

City Manager Bill Bruton reported on the actions of the Board of Lights and Water at their July 7, 2014 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the July 7, 2014 regular Board of Lights and Water meeting minutes for details.)

Reported

20140714

425 North Sessions Street

Review and approval of the Detail Plan for 425 North Sessions Street.

*Motion to approve the detailed plan for 425 North Sessions Street, with the acknowledgement that all previously approved stipulations and conditions will remain in effect, except that item #7 will be revised to read as follows:
7. Elevations will be substantially the same as the elevation drawing presented to the City at the July 7, 2004, mediation of the above case.*

Further, the applicant acknowledges that the four (4) parking spaces within the public right of way along Sessions Street are public parking spaces and are non-exclusive in regards to the proposed development.

In addition, the applicant agrees to indemnify the City by separate indemnity agreement which shall also include a maintenance agreement for the parking spaces. Such agreement shall be recorded on the deed records of Cobb County, Georgia, and shall be binding on the applicant, the homeowners association and all future purchasers. This document and requirement shall be placed in the association bylaws and recorded on the plat.

The motion was made by Council member Morris, seconded by Council member Kelly, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:

Vote: 6 – 1 – 0 Recommended for Council Agenda Non Consent
Voting Against: Philip M. Goldstein

20140745

2016 SPLOST Project List

2016 SPLOST update/revision to city project list.

In depth discussion was held regarding the 2016 SPLOST project list. Suggested changes were incorporated into the document.

Motion to approve 2016 SPLOST update/revision to city project list, as amended.

The motion was made by Council member Chalfant, seconded by Council member Coleman, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:

Vote: 6 – 1 – 0 Recommended for Council Agenda Non Consent
Voting Against: Andy Morris

20140785 Draft City Council Agenda

Review and approval of the July 9, 2014, DRAFT City Council Agenda.

-under Minutes: Agenda item 20140737 was added to the consent agenda with the addition of the two (2) letters of Dissent and Protest filed by Council member Goldstein.

-under Ordinances: Agenda item 20140461 was added to the consent agenda.

-under Judicial/Legislative: Agenda item 20140731 was amended to add 545 and 586 Kenneth Marcus Way, along with the 500 N Fairground Street property.

-under Parks and Rec.: Agenda item 20170206 was added to the consent agenda.

-under Personnel/Insurance: Agenda item 20140733 was amended to read, "Appointment of Kent Rosenbury to the Planning Commission (Ward 1) for a term of two years, expiring July 10, 2016."

-under Personnel/Insurance: Agenda item 20140734 was added to the consent agenda.

-under Public Works: Agenda item 20140705 was added to the consent agenda.

-under Other Business: Agenda item 20140775 remains off consent and amended to add limit of \$30,000 and add back language regarding Open Meetings Act.

-under Other Business: Agenda items 20140788 and 20140789 were added to the consent agenda and amended to be referred to the Public Works Committee.

-under Other Business: Agenda item 20140796 and 20140738 were added to the consent agenda.

-under Other Business: A new item will be added by the Planning and Zoning Department regarding a request from Hospitality D/B/A Burger King, 650 S. Marietta Parkway.

Discussed

20140786 Executive Session

Executive Session to discuss legal, personnel, and/or real estate matters.

A motion was made in open session by Council member Goldstein, seconded by Council member Kelly, to enter an Executive Session to discuss personnel and real estate matters. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

For: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

The Executive Session was held.

A motion was made in open session by Council member Kelly, seconded by Council member Coleman, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

For: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris,
Anthony Coleman and Michelle Cooper Kelly
Absent for the vote: Philip M. Goldstein

A motion was made by Council member Chalfant, seconded by Council member Coleman, to add an item to the Council agenda to authorize the acquisition of a portion of property and easements at 680 Franklin Road, 600 Franklin Road (F/K/A 610 Franklin Rd) and 650 Franklin Road from Summerour Farm, LLLP, Bentley Farm Properties, LLLP and James William Bentley Jr. Estate for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments in exchange for \$330,510.00.

Stipulation on 600 Franklin Road (F/K/A 610 Franklin Road): City agrees to replace unused driveway to a location chosen by the owners.

The motion carried by the following vote:

*Vote: 7 – 0 – 0 Approved
(See agenda item 20140803)*

A motion was made by Council member Chalfant, seconded by Council member Coleman, to add an item to the Council agenda to authorize the acquisition of a portion of property and easements at 875 Franklin Road from Wood Glen Apartment Association, LLC for the purpose of constructing the Franklin Road Improvements - From Twin Brooks to Las Colinas Apartments by donation.

The motion carried by the following vote:

*Vote: 7 – 0 – 0 Approved
(See agenda item 20140804)*

20140551

Ethics Committee Council Appointment

Consideration of an appointment to the Ethics Committee for a two (2) year term.

Appointment of Susan Connor to the Ethics Committee for a two (2) year term expiring July 10, 2016.

The motion was made by Council member Walker, seconded by Council member Goldstein, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:

Vote: 7 – 0 – 0 Recommended for Approval – Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Morris, to suspend the rules of order to add an item to the agenda regarding a request from Burger King to amend an approved variance. The motion carried by the following vote:

*Vote: 7 - 0 - 0 Approved
(See agenda item 20140802)*

20140802

V2014-08 AMENDED GPS Hospitality D/B/A Burger King

V2014-08 [AMENDED 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). Ward 1A.

- (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.

The following application is incorporated as a condition of granting the requested variances:

- (1) The applicant shall replace the square on top of the pylon sign containing the Burger King logo with a 10 ft. wide circle containing said logo;
- (2) The applicant shall install a 3 ft. tall brick foundation to the current pylon sign.

The motion was made by Council member Fleming, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:

Vote: 7 - 0 - 0 Recommended for Council Agenda Non Consent

ADJOURNMENT:

The meeting was adjourned at 10:13 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____