



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, February 12, 2020

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Cheryl Richardson, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20200066 **Vanderlande**

Recognition of Vanderlande for their donation of 21 new mattresses to the Marietta Fire Department.

20200117 **Rugby ATL**

Presentation from Mayor Tumlin and Council Member Cheryl Richardson to Welcome and Celebrate "Rugby ATL" our newest Major League sports team affiliated within our City.

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20200105 Scheduled Appearance

Scheduled Appearance - William Dunaway.

20200125 Scheduled Appearance

Scheduled Appearance - Dr. H. Benjamin Williams

20200126 Scheduled Appearance

Scheduled Appearance - Sally Riddle

20200128 Scheduled Appearance

Scheduled Appearance - Larry Wills

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:*** 20200096 Regular Meeting - January 8, 2020**

Review and approval of the January 8, 2020 regular meeting minutes.

Council Member Richardson abstaining

*** 20200097 Executive Session Minutes**

Review and approval of the following executive session minutes:

December 10, 2018 Agenda Work Session
December 19, 2018 Special Called City Council Meeting
January 31, 2019 Special Called Agenda Work Session
March 7, 2019 Agenda Work Session
March 13, 2019 Agenda Review Session

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:*** 20200050 Marietta Welcome Center & Visitors Bureau Appointment**

Appointment of Joseph R. Goldstein as Council Representative to the Marietta Welcome Center & Visitors Bureau for a two-year term.

Council Member Goldstein abstaining

*** 20200106 Marietta Civil Service Board - Post 5**

Appointment of Philip Hynninen to the Marietta Civil Service Board (Post 5), for a one-year term expiring January 31, 2021.

ORDINANCES:**20191115 Z2020-03 [REZONING] PETER VARLJEN**

Z2020-03 [REZONING] PETER VARLJEN is requesting the rezoning of 0.36 acres located in Land Lot 287, District 17, Parcel 0090 of the 2nd Section, Cobb County, Georgia, and being known as 224 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 7-0-0.

If Council approves the rezoning, the following variance would be incorporated as conditions of zoning:

Variance:

Variances to allow the garage to remain in place and as-is. [§708.04 (F)]

Public Hearing (All parties sworn in)

20191202 Z2020-04 [SPECIAL LAND USE PERMIT] TURNER HILL COMMUNITY DEVELOPMENT CORPORATION

Z2020-04 [SPECIAL LAND USE PERMIT] TURNER HILL COMMUNITY DEVELOPMENT CORPORATION is requesting a Special Land Use Permit for 0.299 acres located in Land Lot 1143, District 16, Parcel 0520, 2nd Section, Marietta, Cobb County, Georgia, and being known as 460 Birney Street (aka 462 Birney Street) from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a special land use permit for a halfway house. Ward 5A.

Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval as stipulated. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed. If Council approves the Special Land Use Permit, the following stipulation would be incorporated as conditions of the Special Land Use Permit:

Stipulation:

The Special Land Use Permit shall expire if the property is sold.

Public Hearing (All parties sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Johnny Walker, Chairperson**
- 2. Finance/Investment: Joseph R. Goldstein, Chairperson**
- 3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

* **20191153** **Smoking in Outdoor Cafes**

Motion to approve the amendments to Chapter 8-39, Outdoor Cafes, to restrict smoking in encroachment areas.

First Reading

Council member Goldstein disclosed that members of his family and entities owned by himself and family members within the proposed no smoking district.

* **20200132** **No Smoking District**

Motion to approve the amendment to Chapter 10-4-210, Smoking prohibited, for the establishment of the downtown No Smoking District.

First Reading

Council member Goldstein disclosed that members of his family and entities owned by himself and family members within the proposed no smoking district.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

20200048 2020 Street Closure Requests

Motion to approve the street closures needed to conduct special events during the 2020 Calendar Year as presented; and, to approve the Taste of Marietta, Art in the Park and Chalktoberfest as city-sanctioned events and to permit alcohol sales and consumption for those events in accordance with the applicable portions of City Code Section 10-04-070.

Street Closures:

- Glover Park Concert Series
- Taste of Marietta
- May-retta Daze Spring Arts and Crafts Festival
- Juneteenth
- Fourth in the Park
- Art in the Park
- Marietta Reads
- Marietta StreetFest
- Cruisin' at The Strand with the Creepers
- Chalktoberfest
- HarvestFest
- MUST Ministries Gobble Jog

Alcohol Requests:

- Taste of Marietta
- Art in the Park
- Chalktoberfest

Council Member Goldstein disclosed that the Friends of the Strand is a tenant of Herbert S. Goldstein Family Limited Partnership. Philip Goldstein is an owner of the partnership and is Council member Goldstein's father.

Council Member Goldstein discloses that he is a member of the Marietta Cobb Museum of Art.

5. Personnel/Insurance: Cheryl Richardson, Chairperson*** 20200076 2020 City/BLW Line Worker Pay Plan Amendment**

Motion approving an ordinance amending the 2020 City/BLW Line Worker Pay Plan.

*** 20200035 2020 Appointed Officials Review**

Motion approving an ordinance to set salaries of the following appointed officials payable in installments per city administrative procedures retroactive to January 1, 2020:

Administrative Assistant to the Mayor: \$53,560 per year, and amendment of the associated employment agreement.

- City Clerk: \$80,017.60 per year.
- City Manager: \$228,259.20 per year, and amendment of the associated employment agreement.
- BLW General Manager: \$143,208.00 per year.
- Municipal Court Judge: \$72,883.20 per year, and the associated employment agreement.
- Prosecuting Attorney: \$69,305.60 per year, and the associated employment agreement.

Additionally, the compensation of the position of Associate Judge shall be set at \$250.00 per session effective upon passage and not retroactive. The compensation of the position of Assistant Prosecuting Attorney shall be set at \$225.00 per session effective upon passage and not retroactive.

6. Public Safety Committee: Reggie Copeland, Chairperson*** 20200065 Revisions to Marietta Fire Department Code**

Motion to approve the revisions for the Marietta Fire Department for the Fire Prevention and Protection Code.

7. Public Works Committee: Grif Chalfant, Chairperson*** 20200053 Lovena Drive SE Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Lovena Drive SE from South Marietta Parkway to Lucile Avenue SE. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

* **20200054 Barnes Mill Road Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Barnes Mill Road from Wallace Road to Coventry Township Place. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

* **20200055 Gresham Rd NE Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Gresham/Wallace Rd NE from Cobb Parkway North to North Marietta Parkway. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

* **20200060 Gresham Avenue Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Gresham Avenue from Washington Avenue to North Cobb Parkway. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

* **20200057 Lawrence Street Traffic Calming**

Motion authorizing Public Works to conduct the speed study of the Lawrence Street area from Cole Street to Fairground Street to determine if traffic calming devices are needed.

* **20200058 Roosevelt Circle Traffic Calming**

Motion authorizing Public Works to conduct the speed study of the Roosevelt Circle area to determine if traffic calming devices are needed.

* **20200059 Manning Road Traffic Calming**

Motion authorizing Public Works to conduct the speed study of the Manning Road area to determine if traffic calming devices are needed.

* **20200116 AT&T**

Motion to authorize and direct city staff and the city attorney to investigate and explore the methods to require AT&T to comply with the underground utility ordinance of the city of Marietta and any other applicable ordinances of the city of Marietta in order to allow the Powder Springs Street Road project to proceed without further delay.

* **20190773 2022 Proposed SPLOST**

Motion to approve the Draft for the anticipated 2022 SPLOST for the projects for the City.

OTHER BUSINESS:

20191166 V2020-06 [VARIANCE] THE BOTTOMS GROUP, LLC (191 MARIETTA PROPERTIES, LLC)

V2020-06 [VARIANCE] THE BOTTOMS GROUP, LLC (191 MARIETTA PROPERTIES, LLC)

is requesting variances for properties located in Land Lot 1159, District 16, Parcel 0540, 2nd Section of Cobb County, Marietta, Georgia and being known as 191 Cherokee Street. Ward 3A.

Variances:

Variance to reduce the minimum lot size from 20,000 sq.ft. to 10,200 sq.ft. [§708.23 (H)]

Variance to reduce the front yard setback from 40 ft. to 12 ft. [§708.23 (H)]

Variance to reduce the major side setback from 25 ft. to 6 ft. [§708.23 (H)]

Variance to reduce the minor side setback from 15 ft. to 5.5 ft. [§708.23 (H)]

Variance to allow new a/c units within 10 ft. of the property line. [§708.23 (F.7.)]

Variance to allow a monument sign within 5 ft. of the property line. [§714.04 (F.2.)]

Variance to waive the Commercial Corridor Overlay District-Tier B standards. [§712.09(G)]

Variance to waive 10-foot landscape strip on both frontages. [§712.08 (G.2.)]

Variance to reduce the required parking ratio for professional office from 1 per 350 sq.ft. to 1 per 369 sq.ft. [§716.07 (E)]

Variance to reduce the width of a paved 2-way driveway from 20 ft. to 19.25 ft. [§716.06(B)]

Public Hearing (All parties sworn in)

20191174 V2020-07 [VARIANCE] KEVIN KNOX (WHITAKER INVESTMENTS, LLC)

V2020-07 [VARIANCE] KEVIN KNOX is requesting variances for properties located in Land Lot 1006, District 16, Parcels 0840 & 0830, 2nd Section of Cobb County, Marietta, Georgia and being known as 855 & 861 Kennesaw Avenue. Ward 4A.

Variances:

Variance to allow a private road to not meet the minimum right of way width and pavement width required for by ordinance. [§726.03 (A.)]

Variance to waive the requirement that an applicant be required to improve an access point to insure proper access to the proposed subdivision. [§732.02]

Public Hearing (All parties sworn in)

20200127 SPLOST Special Called Meeting

Motion to have a Special Called Meeting on February 24, 2020, for the SPLOST 2022. There will be visuals and graphs in the lobby prior to public comment and City vote.

*** 20200124 Ordinance Amendment Related to Assistant Prosecuting Attorneys**

Motion approving an Ordinance amending Marietta Municipal Code Section 1-12-040 to remove paragraph G in its entirety and waive the Second Reading.

*** 20200118 1101 Powder Springs Street**

Motion to approve the Second Amendment to Purchase and Sale Agreement for the property at 1101 Powder Springs Street.

*** 20200130 Resolution Opposing House Bill 302 and Senate Bill 172**

Motion to approve the Resolution to voice their support of Locally Established Building Design Standards for Residential Dwellings.

*** 20200129 Demolition of property on Franklin Gateway**

Motion to award the demolition of 550 Franklin Gateway, to include the parking lot, to Southern Environmental Services Inc. for \$297,830.00.

* **20200133 Powder Springs ROW and Easement**

Motion authorizing the Mayor to execute the Sale Closing Statement with the State of Georgia through the State Properties Commission.

* **20200134 547 Bouldercrest Drive**

Motion authorizing acquisition of the easements at 547 Bouldercrest Drive from Samuel Walter Henderson and Lane B. Henderson for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for \$2,089.00.

* **20200135 555 Bouldercrest Drive**

Motion authorizing acquisition of the easements at 555 Bouldercrest Drive from Joseph Paolozzi and Kathryn Fellows for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for \$4,319.00 and stipulation as listed below:

- The City is using tall shaded fescue sod, not seed when replacing the yard.

* **20200136 563 Bouldercrest Drive**

Motion authorizing acquisition of the easements at 563 Bouldercrest Drive Juliana Mello Hardy for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for \$3,631.00 and stipulations as listed below.

- The City is to relocate sprinkler heads to back of sidewalk.

* **20200137 711 Walnut Drive**

Motion authorizing acquisition of the easements at 711 Walnut Drive from Mark S. and Diane W. Adams for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for \$3,217.00 and stipulations as listed below.

- The City is to relocate sprinkler heads to back of sidewalk.

* **20200123 BLW Actions of February 10, 2020**

Review and approval of the February 10, 2020 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: