



City of Marietta Meeting Summary

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

Tuesday, September 11, 2007

7:00 PM

Council Chamber

- 20071029 **Introduction of Canine teams**
Officer Reinaldo Figueroa - Canine Barry
Officer Jeff Reed - Canine Blue
Officer Greg Walker - Canine Marco
Presented
- 20070918 **Clean Water Week**
Danny Magwood, Water Department, receives a proclamation declaring October 14-20, 2007 as Clean Water Week.
Presented
- 20070919 **Public Power Week**
Danny Magwood receives a proclamation declaring October 14-20, 2007 as the 20th annual Public Power Week.
Presented
- 20070924 **Fire Prevention Week**
Assistant Chief Mark Anderson, accepts a Proclamation recognizing the week of October 7 - 13, 2007 as Fire Prevention Week.
Presented
- 20070890 **Regular Meeting - August 8, 2007**
Review and approval of the August 8, 2007 regular meeting minutes.
Approved as Amended
Motion to approve with the addition of the disclosure by Council member Goldstein for agenda item 20070953.
- 20070908 **Special Meeting - August 9, 2007**
Review and approval of the August 9, 2007 special meeting minutes.
Approved

20070906 **Historic Preservation Commission**
Re-appointment of Gary Zakar to the Marietta Historic Preservation Commission for a three year term beginning September 15, 2007 and expiring September 14, 2010.

Approved

20071005 **Historic Preservation Commission**
Re-appointment of David Freedman to the Marietta Historic Preservation Commission for a three year term beginning September 15, 2007 and expiring September 14, 2010.

Approved

20070839 **Code Enforcement - 373 Allgood Road**
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 373 Allgood Road.
Certified mail receipt received 08/09/07; signature not legible.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

Approved

20070917 **Code Enforcement - 286 Scott 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 286 Scott Drive.
Certified mail receipt received 05/24/07 unsigned.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

Approved

20070961 **Code Enforcement - 825 Mimosa 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 825 Mimosa Drive.
Certified mail receipt received 08/14/07, unclaimed.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

Approved

20070970

Code Enforcement - 541 Powder Springs 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 541 Powder Springs Street.

Certified mail receipt returned 07/31/07, unsigned.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20070979

Code Enforcement - 65 Griggs 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 65 Griggs Street.

Certified mail receipt received on 08/11/07; signature not legible

Taxes paid: No

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20070988

Code Enforcement - 586 Welch 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 586 Welch Street.

Certified mail receipt not received as of 08/28/07.

Taxes paid: No

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20070587

Z2007-11 REZONING - Lost Mountain Enterprises, Inc. 397 and 401 Roselane; 281, 271, 261, 251 White Street from R-2 (single Family Residential to OI (Office Institutional))

Z2007-11 LOST MOUNTAIN ENTERPRISES, INC. requests rezoning for property located in Land Lots 1003 and 1014, District 16, Parcels 1010, 1200, 0250, 0260, 0270 and 0280 and being known as 397 and 401 Roselane Street and 281, 271, 261 and 251 White Street Street from R-2 (Single Family Residential) to OI (Office Institutional). Ward 4.

Tabled

Motion to table this matter until the next regular City Council meeting, with the applicant being responsible for the advertising costs.

20070850 **Z2007-12 - REZONING - Joel A. Digby 1183 & 1185 Franklin Road and 2120 Kingston Court from LI (Light Industrial) to CRC (Community Retail Commercial)**

Z2007-12 JOEL DIGBY requests rezoning for property located in Land Lot 07260, District 17, Parcels 0070, 0060 and 0110 and being known as 1183 and 1185 Franklin Road and 2120 Kingston Court from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7.

Approved as Stipulated

Motion to approve the rezoning request with the following stipulations:

- 1) Variance to increase the maximum FAR allowed from .50 to .67*
- 2) The exterior elevations shall be brought back for City Council approval prior to any land disturbance permits being issued.*
- 3) Extended stay businesses shall be prohibited on the subject property.*
- 4) The donation of right-of-way shall occur prior to the issuance of any land disturbance permits.*

20070851 **Z2007-13 - REZONING - Jim Eyre 911 Allgood Road and 1040 Cobb Industrial Drive from CRC (Community Retail Commercial) and HI (Heavy Industrial) to LI (Light Industrial)**

Z2007-13 JIM EYRE requests rezoning for property located in Land Lots 09970 and 09980, District 16, a portion of parcel 0020 and a portion of parcel 0070 and being known as 911 Allgood Road and 1040 Cobb Industrial Drive from CRC & HI (Community Retail Commercial) and (Heavy Industrial) to LI (Light Industrial). Ward 5.

