



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

Tuesday, September 11, 2007

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Councilman James King, Ward 6

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20071029 Introduction of Canine teams

Officer Reinaldo Figueroa - Canine Barry
Officer Jeff Reed - Canine Blue
Officer Greg Walker - Canine Marco

PROCLAMATIONS:

20070918 Clean Water Week

Danny Magwood, Water Department, receives a proclamation declaring October 14-20, 2007 as Clean Water Week.

20070919 Public Power Week

Danny Magwood receives a proclamation declaring October 14-20, 2007 as the 20th annual Public Power Week.

20070924 Fire Prevention Week

Assistant Chief Mark Anderson, accepts a Proclamation recognizing the week of October 7 - 13, 2007 as Fire Prevention Week.

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:

- * **20070890 Regular Meeting - August 8, 2007**
Review and approval of the August 8, 2007 regular meeting minutes.
- * **20070908 Special Meeting - August 9, 2007**
Review and approval of the August 9, 2007 special meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

- * **20070906 Historic Preservation Commission**
Re-appointment of Gary Zakar to the Marietta Historic Preservation Commission for a three year term beginning September 15, 2007 and expiring September 14, 2010.
- * **20071005 Historic Preservation Commission**
Re-appointment of David Freedman to the Marietta Historic Preservation Commission for a three year term beginning September 15, 2007 and expiring September 14, 2010.

ORDINANCES:

- * **20070839 Code Enforcement - 373 Allgood Road**
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 373 Allgood Road.
Certified mail receipt received 08/09/07; signature not legible.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20070917 Code Enforcement - 286 Scott Drive**
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 286 Scott Drive.
Certified mail receipt received 05/24/07 unsigned.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20070961 Code Enforcement - 825 Mimosa Drive**
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 825 Mimosa Drive.
Certified mail receipt received 08/14/07, unclaimed.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
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- * **20070970 Code Enforcement - 541 Powder Springs Street**
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 541 Powder Springs Street.
Certified mail receipt returned 07/31/07, unsigned.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20070979 Code Enforcement - 65 Griggs Street**
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 65 Griggs Street.
Certified mail receipt received on 08/11/07; signature not legible
Taxes paid: No
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20070988 Code Enforcement - 586 Welch Street**
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 586 Welch Street.
Certified mail receipt not received as of 08/28/07.
Taxes paid: No
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- 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.
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)
- 20070850 Z2007-12 - REZONING - Joel A. Digby 1183 & 1185 Franklin Road and 2120 Kingston Court from LI (Light Industrial) to CRC (Community Retail Commercial)**
Z2007-12 JOEL DIGBY requests rezoning for property located in Land Lot 07260, District 17, Parcels 0070, 0060 and 0110 and being known as 1183 and

1185 Franklin Road and 2120 Kingston Court from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7.

Planning Commission recommends approval Vote: 7 - 0 - 0

Stipulations: Approval, subject to external appearance of building being appropriate for the entranceway to the city of Marietta.

Public Hearing (all parties are sworn in)

20070851 Z2007-13 - REZONING - Jim Eyre 911 Allgood Road and 1040 Cobb Industrial Drive from CRC (Community Retail Commercial) and HI (Heavy Industrial) to LI (Light Industrial)

Z2007-13 JIM EYRE requests rezoning for property located in Land Lots 09970 and 09980, District 16, a portion of parcel 0020 and a portion of parcel 0070 and being known as 911 Allgood Road and 1040 Cobb Industrial Drive from CRC & HI (Community Retail Commercial) and (Heavy Industrial) to LI (Light Industrial). Ward 5.

Planning Commission recommends approval Vote: 7 - 0 - 0

Stipulations: Not to include reverter clause (applicant had requested that property revert back to original zoning if property was not purchased by J&E Real Estate Investments within 6 months.)

Public Hearing (all parties are sworn in)

*** 20070911 Z2007-14- REZONING - City of Marietta 1809, 1739 and 1355 Canton Road and all associated right-of-way for each address from GC, PSC and LI to CRC, PCD and LI**

Z2007-14 CITY OF MARIETTA request rezoning for property located in Land Lot 07810, Parcel 0080 (1809 Canton Road), Land Lot 08040, Parcel 0160 (1739 Canton Road) and Land Lot 08740, Parcel 0320 (1355 Canton Road) and all associated right-of-way for each address from GC [General Commercial (County)], PSC [Planned Shopping Center (County)] and LI [Light Industrial (County)] to CRC [Community Retail Commercial (City)], PCD [Planned Commercial Development (City)] and LI [Light Industrial (City)]. Ward 6.

Planning Commission recommends approval

Vote 7-0-0

Stipulations: That the following businesses be excluded:

- * No adult entertainment or adult bookstores*
- * No title pawn shops*
- * No pawn shops*
- * No check cashing establishes (this does not include banks or credit unions)*

Public Hearing (all parties are sworn in)

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- * **20070912** **A2007-04 - ANNEXATION - City of Marietta 1809, 1739 and 1355 Canton Road and all associated right of way for each address**
A2007-04 CITY OF MARIETTA requests annexation for property located in Land Lot 07810, Parcel 0080 (1809 Canton Road), Land Lot 08040, Parcel 0160 (1739 Canton Road) and Land Lot 08740, Parcel 0320 (1355 Canton Road) and all associated right-of-way for each address, all of the 16th District, 2nd Section, Cobb County, Georgia consisting of 4.595 acres. Ward 6.
Planning Commission recommends approval Vote: 7 - 0 - 0
Stipulations: n/a

Public Hearing (all parties are sworn in)
- * **20070914** **CA2007-20 - FUTURE LAND USE -City of Marietta 1809, 1739 and 1355 Canton Road and all associated right of way for each address**
CA2007-20 CITY OF MARIETTA in conjunction with the requested annexation of property located in Land Lot 07810, Parcel 0080 (1809 Canton Road), Land Lot 08040, Parcel 0160 (1739 Canton Road) and Land Lot 08740, Parcel 0320 (1355 Canton Road) and all associated right-of-way for each address, 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.

Planning Commission recommends approval Vote: 7 - 0 - 0

Motion: Mr. Kinney moved to recommend to city council that the Future Land Use of property be IW (Industrial-Warehousing), seconded by Mrs. Sonnenfeld.

Stipulations: n/a

Public Hearing (all parties sworn in)
- * **20070789** **CA2007-19 Amending the Comprehensive Development Code Section 726 regarding Title, Purpose & Jurisdiction**
CA2007-19 Amending the Comprehensive Development Code of the City of Marietta, Section 726 Title, Purpose and Jurisdiction regarding public hearing requirements for Gated Communities
Planning Commission recommends approval Vote: 7 - 0 - 0
Stipulations: n/a

Public Hearing (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20071027** **Denial of a Claim**
Denial of a claim by Betty Smith.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:**COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20070969 Tax-Exempt Bond Reimbursements**

Resolution declaring intention to issue tax-exempt bonds to reimburse the city with the proceeds of such bonds for capital and other expenditures made in connection with CCSR redevelopment projects.

Council member Philip M. Goldstein abstaining.

20070808 Redevelopment Equity Reserve Fund

Motion to approve the MRC FY2008 work program for the revolving equity reserve fund, as amended.

Council member Philip M. Goldstein voting against. Council member Anthony Coleman abstaining.

2. Finance/Investment: Annette Lewis, Chairperson*** 20070909 Hickory Hills Purchase**

An Ordinance approving an amendment to the Fiscal Year 2008 General Fund budget to make a payment for \$100,000 for the purchase Hickory Hills Park. Park.

*** 20070910 Moore & Cubbedge Letter of Engagement**

Motion to authorize execution of a Letter of Engagement with Moore & Cubbedge to conduct the financial audit for FY07

*** 20070907 Georgia DCA Grant for Confederate Cemetery**

Motion to approve the acceptance of a \$75,000 Georgia Department of Community Affairs Local Assistance Grant to repair and upgrade the Marietta Historic Confederate Cemetery, along with the associated budget amendment.

*** 20070946 Weed and Seed Grant**

An Ordinance approving an amendment to the Fiscal Year 2008 Budget to receive and appropriate grant funding from the Department of Justice and CDBG for the Weed and Seed Program for Franklin Road.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20070813 Parking lot tent sales**

Motion to authorize advertisement to amend the Comprehensive Development Code of the City of Marietta, Division 708.15 (C), Division 708.16 (C) and Division 708.17 (C), regarding Temporary/Conditional Uses Allowed by the Director.

*** 20070814 Donation boxes**

Motion to authorize advertisement to amend the Comprehensive Development Code of the City of Marietta, Division 708.15 (F), Division 708.16 (F), Division 708.17 (F) and Division 710.08, regarding container bins and donation boxes.

- * **20070942 Detailed Plan for Peachtree Business Products**
Motion approving the Detailed Plan for Peachtree Business Products located at 1940 West Oak Circle.
- * **20070337 Island Annexations**
Motion to authorize advertisement to annex several islands in the city limits of Marietta which have business licenses and homestead exemptions (1161 Whitlock Avenue and all associated right-of-way and 761 Powder Springs Street).
- * **20070972 Amendments to Intergovernmental Agreements**
Motion to approve Intergovernmental Agreements between City of Marietta and Marietta Board of Education and City of Marietta and Cobb County for Marietta Tax Allocation Districts.
- 20070953 U-Verse**
Motion to approve the proposed agreement between AT&T and the City of Marietta to offer U-verse Video Service.
*Council members Annette Lewis, Van Pearlberg and Jim King voting against.
Council member Philip M. Goldstein abstaining.*

Council member Goldstein disclosed that he, as well as various members of his family own stock in AT&T.
- * **20071016 City Council Retreat**
Motion to schedule the City Council Retreat on February 1-3, 2008.
- * **20070888 Precinct Boundary Changes - Ward 3 & 4**
Motion to authorize advertisement of proposed changes in the precinct polling places for municipal elections to coincide with changes approved by Cobb County Board for State and County elections.
- * **20070726 Root House Museum Ground Lease Agreement**
Motion to approve the requested modifications to the Root House Museum Ground Lease Agreement.
Council member Philip M. Goldstein abstaining.
- 20070947 Clarke Library Lease**
Motion to direct the City Attorney to send any and all legal notices to the tenant and any sub-tenants (any sub-tenants are not recognized by virtue of this motion) regarding the city owned property located at 156 Church Street, Marietta, Georgia. This motion shall include the authority to file any appropriate legal action, including appeals thereof, in order to carry out the Notice to Vacate given to the tenant and/or sub-tenants located in the above premises. The notice specified herein shall require the tenant and any sub-tenants to vacate the property 30 days after receipt of the notice, which shall be based upon the city accepting a written lease from a replacement tenant.

Deventer North America, Inc., is a tenant of Philip M. Goldstein at 39 Winter

Street/48 Atlanta Street. It is believed that Mr. Godwin's wife is the owner of that corporation and that Mr. Godwin is an officer of the corporation.

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

- * **20070932 Cobb Family Fun Festival Request to prohibit alcohol sales**
Motion to approve the request by Cobb County Government to temporarily suspend ordinance 10-4-070 (F); this will prohibit the sale and consumption of alcohol adjacent to Glover Park during Cobb Family Fun Day on October 13, 2007.

- * **20070934 Street Closure Request for Marietta Reads Community Event**
Motion authorizing the closure of part, or all, of East Park Square as necessary to conduct the Marietta Reads community event from 7:30 a.m. to 4:00 p.m., on Saturday, September 29, 20

5. Personnel/Insurance: Van Pearlberg, Chairperson

- * **20070936 Health Care Program**
Motion to approve the renewal of group health plan administration with Blue Cross/Blue Shield of Georgia, Inc and to approve contribution rate structures for calendar year 2008. Also, requesting authority to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc. after review and approval by the City Attorney. The addition of 40 Chiropractic Care visits would be for one year and will be revisited next year to review the costs.
Council member Holly Walquist voting against.

6. Public Safety Committee: Anthony Coleman, Chairperson

- * **20070913 Purchase of software**
An Ordinance approving an amendment to the Fiscal Year 2008 Budget to purchase False Alarm software.

7. Public Works Committee: Jim King, Chairperson

- * **20070750 No Parking Signs**
Motion to approve no parking on both sides of Sugar Hill Drive on Sundays from 8:00 a.m. to 1:00 p.m.

- * **20070700 1994 SPLOST Budget**
Motion authorizing submittal of the revised 1994 SPLOST Inter-Local Agreement Amendment #8 to Cobb County.

- 20070455 Downtown Solid Waste Fee Schedule**
Motion to approve the proposed Fee Schedule for waste removal and recycling in the CBD.

- * **20070952 Underground Utilities Relocation**
Motion to approve the Public Works Department recommendations regarding the SPLOST Project Underground Utilities relocation, with the exception of S1 (Franklin Road).

Council member Holly Walquist voting against.

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20070915 HO2007-02 Monique Steele 332 Frasier Street

HO 2007-02 Motion to approve home occupation for Monique Steele, Land Lot 12880, 16th District, Parcel 0280, 2nd Section of Cobb County, Marietta, Georgia and being known as 332 Frasier Street. Request to establish a home occupation for haircare services [712.04]. Ward 1.

* **20071030 Montgomery Park Detailed Plan**

Motion to approve the Revised Detailed Plan for Montgomery Park originally approved on April 11, 2007, with renumbered lots.

20070916 V2007-32 Keeler Woods Joint Venture - John J. Elliott, Jr. 360 Manning Road

V2007-32 KEELER WOODS JOINT VENTURE - JOHN J. ELLIOTT, JR. request variance for property located in Land Lots 36 and 37, District 19, Parcel 10 and being known as 360 Manning Road. Variance to install a security gate at entrance of proposed subdivision. Ward 2.

* **20071033 1994 TIP Funds**

An Ordinance approving an amendment to the Fiscal Year 2008 Budget to appropriate remaining 1994 Transportation Improvement Program (TIP) funds.

* **20071020 BLW Actions of September 10, 2007**

Review and approval of the September 10, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

ADJOURNMENT: