



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, 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, October 13, 2010

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Annette Lewis, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20101127 **US 10K Classic**

Presentation to the Mayor and City Council by Don Whitney, US 10K Classic.

20101098 Cobb Chamber of Commerce Public Safety Recognition

The city recognizes the following honorees from the Cobb Chamber of Commerce Public Safety Recognition Awards Breakfast held Monday, October 4, 2010. Marietta Police Department honoree's are as follows

Cobb Chamber of Commerce Public Safety Employee of the Year
Officer Stewart Biggers

Cobb Chamber of Commerce Medal of Valor
Sergeant Tim Lemming
Officer Elizabeth Bedore
Officer Andrew Colquitt
Officer Dontay Garnigan
Officer Brian Vaughan

Cobb Chamber of Commerce Award of Merit
Detective Shannon Arrowood

20101113 Video Presentation

Video of Marietta/Cobb Career Expo.

PROCLAMATIONS:**20101097 Diaper Day Proclamation**

Presentation of a Proclamation declaring October 25, 2010 as the Second Annual "Cobb Diaper Day" in the City of Marietta. The Cobb Diaper Day Committee is committed to asking the business community, concerned citizens, and non-profit organizations, to collect diapers from employees, members and friends throughout the month of October. The single act of donating diapers on October 25, 2010 at 5:00 PM at Glover Park, on the Marietta Square can help hundreds of families in Cobb County.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**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:*** 20101083 Regular Meeting - September 15, 2010**

Review and approval of the September 15, 2010 regular meeting minutes.

*** 20101081 Special Called - September 29, 2010**

Review and approval of the September 29, 2010 special called meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:***** 20101114 Historic Preservation Commission Appointment**

Appointment of Brett C. Bittner to the Marietta Historic Preservation Commission (Ward 1) for a three-year term expiring September 14, 2013.

ORDINANCES:

20100963**Z2010-10 Zion Baptist Church of Marietta, Inc. 397 Roosevelt Circle**

Z2010-08 [REZONING] AND [SPECIAL LAND USE PERMIT] ZION BAPTIST CHURCH OF MARIETTA, INC. request Rezoning and Special Land Use Permit for property located in Land Lot 1161, District 16, Parcel 54, 2nd Section, Marietta, Cobb County, Georgia and being known as 397 Roosevelt Circle; request for rezoning from R-4 (Single Family Residential) to R-4 with stipulations (Single Family Residential - with stipulations) to allow for an additional use - a halfway house; and request for special land use permit for place of assembly. Ward 5.

Planning Commission recommends approval as stipulated

Vote: 3 - 1 - 0 with Chairman Dollar opposed.

Motion: Mr. Carter made a motion to approve with stipulations, seconded by Mr. Gillis.

· Stipulation: Letter of Stipulations from John H. Moore to Russell J. Roth dated October 5, 2010. Additional stipulations added at the meeting include that residents will have either completed the Harmony House or other similar 90-day program or they will not have been incarcerated within the previous year; and also the addition of stipulation 4(a) that all residents will be subject to drug screening.

PUBLIC HEARING (all parties are sworn in)

20100968**CA2010-07 Amendment to the Comprehensive Development Code regarding Definition of Terms**

CA2010-07 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 724.02, Definition of Terms

Planning Commission recommends approval as stipulated

*Vote: 4 - 0 - 0
Motion: Mr. Gillis made a motion to approve as stipulated, seconded by Mrs. Watkins.*

Stipulation: Mr. Gillis stipulated in the paragraph regarding Debris that the word "non hazardous" be struck. Mr. Gillis also proposed in the section regarding Garbage that the words "tin cans, glass containers, and newspapers" be struck.

Mrs. Watkins asked that the definition of Clean be replaced with the definition of Sanitary and replace the definition of Sanitary with the definition of Clean

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****20101128 Settlement Agreement**

Motion to approve a settlement agreement.

20101129 Resolution for transfer of funds

Approval of a Resolution authorizing the transfer of funds associated with a Settlement Request.

20101130 Budget Amendment

Budget Amendment to transfer funds associated with a Settlement Request.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** [20101048](#) Marietta Growth Fund Grant Award**

Approval of an Ordinance amending the Fiscal Year 2011 Marietta Growth Fund budget to receive and appropriate federal grant funds in order to award a grant to Prodew Inc.

2. Finance/Investment: Annette Lewis, Chairperson*** [20101035](#) Budget Amendment**

Approval of an Ordinance amending the Fiscal Year 2011 General Fund to receive and appropriate a grant from the Governor's Office of Highway Safety to establish and maintain a HEAT (DUI) unit.

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

20101020 Drive-in service windows for retail liquor sales

Approval of an Ordinance amending Section 8 of the Code of Marietta, to allow businesses licensed by the city for retail sale of liquor to provide drive-in service windows.

*** 20101046 Georgia Department of Corrections Community Service Agency Agreement**

Motion to approve an agreement with the Georgia Department of Corrections allowing Marietta to continue using Community Service Workers through the Cobb Circuit.

20101066 Rockford Township Development

Motion to approve revised site plan for Rockford Township development off Manning Road dated October 13, 2010 (as referenced in stipulation #2) and to revise stipulation #5 (see attached), both stipulations originally within the letter of stipulations dated March 21, 2006 from Garvis L. Sams, Jr. to Russell J. Roth regarding the applicaton of Keeler Woods Joint Venture, LLC to rezone 27.7 acres of property located in Land Lots 0036 and 0037, 19th District, Parcel 001, 2nd Section, Marietta, Cobb County; Georgia.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**5. Personnel/Insurance: Van Pearlberg, Chairperson***** 20100956 NLC Annual Congress of Cities Business Meeting**

Motion appointing Annette Lewis as voting delegate and Rev. Anthony Coleman as alternate voting delegate for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting to be held November 30 - December 4th at the Colorado Convention Center in Denver, Colorado.

*** 20101025 Marietta Museum of History Appointments**

Approval of Board recommendation to re-appointment Amanda Canup, Charles Brown III, and Jim Glover to the Museum Board of Directors for three-year terms expiring October 31, 2013.

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Jim King, Chairperson**

* **20101038 Mountain View Road "No Parking" Signs Hearing Authorization**

Motion to authorize staff to post a notice of a public hearing to be held during the next Public Works Committee meeting regarding the installation of "No Parking" signs on both sides of Mountain View Rd between Maple Ave. and Stewart Ave.

* **20101040 Nancy Street "No Parking" Zone**

Motion to approve request for the rezoning of Nancy Street to parking on one side of the street only and having "No Parking" signs erected on the residential side of the street as requested by Council Member Pearlberg.

* **20100166 582 N. Fairground Street**

Motion authorizing acquisition of right-of-way and easements of 582 N. Fairground Street in exchange for \$14,035.00 from Alvin G. Bloodworth for the purpose of Fairground Street Improvements.

* **20101106 Motion authorizing acquisition of right-of-way easements and property within the following properties for the purpose of Fairground Street Improvements.**

350 S. Marietta Pkwy for owner to replace sign meeting current ordinances and avoiding conflicts with relocated utilities for \$10,000.00 from D&L Leasing

501 N. Fairground St in exchange for \$8,200.00 from John Johnson

* **20101042 2010 Gateway Grants**

Motion to apply for two Gateway Beautification Grants from Georgia Department of Transportation.

SCHEDULED APPEARANCES:

20101107 William Hoyt, 420 Williamson Street, SE
Re: Noise from "Club Kongas" located at 401 Roselane, Marietta
Business License: Ruben Dario Montes, REMD Productions, Inc. d/b/a Kongas
Nightclub

Ward 7

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:*** 20101085 Request from the Citizens Advisory Committee for Marietta Parks (CACMP)**

Motion to allow the CACMP to post survey questions on the City's website for citizen input, as approved by the Parks and Recreation Director and the City Manager.

*** 20101103 16 Hedges Street**

Motion to authorize the acquisition of property owned by Wallace L. Crowder and Freddy L. Crowder on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*** 20101105 383 N. Fairground Street**

Motion to authorize the acquisition of property owned by Mr. Melvin C. Holton on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

20101084 BLW Actions of October 11, 2010

Review and approval of the October 11, 2010 actions and minutes of the Marietta Board of Lights and Water

ADJOURNMENT: