



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

Wednesday, October 14, 2020

7:00 PM

Council Chamber

20200836

2020 All-American City Hall of Fame Award

Presentation to the City of Marietta for the 2020 All-American City Hall of Fame Award presented by The National Civic League. (Video Presentation by Mayor Patti Garrett, Vice Chair of the National Civic League Board)

Presented

20200843

Public Safety Recognition

Recognition of Firefighter Ron Presley, receiving the 2020 Cobb Chamber of Commerce Outstanding Community Commitment Award.

Recognition of Lieutenant Michael Goins, of the Marietta Police Department, receiving the 2020 Cobb Chamber of Commerce Outstanding Community Contribution Award.

Recognition of Sergeant Josh Liedke, Officer Joey Powell & K9 Officer Jacquo, including the Crime Interdiction Unit, of the Marietta Police Department, receiving the 2020 Cobb Chamber of Commerce Distinguished Service Award.

Presented

20200823

Scheduled Appearance

Scheduled Appearance - Larry Wills

Not Present

20200838 Scheduled Appearance

Scheduled Appearance - Donald Barth

Present

*** 20200800 Meeting Minutes - September 9, 2020**

Review and approval of the September 9, 2020 regular meeting minutes.

Approved and Finalized

*** 20200766 Board of Lights and Water Appointment**

Reappointment of Michael G. Wilson to the Board of Lights and Water (Resident Post) for a term of four (4) years, beginning October 12, 2020 and expiring October 13, 2024.

Michael G. Wilson has been on the board since October 2012.

Approved and Finalized

*** 20200814 Board of Zoning Appeals Appointment (Ward 1)**

Appointment of Craig Smith to the Board of Zoning Appeals (Ward 1) for a three (3) year term, expiring September 14, 2023.

Approved and Finalized

*** 20200817 Planning Commission Appointment (Ward 4)**

Reappointment of Byron "Tee" Anderson to the Planning Commission (Ward 4), for a three-year term expiring October 14, 2023.

Byron "Tee" Anderson has been on the board since September 2017.

Approved and Finalized

*** 20200821 Planning Commission Appointment (Ward 5)**

Reappointment of Brenda McCrae to the Planning Commission (Ward 5), for a three-year term beginning immediately upon appointment and expiring October 14, 2023.

Brenda McCrae has been on the board since December 11, 2013.

Approved and Finalized

* **20200142** **Sprint Lease Extension for Property at Cell Site**

Motion to approve the Contract agreement between the City of Marietta and the Downtown Marietta Development Authority for the extension of the lease made on March 9, 2000 with Sprintcom Inc. for property at cell site located at 805 Allgood Road.

Approved and Finalized

20200594 **HB 879: Extension of Sunday Sales for Off Premise Consumption**

Motion to amend the Chapter 8-8 Alcoholic Beverages of the Code of Ordinances of the City of Marietta, to extend the hours of Sunday sales for off premise consumption.

Council member Michelle Cooper Kelly disclosed that she is employed by a large brewery that also owns several craft breweries.

First Reading
Public Hearing

First Reading

* **20200822** **Charter Amendment related to Municipal Court Judges & Prosecuting Attorneys**

Motion to authorize advertisement of an Amendment to the Charter for the City of Marietta Section 4.11 entitled "Municipal Court" and Section 6.6 entitled "Prosecuting Attorney".

Approved for Advertisement

* **20200432** **Open Space in Residential Zones**

Motion authorizing staff to advertise a code amendment for Development Regulations.

Approved for Advertisement

* **20200768** **Detailed Plan - 521 Atlanta Street**

Motion to approve the request by Pulte Homes for approval of a detailed site plan, landscape plan, and townhome elevations for forty (40) units zoned PRD-SF (Z2020-19), with the following stipulation:

1. The homes shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time. As part of the approval process, the Homeowner’s Association or other governing body is hereby charged with the responsibility of enforcing this regulation on all homeowners and owners of lots and property in the development. The Homeowner’s Association shall enforce this regulation to ensure compliance with City Ordinances with both the initial owner of the property as well as all subsequent owners. Failure of the Homeowner’s Association to require and achieve compliance may result in a civil penalty by the City of Marietta against the Homeowner’s Association in the amount of \$500.00.

Approved and Finalized

20200769 **Detailed Plan - 1520, 1540, & 1560 Cunningham Road**

Motion to approve the request by Venture Homes for approval of a detailed site plan, landscape plan, and house elevations for fifty two (52) units on Cunningham Road (Z2020-07), with the following stipulations:

1. The homes shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time. As part of the approval process, the Homeowner’s Association or other governing body is hereby charged with the responsibility of enforcing this regulation on all homeowners and owners of lots and property in the development. The Homeowner’s Association shall enforce this regulation to ensure compliance with City Ordinances with both the initial owner of the property as well as all subsequent owners. Failure of the Homeowner’s Association to require and achieve compliance may result in a civil penalty by the City of Marietta against the Homeowner’s Association in the amount of \$500.00.
2. Maintenance of parking within the right of way will be the responsibility of the homeowner’s association.
3. A walking trail to function as an active amenity will be provided.

Motion to approve the request by Venture Homes for approval of a detailed site plan, landscape plan, and house elevations for fifty two (52) units on Cunningham Road (Z2020-07), with the following stipulations:

- 1. The homes shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time. As part of the approval process, the Homeowner’s Association or other governing body is hereby charged with the responsibility of enforcing this regulation on all homeowners and owners of lots and property in the development. The Homeowner’s Association shall enforce this regulation to ensure compliance with City Ordinances with both the initial owner of the property as well as all subsequent owners. Failure of the Homeowner’s Association to require and achieve compliance may result in a civil penalty by the City of Marietta against the Homeowner’s Association in the amount of \$500.00.*
- 2. Maintenance of parking within the right of way will be the responsibility of the homeowner’s association.*
- 3. A walking trail to function as an active amenity will be provided.*
- 4. The first or second floor side house elevations shall contain a window or false-shuttered window to break up the large blank wall.*
- 5. There shall be a maximum of 20’ horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc). This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.*

Approved as Amended

* **20200770** **Revised Detailed Plan - 1725 Stilesboro Rd**

Motion to approve the house elevations for thirty seven (37) homes at 1725 Stilesboro Road, zoned PRD-SF.

Approved and Finalized

* **20200789** **Preliminary Plat - 1435 Cunningham Road**

Motion to approve the preliminary plat for the 15-townhome unit development at 1435 Cunningham Road (Z2019-32).

Approved and Finalized

- * **20200815** **Amendment of Chapter 8-39, Outdoor Cafes to address outdoor heaters**
- Motion to approve amendment to Chapter 8-39 regarding outdoor heaters used in Outdoor Cafes.
- Motion to approve amendment to Chapter 8-39 regarding outdoor heaters used in Outdoor Cafes with the following stipulations:*
- 1. Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.*
- 2. In the lease between the City of Marietta and the merchant, this item will be shown in the lease.*
- Approved as Amended**
- * **20200776** **Land and Water Conservation Fund (LWCF) Grant Pre-Application for Wildwood Park**
- Motion adopting a resolution to submit a Land and Water Conservation Fund (LWCF) grant pre-application requesting \$500,000 for Wildwood Park improvements to include expanded parking, restroom facilities, and construction of a disc golf course estimated at \$1,503,260, and; committing to match, if awarded, the LWCF grant.
- Approved and Finalized**
- * **20200788** **Brumby Hall Event Rental Fees**
- Motion to approve the event rental fees for the City of Marietta's Brumby Hall.
- Approved and Finalized**

* **20200758** **Renewal of Smyrna Prisoner Housing Agreement**

Motion approving an Intergovernmental Agreement between the City of Marietta, Georgia and the City of Smyrna, Georgia for the housing of prison inmates.

Approved and Finalized

* **20200792** **Edward Byrne Memorial Grant Award**

Motion to approve an Ordinance amending the Fiscal Year 2021 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 \$17,832.00 to purchase general equipment.

Approved and Finalized

* **20200796** **Noise Ordinance**

Motion to affirm and support the purchase of new replacement certified sound meters that will be utilized by the Marietta Police Department.

Approved and Finalized

* **20200257** **Renaissance Sidewalks Concept**

Motion authorizing Public Works to proceed with the following options as selected by Council:

- Segment 1: Alexander Circle from Lakewood Drive to Frasier Street - replace the existing roll curb and 4-foot sidewalk with a header curb and 5-foot sidewalk. Estimated cost is \$125,000.
- Segment 2: Alexander Street from Frasier Street to Waterman Street - narrow roadway width to 20 feet, install new curb and gutter, and install a new 8-foot wide sidewalk. Estimated cost is \$65,000.
- Segment 3: Alexander Street from 186 Alexander Street to 244 Roswell Street - repair and replace existing sidewalk and widen sidewalk to 4.5-foot. Estimated cost is \$31,000.

Segments 1 & 2 (\$190,000 total) will be funded from the TAD CCSR funds and Segment 3 (\$31,000 total) will be funded from the 2016 SPLOST Annual Sidewalks/Trail account.

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 and members of his family are owners of both PMG Family, LLC and JRG Marietta Parkway, LLC.

Approved and Finalized

* **20200784** **Lakewood Drive & Manget Street Intersection Improvement Project**

Motion authorizing Public Works to proceed with the revised concept for the Lakewood Drive & Manget Street Intersection Project using the TAD CCSR funds and the 2016 SPLOST funds.

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 and members of his family are owners of both PMG Family, LLC and JRG Marietta Parkway, LLC.

Approved and Finalized

* **20200522** **Manning Road Traffic Calming**

Motion authorizing Public Works to proceed with the following options as selected by Council:

- Conversion of the Laurel Park and Manning Road intersection to a 4-way stop intersection.
- Conversion of the Kimberly Way and Manning Road intersection to a 3-way stop intersection. This will be coordinated with Marietta City Schools.
- Installation of a 6-foot brick landscaped median along Manning Road near Kimberly Way.
- Installation of a mid-block pedestrian crossing near Queensboro Square with beacons.
- Installation of an additional 3 driver feedback signs along Manning Road.
- Installation of lane narrowing with curbing and a grass strip between the elementary school and high school.

The total estimated cost for these options is \$141,000 and will be funded from the 2016 SPLOST General Streets/Drainage account.

Approved and Finalized

* **20200704** **Polk Street and Stewart Avenue Area Traffic Calming**

Motion authorizing Public Works to proceed with the following options as selected by Council:

- Installation of lane narrowing and striping on Polk Street, Stewart Avenue, and Maple Avenue.
- Conversion of the Polk Street and Lindley Avenue intersection to a 3-way stop intersection.
- Conversion of the Mountain View Road and Mountain View Circle intersection to a 3-way stop intersection.
- Conversion of the Stewart Avenue and Camp Street intersection to a 4-way stop intersection.
- Installation of a bike lane on Polk Street instead of striping.
- Installation of driver feedback signs on Polk Street, Mountain View Road, and Stewart Avenue. The driver feedback signs were previously approved by Council to be purchased and only the installation costs are included in this estimate.

The total estimated cost for these options is \$220,000 and will be funded from the 2016 SPLOST General Streets/Drainage account.

Approved and Finalized

* **20200785** **Polk Street and Mountain View Road Intersection Improvement**

Motion authorizing the Public Works to proceed with the intersection realignment concept for Polk Street and Mountain View Road.

Approved and Finalized

* **20200754** **Cole and Fort Street Right-of-Way Donation**

Motion authorizing the Public Works to receive the donation of right-of-way located at the corner of Fort and Cole Streets per the Quitclaim Deeds from Fort & Cole Street LLC and Copperleaf Partners LLC.

Approved and Finalized

* **20200781** **GDOT South Marietta Parkway Pedestrian Bridge Maintenance Agreement**

Motion authorizing the execution of the Maintenance Agreement for the South Marietta Parkway Pedestrian Bridge with the Georgia Department of Transportation.

Approved and Finalized

* **20200782** **GDOT Whitlock Avenue Maintenance Agreement**

Motion authorizing the execution of the Maintenance Agreement for Landscaped Medians on Whitlock Avenue with the Georgia Department of Transportation.

Approved and Finalized

20200638 **V2020-31 [VARIANCE] BHULLAR HOLDINGS, LLC**

V2020-31 [VARIANCE] BHULLAR HOLDINGS, LLC is requesting variances for property located in Land Lot 1134, District 16, Parcel 0100, 2nd Section of Cobb County, Marietta, Georgia and being known as 1860 (aka 1850) Roswell Road. Ward 7A.

Motion to approve the variances for 1860 Roswell Road subject to the stipulation letter from Adam Rozen dated October 13, 2020 and includes the following:

1. Variance to increase the allowable impervious surface from 80% to 88%.
2. Variance to allow planter islands in lieu of the 10-foot planted border area along Roswell Road as shown on the Revised Site Plan dated 10/12/20.
3. Variance to modify the 10-foot planted border area along the South Marietta Parkway frontage as shown on site plan dated 10/12/20.
4. Variance to reduce the landscape buffer as shown on Revised Site Plan dated 10/12/20.
5. Variance to allow a detention pond within a buffer.
6. Variance to reduce the rear yard setback from 35' to 11' for the existing building.
7. Variance to reduce the setback from 2' to 0' and allow a 6' tall chain link fence along the Roswell Road frontage as depicted on the Revised Site Plan dated October 12, 2020.
8. Variance to reduce the minimum required tree plantings to allow tree plantings as depicted on the Revised Site Plan dated October 12, 2020 and in lieu of payment to the Tree Fund.

Public Hearing (All parties are sworn in)

Approved and Finalized

20200733

V2020-37 [VARIANCE] PEACOCK PARTNERSHIP INC

V2020-37 [VARIANCE] PEACOCK PARTNERSHIP INC is requesting variances for property located in Land Lot 360, District 17, Parcel 0200, 2nd Section of Cobb County, Marietta, Georgia and being known as 557 South Marietta Parkway. Ward 1A.

- Variance to increase the maximum front setback from 75 feet to 138’;
- Variance to eliminate the 6’ sidewalk zone to allow the existing remain;
- Variance to reduce the planted strip/border area along South Marietta Parkway from 10’ to 5’;

Variance to waive the pedestrian lighting fixtures required every 60.’

Public Hearing (All parties are sworn in)

Motion to approve the following variances request for property located at 557 South Marietta Parkway:

- 1. Variance to increase the maximum front setback from 75 feet to 138’;*
- 2. Variance to eliminate the 6’ sidewalk zone to allow the existing sidewalk remain on South Marietta Parkway but with the addition of a 5’ sidewalk on South Avenue;*
- 3. Variance to reduce the planted strip/border area along South Marietta Parkway from 10’ to 5,’ as shown on the attached plan;*
- 4. Variance to waive the pedestrian lighting fixtures required every 60’ but to include sufficient photometric lighting in the parking lot for safety.*

Approved as Amended

* 20200816

CCSR TAD Budget Amendment

Motion to approve a budget amendment in the amount of \$36,588.00 for the purpose of infrastructure improvements within the CCSR Tax Allocation District.

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 and members of his family are owners of both PMG Family, LLC and JRG Marietta Parkway, LLC.

Approved and Finalized

- * **20200841** **Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway**
Project Parcel 16 - Star Tune of America Inc. (Teresa C. Bowles) - 598 Powder Springs Street
- Motion authorizing acquisition of a portion of property and easements at 598 Powder Springs Street from Star Tune of America Inc. (Teresa C. Bowles) for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$61,800.00.
- Approved and Finalized**
- * **20200842** **Bouldercrest Drive Sidewalk Enhancements**
Project Parcel 2 - Rebecca Nash Paden & William R. Paden, Jr - 489 Bouldercrest Drive
- Motion authorizing acquisition of the easements at 489 Bouldercrest Drive from Rebecca Nash Paden & William R. Paden, Jr for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for \$2,005.00.
- Approved and Finalized**
- * **20200801** **BLW Actions of October 12, 2020**
- Review and approval of the October 12, 2020, actions and minutes of Marietta Board of Lights and Water.
- Approved and Finalized**
- * **20200854** **Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway**
Project Parcel 14 - B. A. Stoner - 10 Garrison Road (641 Powder Springs Street)
- Motion to authorize the acquisition of certain property owned by B.A. Stoner, located at 10 Garrison Road, 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.
- Approved and Finalized**

* **20200855** **Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway**
Project Parcel 15 - B. A. Stoner - 639 Powder Springs Street

Motion to authorize the acquisition of certain property owned by B.A. Stoner, located at 639 Powder Springs Street, 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.

Approved and Finalized

* **20200856** **Property Acquisition - 540 Powder Springs Street (Parcel #29)**

Motion to authorize the City Attorney to conduct purchase of a portion of Parcel 29 for the Powder Springs Streetscape for the amount of \$31,300.

Approved and Finalized