



City of Marietta

-205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, September 11, 2019

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Reggie Copeland, Michelle Cooper Kelly and Joseph R. 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 Tumlin called upon Council member Walker to give the invocation.

PLEDGE OF ALLEGIANCE:

Everyone was asked to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

PROCLAMATIONS:

20190792 2019 Public Power & Clean Water Week

Presentation of a Proclamation by Mayor Tumlin, presented to Heidi Dasinger on behalf of Marietta Power & Water.

Presented

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

SCHEDULED 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).

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

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

-under Other Business: Agenda item 20190842 was removed from the consent agenda.

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

Vote: 7 – 0 – 0 Approved

with the following exceptions:

Council member Goldstein opposed to agenda item 20190640

MINUTES:

* **20190799 Regular Meeting - August 14, 2019**

Review and approval August 14, 2019 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190800 Special Meeting - August 27, 2019**

Review and approval of the August 27, 2019 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190801 Executive Session Minutes**

Review and approval of the following executive session minutes:
October 8, 2018 Agenda Work Session
October 30, 2018 Special Called City Council Meeting

November 12, 2018 Agenda Work Session
November 27, 2018 Special Called Agenda Work Session

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR’S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

- * **20190784 Historic Board of Review Appointment (Ward 4)**

Appointment of Mark Kirk to the Historic Board of Review Ward 4 for a two (2) year term, expiring September 11, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20190788 Board of Zoning Appeals Appointment - Ward 4**

Reappointment of David Hunter to the Board of Zoning Appeals (Ward 4) for a term of three (3) years expiring on September 11, 2022.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20190785 Historic Preservation Commission Appointment (Ward 4)**

Appointment of Mark Kirk to the Historic Preservation Commission Ward 4 for a term of three years, expiring September 11, 2022.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20190791 Historic Preservation Commission Appointment (Ward 7)**

Reappointment of Martin C. Kendall to the Historic Preservation Commission (Ward 7), for a three-year term expiring September 11, 2022.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:**20190674 Z2019-27 [REZONING & SPECIAL LAND USE PERMIT] MARIETTA
CHURCH OF GOD**

Z2019-27 [REZONING & SPECIAL LAND USE PERMIT] MARIETTA CHURCH OF GOD is requesting the rezoning of approximately 15 acres located in Land Lots 949 & 996, District 16, Parcel 0260 of the 2nd Section, Cobb County, Georgia, and being known as 1083 Allgood Road from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City) with a Special Land Use Permit for a place of assembly. If Council approves the rezoning, the following variance would be incorporated as conditions of zoning:

1. Variance to reduce the seventy-five (75) foot setback along the southern and northern property lines for as-built conditions only. [§708.02 (E.1.b)].

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the rezoning request for property located at 1083 Allgood Road from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City) with a Special Land Use Permit for a place of assembly.

The applicant is requesting the annexation and rezoning of the subject property in order to have a place of assembly (church) within the city limits.

Seeing no one wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made to approve the rezoning for property located at 1083 Allgood Road from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City) with a Special Land Use Permit for a place of assembly, with the following variance is incorporated as a condition of zoning:

Variance to reduce the seventy-five (75) foot setback along the southern and northern property lines for as-built conditions only.

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

Vote: 7 – 0 – 0

Approved

20190675

A2019-03 [ANNEXATION] MARIETTA CHURCH OF GOD

A2019-03 [ANNEXATION] MARIETTA CHURCH OF GOD is requesting the annexation of properties located in Land Lots 949 & 996, District 16, Parcel 0260 of the 2nd Section, Cobb County, Georgia and being known as 1083 Allgood Road, and any associated right of way, consisting of approximately 15 acres. Ward 6B.

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

The applicant requested that his presentation from the rezoning be incorporated for the annexation.

Seeing no one wishing to speak, the public hearing was closed.

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

Vote: 7 – 0 – 0**Approved**

20190676

CA2019-03 [CODE AMENDMENT]

CA2019-03 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lots 949 & 996, District 16, Parcel 0260 of the 2nd Section, Cobb County, Georgia and being known as 1083 Allgood Road the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service and Institutional). Ward 6B.

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

The applicant requested that his presentation from the rezoning be incorporated for the code amendment.

Seeing no one wishing to speak, the public hearing was closed.

