



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, 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, June 8, 2011

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Grif Chalfant, Ward 2

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20110263 Lemon Street School Proclamation

Proclamation presented to Mr. and Mrs. Louis Walker for the Lemon Street School.

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).

MINUTES:

* **20110520** **Special Meeting - May 9, 2011**

Review and approval of the May 9, 2011 special called meeting minutes.

* **20110521** **Regular meeting - May 11, 2011**

Review and approval of the May 11, 2011 regular meeting minutes as amended.

MAYOR'S APPOINTMENTS:

* **20110525** **Municipal Judge**

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

* **20110526** **Municipal Associate Judges**

Reappointment of the following Municipal Associate Judges:

Lawrence E. Burke
Nancy Ingram Jordan
Mazi Mazloom
John Storey Morgan
Robert F. Schnatmeir
Melinda Taylor
Nathan Wade
Steve Yaklin

* **20110527** **Municipal Associate Judge**

Appointment of the following Municipal Associate Judge:

Phyllis Gingrey Collins

CITY COUNCIL APPOINTMENTS:

* **20110528** **City Solicitor**

Appointment of Robert I. Donovan as the City Solicitor to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council.

* **20110538 Associate City Solicitors**

Reappointment of the following Associate City Solicitors to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council:

Steve Cook
Susan M. Miller
Michael B Syrop
Keith M. Olmert
Carmen Porreca
Thomas Griner
Jason Treadway
Latonia Patrice Hines

* **20110189 Board of Zoning Appeals**

Appointment William "Bill" Martin to the Board of Zoning Appeals Ward 6, for a term of three years expiring June 8, 2014.

* **20110529 Board of Lights and Water (BLW)**

Reappointment of Alice Summerour to the Board of Lights and Water (Non-Resident Member), for a 4-year term expiring July 14, 2015.

ORDINANCES:

* **20110160 Z2011-04 Tower Partners 819 and 821 Cogburn Avenue**

Z2011-04 [REZONING] TOWER PARTNERS request rezoning for property located in Land Lot 10140, District 16, Parcels 0750 and 0760, 2nd Section, Marietta, Cobb County, Georgia and being known as 819 and 821 Cogburn Avenue from R-2 (Single Family Residential 2 units/acre) to OI (Office Institutional). Ward 4.

Planning Commission recommends approval w/stipulations *Vote: 5 – 0*

Motion: Mr. Gillis made a motion, seconded by Mr. Kinney, to recommend approval to city council

Stipulations: The developer and the city work together to see if there is an acceptable way for Tower Partners to develop a pedestrian crossing across Cogburn Avenue, to include the June 1, 2011 Letter of Stipulations and the sketch with the date stamp of May 31, 2011.

PUBLIC HEARING (all parties sworn in)

20110451 Z2011-05 Robert & Theresa Sykes 451 Atlanta Street

Z2011-05 [REZONING] ROBERT & THERESA SYKES request rezoning for property located in Land Lot 02880, District 17, Parcel 0440, 2nd Section, Marietta, Cobb County, Georgia and being known as 451 Atlanta Street from OI (Office Institutional) to OI w/additional use (Office Institutional w/additional use-single family residence and the granting of stated variances and the condition that all variances are for the current developed property only and shall be discontinued upon redevelopment of site, according to Section 706.03 Continuance of a Non-conforming Building or Structure). Ward 5.

Planning Commission recommends approval Vote: 5 – 0

Motion: Mr. Kinney made a motion to recommend approval to city council, as submitted, seconded by Mr. Carter.

Stipulations: N/A

PUBLIC HEARING (all parties sworn in)

20110453 Z2011-06 Vet West Properties, LLC 1101 Whitlock Avenue

[Z2011-06 [REZONING] VET WEST PROPERTIES, LLC request rezoning for property located in Land Lot 03240, District 20, Parcel 2140, 2nd Section, Marietta, Cobb County, Georgia and being known as 1101 Whitlock Avenue from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial w/additional use - veterinary clinic, with stipulations and the granting of stated variances). Ward 2.

Planning Commission recommends approval Vote: 5 – 0

Motion: Mr. Kinney made a motion to recommend approval to city council, as submitted, seconded by Mr. Diffley, without stipulations.

Stipulations: N/A

PUBLIC HEARING (all parties sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20110546 Denial of Claim**

Denial of claim of Faye McBee

CITY MANAGER'S REPORT:

MAYOR'S REPORT:**COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20110496 HOME Consortium Cooperation Agreement**

Approval of a Resolution authorizing the renewal of the three year HOME Consortium Cooperation Agreement (2012-2015) with Cobb County, Cherokee County, and the City of Canton.

*** 20110497 CDBG Budget Reallocation**

Approval of a Resolution authorizing the submittal of the City's Revised FY2011 CDBG Project Funding List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, approving the use of \$626,803 of CDBG FFY' 2011 funds the City will receive from HUD.

2. Finance/Investment: Annette Lewis, Chairperson*** 20110440 Franklin Road Early Learning "Parent Projects"**

Approval of an Ordinance amending the Fiscal Year 2011 Weed and Seed Fund to receive and appropriate \$2,500 from the United Way for the Franklin Road Weed and Seed Early Learning Initiative Parent Projects program.

*** 20110465 Adoption of recommended Budget for FY2012**

Approval of an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

20110466 Welcome Center Contract

Motion approving a request to allocate hotel/motel and 3% auto rental tax funds according to the FY2012 Preliminary Budget Welcome Center Contract Worksheet for approval of a FY2012 Welcome Center Contract.

Council member Goldstein disclosed that he is the owner of and a general manager for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. The tenant has an agreement with the Atlantic Lyric Theater, Inc., to use the facility. Council member Goldstein also owns the properties occupied by and leased to Theatre in the Square, Inc. Council member Goldstein abstains on and will not participate on allocation of funds to the above three (3) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art; and the Marietta Museum of History. He is also the Council's appointed member serving on the board of the Marietta Welcome Center and Visitors Bureau, Inc.

Council member Pearlberg disclosed that he is a member of Cobb Landmarks & Historical Society, Marietta-Cobb Museum of Art and has served on the Marietta Museum of History Board. He subscribes to the Atlanta Lyric Theatre and has performed at the Earl Smith Strand Theatre. Further, his wife is Chairperson of the Georgia Ballet

Mayor Tumlin has served as a director, but is currently not serving, of the following organizations being considered for sponsorships: Marietta-Cobb Museum of Art; Theatre in the Square, Inc.; Marietta Museum of History, Inc.; and Friends of the Strand, Inc. Additionally, Mayor Tumlin has provided legal services to Friends of the Strand, Inc. and accounting services to Marietta Museum of History, Inc. Mayor Tumlin has been/is a Member of Brumby Hall, Inc. and Cobb Landmarks & Historical Society.

Council member Sinclair disclosed that he is a past Chairman of the Board of the Art Museum and Cobb Landmarks, has been a member of the Welcome Center and the Museum of the History.

*** 20110480 Tree Preservation Fund**

Approval of an Ordinance amending the Fiscal Year 2011 Tree Preservation Fund Budget to receive and appropriate a donation from Steve Rayman Chevrolet.

* **20110505 Franklin Road "Little School"**

Approval of an Ordinance amending the Fiscal Year 2011 Weed and Seed Fund to receive and appropriate \$3.500 from Communities of Schools in Georgia for the Franklin Road Kindercamp "Little School" project.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

20110266 Vehicle Immobilization Ordinance

Approval of Vehicle Immobilization Ordinance for the city limits of Marietta.

Philip M. Goldstein disclosed that Benny and Sue Robinson (Robinson's Coins) lease parking spaces from him at 48 Atlanta Street, Marietta. Further and I own property at 19-21 Atlanta Street, Marietta, as well as many other properties in Downtown Marietta and in the City of Marietta. Other family members and entities also own property in the City of Marietta.

Council Member Goldstein disclosed that he has an agreement with Gary Eubanks on property located at or near Denmead Street, Marietta, GA.

Mayor Tumlin disclosed that he has had a business relationship with Eubanks, but does not any longer.

Council Member Goldstein disclosed that Gary Leake is a tenant of PMG Whitlock Avenue, LLC at 19 Atlanta Street, Marietta, GA, and he is the owner of and manager of said LLC.

20110491 Rules and Procedures of Council

Motion to approve amendments to Marietta City Code Section 1-4-040 entitled "Rules and Procedures of Council."

20110554 Waiving of agenda procedure and approval of rules and procedures of council

Motion to approve waiving the requirement to Amend the rules being on two agenda as set forth in 1-4-040 L and approving the attached Rules and procedures of council as requested by Council Member Goldstein.

* **20110501 Manget**

Motion to approve the Detailed Plan and Final Plat for Manget Phase I in Land Lots 12870 and 12880, 16th District, 2nd Section, Marietta, Cobb County, Georgia, in accordance with Section 708.14.J.4 of the Marietta City Code. Incorporated into this approval is the letter from applicant's attorney dated June 6, 2011 including all special stipulations set forth therein. In addition, the city shall not be required to sign the final plat until special stipulation 3 and 4 have been completed.

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

* **20110121 Laurel Park Tennis Center Lighting**

Motion authorizing the allocation of \$150,000 from the 2009 Parks Bond in the category of Improvements to Existing Parks for repairs and upgrades to the Laurel Park Tennis Center lighting.

* **20110488 2011 Art in the Park Event**

Motion waiving City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the annual Labor Day Weekend "Art in the Park" event sponsored by the Marietta Business Association with the stipulation that the applicant conduct the sale of beer and wine from a location on a portion of the street at the N.E. corner of N. Park Square.

* **20110489 Aviation Sports Complex Construction Project**

Motion authorizing additional funding for the Aviation Sports Complex in the amount of \$50,000 from the 2009 Parks Bond Category D., Contingency Fund, to complete construction activities approved in August 2010.

Council member Goldstein abstaining.

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20110495 Position allocation and compensation plan**

Motion to approve an Ordinance adopting the position allocations to departments for the City of Marietta and the Board of Lights and Water and the City of Marietta/BLW position classification and compensation plans for the period of July 3, 2011 to June 30, 2012.

Council member Coleman voting against.

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Jim King, Chairperson***** 20091263 Approval of Transportation Improvement Program (TIP)**

Approval of the Transportation Improvement Program (TIP) for use in selecting projects for various funding sources.

*** 20110360 Approval of Remnant Property Sales**

Motion approving the marketing and potential sale of the following remnant properties:

383 N. Fairground Street
559 N. Fairground Street
455 N. Fairground Street
415 N. Fairground Street
591 Lawrence Street
994 Roswell Street
470 Roswell Street
942 Roswell Street
416 Roswell Street
509 Frasier Street
591 Frasier Street

SCHEDULED APPEARANCES:**UNSCHEDULED APPEARANCES:****OTHER BUSINESS:***** 20110541 MEAG Annual Business Meeting**

Appointment of R. Steve Tumlin as voting delegate and Rev. Anthony Coleman as alternate voting delegate for the 2011 MEAG Power Annual Meeting to be held July 19, 2011 in Amelia Island, Florida.

* **20110502 V2011-19 David Newton (Westbury Park) 1295 Franklin Drive**

V2011-19 [VARIANCE] DAVID NEWTON request a variance for property located in Land Lot 655, District 17, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1295 Franklin Drive. Variance to establish a gated community. Ward 7.

* **20110523 BLW Actions of June 6, 2011**

Review and approval of the June 6, 2011 actions and minutes of the Marietta Board of Lights and Water.

ADJOURNMENT: