



205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## **SPECIAL CALLED CITY COUNCIL MEETING**

**Thursday, May 30, 2013  
5:15 PM**

**Council Chamber  
City Hall**

**Memo to:** All Members of City Council  
City Manager  
City Attorney  
City Clerk

**From:** R. Steve Tumlin, Mayor

*R. Steve Tumlin, Mayor*  
R. Steve Tumlin, Mayor

*as authorized Betsy Kelley*

**You are hereby notified of a special meeting of City Council as per City Code Section 2.9(b) for items listed in the following agenda:**



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda

### CITY COUNCIL SPECIAL MEETING

*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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Thursday, May 30, 2013

5:15 PM

Council Chamber

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#### CALL TO ORDER:

#### BUSINESS:

**20130580      Public Hearing**

Public Hearing regarding possible projects to implement using Urban Redevelopment Bonds proceeds.

*(Limit of five minutes per speaker)*

**20130581      Bond Resolution for Urban Redevelopment Bond**

Elected officials' discussion of matters to be placed in Bond Resolution for Urban Redevelopment Bond.

**20130515      Sample language**

Sample language for bond resolution: See attached draft.

**20130583      June 12, 2013 Motion**

Motion to place this item on the June 12, 2013 regular City Council agenda.

**20130585      Motion/Motions**

Motion or motions related to any items above.

#### ADJOURNMENT:

A RESOLUTION OF  
THE CITY COUNCIL OF THE CITY OF MARIETTA

A RESOLUTION TO REQUEST THE CALLING OF AN ELECTION TO DETERMINE THE ISSUANCE OR NON-ISSUANCE OF \$35,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF MARIETTA; TO PROVIDE FOR THE DATE, MAXIMUM RATE OF INTEREST AND SCHEDULE OF MATURITIES THAT SAID BONDS SHALL BEAR; TO PROVIDE FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF MARIETTA THE QUESTION OF WHETHER OR NOT SAID BONDS SHALL BE AUTHORIZED AT AN ELECTION AND TO CALL SAID ELECTION; TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES TO SERVICE SAID BONDED INDEBTEDNESS IF SO AUTHORIZED; AND FOR OTHER PURPOSES:

WHEREAS, pursuant to a resolution adopted by the City Council of the City of Marietta (the "City Council") on July 8, 2009 (the "2009 Resolution"), the City Council found that there was a necessity for the redevelopment and rehabilitation of one or more areas within the City of Marietta (the "City") that meet the definition of "slum area" described in O.C.G.A. Section 36-61-2(18) of the Urban Redevelopment Law (codified at Section 36-61-1, *et seq.* of the Official Code of Georgia Annotated ("O.C.G.A.")), as amended ("the Act") in that these areas, among other things, by reason of the presence of (i) a predominance of building or improvements, both residential and nonresidential, which by reason of dilapidation, deterioration, age, vacancy, or obsolescence are conducive to crime and are detrimental to the public health, safety, morals or welfare and (ii) a substantial number of vacant, deteriorated or deteriorating structures; the predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, to usefulness for present or future development; development impaired by transportation noise or by other environmental hazards; or a combination of such conditions that substantially impairs or arrests the sound growth of the City, retards the provisions of adequate housing accommodations and constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in their present condition or use; and

WHEREAS, pursuant to the 2009 Resolution and the Act, the City approved the Urban Redevelopment Plan of the City of Marietta (as amended from time to time, the "Urban Redevelopment Plan") and designated certain areas within the City as "urban redevelopment areas" (the "Redevelopment Areas") appropriate for projects that provide for rehabilitation, conservation, or redevelopment, or a combination thereof, of the Redevelopment Areas ("urban redevelopment projects"); and

WHEREAS, the Urban Redevelopment Plan designates three urban redevelopment areas, being the Franklin-Gateway redevelopment area, the Northeast/Canton/Hwy. 41 redevelopment area and the Center City redevelopment area; and

WHEREAS, pursuant to a resolution adopted by the City Council on May 8, 2013, the City Council approved a modification to the Urban Redevelopment Plan to include the

addition of urban redevelopment projects to the Center City redevelopment area and the Franklin-Gateway redevelopment area; and

WHEREAS, the City has hereby determined that it desires to apply funds to such urban redevelopment projects, as follows: (a) up to \$1,500,000 for streetscape improvements in the Whitlock Avenue corridor and up to \$1,200,000 for renovation and improvements to the former Lemon Street School, all within the Center City redevelopment area, and (b) up to \$25,000,000 for the acquisition, relocation assistance, and demolition of apartment complexes and other declining properties located in the Franklin-Gateway Zone 1 redevelopment area for future redevelopment and up to \$7,300,000 for right-of-way acquisition and road infrastructure improvement(s) to provide east-west transportation connectivity from Cobb Parkway to Franklin Road, all within the existing Franklin-Gateway redevelopment area (collectively, the "Project"); and

WHEREAS, pursuant to 36-61-16(d) of the Act, a City may issue and sell its general obligation bonds for the purpose of aiding, undertaking or carrying out urban redevelopment projects; and

WHEREAS, it appears to the City Council that the most feasible plan for providing funds to pay or to be applied toward the cost of the acquisition of the Project is by the issuance and sale of City of Marietta General Obligation Bonds (Urban Redevelopment Projects) in an aggregate principal amount not to exceed \$35,000,000 (the "Bonds") for the foregoing purposes, and under the Constitution and laws of the State of Georgia, it is necessary to submit to the qualified voters of the City for their determination the question of whether or not the Bonds should be issued for purpose of financing the Project; and

WHEREAS, the principal of and interest on the Bonds, if approved, shall be payable from the imposition of a direct annual ad valorem tax on all taxable property within the City subject to taxation for general obligation bond purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta and it is hereby resolved by authority of the same, that the City Council hereby requests that the Board of Elections and Registration of Cobb County, on behalf of the City, call an election to be held in all the voting precincts of the City of Marietta on November 5, 2013, at which election there shall be submitted to the qualified voters of the City the question of whether the Bonds should be issued for the purpose of financing the Project and the costs of issuance of the Bonds.

BE IT FURTHER RESOLVED by the authority, aforesaid and it is hereby resolved by authority of the same, that the ballot to be used in said election shall have printed thereon in brief form the question to be determined by the voters, to-wit:

"SHALL THERE BE ISSUED UP TO \$ 35,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MARIETTA GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING URBAN REDEVELOPMENT PROJECTS CONSISTING OF STREETScape

IMPROVEMENTS IN THE WHITLOCK AVENUE CORRIDOR OF THE CENTER CITY REDEVELOPMENT AREA, RENOVATIONS TO THE FORMER LEMON STREET SCHOOL WITHIN THE CENTER CITY REDEVELOPMENT AREA AND THE ACQUISITION OF IMPROVED PROPERTY FOR FUTURE REDEVELOPMENT AND STREET CONSTRUCTION AND TRANSPORTATION CONNECTIVITY IMPROVEMENTS WITHIN THE CITY'S FRANKLIN-GATEWAY REDEVELOPMENT AREA, ALL FOR REDEVELOPMENT IN ACCORDANCE WITH THE CITY'S URBAN REDEVELOPMENT PLAN?"

The ballot shall have printed thereon the word "YES" and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to each of the questions propounded.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that in accordance with O.C.G.A. § 21-2-540, the date of such election is hereby set as November 5, 2013. The polls of each election district of the City shall open at 7 a.m. and close at 7 p.m., and the election shall be held in accordance with the election laws of the State of Georgia, and the returns of any election shall be made to the Board of Elections and Registration of Cobb County, who shall, in the presence of and together with the several managers of the polls who shall bring up the returns, consolidate the returns and certify the results of the election in the manner required by law.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that in accordance with the provisions of Code Section 36-82-1(b) of the Official Code of Georgia Annotated, as amended, any brochures, listings or other advertisements issued by the City or any other person, firm, corporation or association with the knowledge and consent of the City, shall be deemed to be a statement of intention concerning the use of the proceeds of the Bonds; and such statement of intention shall be binding on the City in the expenditure of any such Bond funds or interest received from such Bond funds which have been invested.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that there is hereby authorized and directed to be published notice of said election for the Bonds as required by law in the newspaper in which sheriff's advertisements for Cobb County are published, once a week for five weeks immediately preceding the date of the election, *i.e.*, November 5, 2013, and the notice of election shall be substantially in the form attached hereto as Exhibit "A" and, by this reference thereto, made a part hereof.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that if the voters of the City approve the issuance of the Bonds, the City shall be authorized to issue City of Marietta general obligation bonds, to be dated no later than the date of initial issuance and delivery, to bear interest from date at a rate or rates not exceeding 8 percent per annum (based upon a 360-day year comprised of twelve 30-day

months), and the principal thereof to mature by scheduled maturity or by mandatory redemption in the years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2015	\$1,325,000	2025	\$1,710,000
2016	1,340,000	2026	1,765,000
2017	1,370,000	2027	1,830,000
2018	1,400,000	2028	1,900,000
2019	1,435,000	2029	1,975,000
2020	1,465,000	2030	2,050,000
2021	1,510,000	2031	2,140,000
2022	1,550,000	2032	2,235,000
2023	1,600,000	2033	2,325,000
2024	1,655,000	2034	2,420,000

The Bonds may be made subject to redemption prior to their respective maturities upon the terms and conditions to be determined by the City Council. The Bonds may be issued in one or more series with each series having a different issuance date as determined by the City Council.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that should the Bonds be authorized by the requisite number of qualified voters actually voting in said election, the City Council shall levy a tax upon all property subject to taxation for general obligation bond purposes, within the corporate limits of the City, and any extension of the corporate limits of the City, sufficient in amount to pay the principal of and interest on the Bonds as the same become due and payable.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that the City Clerk of the City Council is hereby authorized and directed to deliver a copy of this resolution to the Board of Elections and Registration of Cobb County with a request that the Board of Elections and Registration of Cobb County order the call of this election.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same that the City waives the independent performance audit or performance review referred to in O.C.G.A. Section 36-82-100.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that the proper officers and agents of the are hereby authorized to take any and all further actions as may be required in connection with the issuance of the Bonds as herein provided.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of the same, that any and all resolutions or parts thereof in conflict herewith be, and the same are hereby repealed.

BE IT FURTHER RESOLVED by the authority aforesaid and it is hereby resolved by authority of same, that this resolution shall take effect immediately upon its adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY COUNCIL OF THE CITY OF MARIETTA

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk  
City Council of the City of Marietta

## EXHIBIT A

NOTICE OF BOND ELECTION  
TO THE QUALIFIED VOTERS OF THE CITY OF MARIETTA, GEORGIA

YOU ARE HEREBY NOTIFIED that on the 5th day of November 2013, an election will be held in all of the election districts of the City of Marietta (the "City"), at which election there will be submitted to the qualified voters thereof for their determination the question of whether City of Marietta General Obligation Bonds (Urban Redevelopment Projects) in an aggregate principal amount not to exceed \$35,000,000 ( the "Bonds") shall be issued by the City for the purpose of financing urban redevelopment projects in the Center City redevelopment area, consisting of up to \$1,500,000 for streetscape improvements in the Whitlock Avenue corridor and up to \$1,200,000 for renovation and improvements to the former Lemon Street School and urban redevelopment projects in the existing Franklin-Gateway redevelopment area, consisting of up to \$25,000,000 for the acquisition, relocation assistance and demolition of apartment complexes and other declining properties located in the Franklin-Gateway Zone 1 redevelopment area for future redevelopment and up to \$7,300,000 for right-of-way acquisition and road infrastructure improvement(s) to provide east-west transportation connectivity from Cobb Parkway to Franklin Road (collectively, the "Project").

The Bonds, if so authorized, shall be dated no later than the day the Bonds are issued and delivered and shall bear interest at rates not exceeding 8% per year (based upon a 360-day year comprised of twelve thirty-day months). The principal shall mature (by scheduled maturity or by mandatory redemption) in the years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2015	\$1,325,000	2025	\$1,710,000
2016	1,340,000	2026	1,765,000
2017	1,370,000	2027	1,830,000
2018	1,400,000	2028	1,900,000
2019	1,435,000	2029	1,975,000
2020	1,465,000	2030	2,050,000
2021	1,510,000	2031	2,140,000
2022	1,550,000	2032	2,235,000
2023	1,600,000	2033	2,325,000
2024	1,655,000	2034	2,420,000

The Bonds may be issued in one or more series and may be made subject to redemption prior to their respective maturities upon the terms and conditions to be decided by the City Council.

The principal of and interest on the Bonds shall be payable in lawful money of the United States of America at a bank or banks to be designated later.

Voters desiring to vote for the issuance of the Bonds for the aforesaid purposes shall do so by voting "YES" and voters desiring to vote against the issuance of the Bonds for the aforesaid purposes shall do so by voting "NO" as to each of the questions propounded substantially as follows:

"SHALL THERE BE ISSUED UP TO \$ 35,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MARIETTA GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING URBAN REDEVELOPMENT PROJECTS CONSISTING OF STREETScape IMPROVEMENTS IN THE WHITLOCK AVENUE CORRIDOR OF THE CENTER CITY REDEVELOPMENT AREA, RENOVATIONS TO THE FORMER LEMON STREET SCHOOL WITHIN THE CENTER CITY REDEVELOPMENT AREA AND THE ACQUISITION OF IMPROVED PROPERTY FOR FUTURE REDEVELOPMENT AND STREET CONSTRUCTION AND TRANSPORTATION CONNECTIVITY IMPROVEMENTS WITHIN THE CITY'S FRANKLIN-GATEWAY REDEVELOPMENT AREA, ALL FOR REDEVELOPMENT IN ACCORDANCE WITH THE CITY'S URBAN REDEVELOPMENT PLAN?"

The several places for holding said election shall be in the regular and established election districts of the City, and the polls will be open from 7:00 A.M. to 7:00 P.M. on the said date fixed for the election. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia.

The last day to register to vote in this election shall be October 7, 2013.

Those residents qualified to vote at said election shall be determined in all respects in accordance with election laws of the State of Georgia.

Any brochures, listings or other advertisements issued by the City or by any other person, firm, corporation or association with the knowledge and consent of the City, shall be deemed to be a statement of intention of the City concerning the use of the proceeds of the Bonds; and such statement of intention shall be binding on the City in the expenditure of any such Bond funds or interest received from such Bond funds which have been invested.

**Pursuant to O.C.G.A. Section 36-82-100, the City notifies all interested parties that no independent performance audit or performance review (the "Bond Audit") will be conducted with respect to the Bonds. However the City will continue to ensure that Bond proceeds are expended efficiently and economically, as intended by the Bond Audit.**

This notice is given pursuant to joint action of the City Council of the City of Marietta and by an order of the Board of Elections and Registration of Cobb County.

CITY OF MARIETTA

By: \_\_\_\_\_  
Mayor

BOARD OF ELECTIONS AND REGISTRATION  
OF COBB COUNTY

By: \_\_\_\_\_  
Chairman

CITY CLERK'S CERTIFICATE

GEORGIA, COBB COUNTY

The undersigned City Clerk of the City Council of the City of Marietta DOES HEREBY CERTIFY that the foregoing pages constitute a true and correct copy of a resolution adopted by the City Council at an open public meeting duly called and lawfully assembled at \_\_\_\_ p.m. on the \_\_\_\_ day of \_\_\_\_\_, 2013, in connection with the calling of an election pertaining to the issuance or non-issuance of City of Marietta general obligation bonds, and in which a quorum was present and acting throughout, and that the original of such resolution appears of record in the Minute Book of the City, which is in my custody and control, and has not been modified, repealed, revoked or rescinded as of the date hereof.

WITNESS my hand and the official seal of the City Council of the City of Marietta, this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk

(SEAL)



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Motion Signature

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**File Number:** 20130583

### **June 12, 2013 Motion**

Motion to place this item on the June 12, 2013 regular City Council agenda.

**Date** May 30, 2013

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R. Steve Tumlin, Jr., Mayor

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Stephanie Guy, City Clerk