

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1964**

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GEORGIA 1964**

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Sequential Number: 203

Short Title: CITY OF MARIETTA -- CHARTER AMENDED.

Law Number: No. 860

Origin: (Senate Bill No. 339).

Full Title: An Act to amend an Act providing a new charter for the City of Marietta, approved August 15, 1904 (Ga. L. 1904, p. 519), as amended, particularly by an Act approved February 4, 1949 (Ga. L. 1949, p. 238), an Act approved March 13, 1957 (Ga. L. 1957, p. 3102), an Act approved March 2, 1959 (Ga. L. 1959, p. 2111), and an Act approved April 4, 1963 (Ga. L. 1963, p. 2947), so as to change the corporate limits of said city; to provide for increased benefits for certain persons under certain conditions; to authorize the use of voting machines; to provide for the powers, duties, and responsibilities of the city manager of the City of Marietta; to authorize the mayor and council to prescribe rules and regulations, fix qualifying fees, and otherwise provide for the holding of general elections; to provide for the salary of the mayor; to change the jurisdiction of the mayor's court; to provide for the powers and duties of the committees of the council of the City of Marietta; to authorize the mayor to appoint a freeholder of the City of Marietta to preside over said court; to prescribe the authority of the Civil Service Board; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act providing a new charter for the City of Marietta, approved August 15, 1904 (Ga. L. 1904, p. 519), as amended, particularly by an Act approved February 4, 1949 (Ga. L. 1949, p. 238), an Act approved March 13, 1957 (Ga. L. 1957, p. 3102), an Act approved March 2, 1959 (Ga. L. 1959, p. 2111), and an Act approved April 4, 1963 (Ga. L. 1963, p. 2947), is hereby amended by extending the corporate limits of the City of Marietta to embrace the territory and inhabitants of the following described tracts:

Tract 1. All that tract or parcel of land lying and being in land lots 1011 and 1012 of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

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Beginning at a point where the south boundary of land lot 1012 intersects the westerly right-of-way line of Kennesaw Avenue; said beginning point is also the present city limit line of Marietta,

Georgia; running thence northwesterly along the westerly right-of-way line of Kennesaw Avenue for a distance of 547 feet to a point; running thence north 89 degrees 50 minutes west for a distance of 246 feet to a point; running thence south 18 degrees 41 minutes east for a distance of 160.4 feet to a point; running thence north 89 degrees 50 minutes west for a distance of 1450 feet to a point on the west lot line of land lot 1011; running thence north 2 degrees 03 minutes east along the west lot line of land lot 1011 for a distance of 375 feet to a point; running thence north 90 degrees east for a distance of 652 feet to a point; running thence north 0 degrees east for a distance of 25 feet to a point; running thence north 90 degrees east for a distance of approximately 849 feet to the westerly right-of-way of Kennesaw Avenue; thence continuing east in a straight line for a distance of five feet into said Kennesaw Avenue; running thence southeasterly five feet east of and parallel to the westerly right-of-way line of Kennesaw Avenue to the south land lot line of land lot 1012 and the present city limit line of Marietta; running thence westerly along said south lot line of land lot 1012 and present city limit line to the westerly right-of-way line of Kennesaw Avenue and the point of beginning.
[Sidenote: Corporate limits.]

Tract 2. All that tract or parcel of land lying and being in land lot 1239 of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point on the south right-of-way line of Roswell Road; said right-of-way line is also present city limit line of Marietta, Georgia; said beginning point is 460 feet west of the intersection of the south right-of-way line of Roswell Road and the southwestly right-of-way line of Powers Ferry Road; running thence south 0 degrees 16 minutes east along the present city limit line for a distance of 150 feet to a point; thence south 89 degrees 19 minutes west for a distance of 115 feet to a point; thence north 0 degrees 16 minutes west for a distance of 150 feet to the

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south right-of-way line of Roswell Road and the present city limit line; thence north 89 degrees 19 minutes east along the south right-of-way line of Roswell Road and the present city limit line for a distance of 115 feet to the point of beginning.

Tract 3. All that tract or parcel of land lying and being in land lot 1153 of the 16th District, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point on the west right-of-way line of Mountain View Road; said right-of-way is also present city limit line of Marietta, Georgia; said beginning point is 334 feet south of the intersection of the west right-of-way line of Mountain View Road and the north boundary of land lot 1153; running thence south 89 degrees west along the present city limit line for a distance of 175 feet to a point; thence south 1 degree east for a distance of 100 feet to a point; thence north 89 degrees east for a distance of 175 feet to a point on the west right-of-way line of Mountain View Road; said right-of-way is also present city limit line of the City of Marietta, Georgia; running thence north along the west right-of-way line of Mountain View Road and present city limit line for a distance of 100 feet to the point of beginning.

Tract 4. All that tract or parcel of land lying and being in land lots 507, 574, 501, 508, 573, 509, and 572 of the 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the northwest corner of land lot 501; and beginning point is on the present city limit line of Marietta, Georgia; running thence in an easterly direction along the north boundary line of land lots 501 and 508 for a distance of 2425.4 feet to a point; running thence north 65 degrees 07 minutes along the present city limit line of Marietta, Georgia, for a distance of 77.8 feet to a point on the southeast side of a 30-foot road; thence north 50 degrees 54 minutes east along the south side of said road for a distance

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of approximately 45 feet to a point; thence north 69 degrees 43 minutes east along the south side of said 30-foot road for a distance of 191 feet to a point; running thence south 37 degrees 36 minutes east 180.1 feet to a point on the south land lot line of land lot 574; thence south 88 degrees 24 minutes west along said land lot line a distance of 162 feet to the northeast corner of land lot 508; running thence south 0 degrees 48 minutes west along the eastern boundary of land lot 508 for a distance of 384.8 feet to a point; running thence north 89 degrees 51 minutes east 337.9 feet to a point; thence south 23 degrees 26 minutes east 323.1 feet to a point; thence south 24 degrees 53 minutes east for a distance of 657.1 feet to a point on the north boundary line of land lot 572; running thence 89 degrees 41 minutes east for a distance of 389.9 feet to a point on the western right-of-way of the U.S. 41 four-lane highway; thence south 24 degrees 32 minutes east along the western right-of-way of the U.S. 41 four-lane highway for a distance of 482.3 feet to a point on the eastern boundary line of land lot 572; thence south 1 degree 44 minutes east for a distance of 298.8 feet to a point on the north line of the property of the United States of America; thence north 88 degrees 16 minutes west along the north property line of the United States Government property for a distance of 849.8 feet to a point; running thence north 89 degrees 46 minutes west along the north line of said property for a distance of 1771.7 feet to a point on the west boundary of land lot 509; thence north 2 degrees 21 minutes west along the west boundary of land lot 509 for a distance of 674.9 feet to the northwest corner of said land lot 509; thence south 88 degrees 35 minutes west along the south line of land lot 501 a distance of 372 feet to a point; thence north 8 degrees 41 minutes west a distance of 436.1 feet to a point; thence south 87 degrees 45 minutes west a distance of 593.8 feet to a point; thence south 3 degrees east for a distance of 46.3 feet to a point; thence south 79 degrees 14 minutes west for a distance of 332.4 feet to a point on the west boundary of land lot 501; thence north 0 degrees 43 minutes east along the western boundary of land lot 501 to the northwest corner of land lot 501 and the point of beginning.

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Tract 5. All that tract or parcel of land lying and being in land lots 77, 78, and 79 of the 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the southeast corner of land lot 78, running thence east along the southern boundary of land lot 139 for a distance of 355 feet; running thence northerly for a distance of 12 feet; running thence west 12 feet north of and parallel to the south boundary of land lot 139 for a distance of approximately 358 feet; thence northwesterly to the city limit line of Marietta, Georgia; said city limit line is 300 feet south of and parallel to Powder Springs Road; running southwesterly along the present city limit line for a distance of approximately 472 feet; running thence south 1 degree 18 minutes east to the south land lot line of land lot 79; thence north 88 degrees 40 minutes east along the south land lot line of land lot 79 for a distance of 911 feet to the southeast corner of land lot 79; running north 1 degree 20 minutes west for a distance of 1264 feet to the southeast corner of land lot 78 and the point of beginning.

The above-described property is shown more clearly on a plat made by J. P. Phillips, surveyor, dated May 24, 1951, and recorded in plat book 9, page 119, of the Cobb County, Georgia, records.

Tract 6. All that tract or parcel of land lying and being in land lot 1071 of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point on the western right-of-way line of the U. S. 41 four-lane highway; said beginning point is 672 feet north of the center line of Allgood Road, as measured along the western right-of-way line of the U. S. 41 four-lane highway; thence forming an interior angle of 90 degrees with the western right-of-way line of the U. S. 41 four-lane highway, and running southwesterly for a distance of 315 feet to a point on the present city limit line of Marietta, Georgia; thence forming an interior angle of 90 degrees with the previous course and running along the

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present city limit line in a southeasterly direction for a distance of 175 feet to a point and corner; thence forming an interior angle of 90 degrees with the previous course and running in a northeasterly direction to a point on the present city limit line; thence running northeasterly along the present city limit line to a point on the western right-of-way line of the U. S. 41 four-lane highway; thence running northwesterly along the western right-of-way line of the U. S. 41 four-lane highway to a point 672 feet north of the center line of Allgood Road as measured along the western right-of-way line of the U. S. 41 four-lane highway; said point is point of beginning.

The above-described property is all that property belonging to W. B. Smith, located in land lot 1071, 16th district, 2nd section, Cobb County, Georgia, which is not presently inside the corporate limits of the City of Marietta.

Section 2. Said Act is further amended by inserting a new sentence at the end of section 1F to read as follows: `Any participating employee retiring on or prior to December 31, 1965, shall be entitled to receive any increase in retirement or disability benefits that may be enacted into law prior to December 31, 1965.'

[Sidenote: Pensions.]

Section 3. Said Act is further amended by inserting between section 18 and section 19 a new section 18A to read as follows:

"Section 18A. The mayor and council of the City of Marietta, Georgia, are hereby authorized to use voting machines in any general or special election of the City of Marietta, Georgia; and if the mayor and council elect to use voting machines in said future elections, the elections shall be held upon such conditions as may be prescribed by the mayor and council, not in conflict with the provisions of the charter of the City of Marietta, Georgia, or the laws of this State. Be it further enacted that the mayor and council of the City of Marietta may prescribe rules and regulations, fix qualifying fees, and otherwise provide for the holding of general elections for the elected officials of the City of Marietta, Georgia."

[Sidenote: Voting machines.]

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Section 4. Said Act is further amended by striking section 19 in its entirety and inserting in lieu thereof a new section 19 to read as follows:

"Section 19. The mayor and council, at their first meeting after said election or as soon thereafter as is practicable, shall proceed to appoint or elect a treasurer (who shall not be a councilman), a clerk of council, a city attorney, and a city manager.

"The city manager shall have and exercise all powers and duties assigned to him by statute and such other authority as may be granted by the mayor and council. Said city manager shall be charged with the enforcement of all laws and ordinances within the municipality and shall have the power to hire and discharge the members of the various departments of the city, except those who now or hereafter may be protected by Civil Service. He shall have the power to determine the nature of services, powers, rights, limitations and conditions of employment of said employees, the power to negotiate and administer contracts within the budget approved by the mayor and council, to make all purchases of supplies, material, equipment in the manner prescribed by law and within the budget as approved by council and shall cause to be prepared each year the annual appropriation ordinance in time for consideration and enactment by the council during the fourth quarter of the prior fiscal year. He shall keep current accounts of the amounts appropriated and the amounts spent out of each appropriation, showing the unexpended appropriations at all times. The city manager shall keep a current inventory of all land and personal property of the city and its location. He shall be responsible for the care and custody of all such property including equipment, building, parks, and all other city property. He shall cause to be kept a complete set of maps and plats showing the location of all city utilities, municipal property, and all street and other public places and all lots or parcels of land subdivided according to law. Neither the mayor nor the council nor any of its members shall direct the appointment of any person to or his removal from office by the city manager or any of his subordinates. The city manager shall perform all of

such other functions as may be directed by the mayor and council. The compensation to be paid to the city manager shall be determined and fixed by the mayor and council.

[Sidenote: City manager.]

"The city council of the City of Marietta and all committees appointed by the mayor and council consisting of councilmen or councilmen and the mayor shall have the power to conduct hearings on any matters falling within the jurisdiction of said city council or any of the committees thereof including the power to subpoena witnesses and the power of subpoena duces tecum upon reasonable notice of the time and place of hearing as council may by rules and regulations prescribe.

[Sidenote: Committees.]

"The members of the board of lights and water works of the City of Marietta, including the mayor and any member of the council who serve on this board, shall each receive six hundred (\$600.00) dollars annually, payable in monthly installments of fifty (\$50.00) dollars."

[Sidenote: Board of lights and waterworks.]

Section 5. Said Act is further amended by striking section 25 in its entirety and inserting in lieu thereof a new section 25 to read as follows:

"Section 25. The mayor shall be the chief executive officer of said city, and he shall have general supervision over all its affairs. He shall sign all deeds and contracts, preside at all meetings of the council, and cast the deciding vote in case of a tie vote. It shall be his duty to see that the laws of the State and ordinances of the city are faithfully executed within the corporate limits; to see that each officer of said city discharges his duty, and to cause any officer and employee to be prosecuted for neglect, or violation of duty, or immoral conduct. He shall keep the council advised from time to time of the general condition of the city, and shall recommend measures as he may deem necessary or expedient for the welfare thereof. He shall call the council together when so requested by a majority of the council or when it seems to him to be important to the welfare of the city. Effective April 1, 1964, the mayor shall be paid a salary of three hundred (\$300.00) dollars monthly in monthly installments of \$300.00, plus travel

expenses and official business expenditures for and in behalf of the city. He shall preside, or appoint a freeholder of the City of Marietta to preside as otherwise provided in this charter, as amended, over the mayor's court for the trial of offenders against the ordinances of the City of Marietta and violations of the laws of said State within the corporate limits of said city. He shall have full power and authority to impose such fines not exceeding three hundred (\$300.00) dollars including costs for the violation of any ordinance of said city, as shall seem to him reasonable and just, or he may require such violator to work on the streets or public works of said city, or be confined to the calaboose of said city, for such time as will be just punishment for the offense, but not in any single instance to exceed sixty (60) days."

[Sidenote: Mayor.]

[Sidenote: Mayor's court.]

Section 6. Said Act is further amended by striking section 27 in its entirety and inserting in lieu thereof a new section 27 to read as follows:

"Section 27. The Civil Service Board shall, within ninety (90) days from their appointment, adopt and have printed such rules and regulations for the government of the fire and police departments, in accordance with the provisions of this Act, as may seem necessary. Said board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, heights, and other physical requirements of all applicants. All such rules, regulations and qualifications shall be subject to approval by the mayor and council of the City of Marietta and shall only be effective on and after the date of such approval.

[Sidenote: Civil service board.]

"The power of the Civil Service Board is hereby limited to the power expressly conferred by the charter of the City of Marietta, as amended, and said board nor any of its members have any power or authority to give instructions to any member of any department under its jurisdiction with reference to the performance of their duties, and the authority of said board is hereby restricted to the appointment, removal and suspension of the employees of said department except that the rules, regulations and qualifications

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recommended by the board may be approved by the mayor and council of the City of Marietta and be effective from the date of such approval."

Section 7. All laws and parts of laws in conflict with this Act are hereby repealed.

See Enrolled Act for affidavit and advertisement.

Approval Date: Approved March 10, 1964.