



# 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 13, 2018

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Grif Chalfant, Ward 2*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20180708**      **Recognition of Officer Nick St. Onge**

Recognition of Officer Nick St. Onge for his actions which resulted in saving of a child.

### PROCLAMATIONS:

**20180674**      **Outstanding Community Service**

Presentation of a Proclamation by Mayor Tumlin and Council Woman Michelle Cooper Kelly to Michelle Gambon for her Outstanding Community Service.

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

### SCHEDULED APPEARANCES:

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

- 20180643      Scheduled Appearance**  
Scheduled Appearance - Dorris Matthews.
- 20180644      Scheduled Appearance**  
Scheduled Appearance - Ryan D. Warner.
- 20180682      Scheduled Appearance**  
Scheduled Appearance - Donald Barth

**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).**

- 20180693      Motion to Reconsider-583 Chicasaw Drive**  
Motion to reconsider agenda item 20180361 SLUP for a Home Occupation Type B and variances for property located at 583 Chicasaw Drive.

**MINUTES:**

- 20180606      Regular Meeting - May 9, 2018**  
Review and approval of the May 9, 2018 regular meeting minutes.
- \* **20180654      Special Meeting - May 30, 2018**  
Review and approval of the May 30, 2018 special meeting minutes.

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

- 20180680      Marietta Housing Authority Appointment**  
Reappointment of Chervonta "Taye" Pugh to the Marietta Housing Authority Board for a one-year term expiring June 14, 2019.
- 20180681      Marietta Housing Authority Appointment**  
Appointment of Diana M. Simmons to the Marietta Housing Authority Board for a five-year term, beginning May 29, 2018 and expiring May 29, 2023.

**CITY COUNCIL APPOINTMENTS:****ORDINANCES:****20180518      Z2018-18 [REZONING] JAIRO A. MURILLO**

**Z2018-18 [REZONING] JAIRO A. MURILLO** is requesting the rezoning of 0.17 acres located in Land Lot 1224, District 16, Parcel 0440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 803 Polk Street from R-1 (Single Family Residential/Agriculture) to R-4 (Single Family Residential - 4 units/acre). Ward 3A.

*The Planning Commission recommends Approval.*

*Mr. Poor made a motion, seconded by Mr. Anderson, to recommend approval as submitted. The motion carried 5 0 0.*

*Public Hearing (all parties are sworn in)*

**20180359      Z2018-16 [REZONING] GLOBAL US PROPERTIES INC**

**Z2018-16 [REZONING] GLOBAL US PROPERTIES INC** is requesting the rezoning of 1.3 acres located in Land Lot 1170, District 16, Parcel 1130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1686 Roswell Road from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 7A.

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

*Variance to reduce the side and rear yard setback along the northeastern side of the existing building only. [§708.23 H.]*

*Variance to reduce the thirty (30) foot buffer on the northeastern side to twenty-five (25) feet for the existing curb line. [§708.23 I.]*

*The Planning Commission TABLED this item last month.*

**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****20180611 Adoption of Recommended Budget for FY2019**

Motion to approve an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, 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.

*Per the disclosure letter dated January 2, 2018, Council member Goldstein will not be participating in any discussion or vote of the use of the City Center South Renaissance Tax Allocation District funds in the budget in his official capacity as a City Council Member.*

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

*Council Member Goldstein discloses that GA Metro Dance Theatre rents space owned by the PMG Whitlock Ave, LLC which in turn is owned and managed by his father, Philip M. Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as city council member.*

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

**\* 20180614 Second Amendment to Lease**

Motion to approve a second amendment to the lease with DMDA & Verizon for the Cell tower located on Allgood Road. This extends the lease for 20 years (4 five-year terms). The first year set a \$1,000 with an increase of 3% each year.

**3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson****\* 20180601 Rezoning Request - 550 Franklin Gateway**

Motion to authorize staff to advertise the rezoning of 550 Franklin Gateway from CRC (Community Retail Commercial) to PCD (Planned Commercial Development).

\*       **20180608       Final Plat - The Registry Townhomes**

Motion to approve the final plat for the development of twelve (12) townhomes at 249 Cherokee Street, zoned PRD-SF (Z2017-12).

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

\*       **20180615       FY2019 Tourism Grants**

Motion to approve the grant amounts presented for each tourism organization as included in the Welcome Center Contract.

The Earl Smith Strand Theatre - \$54,500  
Friends of Brown Park - \$4,000  
Cobb NAACP Juneteenth - \$10,000  
GA Metro Dance Theatre - \$18,000  
Georgia Symphony Orchestra - \$15,000  
Marietta/Cobb Museum of Art - \$85,000  
Marietta Museum of History - \$157,000  
Marietta Square Branding Project - \$24,000  
Old Zion Heritage Museum - \$10,000  
The Georgia Ballet - \$3,000  
Marietta Gone with the Wind Museum - \$57,000  
City Staff Request-City Services-Vapor Wake Dog Included - \$96,337  
Marietta Business Association (Art in the Park) - \$16,666  
Marietta Welcome Center - \$270,000  
City Marketing Budget for Museums, etc. - \$24,500

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

*Council Member Goldstein abstaining.*

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

\* **20180477**      **FY 2019 Revisions to City/BLW Pay and Classification System documents**

Approval of 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 2019, with changes to take effect on the pay period beginning July 1, 2018.

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

\* **20180603**      **Revisions/Additions to MPD Policies**

Motion to approve the revisions/additions to the listed policies A041(**Organizational Structure**), A082 (**Performance Evaluations**), A087 (**Police Funeral Protocol**), C050 (**Crime Prevention**), S040 (**Organized Crime and Vice Control**), S065 (**Unmanned Aerial Vehicle - NEW POLICY**).

\* **20180664**      **Safety of City Buildings**

Motion to direct staff to perform a study related to the installation and/or implementation of safety elements for all City buildings.

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

\* **20180349**      **Freys Gin Court Right of Way**

Motion approving transfer of a portion of Freys Gin Court right of way to GDOT for the purposes of the I-75 Managed Lanes project.

\* **20180583**      **Laurel Springs Lane Driver Speed Feedback Speed Sign**

Motion authorizing one driver speed feedback sign to be installed on Laurel Springs Lane using Ward 2 Sidewalk and Safety funds.

\* **20180585**      **Tower Road at Roselane Street Signal**

Motion authorizing the installation of an all-way traffic signal at the Tower Road and Roselane Street intersection.

\* **20180587**      **249 Cherokee Street Underground Utilities Variance**

Motion approving a variance from the Underground Utilities ordinance to allow the relocation of two utility poles at 249 Cherokee St. No new overhead utilities are authorized as part of this variance.

\* **20180588**      **South Park Sidewalks**

Motion authorizing the South Park concept to be constructed between January 01, 2019 and The Taste of Marietta.

*Council Member Goldstein discloses that his family members and/or entities owned by his family members own property on South Park Square in downtown Marietta.*

*Council Member Goldstein abstaining.*

\* **20180589**      **Roswell Street Sidewalks**

Motion authorizing Roswell Street Sidewalks improvements from Atlanta Street to Waddell Street to be constructed without delaying the South Park construction project.

\* **20180593**      **Lemon Street at Waddell Street**

Motion authorizing the installation of a crosswalk across the western side of the Lemon Street at Waddell Street intersection.

\* **20180595**      **Haley Street**

Motion authorizing Public Works to move forward with next steps of the speed table policy for consideration of speed tables on Haley Street.

\* **20180597**      **Amy Drive and Skyview Drive Speed Study**

Motion authorizing a speed table study to be performed on Amy Drive.

\* **20180642**      **Brookwood Drive Speed Signs**

Motion authorizing two driver speed feedback signs to be installed on Brookwood Drive to be paid for using Ward 3 sidewalk and safety funds.

**20180586 Vann Street at Church Street Access**

Motion authorizing Public Works to implement a right-in and right-out island at the Vann Street approach to Church Street and to install a short-raised median along Church Street using SPLOST funds.

**OTHER BUSINESS:****20180522 V2018-19 [VARIANCE] MCDONALD'S CORP**

Motion to approve variances for property located in Land Lot 7, District 17, Parcel 0400, 2nd Section of Cobb County, Marietta, Georgia and being known as 1195 Powder Springs Street.

Variance to allow a pylon sign remain after the site is redeveloped at approximately 35' in height and 122 square feet sign copy area.

**20180686 Chicasaw Drive Stream Buffer**

Request by Debra Whitworth for a variance from the City Stream Buffer Protection Ordinance at 583 Chicasaw Drive.

*Public Hearing Required*

**\* 20180663 HB 489 Intergovernmental Agreement - Mutually Acceptable Land Uses**

Motion to approve the attached amendments to the land use compatibility tables as required by HB 489.

**20180687 Cobb County Tax Commissioner's Certification of Agreement**

Motion to approve the Cobb County Tax Commissioner's Certification of Agreement for the Allocation and Distribution of Proceeds from the Title Ad Valorem Tax (TAVT).

**\* 20180666 "Memorandum of Understanding" Peak Time Overflow Square Parking"**

Motion to approve an agreement with Marietta Housing Authority on parking at peak times for public parking.



**20180694 Appointment of a new Fire Chief**

Approval of a recommendation by the City Manager to appoint Tim Milligan as the new Fire Chief for the City of Marietta.

**\* 20180695 136 S. Fairground Street**

Motion authorizing acquisition of a driveway easement at 136 S. Fairground Street from Wilson Lafon, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for the stipulations as listed.

1. Ingress and egress will not be impeded during construction; the timing of the pouring of the apron will be coordinated with the owner (Greg Townsend)
2. Owner's sign will not be disturbed

**\* 20180696 140 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 140 S. Fairground Street from Wilson Lafon, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$300.00 and stipulations as listed.

1. Ingress and egress will not be impeded during construction; the timing of the pouring of the apron will be coordinated with the owner (Greg Townsend)
2. City will revise driveway width and apron width to 24' at throat and 40' at mouth.
- 3.Centerline of driveway will be shifted 3' to 5' north.
4. Owner's sign will not be disturbed.

**\* 20180697 157 S. Marietta Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 157 S. Fairground Street from Wilson Lafon, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$3,500.00 and stipulations as listed.

1. Ingress and egress will not be impeded during construction; the timing of the pouring of the apron will be coordinated with the owner (Greg Townsend)
2. City will revise driveway width and apron width to 24' at throat and 40' at mouth.
- 3.Centerline of driveway will be shifted 3' to 5' north.

\*      **20180698      244 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 244 S. Fairground Street from Coakey Pacheco and Victor Pacheco for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$17,700.00 and stipulations as listed.

1. City will install a temporary mailbox during construction and restore permanent mailbox after construction.
2. City will coordinate the pouring of the new driveway with Owners.

\*      **20180699      262 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 262 S. Fairground Street from Ann B. Meyers for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$11,900.00 and stipulations as listed.

1. City will match width of existing curb cut.
2. Owner just replaced driveway with 4000psi concrete and picture frame finish. City will replace in like kind.
3. City to coordinate the pouring of the driveway with the owner.

\*      **20180700      252 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 252 S. Fairground Street from Victor E. Ekworomadu for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$12,700.00 and stipulations as listed.

1. New driveway will extend to the seam approximately 45 feet from the back edge of existing sidewalk.
2. City will match the width of the mouth of the existing curb cut.
3. City will replace disturbed lawn with Bermuda sod.
4. City to coordinate the pouring of the driveway with the owner.

\*      **20180701      270 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 270 S. Fairground Street from Joseph D. Vogel for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$11,970.00 and stipulations as listed.

City will remove large oak tree on north side of driveway, to include removal or grinding of stump.

\*     **20180702     34 Gramling Street**

Motion authorizing acquisition of the entire property at 34 Gramling Street from Don E. Wix for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$22,500.00.

\*     **20180703     Church Street and Cherokee Street**

Motion accepting the donation of right of way along Cherokee Street and Church Street from Cobb County Kennestone Hospital Authority.

\*     **20180607     BLW Actions of June 11, 2018**

Review and approval of the June 11, 2018 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

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

**ADJOURNMENT:**