



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, April 11, 2007

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, James W. King, Rev. Anthony Coleman, Holly Walquist, Griffin "Grif" L. Chalfant, Jr., Annette Lewis and Irvan A. "Van" Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:12 p.m.

INVOCATION:

Council member Annette Lewis introduced Larry Blair, one of the founders of the Marietta Confederate Cemetery Foundation, who gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Larry Ceminsky, with Cobb Housing Authority, to lead the pledge of allegiance.

PRESENTATIONS:

20070354 New Fire Recruits

Recognition of new recruits to the Marietta Fire Department.

Ralph A. Brown, II (Rusty)

Christopher P. Duet (Chris)

Frank E. Martinez-Amadeo (Frank)

This matter was Presented.

PROCLAMATIONS:

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

Mayor Dunaway announced that Marietta Power and Water and the Municipal Electric Authority of Georgia would host the 2007 American Public Power Association National Lineworkers' Rodeo Saturday, April 14 at Laurel Park beginning at 7:30 a.m.

Council member Coleman mentioned that a public meeting would be held Thursday, April 19th where the Marietta Housing Authority and Cobb Housing, Inc., would present programs to promote home ownership.

Mayor Dunaway made the following statement for the record:

"This past Saturday morning, some questions were inserted in Bill Kinney's column; questions that were asked of me and asked of the city. Those questions have been answered by me on Wednesday afternoon previous to a reporter at the MDJ. They choose not to publish the answers. The questions were damning in the fact that they were posed as questions without answers. One of the questions that was asked was when Mr. Wes Godwin presented, he said that 80% of the condos was sold. Yes, he did say that, he did not say 80%...he said 80% of the condos he had contracts on, he did not say they were sold. He was referring to the residential condos. He said at that time that none of the office condos were contracted. Yes, he did have approximately 80%, give or take, of contracts on those residential condos and as a lot of real estate contracts go, they did not all close. So I don't think he was lying neither was the TAD based on that statement.

The question also posed in that column said that supposedly a letter was sent to either myself or Bill Bruton from the United Community Bank of the South saying that the loan was in trouble. It said that it was sent approximately a year ago. It also said that I went ballistic upon receiving the letter. A letter was never written by the bank. How can a letter be received by Mr. Bruton or I if a letter was never written? And it is impossible for me to go ballistic about something I don't know about. Yes, I can go ballistic, but I certainly did not go ballistic on that. No letter was written. No letter was received. It also questioned how the money was paid out. The bank never asked for any TAD money to be paid to themselves; nor would it be possible for any money to be paid to a third party. No money was ever paid to United Community Bank or Community Bank of the South nor was it requested. The money was paid to the developer based on the pre-set guidelines, on audits and inspections. The money went there only upon completion and it was paid to Church Street Partners.

The question was also posed that upon the condition that a stairway would be built from the development down to Atlanta Street. That was discussed; it was not part of the agreement to receive the TAD. Actually the TAD was requested for more money that was granted; it was not part of the agreement between the City and the developer. So all those questions were answered on Wednesday. I did give those answers, but I am now stating them for the public record. The City, nor the

MRC, nor the City Manager, nor the city staff or I are gullible. We are very careful with the public trust that has been placed in our hands and we have fulfilled our obligations. The TAD that was given on this was \$400,000 and I made a prediction on this in several speeches before that it will be paid off in the next four or five years, well before any guideline.

The threatened foreclosure by the bank is unfortunate; I do not know if the property will actually be foreclosed on or not. I am sorry for any kind of financial difficulty anyone has, but the TAD itself is secure. The foreclosure does not change anything. Whoever owns that property pays the taxes. The taxes on that property alone will have that TAD paid off in the next four or five years. It will certainly be paid off from increment of the halo effect around there. And that building is a wonderful credit to Marietta; it is a wonderful redevelopment project no matter who owns it. It is certainly a lot better that the deserted Victory camp stand we had there for I don't know how many years."

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).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

-under Council Appointments: Agenda item 20070193 was removed from the agenda.

-under Other Business: Agenda item 20070406 was amended to read, "Motion to rescind agenda item 20070106 and approved the sue of decorative modular block walls when constructing..."

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Walquist, seconded by Council member Coleman, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council members Pearlberg and King voting against agenda item 20061283.

-Council member Walquist voting against agenda item 20070406.

-Council members King and Coleman voting against agenda item 20070407.

MINUTES:

- * **20070320 Regular Meeting - March 15, 2007**
Review and approval of the March 15, 2007 regular meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

- 20070193 Clean City Commission Appointment - Ward 1**
Appointment to the Clean City Commission (Ward 1) for a term of two years, effective March 14, 2007 and expiring March 13, 2009 to fill an expired term.
This matter was Removed.

- * **20070398 Planning Commission - Ward 4 Appointment**
Appointment of Donald Gillis to the Planning Commission, Ward 4, to fill the unexpired term of Mike Wilson. The term will become effective immediately and expire on January 14, 2008.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**

ORDINANCES:

- * **20061283 CA2007-13 Proposed amendment to Division 724, Definitions (Four-sided architecture)**
Ord 7030 CA2007-13 Review and approval of Division 724, Definitions, Section 724.02 of the Comprehensive Development Code regarding definition of four-sided architecture.
This Matter was Approved on the Consent Agenda.
Vote: 5 - 2 - 0 **Approved**
Voting Against: Council members Pearlberg and King
- 20061286 CA2007-03 Proposed Amendment to Section 716.08, Surface Parking Standards**
Ord 7033 CA2007-03 Review and approval of Section 716.08 of the Comprehensive Development Code regarding Surface Parking Standards.
Mayor Dunwawy opened the public hearing and City Attorney Douglas Haynie explained the rules of order.

