



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, May 8, 2019

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Councilmember Michelle Cooper Kelly, Ward 6

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20190380 Top 50 Smart Cities Award

Presentation to the City of Marietta of the top 50 Smart Cities International Award.

20190416 2019 Top 100 Cities Best Places to Live

Presentation to the City of Marietta for being recognized one of the 2019 Top 100 Best Places to Live in America.

20190468 Legislative Presentation

Presentation from Councilmember Cheryl Richardson for Senate Bill 31, Emergency Rescue and Councilmember Reggie Copeland for Senate Bill 25, School Bus Safety.

PROCLAMATIONS:

20190456 National Public Works Week

Presentation of a Proclamation by Councilmember Grif Chalfant to Mark Rice, Public Works Director, proclaiming the week of May 19, 2019 as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

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

Each speaker is allotted five (5) minutes.

20190440 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:*** 20190420 Special Meeting - April 8, 2019**

Review and approval of the April 8, 2019 Special Meeting minutes.

*** 20190421 Regular Meeting - April 10, 2019**

Review and approval of the April 10, 2019 Regular Meeting minutes.

*** 20190366 Executive Session Minutes**

Review and approval of the following executive session minutes:

January 3, 2018 Special Called City Council Meeting
January 30, 2018 Special Called City Council Work Session
February 14, 2018 Agenda Review Session
February 14, 2018 City Council Meeting
February 27, 2019 Special Called City Council Work Session

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

- * **20190362 Board of Lights and Water Appointment**
Motion to reappoint Bruce E. Coyle to the Board of Lights and Water (Resident Member).

- * **20190405 Marietta Development Authority Appointments**
Motion to reappoint Judy E. Renfro Post 6 and Mike Henderson Post 7 to the Marietta Development Authority for a 6-year term, expiring May 8, 2025.

- * **20190289 Marietta Board of Zoning Appeals Board Attorney**
Motion to approve the appointment of Doug Haynie with the law firm Haynie, Litchfield & White, P.C. for the Marietta Board of Zoning Appeals for attorney services.

- * **20190290 Marietta Planning Commission Board Attorney**
Motion to approve the appointment of Doug Haynie with the law firm Haynie, Litchfield & White P.C. for the Marietta Planning Commission for attorney services.

- * **20190460 Board of Zoning Appeals Appointment (Ward 3)**
Motion to appoint Larry Zenoni to the Board of Zoning Appeals (Ward 3) for a 3-year term, expiring May 8, 2022.

ORDINANCES:

20190009 Z2019-04 [REZONING] Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz)

Z2019-04 [REZONING] Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz) are requesting the rezoning of approximately 7.48 acres located Land Lot 1206, District 16, Parcels 0030, 0070, 0300, 0280, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895, 1905, 1923, & 1935 Lower Roswell Road and 53, 56, 63, 73, & 76 Indian Trail from R-20 (Single Family Residential - Cobb County) and CRC (Community Retail Commercial - City) to PRD-SF (Planned Residential Development Single Family - City). Ward 6A.

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

The following stipulations and variances are incorporated as conditions of zoning:

Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 1, 2019.

The following variances are incorporated as conditions of zoning:

Variance to reduce the required driveway length from 20 feet to 18 feet, as measured from back of curb or sidewalk. [§708.09 (B.2.e)]

Variance to waive the active recreational feature. [§708.09 (B.2.i)]

Variance to reduce the minimum open space from 25% to 21% (1.63 acres). [§708.09 (H)]

Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit. [§708.09 (H)]

Variance to reduce the minimum centerline radii from 100 feet to what is shown on the plan dated 3/20/19 (received by staff 3/26/19). [§730.01 (H)]

Variance to waive the requirement to install a sidewalk along S. Marietta Parkway. [§732.07]

Variance to allow sidewalks as designated on the plans dated 3/20/19 (received by staff 3/26/19). [§732.07 (C)]

Variance to waive the requirements of an acceleration and deceleration lane into the new subdivision. [§730.01 (I.4.b)]

Variance to allow a single-family development of more than 51 dwelling units to provide one access point to an arterial street. [§730.01 (A)]

Variance to allow a billboard outside 100' of I-75. [§714.04 (G)]

Variance to waive the requirement that a billboard be regulated as a principal use. [§714.04 (G.1)]

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

Variance to increase the allowable number of faces for a billboard from two (2) to three (3). [§714.04 (G.4)]

Variance to allow a billboard remain within 1000' radius of another billboard. [§714.04 (G.5)]

Variance to allow a billboard on property zoned PRD-SF. [§714.04 (G.11)]

Variance to waive fire access from Private Alley D due to inadequate turnaround design.

