



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 11, 2007

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council person Annette Lewis, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20070354 New Fire Recruits

Recognition of new recruits to the Marietta Fire Department.
Ralph A. Brown, II (Rusty)
Christopher P. Duet (Chris)
Frank E. Martinez-Amadeo (Frank)

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:

* 20070320 Regular Meeting - March 15, 2007

Review and approval of the March 15, 2007 regular meeting minutes.

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

20070193 Clean City Commission Appointment - Ward 1

Appointment to the Clean City Commission (Ward 1) for a term of two years, effective March 14, 2007 and expiring March 13, 2009 to fill an expired term.

* **20070398 Planning Commission - Ward 4 Appointment**

Appointment of Donald Gillis to the Planning Commission, Ward 4, to fill the unexpired term of Mike Wilson. The term will become effective immediately and expire on January 14, 2008.

ORDINANCES:

* **20061283 CA2007-13 Proposed amendment to Division 724, Definitions (Four-sided architecture)**

CA2007-13 Review and approval of Division 724, Definitions, Section 724.02 of the Comprehensive Development Code regarding definition of four-sided architecture.

Recommended for Approval by the Planning Commission *Vote: 5 - 1 - 0*

Stipulations: n/a

Public Hearing (all parties are sworn in)

Council members King and Pearlberg voting against.

20061286 CA2007-03 Proposed Amendment to Section 716.08, Surface Parking Standards

CA2007-03 Review and approval of Section 716.08 of the Comprehensive Development Code regarding Surface Parking Standards.

Recommended for denial by the Planning Commission *Vote: 4 - 2 - 0*

Stipulations: n/a

Public Hearing (all parties are sworn in)

* **20070090 CA2007-12 Proposed amendment to Division 712.08, Paragraph G, regarding parking lot landscaping**

CA2007-12 Review and approval of Division 712.08, Paragraph G, of the Comprehensive Development Code regarding parking lot landscaping

Recommended for Approval by the Planning Commission *Vote: 5 - 1 - 0*

Stipulations: n/a

Public Hearing (all parties are sworn in)

* **20070204 CA2007-11 Proposed amendment to Division 712, Section 712.01, Table B and Division 712, Section 712.04 for language regarding Type B Home Occupation**

CA2007-11 Review and approval of Division 712, Section 712.01, Table B and Division 712, Section 712.04 of the Comprehensive Development Code regarding language for Type B Home Occupation

Recommended for Approval by the Planning Commission *Vote: 6 - 0 - 0*

Stipulations: n/a

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**

- * **20070338 HOME Subrecipient Agreement**
Resolution approving the FFY'2007 HOME Program Subrecipient Agreement with the Georgia Urban County Consortium's administrative agent, Cobb County to receive \$418,229.
- * **20070339 CDBG Subrecipient Agreement**
Resolution approving the Subrecipient Agreement for the FFY2007 Community Development Block Grant (CDBG) with Cobb County to receive \$703,772 from the U. S. Department of Housing and Urban Development.

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

- * **20061261 Intergovernmental Agreement**
Motion approving an Intergovernmental Agreement between the Marietta City Schools and the City of Marietta to lease radio frequencies and tower space.
- 20070251 V2007-09 Harold Simpson (Queensboro Square Association, Inc.) 260 Manning Road**
V2007-09 Harold Simpson (Queensboro Square Association, Inc.) request variances for property located in Land Lot 1296, 16th District, Parcel 20, 2nd Section of Cobb County, Marietta, Georgia and being located at 260 Manning Road. Variance to allow a gated community [726.03]; Variance to allow a gate less than the minimum 50 foot setback from the public right-of-way and a variance to allow a gate width less than 30 feet [726.03.A]. Ward 2.
- * **20070276 Hold Harmless Agreement**
Motion to approve a Hold Harmless Agreement by the Marietta Housing Authority for property located at 419 Aviation Road.
- * **20070309 Lyman Homes**
Motion to approve the partial Detailed Plan for Montgomery Park (the Lyman Homes Development) with corrections, subject to the elevation and landscape plans being brought back for council approval.
- * **20070353 302 Montgomery Street**
Motion to approve a Quit Claim Deed for 302 Montgomery Street.
- 20070393 Historic Preservation Ordinance**
Motion to authorize advertising for amendments to the Marietta Historic Preservation Ordinance.
- 20070336 TAD Policies**
Motion to approve submittal of a response to Cobb County's proposed TAD

policies.

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

* **20070230 Sponsorship of Juneteenth**

Motion authorizing city sponsorship of the Juneteenth Event on Saturday, June 16, 2007, in the Marietta Square. Further, to approve temporarily closing East Park Square on Saturday, June 16, 2007 as necessary to conduct the event.

* **20070349 Dog Parks**

Motion to ban Pit Bulls and Rottweilers from dog parks in the City.

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20070310 Amendment of Personnel Rules and Regulations**

Ordinance approving amendments to the Personnel Rules and Regulations contained in Part 4, Subsections 10 and 12 - 22 of the Code of Ordinances for updates to current standards.

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20070342 Marietta Fire Donation**

Approval of an ordinance appropriating a \$1,000 donation from Walmart for public education and safety programs.

7. Public Works Committee: Jim King, Chairperson

* **20060240 Church and Cherokee Street Local Acceptance Resolution**

Resolution approving the Church Street and Cherokee Street Local Acceptance Resolution.

SCHEDULED APPEARANCES:

20070383 Sidewalks on South Woodland

Ms. MaryAnne Elliott and Ms. Susanne Smith wishes to speak concerning sidewalks on South Woodland.

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

* **20070406 Sidewalk Options**

Motion to rescind agenda item 20070106 and approve the use of the Keystone Wall when constructing retaining walls along city sidewalk projects, unless the residents directly affected unanimously want to contribute in advance to the construction of brick or rock walls. Further, the entire wall shall be made of the same type of material and material selection shall be subject to the approval of the public works director.

Council member Walquist voting against.

* **20070407 Request to the Attorney General of Georgia**

Motion to direct the city attorney to request an official opinion from the Attorney

General of Georgia regarding whether or not the opt out provision in the Marietta ordinance constitutes an unconstitutional delegation of authority.

Council members King, Coleman and Pearlberg voting against.

* **20070373 BLW Actions of April 9, 2007**

Review and approval of the April 9, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

ADJOURNMENT: