



# 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, March 13, 2019

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Andy Morris, Ward 4*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20190251 Outstanding Service to the Citizens**

Presentation of a Proclamation by Councilmember Andy Morris to Victor Reynolds for his outstanding service to the citizens.

**20190241 Marietta High School Varsity Lacrosse Teams**

Recognition of the Marietta High School Lacrosse Boys & Girls Teams to celebrate the inaugural Varsity Lacrosse season.

**20190234 Lifetime Service Award**

GMA (Georgia Municipal Association) with Councilmember Joseph Goldstein presenting the Lifetime Service Award to former Councilmember Philip M Goldstein.

### PROCLAMATIONS:

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

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

- 20190164**      **Scheduled Appearance**  
Scheduled Appearance - Drayton Baker
- 20190165**      **Scheduled Appearance**  
Scheduled Appearance - Jeff Sloane
- 20190232**      **Scheduled Appearance**  
Scheduled Appearance - Larry Wills
- 20190239**      **Scheduled Appearance**  
Scheduled Appearance - Quincy Jenkins.

**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:**

- \*      **20190217**      **Regular Meeting - February 13, 2019**  
Review and approval of the February 13, 2019 regular meeting minutes.

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

**20190016      Z2019-05 [REZONING] LAMBERTO CAMPOS**

**Z2019-05 [REZONING] LAMBERTO CAMPOS** is requesting the rezoning of 0.062 acres located in Land Lot 1216, District 16, Parcel 0740 of the 2nd Section, Cobb County, Georgia, and being known as 386 Fort Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a variance to increase density to 16.2 units/acre. Ward 5A.

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

*Variances:*

*Variance to increase the density from 4 units/acre to 16.2 units/acre. [§708.04 H]*

*Variance to reduce the minimum lot size from 7,500 sq.ft. to 2,700 sq.ft. [§708.04 H]*

*Variance to reduce the minimum lot width (Fort Street) from 75' to 42'. [§708.04 H]*

*Variance to reduce the front setback from 25' to 10'. [§708.04 H]*

*Variance to reduce the major side setback from 25' to 10'. [§708.04 H]*

*Variance to reduce the minor side setback from 10' to 7'. [§708.04 H]*

*Variance to reduce the rear setback from 30' to 10'. [§708.04 H]*

*The Planning Commission recommended for Approval.*

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

*Public Hearing (all parties are sworn in)*

**20190017      Z2019-06 [REZONING] POLK STREET RESIDENTIAL LLC**

**Z2019-06 [REZONING] POLK STREET RESIDENTIAL LLC** is requesting the rezoning of 8.96 acres located in Land Lot 1224, District 16, Parcels 0530, 0430, 0460, 0420, 0450, 0480, & 1000 of the 2nd Section, Cobb County, Georgia, and being known as 807, 811, 819, 871, 875, & 931 Polk Street, and 103 Mountain View Road from R-1 (Single Family Residential/Agriculture) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

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

*Stipulations:*

*Letter of stipulations from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated March 4, 2019.*

*The Planning Commission recommended for Denial.*

*Mr. Diffley made a motion to recommend approval striking variances 17A and 17B from the letter of stipulation dated March 4, 2019 and to reduce the number of homes of the subdivision from 57 to 45. The motion died for lack of a second.*

*Chairman Kinney made a motion, seconded by Mr. Davis to recommend approval striking variances 17A and 17B from the letter of stipulation dated March 4, 2019. The motion died for majority opposed. Chairman Kinney and Mr. Davis voted for and Mr. Hunter, Mr. McClure, Mr. Anderson, Ms. McClure and Mr. Diffley voted against.*

*Mr. McClure made a motion, seconded by Mr. Diffley, to recommend denial. The motion carried 5 2 0. Chairman Kinney and Mr. Davis opposed.*

*Public Hearing (all parties are sworn in)*

**20190074      Z2019-08 [REZONING] KENNESTONE HOSPITAL INC**

**Z2019-08 [REZONING] KENNESTONE HOSPITAL INC** is requesting the rezoning of approximately 3 acres located in Land Lot 1002, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia, and being known as 1045 Cobb Parkway North from OI (Office Institutional) to HI (Heavy Industrial). Ward 5B.

*The Planning Commission recommended for Approval.*

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

*Public Hearing (all parties are sworn in)*

**20190076      Z2019-09 [REZONING] WALTER K. CARLISLE**

**Z2019-09 [REZONING] WALTER K. CARLISLE** is requesting the rezoning of approximately 0.14 acres located in Land Lot 1147, District 16, Parcel 0420 of the 2nd Section, Cobb County, Georgia, and being known as 379 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 4B.

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

*Stipulation:*

*Applicant must obtain a Certificate of Occupancy.*

*Variances:*

*Variance to reduce the minimum lot size from 7,500 sq. ft. to 5,660 sq. ft. [§708.04 H]*

*Variance to reduce the minimum house size from 1,200 sq. ft. to approximately 750 sq. ft. for the existing principal structure. [§708.04 H]*

*Variance to reduce the front yard setback for the existing principal structure to remain as-is. [§708.04 H]*

*Variance to reduce the side and rear yard setbacks for the barn and shed to remain as-is. [§708.04 F.1.]*

*Variance to allow the area of the accessory structures' footprint to exceed more than 50% that of the principal structure. [§708.04 F.5]*

*Variance to allow density of 7.2 units per acre.*

*The Planning Commission recommended for Approval as Stipulated.*

*Mr. Difley made a motion, seconded by Mr. Davis, to recommend approval with the following variances. The motion carried 7 0 0.*

*Public Hearing (all parties are sworn in)*

**20190083      Z2019-12 [REZONING] CITY OF MARIETTA**

**Z2019-12 [REZONING] CITY OF MARIETTA** is requesting the rezoning of property located in Land Lot 1237, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as Coggins Place right-of-way from unzoned to CRC (Community Retail Commercial). Ward 7A.

*The Planning Commission recommended for Approval as Submitted.*

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

*Public Hearing (all parties are sworn in)*

**CITY ATTORNEY'S REPORT:**

\*     **20190218     Denial of Claim**

Denial of Claim for Cindy Faison.

\*     **20190219     Denial of Claim**

Denial of Claim for George Ezikpe and Janelle Calder.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Johnny Walker, Chairperson**

\*     **20190166     Annual Action Plan**

Motion to approve the Community Development Block Grant Program (CDBG) Annual Action Plan for Program Year 2019.

**2. Finance/Investment: Joseph R. Goldstein, Chairperson**

\*     **20190180     Appropriate supplemental funds for Rottenwood Creek Trail Phase I**

Motion to approve the amendment to the Fiscal Year 2019 budget to appropriate reimbursable grant funds from GDOT for the Rottenwood Creek Trail Phase I. This is a supplemental agreement augmenting funds for Engineering commitments.

**3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

**20181295     Code Amendment - Noise Ordinance**

Motion to approve the amendments to §10-6, Noise, to reflect changes in Fireworks Regulations.

*First Reading*  
*Public Hearing*

**20190066 Charter amendment concerning Fire and Police Civil Service System**

Motion approving an ordinance amending the City Charter, Section 4.13, et seq., related to the Fire and Police Civil Service System to comply with *Delay v. Sutton*, 304 Ga. 338 (2018) and other administrative updates. The case requires council appointment of all board members. The Civil Service Board respectfully forwards recommended changes pending approval of the City Attorney.

*Second Reading*  
*Public Hearing*

**\* 20190174 Revised Detailed Plan - 1825 Stilesboro Road Elevations**

Motion to approve the attached house elevations for the single family detached development at 1825 Stilesboro Road.

*Council member Goldstein opposed*

**\* 20190175 Revised Detailed Plan - Heritage Ridge**

Motion to approve the following changes to the detailed plan for Heritage Ridge (1725 White Circle):

1. House elevations for 24' wide, single-family detached homes dated 2/15/2019 with the stipulation that the first floor, side elevations contain a window or false-shuttered window to break up the large blank wall.
2. Reduction of the front setback to 18' from the back of side or back of curb (if no sidewalk is present).
3. Reduction in the minimum square footage for Lots 18, 19 and 27-32 from 2,200 square feet to 1,800 square feet.

*Council member Goldstein opposed*

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson****\* 20190189 2nd Annual Marietta Mountain to River Trailfest Requests**

Motion authorizing The Marietta Arts Council, in partnership with the Marietta Welcome Center, requests approval to place artwork on public property for the purpose of conducting the 2nd Annual Marietta Mountain to River TrailFest scheduled for Saturday, May 11, 2019 from 11 am to 7 pm with a rain date of Sunday, May 12, from 12 noon to 5 pm as follows:

- 1) Short-term art installations along the trail to remain up to one week.
- 2) A photo fence gallery comprised of panels that are hung on the fence separating the trail from the railroad tracks displayed 60 days from May 8 until July 7th.
- 3) A short-term light installation on the pedestrian bridges over North and South Marietta Pkwy.

\* **20190190**      **Tourism Funding for the 2019 Mountain to River TrailFest**

Motion approving FY'19 supplemental tourism funding in the amount of \$13,360 to the Marietta Arts Council, in partnership with the Marietta Visitor's Bureau, to assist with the 2nd Annual Mountain to River TrailFest. An amount of \$8,562 is approved for a marketing campaign with the remaining amount designated to reimburse the City for services provided.

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

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

\* **20190153**      **Donation to Police Department-The Corn Cousins**

Motion to approve for the Police Department to receive and use a \$5,000.00 donation from The Corn Cousins to assist with the police department's funding of the Narcan program.

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

\* **20190058**      **Locust Street Speed Study**

Motion to authorizing the installation of two driver feedback signs on Locust Ave.

\* **20190195**      **Powder Springs Rd Utilities**

Motion authorizing variance from the underground utility's ordinance allowing a new utility pole at the rear property line of 601 and 609 Powder Springs Road. This motion does not grant a perpetual variance. Marietta Power must relocate underground at their expense if other utilities at the location are moved underground.

\* **20180591**      **Downtown Dumpsters**

Motion authorizing Public Works to proceed with the installation of enclosures around the downtown dumpsters located at 32 Hansel St, 28 Whitlock St, and 86 Anderson St.

*Council member Goldstein abstaining*

**OTHER BUSINESS:**



\* **20190235 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 2019 Title Ad Valorem Tax (TAVT).

**20190252 148 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 148 S. Fairground Street from Humane Society of Cobb County Inc. for the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project for F.M.V of \$500.00 with attached stipulations.

**20190253 591 Powder Springs Street**

Motion to authorize the acquisition of property owned by Garrison Springs Property, 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.

**20190254 Sale of Property at 1101 Powder Springs Street**

Motion to direct City staff to commence the process of advertising approximately 1.00± acre of land for sale at 1101 Powder Springs Street within the City of Marietta. Said sale will be subject to the restriction that the property will only be used for food service. As part of the advertisement, the City shall prepare a more detailed survey of the property and set a minimum price on the property. The City shall have the right to reject any and all bids prior to the acceptance of a contract. The City shall comply with Georgia law regarding the sale of public property. Any contract is subject to review by the Mayor and Council for the City of Marietta.

**20190224 Councilmember Reggie Copeland Update on Housing Day at the Capital 2019**

Councilmember Reggie Copeland to discuss and present a synopsis from attending Housing Day at the Capital on Thursday, February 27, 2019 and recognizing those who also attended.

*Requested by Councilmember Reggie Copeland*

\*      **20190236**      **BLW Actions of March 7, 2019**

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

**UNSCHEDULED APPEARANCES:**

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

**ADJOURNMENT:**