

SPECIAL MEETINGMAYOR & COUNCIL

8:30 A. M. Saturday

October 24, 1964

PRESENT: Mayor L. H. Atherton

City Manager W. J. Brown

COUNCILMEN

Wm. K. Peek
 Norman M. Shipley
 Morgan Thomas
 Jas. R. Hunter
 J. M. Grubbs
 Frank T. Ayers
 T. W. Holland

City Attorney Ben F. Smith

City Planner A. L. LaForge

City Clerk Albert L. Bagley, Jr.

PRESIDED: Mayor L. H. Atherton

ABSENT: NONE

Upon motion of Councilman Morgan Thomas, seconded by Councilman J. M. Grubbs, it was moved and carried to approve the Minutes of the Regular Meeting held October 10, 1964.

Upon motion of Councilman Wm. K. Peek, seconded by Councilman J. R. Hunter, it was moved and carried to adopt the following amendment to Section 20-1 of the Code of Ordinances of the City of Marietta, Georgia:

BE IT ORDAINED by the Mayor and Councilmen of the City of Marietta, Georgia and it is hereby ordained by authority of same that Section 20-1 of the Code of Ordinance of the City of Marietta, Georgia be amended by adding a new sub-paragraph (d) thereto, which shall read as follows:

(d) With the exception of taxable real property acquired subsequent to the prior reporting period, all properties, subject to taxation by the City of Marietta, may be returned on a form prescribed by the City Clerk and mailed to the Tax Department of said city. Such forms shall be mailed so as to be postmarked on or before the 1st day of April for the year for which said return is being made.

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Upon motion of Councilman T. W. Holland, seconded by Councilman Jas. R. Hunter, it was moved and carried to accept the proposal of the New England Mutual Life Insurance Company to find a Pension Program for city employees. The plan to be worked out in final detail for action by Council.

The Mayor appointed Councilman Thomas as Chairman and Councilman Grubbs and Ayers as members of a Committee to determine if the City's member on the Cobb-Marietta Water Authority is conducting business with said authority which would be considered "conflicting interest".

The Cobb County Business and Professional Women's Club was granted permission to hold a Halloween Carnival on the Park Square on Halloween night.

Upon motion of Councilman Morgan Thomas, seconded by Councilman Wm. K. Peek, it was moved and carried to advertise the application of James H. Roukoski to operate a retail beer store at 701 Powder Springs Street, in the following manner:

Nov. 6, 1964

LEGAL NOTICE
APPLICATION FOR PRIVILEGE LICENSE
RETAIL BEER PACKAGE STORE

I have made application to the City Council for a retail beer license for location of 701 Powder Springs Street, Marietta, Ga., hearing to be held by the Mayor and Council, Saturday, November 14, 1964 at 9 a. m., Police Station Building, 315 Lawrence Street City Council Chambers of said City, then and there to make objections that they may desire to urge against the passage of said Privilege License.

JAMES HAROLD ROUKOSKI
 703 Powder Springs St.,
 Marietta, Ga.

no contract or obligation to any other person, firm or corporation in anywise relating to the installation of gas service in the City of Marietta, Georgia; now, therefore

BE IT ORDAINED by the Mayor and Council of the City of Marietta, Georgia as follows:

SECTION 1. The right is hereby granted to the Grantee, its successors and assigns, to lay, construct, extend, maintain, renew, replace and repair gas pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages under, along, through and across any streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places in the City of Marietta, Georgia, and to use and occupy the said streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places for the purpose of therein laying, constructing, extending, maintaining, renewing, replacing and repairing mains, pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages thereto, used and useful for the manufacture, transmission, distribution and sale of gas within and through the present or future territorial limits of the City of Marietta, Georgia, such right, when exercised as herein provided, to continue for thirty (30) years after the date of approval of this ordinance by the Mayor.

SECTION 2. Grantee shall be entitled to charge for gas furnished by it, such rates as are prescribed by the Public Service Commission or other lawful regulatory body of the State of Georgia.

SECTION 3. Grantee hereby agrees and covenants, for and in consideration of the rights and privileges herein granted to it, to pay, within sixty (60) days following the end of each quarterly period to the City of Marietta the percentages as set forth below of the gas sales receipts received by Grantee from residential and commercial, but not industrial customers within the territorial limits of said City, during the preceding quarterly period (hereinafter referred to as the quarterly period):

From October 1, 1964 through September 30, 1965	1 1/2%
From October 1, 1965 through September 30, 1966	2%
From October 1, 1966 through September 30, 1967	2 1/2%
Thereafter	3%

provided, however, that should the City of Marietta require Grantee to pay any license fee or tax, franchise tax, excise tax, indirect tax, occupation tax, privilege tax, regulation charge or related fees, taxes or charges, the aggregate amount of such fees, taxes and charges shall be deducted in full by Atlanta Gas Light Company from the quarterly payment or payments subsequently accruing to the City of Marietta. Such quarterly payment shall not start until the first of the second month following the introduction of natural gas into Grantee's distribution system. The Council of said City, through its authorized representative or representatives, shall have the right to inspect and audit the books and records of the Grantee for the purpose of determining the amount of its revenues received from the sale of gas to residential and commercial, but not industrial customers within said territorial limits.

"Industrial gas" or "gas sold to industrial customers", as to which Grantee shall pay no part of its revenue to the City of Marietta, as consideration for this contract, is defined to be gas sold to manufacturing, assembling and processing businesses such as textile and cotton mills, brick and tile manufacturers, glass manufacturing plants, cement plants, foundries, electric generating plants, steel and other metal plants, cotton oil mills, ice plants, bottling plants and other manufacturing plants, automobile and other assembling plants, kaolin processing plants, rubber processing plants, meat packing plants, laundries, bakeries, dairies, food processing plants, and other processing plants, and governmental institutions and to non-profit educational institutions, and generally, without limiting the foregoing, all gas sold for use in industrial and manufacturing processes.

SECTION 4. All rights herein granted and authorized shall be subject to and governed only by this ordinance; provided, however, that Marietta expressly reserves unto itself all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this ordinance.

SECTION 5. Grantee upon making an opening upon any of the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places in the City, for the purpose of laying, repairing or maintaining gas mains, shall use due care and caution to prevent injury to persons, and shall replace and restore all public ways to their former condition as nearly as practicable, and within a reasonable time, and shall not unnecessarily obstruct or impede traffic upon the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places of said City.

SECTION 6. Grantee shall save and keep harmless the said City from any and all liability by reason of damage or injury to any person or persons whomsoever, on account of negligence of the Grantee in the installation, maintenance and repair of its mains and pipe lines along said streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places in the City of Marietta, provided the Grantee shall have been notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same.

SECTION 7. This ordinance, after its passage according to law, and its acceptance by Atlanta Gas Light Company, in writing duly filed with the City Clerk, within thirty (30) days from the date of approval thereof by the Mayor, shall become effective and in full force.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance passed the ____ day of _____, 196 ____.

Approved this _____ day of _____, 196 ____.

TOWN SEAL ATTACHED

ALBERT L. BAGLEY, JR.,
Clerk of the City of Marietta,
Georgia

Recorded in the Minutes of the Council, City of Marietta, on Page _____, _____,
_____, 196_____.
Acceptance is recorded on Page _____ in the Minute Book of the _____.

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Upon motion of Councilman T. W. Holland, seconded by Councilman William K. Peek, it was moved and carried to adopt the following Ordinance.

ORDINANCE NO. 1722USE OF PUBLIC R/W, ADOPTING
BUILDING SAFETY CODES.

AN ORDINANCE ESTABLISHING RULE AND REGULATIONS REGARDING THE USE OF PUBLIC RIGHTS OF WAY, ADOPTING VARICUS BUILDING AND SAFETY CODES, AND PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE.

In order to promote the public safety and the common welfare of the citizens of Marietta, Georgia, be it Ordained by the Mayor and City Council that:

SECTION 1. The following Codes and regulations are hereby adopted as rules and regulations governing the franchised and other users of Public right-of-way and public property in the interest of preserving the industrial and collective safety of the people of this City:

- (a) The American Standard Code for Pressure Piping.
- (b) The National Building Code
- (c) The National Fire Code
- (d) The National Electrical Safety Code

SECTION 2. Franchise Users.

A. This section establishes minimum standards and requirements to insure safe installation and operation of gas transmission and distribution systems.

B. All component parts of all gas transmission and distribution systems will be designed, fabricated, installed, inspected, tested and operated so as to comply with the adopted issue of the "American Standard Gas Transmission and Distribution Piping Systems (ASA B31.8-1963) Section 8 of American Standard Code of Pressure Piping."

C. It is not intended that these codes be applied retroactively to existing installation insofar as design fabrication, installation, operating pressure and testing are concerned. However, all repair and maintenance shall be made in such a manner that the revised system will meet with the ASA B-31, 8-1963 Standard and other codes applicable to the operation.

D. Tests and Reports

a. Leak surveys

The leak surveys mentioned in paragraph 852.2 of the B31.8 Code shall be conducted periodically but at no less frequency than shown below:

(1) Principal Business Areas and Critical Points:

A "Gas Detector Survey" shall be conducted in business districts and critical points at least every six months unless instruction for more frequent surveys shall be made by the Director of Safety and Engineering.

(2) Outside Business Areas and Critical Points

A "Vegetation Survey" or equivalent, shall be made on the transmission and distribution system outside the business districts and critical points at least annually.

(3) The business district of the City and critical points shall be defined by the Director of Safety and Engineering.

E. Reports

Reports showing type of survey made, the date or dates of survey, and the results found shall be made within 30 days following each survey to the Director of Public Safety. Within 30 days of the submission of such reports all constructive steps, procedures and protective action shall be reported to the Director for his examination and approval. In the event he approves such actions he shall so notify the company submitting the report. Otherwise, he shall have the right and obligation to, within 10 days of the receipt of the corrected report to notify the company of any and all additional steps he requires for the full protection of the public safety. Such orders shall be complied with and a supplement report of compliance to the Director by the company shall be made within 30 days of notice from the Director. In the event further testing is required by the Director such testing shall be completed and results reported to the Director by the company within 60 days. In the event of non-compliance with any orders from the Director, he shall have the authority to conduct such tests, examination or work as he requires for the protection of the public and bill the cost of such testing, examination or work plus a charge of one hundred percent of such cost to the franchise holder.

SECTION 3. Electrical Franchises

A. This section establishes minimum standards and requirements to insure safe installation

B. All component parts of all electrical transmissions and distribution systems will be designed, fabricated, inspected, tested and operated so as to specifically comply with the adopted issues of the "National Electrical Safety Code" and the "National Fire Code".

C. It is not intended that these codes be applied retroactively to existing installations insofar as design, fabrication, installation, operating procedures are testing are concerned. However, all repair and maintenance shall be made in such a manner that the revised system will meet the terms and conditions as set forth in the enumerated codes.

D. Tests and Reports

All examinations, inspections, and investigations in conjunction with safety engineering or operations of the Electrical Franchise users within this City shall be reported to the Director of the Department of Public Safety within 30 days. Such examinations, inspections, and investigations shall be conducted over each and every line, connection and service operated by the Franchise users at least every 6 months unless more frequent studies are required by the Director of Public Safety. In the event supplemental or special studies are required, such orders shall be complied with and a supplemental report of compliance shall be made to the Director by the Company within 30 days of receipt of notice from the Director. In the event of non-compliance with any orders from the Director, he shall have the authority to conduct such tests, examination or work as he requires for the protection of the public and bill the cost of such testing, examination or work plus a charge of one hundred percent of such cost to the franchise holder.

SECTION 4. Communication Franchise

A. This section establishes minimum standards and requirements to insure safe installation and operation of communication transmission and distribution systems.

B. All component parts of all communications systems will be designed, fabricated, installed, inspected, tested and operated so as to specifically comply with the adopted issue of the "National Electrical Safety Code" and the "National Fire Code".

C. It is not intended that these codes be applied retroactively to existing installations insofar as designs, fabrication, installation, operating procedure and testing are concerned. However, all repair and maintenance shall be made in such a manner that the revised system will meet the terms and conditions as outlined in the above enumerated codes.

D. Tests and Reports

All examinations, inspections, and investigations in conjunction with safety engineering or operations of the Communication Franchise users within this City shall be reported to the Director of the Department of Public Safety within 30 days. Such examinations, inspections, and investigations shall be conducted over each and every line connection and service operated by the Franchise users at least every 6 months unless more frequent studies are required by the Director of Public Safety. In the event supplemental or special studies are required, such orders shall be complied with and supplemental report of compliance to the Director by the company shall be made within 30 days from the date of notice by the Director. In the event of non-compliance with any orders from the Directors, he shall have the authority to conduct such tests, examination or work as he requires for the protection of the public and bill the cost of such testing, examination or work plus a charge of one hundred percent of such cost to the Franchise holder.

SECTION 5. Only licensed contractors shall be permitted to construct sidewalks or lower curbs and construct driveways, including any and all concrete slabs to be used for automotive parking or servicing, or driveways across sidewalks in the City of Marietta.

SECTION 6. Curb cuts, street cuts, and sidewalk cuts and repairs are to be done only after permits have been issued as is required by the City Code.

SECTION 7. The City Manager is hereby empowered to enforce this Ordinance and promulgate such rules and regulations as may be necessary to fulfill its intent.

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Upon motion of Councilman Thomas, seconded by Councilman Jas. R. Hunter, it was moved and carried to apply for a planning grant to determine the feasibility of a GENERAL NEIGHBORHOOD RENEWAL PLAN for the Central Business District and contagious areas. The Marietta Housing Authority to be designated as the Local Public Agency for the city.

VOTING NAY - COUNCILMAN J. M. GRUBBS - WM. K. PEEK

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The Mayor stated that he would have a Committee of several persons to investigate and recommend planning consultants to perform planning for the G N R P., if approved by the FFHA.

Upon motion of Councilman Morgan Thomas, seconded by Councilman Jas. R. Hunted, it was moved and carried that the Mayor and Council recommend that the voters approve Constitutional Amendment 16, which is permissive legislation dealing with Rapid Transit.

Upon motion of Councilman Thos. W. Holland, seconded by Councilman Morgan Thomas, it was moved and carried to authorize the Mayor to execute CCD Form 677, May 64, which would designate the basement of the Fire Department Headquarters Building as a fall-out shelter.

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