Approved as Stipulated

Motion to approve the rezoning request with the following stipulations:

- 1) Three staggered rows of 7-gallon pines shall be planted along the eastern boundary of the subject property up to the end of the Georgia Power easement.*
- 2) The deed restriction on the CRC parcel shall be subject to the approval of the City Attorney.*
- 3) Further, there shall be a 2 to 1 ratio compensatory cut back.*

20070911 **Z2007-14- REZONING- City of Marietta 1809, 1739 and 1355 Canton Road and all associated right-of-way for each address from GC, PSC and LI to CRC, PCD and LI**

Z2007-14 CITY OF MARIETTA request rezoning for property located in Land Lot 07810, Parcel 0080 (1809 Canton Road), Land Lot 08040, Parcel 0160 (1739 Canton Road) and Land Lot 08740, Parcel 0320 (1355 Canton Road) and all associated right-of-way for each address from GC [General Commercial (County)], PSC [Planned Shopping Center (County)] and LI [Light Industrial (County)] to CRC [Community Retail Commercial (City)], PCD [Planned Commercial Development (City)] and LI [Light Industrial (City)]. Ward 6.

Approved as Stipulated

1) The following businesses shall be excluded:

- * No adult entertainment or adult bookstores*
- * No title pawnshops*
- * No pawnshops*

* *No check cashing establishments (this does not include banks or credit unions)*

2) *The language from the ordinance contained in the City Council minute books is incorporated herein by reference.*

20070912 **A2007-04 - ANNEXATION - City of Marietta 1809, 1739 and 1355 Canton Road and all associated right of way for each address**
A2007-04 CITY OF MARIETTA requests annexation for property located in Land Lot 07810, Parcel 0080 (1809 Canton Road), Land Lot 08040, Parcel 0160 (1739 Canton Road) and Land Lot 08740, Parcel 0320 (1355 Canton Road) and all associated right-of-way for each address, all of the 16th District, 2nd Section, Cobb County, Georgia consisting of 4.595 acres. Ward 6.
Approved

20070914 **CA2007-20 - FUTURE LAND USE -City of Marietta 1809, 1739 and 1355 Canton Road and all associated right of way for each address**
CA2007-20 CITY OF MARIETTA in conjunction with the requested annexation of property located in Land Lot 07810, Parcel 0080 (1809 Canton Road), Land Lot 08040, Parcel 0160 (1739 Canton Road) and Land Lot 08740, Parcel 0320 (1355 Canton Road) and all associated right-of-way for each address, 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.
Approved

20070789 **CA2007-19 Amending the Comprehensive Development Code Section 726 regarding Title, Purpose & Jurisdiction**
CA2007-19 Amending the Comprehensive Development Code of the City of Marietta, Section 726 Title, Purpose and Jurisdiction regarding public hearing requirements for Gated Communities
Approved

20071027 **Denial of a Claim**
Denial of a claim by Betty Smith.
Approved to Deny Claim

20070969 **Tax-Exempt Bond Reimbursements**
Resolution declaring intention to issue tax-exempt bonds to reimburse the city with the proceeds of such bonds for capital and other expenditures made in connection with CCSR redevelopment projects.
Discussed

20070808 **Redevelopment Equity Reserve Fund**

Motion to approve the MRC FY2008 work program for the revolving equity reserve fund, as amended.

Approved

20070909 **Hickory Hills Purchase**

An Ordinance approving an amendment to the Fiscal Year 2008 General Fund budget to make a payment for \$100,000 for the purchase Hickory Hills Park. Park.

Approved

20070910 **Moore & Cubbedge Letter of Engagement**

Motion to authorize execution of a Letter of Engagement with Moore & Cubbedge to conduct the financial audit for FY07

Approved

20070907 **Georgia DCA Grant for Confederate Cemetery**

Motion to approve the acceptance of a \$75,000 Georgia Department of Community Affairs Local Assistance Grant to repair and upgrade the Marietta Historic Confederate Cemetery, along with the associated budget amendment.

Approved

20070946 **Weed and Seed Grant**

An Ordinance approving an amendment to the Fiscal Year 2008 Budget to receive and appropriate grant funding from the Department of Justice and CDBG for the Weed and Seed Program for Franklin Road.

Approved

20070813 **Parking lot tent sales**

Motion to authorize advertisement to amend the Comprehensive Development Code of the City of Marietta, Division 708.15 (C), Division 708.16 (C) and Division 708.17 (C), regarding Temporary/Conditional Uses Allowed by the Director.

Approved

20070814 **Donation boxes**

Motion to authorize advertisement 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.

Approved

- 20070942 **Detailed Plan for Peachtree Business Products**
Motion approving the Detailed Plan for Peachtree Business Products located at 1940 West Oak Circle.
Approved
- 20070337 **Island Annexations**
Motion to authorize advertisement to annex several islands in the city limits of Marietta which have business licenses and homestead exemptions (1161 Whitlock Avenue and all associated right-of-way and 761 Powder Springs Street).
Approved
- 20070972 **Amendments to Intergovernmental Agreements**
Motion to approve Intergovernmental Agreements between City of Marietta and Marietta Board of Education and City of Marietta and Cobb County for Marietta Tax Allocation Districts.
Approved
- 20070953 **U-Verse**
Motion to approve the proposed agreement between AT&T and the City of Marietta to offer U-verse Video Service.
Approved
Council member Goldstein disclosed that he, as well as various members of his family own stock in AT&T.
Motion to approve the proposed agreement between AT&T and the City of Marietta to offer U-verse Video Service. AT&T shall be required to obtain any permits required by the Public Works Department.
- 20071016 **City Council Retreat**
Motion to schedule the City Council Retreat on February 1-3, 2008.
Approved
- 20070888 **Precinct Boundary Changes - Ward 3 & 4**
Motion to authorize advertisement of proposed changes in the precinct polling places for municipal elections to coincide with changes approved by Cobb County Board for State and County elections.
Approved
- 20070726 **Root House Museum Ground Lease Agreement**
Motion to approve the requested modifications to the Root House Museum Ground

Lease Agreement.

Approved

20070947

Clarke Library Lease

Motion to direct the City Attorney to send any and all legal notices to the tenant and any sub-tenants (any sub-tenants are not recognized by virtue of this motion) regarding the city owned property located at 156 Church Street, Marietta, Georgia. This motion shall include the authority to file any appropriate legal action, including appeals thereof, in order to carry out the Notice to Vacate given to the tenant and/or sub-tenants located in the above premises. The notice specified herein shall require the tenant and any sub-tenants to vacate the property 30 days after receipt of the notice, which shall be based upon the city accepting a written lease from a replacement tenant.

Approved

Deventer North America, Inc., is a tenant of Philip M. Goldstein at 39 Winter Street/48 Atlanta Street. It is believed that Mr. Godwin's wife is the owner of that corporation and that Mr. Godwin is an officer of the corporation.

Motion to approve this matter with the following additional sentence:

Provided however, that the rent paid by the tenant to the City shall be adjusted and paid pursuant to any notice which may be given in writing by the City Manager to the tenant and the new rent set forth therein shall commence 15 days thereafter or in the alternative the lease shall be terminated entirely 15 days thereafter.

20070932

Cobb Family Fun Festival Request to prohibit alcohol sales

Motion to approve the request by Cobb County Government to temporarily suspend ordinance 10-4-070 (F); this will prohibit the sale and consumption of alcohol adjacent to Glover Park during Cobb Family Fun Day on October 13, 2007.

Approved

20070934

Street Closure Request for Marietta Reads Community Event

Motion authorizing the closure of part, or all, of East Park Square as necessary to conduct the Marietta Reads community event from 7:30 a.m. to 4:00 p.m., on Saturday, September 29, 20

Approved

20070936

Health Care Program

Motion to approve the renewal of group health plan administration with Blue Cross/Blue Shield of Georgia, Inc and to approve contribution rate structures for calendar year 2008. Also, requesting authority to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc. after review and approval by the City Attorney. The addition of 40 Chiropractic Care visits would be for one year and will be revisited next year to review the costs.

Approved

Motion to approve with the following amendment:

-The last sentence should read, "The addition of Chiropractic Care visits shall be for one year and shall be revisited next year to review the costs and to determine whether to continue coverage.

20070913

Purchase of software

An Ordinance approving an amendment to the Fiscal Year 2008 Budget to purchase False Alarm software.

Approved

20070750

No Parking Signs

Motion to approve no parking on both sides of Sugar Hill Drive on Sundays from 8:00 a.m. to 1:00 p.m.

Approved

20070700

1994 SPLOST Budget

Motion authorizing submittal of the revised 1994 SPLOST Inter-Local Agreement Amendment #8 to Cobb County.

Approved

20070455

Downtown Solid Waste Fee Schedule

Motion to approve the proposed Fee Schedule for waste removal and recycling in the CBD.

Referred to the PUBLIC WORKS COMMITTEE

Motion to refer this matter to the Public Works Committee for further discussion. Staff is directed to speak with the parties involved for comments and suggestions.

20070952

Underground Utilities Relocation

Motion to approve the Public Works Department recommendations regarding the SPLOST Project Underground Utilities relocation, with the exception of S1 (Franklin Road).

Approved

20070915

HO2007-02 Monique Steele 332 Frasier Street

HO 2007-02 Motion to approve home occupation for Monique Steele, Land Lot 12880, 16th District, Parcel 0280, 2nd Section of Cobb County, Marietta, Georgia and being known as 332 Frasier Street. Request to establish a home occupation for haircare services [712.04]. Ward 1.

Denied

20071030

Montgomery Park Detailed Plan

Motion to approve the Revised Detailed Plan for Montgomery Park originally approved on April 11, 2007, with renumbered lots.

Approved

- 20070916 **V2007-32 Keeler Woods Joint Venture - John J. Elliott, Jr. 360 Manning Road**
- V2007-32 KEELER WOODS JOINT VENTURE - JOHN J. ELLIOTT, JR. request variance for property located in Land Lots 36 and 37, District 19, Parcel 10 and being known as 360 Manning Road. Variance to install a security gate at entrance of proposed subdivision. Ward 2.

Approved

- 20071033 **1994 TIP Funds**
- An Ordinance approving an amendment to the Fiscal Year 2008 Budget to appropriate remaining 1994 Transportation Improvement Program (TIP) funds.

Approved

- 20071020 **BLW Actions of September 10, 2007**
- Review and approval of the September 10, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

Approved