



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, June 9, 2010

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Van Pearlberg, Ward 4 Council Member

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

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:

* 20100707 Regular Meeting - May 12, 2010

Review and approval of the May 12, 2010 regular meeting minutes.

20100339 Executive Session Minutes

Review and approval of Executive Session Minutes for
January 27, 2010
February 3, 2010
February 8, 2010
February 24, 2010
March 8, 2010
March 10, 2010
March 31, 2010
April 12, 2010
April 14, 2010
April 28, 2010
May 10, 2010
May 12, 2010

MAYOR'S APPOINTMENTS:**20100687 Marietta Housing Authority Appointment**

Mayor's appointment to the Marietta Housing Authority Board of Commissioners for a five year term, Mitch Hunter. Term will commence June 3, 2010.

CITY COUNCIL APPOINTMENTS:**ORDINANCES:***** [20100573](#) Z2010-06 Billie M. & Margurite A. Borders vacant property on Allgood Road**

Z2010-06 [REZONING] BILLIE M. & MARGURITE A. BORDERS request rezoning for property located in Land Lots 996 and 997, District 16, Parcels 109 and 5, 2nd Section, Marietta, Cobb County, Georgia and being known as vacant property on Allgood Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 5.

Planning Commission recommends approval *Vote: 5 – 0 – 0*

Stipulation: N/A

Public Hearing (all parties are sworn in)

* [20100574](#) **A2010-02 Billie M. & Margurite Borders vacant property on Allgood Road**

A2010-02 [ANNEXATION] BILLIE M. & MARGURITE BORDERS request annexation for property located in Land Lots 996 and 997, District 16, Parcels 109 and 5, and being known as vacant property on Allgood Road, 2nd Section, Cobb County, Georgia consisting of 5.071 acres. Ward 5.

Planning Commission recommends approval *Vote: 5 – 0 – 0*

Stipulation: N/A

Public Hearing (all parties are sworn in)

* [20100575](#) **CA2010-04 Billie M. & Margurite A. Borders vacant property on Allgood Road**

CA2010-04 [CODE AMENDMENT] BILLIE M. & MARGURITE A. BORDERS in conjunction with the requested annexation of property located in Land Lots 996 and 997, District 16, Parcels 109 and 5, 2nd Section, Marietta, Cobb County, Georgia, and being known as vacant property on Allgood Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 5.

Planning Commission recommends approval *Vote: 5 – 0 – 0*

Motion: Mr. Kinney moved to recommend to City Council that the Future Land Use for this property be designated as LDR (Low Density Residential), seconded by Mr. Gillis. Motion carried 5 – 0 – 0.

Stipulation: N/A

Public Hearing (all parties are sworn in)

* [20100576](#) **Z2010-07 Stephen & Mary E. Borders 1001 Allgood Road**

Z2010-07 [REZONING] STEPHEN & MARY E. BORDERS request rezoning for property located in Land Lot 996, District 16, Parcel 43, 2nd Section, Marietta, Cobb County, Georgia and being known as 1001 Allgood Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 5.

Planning Commission recommends approval *Vote: 5 – 0 – 0*

Motion: Mr. Kinney moved to recommend to City Council that this property be rezoned to R2, as submitted, seconded by Mr. Carter. Motion carried 5 – 0 – 0.

Stipulation: N/A

Public Hearing (all parties are sworn in)

* [20100578](#) **A2010-03 Stephen & Mary E. Borders 1001 Allgood Road**

A2010-03 [ANNEXATION] STEPHEN & MARY E. BORDERS request annexation for property located in Land Lot 996, District 16, Parcel 43, and being known as 1001 Allgood Road, 2nd Section, Cobb County, Georgia consisting of 1.341 acres. Ward 5.

Planning Commission recommends approval *Vote: 5 – 0 – 0*

Motion: Mr. Kinney moved to recommend to City Council that this parcel be annexed, seconded by Mr. Carter. Motion carried 5 – 0 – 0.

Stipulation: N/A

Public Hearing (all parties are sworn in)

* [20100579](#) **CA2010-05 Stephen & Mary E. Borders 1001 Allgood Road**

CA2010-05 [CODE AMENDMENT] STEPHEN & MARY E. BORDERS in conjunction with the requested annexation of property located in Land Lot 996, District 16, Parcel 43, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1001 Allgood Road, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 5.

Planning Commission recommends approval *Vote: 5 – 0 – 0*

Motion: Mr. Kinney moved to recommend to City Council that the Future Land Use of this parcel be LDR (Low Density Residential), seconded by Mr. Carter. Motion carried 5 – 0 – 0.

Stipulation: N/A

Public Hearing (all parties are sworn in)

* [20100081](#) **Proposed Revisions to Section, 706 regarding non-conforming uses**

Approval of an Ordinance amending the nonconforming use regulations related to the requirement that a nonconforming building may not be rebuilt, altered or repaired if construction costs exceed 50% of its replacement costs.

Planning Commission recommends approval *Vote: 4 – 1 – 0*

Motion: Mr. Kinney moved to recommend to City Council the adoption of these amendments, as submitted, seconded by Mr. Carter. Motion carried 4 – 1 – 0 with Chairman Dollar opposed.

Stipulation: N/A

Public Hearing (all parties are sworn in)

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

Budget Recap

MAYOR'S REPORT:**COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** [20100655](#) 2010 CDBG Projects/Additional Funds**

Approval of a Resolution authorizing the submittal of the City's Revised FFY'2010 CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, approving the additional CDBG FFY' 2010 funds the City may receive from actions by Congress be allocated to neighborhood redevelopment/housing rehabilitation and eligible Public Service projects.

2. Finance/Investment: Annette Lewis, Chairperson*** [20100607](#) Request for Transfer of Funds**

Approval of an Ordinance approving an amendment to the Fiscal Year 2010 Budget to receive \$22,880 in insurance claim reimbursement and transfer to the General Fund to appropriate funds toward a replacement police patrol vehicle.

*** [20100631](#) Adoption of recommended Budget for FY2011**

Approval of an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2010 and ending June 30, 2011 for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

* [20100639](#) **Finance/Tax division expenses increased from collecting back taxes**

Approval of an Ordinance approving an amendment to the Fiscal Year 2010 General Fund budget to appropriate increased reimbursement revenue from back taxes to cover the cost of collection agency expenses.

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

* **20100507 Motion to approve the following changes to the Future Land Use map as part of the Comprehensive Plan update**

Z2008-03 75 Polk Street/ 16-12190-0500 87 Polk Street/ 16-12190-0020 99 Polk Street/ 16-12190-0520 FLU is recommended to change to CSI (Community Service and Institutional)

Z2008-06 823 Damar Road/ 16-10180-0100 FLU is recommended to change to CSI (Community Service and Institutional)

Z2008-10 321 Cole Street/ 16-11450-2220 FLU is recommended to change to NAC (Neighborhood Activity Center)

Z2008-11 870 Industrial Park Drive/ 16-10180-0150 FLU is recommended to change to CSI (Community Service and Institutional)

Z2009-08 315 Cole Street/ 16-11450-1330 FLU is recommended to change to NAC (Neighborhood Activity Center)

* **20100637 Clark Library**

Motion authorizing advertising for a public hearing on the ordinance designating the Clarke Library as a historic property.

* **20100638 Brumby Hall**

Motion authorizing advertising for a public hearing on the ordinance designating Brumby Hall as a historic property.

* **20100640 Marietta Waterworks Building**

Motion authorizing advertising for a public hearing on the ordinance designating the Marietta Waterworks as a historic property.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20100653 Operation of the Aviation Sports Complex**

Motion to approve the Citizen's Advisory Committee for Marietta Parks (CACMP) recommendation to operate a baseball/softball program at the Aviation Sports Complex through a private firm, and appointing Jim King and Johnny Sinclair as council liaisons to participate with staff to begin negotiations with 6-4-3 DP, LLC for those operations.

Council Member Annette Lewis Opposing

* **20100700 Exploration of Custer Park for a Soccer Facility**

Motion to approve the recommendation of the Citizen's Advisory Committee for Marietta Parks (CACMP) to explore the use of Custer Park for a soccer facility.

* **20100701 Improvements to existing parks with the 2009 Bond proceeds**

Motion to authorize expenditures for improvements to existing parks as recommended by the Citizen's Advisory Committee for Marietta Parks (CACMP) and amended by council as attached.

* **20100702 Authorization to proceed with planning for parks improvements**

Motion to approve recommendations of the Citizen's Advisory Committee for Marietta Parks (CACMP) to proceed with planning for improvements to 1) Laurel Park (viewing decks and shade structures), 2) Lewis Park (shade structure(s) in the off-leash area), 3) installation of trail lighting at Whitaker Park, and 4) installation of lighting for the parking lot and off-leash area in Wildwood Park. Staff shall bring back designs and estimated costs to the City Council prior to implementation.

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20100662 Position allocation and compensation plan**

Approval of an Ordinance adopting the position allocations to departments for the City of Marietta and the Board of Lights and Water and the City of Marietta/BLW position classification and compensation plans for the period of July 4, 2010 to June 30, 2011.

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20100626 Standard Operating Procedures**

Motion approving revisions to the following Standard Operating Procedures for the Marietta Police Department: A010 Written Directives, A025 Electronic Control Weapons, A041 Organizational Structure, A052 Detention & Housing of Detainees, A060 Evidence & Property Maintenance, A070 Departmental Forms & Reports, E010 Special Weapons and Tactics, E020 Barricaded Incidents, S030 Criminal Investigations, T040 Firearms Regulations & Qualifications, T050 Training.

7. Public Works Committee: Jim King, Chairperson

20100650 Coggins Place

Motion to authorize the abandoning and closing of a portion of Coggins Place within The City of Marietta.

Public Hearing Required

* **20100646 Three (3) way stop sign at Forest Avenue and N. Forest Avenue**

Motion authorizing Public Works to perform a stop sign warrant analysis at Forest Avenue and North Forest Avenue.

* **20100647 Blackwell Lane Speed Limit**

Motion authorizing Public Works to install 25MPH speed limit signs along Blackwell Lane.

20100648 First Landmark Bank

Motion approving a request by First Landmark Bank for access easement under Cole Street.

Mayor Steve Tumlin has an ownership interest in First Landmark Bank.

Council Member Goldstein disclosed that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building. Council Member Goldstein does not have any ownership interest in First Landmark Bank or in First Landmark Bank's new location.

* [20100649](#) **North Marietta Substation**

Motion accepting \$7,820 in exchange for Easement for Ingress and Egress to Georgia Transmission Corporation for access to the North Marietta Sub Station across Armory Drive.

* **20100688 SCADA Project - Marietta Power Fiber Project**

Motion to approve request from Marietta Power for variance from the Underground Utilities Ordinance on various city streets as shown on the attached preliminary cable route list, as part of the Marietta Power control systems fiber connectivity project. Approval is given for areas where existing lines are aboveground. If lines are buried underground in the future where the fiber lines are installed, the fiber lines will also go underground.

* [20100658](#) **Cobb County Parking Deck**

Review and approval of a request for an easement for foundations for the new parking deck for Cobb County.

Council member Pearlberg abstaining. Council member Coleman opposed.

SCHEDULED APPEARANCES:

20100711 Orbit Visual Entertainment

Ms. Tiffani Howard will present Stimulate America Concept by Orbit Visual Entertainment.

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20100656 Council gatherings for social get-togethers and informal discussion

Approval of Ordinance amending Section 1-4-040 W. Council gatherings to read, "The City Manager is hereby directed to post notices in compliance with the Georgia Open Meetings Law in instances which a gathering of a quorum of the Mayor and City Council is reasonably likely to occur and such possibility is to be construed liberally by the City Manager. Such notice shall state that no voting may occur nor official acts taken at such gathering. The purpose of said quorum gathering shall include, but not limited to, informal discussions, educational and social meetings wherever located and of whatever nature."

* **20100712 Condemnation of Property - 1184 Franklin Road**

Motion to authorize the acquisition of property owned by Franklin K&S, Inc. 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.

* **20100713 Condemnation of Property - 505 Freyer Drive**

Motion to authorize the acquisition of property owned by Thomas E. Koch 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.

* **20100714 580 Franklin Road (St. Augustine Place Condominiums)**

Motion authorizing acquisition of right of way and easement at 580 Franklin Road from Augustine Place Condominiums in exchange for \$35,791.35 for the purpose of Franklin Road Improvements Project.

20090829 Motion to approve V2009-18 [VARIANCES] PARADISE GROUP MARIETTA, LLC AND SWIFT LAND COMPANY variances for property located in Land Lots 577 and 578, District 17, Parcel 30 and being known as 455 Franklin Road. Variance to waive requirement that general advertising signs and off-premise signs be regulated as a principal use; Variance to allow a general advertising sign or off-premise sign to be located within a 1,000 foot radius of another general advertising sign or off-premise sign; Variance to allow a general advertising sign or off-premise sign be erected on a lot upon which a building and signage is located; Variance to allow a general advertising sign or off-premise sign be located closer to a permanent structure than the distance that is equal to the height of the sign; Variance to allow a general advertising sign or off-premise sign be erected on a property which has an existing sign. Ward 7.

* **20100716 BLW Actions of June 7, 2010**

Review and approval of the June 7, 2010 actions and minutes of the Marietta Board of Lights and Water.

ADJOURNMENT: