



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, August 8, 2018

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Andy Morris, Ward 4

PLEDGE OF ALLEGIANCE:

Presentation of Colors by the Marietta High School ROTC Color Guard

PRESENTATIONS:

20180855 **Marietta High School Senior Football Players and the Varsity Cheerleaders**

Marietta celebrates the opening of Marietta City Schools, the introduction of the 2018 Seniors of the Marietta Blue Devils Football team and the 2018 Varsity Cheerleaders.

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

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:

- * **20180840** **Regular Meeting - July 11, 2018**

Review and approval of the July 11, 2018 regular meeting minutes.

- * **20180841** **Special Meeting - July 24, 2018**

Review and approval of the July 24, 2018 special meeting minutes.

- * **20180842** **Executive Session Minutes**

Review and approval of the following executive session minutes:

April 26, 2017 City Council Special Meeting Work Session
May 8, 2017 Agenda Work Session
May 10, 2017 Agenda Review Session
June 14, 2017 City Council Meeting

Council member Goldstein abstaining

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

- * **20180878** **Historic Preservation Commission Appointment (Ward 6)**

Reappointment of Rebecca Nash Paden (Ward 6) to the Historic Preservation Commission for a term of three years, expiring August 8, 2021.

ORDINANCES:

20170009 Z2017-08 [REZONING] OCHOA GLORIA TORRES (NICHOLAS TORRES)

Z2017-08 [REZONING] OCHOA GLORIA TORRES (NICHOLAS TORRES) is requesting the rezoning of approximately 0.54 acres located in Land Lots 287 & 290, District 17, Parcel 0670, 2nd Section, Marietta, Cobb County, Georgia, and being known as 566 W Atlanta Street, from NRC (Neighborhood Retail Commercial) to CRC (Community Retail Commercial). Ward 1A.

The following stipulations are incorporated as conditions of zoning:

· Letter of stipulations from Sams, Larkin, Huff & Balli, LLP to Jasmine Thornton, Planning & Zoning Administrator, for the City of Marietta, dated May 25, 2018 and Letter of stipulations from Sams, Larkin, Huff & Balli, LLP to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated June 29, 2018.

The Planning Commission recommends Approval as Stipulated.

Mr. Davis made a motion, seconded by Mr. Poor, to recommend approval as stipulated. The motion carried 5 0 0.

Public Hearing (all parties are sworn in)

20180746 Z2018-21 [SPECIAL LAND USE PERMIT] BUFORD CLAIRMONT COMPANY LTD (ECO-SITE, LLC)

Z2018-21 [SPECIAL LAND USE PERMIT] BUFORD CLAIRMONT COMPANY LTD (ECO-SITE, LLC) is requesting a Special Land Use Permit for a new telecommunications tower on property zoned CRC (Community Retail Commercial), located in Land Lot 361, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known 621 South Marietta Parkway. Ward 1A.

If Council approves the Special Land Use Permit, the following variances would be incorporated as conditions of the Special Land Use Permit:

Variance to locate a telecommunications tower within 240 feet of residentially zoned property. [§712.07 (B.1)]

Variance to reduce the landscaped buffer from 50 feet to 4 feet. [§712.07 (B.5)]

The Planning Commission recommends Approval as Stipulated.

Mr. Poor made a motion, seconded by Mr. Anderson, to recommend approval as submitted with the variances recommended by Staff. The motion carried 5 0 0.

Public Hearing (all parties are sworn in)

20180755 Z2018-23 [REZONING] WAYMON AHART, TRUSTEE (THE STONEHAVEN SCHOOL INC)

Z2018-23 [REZONING] WAYMON AHART, TRUSTEE (THE STONEHAVEN SCHOOL INC) is requesting the rezoning of approximately 3.77 acres located in Land Lot 02900, District 17, Parcel 0640, 2nd Section, Marietta, Cobb County, Georgia, and being known as 521 Atlanta Street from LI (Light Industrial) to OI (Office Institutional). Ward 1A.

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

Variances:

Variance to reduce the buffer adjacent to RA-6 from 30' to 20.' [§708.23 (I)]

Variance to disturb within the required buffer. [§710.05]

Variance to reduce the minimum lot acreage for a school from five (5) acres to 3.77 acres [§708.23 (B.20)].

Variance to allow a curb cut for a commercial development to be alongside a residential street [§716.02 (D)].

Variance to reduce the required total number of parking spaces from 124 to 97 spaces [§716.07 (J)].

Stipulation:

A buffer, consisting of two rows of evergreen trees, a minimum of 6 feet in height, and a 6-foot-tall opaque fence, be provided adjacent to the residentially zoned properties.

The Planning Commission recommends Approval as Stipulated.

Mr. Anderson made a motion, seconded by Mr. Hunter, to recommend approval as with variances recommended by Staff and stipulation. The motion carried 5 0 0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20180861 Denial of Claim**

Denial of Claim for Skylar Larmore.

- * **20180871 Denial of Claim**

Denial of Claim for Ross D Routh.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****2. Finance/Investment: Joseph R. Goldstein, Chairperson***** 20180862 Supplemental Project Framework Agreement**

Motion to accept the additional grant funds through the execution of the Supplemental Project Framework Agreement (PFA) with GDOT for the Rottenwood Creek Trail Phase II and amending the budget to reflect the additional grant funding.

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20180806 Special Election Alcohol Referendum**

Motion to appoint the Cobb County Board of Elections and Registration as the election superintendent for the City of Marietta and approve the contract for the November 6, 2018 Special Election regarding the Sunday Alcohol Sales Referendum.

*** 20180818 Interagency Services Agreement with Marietta City Schools**

Motion to approve the renewal of Interagency Services Agreement for School Bus Photo Enforcement between the City of Marietta and Marietta City Schools.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**5. Personnel/Insurance: Cheryl Richardson, Chairperson**

* **20180814** **Property & Casualty/Miscellaneous Coverage**

Motion approving the City of Marietta/BLW property & casualty and other miscellaneous coverage, premiums, and companies utilized for the policy period of August 17, 2018, to August 17, 2019.

Property & Casualty-Trident/Argonaut: \$687,609

Excess Workers' Compensation-Midwest Employers Casualty Company: \$268,146 (policy period of August 17, 2018, to August 17, 2020)

Fiduciary Liability-Chubb Insurance Group/Federal Insurance Company: \$11,663

Public Official Bonds-Travelers Casualty and Surety, Inc.: \$625.00

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20180808** **Honorary Street Sign**

Motion to install a sign on Lindley Ave honoring Pastor Benjamin Lockhart for his contribution to his Church and Marietta Community. This would be an honorary Street name such as " Pastor Benjamin Lockhart Ave" to be installed close to the entrance of the Church on Lindley Ave.

* **20180826** **Maple Avenue Student Drop Off and Pickup**

Motion to authorize the installation of "No Student Drop Off or Pickup" signs along the south side of Maple Avenue from Cleburne Avenue to the western entrance to Westside Elementary School.

* **20180827** **962 Roswell Street Utility Variance**

Motion approving a variance from the Underground Utilities ordinance to allow the installation of one utility pole along the Dodd Street frontage of 962 Roswell Street.

20180834 **513 Kent Terrace Fence**

Motion to approve a Revocable Easement Agreement to allow Dale Yake to maintain a fence on Kent Terrace and Anderwood Ridge right of way.

* **20180854** **Maple Avenue at Cleburne Avenue Rapid Flashing Beacon**

Motion authorizing the installation of a rapid flashing beacon pedestrian crossing at the intersection of Maple Avenue and Cleburne Avenue using **Ward 3 and Ward 4** traffic safety funds.

* **20180596** **Charlton Forge Speed Signs**

Motion to authorize the installation of driver speed feedback survey signs using Ward 2 traffic safety funds:

Two signs in the vicinity of 951 and 958 Chestnut Hill Road

One sign in the vicinity of 1040/1050 Charlton Trace

One sign in the vicinity of 975/979 Denmeade Walk

OTHER BUSINESS:

20180742 **V2018-34 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING)**

V2018-34 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING) are requesting variances for property located in Land Lot 800, District 17, Parcel 0090, 2nd Section, Cobb County, Georgia, and being known as **2424 Delk Road**, currently zoned CRC (Community Retail Commercial).

Variance to reduce the rear setback for a billboard support structure from 35' to 9'.
§708.16 (H); §714.04 (G.1); §714.04 (G.8)

Variance to reduce the rear setback for billboard sign faces from 26.25' to 9'.
§708.16 (H); §714.04 (G.1); §714.04 (G.8)

Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)

Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)

Variance to increase the allowable height for a billboard from 70' to 85' above adjacent I-75 road grade. §714.04 (G.6)

20180743 V2018-35 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING)**V2018-35 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING)**

are requesting variances for property located in Land Lot 800, District 17, Parcel 0060, 2nd Section, Cobb County, Georgia, and being known as **2430 Delk Road**, currently zoned CRC (Community Retail Commercial).

Variance to reduce the rear setback for billboard sign faces from 26.25' to 15'.

§708.16 (H); §714.04 (G.1); §714.04 (G.8)

Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)

Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)

Variance to increase the allowable height for a billboard from 70' to 84' above adjacent I-75 road grade. §714.04 (G.6)

20180868 Appeal of V2018-22 (20180616) Alderswood of Georgia Holdings Inc.

Consideration of an appeal of BZA's approval of the Special Land Use Permit V2018-22 (#20180616) by the homeowners of Carriage Oaks subdivision.

*** 20180886 Old Mountain Road Resurfacing**

Motion to approve the Intergovernmental Agreement with Cobb County to resurface Old Mountain Road and Garrison Road.

*** 20180843 BLW Actions of August 6, 2018**

Review and approval of the August 6, 2018 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: