

1. Agenda

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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, January 8, 2020

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Joseph Goldstein, Ward 7

PLEDGE OF ALLEGIANCE:

PROCLAMATIONS:

20200030 Recognition of Anna Cate McLeod

Presentation of a Proclamation by Mayor Tumlin and Council Member Michelle Cooper Kelly to Anna Cate McLeod from Marietta High School in Recognition for her International Mission to Uganda.

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20191161 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).

PRESENTATIONS:**20200027 Swearing in the Chief Judge**

Swearing in Judge Roger J. Rozen as Chief Judge of the City of Marietta Municipal Court.

20200028 Swearing in the Prosecuting Attorney

Swearing in Ben F. Smith as Prosecuting Attorney of the City of Marietta Municipal Court.

MINUTES:*** 20191178 Special Meeting - December 11, 2019**

Review and approval of the December 11, 2019 special meeting minutes.

*** 20191179 Regular Meeting - December 11, 2019**

Review and approval of the December 11, 2019 regular meeting minutes.

*** 20191180 Special Meeting - December 17, 2019**

Review and approval of the December 17, 2019 special meeting minutes.

MAYOR'S APPOINTMENTS:*** 20200001 Mayor Pro tem**

Appointment of Michelle Cooper Kelly as Mayor Pro tem for a term of one year expiring on January 13, 2021.

*** 20200003 Presiding Officer**

Appointment of Cheryl Richardson as Presiding Officer/Parliamentarian for a term of one year expiring on January 13, 2021.

- * **20200004 Economic/Community Development Committee**

Appointment of Johnny Walker as Chairman, Grif Chalfant as Vice Chair and Andy Morris to the Economic/Community Development Committee for a term of one year expiring on January 13, 2021.

- * **20200005 Finance/Investments Committee**

Appointment of Joseph R. Goldstein as Chairman, Reggie Copeland as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 13, 2021.

- * **20200006 Judicial/Legislative Committee**

Appointment of Andy Morris as Chairman, Cheryl Richardson as Vice Chair and Joseph R. Goldstein to the Judicial/Legislative Committee for a term of one year expiring on January 13, 2021.

- * **20200007 Parks, Recreation & Tourism Committee**

Appointment of Michelle Cooper Kelly as Chairman, Andy Morris as Vice Chair and Reggie Copeland to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 13, 2021.

- * **20200008 Personnel/Insurance Committee**

Appointment of Cheryl Richardson as Chairman, Joseph R. Goldstein as Vice Chair and Grif Chalfant to the Personnel/Insurance Committee for a term of one year expiring on January 13, 2021.

- * **20200009 Public Safety Committee**

Appointment of Reggie Copeland as Chairman, Johnny Walker as Vice Chair and Cheryl Richardson to the Public Safety Committee for a term of one year expiring on January 13, 2021.

- * **20200010 Public Works Committee**

Appointment of Grif Chalfant as Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Works Committee for a term of one year expiring on January 13, 2021.

CITY COUNCIL APPOINTMENTS:

* **20200012** **Appointment of Chief Judge**

Nomination of Judge Roger J. Rozen as Chief Judge of the City of Marietta Municipal Court to continue his term through January 13, 2022 and until a successor is appointed incorporating the conflicting charter provisions and the minutes of January 10, 2018 for acknowledgment of term since January 10, 2018 until January 13, 2022.

* **20200013** **Appointment of Associate Judges**

Appointment of Melinda Taylor, Lawrence “Larry” Burke, Nathan Wade and Joan Bloom as Associate Judges of City of Marietta Municipal Court for a term ending January 13, 2022 or until a successor is appointed.

* **20200011** **Appointment of Prosecuting Attorney**

Appointment of Ben F. Smith as the Prosecuting Attorney of the Municipal Court for a two-year term expiring January 13, 2022.

* **20200019** **Appointment of Assistant Prosecuting Attorneys**

Appointment of Latonia Hines, Thomas Griner, Jason Treadaway, Donna Merrell, Robert Donovan and Robert Schnatmeier, Jr., as Assistant Prosecuting Attorneys of the City of Marietta Municipal Court, for a term ending January 13, 2022.

* **20200014** **Appointment of Municipal Court Clerk**

Appointment of Pam Allen as Municipal Court Clerk with term ending January 13, 2022.

* **20200016** **Cobb Municipal Association 2020 Delegates**

Appointment of Council Member Grif Chalfant and Council Member Reggie Copeland as voting delegates for the Cobb Municipal Association (CMA) business meetings.

ORDINANCES:

20191100 Z2020-02 [REZONING] THAD HIGGINS (JEAN E. JOHNSON JR & JOHN S. THOMBLEY)

Z2020-02 [REZONING] THAD HIGGINS (JEAN E. JOHNSON JR & JOHN S. THOMBLEY) are requesting the rezoning of 0.52 acres located in Land Lot 1216, District 16, Parcels 0180, 0190, & 0200 of the 2nd Section, Cobb County, Georgia, and being known as 104 Cole Street and 314 & 320 Fort Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

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**
- 2. Finance/Investment: Joseph R. Goldstein, Chairperson**
- 3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

*** 20191149 Revised Detailed Plan - 218 & 234 Roswell Street**

Motion to approve the revised detailed plan requested by Tanalta Real Estate for the construction of two buildings at the corner of Meeting Street and Roswell Street, zoned MXD (Mixed Use Development) and located within the Commercial Corridor Design Overlay - Tier A.

Council Member Goldstein opposed

*** 20191150 Revised Detail Plan: Heritage Ridge**

Motion to approve the revised detail plan for Heritage Ridge to reduce the front, side, and rear setbacks on lots 12, 18, 19, and 26-32, as referenced in the staff memorandum dated December 12, 2019, with an added stipulation that the garages shall be used for the parking and storage of vehicles only and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the covenants to ensure enforcement.

Council Member Goldstein opposed

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**5. Personnel/Insurance: Cheryl Richardson, Chairperson****6. Public Safety Committee: Reggie Copeland, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson***** 20191145 Rigby Street Traffic Calming**

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

*** 20191146 Franklin Drive Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Franklin Drive from Cobb Parkway South to Hidden Glen Drive. 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.

OTHER BUSINESS:**20191081 V2020-01 [VARIANCE] WAFFLE HOUSE, INC**

V2020-01 [VARIANCE] WAFFLE HOUSE, INC is requesting variances for properties located in Land Lot 0781, District 16, Parcel 00140, 2nd Section of Cobb County, Marietta, Georgia and being known as **1811 Williams Drive**. Ward 5B.

Variance to reduce the minor side yard setback from fifteen (15) feet to ten (10) feet for only the existing structure [§708.16 (H)]

Variance to allow parking spaces to encroach within the ten (10) foot landscape strip [§712.08 (G-1a.)]

Variance to reduce the rear yard setback from thirty-five (35) feet to twenty-two (22) feet for only the existing structure [§708.16 (H)]

Variance to increase the maximum allowable sign height for a monument sign from ten (10) feet to fifteen (15) feet along a collector road [§714.04 (H)]

Variance to increase maximum allowable sign face area from fifty (50) square feet to ninety (90) square feet along a collector road [§714.04 (H)]

Variance to waive the required sidewalks [§732.07]

Public Hearing (All parties are sworn in)

20200029 115 S. Fairground Street Easement Acquisition

Motion authorizing acquisition of a portion of property and easements at 115 S. Fairground Street from Fairground Properties, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$3000.00.

20200031 600 Powder Springs Road

Motion to authorize the acquisition of property owned by H&D Investments, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*** 20191175 Annual Financial Audit Report FY2019**

Motion to receive and file the FY2019 Annual Audit Report.

*** 20191205 BLW Actions of January 6, 2020**

Review and approval of the January 6, 2020 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: