



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary

### CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, May 14, 2014

7:00 PM

Council Chamber

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**20140131**

#### **Distinguished Service Award**

Presentation of a Distinguished Service Award to the family of Leon King for his service to the Civil Service Board for over 20 years from December 1992-December 2013.

**Presented**

**20140535**

#### **Special Achievement Award Presentation**

Councilperson Kelly presents a Special Achievement Award to Detective Michael Freer for his dedication to duty, keen investigative skills and outstanding work while investigating the SunTrust bank robbery.

**Presented**

**20140402**

#### **Marietta Power Wins RP3 Award**

Tom Bell, Electrical Director for the Marietta Board of Lights and Water attended the March 2014 American Public Power Association (APPA) Engineering & Operations Conference in Oklahoma and accepted the highest level Diamond RP3 Award. The Marietta Board of Lights and Water is one of only 29 public power providers achieving at this prestigious diamond level.

**Presented**

**20140524**

#### **Marietta Citizens' Police Academy**

Graduates from the Marietta Citizens' Police Academy

**Presented**

**20140444**

#### **Historic Preservation Month**

Mayor Tumlin presents a Proclamation to David Freedman, Chairman of the Marietta Historic Preservation Commission recognition May 2014 as Historic

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Preservation Month in the city of Marietta in conjunction with the celebration of National Historic Preservation Month.

**Presented**

**20130542**

**Wellstar Bridge**

Motion to approve Easement and Bridge Agreement between the City of Marietta and Wellstar Health System, Inc., Kennestone Hospital, Inc., d/b/a Wellstar Kennestone Regional Medical Center and Cobb County Kennestone Hospital Authority, subject to the terms and conditions set forth in the Easement and Bridge Agreement.

*Motion to approve Easement and Bridge Agreement between the City of Marietta and Wellstar Health System, Inc., Kennestone Hospital, Inc., d/b/a Wellstar Kennestone Regional Medical Center and Cobb County Kennestone Hospital Authority, subject to the terms and conditions set forth in the Easement and Bridge Agreement, and incorporating the letter dated May 8, 2014 from WellStar Health System, Inc.*

**Approved as Stipulated**

\* **20140508**

**Regular Meeting - April 9, 2014**

Review and approval of the April 9, 2014 regular meeting minutes.

**Approved and Finalized**

\* **20140504**

**Marietta Museum of History Appointments**

Approval of the Museum Board recommendation to reappoint Winfield Scott Chadwick and James M. Hudgins to the Board of Directors for a three (3) year term expiring May 14, 2017.

**Approved and Finalized**

\* **20140406**

**Ethics Committee Appointment**

Appointment of Lorette Mitchell to the Ethics Committee for a two (2-year) term expiring May 14, 2016.

**Approved and Finalized**

\* **20140435**

**Denial of a claim**

Denial of a claim of Jeffrey Willis.

**Approved to Deny Claim**

\* **20140238**

**FY 2015 Annual Plan**

Approval of a Resolution authorizing the acceptance of the Public Housing Authority (PHA) Fiscal Year 2015 Annual Plan.

**Approved and Finalized**

- \* **20140399**      **Marietta Community Improvement District**  
Approval of a Resolution creating the Marietta Community Improvement District.  
  
**Approved and Finalized**
- \* **20140423**      **CDBG Slum and Blight Demo Request**  
Approval of a Resolution authorizing the city to use its CDBG Slum and Blight removal funds to abate the asbestos and demolish 52 West Dixie Avenue.  
  
**Approved and Finalized**
- \* **20140434**      **Selection of Audit Firm**  
Motion to authorize the execution of a contract between the City of Marietta and Crace Galvis McGrath, LLC, as the audit firm for financial auditors for fiscal year 2014 through fiscal year 2017.  
  
**Approved and Finalized**
- \* **20140425**      **Boarded up and Abandoned Properties Funding**  
Motion to add a line item to the FY2015 budget for a restricted amount of \$200,000 for possible funding mechanisms for the recently approved ordinance dealing with boarded-up and abandoned properties.  
  
**Approved and Finalized**
- \* **20140321**      **Revision to Section 8-8 of the Marietta City Code, Alcoholic beverages, regarding hard cider**  
Approval of an Ordinance amending Section 8-8 of the Marietta City Code, Alcoholic beverages, regarding hard cider, wine and beer tastings.  
  
**Approved as Amended**
- \* **20140421**      **Revised Detailed Plan for billboard**  
Motion approving the Revised Detailed Plan for an existing billboard on property impacted by I-75 widening  
  
**Approved and Finalized**
- \* **20140193**      **Chalk Art Festival**  
Motion approving a request from the Marietta/Cobb Museum of Art for various street closures October 9-12, 2014 for the purpose of conducting a Chalk Art Festival to include:

- 1) West Park Square from 8 PM Thursday, October 9 to be opened before 5 AM Friday, October 10;
- 2) North Park Square from 5 PM Friday, October 10 until 9 PM Sunday, October 12;
- 3) West Park Square from 6 PM Friday, October 10 until 9 PM Sunday, October 12;
- 4) Atlanta Street from Anderson St. north to and through East Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12;
- 5) South Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12; and,
- 6) Church Street from the south side of Hansell Street to N. Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12.

*Motion approving a request from the Marietta/Cobb Museum of Art for various street closures October 9-12, 2014 for the purpose of conducting a Chalk Art Festival to include:*

1. *North Park Square from 8 PM until 10 PM Thursday October 9;*
2. *West Park Square from 10 PM Thursday, October 9 until 12 AM Friday, October 10;*
3. *North Park Square from 5 PM Friday, October 10 until 9 PM Sunday, October 12;*
4. *West Park Square from 6 PM Friday, October 10 until 9 PM Sunday, October 12;*
5. *Atlanta Street from Anderson St. north to and through East Park Square from 6 AM Saturday, October 10 until 9 PM Sunday, October 12;*
6. *South Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12; and,*
7. *Church Street from the south side of Hansell Street to N. Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12.*

**Approved as Amended**

\* **20140416 Recreation Building at Custer Park**

Motion to move forward with the \$2.6 million option for renovation and/or expansion of the recreation building located next to Custer Park.

**Approved and Finalized**

**20140206 335 Allgood Road**

Motion to authorize the acquisition of property located at 335 Allgood Road and owned by Peggy L. Price 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.

*Motion to Table this matter until the July 9, 2014 City Council meeting. The purpose of this motion is to give both parties additional time to conduct further negotiations in order for the city to acquire the property through negotiations with the owner through their attorneys.*

**Tabled**

**20140207**

**329 Allgood Road**

Motion to authorize the acquisition of property located at 329 Allgood Road and owned by Ray D. Summerour 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.

*Motion to Table this matter until the June 11, 2014 City Council meeting. The purpose of this motion is to give both parties additional time to conduct further negotiations in order for the city to acquire the property through negotiations with the owner through their attorneys.*

**Tabled**

\* **20140308**

**Elizabeth Porter Recreation Center**

Motion to move forward with the \$3.5 million option for the redevelopment of the Elizabeth Porter Recreation Center area.

**Approved and Finalized**

\* **20140420**

**Minor Revision to Code Section**

Approval of an Ordinance amending City Code Section 4-12-5 Section 1, "Insurance and Retirement."

**Approved and Finalized**

\* **20140411**

**No Parking Signs along Hawkins Street and Delk Street**

Motion authorizing "No Parking" signs along the south side of Hawkins Street between Atlanta Street and Delk Street; the north side of Hawkins Street between Atlanta Street and Kings Court and the east side of Delk Street between Hawkins Street and East Dixie Avenue.

**Approved and Finalized**

\* **20140419**      **Local Administered Project Certification**

Motion to approve the Re-Certification Acceptance Qualification Agreement with the Georgia Department of Transportation for federally funded projects.

**Approved and Finalized**

**20140354**      **V2014-07 Suncatcher of Atlanta 612 Cobb Parkway North**

V2014-07 [VARIANCE] SUNCATCHER OF ATLANTA request variances for property located in Land Lot 10700, District 16, Parcel 1570, 2nd Section, Marietta, Cobb County, Georgia and being known as 612 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Variance to allow a accessory structure to be located in the front of the principal use; Variance to reduce the required number of parking spaces to 7; Variance to locate a permanent structure closer to a general advertising sign than a distance that is equal to or greater than the height of the sign. Ward 5B.

*Motion to approve the following variances for property located at 612 Cobb Parkway North, currently zoned CRC (Community Retail Commercial):  
Variance to allow the existing accessory structure to be located in the front of the principal use;  
Variance to reduce the required number of parking spaces to 7, which would be restricted to this type of business;  
Variance to locate a permanent structure closer to a general advertising sign than a distance that is equal to or greater than the height of the sign.*

**Approved as Amended**

**20140355**      **V2014-08 GPS Hospitality D/B/A Burger King**

V2014-08 [VARIANCE] GPS HOSPITALITY D/B/A BURGER KING request variances for property located in Land Lot 03610, District 17, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 650 S. Marietta Parkway, currently zoned CRC (Community Retail Commercial). (1) Variance from Section 712.08, Tree Protection and Landscaping to maintain the site as currently landscaped; (2) Variance from Section 712.09, Commercial Corridor Design Overlay District; (3) Variance from Section 714.06 (C.6), Nonconforming Signs to keep the current sign. These variances are approved for the current developed property only as shown on the attached site plan by Gaskins Engineering & Surveying for Burger King Renovation, dated January 28, 2014, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure. Ward 1A.

*Motion to Table this matter until a Special Called Meeting to be held May 28, 2014.*

**Tabled**

**20140433 HO2014-01 Katherine B. Carroll 358 East Dixie Avenue**

Motion to approve a Special Land Use Permit for a Type B Home Occupation for a learning center and tutoring service for the property at 358 East Dixie Avenue; also to include a waiver from the regulation that Type B Home Occupations may not be established in districts zoned for multi-family residential purposes. Ward 1A.

**Approved and Finalized**

**\* 20140544 Motion regarding agenda item 20140239, 11 Whitlock Avenue**

Motion to hold in abeyance agenda item 20140239 approved March 12, 2014 until the June 11, 2014, with the stipulation that the appellant and the Mayor shall have until May 23rd to reach an agreement resolving all matters.

**Approved and Finalized**

**\* 20140521 9 & 11 Whitlock Avenue**

Consideration of the appeal of Philip M. Goldstein regarding his application with the Historic Board of Review for Certificate of Approval for Exterior Changes for the property located at 9 & 11 Whitlock Avenue.

Council member Goldstein disclosed that he owns property at 9 & 11 Whitlock Avenue. Mr. Goldstein will abstain from any action as a Councilman on this item.

*Motion to Table this matter until the June 11, 2014, with the stipulation that the appellant and the Mayor will have until May 23rd to reach an agreement resolving all matters.*

**Tabled**

**\* 20140522 150 Commemoration of the Civil War**

Motion to authorize the execution of amendment 1 of the contract between the City of Marietta and The Welcome Center for fiscal year 2014.

*Motion to authorize the execution of amendment 1 of the contract between the City of Marietta and The Welcome Center for fiscal year 2014.*

*Special appropriation funding from the existing "reserve" of the Car Rental Excise Tax for "broad" purposes to enhance our City as Host for the May to November activities of the 150 Commemoration of the Civil War. Commemorate Funding to be at discretion of the City Manager with advice from the actively participating square entities, including but not limited to our Museums (5), Theatres, Root and Brumby Houses, Welcome Center, and Friends of Brown Park. Funds shall be expended for, but not limited to facilitate activities,*

*maintenance, upkeep of special venues, new activities, extra personnel, and expenses expected during this peak tourist time to comply with Tourism for this special period of this high profile/high volume period.*

**Approved as Amended**

\* **20140525**      **MEAG Power 2014 Annual Election**

Motion to appoint Council member Andy Morris as the voting delegate and City Manager and Acting BLW General Manager Bill Bruton as the alternate voting delegate for the MEAG Power 2014 Annual Election.

**Approved and Finalized**

\* **20140526**      **64 Black Street**

Motion to authorize the acquisition of property owned by Mainland Holdings 3, LLC 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.

**Approved and Finalized**

\* **20140527**      **24 Alexander Street**

Motion to authorize the acquisition of property owned by David E. Miller, Jr. 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.

*Motion authorizing acquisition of a portion of property at 24 Alexander Street from David E. Miller, Jr. for the purpose of constructing Alexander Street Improvements - Roswell to Washington Project in exchange for \$12,303.70.*

**Approved as Amended**

\* **20140528**      **1205 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1205 Powder Springs Street from Paul Schmidt D/B/A Rose Tree Village for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$11,446.45.

