



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### CITY COUNCIL AGENDA WORK SESSION

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

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Thursday, March 6, 2014

5:15 PM

Council Chamber

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

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

**Also Present:**

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

#### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 5:15 p.m.*

#### MINUTES:

**20140248 Regular Meeting - February 10, 2014**

Review and approval of the February 10, 2014 regular meeting minutes.

**A motion was made by Council member Goldstein, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 – 0 – 0                      Approved**

Absent for the vote: Grif Chalfant

#### BUSINESS:

**20140186 East Worthington Speed Tables**

Discussion regarding upcoming speed table hearing to be held at the March City Council Meeting.

*Motion to place an item on the council agenda for a public hearing, along with an item to consider installing speed tables in the East Worthington Parkway.*

**The motion was made by Council member Kelly, 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**

**20140183 2016 SPLOST**

Discussion and project selection for the proposed upcoming SPLOST Referendum.

*Discussion was held regarding possible projects for the upcoming SPLOST Referendum. There was general agreement that this matter be referred to the Public Works Committee for further discussion.*

**Referred to the Public Works Committee**

**20140185 CCTP Short Term Work Plan**

Discussion and project selection for the Cobb County Transportation Plan Short Term Work Plan.

**Referred to the Public Works Committee**

*Council member Goldstein left the dais during the discussion of agenda item 20140239, which is 11 Whitlock Avenue.*

**20140239 11 Whitlock Avenue**

Motion to direct the City Manager and the City Attorney to prepare and present the appropriate and standard License Agreement to the owner of 11 Whitlock Avenue which Agreement shall authorize the leasing of the ground and air encroachments currently encroaching on the public right-of-way. The Agreement shall contain the standard Indemnity Agreement as well as the standard insurance clause and all other clauses contained in the normal License Agreement executed by all parties in favor of the City of Marietta. The Agreement shall further provide that the city shall have not duty to maintain the encroaching property and shall have no duty to inspect the encroaching property either now or in the future. The owner shall have through and including May 14, 2014 to fully execute and return the document to the city. Further, as a requirement of this motion, the owner shall

provide a current and accurate survey of the currently existing encroachments (ground and air) by the property upon the public right-of-way and same shall be submitted simultaneously with the executed License Agreement. In the event the Agreement is not fully executed by the owner and returned to the city by May 14, 2014, the owner shall remove each and every encroachment from the city right-of-way, including ground and/or air encroachments on or before June 11, 2014. In the event the owner does not remove each and every encroachment from the city right-of-way, including ground and/or air encroachments, city staff shall remove each and every encroachment from the city right-of-way after June 11, 2014 without further motion of the Mayor and Council. This motion is necessitated by the fact that the prior recipient of the License Agreement abandoned the premises and failed to notify the city or comply with the terms and conditions of the Agreement. In addition, the owner has taken no action to comply with the prior Agreement.

*Philip Goldstein disclosed he owns (property) at 9 & 11 Whitlock Avenue. Councilman Goldstein will abstain from any action as a Councilman on this item.*

*Discussion was held regarding property at 11 Whitlock Avenue and the existing encroachment on city right-of-way.*

*The owner of the property, Philip M. Goldstein, was also allowed to speak regarding this matter.*

*Motion to place this item on the consent agenda for a permanent easement as stipulated in the printed motion, with an amendment to also require the owner to remove the triangle on top of the building.*

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

**Vote: 6 – 0 – 0          Recommended for Approval – Consent Agenda**  
Absent for the vote: Philip M. Goldstein

*Council member Goldstein returned to the dais.*

**20140245          Draft City Council Agenda**

Review and approval of the March 12, 2014, DRAFT City Council Agenda.

*-under minutes: Agenda item 20140249 was added to the consent agenda.*

*-under Council Appointments: An item was added to the agenda regarding an appointment to the Board of Zoning Appeals. (See agenda item 20140273)*

*-under Judicial/Legislative: Agenda item 20131480 was added to the consent agenda.*

*-under Parks and Rec.: Agenda items 20140178, 20140205, 20140211, 20140212, and 20140177 were added to the consent agenda.*

*-under Parks and Rec.: Agenda item 20140213 was also added to the consent agenda and amended to read, "Motion to authorize the sale and removal of the house structure on property located at 298 Chicopee Drive to the highest bidder. Further, the house shall be removed within 120 days leaving the ground graded." (The City Attorney will also add language regarding the City's ability to demolish the house if not removed within the allotted time.)*

*-under Public Works: Agenda item 20140184 was added to the consent agenda as a "Motion to Table the Church Street Pedestrian Bridge Easement until the April 9, 2014 City Council meeting. Until such time, the applicant was advised to meet with the public regarding the proposed bridge."*

*-under Public Works: Agenda item 20140187 was amended to read, "Motion to approve adding two (2) radar speed signs on Franklin Road."*

*-under Public Works: Agenda item 20140188 was added to the consent agenda.*

*-under Other Business: Agenda item 20140216 was added to the consent agenda.*

### **Discussed**

**20140246**

### **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 Coleman, to enter an Executive Session to discuss 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 Goldstein, seconded by Council member Kelly, to exit the Executive Session. The motion carried by the following vote:**

**Vote: 6 – 0 – 0**

**Approved**

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

**ADJOURNMENT:**

*The meeting was adjourned at 9:46 p.m.*

**Respectfully submitted,**

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**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_