Council member King explained that the proposed amendment to the Surface Parking Standards would not force residents who have properly graveled driveways to go back and pave them. The amendment would apply to those who wished to use gravel in the future.

Vote: 7 - 0 - 0

Approved

* **20070339 CDBG Subrecipient Agreement**

C/A 3395 & Res 1421 Resolution approving the Subrecipient Agreement for the FFY2007 Community Development Block Grant (CDBG) with Cobb County to receive \$703,772 from the U. S. Department of Housing and Urban Development.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

2. Finance/Investment: Annette Lewis, Chairperson

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

* **20061261 Intergovernmental Agreement**

C/A 3396 Motion approving an Intergovernmental Agreement between the Marietta City Schools and the City of Marietta to lease radio frequencies and tower space.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20070251 V2007-09 Harold Simpson (Queensboro Square Association, Inc.) 260 Manning Road

Motion to approve V2007-09 Harold Simpson (Queensboro Square Association, Inc.) request variances for property located in Land Lot 1296, 16th District, Parcel 20, 2nd Section of Cobb County, Marietta, Georgia and being located at 260 Manning Road. Variance to allow a gated community [726.03]; Variance to allow a gate less than the minimum 50 foot setback from the public right-of-way and a variance to allow a gate width less than 30 feet [726.03.A]. Ward 2.

Harold Simpson, President of the Queensboro Square Homeowners Association, requested variances to allow a gated community, to allow a gate less than the minimum 50 foot setback from the public right-of-way and a variance to allow a gate width less than 30 feet. Mr. Simpson explained that the gate would address the serious issue of trespassers on their property. Mr. Simpson mentioned that as president of the Association, he was allowed to execute any document needed by the city to allow the variances. Also, the recommended equipment to allow access by the Fire Department would be installed.

Discussion was held. City Attorney Douglas Haynie stated that Hold Harmless Agreements should be signed by each homeowner and should be recorded to run with the deed.

A motion was made by Council member Chalfant, seconded by Council member Walquist, to approve the request for variances, with the installation of the knock box and provided that the Hold Harmless Agreements are executed to the satisfaction of the city attorney.

Further discussion was held. City Attorney Douglas Haynie recommended that all 134 residents sign an agreement and that the attorney for the Association should certify the owners signature. Also, a time limit to obtain the signatures should be stated, with the gate remaining open until such time.

In depth discussion was held.

A substitute motion was made by Council member King, seconded by Council member Chalfant, that this matter be approved as presented, granting variances to allow a gated community, to allow a gate less than the minimum 50 foot setback from the public right-of-way and a variance to allow a gate width less than 30 feet.

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

Vote: 4 - 3 - 0

Approved

Vote Against: 3 - Philip M. Goldstein, Irvan A. "Van" Pearlberg and Annette Lewis

* **20070276 Hold Harmless Agreement**

Deed Nos. 4930 & 4931 Motion to approve a Hold Harmless Agreement by the Marietta Housing Authority for property located at 419 Aviation Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070309 Lyman Homes**

Motion to approve the partial Detailed Plan for Montgomery Park (the Lyman Homes Development) with corrections, subject to the elevation and landscape plans being brought back for council approval.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070353 302 Montgomery Street**

Deed 4929 Motion to approve a Quit Claim Deed for 302 Montgomery Street.

20070393 Historic Preservation Ordinance

Motion to authorize advertising for amendments to the Marietta Historic Preservation Ordinance.

A motion was made by Council member King, seconded by Council member Walquist, to authorize advertising for amendments to the Marietta Historic Preservation Ordinance.

* **20070310 Amendment of Personnel Rules and Regulations**

Ord 7028 Ordinance approving amendments to the Personnel Rules and Regulations contained in Part 4, Subsections 10 and 12 - 22 of the Code of Ordinances for updates to current standards.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20070342 Marietta Fire Donation**

Ord 7029 Approval of an ordinance appropriating a \$1,000 donation from Walmart for public education and safety programs.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

7. Public Works Committee: Jim King, Chairperson

* **20060240 Church and Cherokee Street Local Acceptance Resolution**

Resolution approving the Church Street and Cherokee Street Local Acceptance Resolution.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

SCHEDULED APPEARANCES:

20070383 Sidewalks on South Woodland

Ms. MaryAnne Elliott and Ms. Susanne Smith wishes to speak concerning sidewalks on South Woodland.

Ms. Mary Anne Elliott spoke in opposition to the proposed sidewalks on South Woodland Drive.

Present.

UNSCHEDULED APPEARANCES:

Ted Paxton, friend of the resident at 204 Whitlock Avenue, spoke regarding speeding traffic in the area.

Robbie Huck, 191 Summit Avenue, spoke in opposition of banning Pit Bulls and Rottweilers from City dog parks.

OTHER BUSINESS:

