



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, February 8, 2012

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Johnny Sinclair, Ward 3

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20120114 **Municipal Court Judge**

Swearing in of Municipal Court Judge Robert J. Grayson.

PROCLAMATIONS:

20120067 **Proclamation - Mr. Charles Ferguson**

Presentation of a Proclamation to Mr. Charles Ferguson in celebration of Black History Month.

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

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

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:*** 20120091 Regular Meeting - January 11, 2012**

Review and approval of the January 11, 2012 regular meeting minutes.

MAYOR'S APPOINTMENTS:**20120113 Ethics Committee Mayor Appointment**

Appointment of Arthur D. Vaughn to the Ethics Committee for a term of two years, to fill the expiring term of Warren Herron. The appointment shall be effective March 10, 2012 and expiring March 10, 2014.

CITY COUNCIL APPOINTMENTS:**ORDINANCES:****RESOLUTIONS:****CITY ATTORNEY'S REPORT:***** 20120097 Approval of Acquisition and Settlement**

Motion to Approve Acquisition and Settlement Regarding 16 Hedges Street in order to approve a final purchase price of \$205,000 subject to the final approval of the City Manager and City Attorney of the final documentation in the court case.

*** 20120111 Denial of Claim**

Denial of Claim of Crestwood Park Apartments.

*** 20120112 Denial of Claim**

Denial of the claim of Clinton Skipper.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:**COMMITTEE REPORTS:**

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

* **20120062 2012-02 Detailed Plan Manget Phase I (Revised)**

Motion to approve the Revised Detailed Plan for Manget Phase I located in Land Lots 1287 & 1288, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:

1. Reduce seven (7) townhome parcels, previously identified as T15 - T21, to five townhome parcels, to be identified as T15 - T19.
2. Convert six (6) single family parcels, previously identified as SF22 - SF27, to three (3) single family parcels identified as SF25 - SF27.
3. As a result, the total number of units approved for the Manget Phase I will be reduced by five (5) units, from 75 to 70, and the total number of units approved for the entire Manget development will be reduce by five (5) units, from 265 to 260.

* **20120063 2012-03 Final Plat Manget Phase I (Revised)**

Motion to approve the Revised Final Plat for Manget Phase I located in Land Lots 1287 & 1288, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:

1. Reduce seven (7) townhome parcels, previously identified as T15 - T21, to five townhome parcels, to be identified as T15 - T19.
2. Convert six (6) single family parcels, previously identified as SF22 - SF27, to three (3) single family parcels identified as SF25 - SF27.
As a result, the total number of units approved for the Manget Phase I will be reduced by five (5) units, from 75 to 70, and the total number of units approved for the entire Manget development will be reduce by five (5) units, from 265 to 260.

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

* **20120047** **2012 Street Closure Requests**

Motion approving the closure of various streets throughout 2012 to accommodate the Glover Park Concert Series, Taste of Marietta, May-retta Daze, Marietta Police Motorcycle Ride for Special Olympics, Cobb Heart Walk, Juneteenth, Fourth in the Park Parade and Festival, Labor Day Fine Art Show (Art in the Park), Antique Street Festival, Marietta Reads, Harvest Square Arts and Crafts Show/Halloween Happenings, MUST Ministries Gobble Jog, and the Marietta Farmer's Market.

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20120058** **Roswell Street Streetscape Livable Centers Initiative Project Phase I.**

Motion authorizing the appropriation of the unused fund balance in the 1994 SPLOST to be used by Public Works as matching funds for the Roswell Street Streetscape Livable Centers Initiative Project Phase I.

Council member Goldstein disclosed that PMG, LLC owns the property at 358 Roswell Street, Marietta GA 30060. He is the owner of said property and from his understanding; no monies from this item will go towards the streetscape touching the property on the south side of Roswell Street as that has clearly been done in front of that address on the south side of the street.

