



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL AGENDA WORK SESSION

*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*

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Monday, October 8, 2018

5:15 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris, Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein

**Also Present:**

*Bill Bruton, City Manager*

*Doug Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor Tumlin called the meeting to order at 5:15 p.m.*

### MINUTES:

#### 20181048 Agenda Work Session - September 6, 2018

Review and approval of the September 6, 2018 Agenda Work Session minutes.

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

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

Absent for the vote: Andy Morris

### BUSINESS:

#### 20181097 BLW Report

Council Member Michelle Cooper Kelly gives the Board of Lights and Water (BLW) report for the meeting held on Monday, October 8, 2018.

**The motion was made by Council member Kelly, seconded by Council member Chalfant, 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**

**20181057 Civil Service Board Election - Post 2**

Motion to approve the certified Uncontested Election results for the Marietta Civil Service Board Post 2 vacancy, electing Edgar Darden Borders, II for a term of three years, effective January 1, 2019 and expiring on December 31, 2021.

**The motion was made by Council member Morris, seconded by Council member Kelly, 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**

**20181023 Zoning Stipulation Amendment - 1151 Rockmann Terrace**

Motion to approve a request by James Marcellana, owner of 1151 Rockmann Terrace, to encroach within the 25' landscaped buffer established as part of the original zoning stipulations for Rockford Township (Z2006-09) for a bocce ball court, with the following stipulation:

1. Four evergreen trees, either Cryptomeria or Magnolia and a minimum of five (5) feet in height, will be planted between the bocce ball court and the fence.

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

**Vote: 7 – 0 – 0 Recommended for Council Agenda Non Consent**

**20181031 Revised Detailed Plan - Marietta Township Elevations**

Motion to approve a revision to the detailed plan for house elevations at Marietta Township, located at 838 Powder Springs Street and 313 Chestnut Hill Road.

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

**Vote: 7 – 0 – 0 Recommended for Council Agenda Non Consent**

**20181027 Robert's Rules of Order**

Review of Robert's Rules of Order.

Requested by Mayor Tumlin & Councilmember Michelle Cooper Kelly

**Discussed**

**20180931 City Hall Security**

Discussion regarding the hiring of two part-time police officers or two part-time sheriff officers and the purchase of two portable metal detectors to enhance the security of City Hall and all employees.

*Motion to approve Phase 1, which is hiring of two part-time police officers for the lobby during business hours, alarms for the glass doors in the Council Chambers, securing door in hallway to the back of the Council Chambers, and providing 2 police officers for all of the Committee Meetings, AWS & the Council Meetings, to enhance the security of City Hall and all employees.*

**The motion was made by Council member Walker, seconded by Council member Richardson, 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**

**20181003 Ethics Code Amendment**

Motion to approve the proposed amendments to Marietta Ethics Code Article 1-14-4-030, Receipt of complaints.

**Second Reading**

*Motion to approve the proposed amendments to Marietta Ethics Code Article 1-14-4-030, Receipt of complaints, with the inclusion of Article 1-14-2-010(M), Definitions.*

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

**Vote: 5 – 2 – 0**

**Recommended for Council Agenda Non-Consent**

Voting Against: Reggie Copeland and Joseph R. Goldstein

**20181104 Code of Ethics for Elected Officials**

Motion to approve the proposed amendments to Marietta Ethics Code Article 1-14-2-010(N), Definitions.

**Discussed**

**20181105 Additional Screens for Viewing during Public Meeting**

Motion to direct staff to purchase and install two large flat panel monitors for installation in the City of Marietta Council Chambers. These monitors will be used to display agendas and motions being considered during all public meetings and used as necessary by the City Clerk for any functions necessary to ensure the efficient operations of such meetings.

Requested by Mayor Tumlin

**The motion was made by Council member Kelly, seconded by Council member Walker, 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**

**20181098 Draft City Council Agenda**

**Review and approval of the October 10, 2018 DRAFT City Council Agenda.**

*-under Minutes: Agenda items 20180988 and 20181050 were added to the consent agenda.*

*-under City Attorney: Agenda item 20181107 was added to the consent agenda.*

*-under City Attorney: A new item was added to the consent agenda for the denial of Claim for Ashlee Foster, Guardian and natural mother of Cali Foster, a minor.*

*-under Judicial/Legislative: Agenda items 20181025 and 20181094 were added to the consent agenda with Council member Goldstein opposed.*

*-under Judicial/Legislative: Agenda items 20181039 and 20181040 remain on consent with the additional language, "...and waiving the requirement for a second reading as set forth in Section 1-4-040(L) of the City of Marietta Charter."*

*-under Judicial/Legislative: Agenda items 20181047 and 20181059 were removed from the consent agenda.*

*-under Other Business: Agenda item 20181052 was added to the consent agenda.*

**Discussed**

**20181099            Executive Session**

Executive Session to discuss legal, personnel, and/or real estate matters.

**A motion was made in open session by Council member Richardson, seconded by Council member Morris, to enter an Executive Session to discuss potential litigation and legal advice. The motion carried by the following vote:**

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

Voting Against: Joseph R. Goldstein

The Executive Session was held.

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

**Vote: 5 – 0 – 0                            Approved**

Absent for the vote: Michelle Cooper Kelly and Joseph R. Goldstein

*A motion was made by Council member Richardson, seconded by Council member Walker, to add an item to the agenda to approve a resolution declaring opioids a public nuisance and establishing pursuit of legal action against manufacturers, distributors, and others as are necessary. The motion carried by the following vote:*

*Vote: 6 – 0 – 0                            Approved*

*Absent for the vote: Andy Morris  
(see agenda item 20181011)*

*A motion was made by Council member Richardson, seconded by Council member Walker, to add an item to the agenda to approve the Retention Agreement for Opioid Litigation with J. Anderson Davis and his firm, Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP. The motion carried by the following vote:*

*Vote: 6 – 0 – 0                            Approved*

*Absent for the vote: Andy Morris  
(see agenda item 20181012)*

*A motion was made by Council member Richardson, seconded by Council member Kelly, to approve the resolution declaring opioids a public nuisance and establishing pursuit of legal action against manufacturers, distributors, and others as are necessary. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                            Recommended for Approval - Consent Agenda*

*A motion was made by Council member Richardson, seconded by Council member Walker, to approve the Retention Agreement for Opioid Litigation with J. Anderson Davis and his firm, Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Morris, seconded by Council member Richardson, to add an item to the agenda to approve Second Amendment to Purchase Agreement between the City of Marietta, Georgia to Drive Shack Marietta, LLC. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved  
(See agenda item 20181121)*

*A motion was made by Council member Morris, seconded by Council member Richardson, to add an item to the agenda to approve Temporary Construction Easement between the City of Marietta to Drive Shack Marietta, LLC. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved  
(see agenda item 20181122)*

*A motion was made by Council member Morris, seconded by Council member Richardson, to add an item to the agenda to approve Right of First Offer Agreement between the City of Marietta and Drive Shack Marietta, LLC. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved  
(see agenda item 20181123)*

*A motion was made by Council member Goldstein, seconded by Council member Richardson, to approve Second Amendment to Purchase Agreement between the City of Marietta, Georgia to Drive Shack Marietta, LLC. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Goldstein, seconded by Council member Richardson, to approve Temporary Construction Easement between the City of Marietta to Drive Shack Marietta, LLC. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Goldstein, seconded by Council member Richardson, to approve Right of First Offer Agreement between the City of Marietta and Drive Shack Marietta, LLC. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of a portion of property and easements at 319 Manget Street from 319 Manget, LLC for the purpose of constructing the Manget Street Improvements - Manget Street at Lakewood Drive Project in exchange for \$10,696.80 and the stipulations listed below:*

*Resod front yard with existing type of grass.*

*Resurface driveway from curb to rear corner of house.*

*The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of a portion of property and an easement at 344 Fairground Street from AB Partners LP for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$ 2,500.00. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of an easement at 44 S. Fairground Street from Marietta Foreign Auto Parts for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$8,524.69 to include the replacement of the existing sign to current City Code. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of a portion of property and an easement at 577 Powder Springs Street from Felix Roberto Lopez & Patricia Lopez for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$25,440.00. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of a portion of property and an easement at 300 Powder Springs Street from Lea CVS Marietta, LLC for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$17,384.00. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of a portion of property and an easement at 1083 Allgood Road from Gracelife Church for the purpose of constructing the Intersection -Allgood Road and Sawyer Road Project in exchange for \$11,300.00 and the stipulations listed below:*

*1. During construction, regarding landscaping, the property owner would like to preserve any crepe myrtles that may be impacted by digging them up and returning to the property owner.*

*The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of a portion of property and an easement at 306 S. Fairground Street and 310 S. Fairground Street from Carney Holdings, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$18,200.00 (combined value). The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Recommended for Approval - Consent Agenda*

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules to add an item to the consent agenda authorizing acquisition of a portion of property and easements at 594 Powder Springs Street from Janice B. Miller for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$62,000.00 and stipulations as listed below.*

*Cost to replace the existing ground-based monument sign and fence replacement cost including waiver of any fee to apply for permits related thereto in accordance with City Code.*

*Unless the parties agree otherwise, the slope easement for the driveway will be limited by the existing construction plans and the slope will not exceed the steepest current slope.*



*Unless the parties agree otherwise, the existing drain system will not be moved or otherwise modified so as to accept additional storm water, and will be consistent with existing plans. The storm drain will be restored to its pre-construction condition or replaced according to plans subject to my approval and not enlarged without additional compensation.*

*The City will cooperate with all contractors who replace the sign and fence in accordance with City Code.*

*The driveway will remain open and unobstructed one hour before and one hour after close of business. Business hours are 9:00 a.m. to 6:00 p.m. Monday, Wednesday, Friday, and Saturday. The business is closed Tuesday and Thursday.*

*All work to be communicated with owner and tenant.*

*The motion carried by the following vote:*

*Vote: 7 – 0 – 0*

*Recommended for Approval - Consent Agenda*

**ADJOURNMENT:**

*The meeting was adjourned at 8:03 p.m.*

**Respectfully submitted,**

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**Stephanie Guy, City Clerk**

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