**Approved and Finalized**

\* **20140529**      **1225 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1225 Powder Springs Street from Emory-Adventist, Inc. for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$8,098.00 and the stipulation that access to the premises will not be blocked or unreasonably disrupted during construction.

**Approved and Finalized**

\* **20140530**      **1309 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1309 Powder Springs Street from Cathy Ann Whitaker for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$1,927.00 and the stipulation that the driveway concrete be poured after 5 p.m. on Friday or anytime during the weekend due to the large amount of truck and trailer traffic during normal business hours.

**Approved and Finalized**

\* **20140531**      **730 Franklin Road**

Motion authorizing acquisition of a portion of property and easements at 730 Franklin Road from RRA/OHI Cinnamon Ridge, LLC for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments in exchange for \$48,750.00.

**Approved and Finalized**

\* **20140532**      **757 Franklin Road**

Motion authorizing acquisition of the property at 757 Franklin Road from 757 Partners for the purpose of constructing the Franklin Road Improvements - From Twin Brooks to Las Colinas Apartments in exchange for \$76,000.00 and the stipulations:

- There shall be no interruption of access to the property.
- There shall be no increase in or change off/on of storm water on or across the balance of Grantor's property.
- At no time during construction shall more than half of the parking spaces on Grantor's Property be rendered unusable or materially impaired.
- No work shall be performed on Grantor's Property between February 15 and April 15 of any calendar year during which the construction easements remain in effect.
- The boundaries of the construction easements shall be clearly marked during construction and no equipment or materials shall be parked on or stored on the areas which are outside of the construction easement areas.
- The planned improvements to the right of way and easement areas shall be completed in two separate phases, as follows:
  - o All work on retaining wall shall be completed prior to beginning work on the entrance and adjacent parking areas.

- o Physical barriers shall be placed at the back of the construction easements during construction of the retaining wall in order to permit safe parking on the adjacent areas during construction.
- o There shall be no interference with the parking spaces in the area which is crosshatched (as shown on Exhibit C of the Agreement to Purchase Real Estate) while work is being performed on the retaining wall.
- o Construction on the curb cut and adjacent parking areas shall not commence until the work on the retaining wall has been completed.
- o There shall be no interference with the parking spaces which are cross-hatched (as shown on Exhibit D of the Agreement to Purchase Real Estate) while work is being performed on the curb cut and adjacent parking areas.
- o The work on the curb cut and adjacent parking area shall be done in such a manner as to always leave at least one lane of traffic open for ingress/egress to the property

**Approved and Finalized**

\* **20140533**

**Parcel 1, Wallace Road**

Motion authorizing acquisition of a portion of property and easements at Parcel 1, Wallace Road from Bentley Farm Properties, LLLP and Summerour Properties, LLLP for the purpose of constructing the Wallace Road at North Marietta Parkway Project in exchange for \$4,546.00.

**Approved and Finalized**

\* **20140534**

**Parcel 3, Wallace Road**

Motion authorizing acquisition of a donated temporary driveway easement at Parcel 3, Wallace Road from Bentley Farm Properties, LLLP, Summerour Farm, LLLP and James William Bentley, Jr. for the purpose of constructing the Wallace Road at North Marietta Parkway Project.

**Approved and Finalized**

**20140509**

**BLW Actions of the May 12, 2014**

Review and approval of the May 12, 2014 actions and minutes of the Marietta Board of Lights and Water.

*Motion to approve the May 12, 2014 actions and minutes of the Marietta Board of Lights and Water, with the exception of BLW agenda item 20140459 Adoption of FY2015 Marietta Board of Lights and Water Budget, and agenda item 20140520 MEAG Power 2014 Annual Election/Voting Delegate Selection.*

*Further, agenda item 20140459 Adoption of FY2015 Marietta Board of Lights and Water Budget would be sent back to the BLW Board for consideration of the following proposal:*

*Motion to reduce the transfer to the City's General Fund by \$500,000, from \$11.5 million to \$11 million. The transfer would be reduced \$500,000 each subsequent year, for three (3) years. This action would be reviewed on an annual basis and modified as necessary.*

**Approved as Stipulated**