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

Vote: 7 – 0 – 0**Approved**

20190691

**Z2019-28 [SPECIAL LAND USE PERMIT] KELLY TOWERS III
(INTERNATIONAL ASSOCIATION OF MACHINISTS)**

Z2019-28 [SPECIAL LAND USE PERMIT] KELLY TOWERS III (INTERNATIONAL ASSOCIATION OF MACHINISTS) is requesting a Special Land Use Permit for a telecommunication tower at property located in Land Lots 434 & 503, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1032 South Marietta Parkway, currently zoned LI (Light Industrial). Ward 1A.

If Council approves the Special Land Use Permit, the following variances would be incorporated as conditions of the Special Land Use Permit:

1. Variance to waive the 50-foot landscape buffer and fence along the property line adjacent to residentially zoned property (960 Hudson Road). [§712.07 (B.5)]
2. Variance to waive the required landscaping outside the perimeter fencing. [§712.07 (B.6)]

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the special land use permit request for property located at 1032 South Marietta Parkway to allow a telecommunication tower. Mr. Roth also summarized the criteria used when considering a special land use permit.

The applicant, Kathy Kelly, is requesting a special land use permit to build a new telecommunications (cell) tower at 1032 South Marietta Parkway. The property is bordered to the south and east by Kennesaw State University and residential apartments. The applicant would lease the subject property located in the southeast section, which is currently an asphalt parking area.

Seeing no one wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made to approve a Special Land Use Permit for property located at 1032 South Marietta Parkway to allow a telecommunication tower, with the following variances are incorporated as conditions of the Special Land Use Permit:

1. Variance to waive the 50-foot landscape buffer and fence along the property line adjacent to residentially zoned property (960 Hudson Road).
2. Variance to waive the required landscaping outside the perimeter fencing.

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

Vote: 7 – 0 – 0**Approved**

20190692

Z2019-29 [REZONING & SPECIAL LAND USE PERMIT] THE EXTENSION INC.

Z2019-29 [REZONING & SPECIAL LAND USE PERMIT] THE EXTENSION INC. is requesting the rezoning of 1.42 acres located in Land Lots 941 & 942, District 16, Parcels 0230 & 0080, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1503 & 1507 Church Street Extension from CRC (Community Retail Commercial) to OI (Office Institutional) with an additional use as a homeless shelter and Special Land Use Permit for a halfway house. Ward If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:

1. Variance to reduce the rear yard setback from 35 ft. to 20 ft. [§708.23 (H)]
2. Variance to reduce the number of parking spaces to 43. [§716.07 (E.)]
3. Variance to waive the required sidewalk along Loudermilk Drive. [§732.07]

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the rezoning and special land use permit request for property located at 1503 & 1507 Church Street Extension from CRC (Community Retail Commercial) to OI (Office Institutional) with an additional use for a homeless shelter and Special Land Use Permit for a halfway house. Mr. Roth also summarized the criteria used when considering a special land use permit.

The applicant is requesting to redevelop and expand the current men's campus of The Extension, a facility that provides in-house programs for men with alcohol and drug abuse issues; as well as serve as a homeless shelter for men.

Seeing no one wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made to approve the a Special Land Use Permit for property located at 1503 & 1507 Church Street Extension from CRC (Community Retail Commercial) to OI (Office Institutional) with an additional use for a homeless shelter and Special Land Use Permit for a halfway house, with the following variances are incorporated as conditions of the zoning:

1. Variance to reduce the rear yard setback from 35 ft. to 20 ft.
2. Variance to reduce the number of parking spaces to 43.
3. Variance to waive the required sidewalk along Loudermilk Drive.

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

Vote: 7 – 0 – 0**Approved**

20190693

Z2019-30 [REZONING] BJF, JR., LLC

Z2019-30 [REZONING] BJF, JR., LLC is requesting the rezoning of 0.42 acres located in Land Lots 215 & 218, District 17, Parcel 0700 of the 2nd Section, Cobb County, Georgia, and being known as 11 Garrison Road from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for light assembly and fabrication. Ward 1A.

If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:

Stipulations:

1. Letter of stipulations from Sams, Larkin, Huff & Balli, LLP, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated August 29, 2019.

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the rezoning request for property located at 11 Garrison Road from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for light assembly and fabrication.

The applicant, Buchanan Family Arts & Artisan Services, LLC, is requesting the rezoning to use the existing 2,900 square foot building as a fabrication and trade shop for carpentry for the purposes of a cabinet, furniture and general woodworking shop.

Seeing no one wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made to approve the rezoning for property located at 11 Garrison Road from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for light assembly and fabrication, with the following stipulations are incorporated as conditions of zoning:

Letter of stipulations and variances from Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 29, 2019.

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

Vote: 7 – 0 – 0

Approved

20190284

CA2019-04 [CODE AMENDMENT]

CA2019-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, and Division 724.02, Division of Terms, regarding Mobile Food Truck Establishments.

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the proposed code amendment related to mobile food truck establishments.

Seeing no one wishing to speak, the public hearing was closed.

Discussion was held by Council.

Motion was made to approve the proposed amendment to the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, and Division 724.02, Division of Terms, regarding Mobile Food Truck Establishments.

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

Vote: 6 – 1 – 0 Approved
Voting Against: Joseph R. Goldstein

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson*** **20190490 Envision LCI Update Draft**

Motion to approve the Envision LCI Update Draft.

Council member Goldstein disclosed that members of his family and entities owned by himself and members of his family own property in the LCI study area.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

2. Finance/Investment: Joseph R. Goldstein, Chairperson

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson

*** 20190752 Final Plat - Parkside East Phase 1**

Motion to approve the final plat for Phase 1 of Parkside East at Allgood Road and Lawanna Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190759 Detailed Plan - Wylie Road Townhomes**

Motion to approve the detailed plan for a 147-unit attached townhome development off Wylie Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190091 City Code amendment concerning Ethics Committee Appointments**

Motion to amend Section 1-14-4-010 of City Code related to Ethics Committee appointments to comply with Delay v. Sutton, 304 Ga. 338 (2018). The case requires council appointment of all committee members.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190640 Mobile Retail Food Establishment**

Motion to approve changes to Article 8-12-27 of Business License Code to revise Mobile Retail Food Establishment permit process and requirements.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 **Approved**
Voting Against: Joseph R. Goldstein

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

* **20190602** **Ordinance Adopting and Amending Park System Operating Hours**

Motion adopting a new code for Section 10-4-230 - Hours of Operation for City Parks and amending Section 10-4-120 - Use of bicycles, skates, skateboards, roller blades or other similar devices, in public parks, the central business district, and on any public property prohibited.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20190755** **Pension Plan Amendments**

Motion approving an ordinance amending the defined benefit pension plans to comply with HB 196 regarding education requirements for pension plan trustees. This item is forwarded from the Pension Board for consideration.

Item passed unanimously by the Pension Board at its August 14, 2019, meeting by a vote of 9-0-0

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **First Reading**

* **20190757** **2020 Employee Group Benefits Program Administration**

Motion approving the renewal of group health and dental plan administration and stop-loss coverage with Anthem Blue Cross and Blue Shield, enrollment in the Medicare Advantage plan with Anthem Blue Cross and Blue Shield for Medicare-eligible retirees, the renewal of the pharmacy benefit management services with PharmAvail, and the renewal of the administrative services agreements with all employee-funded ancillary providers for calendar year 2020, with attorney review on an as-needed basis. Additionally, this motion approves the contribution rate structure listed in Exhibit A of the item, and the plan designs listed in Exhibit B.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190758 2020 Flexible Benefit Plan**

Motion approving the 2020 Flexible Benefit Plan, Summary Plan Description, and the increase of the maximum allowable health contribution from \$2,650 to \$2,700 with Total Administrative Services Corporation (TASC).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20190685 Church Street Streetscapes**

Motion authorizing Public Works to proceed with design and construction of the Church St Streetscape project utilizing 2016 General Streets and Drainage Funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190766 Fairgate Road and Heathersett Drive Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Fairgate Rd from Heathersett Dr to Powder Springs St. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190767 Allgood Road and Cobb Pkwy N. Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Allgood Rd from Cobb Pkwy North to Foot Path Lane. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190770 **Kassandra Drive Traffic Calming****

Motion authorizing Public Works to install driver feedback signs on Kassandra Drive using Ward 7 funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190771 **Collins Road Parking****

Motion authorizing a no parking zone to be installed along Collins Road from Canton Road for the entire length of Collins Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190772 **Cameron Glen Subdivision Traffic Calming****

Motion authorizing Public Works to install additional speed limit signage throughout the subdivision and to install additional stop signs at the following intersections for the Cameron Glen subdivision: Testaroa Way/Cameron Creek; Crown Terrace/Cameron Creek; and both intersections of Crown Terrace/Cameron Glen Dr.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190774 **Waverly Way Project AT&T ROW Donation****

Motion accepting the donation of right-of-way, permanent easement, and temporary easement at 33 Powder Springs St from AT&T.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:**20190842 292 Vance Circle**

Motion to hear the appeal of Chris Campbell at 292 Vance Circle regarding the request to grant a Certificate of Approval for a demolition permit and to approve the rebuilding of the structure at 292 Vance Circle.

Rusty Roth, Development Services Director, presented information regarding a request from Chris Campbell at 292 Vance Circle to grant a Certificate of Approval for a demolition permit and to approve the rebuilding of the structure at 292 Vance Circle.

For the demolition of a historic structure, the historic preservation ordinance states that approval for a certificate of appropriateness for demolition would be necessary from the HPC and City Council. Mr. Campbell attended the HPC meeting on Tuesday, September 3, 2019 but not enough HPC members attended the meeting to have a quorum and take any action.

Discussion was held by Council.

Motion to approve the Certificate of Approval for a demolition permit and to approve the rebuilding of the structure at 292 Vance Circle.

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

Vote: 7 – 0 – 0 Approved

20190814 Disability Retirement Appeal Hearing

The City Council will hear an appeal from David Jenkins regarding the Pension Board's decision to deny his disability retirement application.

The Pension Board decision to deny the application was approved February 14, 2019, by a vote of 8 0 0, with one member absent, and upheld at an appeal hearing on June 28, 2019, by a vote of 8 0 0, with one member absent.

THIS ITEM WILL FOLLOW THE LAST PUBLIC HEARING

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

City Attorney Doug Haynie explained the appeals process regarding the decision of the pension board, according to Code Section 4 12 6 010 Exhibit B, Article X Section 4. Mr. Haynie also stated for the record that members of council who also serves on the pension board would be allowed to participate in the discussion and decision of the appeal hearing.

Personnel Director, Davy Godfrey, gave an overview of events leading up to the appeal hearing requested by Mr. David Jenkins. He also introduced the documents considered by the pension board in reaching its decision to deny the application for disability benefits. The Pension Board denied the second application for disability benefits on February 14, 2019 and upheld the decision at an appeal hearing on June 28, 2019.

Attorney for Mr. Jenkins, Malinda Brown with Buckley Beal Law Firm, made a presentation requesting that Council reverse the decision by the Pension Board. Ms. Brown stated that Mr. Jenkins is unable to work due to a car accident he had in 2016 and due to his injuries. She stated that Mr. Jenkins is unable to hold down any reasonable occupation based upon his training, education and experience. Mr. Jenkins also disputes the finding of one of his doctors that he is not disabled, which Mr. Jenkins feels was not based upon enough facts.

Pension Board Attorney, Patrick Lail with Elarbee Thompson, spoke on behalf of the Pension Board referring to the documents/exhibits submitted into evidence and considered by the pension board in reaching its decision. He then presented his case based on the standard of review that applies, the factual context and assessment of the way the board reached its determination that Mr. Jenkins did not meet the definition of disability based on the Consolidated Plan (Article II, Section 6 and Article V, Section 13).

Discussion was held regarding the documents and evidence presented to council and relied upon by the pension board in reaching its decision. There was general agreement to discuss this matter further in an executive session.

A motion was made in open session by Council member Goldstein, seconded by Council member Chalfant, to enter an Executive Session to discuss personnel and legal matters. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

The Executive Session was held.

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

Vote: 7 – 0 – 0 Approved

A motion was made by Council member Morris, seconded by Council member Chalfant, to affirm the decision by the Pension Board to deny the application for disability retirement benefits for David Jenkins. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

* **20190803** **21st Century Community Learning Centers Grant**

Motion to approve the 21st Century Community Learning Centers Grant Award for the YELLS program and the accompanying FY2020 Budget Amendment.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190838** **234 Forest Avenue Settlement**

Motion to approve Settlement, Release, and Covenant Not to Sue Agreement among Riley Tasker, Daphne Hill, the City of Marietta, and the Board of Lights and Water subject to the final approval of the Municipal Judge for the City of Marietta and the City Prosecutor for the City of Marietta. This motion authorizes the Mayor and City Clerk to execute said document.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190830** **BLW Actions of September 9, 2019**

Review and approval of the September 9, 2019, actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:00 p.m.

Date Approved: October 10, 2019

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk