



# 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 11, 2020

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Grif Chalfant, Ward 2*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20200211 Wellstar Kennestone Hospital**

Presentation to thank Wellstar Kennestone Hospital & Innovative Fitness for the donation of the exercise equipment to the Marietta Police Department.

### PROCLAMATIONS:

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

### SCHEDULED APPEARANCES:

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

**20200186 Scheduled Appearance**

Scheduled Appearance - Larry Wills

**20200187 Scheduled Appearance**

Scheduled Appearance - Don Barth

**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:****\* 20200183 Regular Meeting - February 12, 2020**

Review and approval of the February 12, 2020 regular meeting minutes.

**\* 20200188 Special Meeting - February 25, 2020**

Review and approval of the February 25, 2020 special meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:****20200220 Marietta Pension Board - Post 7 (General Employee Representative)**

Appointment of Scott Reece to fill the vacated membership of Keisha Register on the Marietta Pension Board (Post 7) with term expiring December 31, 2021.

**ORDINANCES:**

**20200036      Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC)**

**Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC)** is requesting the rezoning of 0.21 acres located in Land Lot 1143, District 16, Parcel 0370 of the 2nd Section, Cobb County, Georgia, and being known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

*Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval as stipulated. The motion carried 7-0-0.*

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

*Variances:*

- *Variance to reduce the major side setback along the eastern property line from 25 feet to 21 feet. [§708.04 (H)]*
- *Variance to reduce the front yard setback along the northern property line from 25 feet to 19 feet. [§708.04 (H)]*

*The following stipulation is incorporated as a condition of zoning:*

*A new paved driveway that will hold at least 3 cars will be provided on the west side of the property.*

*Public Hearing (all parties are sworn in)*

**20200061      Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC**

**Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC** is requesting the rezoning of 0.27 acres located in Land Lot 1160, District 16, Parcel 1280 of the 2nd Section, Cobb County, Georgia, and being known as 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

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

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

*Variance:*

- *Variance to reduce the southern side yard setback from 10 feet to 7 feet. [§708.04 (H)]*

*Public Hearing (all parties are sworn in)*

**20200077      Z2020-10 [REZONING] 20 HOLDINGS, LLC**

**Z2020-10 [REZONING] 20 HOLDINGS, LLC** is requesting the rezoning of 4.2 acres located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia, and being known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 3A.

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

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

*Stipulations:*

*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 March 2, 2020.*

*Applicant must comply with noise attenuation construction requirements as identified in the letter from Kenneth W. Williams, Base Civil Engineer, Dobbins ARB to Rusty Roth, Development Services Director for the City of Marietta, dated March 2, 2020.*

*Public Hearing (all parties are sworn in)*

**20200078      A2020-02 [ANNEXATION] 20 HOLDINGS, LLC**

**A2020-02 [ANNEXATION] 20 HOLDINGS, LLC** is requesting the annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia and being known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres. Ward 3A.

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

*Public Hearing (all parties are sworn in)*

**20200079 CA2020-02 [CODE AMENDMENT]**

**CA2020-02 [CODE AMENDMENT]** In conjunction with the requested annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, and being known as 1501 & 1521 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 3A.

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

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****20200069 Marietta Tax Allocation Districts**

Motion to authorize staff to pursue termination of the Center City South Renaissance and Center City Perimeter Tax Allocation Districts.

*Council Member Goldstein discloses that PMG Family, LLC and JRG Marietta Parkway, LLC own properties in the Center City South Renaissance Tax Allocation District. Council Member Goldstein is an owner of both PMG Family, LLC and JRG Marietta Parkway, LLC.*

**2. Finance/Investment: Joseph R. Goldstein, Chairperson****3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

\* **20191153**      **Smoking in Outdoor Cafes**

Motion to approve the amendments to Chapter 8-39, Outdoor Cafes, to restrict smoking in encroachment areas.

*Second Reading*

*Council member Goldstein disclosed that members of his family and entities owned by himself and family members own properties within the proposed no smoking district.*

\* **20200132**      **No Smoking District**

Motion to approve the amendment to Chapter 10-4-210, Smoking prohibited, for the establishment of the downtown No Smoking District.

*Second Reading*

*Council member Goldstein disclosed that members of his family and entities owned by himself and family members own properties within the proposed no smoking district.*

\* **20200168**      **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 3A and 6A.

*First Reading*

\* **20200064**      **Detailed Plan - South Avenue Townhomes**

Motion to approve the detailed plan consisting of a site plan, tree plan, and building elevations for 127, 135, & 141 South Avenue.

\* **20200159**      **Detailed Plan - 1725 Stilesboro Road**

Motion to approve the detailed site and tree plan for the development of thirty-seven (37) age restricted, single family detached homes at 1725 Stilesboro Road.

Architectural elevations for the homes will be brought back to City Council for approval prior to issuance of any building permits.

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

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

\* **20191046**      **Nationwide 457(b) Deferred Compensation Plan Amendment**

Motion approving the Memorandum of Understanding amending the current Fixed Account Amendment on the Nationwide 457(b) Deferred Compensation Plan. This amendment freezes all existing funds in the Fixed Account at a 3.5% Guaranteed Minimum Interest Rate (GMIR) effective July 1, 2020, moves future funds to a 1.1% crediting rate and 0% GMIR, and maintains participant liquidity at 100%.

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

\* **20200065**      **Revisions to Marietta Fire Department Code**

Motion to approve the revisions for the Marietta Fire Department for the Fire Prevention and Protection Code.

*Second Reading*

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

\* **20200149**      **Delk Rd. Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Delk Road from Franklin Gateway SE to Powers Ferry 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.

\* **20200150**      **Gresham Rd. NE Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Gresham Rd NE from Cobb Parkway North to 1122 Gresham Rd NE. 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.

\* **20200151**      **Brumby ROW**

Motion authorizing the approval of the dedication of ROW, Permanent Easement, and Driveway Easement at the Brumby House at 472 Powder Springs St for the construction of the Powder Springs Streetscape.

\* **20200152 Marietta Conference Center ROW**

Motion authorizing the approval of the dedication of ROW, Permanent Easement, and Temporary Easement at the Marietta Conference Center 500 Powder Springs St for the construction of the Powder Springs Streetscape.

\* **20200153 Kiowa and Sequoia Drive Traffic Calming**

Motion authorizing Public Works to install stop signs at the intersection Kiowa and Sequoia Drive.

**20200154 North Fairground Street Sidewalk Access**

Motion authorizing the signing of an indemnification and release agreement by the property owner, compensation of \$1800.00 from the property owner for the removal of the 6-foot section of decorative wall to be returned to the applicable Special Local Option Sales Tax (SPLOST) account, return the remaining area of decorative wall to its current condition, and authorization of the installation of the side door and access directly onto the sidewalk at 27 North Fairground Street.

\* **20200162 Bells Ferry - Turner Rd Intergovernmental Agreement**

Motion authorizing the execution of the Intergovernmental Agreement between City of Marietta and Cobb County for the construction of a signalized intersection at Bells Ferry Rd and Turner Rd/Dickson Rd.

**OTHER BUSINESS:**

**20200037 V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC**

**V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC** is requesting variances for property located in Land Lots 1215 & 1234, District 16, Parcels 0600 & 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 27 North Fairground Street and 546 Washington Avenue. Ward 5A.

- Variance to eliminate the 10' planted border along Rock Street. [*§712.08 G.2.a*]
- Variance to reduce the setback on Rock Street from 40' to 1'. [*§708.16 H.*]
- Variance to reduce the southern side setback for the new building from 15' to 3'. [*§708.16 H*]
- Variance to reduce the northern side setback for the new building from 15' to 3'. [*§708.16 H*]
- Variance to increase the impervious surface from 96% to 98%. [*§708.16 H*]

*Public Hearing (All parties are sworn in)*

**20200072 V2020-11 [VARIANCE] RACETRAC PETROLEUM, INC**

**V2020-11 [VARIANCE] RACETRAC PETROLEUM, INC** is requesting variances for property located in Land Lot 214, District 17, Parcels 0710 & 0220, 2nd Section of Cobb County, Marietta, Georgia and being known as 695 Powder Springs Street and 701 Sandtown Road. Ward 1A.

- Variance to waive the Commercial Corridor Overlay District Tier B's site design mandatory element "75-foot maximum front setback from the building to the property line along any public street". [§712.09 (G.2.b.i)]
- Variance to increase the sign face area for a monument sign on a collector road (Sandtown Road) from 50 square feet to 100 square feet. [§714.04 (F.3) Table H]
- Variance to increase the sign face area for a monument sign on an arterial road (Powder Springs Street) from 90 square feet to 100 square feet. [§714.04 (F.3) Table H]
- Variance to increase the sign height for a monument sign on a collector road (Sandtown Road) from 10 feet to 15 feet. [§714.04 (F.3) Table H]
- Variance to allow the digital sign area to exceed 50% of the total sign face. [§714.04 (F.4.c)]
- Variance to allow digital signs within 200 feet of residential property. [§714.04 (F.4.a)]

*Public Hearing (All parties are sworn in)*

**\* 20200216 Travel & Training**

Motion to set budget for Elected Officials' Training and Development for FY2021 at \$5,000 for each Elected Council Member (\$35,000 cumulative) and \$1,000 for Mayor (total budget \$36,000) with no unused training and development costs carried forward or retroactively applied. In addition to CMA events being exempt, City sponsored "seating" at sanctioned events (Chamber & Civic functions and community sponsorships), where approved by City manager with same standard use for staff development, are exempt from EO Development cost annual Cap.

**\* 20200217 Bond Tax Mileage Rate**

Motion to approve a reduction of the millage rates for the Redevelopment Bond and the Parks Bond. The Redevelopment Bond reduced to 1.625 mills and the Parks Bond reduced to .625 mills.

**\* 20200218 City Bonds**

Motion to authorize staff to engage financial advisors and bond attorney for the purpose of refinancing the Redevelopment Bond and the Parks Bond to a lower rate.

**20200184 BLW Actions of March 9, 2020**

Review and approval of the March 9, 2020 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

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

**ADJOURNMENT:**