



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary CITY COUNCIL

*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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Wednesday, January 9, 2013

7:00 PM

Council Chamber

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**20121195      Scheduled Appearance - Patti Pearlberg**

Patti Pearlberg to speak regarding traffic and problems in the Church Cherokee district.

**Present**

**20121196      Scheduled Appearance - Jeff Gehlbach**

Jeff Gehlbach, resident on Cherokee, to speak and present a power point presentation regarding issues at Church Cherokee district.

**Present**

**20121306      Scheduled Appearance - William Harvin**

William Harvin speaking to Council about Code of Ordinances, Chapter 9-8 - Parades and Demonstrations and how it relates to picketing.

**Present**

\* **20130015      Regular Meeting - December 12, 2012**

Review and approval of the December 12, 2012 regular meeting minutes.

**Approved and Finalized**

\* **20130024      Municipal Judge**

Reappointment of Roger J. Rozen as the Marietta Municipal Chief Judge.

**Approved and Finalized**

\* **20130053      Municipal Associate Judges**

Reappointment of the following Municipal Associate Judges:

Lawrence E. Burke  
Phyllis Gingrey Collins  
Mazi Mazloom  
John Storey Morgan  
Robert F. Schnatmeir  
Melinda Taylor  
Nathan Wade  
Steve Yaklin

**Approved and Finalized**

\* **20130026**

**Mayor Pro tem**

Appointment of G. A. (Andy) Morris as Mayor Pro tem for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130027**

**Presiding Officer**

Appointment of Annette Lewis as Presiding Officer for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130028**

**Economic/Community Development Committee**

Appointment of the Economic/Community Development Committee: Griffin Lee Chalfant, Jr., as Chairman, John V. Sinclair and Rev. Anthony Coleman for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130029**

**Finance/Investments Committee**

Appointment of the Finance/Investments Committee: Annette Paige Lewis as Chairman, James W. King and Philip M. Goldstein for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130030**

**Judicial/Legislative Committee**

Appointment of the Judicial/Legislative Committee: Philip M. Goldstein as Chairman, James W. King and G. A. (Andy) Morris for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130031**

**Parks, Recreation & Tourism Committee**

Appointment of the Parks, Recreation and Tourism Committee: John V. Sinclair as Chairman, Annette Paige Lewis and Rev. Anthony Coleman for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130032**      **Personnel/Insurance Committee**

Appointment of the Personnel/Insurance Committee: G. A. (Andy) Morris as Chairman, Philip M. Goldstein and Griffin Lee Chalfant, Jr. for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130033**      **Public Safety Committee**

Appointment of the Public Safety Committee: Rev. Anthony Coleman as Chairman, G. A. (Andy) Morris and John V. Sinclair for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130034**      **Public Works Committee**

Appointment of the Public Works Committee: James W. King as Chairman, Griffin Lee Chalfant, Jr., and Annette Paige Lewis for a term of one year expiring on January 8, 2014.

**Approved and Finalized**

\* **20130067**      **Appointment of Vice Chairs to serve on committees for the remainder of 2012**

Appointment of Council Member Grif Chalfant to serve as Vice Chair for the Public Works Committee.

Appointment of Council Member Andy Morris to serve as Vice Chair for the Judicial Legislative Committee.

Appointment of Council Member Annette Lewis to serve as Vice Chair for the Parks, Recreation and Tourism Committee.

Appointment of Council Member Johnny Sinclair to serve as Vice Chair for the Public Safety Committee.

Appointment of Council Member Philip Goldstein to serve as Vice Chair for the Personnel and Insurance Committee.

Appointment of Council Member Anthony Coleman to serve as Vice Chair for the Economic and Community Development Committee.

Appointment of Council Member Jim King to serve as Vice Chair for the Finance and Investments Committee.

**Approved and Finalized**

- \* **20130035**      **BLW Council Representative**
- Appointment of Johnny Sinclair the Board of Lights and Water (BLW) representative for a term of one year expiring on January 8, 2014.
- Approved and Finalized**
- \* **20130036**      **Marietta Board of Education Council Liaison**
- Appointment of Annette Paige Lewis as the Marietta Board of Education liaison for a one year term expiring on January 8, 2014.
- Approved and Finalized**
- \* **20130037**      **Marietta Housing Authority Council Liaison**
- Appointment of Rev. Anthony Coleman as the Marietta Housing Authority liaison for a term of one year expiring on January 8, 2014.
- Approved and Finalized**
- \* **20130065**      **Cobb/Douglas Board of Public Health**
- Appointment of Annette Lewis to Cobb/Douglas Board of Public Health, for a one year term expiring 12/31/13.
- Approved and Finalized**
- \* **20130025**      **City Prosecutor**
- Appointment of Robert I. Donovan as the City Prosecutor to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council.
- Approved and Finalized**
- \* **20130054**      **Associate City Prosecutors**
- Reappointment of the following Associate City Prosecutors to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council:
- Susan M. Miller  
Carmen Porreca  
Thomas Griner  
Jason Treadway  
Latonia Patrice Hines
- Approved and Finalized**
- \* **20130052**      **Liaison Appointments**
- Consideration of council liaison appointments as designated:  
Higher Education (Life, Southern Poly, Chattahoochee) - Griffin L. Chalfant, Jr.

Wellstar/Medical Community - Andy Morris  
Lockheed/Military - James W. King  
Faith Based Community - Rev. Anthony Coleman  
Chamber/Marietta Division - John Sinclair  
Student Leadership Councils - Annette Paige Lewis  
Green Tech Corridor - James W. King  
School Governance Teams (SGT) for Marietta High School - Philip M. Goldstein  
Legislative-Steve Tumlin (new liaison if approved)  
Fair Oaks Park and adjacent community-John V. Sinclair (new liaison if approved)

**Approved and Finalized**

\* **20121284 Marietta Historic Board of Review Appointments**

Reappointment of David Freedman (Ward 2), Carrie Walker (Ward 3), Ray Worden (Ward 4), and Johnny M. Walker (Mayor Appointment) to the Historic Board of Review for a two (2) year term, expiring January 8, 2015.

**Approved and Finalized**

**20130070 Marietta Historic Board of Review Appointments**

Reappointment of Terry Lee (Ward 5) to the Historic Board of Review for a one (1) year term, expiring January 8, 2014.

**Approved and Finalized**

\* **20121285 Historic Preservation Commission Appointment**

Appointment of Marion Savic to the Historic Preservation Commission (Ward 3), for a three (3) year term expiring January 9, 2016.

**Approved and Finalized**

\* **20121253 Cobb Municipal Association (CMA) 2013 Delegates**

Appointment of Grif Chalfant and Philip M. Goldstein to the 2013 voting delegates for the Cobb Municipal Association (CMA) business meetings.

**Approved and Finalized**

\* **20130068 Board of Zoning Appeals Appointment**

Appointment of Justice Kay Barber to the Board of Zoning Appeals (Ward 7) for a three year term, expiring January 8, 2016.

**Approved and Finalized**

\* **20130069 Welcome Center Appointment**

Reappointment of Philip M. Goldstein to the Marietta Welcome Center and

Visitors Bureau for a two year term expiring on January 8, 2015.

**Approved and Finalized**

**20121182 Z2013-01 VIML, INC 803 & 807 Cobb Parkway North**

Z2013-01 [REZONING] VIML, INC requests rezoning for property located in Land Lot 10720, District 16, Parcels 0440 & 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 803 & 807 Cobb Parkway North from R-3 (Single Family Residential - 3 units/acre) and R-2 (Single Family Residential - 2 units/acre) to CRC (Community Retail Commercial). Ward 5.

**Approved and Finalized**

**20121183 Z2013-02 SFOG Acquisition Company, LLC 236 Cobb Parkway North**

Z2013-02 [REZONING] SFOG ACQUISITION COMPANY, LLC requests rezoning for property located in Land Lot 11660, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 236 Cobb Parkway North from LI (Light Industrial) to RRC (Regional Retail Commercial). Ward 6.

*The following stipulation is incorporated as a condition of zoning:  
There shall be a minimum 6 foot high neutral colored solid screen wall along the south side of the stairs to the last landing along the east side of the tower platform as shown on plans C-3.0 and elevation section dated 01-09-13.  
Applicant shall submit the final design showing screening detail to CCI-B Marietta, LLC for a reasonable approval. Applicant shall provide City of Marietta with a copy of the approval letter from CCI-B Marietta, LLC.*

**Approved as Amended**

**20121184 Z2013-03 Jonathan C. Pascoe 238 Crescent Circle**

Z2013-03 [REZONING] JONATHAN C. PASCOE requests rezoning for property located in Land Lot 12310, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia and being known as 238 Crescent Circle from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3.

**Tabled**

\* **20121283 Donation for Joe Mack Wilson Park**

Approval of an Ordinance amending the Fiscal Year 2013 Parks and Recreation Fund budget to appropriate a donation previously received from the Marietta Kiwanis Club for a marker to be placed at Joe Mack Wilson Park.

**Approved and Finalized**

\* **20121254 National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish

to attend the National League of Cities (NLC) Congressional City Conference in Washington, DC, March 9-13, 2013.

**Approved and Finalized**

\* **20121239 City of Marietta 2013 General Election**

Ordinance to provide for the establishment of qualifying fees for the office of Mayor and the office of Council for the city of Marietta, Georgia and to provide for the opening and closing dates for filing notice of candidacy by candidates.

**Approved and Finalized**

\* **20121279 Motion authorizing street closures for the 2013 calendar year to operate the Marietta Square Farmer's Market as requested by the Downtown Marietta Development Authority as follows:**

Saturday closure of Mill St:

January 5, 2013 to March 30, 2013 From 7 a.m. to 2 p.m.

Saturday closure of North Park Square:

April 6, 2013 to November 23, 2013 From 7 a.m. to 2 p.m.

Saturday closure of Mill St:

November 30, 2013 to December 21, 2013 From 7 a.m. to 2 p.m.

Sunday closure of Mill St:

April 7, 2013 to November 24, 2013 From 12 noon to 5 p.m.

**Approved and Finalized**

**20121185 Appeal of Pension Board decision**

Appeal Hearing of a pension board decision as requested by Gwendolyn Carson. (council expressed a desire to hold this hearing at 8:15 PM if possible)

**Decision Overturned**

**20121250 FY 2013 City/BLW Allocation Chart**

Approval of an Ordinance amending the FY 2013 City/BLW pay and classification plans and position allocation chart in order to change the title of Cyber Intelligence Specialist to Police Cyber Specialist.

**Approved and Finalized**

\* **20121271 No Parking Zones at Waterman and Alexander St**

Motion to install "No Parking Zone" along Alexander Street, within 200 feet of the intersection with Waterman Street and along Waterman Street on the northern property line of 291 Alexander Street.

**Approved and Finalized**

- \* **20121273**      **Fairground Street Improvements C**
- Motion to approve concept design on Fairground Street Improvement C and proceed with preliminary engineering.
- Approved and Finalized**
- \* **20121275**      **Off System Safety Project**
- Motion to approve a Project Framework Agreement for Off System Safety Project with the Georgia Department of Transportation for pavement markings on sections of Polk Street, Dodd Street, Gresham Road and Powers Ferry Road.
- Approved and Finalized**
- \* **20121278**      **Admin 6 Project - 583 Chickasaw Drive**
- Approval of an Ordinance amending the Fiscal Year 2013 General Fund Budget to receive and appropriate \$1887 from Josh Howland for an Administrative Policy No. 6 project at 583 Chickasaw Drive.
- Approved and Finalized**
- \* **20121280**      **R-O-W Sale - 320 and 340 Lockheed Avenue**
- Approval of an Ordinance amending the Fiscal Year 2013 budget to receive and appropriate funds from the sale of right-of-way at 320 and 340 Lockheed Avenue to account 110-2031-532-7090 to be used for Gateways/Sidewalks/Beautification of city right-of-way.
- Approved and Finalized**
- \* **20121281**      **Powder Springs Street Multi-Use Trail**
- Motion to approve a contract between the Georgia Department of Transportation (GDOT) and the City of Marietta for the construction of the Powder Springs Street Multi-Use Trail.
- Approved and Finalized**
- 20121181**      **V2013-01 [VARIANCE] GEORGE A. HUSSEY, IV requests variances for property located in Land Lot 03600, District 17, Parcel 0240 and being known as 505 South Marietta Parkway.**
1. Variance to allow an automotive repair shop operate directly across the street from a single family residential district. §708.16 (B)(7)(c)
  2. Variance to reduce the side setback for an accessory structure from 10' to 0.' §708.16 (F)(1)
  3. Variance to allow the use of metal siding on the façade of the building facing a roadway. §708.16 (G)(3)

4. Variance to reduce the setback along Grogan Street from 35' to 7.' §708.16 (H)
5. Variance to allow an exterior storage yard along an arterial roadway. §710.07 (A)
6. Variance to allow the open storage of wrecked or nonoperative automobiles. §710.07 (A)(2)
7. Variance to allow the storage of parts or waste materials outside a building. §710.07 (A)(3)
8. Variance to waive all regulations listed under Section 712.09 Commercial Corridor Design Overlay District. §712.09
9. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08. §712.08

**Denied****20130071      72 Waverly Way**

Motion to authorize the acquisition of property owned by Herbert S. Goldstein 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.

Council Goldstein discloses that his father owns property on Waverly Way.

**Approved and Finalized****20130072      91 S. Marietta Parkway**

Motion to authorize the acquisition of property owned by Philip M. Goldstein 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.

Council member Goldstein disclosed that he owns the above property off of Waverly Way.

**Approved and Finalized****\*      20130016      BLW Actions of the January 7, 2013**

Review and approval of the January 7, 2013 actions and minutes of the Marietta Board of Lights and Water.

**Approved and Finalized**