



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary 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, June 10, 2020

7:00 PM

Council Chamber

20200481 Scheduled Appearance

Scheduled Appearance - Larry Wills
Not Present

* **20200438 Regular Meeting - May 13, 2020**

Review and approval of the May 13, 2020 regular meeting minutes.
Approved and Finalized

* **20200439 Special Meeting - May 20, 2020**

Review and approval of the May 20, 2020 special meeting minutes.
Approved and Finalized

* **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.
Approved and Finalized

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).

Tabled

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 Ghadrhan 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 Ghadrhan 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)

Ward 3A.

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

The Planning Commission recommends approval as Stipulated.

Mr. Diffley 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.

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).

Motion to approve with 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.*
- 2. Variance to reduce the minimum lot width from 75' to 60'.*
- 3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35.*
- 4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is.*
- 5. Variance to reduce the side yard setback along the north side from 15' to 8.5'.*

The following stipulations are incorporated as conditions of zoning:

- 1. The exterior of the property be brought into compliance within three (3) months.*
- 2. 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. The fence will be installed not later than August 15, 2020 and the applicant will attempt to have the landscaping installed by October 15, 2020, but in no event later than November 1, 2020.*

Approved as Amended

*** 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).

Tabled

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.

Motion to approve with the following variance and stipulation are incorporated as conditions of zoning:

- 1. Variance to increase the density from 4 units/acre to 4.05 units/ acre.*
- 2. Sidewalks will be required as part of the building permit for each parcel.*

Approved as Amended

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).

Motion to approve with the following variances are incorporated as conditions of zoning:

Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac.

Variance to reduce the minimum building height from 5 stories to 4 stories.

Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'.

Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'.

Variance to reduce the parking minimum from 148 to 86 parking spaces.

Approved as Amended

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).

Motion to approve with the following stipulations are 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.*
- 2. At the time that the preliminary plat is submitted for consideration and approval, in addition to the site plan and landscape plan, a building footprint plan showing staggered units and architectural elevations showing all four sides of the buildings must also be included as part of the preliminary plat for consideration and approval.*

Approved as Amended

*** 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).

Tabled

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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

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	

Approved and Finalized

* **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.

Approved and Finalized

GMA District 3 West Officers

* **20200471** Motion to approve the City vote for GMA District 3 West Officers for 2020-2022.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Second Reading

Approved and Finalized

* **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.

Second Reading

Approved and Finalized

* **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.

Second Reading

Approved and Finalized

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.

1. Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [§712.08 (G.2.a.)]
2. Variance to allow more than (12) parking spaces in a row without a planter island.

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

Motion to approve the following variances for property located at 1161 Bells Ferry Road.

Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North.

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

Approved as Amended

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.

Motion to reverse the decision by the Historic Preservation Commission to deny the Certificate of Appropriateness (#20200472) for a change in porch materials at 441 Church Street.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

20200504 City Resolution

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

Approved and Finalized

20200505 Resolution Supporting HB 426

Motion to approve a Resolution supporting the HB 426.

Approved and Finalized

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.

Motion to approve an ordinance amending the Municipal Code Chapter 8-39, Outdoor Cafes to add paragraph 8-39-065 Temporary usage permit for outdoor restaurants within the entire jurisdictional limits of the City of Marietta – Covid-19.

Approved and Finalized

*** 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.

Approved and Finalized