



# 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*

Thursday, October 10, 2019

7:00 PM

Council Chamber

### CALL TO ORDER:

### INVOCATION:

*Council Member Andy Morris, Ward 4*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20190909      2019 Public Power & Clean Water Week Poster Contest Winners**

Michael Musser from Marietta Water with the assistance of Mayor Tumlin will be presenting the 2019 Public Power & Clean Water Week poster contest winners of Park Street Elementary.

#### **Power**

Name	Place	Teacher
Mia Meja	Grand Prize	Ms. Langdon
Melanie Escobar	1st place	Ms. Bradley
Stephani Ramirez-Espinosa	2nd place	Ms. Langdon
Samantha Vazques	3rd place	Ms. Hathaway

#### **Water**

Name	Place	Teacher
Breanna Rodreguez	Grand Prize	Ms. Olusegun
Ashley Izaguirre-Quiroz	1st place	Ms. Montgomery
Cali Foster-Curry	2nd Place	Ms. Staphylaris
Mikayla Campbell	3rd place	Ms. Katz

**20190910 Fire Prevention Week Poster Contest Winners**

Fire Department recognizing the 3rd grade students from each of the Marietta City Schools, who are the winners of the Fire Prevention Week poster contest. The Grand Prize Winner will be announced the 10th of October.

Dunleith - Raevyn Seals  
Park Street - Ahmed Cham  
Lockheed - Jayla Sanders  
A.L. Burruss - Emilia Hopkins  
Sawyer Road - Kennedy Epps  
Westside - Cora Micheletto  
MCAA - Claire Grainger  
Hickory Hills - Zoe Swofford

**20190936 Public Safety Recognition**

Recognition of Officer Paul Hill, of the Marietta Police Department, receiving the 2019 Cobb Chamber of Commerce Outstanding Community Contribution Award.

Recognition of Officer Paul Reynolds, of the Marietta Police Department, nominated for the 2019 Cobb Chamber of Commerce Employee of the Year.

Recognition of Lieutenant Lars Marvin, Firefighter Engineer Paul Molinaro, and Firefighter James Walker of Engine 55, receiving the 2019 Cobb Chamber of Commerce Medal of Valor.

**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:**

\* **20190893 Regular Meeting - September 11, 2019**

Review and approval of the September 11, 2019 regular meeting minutes.

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

**CITY COUNCIL APPOINTMENTS:**

\* **20190890 Civil Service Board Election - Post 4**

Motion to approve the certified Uncontested Election results for the Marietta Civil Service Board Post 4 vacancy, electing Paul J. Southern for a term of three years, effective January 1, 2020 and expiring on December 31, 2022.

\* **20190891 Civil Service Board - Post 4**

Motion to appoint Paul J. Southern to the Marietta Civil Service Board (Post 4), for a three-year term, effective January 1, 2020 and expiring on December 31, 2022.

\* **20190917 Historic Board of Review and Historic Preservation Commission Attorney Appointment**

Motion to approve the HBR and HPC's recommendation to appoint Joseph Atkins from Downey & Cleveland, LLP, as the advising attorney in accordance with §7-8-8-080 (I.) and §7-8-9-030 (G.). The term of the appointment will be effective immediately upon passing with expiration of said appointment to coincide with the current term of council to expire on December 31, 2021.

**ORDINANCES:**

**20190786      Z2019-31 [REZONING] MPC REAL ESTATE HOLDINGS, LLC (ANNE G. CHAVANNE)**

**Z2019-31 [REZONING] MPC REAL ESTATE HOLDINGS, LLC (ANNE G. CHAVANNE)** is requesting the rezoning of 0.32 acres located in Land Lot 1215, District 16, Parcel 0970 of the 2nd Section, Cobb County, Georgia, and being known as 586 Fort Street from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 5A. *If Council approves the rezoning, the following stipulations and variance would be incorporated as conditions of zoning:*

*Stipulation:*

*Correction made to Variance #2 lot size is 13,000 sq. ft., not 18,000 sq. ft. Applicant is aware that sprinklers will be required.*

*Variances:*

*Variance to increase the maximum allowable beds from six (6) to twelve (12) for a personal care home. [§708.23 (B.19.b)]*

*Variance to reduce the minimum lot size from 20,000 sq. ft. to approximately 13,000 sq. ft. [§708.23 H]*

*Variance to allow the encroachment of the existing structure into the front and side yard setbacks. [§708.23 H]*

*Variance to waive the requirements for the Commercial Corridor Design Overlay - Tier B. [§712.09 (G)]*

*The Planning Commission recommended for Approval as Stipulated.*

*Mr. Duffley made a motion, seconded by Mr. Davis, to recommend approval as stipulated. The motion carried 7-0-0.*

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\*      **20190855      Denial of Claim**

Denial of Claim for Yvette Brown.

\*      **20190899      Denial of Claim**

Denial of Claim for Ava Ball.

**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**

\* **20190602      Ordinance Adopting and Amending Park System Operating Hours**

Motion adopting a new code for Section 10-4-230 - Hours of Operation for City Parks and amending Section 10-4-120 - Use of bicycles, skates, skateboards, roller blades or other similar devices, in public parks, the central business district, and on any public property prohibited.

*Second Reading*

\* **20190755      Pension Plan Amendments**

Motion approving an ordinance amending the defined benefit pension plans to comply with HB 196 regarding education requirements for pension plan trustees. This item is forwarded from the Pension Board for consideration.

*Item passed unanimously by the Pension Board at its August 14, 2019, meeting by a vote of 9-0-0*

*Second Reading*

\* **20190866      Detailed Plan - 1101 Powder Springs St**

Motion to approve the detailed plan, which includes the site plan, landscape plan, and building elevations, by Wilson Development for the development of 1.5 acres of 1101 Powder Springs Street for two drive-in fast food restaurants, subject to the following stipulations:

1. Letter of stipulations and variances from Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated October 3rd, 2019.
2. The chain link fence enumerated under item 3.c. will be more specifically made of black vinyl-coated chain link.
3. Prior to construction, tree protection fencing will be placed at the limits of disturbance along the northeastern property line and will remain in place until construction of the site is complete.

\* **20190780 Charter Amendment to Section 5.14**

Motion to approve the advertisement and holding of two Public Hearings for proposed Charter Amendment to Section 5.14 of the Charter of the City of Marietta BLW Business Entities.

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**

\* **20190901 Authorizing Additional Projects at Laurel Park**

Motion authorizing an expenditure not to exceed \$70,673 of the remaining 2009 Parks Bond budget allocated for Laurel Park to repair the track and the pond pump system at Laurel Park.

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

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

\* **20190876 Edward Byrne Memorial Grant Award**

Motion to approve an Ordinance amending the Fiscal Year 2020 Grant Fund for the Marietta Police Department to receive and appropriate a grant for the Edward Byrne Grant Award from the Department of Justice for \$22,841.00 to purchase equipment for the Crisis Response Team (CRT) to include tactical gear and vests.

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

\* **20190858 Kennesaw Mountain Chattahoochee River (KMCR)- Easement**

Motion authorizing the City to execute the Non-Exclusive Easement Agreement for Construction and Operation with the State of Georgia for the (KMCR) Gap trail rail crossing at East Dixie Avenue.

\* **20190860 Polk and Mountain View**

Motion to declare the 2011 SPLOST Polk Street at Mountain View intersection project infeasible and to approve the Intersection Improvement Concept for Polk Street at Mountain View.

*Council Member Grif Chalfant Opposed*

- \*     **20190861     Polk and Stewart Traffic Calming**

Motion authorizing Public Works to install 5 Driver Feedback Signs on Polk St. and Stewart Ave. 2016 SPLOST ATMS funds.
  
- \*     **20190864     Bellemeade Drive Traffic Calming**

Motion to change the posted speed limit on Bellemeade Drive to 25 MPH for the portion of Bellemeade Drive in the city limits.
  
- \*     **20190863     Sandtown 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 Sandtown Rd from Powder Springs St to 900 Sandtown 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.
  
- \*     **20190865     Pauladean Circle Utilities**

Motion authorizing a variance from the city's underground utility's ordinance for Marietta Power to install a new utility lift pole, at the property line, of 264 & 274 Pauladean Circle. 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.
  
- \*     **20190867     FY20 Transportation Improvement Program (TIP) Funding**

Motion to approve resolution in support of the North Marietta Parkway Multi-Use Trail and Streetscape project for the ARC's FY2020 (TIP) Solicitation and commitment of 20 percent matching funds.
  
- \*     **20190898     1725 Ashborough Road**

Motion to authorize the City Attorney to proceed with the acceptance of donation of this property and pay all related taxes.
  
- \*     **20190900     348 Powder Springs Street**

Motion to authorize the acquisition of property interests from Barnes Land and Investment, LLC for the sum of \$103,000 upon the terms and conditions set forth in an agreement regarding the purchase and sale of right away.

**OTHER BUSINESS:****20190761 V2019-30 [VARIANCE] ROSWELL STREET BAPTIST CHURCH, INC**

**V2019-30 [VARIANCE] ROSWELL STREET BAPTIST CHURCH, INC** is requesting variances for property located in Land Lot 1236, District 16, Parcel 0010, 2nd Section of Cobb County, Marietta, Georgia and being known as 774 Roswell Street. Ward 1A.

Variance to increase the allowable sign height for a freestanding sign from 8 feet to 12 feet.  
[§714.04 (F.) TABLE H]

Variance to increase the area for a sign structure from 60 square feet to 114 square feet.  
[§714.04 (F.) TABLE H]

Variance to reduce the setback for a monument sign from 5 feet to 2.5 feet. [§714.04 (F)]

*Public Hearing (All parties sworn in)*

\* **20190790 V2019-31 [VARIANCE] COBB COUNTY KENNESTONE HOSPITAL AUTHORITY (WELLSTAR HEALTH SYSTEM, INC)**

**V2019-31 [VARIANCE] COBB COUNTY KENNESTONE HOSPITAL AUTHORITY (WELLSTAR HEALTH SYSTEM, INC)** are requesting variances for property located in Land Lot 1074, District 16, Parcels 0310, 0330, 0320, & 0450, 2nd Section of Cobb County, Marietta, Georgia and being known as 115 & 127 Cherry Street, 683 Cherokee Street, and 680 Church Street (a.k.a. 700 Church Street). Ward 4B.

Variances from §714.04 (F) for freestanding sign height, setbacks, face area, type, and number of signs per road frontage as part of a comprehensive sign package for WellStar Kennestone Hospital's Emergency Services Building.

*Public Hearing (All parties sworn in)*

**TABLED TO THE JUDICIAL LEGISLATIVE COMMITTEE**

\* **20190928 CCSO Prisoner Housing Contract**

Motion to approve the Cobb County Sheriff's Office Prisoner Housing Contract Extension between the City of Marietta and Cobb County Sheriff's Office ending December 31, 2019.



**20190935      48 Gramling Street**

Motion to authorize the acquisition of property owned by E.R. Ruddell, III 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.

**\*      20190894      BLW Actions of October 7, 2019**

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

**UNSCHEDULED APPEARANCES:**

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

**ADJOURNMENT:**