



# City of Marietta

-205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes 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, February 13, 2019

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Cheryl Richardson, Grif Chalfant, Johnny Walker,  
Andy Morris, Reggie Copeland and Joseph R. Goldstein

**Absent:** Michelle Cooper Kelly

**Also Present:**

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.*

### INVOCATION:

*Mayor Tumlin called upon Council member Walker to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Everyone was asked to remain standing for the Pledge of Allegiance.*

### PRESENTATIONS:

**20190110**

**Presentation of the Marietta Sixth Grade Academy Actors**

Mayor Tumlin and Councilmember Chalfant to present the Marietta Sixth Grade Academy Actors for their designation of "Outstanding Production in Elementary Division" in the 2019 Junior Theatre Festival". This Outstanding Production Trophy is the result of a competition with over 120 schools from around the world.

**Presented**

**PROCLAMATIONS:****20190154 National Wear Red Day**

Mayor Tumlin and Councilmember Cheryl Richardson presents a Proclamation to the American Heart Association's Go Red for Women.

**Presented**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20190140 Scheduled Appearance**

Scheduled Appearance - Larry Wills

**Present**

**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).**

*Prior to the Consent Agenda, a motion was made by Council member Richardson, seconded by Council member Chalfant, to suspend the rules of order to add an item to the Council consent agenda to appoint Karen Kirkpatrick to the Board of Zoning Appeals. The motion carried by the following vote:*

*Vote: 6 – 0 – 0                      Approved  
(See agenda item 20190163)*

*Mayor Pro tem Johnny Walker briefly explained the consent agenda process.*

*City Attorney Doug Haynie noted the following changes to the consent agenda:*

*-under Personnel: Agenda items 20190018 was added to the consent agenda.*

*Mr. Haynie then opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.*

*A motion was made by Council member Richardson, seconded by Council member Copeland, to approve the consent agenda as modified. The motion carried by the following vote:*

*Vote: 6 – 0 – 0                      Approved*

*with the following exceptions:*

*Council members Goldstein abstaining on agenda item 20190054 and 20190124.*

*Council member Goldstein opposed to agenda item 20180833.*

#### **MINUTES:**

\* **20190123            Regular Meeting - January 9, 2019**

Review and approval of the January 9, 2019 regular meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                    Approved**

#### **MAYOR’S APPOINTMENTS: (for informational purposes only)**

#### **CITY COUNCIL APPOINTMENTS:**

\* **20190092            Marietta Civil Service Board - Post 2**

Appointment of E. Darden Borders to the Marietta Civil Service Board (Post 2), for a three-year term expiring December 31, 2021.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                    Approved**

\* **20190093            Marietta Civil Service Board - Post 4**

Appointment of Lawrence Panetta to the Marietta Civil Service Board (Post 4), for a three-year term expiring December 31, 2019.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                    Approved**

\* **20190094            Marietta Civil Service Board - Post 5**

Appointment of Philip Hynninen to the Marietta Civil Service Board (Post 5), for a one-year term expiring January 31, 2020.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                    Approved**

- \* **20190095**      **Marietta Pension Board - Post 1 (City Manager's Post)**
- Appointment of William F. Bruton, Jr. to the Marietta Pension Board (Post 1) for the duration of his tenure as City Manager, to be reappointed with each successive council. If he nominates a designated representative to serve in his place, that individual will also require council appointment.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0**                      **Approved**
- \* **20190096**      **Marietta Pension Board - Post 4 (General Employee Representative)**
- Appointment of Richard Buss to the Marietta Pension Board (Post 4), for a three-year term expiring December 31, 2019.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0**                      **Approved**
- \* **20190097**      **Marietta Pension Board - Post 5 (General Employee Representative)**
- Appointment of Patina Brown to the Marietta Pension Board (Post 5), for a three-year term expiring December 31, 2019.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0**                      **Approved**
- \* **20190098**      **Marietta Pension Board - Post 6 (General Employee Representative)**
- Appointment of Bruce Bishop to the Marietta Pension Board (Post 6), for a three-year term expiring December 31, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0**                      **Approved**
- \* **20190099**      **Marietta Pension Board - Post 7 (General Employee Representative)**
- Appointment of Keisha Register to the Marietta Pension Board (Post 7), for a three-year term expiring December 31, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0**                      **Approved**

\* **20190100**      **Marietta Pension Board - Post 8 (Police Representative)**

Appointment of Steve Kish to the Marietta Pension Board (Post 8), for a three-year term expiring December 31, 2019.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

\* **20190102**      **Marietta Pension Board - Post 9 (Fire Representative)**

Appointment of Bobby Moss to the Marietta Pension Board (Post 9), for a three-year term expiring December 31, 2021.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

\* **20190112**      **Marietta Pension Board - Ex Officio (Police Chief)**

Appointment of Chief Daniel Flynn to the Marietta Pension Board (Ex Officio) for the duration of his tenure as Police Chief, to be reappointed with each successive council. Chief Flynn votes in the absence of the appointed Police Representative.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

\* **20190113**      **Marietta Pension Board - Ex Officio (Fire Chief)**

Appointment of Chief Tim Milligan to the Marietta Pension Board (Ex Officio) for the duration of his tenure as Fire Chief, to be reappointed with each successive council. Chief Milligan votes in the absence of the appointed Fire Representative.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

**Board of Zoning Appeals Appointment Ward 1**

Appointment of Karen Kirkpatrick to the Board of Zoning Appeals (Ward 1) for a two (2) year term, expiring February 13, 2021.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

**ORDINANCES:****20190008****Z2019-03 [REZONING] SUZANNE BERRY LOUGHREY**

Z2019-03 [REZONING] SUZANNE BERRY LOUGHREY is requesting the rezoning of 0.73 acres located in Land Lot 1293, District 16, Parcel 0400 of the 2nd Section, Cobb County, Georgia, and being known as 195 Whitlock Drive from R-2 (Single Family Residential - 2 units/acre) to R-2 (Single Family Residential - 2 units/acre) with a variance to increase density to 2.74 units/acre. If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:

1. Variance to reduce the rear side yard setback from 30 feet to 10 feet for the existing home only.
2. Variance to increase the allowable density from 2 units/acre to 2.74 units/acre.

*City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.*

*Rusty Roth, Development Services Director, presented information regarding the request to rezone property at 195 Whitlock Drive from R-2 (Single Family Residential - 2 units/acre) to R-2 (Single Family Residential - 2 units/acre), with a variance to increase density to 2.74 units/acre.*

*The applicant requested rezoning for the subject property with an increase in density in order to subdivide the subject property and develop a new single-family residence. Mr. Laughrey explained that the property already contains one home; however, he would like to subdivide the property and build an additional single-family residence on the vacant, wooded, portion of the parcel.*

*Mr. Laughrey mentioned that if Council approves the rezoning, the following variances would be needed as conditions of zoning:*

1. Variance to reduce the rear side yard setback from 30 feet to 10 feet for the existing home only.
2. Variance to increase the allowable density from 2 units/acre to 2.74 units/acre.

*Those speaking in opposition of the development include:*

*Jason Wilder, who lives on Whitlock Drive*

*Stacey Schwab, who lives on S Woodland Drive*

*Pete Estes, who lives on S Woodland Drive*

*Seeing no one else wishing to speak, the public hearing was closed.*

**A motion was made by Council member Walker, seconded by Council member Morris, that this matter be Denied. The motion carried by the following vote:**

**Vote: 6 – 0 – 0****Denied**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

- \* **20190084            Denial of Claim**  
  
Denial of Claim for Dawn Curran.  
  
**This Matter was Approved to Deny on the Consent Agenda.**  
  
**Vote: 6 – 0 – 0                    Approved to Deny Claim**
  
- \* **20190150            Denial of Claim**  
  
Denial of Claim for Mona Jean Simmons.  
  
**This Matter was Approved to Deny on the Consent Agenda.**  
  
**Vote: 6 – 0 – 0                    Approved to Deny Claim**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

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

- \* **20190043            Reallocation of Program Year 2018 CDBG Funds**  
  
Motion to approve the resolution for reallocation of program year 2018 CDBG funds.  
  
**This Matter was Approved on the Consent Agenda.**  
  
**Vote: 6 – 0 – 0                    Approved**
  
- \* **20190049            Supplemental Project Framework Agreement (PFA) for Rottenwood Creek Trail Phase 1**  
  
Motion to approve the Supplemental Project Framework Agreement (PFA) with GDOT for additional funding for the engineering and design of Rottenwood Creek Trail Phase 1.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

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

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

**\*      20190034                      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.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**\*      20190068                      Georgia’s 2019 Tax Refund Intercept Program Participation**

Motion to approve Memorandum of Understanding between the Judicial Council’s Administrative Office of the Courts of Georgia and the City of Marietta Municipal Court related to continued participation in Georgia’s Tax Refund Intercept Program for 2019.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**\*      20190047                      Final Plat - Oakton Section 10, Phase 1**

Motion to approve the final plat for Phase 1 of Oakton Section 10, which would approve the creation of 611 Kennesaw Avenue for lot development.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**\*      20190048                      Revised Detailed Plan - The Gallery Apartments**

Motion to approve the request by Oak Residential Partners to rebuild Building 20 (10 apartment units) at 773 Wylie Road, which was demolished in 2012 following a fire.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**



**20190066 Charter amendment concerning Fire and Police Civil Service System**

Motion approving an ordinance amending the City Charter, Section 4.13, et seq., related to the Fire and Police Civil Service System to comply with Delay v. Sutton, 304 Ga. 338 (2018) and other administrative updates. The case requires council appointment of all board members. The Civil Service Board respectfully forwards recommended changes pending approval of the City Attorney.

*City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak. Seeing no one wishing to speak, the public hearing was closed.*

**A motion was made by Council member Morris, seconded by Council member Goldstein, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 – 0 – 0                      First Reading**

**\* 20190085 City Code amendment concerning Civil Service Board elections**

Motion approving an ordinance amending Chapter 1-6-2 of City Code related to Civil Service Board elections to comply with Delay v. Sutton, 304 Ga. 338 (2018) and other administrative updates. The case requires council appointment of all board members. This change is made in conjunction with the proposed amendment to the City Charter as recommended by the Civil Service Board.

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 Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**\* 20190067 Pension Plan Amendments**

Motion approving an ordinance amending the defined benefit pension plans to comply with Delay v. Sutton, 304 Ga. 338 (2018) related to council appointment of Pension Board members.

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 Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*     **20190042                      Shareable Dockless Devices**

Motion to approve an ordinance to prohibit shareable dockless devices.

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 Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

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

\*     **20190054                      2019 Street Closure Requests**

Motion to approve the street closures needed to conduct special events during the 2019 Calendar Year as presented; and, to approve Art in the Park and Chalktoberfest as city-sanctioned events to provide for the sale and consumption of alcoholic beverages per the applicable sections of City Code Section 10-4-070.

*Philip Goldstein is the father of Council member Goldstein, is a General Partner of the Herbert S Goldstein Family Limited Partnership as well as an owner of the Partnership with his siblings and a trust. Herbert S Goldstein Family Limited Partnership is the owner of the Strand Theater and the Tenant is Friends of the Strand, Inc.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 – 0 – 1                      Approved**  
Abstaining: Joseph R. Goldstein

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

\*     **20190018                      2019 Appointed Officials Review**

Motion approving an ordinance to set salaries of the following appointed officials payable in installments per city administrative procedures retroactive to January 1, 2019:

1. Administrative Assistant to the Mayor: \$52,000 per year, and amendment of the associated employment agreement.
2. City Clerk: \$72,800 per year.
3. City Manager: \$221,603.20 per year, and amendment of the associated employment agreement.
4. BLW General Manager: \$139,027.20 per year.
5. Municipal Court Judge: \$72,883.20 per year.
6. Prosecuting Attorney: \$69,305.60 per year.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

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

**\*      20190050                      Revisions to MPD Policies**

Motion to approve the revisions to the following policies: A019 (Risk Analysis), A042 (Awards & Commendations), A044 (Uniforms, Equipment & Departmental Property), A045 (Time Control Procedures), A048 (Administrative Protocol), A096 (Part Time Officer), P012 (Public Safety Ambassador Unit) & S034 (Juvenile Procedure).

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**\*      20190090                      Mutual Aid Agreement for the Marietta Fire Department**

Motion to approve the Mutual Aid Agreement between Dobbins Air Reserve Base/Fire Department and Marietta Fire Department.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

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

**\*      20180833                      Cherokee Street at Sessions Street**

Motion authorizing Public Works to construct the median island and mid-block pedestrian crossing at the intersection of Cherokee Street and Sessions Street using funds from the 2016 SPLOST Gateway.

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 – 1 – 0                      Approved**

Voting Against: Joseph R. Goldstein

\*      **20190057**            **Blackwell Lane Parking**

Motion authorizing the installation of a no parking zone along the north side of Blackwell Lane across from the entrance to 195 Forest Avenue (AKA 195 Blackwell Lane).

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*      **20190061**            **Polk Street Extension Trucks**

Motion authorizing the installation of no right turn for trucks signs at each of the exits from the Kroger Shopping Center at 1000 Whitlock Avenue onto Polk Street Extension.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*      **20190063**            **620 and 630 Cherokee Street Right-of-Way**

Motion accepting the donation of right-of-way at 620 and 630 Cherokee Street from 620 Cherokee MOB, LLC.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*      **20190065**            **Stewart Avenue Speed Signs**

Motion authorizing the installation of two driver speed feedback signs on Stewart Avenue using Ward 3 and 4 safety funds.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**20190086**            **20 South Fairground Street**

Motion to authorize the acquisition of property owned by Jimmy B. Richardson and Tommie Sue Richardson 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.

**A motion was made by Council member Chalfant, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 – 0 – 0                      Approved**

**20190087                      324 South Fairground Street**

Motion to authorize the acquisition of property owned by Edith Camacho Goicochea & Cosme Alvarado 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.

**A motion was made by Council member Chalfant, seconded by Council member Richardson, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 – 0 – 0                      Approved**

**20190088                      601 Powder Springs Road**

Motion to authorize the acquisition of property owned by Anthony Williams 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.

**A motion was made by Council member Chalfant, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 – 0 – 0                      Approved**

**20190089                      650 Powder Springs Road**

Motion to authorize the acquisition of property owned by Noble Realty, Inc. 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.

**A motion was made by Council member Chalfant, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 – 0 – 0                      Approved**

**\*        20190101                      994 Roswell Street and 1010 Roswell Street**

Motion approving Second Amendment to Purchase and Sale Agreement between the City of Marietta, as Seller, and Peachtree Asset Management, LLC (Atlanta Hard Cider), as Purchaser, for sale of City property located at 994 Roswell Street and 1010 Roswell Street.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**OTHER BUSINESS:**

**20190012                      V2019-02 [VARIANCE] WOODSIDE INDUSTRIAL PARK LLC**

V2019-02 [VARIANCE] WOODSIDE INDUSTRIAL PARK LLC is requesting a variance for property located in Land Lots 1213 & 1236, District 16, Parcel 0960, 2nd Section of Cobb County, Marietta, Georgia and being known as 767 Roswell Road. Ward 5A.

1. Variance to increase the allowable height for a monument sign in Tier A from 8' to 20'. [§714.05 Table I]

*Mayor Tumlin called forward those wishing to speak.*

*Development Services Director Rusty Roth presented information regarding the variance request for property located at 767 Roswell Road, to increase the allowable height for a monument sign in Tier A from 8 feet to 20 feet. Mr. Roth also summarized the criteria used to consider variance requests.*

*Woodside Industrial Park LLC requested the variance to retain and alter the existing, nonconforming pylon sign, keeping it at twenty (20) feet tall and recovering it in aluminum. The existing sign for the shopping center was permitted and built in 2002 and contains various tenant panels totaling approximately eighty (80) square feet in area.*

*The restructured sign would be constructed using materials compatible with the principal building.*

*Discussion was held by Council regarding the location and height of the monument sign.*

*A motion was made by Council member Copeland, seconded by Council member Walker, to approve the variance request for Woodside Industrial Park, LLC, located at 767 Roswell Road, to increase the allowable height for a monument sign in Tier A from 8' to 20', with the following stipulation:*

*In the future, if there is renovation of the primary structure exceeding 50% of its replacement cost or there is redevelopment of the vacant lot, the entire sign shall be required to come into compliance with the City of Marietta Sign Ordinance.*

**The motion carried by the following vote:**

**Vote: 6 – 0 – 0**

**Approved**

**20190013**

**Appeal of V2018-52 (20181138) Kelly King**

Consideration of an appeal of the Board of Zoning Appeal's approval of variance V2018-52 (#20181138) by Amanda Gann.

*Mayor Tumlin called on City Attorney Doug Haynie to hold the public hearing.*

*Mr. Haynie explained that this was a continuation of the appeals process related to the variance for property at 347 Cherokee Street, approved by the Board of Zoning Appeals. On the November 26, 2018, the Board granted a variance to be able to keep a fence located less than the required 2 ft. from the front property line. The Board approved the variance, with stipulations giving the applicant two options to modify the fence so that it would be less of an obstruction. Ms. Gann, the adjacent neighbor in opposition to the variance request, expressed safety concerns when pulling in and out of her driveway.*

*At the January City Council meeting, the parties were asked to work with the Public Works Department to determine if this matter could be resolved. The recommendation of the Public Works Director was to lower the fence posts and cap assemblies to be no higher than the existing pickets to provide better visibility.*

*Discussion was held.*

*Seeing no one else wishing to speak, the public hearing was closed.*

*A motion was made by Council member Morris, seconded by Council member Richardson, to uphold the Board of Zoning Appeal's approval of a variance (V2018-52) to be able to keep a fence located less than the required 2 ft. from the*

*front property line, with the recommendation of the Public Works Director that the fence posts and cap assemblies be lowered to be no higher than the existing pickets to provide better visibility. The motion carried by the following vote:*

*Vote: 6 – 0 – 0*

*Approved*

**20190134****Appeal of V2018-55 (20181235) Gholamreza Dehghani**

Consideration of an appeal of the Board of Zoning Appeal's denial of variance V2018-55 (#20181235) by Gholamreza Dehghani.

*Mayor Tumlin called on City Attorney Doug Haynie to hold the public hearing.*

*Mr. Haynie explained the appeals process related to variance requests approved and/or denied by the Board of Zoning Appeals. This request relates to property known as 1999 Davis Lane, submitted by Carlton Bruton/Gholamerza Dehghani. On December 17, 2018, the Board of Zoning Appeals denied the request for a variance to allow automobile sales on a parcel less than an acre. Council may approve, modify and approve, or reject the determination made by the Board.*

*Adam Rozen, attorney for the applicant, requested that the decision of the Board be overturned. Mr. Rozen explained that the subject property is near other automobile related uses along and around Hwy 41, as well as being surrounded by a number of industrial, storage and warehouse uses. Mr. Rozen also stressed that the subject property is screened to protect any nearby property or improvements from injurious effects and would be intrusive than surrounding uses.*

*Discussion was held by Council regarding the location of parked cars on the property.*

*Seeing no one else wishing to speak, the public hearing was closed.*

*A motion was made by Council member Goldstein, seconded by Council Morris, to overturn the denial of the Board of Zoning Appeal and approve the variance to allow automobile sales on a parcel less than an acre on property located at 1999 Davis Lane, with the following stipulation incorporated as condition of approval: Letter of stipulations from Sams, Larkin, Huff & Balli, to Rusty Roth, Planning & Zoning Director, for the City of Marietta, dated February 13, 2019, with the following additions:*

- 1. All parking of inventory or storage vehicles shall be limited to the rear and side yard of the subject property and not permitted in the six (6) paved parking spaces along the subject property's frontage.*
- 2. There shall be no junk or inoperable vehicles on site.*

*The motion carried by the following vote:*

*Vote: 6 – 0 – 0*

*Approved*



\* **20190144**      **Travel & Training**

Motion approving the Resolution regarding the Travel and Training for City Council for FY2020. Elected Officials may use their funds for MEAG, GMA, NLC, Honorary Commanders, Leadership Cobb and their associated committees.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

\* **20190124**      **BLW Actions of February 11, 2019**

Review and approval of the February 11, 2019 actions and minutes of Marietta Board of Lights and Water.

*Regarding BLW agenda item 20190151, Council Member Goldstein discloses that Marietta Square Market, LLC is a tenant of Philip M. Goldstein at 103 Denmead Street. Council Member Goldstein further discloses that Philip M. Goldstein also owns properties around Denmead Street and Mill Street. Philip M. Goldstein is Council Member Goldstein's father. Marietta Square Market, LLC is a tenant of Denmead Street Properties, LLC.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 – 0 – 1**                      **Approved**  
Abstaining: Joseph R. Goldstein

**UNSCHEDULED APPEARANCES:**

*Mr. Ken Bittinger, who lives on Locust Street, addressed Council regarding the proposed traffic calming measures for Locust Street.*

**ADJOURNMENT:**

*The meeting was adjourned at 8:50 p.m.*

**Date Approved: March 13, 2019**

\_\_\_\_\_  
**R. Steve Tumlin, Mayor Tumlin**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**