



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL AGENDA WORK SESSION

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

Monday, December 9, 2013

5:15 PM

Council Chamber

**Presiding:** R. Steve Tumlin, Mayor  
**Present:** Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King 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 5:19 p.m.*

### MINUTES:

#### 20131385 Regular Meeting - November 11, 2013

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

*Motion to approve the November 11 meeting minutes, with an amendment to agenda item 20131314 Marietta Redevelopment Corporation, which should show Council member Goldstein absent for the vote. Also agenda item 20131329 Certified Election Results should show Council member Goldstein absent for the vote and Council member Lewis abstaining.*

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

**Vote: 7 - 0 - 0**

**Approved as Amended**

**BUSINESS:**

**20131428**

**BLW Report**

Council Member Johnny Sinclair gives the Board of Lights and Water (BLW) report for the meeting held on Monday, December 9, 2013.

*General Manager Robert Lewis reported on the actions of the Board of Lights and Water at their December 9, 2013 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the December 9, 2013 regular Board of Lights and Water meeting minutes for details.)*

**Discussed**

**20130205**

**Planning Commission Appointment**

Appointment of Brenda McCrae to the Planning Commission (Ward 5), for a three year term.

**A motion was made by Council member Sinclair, 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**

**20131403**

**Budget Amendment - Bond Proceeds**

Approval of a budget amendment to appropriate \$60 million in Bond Proceeds.

**A motion was made by Council member Chalfant, seconded by Council member Lewis, 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**

**20131440**

**2005 SPLOST Project Budget Reallocation**

Discussion regarding proposed 2005 SPLOST Project Budget Reallocation

**A motion was made by Council member Goldstein, seconded by Council member Sinclair, 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**

20131366

**Approval of a contract with Real Estate Consultant**

Update - Consideration for approval of the attached contract with Jones Lang LaSalle serving as the Real Estate Consultant for the Franklin-Gateway Redevelopment Area.

*Motion approving the attached contract with Jones Lang LaSalle serving as the Real Estate Consultant for the Franklin-Gateway Redevelopment Area.*

*This matter was moved forward to the council agenda. Staff was directed to incorporate suggested changes regarding the terms of the contract.*

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

**Vote: 6 – 0 – 0            Recommended for Approval - Non Consent Agenda**  
Absent for the vote: Jim King

20131430

**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 Sinclair, to enter an Executive Session to discuss personnel and real estate matters and to invite any newly elected council members to enter the executive session. The motion carried by the following vote:**

**Vote: 7 - 0 - 0            Approved**  
*For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King, and Philip M. Goldstein*

*The Executive Session was held.*

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

**Vote: 7 - 0 - 0            Approved**  
*For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King, and Philip M. Goldstein*

20131147

**Civil Service Board Appointment**

Interviews and discussion regarding an appointment to the Civil Service Board (Post 3 Council Appointment) scheduled for 6:30 pm.

*Appointment of James Tarvin to the Civil Service Board (Post 3 Council Appointment) for a three (3) year term beginning January 1, 2014 and expiring December 31, 2016.*

**A motion was made by Council member Morris, seconded by Council member Chalfant, 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: Johnny Sinclair

20131454

**City of Marietta Motions relating to Forbearance Agreement and Marietta Redevelopment Corporation (MRC) Loan**

Discussion regarding City of Marietta Motions relating to Forbearance Agreement and Marietta Redevelopment Corporation (MRC) Loan.

*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 matter.*

*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.*

*In depth discussion was held. This matter was incorporated into agenda items 20131381 and 20131380, which already appear on the Council agenda.*

**Discussed**

20131429

**Draft City Council Agenda**

Review and approval of the December 11, 2013, DRAFT City Council Agenda.

- under Minutes: Agenda items 20131386, 20131387 and 20131388 were added to the consent agenda.*
- under Ordinances: Agenda item 20131256, Richmond Tree Experts, was added to the consent agenda and amended to clarify a storm emergency.*
- under Ordinances: Agenda items 20131258, 20131259 and 20131260 were added to the consent agenda all related to 1638 Burnt Hickory Road.*
- under Ordinances: Agenda item 20131061, Sign Ordinance Revision, was added to the consent agenda and amended to incorporate suggested changes.*
- under Judicial/Legislative: Agenda item 20131334, Conflict of Interest Affidavit, was added to the consent agenda to read as follows, Motion to approve the use of a Conflict of Interest Affidavit related to the Franklin Gateway Area Bond issuance to be executed individually not as a group."*
- under Judicial/Legislative: Agenda items 20131401, Sign Ordinance Amendment, and 20131402, Flag Ordinance, were added to the consent agenda. Agenda item 20131401 was amended to be Division 714.03 not 714.04.*
- under Parks and Rec: Agenda item 20131362, The Betty Lou Hunter Gazebo, was added to the consent agenda.*
- under Parks and Rec: The first sentence of both agenda items 20131373 and 20131374 were amended to read as follows, "Motion approving temporary the street closures..."*
- under Other Business: Agenda item 20131438 Redevelopment/Public Works Bond was removed from the agenda.*
- under Other Business: Agenda item 20131439 regarding the January Agenda Work Session was added to the consent agenda and amended to read, "Motion approving the change of the time for the Monday, January 6, 2014 5:15 pm city council Agenda Work Session to an earlier time at 4:15 pm, with a Special Called meeting at 7 pm. The Wednesday, January 8, 2014 city council Agenda Review Session was moved to 5:30 pm. This item was requested by Council Member Goldstein."*
- under Other Business: Agenda item 20131444, Paperless Agendas, was added to the consent agenda, with the deletion of the last sentence beginning with contemporaneously.*
- under Other Business: Agenda item 20131448, 2013 Redevelopment Bond Fund - Preston Chase, was removed from the agenda.*
- under Other Business: Agenda item 20131389, BLW Actions of the December 9, 2013, was added to the consent agenda, with Council member Goldstein voting against BLW agenda item 20131445, Deposits into the Municipal Competitive Trust 2014.*

*-under Other Business: An item was added to the council agenda to waive the 10-day waiting period for comment by Council and approve the preliminary plat for properties located on Burnt Hickory for consideration.*

**Discussed**

*A motion was made by Council member King, seconded by Council member Goldstein, to add an item to the Council consent agenda to authorize condemnation of property located at 659 Franklin Road. The motion carried by the following vote:*

*Vote: 6 - 0 - 0                      Recommended for Approval - Consent Agenda  
Absent for the vote: Johnny Sinclair  
(See agenda item 20131466)*

*A motion was made by Council member King, seconded by Council member Goldstein, to add an item to the Council consent agenda to authorize acquisition of the property at 44 N. Fairground Street from B&B Drywalls Inc. for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$7,000.00. The motion carried by the following vote:*

*Vote: 6 - 0 - 0                      Recommended for Approval - Consent Agenda  
Absent for the vote: Johnny Sinclair  
(See agenda item 20131463)*

*A motion was made by Council member King, seconded by Council member Goldstein, to add an item to the Council consent agenda to authorize acquisition of the property at 74 Black Street from Bailey Realty Associates, Inc. for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$12,890.00 and is inclusive of site improvements. The motion carried by the following vote:*

*Vote: 6 - 0 - 0                      Recommended for Approval - Consent Agenda  
Absent for the vote: Johnny Sinclair  
(See agenda item 20131464)*

*A motion was made by Council member King, seconded by Council member Goldstein, to add an item to the Council consent agenda to authorize acquisition of the property at 547 Roswell Street from the Masonic Temple for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$1,750.00 and the included stipulations:*

- 1. No silt fencing will be put in the parking lot as it may obstruct customers when loading.*
- 2. No construction equipment will be left on the easement when not in use.*

3. Contractor will coordinate with tenant to make sure construction vehicles or equipment will not obstruct their customers when loading materials in their vehicles. Tenant wants contractor to be aware that some customer vehicles may be large and may have difficulty when backing out of parking spaces and want to be sure that the contractor will help to accommodate them and not obstruct their driveway or parking lot in any way. The motion carried by the following vote:

Vote: 6 - 0 - 0                      Recommended for Approval - Consent Agenda  
Absent for the vote: Johnny Sinclair  
(See agenda item 20131465)

**ADJOURNMENT:**

*The meeting was adjourned at 10:16 p.m.*

**Respectfully submitted,**

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**Stephanie Guy, City Clerk**

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