



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

Wednesday, March 11, 2009

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

The Reverend Craig Harwood, Gracepointe Church

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20090199 Distinguished Service Award - James A. (Micky) Blackwell

Distinguished Service Award presented to James A. (Micky) Blackwell for his dedication and service on the Marietta Redevelopment Corporation.

PROCLAMATIONS:

20090174 Sexual Assault Awareness Month

Proclamation presented to Ms. Holly Comer, CEO and Executive Director for YWCA of NW Georgia, declaring April 2009 as Sexual Assault Month.

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:

- * **20090200 Regular Meeting - February 11, 2009**
Review and approval of the February 11, 2009 regular meeting minutes.
- * **20090201 Special Meeting - February 25, 2009**
Review and approval of the February 25, 2009 special meeting minutes.

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

20090003 Z2009-01 James W. Friedewald, St. Joseph Catholic Church, 589 Campbell Hill St., 555 Sugar Hill Dr., 558 St. Joseph Way, 95 Lacy St., 570 Nancy St., 574 Nancy St. and 543 Sugar Hill Drive

Z2009-01 [REZONING AND SPECIAL LAND USE PERMIT] ST. JOSEPH CATHOLIC CHURCH request rezoning and special land use permit for property located in Land Lot 10860, 16th District, Parcels 0010, 0460, 0370, 0220, 0230, 0240 and 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 589 Campbell Hill Street, 555 Sugar Hill Drive, 558 St. Joseph Way, 95 Lacy Street, 570 Nancy Street, 574 Nancy Street and 543 Sugar Hill Drive from R-4 (Single Family Residential 4 units/acre) and OI (Office Institutional) to R-4 (Single Family Residential 4 units/acre). Ward 4.

This item was tabled from the February 11, 2009 City Council Meeting.

Planning Commission recommends approval as stipulated

Vote: 4 - 0 - 1 Mrs. Sonnenfeld abstaining

Motion: Mr. Kinney made a motion, seconded by Mr. Carter, to recommend approval of the Special Land Use Permit and rezoning with the following stipulation and variances:

Stipulation:

1. Any exterior property changes that include the addition of occupiable space, be submitted back to the Planning Commission and City Council for site plan review.

Variances:

- 1. Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.*
- 2. Variance to reduce the required 75 foot setback to 15 feet for the property at 543 Sugar Hill Drive.*
- 3. Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211.*
- 4. Variance to allow more than 12 parking spaces in a row without a planter island.*

PUBLIC HEARING (all parties are sworn in)

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20090100 Z2009-03 John Hesmer 341 Lawrence Street

Z2009-03 [REZONING] JOHN R. HESMER request rezoning for property located in Land Lot 1216, 16th District, Parcel 26, 2nd Section, Marietta, Cobb County, Georgia and being known as 341 Lawrence Street from R-4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transitional). Ward 5.

20081281 CA2009-01 Proposal to Amend the Comprehensive Development Code

CA2009-01[CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Division 714, paragraph 714.04(F) [General Advertising and Off-Premise Signs] and Division 724.02 [Definitions] of the Zoning Ordinance.

Planning Commission recommends approval w/changes

Vote: 7-0-0

Stipulations-Approved as stipulated in paragraph 12(b) 1 and paragraph 12 (b) 3.

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20090175 HCV Administrative Plan**

Approval of a Resolution approving the attached Addendum to the City of Marietta's HCV Administrative Plan.

2. Finance/Investment: Annette Lewis, Chairperson*** 20090153 Marietta Fire Donation**

Ordinance appropriating \$2000 from Red Train, Inc. for fire safety programs.

*** 20090180 City of Marietta Investment Policies**

Motion to approve changing the City investment policy to allow investing in CDARS.

20090192 Transfer of funds for drafting Historic Guidelines

Motion to authorize and direct that an amount not to exceed Twenty Thousand Dollars (\$20,000) be transferred from the currently existing funds of the Historic Preservation Commission to the Downtown Marietta Development Authority for the benefit of the Historic Board of Review for the sole purpose of drafting the historic guidelines for the downtown Marietta area.

As requested by Mayor Bill Dunaway

As disclosed in the annual disclosure filed pursuant to the City of Marietta's Ethics Ordinance, Councilman Goldstein owns properties directly or indirectly through various entities as well as family members that are within the Marietta Historic District. This item is proposed funding for guidelines for the entire district.

20090240 Termination of Contract

Motion to terminate and cancel contract between the City of Marietta and Georgia State University.

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

* **20090091 Noise ordinance**

Approval to amend Sections 10-06-080 and 10-06-030 of the Noise Ordinance.

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

* **20081440 Kennesaw to Chattahoochee Multiuse Trail**

Motion to approve the following route for a portion of Kennesaw Mountain to Chattahoochee Trail:

Beginning at the end of an existing trail segment at the intersection of Tower Road and Roselane Street;

thence crossing Roselane Street at an existing 2-way stop;

thence southward along the eastern side of Roselane Street;

thence crossing Roselane Street at a new all way stop at Radium Street;

thence southward along the western side of Roselane Street;

thence eastward along the southern side of North Sessions Street;

thence crossing North Sessions Street at a new all way stop at Saint Joseph's way;

thence eastward along the northern side of North Sessions Street

thence crossing North Sessions Street at an existing all way stop at Campbell Hill Street;

thence southward along the western side of Campbell Hill Street;

thence eastward along the southern side of Brumby Street;

thence southward along the property line common to 111 North Marietta Parkway, 297 Church Street, and 289 Church Street;

thence eastward along the property line common to 289 Church Street and 281 Church Street;

thence southward along the western side of Church Street;

thence westward along the northern side of North Marietta Parkway along the previously approved route.

Council member Goldstein opposed.

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20090167 Partial right-of-way acquisitions**

Motion authorizing partial right of way acquisitions and easements of the following properties:

1017 Roswell Street & 9 S. Cobb Parkway from Raymond O.Boyd in exchange for \$488,773, for the purpose of constructing the Roswell Street Improvements project from Victory Drive to Cobb Parkway.

1574 Lower Roswell Road & 1590 Roswell Road from William E. Elder, Jr. and Louise Elder Crapps in exchange for \$20,697, for the purpose of extending a turn lane along Lower Roswell Road to Roswell Road.

1294 & 1300 Roswell St from Donald G. McDougall and Sandra Walls in exchange for \$19,500, for the purpose of constructing sidewalks on Roswell Road

225 & 237 Roswell Street from Lori T. and Robert Donovan in exchange for \$4,700, for the purpose of constructing Roswell Street Streetscapes

20 N. Fairground Street donated by Smart Investments, LLC for the purpose of the Roswell Street Improvements project between Olive Street and Merritt Street.

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

* **20090205 City/BLW Consolidated Pension Plan**

Ordinance revising City Code Section 4-12 regarding the Consolidated Pension Plan as recommended by the City/BLW Pension Board.

* **20090224 Amendment to rezoning stipulations for Lee Jaraysi 555 Commerce Avenue**

Motion to amend stipulations to Z2009-02 (REZONING) LEE JARAYSI -555 Commerce Avenue amending Section 5.1 to allow for a maximum of 45 days from the date of the amendment to remove the existing siding and amending Stipulation 1 in the adopting motion, and Section 3.8 to allow approval to modify the site plan allowing for the entry area on the left side of the building to be added provided it does not intrude into the building setback lines and otherwise conforms to the City's codes and ordinances.

Council members Lewis, Chalfant and Pearlberg opposed

20090218 Property Acquisitions and Easements

Motion authorizing partial right of way acquisitions and easements of the following properties:

324 N. Fairground Street from Joyce R. & W.E. Padgett, III in exchange for \$640 for the purpose of roadway improvements along Fairground Street (N. Marietta Parkway to Allgood Road).

324 S. Fairground Street from Frank S. Holcombe in exchange for \$5,730 for the purpose of roadway improvements along Fairground Street (N. Fairground Street to Allgood Road).

264 Powers Ferry Road from United Food and Gas in exchange for \$460 for the purpose of roadway improvements along Powers Ferry Road at S. Marietta Parkway.

319 Manget Street from MSJ Properties, LLC, as a donation for the purpose of roadway improvements along Manget Street @ Lakewood Drive.

334 Lakewood Drive from Lloyd M. Nelson as a donation for the purpose of roadway improvements along Manget Street @ Lakewood Drive.

319 Stokes Avenue from Billy & Shirley Ramsey as a donation, for the purpose of roadway improvements along Manget Street @ Lakewood Drive.

313 Manget Street and 454 Haley Street from Donnis W. King as a donation for the purpose of road improvements along Manget St at Lakewood Drive

* **20090204 BLW Actions of March 9, 2009**

Review and approval of the March 9, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

Council member Goldstein opposed to BLW agenda item 20090115, Motion for approval of changes to Marietta Board of Lights and Water Policy and Procedure No. 2.2, Deposits.

ADJOURNMENT: