



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### CITY COUNCIL AGENDA WORK SESSION

*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*

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Monday, August 6, 2012

5:15 PM

Council Chamber

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#### Immediately Following City Council Special Meeting

**Presiding:** R. Steve Tumlin, Mayor  
**Present:** Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris,  
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 5:15 p.m.*

#### MINUTES:

##### 20120746 Regular Meeting - July 9, 2012

Review and approval of the July 9, 2012 regular meeting minutes.

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

**Vote: 6 - 0 - 0**                      **Approved**  
Absent for the vote: Anthony Coleman

##### 20120642 Executive Session Minutes

Review and approval of the following executive session minutes:  
May 7, 2012 Agenda Work Session

May 9, 2012 Agenda Review Session  
May 30, 2012 Special Called City Council Meeting

*Motion to approve only the May 9, 2012 Agenda Review Session Executive Session minutes.*

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

**Vote: 7 - 0 - 0**

**Approved as Amended**

**BUSINESS:**

**20120741**

**BLW Report**

Council Member Jim King gives the Board of Lights and Water (BLW) report for the meeting held on Monday, August 6, 2012.

*Council member King reported on the actions of the Board of Lights and Water at their July 9, 2012 regular meeting.*

*An amendment was made to the July 9, 2012 regular meeting minutes to move the following language under the heading Business Analysis:*

*A motion was made by Board member King, seconded by Board member Summerour, to suspend the rules of order to add an agenda item, as necessary, to approve an amendment to the Fiscal Year 2012 Board of Lights and Water Budget to appropriate \$1,000,000 from Fund Balance/ Excess Reserves to the BLW Trust Fund. The motion carried by the following vote:*

*Vote: 7 - 0 - 0*

*Approved*

*(See agenda item 20120772)*

*Finance Director Sam Lady reported on the BLW finance statements. (See the July 9, 2012 regular Board of Lights and Water meeting minutes for details.)*

**A motion was made by Council member King, seconded by Council member Sinclair, that this matter be added to the Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Recommended for Approval - Consent Agenda**

**20120727**

**Board of Lights and Water Appointment - Resident Member**

Discussion regarding an appointment to the Board of Lights and Water to fill the expiring term of Charles "Chuck" George, expiring August 10, 2012.

*Discussion was held regarding the appointment to the Board of Lights and Water.*

*A motion was made by Council member King to reappointment of Charles "Chuck" George to the Marietta Board of Lights and Water, for a 4-year term. The motion failed for lack of a second.*

*A motion was made to extend the term of Charles "Chuck" George on the Board of Lights and Water (Resident Member) for sixty (60) days from August, 10, 2012. Further, staff was authorized to advertise the notice of vacancy, with this matter referred back to the Personnel Committee.*

**The motion was made by Council member Chalfant, seconded by Council member King, that this matter be added to the Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Recommended for Approval - Consent Agenda**

**20120528**

**Alcoholic Beverages General Provisions**

Review and approval of requested ordinance revisions to 8-8-2-010 "Definitions" and 8-8-2-195 "Minors - Prohibited practices."

*Police Chief Dan Flynn presented information regarding incidents and certain conduct occurring in and around establishments known as bars or lounges.*

*In depth discussion was held regarding Section 8-8-2-010 "Definitions", which should clearly define bars, lounges and restaurants. Discussion was also held regarding the appropriate age of any person to enter establishments classified as bars and lounges.*

*A motion was made by Council member King, seconded by Council member Goldstein, to move forward with the ordinance revisions to 8-8-2-010 "Definitions" and 8-8-2-195 C, "It shall be unlawful for any person in charge of, or employed in any place of business that is defined as a "bar" or "lounge", to allow any person under eighteen (18) years of age to enter or loiter about the premises. This provision shall not apply to any person employed and on duty in such place of business."*

*A substitute motion was made by Council member Coleman, seconded by Council member Chalfant, to move forward with the ordinance revisions to 8-8-2-010 "Definitions" and 8-8-2-195 C, "It shall be unlawful for any person in charge of, or employed in any place of business that is defined as a "bar" or "lounge", to allow any person under twenty-one (21) years of age to enter or loiter about the premises. This provision shall not apply to any person employed and on duty in such place of business." The motion failed by the following vote:*

*Vote: 5 - 2 - 0                      Failed*  
*Voting Against: Annette Lewis, Johnny Sinclair, G. A. (Andy) Morris, Jim King, and Philip M. Goldstein*

*Mayor Tumlin called for a vote on the original motion.*

*The motion was made by Council member King, seconded by Council member Goldstein, to move forward with the ordinance revisions to 8-8-2-010 "Definitions" and 8-8-2-195 C, "It shall be unlawful for any person in charge of, or employed in any place of business that is defined as a "bar" or "lounge", to allow any person under eighteen (18) years of age to enter or loiter about the premises.*

*This provision shall not apply to any person employed and on duty in such place of business."*

**The motion carried by the following vote:**

**Vote: 6 - 1 - 0            Recommended for Approval - Consent Agenda**  
Voting Against: Anthony Coleman

**20120640            Revised Detailed Plan for Manor Park**

Motion to approve the revised detailed plan for Manor Park (received 8/2/12) located in Land Lot 1160, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:

1. Remove the sidewalk around the perimeter of the community recreation island.
2. Remove the segment of sidewalk on the east side of Hunt Street south of Forest Avenue.

*Motion to approve the revised detailed plan for Manor Park (received 8/2/12) located in Land Lot 1160, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:*

- 1. Remove the sidewalk around the perimeter of the community recreation island.*
- 2. Remove the segment of sidewalk on the east side of Hunt Street south of Forest Avenue.*
- 3. All other conditions and stipulations of the rezoning shall remain.*

**The motion was made by Council member Goldstein, seconded by Council member Sinclair, that this matter be added to the Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0            Recommended for Approval - Consent Agenda**

**20120641            Revised Final Plat for Manor Park**

Motion to approve the revised final plat for Manor Park (received 8/2/12) located in Land Lot 1160, District 16, 2nd Section, Marietta, Cobb County, Georgia.

**A motion was made by Council member Goldstein, seconded by Council member Sinclair, that this matter be added to the Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0            Recommended for Approval - Consent Agenda**

**20120621            Kennesaw Avenue Historic District**

Motion to approve request from the Historic Preservation Commission to pursue a locally designated historic district along Kennesaw Avenue.

**A motion was made by Council member Goldstein, seconded by Council member Morris, that this matter be added to the Consent Agenda.**

**The motion carried by the following vote:**

**Vote: 7 - 0 – 0                      Recommended for Approval - Consent Agenda**

**20120744                      Motion to approve changing AWS meeting time**

Motion to approve changing the Monday, November 12, 2012, meeting time to 3:00 p.m.

**A motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be added to the Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 – 0                      Recommended for Approval - Consent Agenda**

**20120682                      Vision 20/20 Committee Appointments**

Review and approval of appointments to the Vision 20/20 Committee to study Marietta Square improvements.

- 8 members appointed by the Mayor and City Council
- 2 members appointed by the Downtown Marietta Development Authority
- 1 member appointed by the Downtown Branding Project
- 1 member appointed by the churches in the affected downtown area, as defined by the attached map.
  - Ms. Phyllis Miller, Director of Administration at Marietta First Baptist was selected as representative.
- 1 member to be appointed by the Mayor and Council to represent the restaurant operators in the downtown area as defined by the attached map.
- 1 member to be appointed by the Mayor and Council to represent the merchants in the downtown area as defined by the attached map.

*Motion to add the following appointments to the Vision 20/20 Committee to study Marietta Square improvements:*

*Kelly Contreras Owner of Marietta Pizza Company to represent the restaurant operators in the downtown area as defined by the attached map.*

*Cassandra Buckalew. Marietta Trolley Company to represent the merchants in the downtown area as defined by the attached map.*

**The motion was made by Council member Chalfant, seconded by Council member King, that this matter be added to the Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 – 0                      Recommended for Approval - Consent Agenda**

**20120737                      Vision Statement**

Review and discussion on the Vision Statement for the city.

*This matter was discussed and referred to the Judicial/Legislative Committee for further discussion*

**Referred to the Judicial/Legislative Committee.**

**20120742 Draft City Council Agenda**

Review and approval of the August 8, 2012, DRAFT City Council Agenda.

*-under Minutes: Agenda items 20120724 and 20120725 were added to the consent agenda.*

*-under Ordinances: Agenda item 20120615 was amended to add a disclosure by Council member Goldstein.*

*-under Judicial/Legislative: Agenda items 20120683 and 20120679 were added to the consent agenda.*

*-under Other Business: Agenda item 20120668 was amended to add a disclosure by Council member Goldstein. The variances were also amended.*

*-under Other Business: Agenda item 20120726 was added to the consent agenda.*

**Discussed**

*Public Works Director requested that several settlement offers related the acquisition of multiple properties along North Fairground Street owned and/or represented by Edward Ruddell be added to the Council agenda. The properties are located at 308, 316 and 354 N Fairground Street, 504/506 Birney Street, 505/507 Birney Street, and 508/510 Morningside Drive.*

*Discussion was held regarding settlement offers. Council member Goldstein expressed concern regarding the language at the end of several of the motions that reads, "This motion also includes any other stipulations as approved by the Director of Public Works and the City Attorney." City Attorney explained that this language would allow flexibility for minor changes that may be needed for settlement.*

*Further discussion was held. Council member King began going through each motion to determine if the afore mentioned language would be needed.*

*A motion was made by Council member Morris, seconded by Council member Coleman to move forward the settlement offers related to 308, 316 and 354 N Fairground Street, 504/506 Birney Street, 505/507 Birney Street, and 508/510 Morningside Drive, as presented. The motion failed by the following vote:*

*Vote: 3 – 1 – 3                      Failed*

*Voting Against: Philip M. Goldstein*

*Abstaining: Annette Lewis, Johnny Sinclair and Jim King*

*A motion was made by Council member King, seconded by Council member Lewis, to move forward the settlement motions as follows:*

*308 N Fairground Street – Item #3 would be removed*

*316 N Fairground Street – Item #2 would be removed*

*354 N Fairground Street – Item #3 would be removed*

