

REGULAR MEETING  
MAYOR & COUNCIL

Saturday, 9 A. M.

January 11, 1969

PRESENT: L. H. Atherton, Jr., Mayor

City Attorney Arthur L. Crowe, Jr.,

COUNCILMEN

City Manager Walter J. Brown

Wm. K. Peek  
Morgan Thomas  
Jas. R. Hunter  
Dana Eastham  
Frank T. Ayers  
Thos. W. Holland

Director of Public Works Don White

City Clerk Alice W. Heck

ABSENT: C. D. Strait

Upon motion of Councilman Dana Eastham, seconded by Councilman Jas. R. Hunter, it was moved and carried to approve the Minutes of December 14, 1968, Regular Meeting, as published.

Mr. Robert E. Flournoy, Attorney-at-Law, representing Squires Restaurant that have made application for a Business License for pouring only to sell wine with meals to their patrons, come before the Council in their behalf. After much discussion and the 1935 State of Georgia Code on Domestic Wine law was read it was brought out the City does not have a law controlling wine. The following motion was made setting-up a License Category for Wines:

Upon motion of Councilman Morgan Thomas, seconded by Councilman Jas. R. Hunter, it was moved and carried that the following fees be adopted. VOTE - "Unanimous"

-	1. Wine Wholesaler to Licensed Merchants	\$100.00
	2. Wine Package, Retail	\$100.00
	3. Wine, Pouring	\$200.00
	4. Wine, Pouring and package	\$300.00

Upon motion of Councilman Dana Eastham, seconded by Councilman Wm. K. Peek, it was moved and carried that the City Attorney draw an ordinance setting up the regulations to govern the handling and sale of wine.

Upon motion of Councilman Frank T. Ayers, seconded by Councilman Thos. W. Holland, it was moved and carried to grant the application for zoning to R-1 Residential property of WILLIE BATES, same having been annexed into the City Limits and being unzoned property. The stated classification having been recommended by the Municipal Planning Board. The following ordinance was introduced and adopted.

ORDINANCE NO. 1898

ZONE

AMENDING ZONING DISTRICTS,  
MAPS, RULES AND REGULATIONS

WHEREAS, an application by the above named applicant to zone property from unzoned to R-1 Residential, the following described property; and

WHEREAS, the said application was duly considered and approved by the Municipal Planning Board with recommendation to the Mayor and Council that said property be zoned R-1 Residential; and

WHEREAS, the City of Marietta has duly advertised and given notice of such application with a public hearing thereon as required by ordinance and law applicable thereto, and there being no objections thereof.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Marietta, and it is hereby ordained by authority of same that the said property which is more particularly described as follows, be zoned R-1 RESIDENTIAL.

ALL that tract or parcel of land lying and being in Land Lot 69, 17th District, 2nd Section, Cobb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin located on the Southerly side of Chestnut Hill Road, 1857.7 feet Westerly, as measured along the Southerly side of Chestnut Hill Road, from the intersection of the Southerly side of Chestnut Hill Road with the Westerly side of Hickory Drive, and running thence Westerly Along the Southerly side of Chestnut Hill Road for a distance of 188 feet to an iron pin and corner; thence running Southerly, and forming an interior angle of 88 degrees 52 minutes, for a distance of 185 feet to an iron pin and corner; thence running Easterly, and forming an interior angle of 97 degrees, for a distance of 120 feet to an iron pin and corner;

BE IT FURTHER ordained by the authority aforesaid that all Ordinances, Resolutions, and laws in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED, that if any part or portion of this ordinance be declared invalid, unlawful, or unconstitutional by any Court, such declaration or ruling shall not affect the remainder hereof, as it is the express purpose of this ordinance to enact the remainder.

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Upon motion of Councilman Jas. R. Hunter, seconded by Councilman Thos. W. Holland, it was moved and carried to grant the application for zoning to INSTITUTIONAL property of A. D. LITTLE, same having been annexed into the City Limits and being unzoned property. The stated classification having been recommended by the Municipal Planning Board. The following ordinance was introduced and adopted.

WHEREAS, an application by the above named applicant to zone property from unzoned to INSTITUTIONAL, the following described property; and

WHEREAS, the said application was duly considered and approved by the Municipal Planning Board with recommendation to the Mayor and Council that said property be zoned INSTITUTIONAL; and

WHEREAS, the City of Marietta has duly advertised and given notice of such application with a public hearing thereon as required by ordinance and law applicable thereto, and there being no objections thereo.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Marietta, and it is hereby ordained by authority of same that the said property which is more particularly described as follows, be zoned INSTITUTIONAL:

ALL that tract or parcel of land lying and being in Land Lot 1075, 16th, District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a point which point is located as follows:

Begin at a point located where the north right of way line of Lacy Street intersects the west right of way line of Campbell Hill Street; proceed thence northerly along the westerly right or way line of Campbell Hill Street 655 feet to a point; said point also being the Northeast corner of the property owned by Annandale; proceed thence west along the North line of property owned by Annandale a distance of 280 feet to a point, which is the point of beginning of the tract herein described, said beginning point also being located on the present city limit line of Marietta, Georgia; proceed thence west a distance of 103 feet to a point located on the present city limit line of Marietta, Georgia; proceed thence north along said city limit line a distance of 100 feet to a point; proceed thence east a distance of 103 feet to a point, which is located 280.5 feet, as measured along the same course from a point which is located on the west right of way line of Campbell Hill Street, said point also being located on the present city limit line of Marietta, Georgia; proceed thence south along said present city limit line of Marietta, Georgia a distance of 100 feet to the point of beginning.

BE IT FURTHER ORDAINED by the authority aforesaid that all Ordinances, Resolutions, and laws in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED, that if any part or portion of this ordinance be declared invalid, unlawful or unconstitutional by any Court, such declaration or ruling shall not affect the remainder hereof, as it is the express purpose of this ordinance to enact the remainder.

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Upon motion of Councilman Thos. W. Holland, seconded by Councilman Wm. K. Peek, it was moved and carried to grant the application for zoning to HEAVY INDUSTRY property of WARD WELL DRILLING CO., INC., same having been annexed into the City Limits and being unzoned property. The stated classification having been recommended by the Municipal Planning Board. The following ordinance was introduced and adopted.

## ORDINANCE NO. 1900

## ZONE

AMENDING ZONING DISTRICTS, MAPS,  
RULES AND REGULATIONS.

WHEREAS, an application by the above named applicant to zone property from unzoned to HEAVY INDUSTRY, the following described property; and

WHEREAS, the said application was duly considered and approved by the Municipal Planning Board with recommendation to the Mayor and Council that said property be zoned HEAVY INDUSTRY; and

WHEREAS, the City of Marietta has duly advertised and given notice of such application with a public hearing thereon as required by ordinance and law applicable thereto, and there being no objections thereof.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Marietta, and it is hereby ordained by authority of same that the said property which is more particularly described as follows, be zoned HEAVY INDUSTRY.

ALL that tract or parcel of land lying and being in Land Lot 1017 of the 16th District, 2nd Section, Cobb County, Georgia, as shown on plat of survey by Robert T. Weaver, Surveyor, dated August 12, 1958, and being more particularly described as follows:

BEGINNING at an iron pin at the intersection of the northeasterly side of U. S. Highway 41 (Four-Lane Highway) with the northwesterly side of a road running through property of the Cobb-Marietta Industrial Development Corporation, which point is 750 feet southeasterly as measured along the northeasterly side of said highway from the point where the northeasterly side of said highway crosses the north line of said Lot 1017; running thence northeasterly along the northwesterly side of said road and following the curvature thereof a distance of 345 feet to an iron pin, point and corner; thence north 56°52 minutes west a distance of 211.8 feet to an iron pin, point and corner; thence south 35°12 minutes west a distance of 305 feet to an iron pin, point and corner on the northeasterly side of said highway (said point being 600 feet southeasterly as measured along the northeasterly side of said highway from its intersection with the north line of said Land Lot 1017, thence south 44°59 minutes east along the northeasterly side of said highway a distance of 150 feet to the iron pin on the northwesterly side of said road and the point of beginning.

BE IT FURTHER ORDAINED by the authority aforesaid that all Ordinances, Resolutions, and laws in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED, that if any part or portion of this ordinance be declared invalid, unlawful, or unconstitutional by any Court, such declaration or ruling shall not affect the remainder hereof, as it is the express purpose of this ordinance to enact the remainder.

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Upon motion of Councilman Jas. R. Hunter, seconded by Councilman Morgan Thomas, it was moved and carried to grant the application for zoning to GENERAL BUSINESS property of VARNER-MEEK, same having been annexed into the City Limits and being unzoned the stated classification having been recommended by the Municipal Planning Board. The following ordinance was introduced and adopted.

ORDINANCE NO. 1901

ZONE

AMENDING ZONING DISTRICTS,  
MAPS, RULES AND REGULATIONS.

WHEREAS, an application by the above named applicant to zone property from unzoned to GENERAL BUSINESS, the following described property; and

WHEREAS, the said application was duly considered and approved by the Municipal Planning Board with recommendation to the Mayor and Council that said property be zoned GENERAL BUSINESS: and

WHEREAS, the City of Marietta has duly advertised and given notice of such application with a public hearing thereon as required by ordinance and law applicable thereto, and there being no objections thereof.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Marietta, and it is hereby ordained by authority of same that the said property which is more particularly described as follows, be zoned GENERAL BUSINESS.

ALL that tract or parcel of land lying and being in Land Lot 1210 of the 16th District and 2nd Section of Cobb County, Georgia, more particularly described as follows:

BEGINNING at the intersection of the North side of Roswell Road with the east right of way line of Interstate #75 Highway, and running thence north 05 degrees, 39 minutes, 00 seconds, west along the Easterly side of said Interstate Highway, a distance of 1142.52 feet to a point; thence north 85 degrees, 51 minutes, 20 seconds east 166.62 feet to the west right of way line of Varner Road, as shown on the plat hereinafter referred to; thence south 21 degrees, 35 minutes, 18 seconds east along the southwest side of said road, 47.36 feet to a point; thence southeasterly, southerly and southwesterly along the westerly side of said road 1160.55 feet to a point, which is north 02 degrees, 16 minutes, 40 seconds West 11.62 feet of the intersection of the west side of said road with the north side of Roswell Road; thence north 00 degrees, 53 minutes, 00 seconds west 88.38 feet to a point; thence south 86 degrees, 45 minutes, 40 seconds west 120 feet to a point; thence south 02 degrees, 14 minutes 20 seconds east 93 feet to a point; thence south 86 degrees, 45 minutes, 40 seconds west 5 feet to a point; thence south 02 degrees, 14 minutes, 20 seconds East 7 feet to a point on the north side of Roswell Road; thence south 86 degrees, 45 minutes, 40 seconds west along the north side of Roswell Road 149.20 feet to the west right of way line of the Interstate #75 Highway and the point of beginning.

Said property is shown on a plat of the Roy Varner property made by Mayes, Sudderth and Etheredge, Inc., Engineers, dated March 26, 1968.

EXCEPTING ALL that property south of the north side of South Street.

BE IT FURTHER ordained by the authority aforesaid that all Ordinances, Resolutions, and laws in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED, that if any part or portion of this ordinance be declared invalid, unlawful or unconstitutional by any Court, such declaration or ruling shall not affect the remainder hereof, as it is the express purpose of this ordinance to enact the remainder.

\* \* \*

Upon motion of Councilman Jas. R. Hunter, seconded by Councilman Thos. W. Holland, it was moved and carried to grant the application for zoning to HIGHWAY GENERAL BUSINESS property of W. A. GRE SH, same having been annexed into the City Limits and being unzoned property. The stated classification having been recommended by the Municipal Planning Board. The following ordinance was introduced and adopted.

ORDINANCE NO. 1902

ZONE

AMENDING ZONING DISTRICTS, MAPS,  
RULES AND REGULATIONS.

WHEREAS, an application by the above named applicant to zone property from unzoned to HIGHWAY GENERAL BUSINESS, the following described property; and

WHEREAS, the said application was duly considered and approved by the Municipal Planning Board with recommendation to the Mayor and Council that said property be zoned HIGHWAY GENERAL BUSINESS: and

WHEREAS, the City of Marietta has duly advertised and given notice of such application with a public hearing thereon as required by ordinance and law applicable thereto, and there being no objections thereof.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Marietta, and it is hereby ordained by authority of same that the said property which is more particularly described as follows, be zoned HIGHWAY GENERAL BUSINESS.

BEING all that tract or parcel of land lying and being in Land Lot 1208 of the 16th Land District of Cobb County, Georgia, and containing 0.688 acres and being more particularly described as follows:

BEGINNING at a point on the Northwestern right of way of the Roswell-Marietta Highway (State Route #120), said point being located 810.0' Southwesterly from the intersection of the right-of-ways of the Roswell-Marietta Highway and Amanda Lane; thence S. 300.00' W. along the northwestern right-of-way of the Roswell-Marietta Highway a distance of 100.00' to an iron pin; thence N. 61° 15' West a distance of 300.00' to an iron pin; thence North 300.00' E. a distance of 100.00' to an iron pin; thence S. 61° 15' E. a distance of 300.00' to an iron pin on the Northwestern right-of-way of the Roswell-Marietta Highway and the point of beginning.

BE IT FURTHER ORDAINED by the authority aforesaid that all Ordinances, Resolutions, and laws in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED, that if any part or portion of this ordinance be declared invalid, unlawful, or unconstitutional by any Court, such declaration or ruling shall not affect the remainder hereof, as it is the express purpose of this ordinance to enact the remainder.

Upon motion of Councilman Wm. K. Peek, seconded by Councilman Thos. W. Holland, it was moved and carried to grant the application for zoning to HIGHWAY GENERALBUSINESS property of W.A. WITHROW, same having been annexed into the City Limits and being unzoned property. The stated classification having been recommended by the Municipal Planning Board. The following ordinance was introduced and adopted.

ORDINANCE NO. 1903

ZONE

AMENDING ZONING DISTRICTS,  
MAPS, RULES AND REGULATIONS.

WHEREAS, an application by the above named applicant to zone property from unzoned to HIGHWAY GENERAL BUSINESS, the following described property; and

WHEREAS, the said application was duly considered and approved by the Municipal Planning Board with recommendation to the Mayor and Council that said property be zoned HIGHWAY GENERAL BUSINESS; and

WHEREAS, the City of Marietta has duly advertised and given notice of such application with a public hearing thereon as required by ordinance and law applicable thereto, and there being no objections thereof.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Marietta, and it is hereby ordained by authority of same that the said property which is more particularly described as follows, be zoned HIGHWAY GENERAL BUSINESS.

ALL that tract or parcel of land lying and being in original Land Lot No. 1208 of the 16th District and 2nd Section of Cobb County, Georgia, as shown by plat made by A. O. Carlile, Surveyor, dated February 15, 1968, recorded in Plat Book 45, page 69, Cobb County Records being more particularly described as follows:

BEGINNING at an iron pin located on the Northwesterly side of Marietta-Roswell Highway 938 feet Southwesterly, as measured along the Northwesterly side of said Highway, from the intersection of the Northwesterly side of said Highway with the Southwesterly side of Amanda Lane; running thence Southwesterly along the Northwesterly side of said Highway 100 feet to an iron pin; thence Northwesterly forming an interior angle of 95 degrees 30 minutes with the last preceding course 250 feet to an iron pin; thence Northeasterly 100 feet to an iron pin; thence Southeasterly 250 feet to the iron pin located on the Northwesterly side of Marietta-Roswell Highway at the point of beginning. The above recited plat is made a part hereof for a more particular description of said property.

BE IT FURTHER ordained by the authority aforesaid that all Ordinances, Resolutions, and laws in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED, that if any part or portion of this ordinance be declared invalid, unlawful, or unconstitutional by any Court, such declaration or ruling shall not affect the remainder hereof, as it is the express purpose of this ordinance to enact the remainder.

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Upon motion of Councilman Frank T. Ayers, seconded by Councilman Morgan Thomas, it was moved and carried that the application for transfer of name only Johnny Rebs Food Stores, Nos. 6, 28 and 29 be granted to Thomas J. Rowell, located at the following addresses:

Johnny Rebs Food Store #29-748 Lawrence St., NE  
#28-951 Clay Street, SE  
#6 -796 Powder Springs RD.

\* \* \*

Upon motion of Councilman Morgan Thomas, seconded by Councilman Jas. R. Hunter, it was moved and carried that the application of transfer of Wholesale Beer License of Dixie Bottle and Beverage Company be granted to Ralph Olan Youngblood, to operate in Marietta.

Upon motion of Councilman Morgan Thomas, seconded by Councilman Dana Eastham, it was moved and carried to grant the two applications of JoAnn Patterson, contingent upon variance - (Appeals to be heard before the Zoning Board of Appeals - January 13, 1969) to operate Beer Package Stores at the following addresses:

No. 1 - 280 Fairground Street, SE  
No. 2 - 310 Roswell Street, SE

VOTE - "FOR" - Councilmen Morgan Thomas, Jas. R. Hunter, Dana Eastham, Frank T. Ayers, Thos. W. Holland,  
"AGAINST" - Councilman Wm. K. Peek

\* \* \*

Wm. R. Robertson, III, Attorney at Law representing O. C. Hubert and Roy Ottinger, a tenant occupying space in the O. C. Hubert building located at the intersection of Roswell Street and Alexander Street come before the Council offering to compromise with the Mayor and Council regarding the closing of Alexander Street. After much discussion it was decided the Council would meet on the site at 5 p. m. Monday, January 13th, 1969 to view the site and action would be taken at a later meeting. The case is set to be heard Monday in Court.

\* \* \*

Upon motion of Councilman Morgan Thomas, seconded by Councilman Thos. W. Holland, it was moved and carried that a license category for Air Taxi Service or Helicab Service be adopted and the following fee set - First Vehicle \$100.00 and each additional vehicle \$75.00.

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Upon motion of Councilman Thos. W. Holland, seconded by Councilman Frank T. Ayers, it was moved but denied the proposed amendment to "The Zoning Ordinance which had been advertised for a hearing at this meeting, that reads as follows: VOTE - "Unanimous"

PROPOSED AMENDMENT TO "THE ZONING ORDINANCE OF THE CITY OF MARIETTA, GEORGIA".  
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA AS FOLLOWS:

Be it enacted that an ordinance known and designated as "The Zoning Ordinance of the City of Marietta, Georgia" is hereby amended by adding a new section thereto to be known, cited and designated as Section 24-3A (1) (d) said section to read as follows:

SECTION 24-3A (1) (d)

Should any plats, drawings, renderings, plans, or other pertinent data be presented with an application for zoning or rezoning, said plats, drawings, renderings, plans, and/or other pertinent data shall be considered a part of the application and shall be binding upon approval of said application.

All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

\* \* \*

Upon motion of Councilman Wm. K. Peek, seconded by Councilman Morgan Thomas, it was moved and carried that the following resolution be sent requesting the Marietta Hospital Authority to investigate excessive cost for admitting patients to the hospital and to get the Medical Association to deplore the practice and implication of same:

GEORGIA, COBB COUNTY

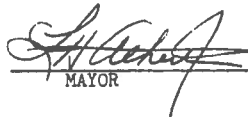
CITY OF MARIETTA

WHEREAS, it has been brought to the attention of the Council that a Citizen was charged a \$40.00 fee by a local physician as an admittance fee to Kennestone Hospital. Since this is a public institution supported by the tax dollar, we do not believe it proper to charge a citizen admission fee, particularly \$40.00, which seems excessive.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Marietta hereby request the Marietta Hospital Authority and the Medical Staff of the Hospital to investigate this matter and if possible curtail this excessive charge to enter a public institution.

This 11th day of January, 1969.

ATTEST:

  
MAYOR

\_\_\_\_\_  
City Clerk

cc: Mr. Robt. H. Slack, Admr.  
Kennestone Hospital,

Dr. Jack Hodges, Chairman  
Cobb County Medical Assn.,

Dr. Ruth McClure, Chief of Staff  
Kennestone Hospital

Mr. Otis Brumby, President  
Marietta Daily Journal

Mr. L. A. Gilbert, Director  
Cobb County Chamber of Commerce

\* \* \*

Councilman Wm. K. Peek read a letter from the Marietta Municipal Board in regard the services of a joint City and County Planner which matter was turned over to the Planning Committee of the Council to study and report on later.

Upon motion of Councilman Jas. R. Hunter, seconded by Councilman Morgan Thomas, it was moved and carried to adopt the following amendment to application for low-rent housing.

RESOLUTION AMENDING APPLICATION FOR  
LOW-RENT HOUSING

WHEREAS, at a meeting of the Mayor and Council of the City of Marietta, Georgia, at 9:00 A. M., October 22, 1966 an application for 100 dwelling units of Low-Rent housing for the elderly was approved, and,

WHEREAS, the application approved a preliminary loan in an amount not to exceed \$20,000.00., and,

WHEREAS, the procedure for filing an application with the Housing Assistance Administration has been revised, requiring the architect to increase his work considerably prior to filing the Development Program.

NOW, THEREFORE BE IT RESOLVED that paragraph 2 of the application as reads \$20,000.00 is amended to read \$40,000.00.

\* \* \*

Upon motion of Councilman Jas. R. Hunter, seconded by Councilman Thos. W. Holland, it was moved and carried to appoint Rosser N. Little to another four year term on the Board of Lights and Water Works, his term expires March 14, 1971.

VOLE - "FOR" - Councilmen Wm. K. Peek, Morgan Thomas, Jas. R. Hunter, Frank T. Ayers, Thos. W. Holland.  
"AGAINST" - Councilman Dana Eastham.

Councilman Dana Eastham nominated Carl Rinehard, the Mayor stated 'is there a second,' there being no second, the matter is not before the Council.

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The Council commended the Cobb County Delegation that will report for the Legislature Monday morning and wanted to go on record as being 100% behind them in their work at the coming Session.

\* \* \*

The Declaration of Ownership of Talcott Industries (formerly Barclay Arms) and Squires Restaurant failing to make a Return with the Tax Department by so doing incurred a 10% penalty on their taxes, have requested same be set aside. This matter was discussed but no action taken on same.

Upon motion of Councilman Jas. R. Hunter, seconded by Councilman Morgan Thomas, it was moved and carried that the Hospitalization Insurance coverage that is carried on the employees of the City be increased as follows : - 2/3 to be paid by the Employee for his dependants - \$2.30 to increase to \$2.50 - 1/3 to be paid by the Employer of the total cost of insurance that is paid by the Employee on dependant coverage.

Upon motion of Councilman Dana Eastham, seconded by Councilman Morgan Thomas, it was moved and carried to request the legislative delegation to amend the Charter to read in a Mayor's race the required percentage to win will be a majority - 50% instead of a plurality of the votes cast. VOTE - "Unanimous"

Upon motion of Councilman Dana Eastham, seconded by Councilman Morgan Thomas, it was moved and carried to request the legislative delegation to introduce a Constitutional Amendment for School Bond Issues to provide the City to issue bonds up to 7% and to remove the limitation to pay off such. VOTE - "Unanimous"

The Mayor appointed Councilman Morgan Thomas to serve on the Board of Lights and Water Works for this year, succeeding Councilman Hunter, who has represented the Council on the Board the past year.

Upon motion of Councilman Jas. R. Hunter, seconded by Councilman Dana Eastham, it was moved and carried to adjourn.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

-----ALICE W. HECK, CITY CLERK-----