



# 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 14, 2018

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Michelle Cooper Kelly, Ward 6*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20180305 Recognition of Marietta Center for Advanced Academics (MCAA) Student Council**

Council Member Michelle Cooper Kelly to recognize the (MCAA) Student Council representatives of the Marietta Center for Advanced Academics.

- 3A- Holland Poor & Oliva Pierson
- 3B- Kamero Leibel & Kaylee Wang
- 3C- Camille Hanson & Woodson Maddox
- 3D- Gabby Curfman & Zoey Brogan
- 4A- Aneesh Manyam & Charlotte Common
- 4B- Jacob Watson & Genevieve Lindsley Smith
- 4C- James Lowe & Caroline Rodriguez
- 4D- McKenzie Jenkins & Jaden Johnson
- 5A- Mahi Patel & Frank Kelley
- 5B- Addison Tilley & Elizabeth Ramirez
- 5C- Claire Breazeale & Jaide Venzen
- 5D- Kamille Rajahn & Dia Sashittal

### PROCLAMATIONS:

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

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

**20180312      Scheduled Appearance**

Scheduled Appearance - Nancy Ryle - Unable to Attend due to inclement weather and travel arrangements.

**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:****\*      20180290      Regular Meeting - February 14, 2018**

Review and approval of the February 14, 2018 regular meeting minutes.

**\*      20180291      Special Meeting - February 27, 2018**

Review and approval of the February 27, 2018 special meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:****\*      20180228      Tax Intercept Hearing Officer Appointment**

Appointment of Tyler J Browning for the Tax Intercept Hearing Officer for Municipal Court TRIP Program.

**\*      20180239      Marietta Historic Board of Review Reappointment (Ward 3)**

Reappointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two-year term expiring March 14, 2020.

**ORDINANCES:**

**20180028      Z2018-05 [REZONING] BLACK BUILDERS LLC (TRATON HOMES LLC)**

**Z2018-05 [REZONING] BLACK BUILDERS LLC (TRATON HOMES LLC)** is requesting the rezoning of 9.55 acres located in Land Lots 922 & 923, District 16, Parcels 0030, 0080, 0100, 0140, 0160 & 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1214, 1244, 1250 Allgood Road; 1052 & 1062 Lawanna Drive; and 1355 Lincoya Drive from R-2 (Single Family Residential - 2 units/acre), R-4 (Single Family Residential - 4 units/acre), and R-20 (Single Family Residential - County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 6B.

*Council member Johnny Walker disclosed that he has a property listed at Greymont Circle owned by Brian Block. Council member Walker will abstain from voting on this matter.*

*The Planning Commission recommends Approval as Stipulated.*

*Mr. Anderson made a motion, seconded by Mr. Hunter, to recommend approval as stipulated. The motion carried 6 1 0. Mr. Diffley opposed.*

*Public Hearing (all parties are sworn in)*

**20180220      A2018-02 [ANNEXATION] BLACK BUILDERS LLC (TRATON HOMES LLC)**

**A2018-02 [ANNEXATION] BLACK BUILDERS LLC (TRATON HOMES LLC)** is requesting the annexation of property located in Land Lot 923, District 16, Parcels 0140 & 0160 (also known as 1052 & 1062 Lawanna Drive) and all required right of way, of the 2nd Section, Cobb County, Georgia consisting of 1.19 acres. Ward 6B.

*Council member Johnny Walker disclosed that he has a property listed at Greymont Circle owned by Brian Block. Council member Walker will abstain from voting on this matter.*

*The Planning Commission recommends Approval.*

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

*Public Hearing (all parties are sworn in)*

**20180221 CA2018-02 [CODE AMENDMENT]**

**CA2018-02 [CODE AMENDMENT]** In conjunction with the requested annexation of property in Land Lot 923, District 16, Parcels 0140 & 0160, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1052 & 1062 Lawanna Drive, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 6B.

*Council member Johnny Walker disclosed that he has a property listed at Greymont Circle owned by Brian Block. Council member Walker will abstain from voting on this matter.*

*The Planning Commission recommends Approval.*

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

*Public Hearing (all parties are sworn in)*

**20180045 Z2018-11 [REZONING] COMPASS RESIDENTIAL LLC**

**Z2018-11 [REZONING] COMPASS RESIDENTIAL LLC** is requesting the rezoning of 0.22 acres located in Land Lot 1144, District 16, Parcel 1440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 390 Wellons Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

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

*Variance to reduce the major side yard setback from 25 feet to 19 feet. [§708.04 (H)]*

*Variance to allow the accessory structure to be located closer to the right-of-way than the principal structure. [§708.04 (F.1)]*

*The Planning Commission recommends Approval.*

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

*Public Hearing (all parties are sworn in)*

\* **20180117**      **Z2018-12 [REZONING] SESSIONS STREET PARTNERS LLC (EDJ HOMES, LLC)**

**Z2018-12 [REZONING] SESSIONS STREET PARTNERS LLC (EDJ HOMES, LLC)**

is requesting the rezoning of 0.34 acres located in Land Lot 1147, District 16, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia, and being known as 367 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 4B.

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

*Variance to reduce the side yard setback along the northern side of the existing structure from 10' to 0.9.' [§708.04 (H)]*

*Variance to reduce the minimum lot width from 75' to 56.' [§708.04 (H)]*

*The Planning Commission recommends Approval.*

*Mr. Duffley made a motion, seconded by Mr. Hunter, to recommend approval as submitted.*

*The motion carried 7 0 0.*

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\* **20180254**      **Denial of Claim**

Denial of Claim for Ray Summerour.

\* **20180287**      **Denial of Claim**

Denial of Claim for The Estate of Devin C. Howell.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Johnny Walker, Chairperson**

**2. Finance/Investment: Joseph R. Goldstein, Chairperson**

\* **20180244      Reduction of 2014 Redevelopment Bonds**

Motion to incorporate into upcoming Budgets commencing with 6/19 Budget, planning for a reduction of outstanding 2014 Redevelopment Bonds or equivalent escrow thereto by allocating available remaining funds of bond proceeds, recognizing and allocating increase of ad valorem tax digest, and use of escrow amortized funds being set aside annually for purposes of facilitating a Redevelopment bond millage rate of a targeted 1.75 mills commencing October, 2019 and 1.5 Mills commencing October, 2021 for the remainder of the “bond period”.

**3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

\* **20180232      Amending Ordinance 10-4-070**

A motion amending Ordinance 10-4-070(G) to include the Branding Project as a “City Sanctioned” organization.

\* **20180233      Amending Ordinance 8-8-2-160 - Open Containers Prohibited--Exception**

A motion amending Ordinance 8-8-2-160(C) to add the Branding Project as a “City Sanctioned” designated organization.

\* **20180235**      **Revised Detailed Plan - Marvelle**

Motion to approve the following revisions to the detailed plan for Marvelle:

1. Amend the statement under Parking Calculations from “*Each lot shall have a 2-car garage plus a driveway at least 20’ deep in order to accommodate 2 additional cars*” to “*Each **townhome** lot shall have a 2-car garage plus a driveway at least 20’ deep in order to accommodate 2 additional cars*” to reflect parking requirements for PRD-SF and match the parking calculations.

2. Approve the designs dated 2/6/2018 for the Entrance Tower at Howard and Gunter Streets, as well as the Mews Towers, entry gates, and low fencing throughout the development.

3. Approval of architectural elevations for the detached units dated 2/13/18. The homes in the community shall be traditional in nature and consistent with the house elevations submitted and signed by Brock Built Homes and approved by the City of Marietta, dated March 14, 2018. Design features, standards, and requirements incorporated in the homes shall be as follows:

a. Mixture of materials with material changes taking place on the interior corners or where roof massing accommodates the change of materials.

b. Window muntins appropriate to the style of the home on all four sides of the residence.

c. Shutters deemed appropriate by the architecture on front and side elevations (and on the rear elevations where they can be seen from the public streets) of the homes.

d. Mixture of the materials to continue, as appropriate onto the side and rear elevations.

e. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.) per heated floor space. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

f. In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

**20180271**      **Amendment of Rules and Enactment of Ordinances and Charter Amendments (1-4-040)**

Motion to approve ordinance amendment to Article 1-4-040 entitled “Rules and Enactment of Ordinances and Charter Amendments” including authorization for the Mayor and City Clerk to execute same.

*First Reading*

**20180269      Amendment of Code Section 1-14-2-010 (Ethics Ordinance)**

Motion to amend Code Section 1-14-2-010 Ethics Ordinance definition so that it shall read as attached.

**20180270      Financial Disclosure Ordinance-1-14-2-060**

Motion to amend the Code Section 1-14-2-060 Financial Disclosure Ordinance to read as attached.

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson****\*      20180231      Life University Request for Temporary Grading Easement**

A motion authorizing a Temporary Grading Easement for Life University through their contractor, CHOATE Construction, within Wildwood Park.

**5. Personnel/Insurance: Cheryl Richardson, Chairperson****\*      20180286      Naming of Parking Space at City Hall**

Motion to designate the handicapped parking space nearest to the Fire Department on the upper level (north end) of the parking deck as the Jason Bourne Memorial Parking Space in commemoration of Jason's service to the City/BLW.

**6. Public Safety Committee: Reggie Copeland, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson****\*      20180249      Burnt Hickory Road Crosswalk**

Motion to approve the upgrading the Burnt Hickory Road rapid flashing beacon pedestrian crosswalk near Old Mountain Road at the Kennesaw Mountain trail.

**\*      20180251      Kennesaw Mountain to Chattahoochee River "Gap" Trail at East Dixie Avenue**

Motion amending the scope of the KMCR Gap project to install a trail along the southern side of East Dixie Avenue, remove the sidewalk replacement along the north side of East Dixie Avenue, and to add a phase to construct the portions of trail along East Dixie Avenue as a future separate project.



**OTHER BUSINESS:****20180242      67-87 North Park Square-Wise Owl Brewing LLC**

Motion to approve a Certificate of Approval for the new construction of a new building, including exterior wall, projecting, and awning signage, on the empty lot at 67-87 North Park Square, according to the attached application package titled "Wise Owl Brewing - Revised 3/5/18 HBR Review" signed and dated by the applicant, with the following change:

1. The rear elevation will be brick with sandstone accents to match the front and side elevations.

*The Historic Board of Review made the following recommendation at their March 3, 2018 meeting:*

*Board member Brown made a motion to approve the Certificate of Approval for the new construction of and signage for Wise Owl Brewery, and including a variance for multiple principal use signs, seconded by Board member Paden. Board member Brown suggested the applicant work with the adjacent property owner on the brick/sandstone composition of the rear elevation but did not make the approval contingent on an agreement. The motion carried with the following vote: 9-0-0*

*Council member Joseph R. Goldstein disclosed that 67-87 North Park Square is owned by Marietta Properties, LLC, which is owned and managed by his father Philip Goldstein. Further, Council member Goldstein will not participate in any discussion or vote on this item in his official capacity as city council member.*

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

**\*      20180315      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 **\$48,700.00** and the stipulations as listed below:

Contractor to call owner, Teresa Bowles to let her know start of construction.

Owner to obtain quotes for new sign replacement if impacted. City of Marietta to pay for sign and installation.

If security lights fall within easement or right of way, City will bear cost of replacing and or moving same.

\*      **20180316      319 Manget Street**

Motion authorizing acquisition of a portion of property and easements at 319 Manget Street from 319 Manget, LLC for the purpose of constructing the Manget Street Improvements- Manget Street at Lakewood Drive Project in exchange for **\$6, 310.20** and the stipulations listed below:

Resod front yard with existing type of grass.

Resurface driveway from curb to rear corner of house.

\*      **20180317      454 Haley Street**

Motion authorizing acquisition of a portion of property and easements at 454 Haley Street 454 Haley, LLC for the purpose of construction the Manget Street Improvements- Manget Street at Lakewood Drive Project in exchange for **\$5,904.00** and the stipulations listed below:

Any land disturbed by construction will be graded and sodded. Also, entire front yard will be re-sodded with existing type of grass.

\*      **20180318      319 Stokes Avenue**

Motion authorizing acquisition of easements at 319 Stokes Avenue from Billy R. Ramsey and Shirley Gantt Ramsey for the purpose of constructing the Manget Street Improvements - Manget Street at Lakewood Drive Project in exchange for **\$1,191.40**.

**20180292      BLW Actions of March 12, 2018**

Review and approval of the March 12, 2018 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

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

**ADJOURNMENT:**