* **20120059** **Wellstar Health System Easement**

Motion authorizing an easement allowing Wellstar Health System to install and maintain a way finding sign within the Dickson Avenue right of way as shown on the attached drawings for Wellstar Health System, provided by CDH Partners. Sign must comply with all applicable ordinances and processes not otherwise addressed in this motion. Approval is subject to approval of final easement, location, and indemnification agreement(s) by the City Attorney and Public Works Director.

APPEARANCES:

OTHER BUSINESS:

20110982 V2011-33 [Variance] Traton Homes (Rockford Township) Land Lots 00360, 00370, and 00380, District 19.

Motion to approve the following variances for property located in Land Lots 00360, 00370, and 00380, District 19 and being known as Rockford Township. Variance to reduce the total number of street trees required to be planted in the front yards of the development from 169 to 148 (as shown on the attached Tree Replacement Plan for Rockford Township, date stamped Feb. 3, 2012), in lieu of the requirements for planted border areas listed under Table G-1. [Section 712.08 (G)(2)(a)]; with the following stipulations:

1. The sidewalk previously approved to be located along the eastern side of Rockmann Lane will be located along the western side of Rockmann Lane, so as to preserve the existing trees on the Smith-Manning House property.
2. No tree replacement will be required for the unintentional loss of any trees identified on the Tree Replacement Plan.
3. No disturbance or construction activities, such as vehicle or material storage, shall encroach upon the critical root zone for designated tree save areas, which shall include no less than the total area beneath the canopy drip line of the tree(s). Further, prior to any land disturbance, active tree protective fencing must be installed to protect the critical root zone.

Mayor Tumlin disclosed that in 2009 political contributions were reported from Traton and its principals in the aggregate of over \$250. Also, Smith, Tumlin, McCurley & Patrick, P.C., represented Mr. John Elliott in the sale and separation of the Smith Manning property.

Council member Sinclair disclosed that in 2009 he received a political contribution of greater than \$250 from Mr. Bill Poston of Traton Corporation. Also, he sold Mr. Will Etheredge, the neighboring property owner at the Smith Manning House, his house. In addition, he was the listing agent at Rockford for Mr. John Elliott, the previous owner, in his capacity as a Realtor at Harry Norman Realtors, but the project went bankrupt before they sold anything.

This item was tabled at the November 7, 2011 City Council Meeting.

Council Member Chalfant requested at the Monday, December 12, 2011 Agenda Work Session that the council table this item until the January 11, 2012 City Council Meeting.

This item was tabled at the January 11, 2012 City Council Meeting.

* **20120127 Acquisition of Property**

Motion to approve purchase and sale agreement between Abbott Products, Inc. as Seller and the City of Marietta as Purchaser regarding the purchase of 15.5 acres, more or less, for the price of \$1,236,000.00 per the terms of the contract on file with the City Clerk's office. This motion authorizes minor changes to the agreement as approved by the Chief of the Fire Department, the City Manager and the City Attorney.

* **20120128 Budget Amendment**

Request for approval of an ordinance amending the Fiscal Year 2012 budget to appropriate unused fund balance in the 1994 SPLOST Funds to use as matching funds for the Roswell Street Streetscape Livable Centers Initiative Project Phase I.

* **20120129 Donation of Landscape Easement - 595 Roswell Street**

Motion accepting donation of permanent landscaping easement at 595 Roswell Street from Corn Enterprises for planting trees and landscaping enhancements.

Mayor Tumlin disclosed that his firm represented the owners of this property in this matter.

20120115 Charter Review Commission

Motion to create a "Charter Review Commission" with a suggested composition of a City wide cross section of Marietta Citizens, a liaison representative from Cobb Delegation, and professional expertise from Carl Vision Institute and Georgia Municipal Association. To meet within the definition of the Open Meetings Act for a period of not less than six months and not more than a year.

As requested by Mayor Tumlin

20120125 Opinions of the Ethics Committee

Motion to amend the city Ethics Ordinance related to the Ethics Committee rendering opinions.

As requested by Council Member Chalfant

* **20120092 BLW Actions of February 6, 2012**

Review and approval of the February 6, 2012 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: