



City of Marietta Meeting Summary 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

Monday, November 19, 2007

7:00 PM

Council Chamber

20071302

Presentation honoring Linda Curly for heroic deed

Presentation of a plaque by Mayor Bill Dunaway and Fire Chief Jackie Gibbs to Linda Curly for heroic deed on July 6, 2007 when she entered a burning building, extinguished a fire and rescued a small child.

Presented

20071300

National Recognition for Best Local Government Electronic Newsletter

Presentation of award by 3CMA, City-County Communications Marketing Association to Matthew Daily, Public Information Officer for best local government electronic newsletter in America.

Presented

20071326

Marietta Citizens' Police Academy Graduates

2007 Graduates from the Marietta Citizens' Police Academy are

DeeAnn Armfield	Cheryl McKay
Kraig Armstrong	Betty Michalski
Cynthia Dorris	Ralph Laughter
Dennis Greene	Charlotte Shepherd
Judy Greene	David Salter
Stanley Herndon	
Mary Moore	

Presented

20071274

Samuel Elliott

Proclamation honoring Samuel Elliott for his years of service on the Board of Zoning Appeals.

Read

20071183 **Regular Meeting - October 10, 2007**

Review and approval of the October 10, 2007 regular meeting minutes.

Approved

Motion to approve the October 10, 2007 regular meeting minutes, with the addition of comments made by Council member Philip M. Goldstein.

20070587 **Z2007-11 Lost Mountain Enterprises, Inc. 397 and 401 Roselane; 281, 271, 261, 251 White Street from R-2 (Single Family Residential) to OI (Office Institutional)**

Z2007-11 LOST MOUNTAIN ENTERPRISES, INC. requests rezoning for property located in Land Lots 1003 and 1014, District 16, Parcels 1010, 1200, 0250, 0260, 0270 and 0280 and being known as 397 and 401 Roselane Street and 281, 271, 261 and 251 White Street Street from R-2 (Single Family Residential) to OI (Office Institutional). Ward 4.

Tabled

Motion to table this matter for thirty (30) days, with the applicant being responsible for the advertising costs. Further, this matter shall be added to the next regular scheduled Planning Commission meeting agenda prior to being added to the City Council agenda.

20070965 **Z2007-17 [REZONING] Circle A Fences, Inc. a portion of 1589 Canton Road, 698 Collins Road, 639 Collins Road, 643 Collins Road, 655 Collins Road and 663 Collins Road**

Z2007-17 [REZONING] CIRCLE A FENCES, INC., requests rezoning in LL 08540, Dist 16: Portion of 1589 Canton Rd (Pcl 014), General Commercial (County) to Community Retail Commercial(City); 698 Collins Rd, Pcl 002, Single Family Residential(County) to Community Retail Commercial(City); 639 Collins Rd, Pcl 010, 643 Collins Rd, Pcl 011 and 655 Collins Rd, Pcl 012, Single Family Residential(City) to Light Industrial(City); 663 Collins Rd, Pcl 013, Single Family Residential(County) to Light Industrial(City) w/variances and all associated right-of-way. Ward 6.

Approved

20070966 **A2007-05 [ANNEXATION] Circle A Fences, Inc. a portion of 1589 Collins Road, 663 Collins Road, 698 Collins Road**

A2007-05 [ANNEXATION] CIRCLE A FENCES, INC. requests annexation for properties located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road (Parcel 014), 698 Collins Road (Parcel 002) and 663 Collins Road (Parcel 013), and all associated right-of-way for each address, in the 2nd Section, Cobb County, Georgia consisting of 2.70 acres. Ward 6.

Approved

20070967 **CA2007-21 [CODE AMENDMENT] Circle A Fences, Inc. a portion of 1589 Canton Road, 663 Collins Road and 698 Collins Road proposed designation for the Future Land Use of said property is IW (Industrial Warehousing).**

CA2007-21 [CODE AMENDMENT] CIRCLE A FENCES, INC. in conjunction with the requested annexation of properties located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road (Parcel 014); 698 Collins Road (Parcel 002); and, 663 Collins Road (Parcel 013), 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 6.

Approved

20071120 **Z2007-20 J & J Construction Group, Inc. 1010 Powder Springs Road**

Z2007-20 [REZONING] J & J CONSTRUCTION GROUP requests rezoning for property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 2.

Approved

20071121 **A2007-08 Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, Deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) 1010 Powder Springs Road**

A2007-08 [ANNEXATION] Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, Deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) requests annexation for property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 2.

Approved as Amended

Motion to approve the annexation request with the following amendment:

-The language of the motion should read, "...requests annexation of property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road..."

20071122 **CA2007-27 (A2007-08) Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) 1010 Powder Springs Road**

CA2007-27 (A2007-08)[CODE AMENDMENT] Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, deceased (Mary C. Bryan, executor of Last Will and testament of John Melvin Clark) in conjunction with the requested annexation of property located in Land Lot 0260, District 19, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 2.

Approved as Amended

Motion to approve this matter with the following amendment:

-The motion should read, "...proposes to designate the Future Land Use of said property as LDR (Low Density Residential)."

20071230 **Z2007-22 City of Marietta 321 Cole Street**
Z2007-22 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 11450, District 16, Parcel 2220, and being known as 321 Cole Street from R-4 (Single Family Residential) to OI (Office Institutional). Ward 5.

Approved

20071070 **CA2007-26 Amendment to the Comprehensive Development Code.**
CA2007-26 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Divisions 708.09, 708.14, 708.19, 708.20 and 708.28 relating to Four-Sided Architecture

Approved

20071254 **Code Enforcement - 855 Whitlock Avenue**
An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 855 Whitlock Avenue.
Owner: Trico Petroleum, Inc.
Certified mail receipt received on 09/12/07, unsigned.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

Approved

20071272 **Denial of a claim**
Denial of a claim of Matthew Schulz.

Approved to Deny Claim

20071090 **CA2006-28 Amending the Comprehensive Development Code regarding Home Occupation Permits**
Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.04, Home Occupations.

Approved

20071202 **Detailed Plan for 44 Griggs Street**
Motion to approve the Detailed Plan for 44 Griggs Street with the following stipulations: 1) no sidewalk be required along the frontage of the home.2) Plan dated 9/12/07 for 44 Griggs St. be revised to show a dedication of 6 feet along Griggs

Street be made. The words "sidewalk easement" shall be replaced with the words "6 foot right of way dedication to the City of Marietta for the future construction of a 5 foot sidewalk". 3) Property owner shall allow for a temporary construction easement of 1 foot behind the right of way along Griggs St. for the construction of sidewalk.

Approved

20071210

Detailed Plan for Highland Trace Apartments

Motion to approve the Detailed Plan for Highland Trace Apartments contingent upon an agreement that would allow Code Enforcement to enter the gated community and perform a windshield inspection of apartment homes.

Approved as Stipulated

Motion to approve the Detailed Plan for Highland Trace Apartments contingent upon an agreement that would allow Code Enforcement to enter the gated community and perform a windshield inspection of apartment homes. The following documents were also incorporated as conditions of approval:

- 1) Consent Agreement signed by the applicant giving the City the right to inspect the apartment units.*
- 2) Stipulations prepared by Dan Conn, Acting Public Works Director for the City and Richard King, Civil Engineer for the City.*
- 3) Three letters regarding this matter dated October 15, 2007, October 18, 2007 and November 12, 2007, all signed by the applicant.*

20071287

V2007-43 Highland Trace Apartments 1019 and 1029 Franklin Road

V2007-43 HIGHLAND TRACE APARTMENTS approval of the variance request for property located in Land Lot 07160, District 17, Parcels 0014 and 0060 and being known as 1019 Franklin Road and 1029 Franklin Road for a variance to install a security gate at entrance of apartment complex, with the stipulation that the security gate is in compliance with the City Code except the approved plat would be recorded with Cobb County deed of records.

Approved as Stipulated

Motion to approve the variance request for property located in Land Lot 07160, District 17, Parcels 0014 and 0060 and being known as 1019 Franklin Road and 1029 Franklin Road for a variance to install a security gate at entrance of apartment complex, with the stipulation that the security gate is in compliance with the City Code except it would be the approved plat recorded with Cobb County deed of records.

20071211

Zoning stipulations for architectural review

Motion to approve the exterior elevations for Comfort Suites at 1183 and 1185 Franklin Road and Waffle House at 2120 Kingston Court.

Approved

20071237 **Forest Avenue Manor Revised Detailed Plan**

Motion to approve the Forest Avenue Manor Revised Detailed Plan with the following stipulations

1. A reduction in the required parking pad lengths for lots 33, 34, 35 and 36 from 20 feet to 17 feet.
2. The developer's agreement that the Homeowners Association Covenants will prohibit large parked vehicles in driveways extending into roadways.
3. The plans reflect guest on site parking spaces within Forest Avenue Manor residential community.
4. The retaining walls in front of lots 26 through 36 will not exceed five (5') feet in height.
5. The openings in the wall to the street will be a minimum of four (4') feet wide and there will be one such opening in front of each of the lots for lots 26 through 36.
6. There shall be no parking other than on the parking pads in front of the garage and in designated parking spaces marked on the detailed plan last revised July 11, 2007.

Approved

20071115 **Civil Service Board - Post 3**

Motion to re-appoint Leon King to the Civil Service Board (Post 3) for a three year term beginning January 1, 2008 and expiring December 31, 2010.

Approved

20071226 **Amend City/BLW Pay Plan**

Approval of an Ordinance amending City Code Section 4-4-28-160 Definitions (C) to allow the City Manager to compensate new employees classified as Executives on the approved City/BLW pay plan to be compensated at any rate within the pay group/grade for the position.

Approved

20071187 **Standard Operating Procedures**

Motion to adopt amendments to departmental policies A016 Code of Ethics, A046 GCIC & NCIC Computer Systems, A052 Detention & Housing of Detainees, A052 Assignments, A060 Evidence and Property Management, A076 Personnel Early Warning System, C030 Law Enforcement Explorer Program, E011 Bomb Incident Management, E015 Emergency Operations, P010 Patrol Operations, P044 Police Vehicles, P045 Search and Seizures, P055 Selective Traffic Enforcement Program, S020 Canine Unit, S030 Criminal Investigations, and T050 Training in order to maintain CALEA Accreditation.

Approved

20071212 **1994 SPLOST Allocation**

Motion to amend the 1994 SPLOST budget allocations.

Approved

20071214 **540 Water Birch Way**

Motion to approve a variance from the Stream Buffer Ordinance for property on 540 Water Birch Way, pending approval of a deed restriction for the Maintenance Agreement by the Public Works Department for mitigation measures and deed restriction for maintenance agreement.

Approved

20071215 **Roswell Street Right of Way at Cobb Library**

Motion to approve the agreement authorized by the Cobb County Commissioners for the use of property along Roswell Street for the Roswell Street expansion project.

Approved

20071249 **Purchase of Property - 47 Gramling Street**

Motion to authorize the purchase of a portion of the property located at 47 Gramling Street for \$5,200 from Cobb Pregnancy Services.

Approved

20071189 **Condemnation of Property - 567 and 595 Roswell Street**

Motion to authorize the City Attorney to file eminent domain proceedings regarding the property known as 567 and 595 Roswell Street and to authorize the City Attorney to take any and all action in order to acquire the permanent easements, construction easements, fee simple title and all other interests needed for the project, including the authority to take any and all action necessary or proper to carry out this motion, including the authority to file any appeals deemed necessary or appropriate related to this matter.

Approved

20070940 **Haley Street at South Avenue**

Motion to approve two additional stop signs at intersection of Haley Street and South Avenue to create a three-way stop.

Approved

20071233 **Trolley Proposal**

Motion to approve placing Trolley Tour signs on existing loading zone sign posts within the Downtown area.

Tabled

20071286

V2007-42 Emerson Overlook, LLC 326 Roswell Street

V2007-42 EMERSON OVERLOOK variance approval for property located in Land Lot 12330, 16th District, Parcel 53, 2nd Section of Cobb County, Marietta, Georgia and being located at 326 Roswell Street to reduce required 40' buffer to zero and variance from the Tree Ordinance based upon the following three (3) conditions:

- 1) The final plans shall be brought back to the City staff for approval, with City Council having 48 hours to make comments.
- 2) The applicant shall be given credit for trees planted in the right-of-way immediately adjacent to the property.
- 3) Any deficiency remaining in the tree count (based upon the Tree Ordinance) shall be made up upon adjoining properties.

Approved as Amended

*Motion to approve the variance request with the following amendment:
-Add a variance from the Tree Ordinance based upon the following three (3) conditions: 1) The final plans shall be brought back to the City staff for approval, with City Council having 48 hours to make comments, 2) The applicant shall be given credit for trees planted in the right of way immediately adjacent to the property, 3) any deficiency remaining in the Tree Ordinance shall be made up upon adjoining properties.*

20071301

Requesting approval of the amended Detailed Plan for Dorsey Manor

Motion to allow the marking of four parking spaces for Future Resident Parking for Dorsey Manor with the stipulation that up to two would remain marked.

Approved

Motion to allow the marking of four parking spaces for Future Resident Parking for Dorsey Manor with the stipulation that up to two would remain marked until further action of City Council.

20071268

Appointment of Additional Associate Solicitor

Appointment of additional solicitor's for the Marietta Municipal Court.

Approved

20071271

Remington

Motion approving Remington lease notification extension for an additional 90 days.

Approved

20071184

Committee of the Whole Meeting - October 8, 2007

Review and approval of the October 8, 2007 Committee of the Whole meeting minutes.

Approved

20071273

BLW Actions of November 12, 2007

Review and approval of the November 12, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

Approved

20071348

Denial of Claim

Denial of a claim of Charlie Bell Lowe.

Approved