



# 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*

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Wednesday, February 9, 2011

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Anthony Coleman, Ward 5 Council Member introduces The Reverend Randolph Scott,  
Pleasant Grove Missionary Baptist Church*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

**20110095 Proclamation - Mr. Lewis Clyde Scott**

Proclamation presented to Mr. Lewis Clyde Scott honoring him during Black History Month and thanking him for his service to the City of Marietta.

### 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:

\*     **20110073     Regular Meeting - January 12, 2011**

Review and approval of the January 12, 2011 regular meeting minutes.

\*     **20110074     Special Meeting - January 26, 2011**

Review and approval of the January 26, 2011 special called meeting minutes.

**MAYOR'S APPOINTMENTS:**

**CITY COUNCIL APPOINTMENTS:**

**ORDINANCES:**

**20101189      Z2010-12 MRW Properties, LLC 313 Marble Mill Road**

Z2010-12 [SPECIAL LAND USE PERMIT] MRW PROPERTIES request a Special Land Use Permit for property located in Land Lot 1005, District 16, Parcel 0280, 2nd Section, Marietta, Cobb County, Georgia and being known as 313 Marble Mill Road in order to operate a vehicle towing company at this location. The property is currently zoned HI (Heavy Industrial). Ward 5.

*Planning Commission recommends approval with stipulations      Vote: 5 – 0 – 1\**

*Motion: Mrs. Watkins made a motion, seconded by Mr. Kinney, to recommend to City Council that the Special Land Use Permit be granted.*

*Stipulations:*

*Include the Letter of Stipulations dated November 29, 2010 from Melissa P. Haisten to Russell J. Roth, with the exception of Stipulation #1 referring to the existing Special Land Use Permit for a plastic recycling facility be excluded. In addition, the following stipulations are incorporated as a part of the approval:*

- 1. Towing would be limited to normal passenger class vehicles;*
- 2. Towing intake outside the normal hours of operation would be limited to the front 2/3 (two-thirds) of the property;*
- 3. Wrecked vehicles would be stored on a paved surface with proper approved drainage runoff and filtration systems;*
- 4. Accommodations would be made to prevent any runoff into the adjacent residential area;*
- 5. Vehicle storage would not exceed the height of the fence;*
- 6. Business would not enter into any contracts with any municipalities (cities or counties).*

*\*Motion carried 5 – 1 – 0 with Chairman Dollar opposed.  
At the request of Chairman Dollar, votes were retaken.  
Motion carried 5 – 0 – 1 with Chairman Dollar abstaining.*

*PUBLIC HEARING - Held on January 26, 2011*

*This item was on the January 12, 2011 City Council Meeting but no discussion was held. Public Hearing was held.*

*This item was referred to the February 9, 2011 City Council Meeting from the Special Called Council Meeting of January 26, 2011.*

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

\*      **20110083      Denial of Claim**

Denial of claim of Zakiya Makini.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

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

\*      **20101347      Camera Ready Communities**

Motion to authorize a letter of support from Mayor and City Council to Cobb County for the Camera Ready Community Program initiative of Georgia's Film, Music, and Digital Entertainment Office.

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

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

\*      **20101353      Historic Board of Review Attendance Policy**

Approval of an Ordinance amending the Historic Board of Review Attendance Policy.

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

\*      **20110061      Hickory Hills Park**

Motion to approve proceeding with the detailed construction documents for Hickory Hills Park as presented at the January 26, 2011 Parks, Recreation and Tourism Committee meeting.

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

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

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

\* **20110054 Northwest Atlanta Corridor Alternatives Analysis**

Motion to approve participation in the Northwest Atlanta Corridor Alternatives Analysis with a commitment of \$10,000.

\* **20110056 Beaver Street Closure**

Motion approving a request from the Marietta Housing Authority to barricade an unused section of Beaver Street to prevent dumping.

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

**OTHER BUSINESS:**

**20110057 V2011-05 Garrard Development Services, LLC 1119 and 1125 Powder Springs Street**

V2011-05 [VARIANCE] GARRARD DEVELOPMENT SERVICES, LLC request variances for property located in Land Lot 00670, District 17, Parcels 0450 and 0460 and being known as 1119 and 1125 Powder Springs Street. Variance to allow an off-premise sign for 1119 Powder Springs Street along the Powder Springs Street frontage; Variance to increase the maximum height of a sign from 15 feet to 17 feet; Variance to increase the maximum area of a sign from 90 square feet to 123 square feet; Variance to reduce the setback for a sign from 5 feet to 0 feet; Variance to reduce the side yard setback from 15 feet to 0 feet along the western buffer.  
Ward 2.

\* **20110097 Precinct Polling Place Amendment**

Motion to authorize advertisement of a polling place change for Ward 7 from the Mansour Center to the Cobb County Civic Center, 548 S Marietta Parkway, Marietta to coincide with the change adopted by the Cobb County Board of Election and Registration

\* **20110023**      **Executive Session Minutes**

Review and approval of Executive Session Minutes for the following:

June 9, 2010 Agenda Review Session (Pre-Council Meeting)  
June 30, 2010 Special Meeting Work Session (After Committee Meetings)  
July 28, 2010 Special Called City Council Meeting  
August 25, 2010 Special Meeting Work Session (After Committee Meetings)  
September 13, 2010 Agenda Work Session (COW)  
September 15, 2010 Agenda Review Session (Pre-Council Meeting)  
September 29, 2010 Special Meeting Work Session (After Committee Meetings)  
October 11, 2010 Agenda Work Session (COW)  
October 13, 2010 City Council Meeting  
November 8, 2010 Agenda Work Session (COW)  
December 8, 2010 Agenda Review Session (Pre-Council Meeting)  
December 29, 2010 Special Meeting Work Session (After Committee Meetings)

\* **20110104**      **605 Franklin Road**

Motion to accept donation of additional Right of Way for the purpose of the Franklin Road Improvements, 605 Franklin Road from Mimi Tan.

\* **20110108**      **520 S. Fairground Street and 548 S. Marietta Parkway**

Motion to accept donation of Landscape License Agreement for the purpose of Fairground Street Improvements, 520 S. Fairground Street and 548 S. Marietta Parkway from Cobb County Government.

*Council Member Goldstein voting against*

\* **20110105**      **392 North Fairground Street**

Motion authorizing acquisition of Right of Way and Temporary Construction Easement at 392 N Fairground Street from Louie H. and Melba J. Simmons for the purpose of constructing the Fairground Street Improvement Project - Allgood Road to North Marietta Parkway in exchange for \$2,900.00.

\* **20110102      210 N. Fairground Street**

Motion to authorize the acquisition of property owned by Fairground Street Motors, LLC 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.

\* **20110101      568 N. Fairground Street**

Motion to authorize the acquisition of property owned by Tuggle Partners, L.P. 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.

\* **20110103      47 Whitlock Avenue**

Motion to authorize the acquisition of property owned by Inland Group, LLC 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.

\* **20110076      BLW Actions of February 7, 2011**

Review and approval of the February 7, 2011 actions and minutes of the Marietta Board of Lights and Water.

**ADJOURNMENT:**