Variance to reduce the minimum turning radii from 35' to 20'. [§710.06]

Tabled from April 10, 2019 City Council Meeting

The Planning Commission recommends Denial.

Mr. Diffley made a motion, seconded by Mr. McClure, to recommend denial. The motion carried 4-2-0.

Mr. Anderson and Mr. Davis opposed.

Public Hearing (all parties are sworn in)

20190010 A2019-01 [ANNEXATION] TRATON HOMES, LLC (53 INDIAN TRAIL, LLC; 56 INDIAN TRAIL, LLC; 63 INDIAN TRAIL, LLC; 76 INDIAN TRAIL, LLC; ALVARO & ELIZABETH ARAUZ)

A2019-01 [ANNEXATION] TRATON HOMES, LLC (53 INDIAN TRAIL, LLC; 56 INDIAN TRAIL, LLC; 63 INDIAN TRAIL, LLC; 76 INDIAN TRAIL, LLC; ALVARO & ELIZABETH ARAUZ) are requesting the annexation of properties located in Land Lot 1206, District 16, Parcels 0030, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, and any associated right of way, consisting of approximately 5.5 acres. Ward 6A.

Tabled from April 10, 2019 City Council Meeting

The Planning Commission recommends Denial.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend denial. The motion carried 4-2-0. Mr. Anderson and Mr. Davis opposed.

Public Hearing (all parties are sworn in)

20190011 CA2019-01 [CODE AMENDMENT]

CA2019-01 [CODE AMENDMENT] In conjunction with the requested annexation of properties located in Land Lot 1206, District 16, Parcels 0030, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, the City of Marietta proposes to designate the Future Land Use of said property as HDR (High Density Residential). Ward 6A.

Tabled from April 10, 2019 City Council Meeting

The Planning Commission recommends Denial.

Mr. Diffley made a motion to recommend denial. The motion died for lack of a second.

Mr. Anderson made a motion, seconded by Ms. McCrae to recommend approval designating the Future Land Use of said properties to MDR (Medium Density Residential). The motion carried 6-1-0. Mr. Diffley opposed.

Public Hearing (all parties are sworn in)

20190295 Z2019-15 [SPECIAL LAND USE PERMIT] COBB COUNTY YOUTH MUSEUM, INC

Z2019-15 [SPECIAL LAND USE PERMIT] COBB COUNTY YOUTH MUSEUM, INC is requesting a Special Land Use Permit for a place of assembly (museum) for property located in Land Lot 41, District 19, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 649 Cheatham Hill Drive (a/k/a 393 Terrell Drive), currently zoned R-2 (Single Family Residential - 2 units/acre). Ward 2A.

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

Variance to reduce the setback for an existing structure (pavilion) from 75 feet to 8 inches. [§708.02 (E.1.b)]

Variance to reduce the setback for the existing building (Youth Museum) and proposed addition from 75 feet to 16 feet. [§708.02 (E.1.b)]

Variance to allow a septic system for a commercial site. [§732.03]

Variance to reduce the required parking spaces from 26 to 14. [§716.07 (E)]

Variance to reduce the two-way interior drive width from 20 feet to 18 feet. [§716.08 (C.5)]

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)

20190297 Z2019-17 [REZONING] KATHRYN HARBOUR (MICHAEL LANGSTON & SHANNON R. MOORE)

Z2019-17 [REZONING] KATHRYN HARBOUR (MICHAEL LANGSTON & SHANNON R. MOORE) is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

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

Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]

Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]

Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]

Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]

Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]

The Planning Commission recommended for Denial.

Ms. McCrae made a motion, seconded by Mr. Hunter, to recommend denial. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20190385 Denial of Claim**

Denial of Claim for Timothy Moreland.

- * **20190459 Denial of Claim**

Denial of Claim for Deborah Hall.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:**

1. Economic/Community Development: Johnny Walker, Chairperson**2. Finance/Investment: Joseph R. Goldstein, Chairperson***** 20190171 Proposed Lease Amendment Marietta Conference Center & Hotel**

Motion to approve the proposed lease amendment with Marietta Leasehold L.P./Remington Hotel Management.

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20190412 Marietta Museum of History's Collection**

Motion approving the request from the Marietta Museum of History for the permanent removal of items from its collection.

*** 20190191 Policy for Smoking in City Parks and Recreation Facilities.**

Motion adopting an ordinance to amend Code Section 10-4-210, regulating smoking policies in city parks and recreation facilities.

Second Reading

20190302 Open Containers Policies

Motion to amend Code Section 8-8-2-160 and 10-4-070 to allow Open Containers of alcoholic beverages in the Downtown District.

Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta. Further, he, members of his family and/or entities owned by him and/or members of his family have business relationships with some of the people/entities supporting the open container district and asking for consideration thereof.

Second Reading

*** 20190240 Polling Location Change**

Motion to approve an Ordinance amending Section 1-6-080 of the Marietta Code of Ordinances to change the polling locations for Wards 1A and 2B.

First Reading

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson*** 20190417 Funding Request for Playground Slide**

Motion approving a budget amendment authorizing the expenditure of monies from the Whitaker Estate Funds for the purchase of a replacement slide for the Laurel Park playground.

5. Personnel/Insurance: Cheryl Richardson, Chairperson**6. Public Safety Committee: Reggie Copeland, Chairperson***** 20190378 Motion to Accept Grant from Firehouse Subs Public Safety Foundation**

Motion to approve the acceptance of a grant from the Firehouse Subs Public Safety Foundation. This grant will be for a Yanmar Three-Seat Utility Terrain Vehicle valued at \$20,988 which will be used by the Marietta Fire Department.

*** 20190389 Revisions to MPD Policies**

Motion approving the revisions to the listed policies for the Marietta Police Department - A052 (Detention & Housing of Detainees), A074 (Infectious Disease), E035 (Critical Response Team), P015 (Video & Audio Recording Equipment) & P046 (Legal Process).

7. Public Works Committee: Grif Chalfant, Chairperson*** 20190392 Allgood and Merritt Road Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Allgood Road and Merritt Road from Overbrook Circle to Barnes Mill Road. 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.

*** 20190393 Kennesaw Avenue Speed Traffic Calming**

Motion authorizing Public Works to conduct the speed study on Kennesaw Avenue from CSX railroad to Atwood Drive to determine if traffic calming devices are needed.

* **20190394 Sandy Plains Road Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Sandy Plains Road, Scufflegrit Road, and Allgood Road from West Oak Parkway to Lincoya 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.

* **20190395 Soaring Drive Parking**

Motion authorizing a no parking zone to be installed along Soaring Drive from Barnes Mill Road to the intersection with Soaring Way.

* **20190396 Allgood Road Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Allgood Road from Lincoya Drive to Overbrook Circle. 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.

* **20190381 Title VI Program Documents**

Motion approving the Title VI Nondiscrimination Agreement and Assurances between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, along with approval of the City of Marietta Title VI Policy and DBE Policy statements. Additionally, this motion appoints the Director of Human Resources and Risk Management as the City of Marietta Title VI Coordinator.

20190414 2011 SPLOST Project Budget Reallocation

Motion to reallocate 2011 SPLOST Project Funds among previously approved 2011 SPLOST projects.

20190415 2016 SPLOST Project Budget Reallocation

Motion to reallocate 2016 SPLOST Project Funds among previously approved 2016 SPLOST projects.

OTHER BUSINESS:

* **20190470** **137 Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 137 S. Fairground Street from 4-T, Inc. for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$4,000.00 and stipulations as listed:

1. Temporary easement terminates no later than 2 years from date of closing.
2. No overnight storage of equipment or materials shall be allowed on the property.
3. Teena Regan is a licensed real estate agent acting as principal.

* **20190422** **BLW Actions of May 6, 2019**

Review and approval of the May 6, 2019 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: