



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes 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, September 9, 2015

7:00 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 7:00 p.m.*

### INVOCATION:

*Mayor R. Steve Tumlin called upon Council member Andy Morris to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.*

### PRESENTATIONS:

**20150841 Marietta Fire Department Special Announcement**

Mayor Tumlin and Fire Chief Jackie Gibbs will make a special announcement.

**Presented**

**20150839 Proclamation - Fire Prevention Week**

Proclaiming the week of October 4-10, 2015 as Fire Prevention Week and further, to promote developing a safety plan that includes smoke alarms and residential fire sprinkler installations and maintenance, as well as a home fire inspection plan to aid in preventing and limiting home fires within the City of Marietta.

**Presented**

**20150758 Recognition of the Canton Road Neighbors Community Group**

Council Member Michelle Kelly and Joan Ellars of Keep Marietta Beautiful would like to recognize and thank the Canton Road Neighbors Community Group for their contribution to the community in creating a garden.

**Presented**

**20150838 Government Finance Officers Association Award**

Sam Lady, Finance Director, and Lori Duncan, Budget Manager, City of Marietta Finance Department, receive the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for 17th consecutive year. "This award is the highest form of recognition in governmental budgeting and represents a significant achievement."

**Presented**

**PROCLAMATIONS:****20150781 Proclamation - Public Power and Clean Water Week**

Heidi Isom, BLW Marketing Department, receives a Proclamation declaring September 28th - October 2nd, 2015 as Public Power and Clean Water Week in the City of Marietta to focus bringing safe and dependable power and water service to community homes and businesses.

**Presented**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER****SCHEDULED APPEARANCES:****20150837 Georgia Community Coalition Presents Award**

Mr. Michael Dorsey with the Georgia Community Coalition presents and award to Council Member Anthony Coleman for "his service to his community".

**Presented**

**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).**

*Pro tem Johnny Walker briefly explained the consent agenda process.*

*City Attorney Doug Haynie noted the following changes to the consent agenda:*

*-under Finance/Investment: Agenda item 20150751, Request from MRC Board of Directors, remains on the consent agenda with a disclosure added by Council member Goldstein that reads, "Council member Goldstein disclosed that he owns stock jointly in Synovus and is abstaining on this issue, as said company is the parent of Bank of North Georgia."*

*-under Judicial/Legislative: Agenda item 20150701, Residential Infill Development, was removed from the consent agenda.*

*-under Judicial/Legislative: Agendas item 20150737, 800 MHz Agreement, and 20150760, Detailed Plan for Walton Horizons, were added to the consent agenda.*

*-under Parks and Recreation: Agenda item 20150793, Tourism Grant Plan Amendment, was added to the consent agenda with Council member Goldstein abstaining.*

*-under Public Works: Agenda item 20150359, No Parking Zones in Montgomery Park, was added to the consent agenda with Council member Goldstein voting against.*

*-under Other Business: Agenda item 20150756, Property Acquisition – 16 Hedges Street, was removed from the consent agenda.*

*-under Other Business: Agenda item 20150789, BLW Actions of September 8, 2015, was added to the consent agenda.*

*City Attorney Doug Haynie opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.*

**A motion was made by Council member Kelly, seconded by Council member Fleming, to approve the consent agenda as modified. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved**

**MINUTES:****\* 20150788 Regular Meeting - August 12, 2015**

Review and approval of the August 12, 2015 Regular Meeting Minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**MAYOR’S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:****ORDINANCES:****\* 20150699 Z2015-28 [REZONING] DONNIS W. KING (BROCK BUILT HOMES, LLC)**

Z2015-28 [REZONING] DONNIS W. KING (BROCK BUILT HOMES, LLC) requesting rezoning for property located in Land Lot 03600, District 17, Parcel 0230, 2nd Section, Cobb, Cobb County, Georgia and being known as 554 Haley Street from NRC (Neighborhood Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

*Public Hearing held during the consent agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20150708 Z2015-29 [REZONING] ARNOLD KATZ (PATRICIA M. BENEDICT)**

Z2015-29 [REZONING] ARNOLD KATZ (PATRICIA M. BENEDICT) requesting rezoning for property located in Land Lot 1214, District 16, Parcel 0780, 2nd Section, Cobb, Cobb County, Georgia and being known as 108 Ayers Ave from OI (Office Industrial) to OI (Office Institutional) with an additional use (rug cleaning). Ward 1A.

*Public Hearing held during the consent agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\* **20150727**            **CA2015-07 [CODE AMENDMENT]**

CA2015-07 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Sections 708.01, 708.02, 708.26, 708.27, 710.11, 724 regarding maximum building height; height of accessory structures, height requirement exceptions; and definition of height.

*Public Hearing held during the consent agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\* **20150826**            **Denial of Claim**

Denial of the claim of Marissa Bright.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

\* **20150795**            **Reconciliation of Gramling Park CDBG Funding**

Approval of a Resolution authorizing the reallocation of \$19,920 in unspent FFY'2014 funds from CDBG Housing Rehabilitation to the Parks and Recreation Gramling Park project.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**2. Finance/Investment: Stuart Fleming, Chairperson**

\* **20150751 Request from MRC Board of Directors to release deed to secure debt.**

Motion to approve the request by the MRC for a letter from the City authorizing the release of the 2nd Priority Deed to Secure Debt on the MRC properties, currently under contract with Cobalt Medical Development, at the date of closing on the property.

*Council member Goldstein disclosed that he owns stock jointly in Synovus and is abstaining on this issue, as said company is the parent of Bank of North Georgia.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 1 Approved**  
Abstaining: Philip M. Goldstein

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**20150701 CA2015-09 [CODE AMENDMENT]**

CA2015-09 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.11, Residential Infill Development Overlay District.

*A motion was made by Council member Fleming, seconded by Council member Morris, to authorize advertisement of the proposed amendments to the Zoning Ordinance regarding Residential Infill Development with the map of designated areas as presented.*

*A substitute motion was made by Council member Coleman, seconded by Council member Goldstein, to authorize advertisement of the proposed amendments to the Zoning Ordinance regarding Residential Infill Development with the map of designated areas excluding Ward 5. The motion failed by the following vote:*

*Vote: 2 – 5 – 0 Failed*  
*Voting Against: Stuart Fleming, Grif Chalfant, Johnny Walker, Andy Morris and Michelle Cooper Kelly*

*Mayor Tumlin called for a vote on the original motion.*

**The motion was made by Council member Fleming, seconded by Council member Morris, to authorize advertisement of the proposed amendments to the Zoning Ordinance regarding Residential Infill Development with the map of designated areas as presented. The motion failed by the following vote:**

**Vote: 5 – 2 – 0 Approved**  
Voting Against: Anthony Coleman and Philip M. Goldstein

\* **20150691**      **Street Names for Kennesaw State University - Marietta Campus (SPSU)**

Motion to approve the proposed street names for the Marietta Campus of Kennesaw State University, as shown below and on the attached map:

1. Rossbacher Way
2. Cheshier Road
3. Arntson Drive
4. Walter Kelly Road
5. Koger Drive
6. Clair Harris Road
7. Goat Path
8. Hornet Loop
9. Stinger Loop
10. Hexagon Way
11. Hexagon Drive

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\* **20150737**      **800 MHz Agreement**

Motion approving the 800 MHz Radio System License User Agreement with Cobb County.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\* **20150790**      **City's Vision Statement**

Motion approving amendments to the City of Marietta Vision Statement with the addition of the following: 1. We are to be a City that implements walkability, bicycle use, sidewalks, electric vehicles and carts, and safe crossings in its street designs, both private and public roads (collectively known as "Walkability"). Said implementation shall be included in public works projects, zoning, commercial usage, and residential usage, both owner occupied neighborhoods and multifamily neighborhoods. Walkability shall be implemented as a component in redesigning and in new projects as well. 2. Marietta establishes itself as a City embracing the Arts by incorporating Public Art in its' infrastructure, streetscapes, parks, sidewalks, bridges, parking areas and open areas where possible and to whatever acceptable extent on a case by case basis."

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\* **20150760**      **Revision to the Detailed Plan for Walton Horizons Subdivision - Dunlieth Parkway**

Motion to include the attached revised architectural elevations with those previously approved for the single family homes associated with the Detailed Plan for Walton Horizons, signed by the owner and dated September 9, 2015, in accordance with Section 708.20(J.4) of the Marietta zoning Ordinance. All other zoning conditions previously approved, including site plans, landscape plans, and architectural elevations, shall remain in effect. The purpose of this revision is to: Approve the revised architectural plans for the single family homes on lots 18-30; as shown on the attached drawings.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**

\* **20150775**      **Monument Sign wording for the Facilities on Kenneth E. Marcus Way**

Motion approving the wording of the sign for the Custer Recreation Center, which reads “Custer Park Sports and Fitness Complex with the address 545-600 Kenneth E. Marcus Way.”

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\* **20150793**      **Tourism Grant Plan Amendment**

Motion to approve the amending of the previously awarded tourism grant plan, along with the Memorandum of Understanding (MOU).

*Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 1                      Approved**

Abstaining: Philip M. Goldstein

\* **20150778**      **Establishment of an EP Historic Committee**

Motion to authorize the establishment of an Elizabeth Porter Historic Monument, Art and Murals Committee to capture the history of the Elizabeth Porter

Hospital/Recreation Center, with the following individuals: Virginia Gresham, Jeannie Carter, Joyce Holliday, Felicia Wilson Taylor, Judge Jim Morris, Clara Jenkins, Reverend Walter Moon, Annette Carter, Pearl Freeman, Louis Walker, Jeriene Grimes, Tom Scott, Trevor Beemon, Sally Macauley, Parks and Recreation Director or Designee.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

## **5. Personnel/Insurance: Johnny Walker, Chairperson**

**\*      20150770                      Consolidated Retirement Plan**

Approval of an ordinance amending the language in Article IV, Section 3 of the Consolidated Retirement Plan (Ordinance 4532) regarding eligibility to receive a refund of participant contributions. Also, approval of an ordinance amending the language in Article IX, Section 1 of the Consolidated Retirement Plan (Ordinance 4532) regarding issuance of first pension check.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\*      20150771                      Civilian Transport Officers Shift Differential Pay**

Approval of an ordinance amending Article 4-4-24-120, City of Marietta/BLW Compensation Policies, and Procedures, regarding shift differential pay for full-time civilian transport officers.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\*      20150772                      Group Health and Life Plan and Ancillary Benefits Administration**

Motion approving the renewal of group health and dental plan administration with Blue Cross and Blue Shield of Georgia, Inc. for calendar year 2016, approving the 2016 Medicare Advantage plan with Aetna, Inc. for Medicare-eligible retirees, approving group life plan administration with Lincoln National Life Insurance Company, and approving the administrative services agreements with all selected providers.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**6. Public Safety Committee: Anthony Coleman, Chairperson****\* 20150759 Standard Operating Procedures**

Motions approving revisions to listed MPD Policies:

A025 (Electronic Control Weapon), A035 (Salary Augmentation), A042 (Awards & Commendations), A044 (Uniforms, Equipment & Department Property), A046 (GCIC and NCIC Computer Systems); A060 (Evidence & Property Management; A085 Promotions (R); A090 Court Procedures (R); C060 Volunteer Program (R); E015 Emergency Operations (R); P010 Patrol Operations (R); P050 Senior Patrol Officer (R); S034 Juvenile Procedures (R); T031 Career Development (R).

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**7. Public Works Committee: Grif Chalfant, Chairperson****\* 20150678 Request to Consider Honorary Street Sign**

Motion authorizing the installation of signage on Lemon Street between Cherokee Street and Cole Street, dedicating the street as “Zion Blvd. Dedicated to ZBC (est. 1866)”.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20150697 Roswell Street Right of Way**

Request for motion authorizing the abandonment, sale, and exchange portions of Roswell Street, Victory Drive, and unnamed alley right of way.

*Public Hearing Required at the Council Meeting.*

**This Matter was Approved for Advertisement on the Consent Agenda.**

**Vote: 6 – 0 – 1                      Approved for Advertisement**

Abstaining: Philip M. Goldstein

**\* 20150763 Manget Street Traffic Calming**

Motion authorizing the installation of one driver speed feedback sign on Manget Street.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20150764            Fairground Street Concept**

Motion authorizing the Fairground Street Concept to include modifications as deemed necessary by a Traffic Engineering Analysis, to consider extending the left turn storage lane traveling southbound to eastbound South Marietta Parkway.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20150765            Pedestrian Crossing at the Chestnut Hill Road and Raleigh Court Intersection**

Motion authorizing the installation of crosswalks and a four way stop to allow for pedestrian access at the intersection of Chestnut Hill Road and Raleigh Court.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 1 – 0                      Approved**

Voting Against: Philip M. Goldstein

\*     **20150766            Maple Avenue at Holland Street Sidewalk Radius Improvement**

Motion authorizing the extension of the sidewalk along Maple Avenue at Holland Street with a restriction for right turn traffic westbound to Holland Street northeast.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20150840            Installation of Crosswalks**

Motion authorizing the installation of crosswalks at the intersection of Maple Avenue at Winn Street, Camp Street, and Holland Street contingent upon donation of right-of-way or easements necessary for construction.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20150359**                      **No Parking Zones and Signage in Montgomery Park**

Motion removing the no parking zone restrictions previously approved with the Montgomery Park Final Plat along the west side of Harold Street, north side of Avery Street, and the east side of Hunt Street. Motion leaves the prior approved no parking restrictions within the Montgomery Park Subdivision along the east side of Harold Street, south side of Avery Street, west side of Hunt Street, north side of Lyman Drive, and the east side of Lyman Drive as conceptually shown on the attached drawing.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 1 – 0**                      **Approved**  
Voting Against: Philip M. Goldstein

**OTHER BUSINESS:**

**20150834**                      **Streets and Sidewalks Code Amendment**

Ordinance amending City Code Section 5-4-110 Obstructions in Streets and Sidewalks.

*Council member Goldstein disclosed that there are various tenants of various entities owned by myself or family members if tenants of myself that may be affected by this ordinance. This will affect all similarly situated business the same.*

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

**Vote: 7 – 0 – 0**                      **Approved**

\*      **20150696**                      **Beaver Street, Gunter Street, and Adam Circle Right of Way Abandonment**

Motion authorizing the abandonment and exchange of rights of way including all portions of Gunter Street right of way between Washington Avenue and Harold Street; all portions of Beavers Street north of Washington Avenue and south of Harold Street; and all portions of Adams Circle between Gunter Street and the northern boundary of the former Boston Homes development, currently known as Marvelle. All utilities existing in said abandoned and exchanged rights of way shall be granted a permanent easement until such time as the respective utilities relocate or otherwise release their rights to the use of the right of way. Said rights of way shall be abandoned and exchanged for new rights of way of equal or greater square footage to be finalized in conjunction with the final plat for the

Marvelle development. The City Attorney and Public Works Director are authorized to take actions as needed to finalize the abandonment and exchange of said right of way.

*Public Hearing held during the consent agenda.*

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

**Vote: 7 – 0 – 0                      Approved**

\*     **20150789**

**BLW Actions of September 8, 2015**

Review and approval of the September 8, 2015 actions and minutes of Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**A motion was made in open session by Council member Fleming, seconded by Council member Walker, to enter an Executive Session to discuss real estate acquisition and disposition. The motion carried by the following vote:**

**Vote: 6 – 1 – 0                      Approved**

Voting Against: Philip M. Goldstein

The executive session was held.

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

**Vote: 4 – 0 – 0                      Approved as Amended**

Absent for the vote: Stuart Fleming, Anthony Coleman and Philip M. Goldstein

\*     **20150756**

**Property Acquisition - 16 Hedges Street**

Motion authorizing for the exchange and/or sale of a portion of 16 Hedges Street.

*Council member Goldstein disclosed that he owns stock jointly in Synovus and is abstaining on this issue, as said company is the parent of Bank of North Georgia.*

*Motion authorizing the exchange and sale of a remnant parcel of 16 Hedges Street to the Marietta Redevelopment Corporation in exchange for \$32,300.20 and portion of right of way, permanent easements, and temporary construction easements at 19 Hedges Street, 41 West Dixie Avenue, and 44 West Dixie Avenue. The City shall retain permanent easement and temporary construction easement across 16 Hedges Street for the purposes of the Powder Springs Street Streetscape Improvement project.*

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

**Vote: 4 – 0 – 0**

**Approved as Amended**

Absent for the vote: Stuart Fleming, Anthony Coleman and Philip M. Goldstein

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**

*The meeting was adjourned at 8:00 p.m.*

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

\_\_\_\_\_  
**R. Steve Tumlin, Mayor Tumlin**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**