



# City of Marietta Meeting Agenda

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## CITY COUNCIL

*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*

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Monday, November 19, 2007

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council person Annette Lewis, Ward 1*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **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.

#### **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.

#### **20071326 Marietta Citizens' Police Academy Graduates**

2007 Graduates from the Marietta Citizens' Police Academy are  
DeeAnn Armfield  
Kraig Armstrong  
Cynthia Dorris  
Dennis Greene  
Judy Greene  
Stanley Herndon  
Ralph Laughter  
Cheryl McKay  
Betty Michalski  
Mary Moore  
David Salter  
Charlotte Shepherd

### PROCLAMATIONS:

**20071274 Samuel Elliott**

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

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

*Councilman Philip M. Goldstein, Ward 7*

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

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

**MAYOR'S APPOINTMENTS:****CITY COUNCIL APPOINTMENTS:****ORDINANCES:****20070587 Z2007-11 REZONING - 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.

*Note: This item was tabled from the September 11, 2007 Council Meeting.*

*Planning Commission recommends approval      Vote: 7 - 0 - 0*

*Stipulations: That the external appearance of building have old town look similar to photographs submitted by Mr. Moore labeled Exhibit A and Exhibit B (see attached).*

*Public Hearing (all parties are sworn in)*

**\* 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.

*Note: This item was tabled at the October 10, 2007 Council Meeting.*

*Planning Commission recommends approval with stipulation*

*Vote: 7 - 0 - 0*

*Stipulations: Reach agreement with affected neighbors on Oakhurst Drive as far as boundaries between properties by next Wednesday.*

*Public Hearing (all parties are sworn in)*

\* **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.

*Note: This item was tabled at the October 10, 2007 Council Meeting.*

*Planning Commission recommends approval*

*Vote: 7 - 0 - 0*

*Stipulations: n/a*

*Public Hearing (all parties are sworn in)*

\* **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.

*Note: This item was tabled at the October 10, 2007 Council Meeting.*

*Planning Commission recommends approval* *Vote: 7 - 0 - 0*

*Stipulations: n/a*

*Public Hearing (all parties are sworn in)*

**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.

*Planning Commission recommends approval with stipulations. Vote: 6-0-0*

*Stipulations: Any plan for this property must come through the Planning Commission, property be posted, advertised in newspaper and notification to adjacent Murray Circle residents.*

*Public Hearing (all parties are sworn in)*

**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 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.

*Planning Commission recommends approval     Vote: 6 - 0 - 0*

*Stipulations: n/a*

*Public Hearing (all parties are sworn in)*

**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 CAC (Community Activity Center). Ward 2.

*Planning Commission recommends approval     Vote: 6 - 0 - 0*

*Stipulations: n/a*

*Public Hearing (all parties are sworn in)*

**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.

*Planning Commission recommends approval     Vote: 6 - 0 - 0*

*Stipulations: n/a*

*Public Hearing (all parties are sworn in)*

**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

*Planning Commission recommends approval*      *Vote: 6 - 0 - 0*

*Stipulations: n/a*

*Public Hearing (all parties are sworn in)*

\* **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

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\* **20071272 Denial of a claim**

Denial of a claim of Matthew Schulz.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

**2. Finance/Investment: Annette Lewis, Chairperson**

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

\* **20071090 Home Occupation Permits**

Motion to authorize advertisement to amend the Comprehensive Development Code of the City of Marietta, Section 712.04, Home Occupations.

*Councilmembers Van Pearlberg and Holly Walquist voting against*

\* **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.

**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.

**20071287 V2007-43 Highland Trace Apartments 1019 and 1029 Franklin Road**

V2007-43 HIGHLAND TRACE APARTMENTS request variance 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. Ward 6.

\* **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.

\* **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.

**4. Parks, Recreation and Tourism: Holly Walquist, Chairperson**

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

\* **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.

\* **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.

## **6. Public Safety Committee: Anthony Coleman, Chairperson**

\* **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.

## **7. Public Works Committee: Jim King, Chairperson**

\* **20071212 1994 SPLOST Allocation**

Motion to amend the 1994 SPLOST budget allocations.

\* **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.

\* **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.

\* **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.

\* **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.

\* **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.

\* **20071233 Trolley Proposal**

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

**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****OTHER BUSINESS:****20071286 V2007-42 Emerson Overlook, LLC 326 Roswell Street**

V2007-42 EMERSON OVERLOOK request variance 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. Variance to reduce required 40' buffer to zero [708.16.I]. Ward 1.

- \* **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.
- \* **20071268 Appointment of Additional Associate Solicitor**  
Appointment of additional solicitor's for the Marietta Municipal Court.
- \* **20071271 Remington**  
Motion approving Remington lease notification extension for an additional 90 days.
  
- 20071184 Committee of the Whole Meeting - October 8, 2007**  
Review and approval of the October 8, 2007 Committee of the Whole meeting minutes.
- 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).

**ADJOURNMENT:**