



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 9, 2019

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Grif Chalfant, Ward 2

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20181401 **2019 Marietta High School Baseball Team**

Introduction of the 2019 Marietta High School Baseball Team presented by Councilmember Walker & Councilmember Copeland.

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20181421 **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:

- * **20181404 Regular Meeting - December 12, 2018**

Review and approval of the December 12, 2018 regular meeting minutes.

- * **20181405 Special Meeting - December 19, 2018**

Review and approval of the December 19, 2018 regular meeting minutes.

MAYOR'S APPOINTMENTS:

- 20181424 Mayor Pro tem**

Appointment of Johnny Walker as Mayor Pro tem for a term of one year expiring on January 8, 2020.

- 20181425 Presiding Officer**

Appointment of Andy Morris as Presiding Officer for a term of one year expiring on January 8, 2020.

- 20181426 Economic/Community Development Committee**

Appointment of Johnny Walker Chairman, Grif Chalfant as Vice Chair and Andy Morris to the Economic/Community Development Committee for a term of one year expiring on January 8, 2020.

- 20181427 Finance/Investments Committee**

Appointment of Joseph R. Goldstein Chairman, Reggie Copeland as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 8, 2020.

20181428 Judicial/Legislative Committee

Appointment of Andy Morris Chairman, Cheryl Richardson as Vice Chair and Joseph R. Goldstein to the Judicial/Legislative Committee for a term of one year expiring on January 8, 2020.

20181429 Parks, Recreation & Tourism Committee

Appointment of Michelle Cooper Kelly 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 8, 2020.

20181430 Personnel/Insurance Committee

Appointment of Cheryl Richardson Chairman, Joseph R. Goldstein as Vice Chair and Grif Chalfant to the Personnel/Insurance Committee for a term of one year expiring on January 8, 2020.

20181431 Public Safety Committee

Appointment of Reggie Copeland Chairman, Johnny Walker as Vice Chair and Cheryl Richardson to the Public Safety Committee for a term of one year expiring on January 8, 2020.

20181432 Public Works Committee

Appointment of Grif Chalfant Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Works Committee for a term of one year expiring on January 8, 2020.

CITY COUNCIL APPOINTMENTS:**20181433 Cobb Municipal Association 2019 Delegates**

Appointment of Grif Chalfant and Joseph Goldstein as voting delegates for the Cobb Municipal Association (CMA) business meetings.

20190031 Marietta Historic Board of Review - Ward 1

Appointment of Dorothy Woodruff to the Marietta Historic Board of Review (Ward 1), for a two-year term expiring January 9, 2021.

20190032 Historic Preservation Commission Appointment Ward 3

Reappointment of Marion Savic to the Historic Preservation Commission (Ward 3), for a three (3) year term expiring January 9, 2022.

ORDINANCES:**20181088 Z2018-30 [REZONING] GT KORDARES TRUST**

Z2018-30 [REZONING] GT KORDARES TRUST is requesting the rezoning of 5.94 acres located in Land Lot 289, District 20, Parcel 0100, a portion of 0700, a portion of 0710, a portion of 0750, 1010, and a portion of 0770 of the 2nd Section, Cobb County, Georgia and being known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City). Ward 4C.

The Planning Commission recommends approval.

Mr. Difley made a motion, seconded by Mr. Anderson, to recommend approval as submitted. The motion carried 7 0 0.

Public Hearing (all parties are sworn in)

20181089 A2018-04 [ANNEXATION] GT KORDARES TRUST

A2018-04 [ANNEXATION] GT KORDARES TRUST is requesting the annexation of property located in Land Lot 289, District 20, Parcel 0100, a portion of 0700, a portion of 0710, a portion of 0750, 1010, and a portion of 0770 of the 2nd Section, Cobb County, Georgia and being known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail, and any associated right of way, consisting of 5.94 acres. Ward 4C.

The Planning Commission recommends approval.

Mr. Difley made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 7 0 0.

Public Hearing (all parties are sworn in)

20181090 CA2018-06 [CODE AMENDMENT]

CA2018-06 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lot 289, District 20, Parcel 0100, a portion of 0700, a portion of 0710, a portion of 0750, 1010, and a portion of 0770 of the 2nd Section, Cobb County, Georgia and being known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4C.

The Planning Commission recommends approval.

Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 7 0 0.

Public Hearing (all parties are sworn in)

20181298 Z2019-01 [SPECIAL LAND USE PERMIT] MISSIONARY ASSEMBLY OF GOD INC (PRISTINE WATER LLC)

Z2019-01 [SPECIAL LAND USE PERMIT] MISSIONARY ASSEMBLY OF GOD INC (PRISTINE WATER LLC) is requesting a Special Land Use Permit for a place of assembly for properties located in Land Lots 77 & 140, District 17, Parcels 0120 & 0220, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 & 1026 Oregon Trail, currently zoned R-2 (Single Family Residential - 2 units/acre). Wards 2B & 3A. *If Council approves the special land use permit, the following variances would be incorporated as conditions of zoning:*

Variances:

Variance to increase the maximum allowable building height forty (40) feet to forty-eight (48) feet [§708.02 (H)].

Variance to increase the allowable impervious surface area from 50% to 75% on 1021 Oregon Trail to allow the site to remain as-is. [§708.02 (H)]

Variance to allow offsite parking on 1026 Oregon Trail satisfy parking requirements for 1021 Oregon Trail. [§716.07 (A)].

Variance to allow gravel as an acceptable parking surface according to the submitted plan [§716.08 (B)]

Variance to allow a bulk sanitation container in a single family residential district, which must be enclosed by a 6-foot fence. [§710.08 (3)]

Variance to reduce the rear setback for a shed from 10' to 9'. [§708.02 (E.1.b)]

The Planning Commission recommends approval as stipulated.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval striking variance previously identified as # 5 (variance to allow the existing, non-conforming pylon sign remain) which would require a monument sign to be erected; modifying variance #6 (variance to allow a bulk sanitation container in a single-family residential district) to add that the container must be enclosed by a six-foot fence.

The motion carried 7 0 0.

Public Hearing (all parties are sworn in)

20181304 Z2019-02 [REZONING] WHITE HAWK BUSINESS PARK, LLC

Z2019-02 [REZONING] WHITE HAWK BUSINESS PARK, LLC is requesting the rezoning of 1.21 acres located in Land Lots 855 & 874, District 16, Parcel 0520 of the 2nd Section, Cobb County, Georgia, and being known as 451 Dickson Road from R-2 (Single Family Residential - 2 units/acre) to LI (Light Industrial). Ward 6B.

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

Stipulations:

Letter of stipulations from Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated December 21, 2018, except that stipulation #2 shall be amended to state that the black chain link fence shall be a minimum height of 6 ft.

Variances:

Variance to reduce the minimum lot width from 100 ft. to 47.14 ft. [§708.26 (H)]

Variance to reduce the required landscaped buffer from 50 ft to 0 ft. [§708.26 (I)]

The Planning Commission recommends approval as stipulated.

Mr. Difley made a motion, seconded by Mr. McClure, to recommend approval including the stipulations in the letter of from Sams, Larkin, Huff & Balli, dated December 21, 2018, except that stipulation #2 shall be amended to state that the black chain link fence shall be a minimum height of 6 ft. The motion carried 7 0 0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20181407 Denial of Claim**

Denial of Claim for Fernando and Tara Calvo, as natural parents of McKenna Calvo, a minor.

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***** 20181367 Revised Detailed Plan - Manget Ph. IV Elevations**

Motion to approve the request by Brock Built for approval of the attached house elevations for Phase 4 of the Manget development.

In order to ensure that homes built within the Manget development are built consistent with the 4-Sided Architecture definition, the following language shall be adopted. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by Brock Built Homes and approved by the City of Marietta, dated January 9, 2019. Design features, standards, and requirements incorporated in the homes shall be as follows:

- a. Mixture of materials, with material changes taking place on the interior corners or where roof massing accommodates the change of materials. Mixture of the materials should continue, as appropriate, onto the side and rear elevations, i.e. water tables.
- b. Window muntins appropriate to the style of the home on all four sides of the residence.
- c. Shutters on front, side and rear elevations of the homes, where they can be seen from public or private streets or alleys, and where functionally appropriate.
- d. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.), except on basement level. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

*** 20181368 Final Plat - Scarlet Oaks**

Motion to approve the final plat for Scarlet Oaks (formerly Sun Lucas), a 12 lot subdivision located at 770, 780, 786, & 790 Powers Ferry Road.

*** 20181369 Final Plat - Sessions Walk**

Motion to approve the final plat for Sessions Walk (formerly Sessions Street Townhomes), a 19-unit townhome development at 425 North Sessions Street.

Council member Goldstein opposed

20181372 Revised Detailed Plan - Belaire Apartments (825 Powder Springs St)

Motion to approve the request by Belaire Apartments LLC to add six (6) "efficiency style" units at 825 Powder Springs Street by finishing the basement of Building #1100. This would increase the number of apartment units from 170 to 176.

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***** 20181375 Lovena Drive Utilities**

Motion authorizing variance from the underground utilities ordinance allowing a replacement utility pole at the first pole south of 461 Lovena Drive. This motion does not grant a perpetual variance. Cobb EMC must relocate underground at their expense if other utilities at the location are moved underground.

*** 20181376 Summerour Street Parking**

Motion authorizing the installation of no parking signs along both sides of Summerour Street at 363 Summerour Street.

20181293 68 N. Marietta Parkway Cable Easement

Request by Comcast for an easement to install underground utility service across City owned property to service the new Marietta Market.

Council Member Goldstein discloses that Marietta Square Market, LLC is a tenant of Philip M. Goldstein in another property. Council Member Goldstein further discloses that Philip M. Goldstein owns property around Denmead Street. Philip M. Goldstein is Council Member Goldstein's father.

20181379 Cobb Parkway South Underground Utilities Variance

Motion approving a variance from the underground utilities ordinance to allow the replacement of the overhead electric service lines at 1690 Cobb Parkway South. This motion does not grant a perpetual variance. The property owner must relocate underground at their expense if other utilities at the location are moved underground.

20190026 Haley Street Speed Traffic Calming

Motion authorizing the installation of speed tables on Haley St using Ward 1 safety funds.

Public Hearing

20190027 Waterman Street Speed Traffic Calming

Motion authorizing the installation of speed tables on Waterman St using Ward 1 safety funds.

Public Hearing

OTHER BUSINESS:**20190013 Appeal of V2018-52 (20181138) Kelly King**

Consideration of an appeal of the Board of Zoning Appeal's approval of variance V2018-52 (#20181138) by Amanda Gann.

20190014 Variance Stipulation Amendment - 2168 Kingston Court

Motion to amend the stipulation from V2012-11 to allow existing Billboard sign to remain at 2168 Kingston Court.

20190015 994/1010 Roswell Street

Motion to approve First Amendment to Agreement for the Sale and Purchase of Real Estate between the City of Marietta, as Seller, and Peachtree Asset Management, LLC.

20190022 686 Powder Springs

Motion authorizing acquisition of a portion of property and easements at 686 Powder Springs Street from Realty Income Corporation for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$12,600.00 and stipulations as listed below.

1. The driveway and temporary construction easements shall terminate upon the earlier of (a) one year from the start of construction on the property; or (b) completion of construction on the property.

2. Owner reserves the right to comment upon and negotiate the City's proposed conveyance documents.

3. The City's Work shall be conducted in compliance with applicable laws and in conformity with engineering standards. The road work shall not impede pedestrian or vehicular access to/from the Property without prior coordination with the property owner and/or tenant or impair the visibility or otherwise impact any freestanding signage situated on the Property.

4. City, at its sole cost and expense, shall restore the Property to the condition as it existed prior to City's entry onto the Property and performance of the City's Work. Provided that Grantor gives Grantee notice within fifteen (15) days after the termination or expiration of the easement(s) specifying any deficiencies related to the performance of city work, city's obligation to restore the property shall survive termination or expiration of the easement(s) and Grantee shall be given a reasonable time thereafter to correct the city's performance of the work. The city reserves the right to comment upon any deficiencies.

5. Grantor makes no representations or warranties of any kind, either express or implied, with respect to the Property or condition thereof.

6. City accepts the Property as is, where is, with all faults.

7. Current plans indicate that the sign on the property will not be impacted. However, should the sign be impacted, Owner will provide a commercially reasonable quote for the City of Marietta to replace the sign in accordance with City Code requirements and City will pay the same to Owner, along with any reasonable additional costs actually expended upon completion of the sign repair or replacement work.

20190023 1501 Canton Road

Motion authorizing acquisition of a portion of property and an easement at 1501 Canton Road from Circle A Fences, Inc. for the purpose of constructing the Intersection of Canton Road and Sawyer Road Project in exchange for the stipulations as listed below.

1. Curb cut (curb and gutter) to be installed at 1525 Canton Road by City at drive during construction.
2. Receipt for donation for tax deductible contribution

20190024 1525 Canton Road

Motion authorizing acquisition of a portion of property and an easement at 1525 Canton Road from Circle A Fences, Inc. for the purpose of constructing the Intersection of Canton Road and Sawyer Road Project in exchange for the stipulations listed below.

1. Curb cut (curb and gutter) to be installed by City at drive during construction.
2. Receipt for donation for tax deductible contribution.

20190025 1186 Allgood Road

Motion authorizing acquisition of a portion of property and easements at 1186 Allgood Road from William G. Parsons for the purpose of constructing the Intersection of Allgood Road and Sawyer Road Project in exchange for \$4,600.00 and stipulations as listed below.

1. In the event landscaping or fence is damaged during construction, contractor or the City will replace with like kind fence and landscaping of same size and structure.

20190028 324 Fairground Street

Motion to authorize staff and the city attorney to commence the process to acquire the following property by means of eminent domain: portion of property and an easement at 324 Fairground Street from Edith Camacho Goicochea & Cosme Alvarado for the purpose of constructing Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project.

20190029 20 S. Fairground Street

Motion to authorize staff and the city attorney to commence the process to acquire the following property by means of eminent domain: portion of property and an easement at 20 S. Fairground Street from Tommy Sue & Jimmy B. Richardson for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project.

20190030 601 Powder Springs Street

Motion to authorize staff and the city attorney to commence the process to acquire the following property by means of eminent domain: portion of property and an easement at 601 Powder Springs Street from Anthony Williams for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project.

*** 20181406 BLW Actions of January 7, 2019**

Review and approval of the January 7, 2019 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: