



# 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*

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Wednesday, October 10, 2007

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Councilman Philip M. Goldstein, Ward 7*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20071163 Swearing In**

Swearing in of Police Officer Amy Valente.

#### **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.

#### **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.

#### **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

**PROCLAMATIONS:****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

**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.

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****20071181**

Councilman Anthony Coleman

Councilman Philip M. Goldstein

**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:****\* 20071082 Regular Meeting - September 11, 2007**

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

**MAYOR'S APPOINTMENTS:****\* 20071065 Appointment of Additional Associate Solicitor's**

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

*Appointment by the Mayor with City Council Consent*

**CITY COUNCIL APPOINTMENTS:****\* 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.

**ORDINANCES:****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.

*Planning Commission recommends approval with stipulations*

*Vote: 7 - 0 - 0*

*Motion: Mr. Parker made a motion to accept rezoning, with requested variance and letter of stipulations, seconded by Mr. Florence.*

*Stipulations: Impervious surface issues be worked out with the city engineers and Public Works Department between now and City Council meeting and include Letter of Stipulations from Melissa Haisten to Rusty Roth dated September 27, 2007.*

*Public Hearing ( all parties are sworn in)*

**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.

*Planning Commission recommends approval with stipulations*

*Vote: 5 - 2 - 0*

*Stipulations:*

- *A mandatory home-owners association shall be created to be responsible for the upkeep and maintenance of all yards and common areas*
- *Four-sided architecture is required*
- *The condominiums shall be for sale only. Minimum floor area of 500 square feet for an efficiency, 650 square feet for 1-bedroom units, 800 square feet for 2-bedroom units, and 1,000 square feet for 3-bedroom units.*
- *Waiver of the guest-parking requirement of 0.2 spaces per unit to 0 spaces per unit. [708.14.B.2.f]*
- *Waiver of the recreation area requirements. [708.14.B.2.i]*
- *Reduction of the minimum tract size from 5 acres to 0.174 acres. [708.14.H]*
- *Reduction of the minimum tract width of 150 feet to 81 feet. [708.14.H]*
- *Increase the maximum impervious surface allowed above the maximum of 60%. [708.14.H]*
- *Reduction of the required minimum open space from 25% to 0%. [708.14.H]*

*Public Hearing (all parties are sworn in)*

*Council member Philip M. Goldstein previously owned the subject property.*

*Council member Goldstein abstains on this matter.*

**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.

*Planning Commission recommends approval with stipulation/s*

*Vote: 7 - 0 - 0*

*Stipulations: Reach agreement with affected neighbors on Oakhurst Drive as far as boundaries between properties by next Wednesday.*

*Public Hearing (all parties are sworn in)*

**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.

**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.

*Planning Commission recommends approval*

*Vote: 7 - 0 - 0*

*Stipulations: n/a*

*Public Hearing (all parties are sworn in)*

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- 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.
- Planning Commission recommends approval*  
*Vote: 7 - 0 - 0*
- Stipulations: n/a*  
*Public Hearing (all parties are sworn in )*
- 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.
- Planning Commission recommends approval*  
*Vote: 7 - 0 - 0*  
*Stipulations: n/a*
- Public Hearing (all parties are sworn in)*
- 20071055 CA2007-24 (A2007-06) [CODE AMENDMENT] City of Marietta 1161 Whitlock Avenue**
- 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.
- Planning Commission recommends approval*  
*Vote: 7 - 0 - 0*
- Stipulations: n/a*
- Public Hearing (all parties are sworn in)*
- \* **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.
- \*Special Note: Chairman Dollar, Planning Commission, requested that the Development Service Director be defined as the Director of the Department of Development Services and that it be used consistently.*

*Planning Commission recommends approval*  
*Vote: 7 - 0 - 0*

*Stipulations: That the job title of Director be consistent.*

*Public Hearing (all parties are sworn in)*

- \* **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.  
*Planning Commission recommends approval*  
*Vote: 6 - 1 - 0*  
*Stipulations: That the job title of Director be consistent*  
*Public Hearing (all parties are sworn in)*
- \* **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
- \* **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
- \* **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  
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\* **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

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\* **20071166 Denial of a claim**

Denial of a claim of Susan B. Hellie.

\* **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

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

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

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

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

\* **20071070 Four-sided Architecture in Planned Developments**

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

*Councilman Jim King 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.

\* **20071098 800 MhZ Agreement with Cobb County**

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

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

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

- \* **20071063 Revisions to Pension Ordinances**  
Motion to approve proposed changes to Pension Ordinances 4022 and 4532.
- \* **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.  
  
*Council member Pearlberg voting against.*
- 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.
- \* **20071084 MRC Vacancy**  
Motion to authorize advertisement of a vacancy on the Marietta Redevelopment Corporation Board to fill an unexpired term.
- \* **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.
- \* **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.

**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Jim King, Chairperson**

- \* **20070455 Downtown Solid Waste Fee Schedule**  
Motion to approve the proposed Fee Schedule for waste removal and recycling in the CBD.
- \* **20071018 Alexander Street Improvement Project**  
Motion to approve the Alexander Street Improvement Project from Washington Avenue to Roswell Road (Option 2), following staff recommendation.
- \* **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.
- \* **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.
- \* **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.

\* **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.

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

**OTHER BUSINESS:**

\* **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.

\* **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.

\* **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.

\* **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.

\* **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.

**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)

**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.

\* **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.

\* **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.

\* **20071190 Purchase of Property**

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

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

Municipal Electric Authority of Georgia (MEAG) and the City of Marietta subscribing to 70 megawatts of the proposed West Georgia Transaction.

\* **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).

**ADJOURNMENT:**