



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary 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, May 8, 2019

7:00 PM

Council Chamber

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**20190380**

### **Top 50 Smart Cities Award**

Presentation to the City of Marietta of the top 50 Smart Cities International  
**Presented**

**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.  
**Presented**

**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.  
**Presented**

**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.

**Read**

**20190440 Scheduled Appearance**

Scheduled Appearance - Larry Wills

**Present**

**\* 20190420 Special Meeting - April 8, 2019**

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

**Approved and Finalized**

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

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

**Approved and Finalized**

**\* 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

**Approved and Finalized**

**\* 20190362 Board of Lights and Water Appointment**

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

**Approved and Finalized**

**\* 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.

**Approved and Finalized**

**\* 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.

**Approved and Finalized**

\*     **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.

**Approved and Finalized**

\*     **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.

**Approved and Finalized**

**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:

1. 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)]
2. Variance to waive the active recreational feature. [§708.09 (B.2.i)]
3. Variance to reduce the minimum open space from 25% to 21% (1.63 acres). [§708.09 (H)]
4. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit. [§708.09 (H)]
5. 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)]
6. Variance to waive the requirement to install a sidewalk along S. Marietta Parkway. [§732.07]
7. Variance to allow sidewalks as designated on the plans dated 3/20/19 (received by staff 3/26/19). [§732.07 (C)]
8. Variance to waive the requirements of an acceleration and deceleration lane into the new subdivision. [§730.01 (I.4.b)]
9. 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)]
10. Variance to allow a billboard outside 100' of I-75. [§714.04 (G)]
11. Variance to waive the requirement that a billboard be regulated as a principal use. [§714.04 (G.1)]
12. Variance to allow a billboard within 500' of a residential zoning district.

[§714.04 (G.2)]

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

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

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

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

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

**Tabled**

**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**

**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**

**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:

1. Variance to reduce the setback for an existing structure (pavilion) from 75 feet to 8 inches. [§708.02 (E.1.b)]
2. 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)]
3. Variance to allow a septic system for a commercial site. [§732.03]
4. Variance to reduce the required parking spaces from 26 to 14. [§716.07 (E)]
5. Variance to reduce the two-way interior drive width from 20 feet to 18 feet. [§716.08 (C.5)]

**Approved and Finalized**

**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:

1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]
2. Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]
4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]

Council member Walker disclosed that he is the Co-owner of a business next door to the property located at 268 Church Street. He is a tenant, not the owner at 262 Church Street.

**Approved and Finalized****\*        20190385                    Denial of Claim**

Denial of Claim for Timothy Moreland.

**Approved to Deny Claim****\*        20190459                    Denial of Claim**

Denial of Claim for Deborah Hall.

**Approved to Deny Claim****\*        20190171                    Proposed Lease Amendment Marietta Conference Center & Hotel**

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

**Approved and Finalized**

- \* **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.
- Approved and Finalized**
- \* **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
- Approved and Finalized**
- 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
- Denied**
- \* **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
- Approved and Finalized**
- \* **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.
- Approved and Finalized**



\* **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.

**Approved and Finalized**

\* **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).

**Approved and Finalized**

\* **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.

**Approved and Finalized**

\* **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.

**Approved and Finalized**

\* **20190394**      **Sandy Plains Road Utilities**

Consideration of a 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.

**Approved and Finalized**

\*      **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.

**Approved and Finalized**

\*      **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.

**Approved and Finalized**

\*      **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.

**Approved and Finalized**

**20190414**            **2011 SPLOST Project Budget Reallocation**

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

**Approved and Finalized**

**20190415**            **2016 SPLOST Project Budget Reallocation**

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

**Approved and Finalized**

\*      **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.

**Approved and Finalized**

\*      **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.

**Approved and Finalized**

**20190472**                      **316 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 easements at 316 S. Fairground Street from Judd and Yesenia Bare for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project.

**Approved and Finalized**

**20190474****Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz)**

Motion to accept the proposal from Cobb County dated May 8, 2019 which proposes mediation in this matter to include a team from both from the County and the City that consists of elected office District Commissioner and Marietta Council ward member. Unless extended by mutual consent, this motion requires that mediation be completed on or before June 25, 2019 and that the results of mediation be reported to the Judicial Legislative committee meeting on June 25, 2019. This motion provides that all meetings of the mediation shall be open to the public. This motion also confirms that this matter will return to the mayor and city council on July 10, 2019 unless otherwise agreed and that there shall be a public hearing on July 10, 2019 on this matter. The elected official to represent the city of Marietta in this mediation shall be Michelle Cooper Kelly. All parties acknowledge that any recommendation from the mediator must be voted upon by Cobb County Georgia and the city of Marietta Georgia in public before it would become final.

**Approved and Finalized**