



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda 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

Wednesday, January 8, 2014

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR,
COUNCIL AND/OR CITY MANAGER:**

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

20140032 Motion to rescind

Motion to rescind Legistar Number 20131381, Marietta Redevelopment Corporation (MRC) Loan and Legistar Number 20131380, Forbearance Agreement.

Philip Goldstein owns stock jointly in Synovis. Philip Goldstein placed an order on 11 20 2013 to sell the stock he individually owned on 11 21 2013. Said company is the parent of Bank of North Ga. If the stock in Synovis owned jointly was sold, the amount attributable to Philip Goldstein from his ownership portion would continue to be under the State reporting requirement based on the stock price when checked on 11 21 2013. As I have reduced the value of what is owned, I am providing this for disclosure purposes even though it is not required and I am not prohibited from participating in the mater.

Haynie, Litchfield, Crane & White, PC, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.

Mayor Tumlin is a Board member of the MRC and is a member of the governing body that appoints the Board Members of the MRC. The Law Firm, Smith, Tumlin, McCurley & Patrick, PC, of which Tumlin is a non-owner associate, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.

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).

MINUTES:*** 20131529 Regular Minutes - December 11, 2013**

Review and approval of the December 11, 2013 regular meeting minutes.

*** 20131531 Special Meeting - December 19, 2013**

Review and approval of the December 19, 2013 special meeting minutes.

MAYOR'S APPOINTMENTS:**20140017 Marietta Historic Board of Review Mayor's Appointment**

Appointment of Johnny Sinclair to the Marietta Historic Board of Review as the Mayor's Appointment, for a two (2) year term.

20140024 Associate Judge Appointment

Appointment of Cheryl Richardson, Esq., as additional Associate Judge pursuant to Charter 4.11 (a).

CITY COUNCIL APPOINTMENTS:*** 20140029 Historic Preservation Commission Appointment**

Appointment of David Freedman (Ward 2) to the Marietta Historic Preservation Commission for a three-year term expiring January 8, 2017.

*** 20140030 Marietta Historic Board of Review**

Appointment of Johnny Fulmer to the Marietta Historic Board of Review (Ward 7), for a two year term expiring January 8, 2016.

*** 20140016 Marietta Historic Board of Review Appointment at Large**

Appointment of Johnny Walker to the Marietta Historic Board of Review for the City Council At Large Appointment.

20131535 Marietta Welcome Center & Visitors Bureau Appointment

Appointment to the Marietta Welcome Center & Visitors Bureau for a two-year term.

*** 20140026 City Clerk**

Reappointment of Stephanie Guy as City Clerk to serve at the pleasure of City Council at the request of Mayor Tumlin pursuant to Section 2.15 of the City Charter.

20140027 City Attorney

Reappointment of Douglas R. Haynie, the firm of Haynie, Litchfield and Crane, as the City Attorney to serve at the pleasure of City Council at the request of Mayor Tumlin pursuant to Section 2.15 of the City Charter.

20131537 Cobb Municipal Association 2014 Delegates

Appointment of voting delegates for the Cobb Municipal Association (CMA) business meetings.

ORDINANCES:**RESOLUTIONS:****CITY ATTORNEY'S REPORT:***** 20131521 Denial of Claim**

Denial of the claim of Tia Crumpton as parent and legal guardian of Jady Fisher, a minor.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****2. Finance/Investment: Annette Lewis, Chairperson***** 20131506 Budget Amendment - MRC Loan**

Approval of an amendment to the Fiscal Year 2014 budget to appropriate \$221,000 from reserves for a loan from the City of Marietta to the Marietta Redevelopment Corporation consistent with the Forbearance Agreement and consistent with the terms detailed in the Memorandum of Understanding between the Bank of North Georgia, City of Marietta and the Marietta Redevelopment Corporation.

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3. Judicial/Legislative: Philip M. Goldstein, Chairperson**20131498 2014 City Council Meeting Dates**

Review and approval of the 2014 Council and Committee meeting dates as attached.

* **20131502 Unexpired Contracts**

Motion to ratify certain unexpired contracts in accordance with section 36-30-3 of the Official Code of Georgia Annotated (O.C.G.A.).

* **20131519 Temporary License Agreement - Theatre in the Square**

Motion to revoke Temporary Revocable License Agreement with the Theatre in the Square, as this entity no longer exists.

Council member Goldstein previously disclosed that he owns the properties formerly occupied by Theatre in the Square, Inc.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20131503 Aviation Sports Complex Lease Agreement**

Request to approve a lease agreement with 6-4-3DP Athletics for the Aviation Sports Complex.

* **20131504 Custer Park Lease Agreement**

Request to approve a lease agreement with the Metro Atlanta YMCA through the McClesky/N. East Cobb branch for the use of Custer Park.

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20131484 Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for Comcast to over lash existing cable on Allgood Road, in reference to Project No. B3CID1306V-CITY-AE.

This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

* **20131485 Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for AT&T to over lash existing cable on Scufflegrit Road, in reference to Project No.3FW81243N.

This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at the location are moved underground.

* **20131487 Powder Springs Street Treescape**

Motion to approve proceeding with the installation of trees on Powder Springs Street.]

As disclosed annually, Councilman Goldstein individually and or through an entity(s) that he has an interest in owns property along Powder Springs Street as well as in various areas throughout the City.

* **20131508 East Worthington Parkway - Mid-road Striping**

Motion to approve mid-road striping of East Worthington Parkway.

OTHER BUSINESS:

20131418 V2013-45 201 Cherokee, Inc. 201 Cherokee Street

V2013-45 [VARIANCE] 201 CHEROKEE, INC. request a variance for property located in Land Lot 11590, District 16, Parcel 0530, 2nd Section, Marietta, Cobb County, Georgia and being known as 201 Cherokee Street, currently zoned OI (Office Institutional). Variance from the requirements for planted strip/border areas. Ward 3.

* **20140022 2013 Redevelopment Bond**

Motion that a fiscal policy be adopted as to the 2013 Redevelopment Bond that "be it resolved that any and all net proceeds derived from the sale of real property purchased with and in compliance with the 2013 Redevelopment Bond be designated for reinvestment pro rata as to said Bond source as governed by the provisions of said Bond as if an original use of bond proceeds or if not so reinvested, designated for bond debt retirement until debt is retired in its entirety rather than in both alternatives, proceeds becoming a general fund amount while bond debt is outstanding. Requested by Mayor Tumlin.

* **20140023 2009 Parks Bond**

Motion that a fiscal policy be adopted as to the 2009 Parks Bond that "be it resolved that any and all net proceeds derived from the sale of real property purchased with and in compliance with the 2009 Park Bond be designated for reinvestment pro rata as to said Bond source as governed by the provisions of said Bond as if an original use of bond proceeds or if not so reinvested, designated for bond debt retirement until debt is retired in its entirety rather than in both alternatives, proceeds becoming a general fund amount while bond debt is outstanding. Requested by Mayor Tumlin.

* **20131533 BLW Actions of the January 6, 2014**

Review and approval of the January 6, 2014 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: