



# 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*

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Wednesday, June 10, 2020

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Reggie Copeland, Ward 5*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

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

### SCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes.**

**20200481**      **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:**

- \*     **20200438**     **Regular Meeting - May 13, 2020**  
  
Review and approval of the May 13, 2020 regular meeting minutes.
  
- \*     **20200439**     **Special Meeting - May 20, 2020**  
  
Review and approval of the May 20, 2020 special meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:**

- \*     **20200405**     **GMA Voting Delegates**  
  
Appointment of Michelle Cooper Kelly as the voting delegate and Joseph R. Goldstein as the alternate voting delegate for the 2020 GMA Business Meeting being held during the virtual GMA Annual Convention.  
  
*Council member Goldstein Abstaining*

**ORDINANCES:**

**20200143      Z2020-11 [REZONING] ALI GHADRAN (STEPHEN THOMPSON)**

**Z2020-11 [REZONING] ALI GHADRAN (STEPHEN THOMPSON)** are requesting the rezoning of 3.15 acres located in Land Lots 140 & 141, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

*The Planning Commission recommends Approval as Stipulated.*

*Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Chairman Kinney, Mr. Diffley and Mr. McClure were for. Mr. Anderson, Mr. Davis, Mr. Hunter and Ms. McClure opposed. The motion failed.*

*Ms. McCrae made a 2nd motion, seconded by Mr. Hunter to deny the application. Mr. Anderson, Mr. Hunter and Ms. McCrae were for. Chairman Kinney, Mr. Diffley, Mr. Davis and Mr. McClure were against. The 2nd motion failed.*

*Chairman Kinney made a 3rd motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Mr. Hunter and Ms. McCrae opposed. The motion carried 5-2-0.*

*If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:*

- 1. Letter of stipulations from Ali Ghadrان and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 22, 2020, and;*
- 2. Letter containing additional stipulations from Ali Ghadrان and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.*

**Public Hearing (all parties are sworn in)**

**20200295 Z2020-17 [REZONING] MICHAEL LANGSTON**

**Z2020-17 [REZONING] MICHAEL LANGSTON** is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

*This Item was TABLED at the May 13th City Council Meeting.*

*The Planning Commission recommends approval as Stipulated.*

*Mr. Difley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.*

*If Council approves the rezoning, the following variances and stipulation would be incorporated as conditions of zoning:*

*Variances:*

*The following variances are incorporated as conditions of zoning:*

- 1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]*
- 2. Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]*
- 3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]*
- 4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]*
- 5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]*

*Stipulations:*

*The following stipulation is incorporated as conditions of zoning:*

*The exterior of the property be brought into compliance within three (3) months.*

*A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the interior (268 Church St. side) of the fence along the rear line.*

**Public Hearing (all parties are sworn in)**

\* **20200345**      **Z2020-19 [REZONING] PULTE HOME COMPANY, LLC**

**Z2020-19 [REZONING] PULTE HOME COMPANY, LLC** is requesting the rezoning of 3.8 acres located in located in Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.  
*The Planning Commission recommends Approval as Stipulated.*

*Mr. Duffley made a motion, seconded by Mr. Anderson to recommend approval as submitted including the letter of stipulations dated May 22, 2020, except that item #4 be amended to restrict the number of leasable units at any one time to no more than five percent. The motion carried 7-0-0.*

*If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:*

*1. Letter of stipulations and variances from Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 5, 2020.*

*Motion to TABLE to the next City Council Meeting, July 8, 2020.*

**20200348**      **Z2020-20 [REZONING] MARK LEWIS**

**Z2020-20 [REZONING] MARK LEWIS** is requesting the rezoning of 0.74 acres located in Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 5A.  
*The Planning Commission recommends Approval.*

*Mr. Anderson made a motion, seconded by Mr. Duffley 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 to increase the density from 4 units/acre to 4.05 units/ acre.*

*Public Hearing (all parties are sworn in)*

**20200365      Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY**

**Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY** are requesting the rezoning of approximately 1.6 acres located in Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise). Ward 1A.

*The Planning Commission recommends Approval.*

*Mr. Duffley 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 variances would be incorporated as conditions of zoning:*

- 1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [§708.13 (H)]*
- 2. Variance to reduce the minimum building height from 5 stories to 4 stories. [§708.13 (H)]*
- 3. Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'. [§708.13 (H)]*
- 4. Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'. [§708.13 (H)]*
- 5. Variance to reduce the parking minimum from 148 to 94 parking spaces. [§716.07 and §708.13 (H)]*

**Public Hearing (all parties are sworn in)**

**20200366      Z2020-23 [REZONING] 33 HOLDINGS LLC**

**Z2020-23 [REZONING] 33 HOLDINGS LLC** is requesting the rezoning of 3.26 acres located in Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre). Ward 1A.

*The Planning Commission recommends Approval.*

*Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval as submitted with the change in zoning from RM12 to PRD-SF. The motion carried 7-0-0.*

*If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:*

*1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.*

**Public Hearing (all parties are sworn in)**

**\*      20200367      Z2020-24 [REZONING] BERCHER HOMES, LLC**

**Z2020-24 [REZONING] BERCHER HOMES, LLC** is requesting the rezoning of 0.43 acres located in Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2nd Section, Cobb County, Georgia, and being known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

*The Planning Commission recommends Approval as Stipulated.*

*Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulation from Mr. Moore dated May 29, 2020. The motion carried 7-0-0.*

*If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:*

*1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.*

**Motion to TABLE to the next City Council Meeting, July 8, 2020.**

**20200160 CA2020-04 [CODE AMENDMENT]**

**CA2020-04 [CODE AMENDMENT]** Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.

*The Planning Commission recommends Approval as Stipulated.*

*Mr. Diffley made a motion, seconded by Ms. Davis, to recommend approval as written. The motion carried 7-0-0.*

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****\* 20200430 PY19 CDBG Annual Action Plan Amendment**

Motion to approve the PY19 CDBG Annual Action Plan amendment to incorporate new allocation of CDBG-CV funds used to prevent, prepare for or respond to COVID-19.

*Council Member Goldstein discloses that Atlanta Legal Aid Society is a tenant of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is an owner of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is the father of Council Member Goldstein.*

*Council member Goldstein abstaining*

**2. Finance/Investment: Joseph R. Goldstein, Chairperson**

\* **20200398**      **Adoption of Recommended Budget for FY2021**

Motion to approve an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

*Council Member Goldstein discloses that PMG Family, LLC and JRG Marietta Parkway, LLC own properties in the Center City South Renaissance Tax Allocation District. Council Member Goldstein is an owner of both PMG Family, LLC and JRG Marietta Parkway, LLC.*

*Council member Goldstein abstaining*

**3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

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

\* **20200442**      **Wildwood Park Disc Golf Course**

Motion to approve funding for the planning, design, and engineering for a Disc Golf Course at Wildwood Park from 2009 Parks Bond Fund proceeds.

**20200446 FY2021 Tourism Grants**

Motion to approve the grant amounts presented for each tourism organization, along with the Welcome Center Contract.

City Staff Request - Vapor Wake Dog	\$ 00
City Staff Request - City Services	\$140,000
The Earl Smith Strand Theatre	\$ 54,780
Cobb NAACP Juneteenth	\$ 5,000
GA Metro Dance Theatre	\$ 14,940
Georgia Symphony Orchestra	\$ 12,450
Marietta/Cobb Museum of Art	\$ 74,700
Marietta Museum of History	\$160,000
Marietta Square Branding Project	\$ 5,000
Old Zion Baptist Church Heritage Museum	\$ 8,300
The Georgia Ballet	\$ 8,300
Marietta Gone with The Wind Museum	\$ 68,670
Cobb Landmarks	\$ 16,600
Marietta Business Association (Art in Park)	*In with City Services
Marietta Arts Council	\$ 6,960
Atlanta Lyric Theatre	\$ 8,300
Friends of Brown Park	\$ 00
Marietta Educational Gardens	\$ 00
	\$584,000
Marietta Welcome Center	\$300,000
Marietta Visitor's Bureau Facility Maintenance	<u>\$ 10,000</u>
	\$310,000

*Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.*

*Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Ashleigh Whitworth and Morgan Stoner and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Councilmember Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.*

*Council Member Goldstein discloses that the Atlanta Lyric Theatre rents space owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.*

*Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.*

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

*Council Member Goldstein discloses that Elise Goldstein is a member of the Georgia Symphony Orchestra Chorus and is a member of one of the committees of the Georgia Symphony Orchestra. Elise Goldstein is the mother of Council Member Goldstein.*

- \* **20200451**      **Modification of the Independent Contractor Agreement Between the Marietta Development Authority and 6-4-3DP Athletics, LLC**

Motion to approve a modification to the Independent Contractor Agreement between the Marietta Development Authority and 6-4-3DP Athletics, LLC.

## **5. Personnel/Insurance: Cheryl Richardson, Chairperson**

- \* **20200471**      **GMA District 3 West Officers**

Motion to approve the City vote for GMA District 3 West Officers for 2020-2022.

- \* **20200344**      **FY 2021 City/BLW Pay and Classification System documents**

Motion approving an Ordinance adopting the City of Marietta and Board of Lights and Water Position Allocation Charts, and the Compensation, Position Classification, and Career Development Plans for FY 2021, with changes to take effect on the pay period beginning June 28, 2020. Due to the Coronavirus pandemic and associated budget conditions, documents will be revisited later in the fiscal year.

- \* **20200419**      **Updating Personnel Policies**

Motion approving an ordinance amending the City/BLW personnel policies regarding recruitment, selection, and reemployment.

*Included in this Ordinance is the required waiver set forth in 1 4 040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.*

## **6. Public Safety Committee: Reggie Copeland, Chairperson**

## **7. Public Works Committee: Grif Chalfant, Chairperson**

- \* **20200410**      **Roselane Street Speed Study**

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

\* **20200417**      **Frasier Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Frasier Street from South Fairground Road to Alexander Circle to determine if traffic calming devices are needed.

\* **20200425**      **Cleburne Avenue Speed Study**

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

\* **20200420**      **Seminole Speed Study Calming Concept**

Motion authorizing Public Works to install parking bulb outs for on-street parking, medians, and parking restrictions on Seminole Dr.

\* **20200418**      **Anderson Street Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Anderson Street from 162 Anderson Street to 25 Powder Springs Street. This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

*Council Member Goldstein discloses that the recipients of the service are tenants of Philip M. Goldstein and Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is an owner of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is the father of Council Member Goldstein.*

*Council member Goldstein abstaining*

\* **20200411**      **Proposed Revision to the Water Use Ordinance for Commercial Car Wash Recycling**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Commercial Car Wash Recycling.

***First Reading***

\* **20200412 Proposed Wastewater/Sanitary Sewer System Ordinance**

Motion for the City of Marietta to adopt the addition of a new Ordinance of the Wastewater/Sanitary Sewer System prohibiting decentralized wastewater systems.

*First Reading*

\* **20200414 Proposed Revision to the Water Use Ordinance for Large Landscape Irrigation Systems**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Large Landscape Irrigation Systems.

*First Reading*

**OTHER BUSINESS:**

**20200327 V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)**

**V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)** are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Ward 4B.

*Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [§712.08 (G.2.a.)]*

*Variance to allow more than twelve (12) parking spaces in a row without a planter island. [§712.08 (G.1.a.)]*

*Request to modify the site plan associated with Z2018-32 (20181183).*

*Public Hearing (all parties are sworn in)*

**20200494 Appeal of CoA2020-03 (#20200472) 441 Church Street - Cooper Jones**

Consideration of an appeal made by Cooper Jones Construction of a decision by the Historic Preservation Commission on the Certificate of Appropriateness (#20200472) for a change in porch materials at 441 Church Street.

\* **20200485 BJA FY 2020 Coronavirus Emergency Supplemental Funding**

Motion to approve an Ordinance amending the Fiscal Year 2020 Grant Fund for the City of Marietta to receive a grant from the Department of Justice, Bureau of Justice Assistance (B.J.A.) for \$67,149.00 to purchase items as needed for the City of Marietta's response to the Covid-19 virus pandemic.

\* **20200514 MEAG Power 2020 Annual Election**

Motion to appoint Council member Andy Morris as the voting delegate and BLW General Manager Ron Mull as the alternate voting delegate for the MEAG Power 2020 Annual Election.

**20200504 City Resolution**

Motion to approve a Resolution which will be presented by Council Member Cheryl Richardson.

**20200505 Resolution Supporting HB 426**

Motion to approve a Resolution supporting the HB 426.

**20200506 Temporary Usage Permit for Dine-in/Dine-Out Tents**

To authorize staff to consider for implementing a temporary usage permit for dine-in/dine-out tents similar to such Recently approved in the city of Duluth, Georgia. Said permit shall include Promulgated necessary regulations, how furnished, and adherence to social distancing, no smoking, and general use encouraging take out dining of nearby restaurants as to, but not limited to, the following:

1. Glover Park with Branding Project as permitted user.
2. Conference Center on adjacent open space and in parking lot (limited to Area occupying less than 10% of all available parking on premises. Permitted User-Hilton
3. Shopping center, that has two or more eateries, allowed in parking areas Subject to City restrictions including less than 10% of all parking. Permitted User-Management of shopping center
4. Office Building that has over 100 parking spaces and building has employee break/dining room.

*If enacted, commencing 7/1/20 through 9/30/20.*

*Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta.*

\* **20200474 BLW Actions of June 8, 2020**

Review and approval of the June 8, 2020 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**ADJOURNMENT:**