February 13, 2013 regular meeting minutes.

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

* **20130113 Construction Board of Adjustment and Appeals Appointment**

Reappointment of Steve Arrants to the Construction Board of Adjustment and Appeals (Ward 2), for a five (5) year term expiring March 5, 2018.

* **20130114 Marietta Redevelopment Corporation Board Appointments**

Reappointment of Floyd Northcutt, Brian Strack, Diane Lidz and Pete Bilson to the Marietta Redevelopment Corporation (MRC) Board of Directors for a two year term expiring on April 10, 2015.

* **20130244 Planning Commission Appointment**

Appointment of Cheryl Richardson to the Planning Commission (Ward 1) for a term of three years, expiring March 6, 2016.

* **20130245 Marietta Redevelopment Corporation Board Appointment**

Appointment of James G. Fausett to the Marietta Redevelopment Corporation (MRC) Board of Directors for a two year term expiring on April 10, 2015.

* **20130204 Welcome Center Appointment**

Appointment of Philip M. Goldstein to the Marietta Welcome Center Board, expiring at the end of the Council term December 31, 2013.

ORDINANCES:

* **20130167 Z2013-10 CG Northchase, LLC 1090 Northchase Parkway**

Z2013-10 [REZONING] CG NORTHCHASE, LLC requests rezoning for property located in Land Lot 07970, District 16, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 1090 Northchase Parkway from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 1.

The Planning Commission recommends for Approval as stipulated Vote: 6 – 0 – 0

Motion: Mr. Schupp made a motion to approve, seconded by Mr. Carter.

Stipulations: As a condition of approval of this application, CG Northchase, LLC agrees to donate an easement to the City of Marietta for the purposes of construction, maintenance and perpetual use of a trail as a part of the City of Marietta Trail Program and Plan. The easement will be located adjacent to Rottenwood Creek and CG Northchase, LLC will work with the City of Marietta to identify the exact location of the easement as a part of this application process.

PUBLIC HEARING (All parties sworn in.)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20130267 Claim - Aislinn Rhodes**

Denial of the claim of Aislinn Rhodes.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson**

- * **20130190 FY 2014 Annual Plan**

Approval of a Resolution authorizing the acceptance of the Public Housing Authority (PHA) Fiscal Year 2014 Annual Plan.

20130216 CDBG completed Project funds

Approval of a Resolution reallocating \$27,362.88 in unspent completed 2008 project funds from the CDBG Fairground Street Intersection Project to Marietta's Owner Occupied Housing Rehabilitation Program.

2. Finance/Investment: Annette Lewis, Chairperson

- * **20130197 GMA 2013 Annual Convention**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2013 Annual Convention in Savannah, GA June 22 - 25, 2013.

Council Member King voting against.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson**20121260 Kennesaw Avenue Design Guidelines**

Motion to approve the Design Guidelines for the Kennesaw Avenue Historic District.

PUBLIC HEARING

* **20130142 Cobb County Board of Elections and Registration**

Motion approving a contract between the City of Marietta and the Cobb County Board of Elections and Registration in order to carry out the General Election to be conducted on November 5, 2013.

20130177 Certified City of Ethics

Approval of a "Certified City of Ethics" Resolution and authorization for staff to submit the resolution and the City of Marietta Code of Ethics Ordinance to the Georgia Municipal Association for application to their "Certified City of Ethics" program.

* **20130198 GMA Voting Delegates**

Motion appointing Grif Chalfant as the voting delegate and Anthony Coleman as the alternate voting delegate for the 2013 GMA Business Meeting being held during the GMA Annual Convention Monday, June 24, 2013.

* **20130209 Revised Detailed Plan for Walnut Grove**

Motion to approve the revised Detailed Plan for Walnut Grove, located in Land Lot 12290, District 16, 2nd Section, Marietta, Cobb County, Georgia, and specifically the attached revised tree plan (by Gaskins Engineering, dated February 27, 2013), which includes waiving the requirement for street trees on Lot 2 and 17 as shown on the drawing dated February 27, 2013 and signed by the applicant.

Council member Sinclair disclosed that he represented Mr. Kirk as a realtor, but the relationship ended October 2012. Council member Sinclair will abstain on this matter.

Council member Sinclair abstaining.

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

20130247 2009 Parks Bond Funds

Motion to pull \$650,451 of the Parks Bond dollars from (c) Development Parks and Existing Facilities and place in the Land Acquisition category with the words "Elizabeth Porter" earmark.

* **20130248 2009 Parks Bond Fund Expenditure**

Motion to approve up to \$22,000 in the Parks Bond Land Acquisition category to be used for legal fees, environmental studies, etc., to complete the land acquisition of property at 545/586 Kenneth E. Marcus Way.

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

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20130124 Otis A. Brumby, Jr. Memorial 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".

20130214 Speed Hump Policy

Motion to approve the revised Speed Hump Policy dated March 6, 2013.

* **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.

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.

APPEARANCES:

OTHER BUSINESS:

20130203 Penalty Abatement Request - Mr. Ghassan Ghraizi

Appeal request for the abatement of penalty for failure to pay property tax on time as related to property located at 1970 Roswell Road

*** 20130292 603 S. Marietta Parkway**

Motion authorizing the acceptance of the donation of the necessary easements at 603 S. Marietta Parkway from Gardanrob Holdings, LLC for the purpose of constructing the South Marietta Pkwy Sidewalk Project.

*** 20130293 621 S. Marietta Parkway**

Motion authorizing the acceptance of the donation of the necessary right-of-way and easements at 621 S. Marietta Parkway from Buford-Clairmont Company, LTD for the purpose of constructing the South Marietta Pkwy Sidewalk Project.

*** 20130294 332 Roselane Street and 363 Campbell Hill Street**

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section.

332 Roselane Street in exchange for \$4,150.00 from Cherokee Street Associates, LLC, and is inclusive of site improvements.

363 Campbell Hill Street in exchange for \$6,900.00 from Raymond J. Worden, and is inclusive of site improvements.

Council Member Sinclair disclosed that he represented Raymond Worden as a realtor during the purchase of the property at 363 Campbell Hill Street.

*** 20130295 777 S. Marietta Parkway, 779 S. Marietta Parkway, 785 S. Marietta Parkway and 811 S. Marietta Parkway**

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of constructing the South Marietta Pkwy Sidewalk Project .

777 S. Marietta Parkway in exchange for \$2,330.00 from Cooks Pest Control, Inc.

779 S. Marietta Parkway in exchange for \$660.00 from Oscar Branyan & Cora M. Sauls.

785 S. Marietta Parkway in exchange for \$620.00 from South Loop Properties, LLC.

811 S. Marietta Parkway in exchange for \$3,900.00 from Howard Gantt.

* **20130232 BLW Actions of the March 4, 2013**

Review and approval of the March 4, 2013 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: