



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, April 15, 2009

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Councilman Van Pearlberg, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20090278 Donate Life Month

Proclamation accepted by Ms. Pamela Locke recognizing April 2009 as National Donate Life Month in the City of Marietta to honor all those who made the decision to give the gift of life, to focus attention on the extreme need for organ, tissue, and eye donation, to encourage all residents to take action and sign up on Georgia's Donor Registry at www.donatelifegeorgia.org to discuss the miracle of transplantation as a family, and to make a family commitment to organ, tissue, and eye donation.

20090313 Coach Hood

Proclamation presented to Coach Hood in honor of his service to Marietta High School and the city of Marietta.

20090314 Sexual Assault Awareness Day

Proclamation presented to Ms. Holly Comer, CEO & Executive Director of the Northwest Georgia YWCA Inc., recognizing April 23, 2009 as Sexual Assault Awareness Day.

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:*** 20090293 Regular Meeting - March 11, 2009**

Review and approval of the March 11, 2009 regular meeting minutes.

MAYOR'S APPOINTMENTS:**20090285 Marietta Housing Authority**

Reappointment of J. Larry Stevens to the Marietta Housing Authority for a term of five (5) years beginning May 29, 2009 and expiring on May 29, 2014.

CITY COUNCIL APPOINTMENTS:**ORDINANCES:****20090101 Z2009-04 Acme American, LLC (Joel Digby) 301 and 311 Old Clay Street**

Z2009-04 [REZONING] Acme American, LLC (Joel A. Digby) request rezoning for property located in Land Lots 02880 and 02890, 17th District, Parcels 0390 and 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 301 and 311 Old Clay Street from OI (Office Institutional) and R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

The Planning Commission recommends to City Council to deny this request, seconded Mr. Gillis.

Motion carried 6 - 0 - 1 to deny with Chairman Dollar abstaining.

PUBLIC HEARING REQUIRED (all parties are sworn in)

As disclosed in the annual disclosure filed pursuant to the City of Marietta's Ethics Ordinance, Councilman Goldstein is a partial owner of and a General Partner for the Herbert S. Goldstein Family Limited Partnership which owns a residential dwelling at 336 Old Clay Street.

20090171 Z2009-05 McWhirter Realty Corp 732 Cherokee Street and 104 Lewis Drive

Z2009-05 [REZONING] MCWHIRTER REALTY CORP. (BARRY MCWHIRTER) request rezoning for property located in Land Lot 1074, 16th District, Parcels 39 and 50, 2nd Section, Marietta, Cobb County, Georgia and being known as 732 Cherokee Street and 104 Lewis Drive from OI (Office Institutional) to OI (Office Institutional) with stipulations. Ward 4.

Planning Commission recommends denial with explanation. Vote: 7 - 0 - 0
Motion: Mr. Kinney made a motion to deny with explanation, seconded by Mr. Diffley.

Explanation: Because information has not been properly submitted and, if it were brought together properly with additional vetting from the neighborhood, it would probably get recommended for approval; however, at this point, we are recommending denial based on everything not being brought together properly.

PUBLIC HEARING REQUIRED (all parties are sworn in)

- * **20090310 Code Enforcement - 108 W. Dixie Avenue**
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 West Dixie Avenue.
Listed Owner: Anderson, Mattie Geneva Irrevoc/Craig, Carol M. as Trustee
Certified mail receipt received 03/21/09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
- * **20090333 Code Enforcement - 131 Lacy 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 131 Lacy Street.
Listed Owner: Roselane Professional Group LL
Certified mail receipt not received as of 04/02/09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

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

- * **20090274 Legacy at Walton Village**
Approval of a Resolution endorsing the application by the Marietta Housing Authority and Walton Communities, LLC to the Georgia Department of Community Affairs for low-income housing tax credits to develop the Legacy at Walton Village Phase II; a senior citizen community at 1570 Roberta Drive, Marietta, Georgia.

2. Finance/Investment: Annette Lewis, Chairperson**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

- * **20090095 Welcome Center Lease**
Motion to approve the State of Georgia's Ground Lease for the Marietta Welcome Center.
- * **20090241 Temporary Polling Place Change - Ward 7A**
Motion authorizing advertisement of a temporary polling place change for Ward 7A for the 2009 Elections.

- * **20090264 Appointment of Assistant Solicitor**
Motion approving the appointment of Janet Newberg as an Assistant Solicitor.

- * **20090268 Agreement for jail arraignments**
Motion to approve an Agreement for services by current Associate Judge, Melinda Taylor, to replace Judge R. Castellanos for the purpose of conducting jail arraignments.

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

- * **20090272 2009 Juneteenth Celebration Festival**
Motion approving street closures and city co-sponsorship for the Juneteenth Celebration conducted by the Cobb Branch of the NAACP on Saturday, June 20, 2009. Further, the NAACP shall be responsible for all trash pick and/or fees for sanitation vehicles.

5. Personnel/Insurance: Van Pearlberg, Chairperson

- 20090226 MRC Board Appointments**
Appointments of Marietta Redevelopment Corporation (MRC) Board Members.
- * **20090348 MRC Board Appointments**
Reappointment of Floyd Northcutt and Brian Strack to the Marietta Redevelopment Corporation Board of Directors for 2-year terms expiring on April 10, 2011.

- 20090273 Cobb County Youth Museum Appointment**
Appointment to the Cobb County Youth Museum.

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

- * **20090254 Lawrence Street**
Motion approving the Lawrence Street project consisting of Option 1 and 4, with additional spot repair and maintenance of specific locations on the south side.
- * **20090277 Request for temporary reserved parking spaces**
Motion to approve the request by Cobb County and the Georgia State Patrol for reserved parking spaces on Dobbs Street for up to a one-year period, with Cobb County paying the cost for installation and removal of signs and/or street markings.
- * **20090256 Fairground Street**
Motion to approve the following for the Fairground Street Power Relocation Project:
1. New wood poles along the east side of Fairground Street.
2. All utilities attached to these new poles shall be underground where they cross Fairground Street.
3. Pedestrian lights of a style similar to the banded acorns on Roswell Street

shall be installed.

4. Intersections at Allgood, North Loop and Roswell Street shall be all underground utilities.

Council member Goldstein opposed.

* **20090322 Partial easements**

Motion authorizing partial temporary easements of the following properties:

675 Tower Road from CDH Enterprises, LLC in exchange for \$12,500 to replace landscaping for the purpose of the Kennesaw Avenue Bridge Replacement project.

697 Kennesaw Ave. & 832 N. St. Mary's Lane from Robert Earl Brown in exchange for \$17,822.40 for the purpose of the Kennesaw Avenue Bridge Replacement project.

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20090173 V2009-04 Total Imaging 1946 Roswell Road

V2009-04 TOTAL IMAGING [Sign Variance] request variances for property located in Land Lot 11340, 16th District, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1946 Roswell Road. Variance to allow replacement of sign panels on a non-conforming sign structure without a valid sign permit. Variance to allow a second detached sign along the same road frontage. Ward 6.

* **20090294 V2009-07 Marietta Housing Authority 300 Victory Drive**

V2009-07 MARIETTA HOUSING AUTHORITY [Landscape Variance] requests a variance for property located in Land Lot 12860, 16th District, Parcel 0850, 2nd Section of Cobb County, Marietta, Georgia and being known as 300 Victory Drive. Variance to reduce the required landscape strip from 10 feet to 0'. Ward 1.

20090295 V2009-08 QuikTrip 495 South Fairground Street and 600 South Marietta Parkway

V2009-08 QUIKTRIP CORPORATION request variances for property located in Land Lot 361, 17th District, Parcels 0300 and 0350, 2nd Section of Cobb County, Marietta, Georgia and being known as 600 South Marietta Parkway and 495 South Fairground Street. Variance to reduce the rear yard setback from 35 feet to 34.49 feet; Variance to increase the maximum front yard setback from 75 feet to 131 feet; Variance to allow a blank, windowless wall facing S. Marietta Parkway; Variance to reduce the minimum building height from 18' to 16'4"; Variance to allow up to five street trees to be located outside of the proposed landscape strip along S. Marietta Parkway; Variance to increase the maximum sign height from 15' to 16'4' for the proposed sign along S. Marietta Parkway; Variance to increase the allowable copy area for the proposed sign along S.

Marietta Parkway from 90 square feet to 94 square feet.; and Variance to increase the allowable copy area for the proposed sign along S. Fairground Street from 50 square feet to 64 square feet. Ward 1.

* **20090332 Application for the GA Municipal Association "Certified City of Ethics Program**

Motion to adopt a "Certified City of Ethics" resolution and authorization for staff to submit the resolution and the City of Marietta Code of Ethics Ordinance to the Georgia Municipal Association for application to their "Certified City of Ethics" program.

20090346 Cobb County Courthouse Landscape License Agreement

Motion approving a Landscape License Agreement between the City of Marietta and Cobb County.

20090347 Cobb County Courthouse Easement and Bridge Agreement

Motion approving an Easement and Bridge Agreement between the City of Marietta and Cobb County.

20090349 Property Acquisitions

Motion authorizing donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following properties:

348 Kennesaw Avenue - with no stipulations

354 Kennesaw Avenue - with stipulation that driveway aprons to maintain shape and position of existing gravel dirve. Existing fence and trees to be protected in place.

359 Kennesaw Avenue - with stipulation that retaining wall at right of way not be distrubed

363 Kennesaw Avenue - with stipulation that granite walls at dirveway to remain intact.

369 Kennesaw Avenue - with stipulation that driveway apron be extended additional 3' north of existing driveway for future widening of driveway.

485 Kennesaw Avenue - with stipulation that existing brick pavers in arpon and sidewalk areas be replaced with similar materials.

539 Kennesaw Avenue - with stipulation that driveway apron be angled at 45 degrees on both sides. Contractor to be aware of sprinkler system adjacent to right of way.

611 Kennesaw Avenue - with no stipulations

621 Kennesaw Avenue - with stipulations that no utilities be constructed within

easement areas. Easement expires no later than Mary 31, 2010.

290 Saint Mary's Lane - with stipulation that driveway apron at southern entrance be increased in width by 5'.

20090350 Property acquisition

Motion to authorize the acquisition of property owned by Bradford and Katherine Turner at 651 St. Anne's Road NW 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.

20090292 BLW Actions of April 6, 2009

Review and approval of the April 6, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

ADJOURNMENT: