



City of Marietta Meeting Summary

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

Wednesday, October 10, 2007

7:00 PM

Council Chamber

20071163

Swearing In

Swearing in of Police Officer Amy Valente.

Oath Administered

20071028

Commendation for heroic efforts

Commendation honoring Mr. Tommy Barrows, Mr. Joseph Hermon, Ms. Paula Rigsby, and Mr. Terrence Royster for their heroic actions in detaining a suspected bank robber.

Presented

20071162

City's Web Site Wins National Award

Presentation of award to the GIS staff for their winning second place for cities with a population under 75,000 at the National Association of Government Webmasters Awards Ceremony.

Presented

20071164

2007 Park Street Elementary School Poster Contest Winners

2007 Park St. Elementary School Poster Contest Winners

Public Power Contest Winners

Grand Prize \$ 100.00 - Laura Roque, 5th Ms. White

1st Place \$ 50.00 - Hana Castillo, 4th Ms. Hoffman

2nd Place \$ 25.00 - Jaqueline Ruiz, 4th Mr. Blackmon

3rd Place \$ 15.00 - Leonardo Alvarez, 3rd Ms. Bennett

Clean Water Contest Winners

Grand Prize \$ 100.00 - Luis Gonzalez

1st Place \$ 50.00 - Maria Isabel Orozco, 3rd Ms. Bennett

2nd Place \$ 25.00 - Kevin Ojiagoale, 4F Mrs. Jackson

3rd Place \$ 15.00 - Katia Roque, 4th Ms. Hoffman

Presented

20071145

Proclamation recognizing efforts for 2007 Career Expo

Proclamations presented to the following individuals and organizations for their generous support of the annual Cobb/Marietta Career Expo.

Mr. John Helton, Executive Director of Cobb Works!

Mrs. Alisa Jackson, Center Coordinator and EO Officer of Cobb Works!

Mr. Warren Smith, Georgia DOL

Mrs. Miriam Corbin, Employment Manager for the City of Marietta

Mr. Jason Bourne, City of Marietta Public Information Office

Presented

20071165

2007 Cobb Chamber of Commerce Small Business Association of the Year

Proclamation to Professional Group Associates for being named the Cobb Chamber of Commerce 2007 Small Business of the Year.

Presented

20071181

Councilman Anthony Coleman

Councilman Philip M. Goldstein

Made

20071082

Regular Meeting - September 11, 2007

Review and approval of the September 11, 2007 regular meeting minutes.

Approved

20071065

Appointment of Additional Associate Solicitor's

Mayor's appointment of additional solicitor's for the Marietta Municipal Court.

Approved

20071066

Reappointment to the Marietta Historic Preservation Commission

Re-appointment of Ray Worden to the Marietta Historic Preservation Commission for a three year term beginning September 15, 2007 and expiring September 14, 2010.

Approved

20070963

Z2007-15 [REZONING] 727 Cobb Parkway Realty, LLC 727 and 757 Cobb Parkway South from LI (Light Industrial) and CRC (Community Retail Commercial) to CRC (Community Retail Commercial)

Z2007-15 [REZONING] 727 COBB PARKWAY REALTY, LLC, requests rezoning for property located in Land Lot 05740, District 17, and being known as 727 Cobb Parkway South (Parcel 0064) from Community Retail Commercial to Community Retail Commercial and 757 Cobb Parkway South (Parcel 0220) from LI (Light

Industrial) to CRC (Community Retail Commercial). Ward 7.

Approved

Motion to approve conditioned upon receipt of the Letter of Stipulations dated September 27, 2007 from Melissa Haisten.

20070964

Z2007-16 [REZONING] The Sons of Thunder Realty Investments, Inc. 140 Blackwell Lane from RM-8 (Multi-Family Residential, 8 units/acre) to PRD-MF (Planned Residential Development Multi-Family)

Z2007-16 [REZONING] THE SONS OF THUNDER REALTY INVESTMENTS, INC., requests rezoning for property located in Land Lot 11590, District 16, Parcel 0900 and being known as 140 Blackwell Lane from RM-8 (Multi-Family Residential 8 units/acre) to PRD-MF (Planned Residential Development Multi-Family). Ward 4.

Approved as Stipulated

Motion to approve the rezoning request with the stipulations listed on the agenda, with the additional stipulation that the proposed building be constructed with the same design and materials show in the picture presented.

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.

Tabled

Motion to table this matter until the November 19, 2007 regular Council meeting.

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.

Tabled

Motion to table this matter until the November 19, 2007 regular Council meeting.

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.

Tabled

Motion to table this matter until the November 19, 2007 regular Council meeting.

20071053 **Z2007-18 [REZONING] City of Marietta 1161 Whitlock Avenue from NS (Neighborhood Shopping-County) to NRC (Neighborhood Retail Commercial-City), Ward 2.**

Z2007-18 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue from NS (Neighborhood Shopping-County) to NRC (Neighborhood Retail Commercial-City), Ward 2.

Approved as Stipulated

Motion to approve the rezoning request with the understanding that the amortization period stated in the Sign Ordinance begins when the property is annexed into the city.

20071054 **A2007-06 [ANNEXATION] City of Marietta 1161 Whitlock Avenue**

A2007-06 [ANNEXATION] CITY OF MARIETTA requests annexation for property located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue, and all associated right-of-way, in the 2nd Section, Cobb County, Georgia consisting of 0.30 acres. Ward 2.

Approved

20071055 **CA2007-24 (A2007-06) [CODE AMENDMENT] City of Marietta 1161 Whitlock Avenue to designate the Future Land Use of said property as NAC (Neighborhood Activity Center). Ward 2**

CA2007-24 [CODE AMENDMENT] CITY OF MARIETTA in conjunction with the requested annexation of properties located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue,, the City of Marietta proposes to designate the Future Land Use of said property as NAC (Neighborhood Activity Center). Ward 2.

Approved

20070813 **CA2007-23 [CODE AMENDMENT] Amending the Comprehensive Development Code regarding the Temporary/Conditional Uses Allowed by the Director**

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

Approved

20070814 **CA2007-22 [CODE AMENDMENT] Amending the Comprehensive Development Code regarding container bins and donation boxes**
CA2007-22 [CODE AMENDMENT] Proposal 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.

Approved

20071111 **Code Enforcement - 879 Meadow Place**
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 879 Meadow Place.

Owner: JOSE E. ZUNIGA

Certified mail receipt not received as of 09/26/07.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20071113 **Code Enforcement - 714 Tom Read 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 714 Tom Read Drive.

Owner: RUBERA PAOLO

Certified mail receipt not received as of 09/26/07.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20071129 **Code Enforcement - 108 Holiday 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 108 Holiday Street.

Owner: HSBC Bank USA as Trustee for A Securities Corp Home Equity HL

Certified mail receipt received 9-4-07; signed by R. Loto

Taxes paid: Yes

PUBLIC HEARING REQUIRED

.

Approved

20071131 **Code Enforcement - 130 Woods 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 130 Woods Drive.

Owner: Amanda Trust 5/2/06, Ramona Jennings as Trustee

Certified mail receipt not received as of 9/28/07.

Taxes paid: No

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20071166

Denial of a claim

Denial of a claim of Susan B. Hellie.

Approved to Deny Claim

20071167

Denial of a claim

Denial of a claim of Yssmine's Entertainment Hall & Shadia's Restaurant, LLC; Nazareth, LLC; Waleed "Lee" Jaraysi; and 555 Commerce Avenue, Marietta, Georgia

Approved to Deny Claim

20071070

Four-sided Architecture in Planned Developments

Motion to authorize advertisement of proposed changes to the City Ordinance relative to four-sided architecture requirements.

Approved

Council members Jim King and Van Pearlberg opposed.

20071087

Property Acquisition

The City of Marietta, being committed to total public disclosure, has resolved that all properties to be purchased by the City of Marietta with a signed contract by the seller shall be disclosed at the time of the initial public vote to approve the purchase of the property, the price, name of seller, closing date and the address of the property.

Excepted from this policy would be the instance in which the city would be interested in purchasing property at a foreclosure or other bid situation.

Approved as Amended

Motion to approve the following policy for Property Acquisition:

For properties in areas where the city expects no further purchases or acquisitions, the city, following discussion in executive session and the delivery of a signed contract by the seller to the city, shall disclose in the public vote to approve the purchase of the property the price, name of the seller, closing date and address of the property.

For properties a) which the city determines that a city purchase may cause price escalation, or b) in areas where the city expects further purchases or acquisition, the city shall, following discussion in executive session, comply with the Georgia Open Meetings law as to the first closing or set of closings and vote on any purchase in public without disclosing any further

details of the purchase until the property has closed.

Exempted from this policy would be the instance in which the city would be interested in purchasing property at a foreclosure or other bid situations.

20071098

800 MhZ Agreement with Cobb County

Motion to approve the 800 MhZ Radio Agreement with Cobb County.

Approved

20071063

Revisions to Pension Ordinances

Motion to approve proposed changes to Pension Ordinances 4022 and 4532.

Approved

20071064

Additional School Resource Officer

Ordinance amending the 2007-2008 City of Marietta/BLW pay and position allocation chart to add one (1) Police Officer position to be assigned to the Marietta Board of Education as a School Resource Officer effective January 1, 2008.

Approved

Council member Van Pearlberg opposed.

20071170

New Police Officer for City Schools

Approval of amending FY08 budget to add one position of Police Officer to serve as school resource officer.

Approved

Council member Van Pearlberg opposed.

20071084

MRC Vacancy

Motion to authorize advertisement of a vacancy on the Marietta Redevelopment Corporation Board to fill an unexpired term.

Approved

20071085

Marietta Museum of History Board of Directors

Appointment of Jim Glover to the Marietta Museum of History Board of Directors for a 3-year term expiring on October 31, 2010.

Discussed

20071086

Marietta Museum of History Board of Directors

Re-appointment of Mary Ladd, James Southerland and Charles M. Brown III to the Marietta Museum of History Board of Directors for 3-year terms expiring on October 31, 2010.

Discussed

- 20070455 **Downtown Solid Waste Fee Schedule**
Motion to approve the proposed Fee Schedule for waste removal and recycling in the CBD.
Approved
- 20071018 **Alexander Street Improvement Project**
Motion to approve the Alexander Street Improvement Project from Washington Avenue to Roswell Road (Option 2), following staff recommendation.
Approved
- 20071074 **Crescent Circle Sidewalks**
Motion to approve a request from Marietta Housing Authority for sidewalks on Crescent Circle between Henderson Arms and Powder Springs Street.
Approved
- 20070738 **Speed Tables**
Motion to begin a test study on Wright Street, and Bellemeade Drive, by installing speed cushions, which will be monitored for a period of 90 days using the speed trailer. Source of funding shall be the General Fund Reserve.
Approved
Council members Annette Lewis, Rev. Anthony Coleman and Philip M. Goldstein opposed.
- 20071069 **Authorization to advertise for sale city-owned parcel(s)**
Motion to advertise sale of 321 Cole Street (north and south parcel) and 325 North Marietta Parkway through a Request for Proposal public process subject to final determination of right-of-way needs by the City and contingent on Mayor and Council having the right to reject any and all offers.
Approved
Council member Goldstein disclosed that the request was made by one of his tenants. Council member Philip M. Goldstein abstaining.
- 20071177 **Rezoning of City -owned parcel(s) at Cole and the North Loop**
Motion to authorize advertisement for rezoning from R4 (Residential, 4 units/acre) to OI (Office Institutional) of City-owned property located in Land Lot 11450, 16th District, Parcel 2220, 2nd Section, Marietta, Cobb County, Georgia and being known as 321 Cole Street.
Approved
- 20071052 **V2007-36 Keeler Woods Joint Venture - John J. Elliott, Jr. 364 Manning Road**

V2007-36 KEELER WOODS JOINT VENTURE - JOHN J. ELLIOTT, JR. request variance for property located in Land Lots 1296, 1 and 37, Districts 16, 17 and 19, Parcel 0010 and being known as 364 Manning Road. Variance to install a security gate at entrance of proposed subdivision. Ward 2.

Approved

20071185 **National League of Cities - Congress of Cities**

Motion to approve travel and training expenses for Council members who wish to attend the National League of Cities (NLC) 2007 Congress of Cities and Exposition in New Orleans on November 13-17, 2007.

Approved

20071186 **Voting Delegates for 2007 NLC Congress of Cities**

Motion to appoint Holly Walquist as voting delegate and Annette Lewis as alternate voting delegate for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting being held in New Orleans on Saturday, November 17, 2007.

Approved

20071100 **Civil Service Board Uncontested Election**

Motion to approve the Certified Uncontested Election results for the Marietta Civil Service Board Post 4 vacancy re-electing the incumbent Lawrence (Larry) A. Panetta for a term of three years, effective January 1, 2008 and expiring on December 31, 2010.

Approved

20071169 **FY2007 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.**

Approval of an Ordinance amending the Fiscal Year 2008 Budget to receive and appropriate a federal grant from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to purchase digital recording devices for police investigations.

Approved

20071089 **Revised Detail Plan for Rockford Commons**

Motion to approve the Revised Detailed Plan for Rockford Commons Subdivision located on Manning Road in Land Lot 00010, 17th District, 2nd Section, Marietta, Cobb County, Georgia, with the following stipulations:

- 1) Parking pads for Units 28-31 facing Manning Road shall be increased from 16 feet to 17 feet.
- 2) The homeowner association covenants shall prohibit vehicles parking in the driveway from hanging out past the driveway pad, specifically so that cars will not extend out into the alleys.
- 3) Maintain the 35 additional guest parking spaces as proposed.
- 4) Alleys must be one way with no parking on the alleyways. The direction of the one-ways must be indicated on the plat.
- 5) Units 24-31 shall each have a gate in the fence along Manning Road.
- 6) Garages must be at least 20 feet deep.
- 7) This Motion is contingent upon the applicant signing a Release and Indemnity Agreement in favor of the City of Marietta. In addition, the applicant shall require that each purchaser execute and return to the City of Marietta a Release and Indemnity Agreement which shall run with the land and be binding on subsequent purchasers are owners. (See attached agreement)

Approved

Motion to approve with stipulations listed above, along with the following changes:

-The Revised Detailed Plan dated October 10, 2007

-Stipulation #5 should state that it is a pedestrian gate

-Stipulation #8 shall be added to state that no parking signs shall be posed in all alleys.

20071193

Alleyways for Rockford Commons Revised Detailed Plan

Motion to allow alleys within the Rockford Commons Development located on Manning Road in Land Lot 00010 17th District, 2nd Section, Marietta, Cobb County, Georgia, as specifically noted and approved on the revised Detailed Plan.

Approved

20071189

Condemnation of Property - 567 and 595 Roswell Street

Motion to authorize city staff and city attorney to commence condemnation procedures on property known as 567 and 595 Roswell Street, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by H.B. 1313 in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to the above law.

Removed

20071192 **Condemnation of Property - 59 Olive Street**

Motion to authorize city staff and city attorney to commence condemnation procedures on property known as 59 Olive Street, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by H.B. 1313 in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to the above law.

Approved

20071190 **Purchase of Property**

Motion to approve the purchase of designated properties for the designated amounts.

Approved

20071188 **Municipal Electric Authority of Georgia (MEAG) Revised Supplemental Power Purchase**

Motion for approval of the Supplemental Power Purchase Contract between the Municipal Electric Authority of Georgia (MEAG) and the City of Marietta subscribing to 70 megawatts of the proposed West Georgia Transaction.

Approved

20071191 **BLW Actions of October 8, 2007**

Review and approval of the October 8, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

Approved