



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Wednesday, September 10, 2014

7:00 PM

Council Chamber

---

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

**Present:** Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris,  
Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

**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 7:02 p.m.*

### INVOCATION:

*Mayor Tumlin called upon Council member Michelle Cooper Kelly to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.*

### PRESENTATIONS:

**20140895**

**Marietta High School Football Team**

Marietta celebrates the opening of Marietta City Schools, the introduction of the 2014 Seniors of the Marietta Blue Devils football team and Coach Scott Burton and his coaching staff.

**Present**

**PROCLAMATIONS:****20140956 Proclamation - Public Power and Clean Water Week**

Kim Holland, Project Manager, Marietta Water Department, receives a Proclamation declaring October 5-11, 2014 as Public Power/Clean Water Week in the City of Marietta to focus bringing safe and dependable power and water service to community homes and businesses.

**Presented**

**20140954 Proclamation - Fire Prevention Week**

Proclaiming the week of October 5-11, 2014 as Fire Prevention Week to encourage people of Marietta to participate in fire prevention activities at home, work and school to ensure their safety and minimize the occurrence of fires within the City of Marietta.

**Presented**

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

*Lisa Hodge, who resides on North Forest Avenue, expressed concern regarding ongoing drainage and flooding issues from the creek on her property.*

*Mary West, who resides on Wright Street, thanked the City Council for their support regarding the Marietta Walk Project in her neighborhood.*

*Rev. Pintergrass, Associate Pastor at Turner Chapel, spoke regarding agenda item 20140986, Speed Table Public Hearing for Cedar Trace.*

**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).**

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

*A motion was made by Council member Walker, seconded by Council member Chalfant, to suspend the rules of order to add an item to the consent agenda*

to authorize the acquisition of property located at 1185 Powder Springs Street. The motion carried by the following vote:

Vote: 7 – 0 – 0                      Approved  
(See agenda item 20141032)

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

-under Minutes: Agenda item 20140980, Regular Meeting August 13, 2014, was added to the consent agenda as amended.

-under Ordinances: Agenda items 20140851, 20140852 and 20140853 related to the rezoning and annexation of vacant property of White Circle, were removed from the consent agenda.

-under Judicial/Legislative: Agenda item 20140955, Revised Detailed Plan for Marietta Walk, was added to the consent agenda.

-under Judicial/Legislative: Agenda item 20140943, Revised Detailed Plan for Summit Village, was removed from the consent agenda.

-under Other Business: Agenda item 20140754, variance request for property at 2235 Northwest Parkway, was added to the consent agenda and amended to read, "Motion to approve the variance request for property located at 2235 Northwest Parkway, currently zoned LI (Light Industrial), to allow for a non-conforming use (pylon sign) to be moved from one side of property to the other side to allow for better visibility. The following stipulations are incorporated as conditions of granting the variance request:

The applicant shall replace and move the sign with the same or similar sign to be located at the entrance driveway subject to the following:

1. The existing pole sign is removed from its current location
2. The placement of the sign is subject to the approval of the City Manager
3. The variance will expire and the sign shall be removed upon:
  - a. A hotel not being operated on the property; or
  - b. The building or structure on the property being demolished; or
  - c. The remodeling of the structure and/or improvements on the property exceeded 50% of the Cobb County appraised value of the property.

-under Other Business: Agenda item 20140849, variance request for property at 1171 Canton Road and 1179 Canton Road, remains on the consent agenda, but amended to read, "Motion to approve the variance request for property located at 1171 Canton Road and 1179 Canton Road, currently zoned HI (Heavy Industrial), to allow the trees that are required along both sides of the improved access way - adjacent to Building A and Building B - to be planted elsewhere on the property."

-under Other Business: Agenda item 20141004, North Park Square Improvements, was added to the consent agenda, with Council member Goldstein abstaining.

-under Other Business: Agenda item 20141025, No Left Turn Sign, was added to the consent agenda.

*-under Other Business: Agenda items 20141026, Request for a radar speed sign and crosswalk, and 20141027, Request for a radar speed sign, were added to the consent agenda and both amended to read, "Motion to refer this matter to the Public Works Committee."*

*-under Other Business: Agenda items 20141024, 782 Franklin Road, and 20140981, BLW Actions of the September 8, 2014, were added to the consent agenda.*

*City Attorney Doug Haynie 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 Chalfant, seconded by Council member Goldstein, to approve the consent agenda as modified. The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Approved**

*with the following exceptions:*

*Council member Goldstein abstaining on agenda items 20140933 and 20141004.*

#### **MINUTES:**

**\*      20140980                      Regular Meeting - August 13, 2014**

Review and approval of the August 13, 2014 regular meeting minutes.

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

**Vote: 7 – 0 – 0                      Approved as Amended**

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

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

**\*      20140957                      Construction Board of Adjustment and Appeals (Ward 6)**

Appointment of Bob Barnes to the Construction Board of Adjustment and Appeals for a five (5) year term expiring September 10, 2019.

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

**Vote: 7 – 0 – 0                      Approved**

**\*      20140958                      Marietta Historic Preservation Commission Appointment (Ward 6)**

Reappointment of Rebecca Nash Paden (Ward 6) to the Marietta Historic Preservation Commission for a term of three years, expiring September 10, 2017.

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

**Vote: 7 – 0 – 0**

**Approved**

**ORDINANCES:**

*Council member Goldstein disclosed that William C. Hagemann is a tenant of his at 120 S Park Square, Marietta GA and Philip M. Goldstein owns property located at 195 Locust Street, Marietta GA.*

*Council member Goldstein stepped down from the dais prior to the discussion of agenda item 20140823, rezoning request for property located at 194 Locust Street.*

**20140823**

**Z2014-15 William C. Hagemann Profit Sharing Plan 194 Locust Street**

Z2014-15 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN request rezoning for property located in Land Lot 11580, District 16, Parcel 0850, 2nd Section, Marietta, Cobb County, Georgia and being known as 194 Locust Street from LI (Light Industrial) to R-4 (Single Family Residential 4 units/acre). Ward 3A.

*City Attorney Douglas Haynie opened the public hearing. Mr. Haynie then explained the rules of order and swore in those wishing to speak.*

*Development Services Director Brian Binzer presented information regarding the rezoning request for property located at 194 Locust Street from LI (Light Industrial) to R 4 (Single Family Residential 4 units/acre).*

*The applicant, William C. Hagemann, requested rezoning in order to build an owner occupied single family detached residence on the property. Mr. Hagemann also presented the preliminary plans for the home.*

*Discussion was held by Council.*

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

*Motion to approved the rezoning request for property located at 194 Locust Street from LI (Light Industrial) to R 4 (Single Family Residential 4 units/acre), as presented.*

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

**Vote: 6 – 0 – 0**

**Approved**

Absent for the vote: Philip M. Goldstein

*Council member Goldstein returned to the dais.*

**20140850**

**Z2014-16 Venture Homes, Inc. 1725 White Circle**

Z2014-16 [REZONING] VENTURE HOMES, INC. request rezoning for property located in Land Lot 08620, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1725 White Circle from RA-6 (Single Family Residential-Attached) to PRD-SF (Planned Residential Development-Single Family). Ward 4B.

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

*Development Services Director Brian Binzer presented information regarding the rezoning request for property located at 1725 White Circle from RA 6 (Single Family Residential Attached) to PRD SF (Planned Residential Development Single Family).*

*Attorney for the applicant, Parks Huff of Sams, Larkin, Huff & Balli, requested rezoning for the purpose of constructing thirty two (32) single family detached homes on the property. Mr. Huff mentioned that an updated letter of stipulations has been submitted correcting language regarding the 50 ft right-of-way and agreeing to install an 8 ft high fence along the adjacent property to the west.*

*Discussion was held by Council.*

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

*Motion to approve the rezoning request for property located at 1725 White Circle from RA-6 (Single Family Residential—Attached) to PRD-SF (Planned Residential Development—Single Family).*

*Section 3: The following stipulations are incorporated as conditions of zoning:*

- Letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated September 10, 2014.*
- Letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated September 2, 2014.*
- Emailed stipulation from Matthew Wilkins, King & Yaklin, LLP, to Parks F. Huff, Sams, Larkin, Huff & Balli, LLP, dated September 10, 2014.*

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

**Vote: 6 – 0 – 0**

**Approved as Amended**

Absent for the vote: Michelle Cooper Kelly

**20140851 Z2014-17 Steven F. McNeel Vacant Property on White Circle**

Z2014-17 [REZONING] STEVEN F. MCNEEL request rezoning for property located in Land Lot 08630, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as vacant property on White Circle from LI (Light Industrial-County) to LI (Light Industrial-City). Ward 4B.

*City Attorney Douglas Haynie opened the public hearing and swore in those wishing to speak.*

*Development Services Director Brian Binzer presented information regarding the rezoning request for vacant property located on White Circle from LI (Light Industrial) in Cobb County to LI (Light Industrial) in the City of Marietta..*

*The applicant, Steven F. McNeel, requested rezoning of a 4.55 acre parcel of property located off White Circle and to annex the property into the City of Marietta. The purpose of the rezoning would be to build a light industrial warehouse to lease. The applicant has agreed to install a 50 ft landscape buffer between the building and the adjacent residential property.*

*Discussion was held by Council.*

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

*Motion to approve the rezoning request for vacant property located on White Circle from LI [Light Industrial (County)] to LI [Light Industrial (City)], as presented.*

**The 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: 7 – 0 – 0**

**Approved**

**20140852 A2014-04 AFW, LLC (Hiram N. Wilson, Managing Member) Vacant Property on White Circle**

A2014-04 [ANNEXING] AFW, LLC (HIRAM N. WILSON, MANAGING MEMBER) request annexation for property located in Land Lot 08630, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as vacant property on White Circle from LI (Light Industrial-County) to LI (Light Industrial-City) and consisting of 4.55 acres, along with all required right-of-way. Ward 4B.

*City Attorney Douglas Haynie opened the public hearing.*

*The applicant, Steven F. McNeel, incorporated comments made from the previous public hearing for the annexation of the vacant property on White Circle.*

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

*Motion to approve the annexation request for vacant property located on White Circle, as presented.*

**The 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: 7 – 0 – 0                      Approved**

**20140853**

**CA2014-07 Code Amendment - Vacant Property on White Circle**

CA2014-07 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 08630, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as vacant property on White Circle, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

*City Attorney Douglas Haynie opened the public hearing.*

*The applicant, Steven F. McNeel, incorporated comments made from the previous public hearing for the future land use designation of the vacant property on White Circle.*

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

*Motion to approve the future land use designation for vacant property located on White Circle, as presented.*

**The 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: 7 – 0 – 0                      Approved**

**20140919**

**Z2014-18 City of Marietta - Lower Roswell Road / Kipling Drive Annexation**

Z2014-18 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, from GC

[General Commercial (County)] to CRC [Community Retail Commercial (City)].  
Ward 7A.

*City Attorney Douglas Haynie opened the public hearing.*

*Development Services Director Brian Binzer presented information regarding the rezoning request and island annexation for property located on Lower Roswell Road and Kipling Drive.*

*Discussion was held regarding those property owners who did not wish to be annexed into the City.*

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

*Motion to approve the rezoning request for property located on Lower Roswell Road and Kipling Drive from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)], as presented.*

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

**Vote: 7 – 0 – 0**

**Approved**

**20140920**

**A2014-05 City of Marietta - Lower Roswell Road & Kipling Drive Annexation**

A2014-05 [ANNEXATION] CITY OF MARIETTA requests annexation for property located in Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)] and consisting of 5.6639 acres, along with all required right-of-way. Ward 7A.

*City Attorney Douglas Haynie opened the public hearing. Seeing no one else wishing to speak, the public hearing was closed.*

*Motion to approve the annexation request for property located on Lower Roswell Road and Kipling Drive, as presented.*

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

**Vote: 7 – 0 – 0                      Approved**

**20140921                      CA2014-07 Code Amendment - City of Marietta - Lower Roswell Road & Kipling Drive Annexation**

CA2014-09 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

*City Attorney Douglas Haynie opened the public hearing. Seeing no one else wishing to speak, the public hearing was closed.*

*Motion to approve the future land use designation for property located on Lower Roswell Road and Kipling Drive, as presented.*

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

**Vote: 7 – 0 – 0                      Approved**

**\*                      20140917                      CA2014-08 Code Amendment to the Comprehensive Development Code regarding Telecommunication Towers and Infrastructure**

CA2014-08 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.07, Telecommunication Towers and Infrastructure.

*Motion to Table this matter until the October City Council regular meeting, along with the Public Hearing.*

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

**Vote: 7 – 0 – 0                      Tabled**

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

- \*     **20140987**           **Denial of Claim**
- Denial of the claim of Grace Carter.
- This Matter was Approved to Deny Claim on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved to Deny Claim**
- 
- \*     **20141016**           **Denial of Claim**
- Denial of Claim of Ellen Handlin.
- This Matter was Approved to Deny Claim on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved to Deny Claim**

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

- \*     **20140939**           **Reallocation of CDBG Slum and Blight Funds**
- Approval of a Resolution reallocating \$19,920 in unspent FFY'11 and FFY'12 CDBG Slum and Blight project funds previously allocated to "Blackwell Park" to Gramling Park.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved**
- 
- \*     **20140975**           **Amendment to MHA Property Management Agreement**
- Motion to approve the revised Property Management Agreement (Contract #4160, dated 11/21/13 and amended 4/9/14) between the City of Marietta and Marietta Housing Authority originally dated November 21, 2013 as shown in the attached addendum.

**2. Finance/Investment: Stuart Fleming, Chairperson**

- \* **20140929**      **Budget amendment to settle up FY2014**
- Approval of an Ordinance amending the Fiscal Year 2014 budget to address the annual year-end settlement of accounts to move the salary savings due to unfilled positions for the purchase of vehicles and equipment, to move the General Fund capital contingency to user departments to cover approved capital items, and to appropriate the operational surplus in various Funds of the City.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20140942**      **Donation to the Tree Preservation Fund by Tylin International (McDonald's)**
- Ordinance approving an amendment to the Fiscal Year 2015 Tree Preservation Fund budget to receive and appropriate a donation from Tylin International (McDonald's).
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20140976**      **National League of Cities (NLC) Annual Meeting**
- Motion approving travel and training for members of Council who wish to attend the National League of Cities (NLC) Annual Congress of Cities in Austin, Texas, November 18, 2014 - November 22, 2014.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**
- \* **20140977**      **Pension Board Conference**
- Motion approving travel and training for council members serving on the pension board to attend the Georgia Association of Public Pension Trustees (GAPPT) Annual Conference held in Pine Mountain, Ga, Callaway Gardens, September 23 -25, 2014.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**

\* **20140955**      **Revised Detailed Plan for Marietta Walk**

Motion to approve the revised architectural elevations for the single family homes and townhouses associated with the Detailed Plan for Marietta Walk, signed by the owner and dated September 10, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve the revised architectural plans for the single family homes and townhouses by the new developer, Minerva USA, in partnership with their builder, Stonecrest Homes. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, are attached.

All other conditions of the previously approved detailed plan will remain in effect.

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

**Vote: 7 – 0 – 0**                      **Approved**

\* **20140936**      **Clarke Library Lease**

Motion approving the First Modification Agreement renewing a Lease Contract for the Clarke Library located at 156 Church St. between the City of Marietta and K. Mike Whittle Designs, Inc.

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

**Vote: 7 – 0 – 0**                      **Approved**

\* **20140833**      **Kennesaw Avenue Historic District Monument Sign (Phase II)**

Motion to approve Phase II of the design of the Kennesaw Avenue Historic District monument sign.

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

**Vote: 7 – 0 – 0**                      **Approved**

**20140943**      **Revised Detailed Plan for Summit Village**

Motion to approve the revised Landscape Plan, as part of the Detailed Plan for Summit Village, signed by the owner and dated September 10, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Grant approval of a revised Tree Plan for Summit Village that would eliminate the requirement to plant trees along the eastern property line near the detention pond wall, as shown on the attached plan.

All other conditions of the previously approved detailed plan will remain in effect.

*Development Services Director Brian Binzer presented information regarding the revised Landscape Plan, as part of the Detailed Plan for Summit Village. Mr. Binzer mentioned that the applicant has agreed to improve the appearance of the face of the wall along the eastern property line by planting a climbing vine (i.e. Boston Ivy) along the wall, with the number and size of plants to be determined by the city arborist.*

*Motion to approve the revised Landscape Plan, as part of the Detailed Plan for Summit Village, signed by the owner and dated September 10, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:*

*Grant approval of a revised Tree Plan for Summit Village that would eliminate the requirement to plant trees along the eastern property line near the detention pond wall, as shown on the attached plan. However, in order to improve the appearance of the face of the wall along the eastern property line, a climbing vine (i.e. Boston Ivy) shall be planted along the wall, with the number and size of plants to be determined by the city arborist.*

*All other conditions of the previously approved detailed plan will remain in effect.*

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

**Vote: 7 – 0 – 0                      Approved as Amended**

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

#### **5. Personnel/Insurance: Johnny Walker, Chairperson**

**\*      20140923                      Departmental Policy**

Motion approving departmental policies for the BLW Customer Care Department.

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

**Vote: 7 – 0 – 0                      Approved**

**20140924                      Revision to the Personnel Rules and Regulations - Pension Plan**

Approval of an ordinance amending the Personnel Rules and Regulations to comply with IRS Notice 2014-19, relating to the Supreme Court decision in the Windsor case overturning the Defense of Marriage Act.

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

**Vote: 6 – 1 – 0**                      **Approved**  
Voting Against: Anthony Coleman

**20140997                      Resolution Amending the City of Marietta/BLW Supplemental Pension Plan**

Approval of a resolution amending the City of Marietta/BLW's Supplemental Pension Plan to comply with IRS Notice 2014-19, relating to the Supreme Court decision in the Windsor case overturning the Defense of Marriage Act.

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

**Vote: 6 – 1 – 0**                      **Approved**  
Voting Against: Anthony Coleman

**\*                      20140925                      Group Health Plan Administration**

Motion to approve the renewal of the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2015. Further, authority is requested to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc.

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

**Vote: 7 – 0 – 0**                      **Approved**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**\*                      20140906                      Standard Operating Procedures Amendments**

Motion approving the following Standard Operating Procedures for the Marietta Police Department: A030 Carrying Firearms; A039 Personnel Selection; C020 Community Response Unit; C040 Victim Witness Assistance; C050 Crime Prevention; P015 Video/Audio Recording Equipment; P042 Roadblocks; P044 Police Vehicles; S030 Criminal Investigations; S045 Crime Interdiction Unit; T015 Health and Wellness Program; T040 Firearms Qualifications, T050 Training; A074 Infectious Disease Control; E016 Active Treats.

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

**Vote: 7 – 0 – 0**                      **Approved**

**7. Public Works Committee: Grif Chalfant, Chairperson****\* 20140932 Bus Shelter Lease Agreements**

Motion authorizing advertising a request for proposals for bus shelter maintenance.

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

**Vote: 7 – 0 – 0                      Approved**

**\* 20140816 Stilesboro Radar Speed Display Sign**

Motion to approve installation of a radar speed display sign on Stilesboro Road near Ector Chase as requested by Council Member Morris.

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

**Vote: 7 – 0 – 0                      Approved**

**20140927 Request to Reduce Speed Limit**

Motion authorizing installation of 25MPH speed limit signs on North St. Mary's and Heyward Circle, as requested by Council Member Morris.

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

**Vote: 7 – 0 – 0                      Approved**

**\* 20140933 Kennesaw Mountain to Chattahoochee River (KMCR) Trail Intown & North**

Approval of an Ordinance amending the Fiscal Year 2015 budget to appropriate reimbursable grant funds from GDOT for the Kennesaw Mountain to Chattahoochee River Trail Intown & North project.

*Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns or did own other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project.*

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

**Vote: 6 – 0 – 1                      Approved**

Abstaining: Philip M. Goldstein

\* **20140938 Cobb Parkway and White Circle Intersection Improvements**

Motion to accept donation of right of way from WellStar Health System, Inc., for intersection improvements at 1810 White Circle.

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

**Vote: 7 – 0 – 0                      Approved**

**20140934 Speed Table Public Hearing for Reynolds Street**

Public Hearing for speed tables on Reynolds Street.

*Public Works Director Dan Conn presented information regarding the request for speed tables for Cedar Trace.*

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

*Those speaking regarding the speed tables were:  
Gayle Mulkey, who lives on Reynolds Street  
Ronald Clark, who lives on Reynolds Street*

*Discussion was held regarding the location and number of the speed tables needed. Mr. Haynie explained that it would take a unanimous vote to add an item authorizing the installation of speed tables to the agenda.*

*A motion was made by Council member Walker, seconded by Council member Kelly, to suspend the rules of order to add an item authorizing the installation of three (3) speed tables on Reynolds Street, as presented.*

*Further discussion was held.*

*A substitute motion was made by Council member Goldstein to add an item authorizing the installation of two (2) speed tables on Reynolds Street. The motion fails for lack of a second.*

*Mayor Tumlin called for a vote on the original motion.*

**The motion was made by Council member Walker, seconded by Council member Kelly, to suspend the rules of order to add an item authorizing the installation of three (3) speed tables on Reynolds Street, as presented. The motion failed by the following vote:**

**Vote: 4 - 2 - 0                      Failed**  
Voting Against: Andy Morris and Philip M. Goldstein  
Absent for the vote: Michelle Cooper Kelly

**20140986            Speed Table Public Hearing for Cedar Trace**

Public Hearing for speed tables on Cedar Trace.

*Public Works Director Dan Conn presented information regarding the request for speed tables for Cedar Trace.*

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

*Those speaking regarding the speed tables were:*

*Rev. Pintergrass, who lives on Cedar Trace*

*Donald Ross, who lives on Cedar Trace*

*Willie Akinson, who lives on Jamaica Cove*

*Another resident who lives on Cedar Trace*

*Discussion was held regarding the location and number of the speed tables needed. Again, Mr. Haynie explained that it would take a unanimous vote to add an item authorizing the installation of speed tables.*

**A motion was made by Council member Walker, seconded by Council member Morris, to suspend the rules of order to add an item authorizing the installation of one (1) speed tables on Cedar Trace between Oregon Trail, as shown on the attached diagram. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                            Approved**  
(See agenda item 20141037)

**20141037            Cedar Trace Speed Tables**

Motion to approve the installation of one speed table on Cedar Trace between Oregon Trail, as shown on the attached diagram.

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

**Vote: 7 – 0 – 0                            Approved as Stipulated**

**OTHER BUSINESS:****\*    20140754            V2014-24 Ed Schagren / S&S Sign Services 2235 Northwest Parkway**

V2014-24 [VARIANCE] ED SCHAGREN/S&S SIGN SERVICES request a variance for property located in Land Lot 07850, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 2235 Northwest

Parkway, currently zoned LI (Light Industrial). Variance to allow for a non-conforming use (pylon sign) to be moved from one side of property to the other side to allow for better visibility. Ward 7A.

*Motion to approve the variance request for property located at 2235 Northwest Parkway, currently zoned LI (Light Industrial), to allow for a non-conforming use (pylon sign) to be moved from one side of property to the other side to allow for better visibility. The following stipulations are incorporated as conditions of granting the variance request:*

*The applicant shall replace and move the sign with the same or similar sign to be located at the entrance driveway subject to the following:*

- 1. The existing pole sign is removed from its current location*
- 2. The placement of the sign is subject to the approval of the City Manager*
- 3. The variance will expire and the sign shall be removed upon:
 
  - a. A hotel not being operated on the property; or*
  - b. The building or structure on the property being demolished; or*
  - c. The remodeling of the structure and/or improvements on the property exceeded 50% of the Cobb County appraised value of the property.**

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

**Vote: 7 – 0 – 0**

**Approved as Amended**

\* **20140805**

**V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial).

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft. [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
2. Variance to reduce the front, side, and rear setbacks. [§708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
3. Variance to allow a billboard to be located within 1,000 feet of another billboard. [§714.04 (G.)(5.)]
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign. [§714.04 (G.)(10.)]
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC). [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]  
Ward 7A.

*Motion to Table this matter until the October City Council regular meeting.*

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

**Vote: 7 – 0 – 0                      Tabled**

- \*     **20140849            V2014 32 White Hawk Business Park 1171 Canton Road and 1179 Canton Road**

V2014 32 [VARIANCE] WHITE HAWK BUSINESS PARK Motion to request a variance for property located in Land Lot 09450, District 16, Parcels 0030 and 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 1171 Canton Road and 1179 Canton Road, currently zoned HI (Heavy Industrial). Variance to allow the trees that are required along both sides of the improved access way to be planted elsewhere on the property. Ward 5B.

*Motion to approve the variance request for property located at 1171 Canton Road and 1179 Canton Road, currently zoned HI (Heavy Industrial), to allow the trees that are required along both sides of the improved access way - adjacent to Building A and Building B - to be planted elsewhere on the property.*

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

**Vote: 7 – 0 – 0                      Approved as Amended**

- \*     **20140990            335 Allgood Road**

Motion to approve modified contract between the City of Marietta as Purchaser and Peggy L. Price as Seller. The only change is the date of closing which is changed from the City Council approved date of October 31, 2014 to the owner requested dated of November 15, 2014.

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

**Vote: 7 – 0 – 0                      Approved**

- \*     **20141004            North Park Square Improvements**

Motion to move forward expeditiously with planning on North Park Square improvements for implementation and commencement of construction beginning January, 2015. Design improvements to include sidewalk widening ("stubbed" for possible future smart parking meters) on North Park (Mill to Lawrence) on the buildings side, not Glover Park side; reduction to 3 traffic lanes on North Park with center turn lane for left turn reversible onto West Park Square and Cherokee St. on the other end); Improvement to include widening of sidewalk on West side of Cherokee St. (including smart parking meter adaptability) from North Park to Hansell and implementation of existing tree scape plan on Mill and Cherokee St. including feasibility of recapturing "brick street." This item requested by Mayor Tumlin.

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

**Vote: 6 – 0 – 1**                      **Approved**  
Abstaining: Philip M. Goldstein

\*      **20141017**                      **Plat Approval Process**

Discussion regarding the approval process for final plats including the Burnt Hickory Road Plat, 5 home subdivision as requested by Mayor Tumlin.

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

**Vote: 7 – 0 – 0**                      **Referred to the Judicial / Legislative Committee**

\*      **20140999**                      **The Farm at the Retreat Final Plat**

Motion to approve the Final Plat for the Farm at the Retreat located in Land Lot 02880, District 20, 2nd Section, Marietta, Cobb County, Georgia.

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

**Vote: 7 – 0 – 0**                      **Approved**

\*      **20140965**                      **Municipal Electric Authority of Georgia (MEAG) Annual Subscription for Supplemental Power 2015**

Motion approving the supplemental power supply alternative nomination as presented and approval for the City Council to authorize the agreement for the 2015 Annual Subscription with MEAG as presented.

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

**Vote: 7 – 0 – 0**                      **Approved**

\*      **20141025**                      **No Left Turn Sign**

Motion to install a sign on Manning Road at Burruss Elementary stating “No left turn parking for student pick up from 2:00PM to 4:00PM.”

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

**Vote: 7 – 0 – 0**                      **Approved**

- \*     **20141026**     **Request for speed feedback signs**
- Motion authorizing request by Council members Cooper-Kelley, Walker and Morris to install two (2) driver speed feedback signs near Marietta Middle School.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Referred to the Public Works Committee**
- 
- \*     **20141027**     **Request for radar speed sign and crosswalk**
- Consideration of a motion to install a flashing sign and crosswalks at the intersection of Whitlock Avenue and Winn Street. Also, Council Member Morris requests a stop sign be added at Winn Street and Maple Ave.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Referred to the Public Works Committee**
- 
- \*     **20141019**     **20 N. Fairground Street**
- Motion authorizing acquisition of a portion of property and easements at 20 N. Fairground Street from Smart Investments, LLC for the purpose of constructing the Fairground Street Improvements - from Roswell Street to Rigby Street in exchange for \$21,000.00, with stipulations to include:
1. Driveway must be designed to match drive to South of property (567 Roswell Street). It must be a lower grade without rise. It should be brick pavers also.
  2. City must give compensation for new outdoor sign that is being removed for road project. The \$21,000.00 offer includes replacement of sign. The sign will be required to be permitted by the Planning and Zoning Department and meet all City sign ordinances in effect when permitted.
  3. The entire driveway frontage must be asphalted and re-stripped.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved**
- 
- \*     **20141020**     **47 N. Fairground Street**
- Motion authorizing acquisition of a portion of property and easements at 47 N. Fairground Street from Wigley Properties, LLC for the purpose of constructing the Fairground Street Improvements - from Roswell Street to Rigby Street in exchange for \$200,000.00, with the stipulation to re-pave and re-stripe the parking lot.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved**

\* **20141021**      **75 Black Street**

Motion authorizing acquisition of a portion of property and easements at 75 Black Street from Wigley Properties, LLC for the purpose of constructing the Fairground Street Improvements - from Roswell Street to Rigby Street in exchange for \$6,000.00.

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

**Vote: 7 – 0 – 0                      Approved**

\* **20141022**      **66 N. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 66 N. Fairground Street from Arthur L. Crowe, Jr. Revocable Trust for the purpose of constructing the Fairground Street Improvements - from Roswell Street to Rigby Street in exchange for \$8,000.00.

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

**Vote: 7 – 0 – 0                      Approved**

\* **20141023**      **69 Moore Avenue**

Motion authorizing acquisition of temporary construction easements at 69 Moore Avenue from LM Properties, LLC for the purpose of constructing the Fairground Street Improvements - Roswell Street to Rigby Street in exchange for \$200.00.

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

**Vote: 7 – 0 – 0                      Approved**

\* **20141024**      **782 Franklin Road**

Motion to authorize the acquisition of property owned by LEONARD BOCK AND HARVEY L. COHEN 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.

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

**Vote: 7 – 0 – 0                      Approved**

\* **20141032**            **1185 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1185 Powder Springs Street from DEVAZ, LLC for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project and the Powder Springs Multi-use Trail Project - Bellmeade Drive to Chestnut Hill Road in exchange for \$39,500.00.

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

**Vote: 7 – 0 – 0                      Approved**

\* **20140981**            **BLW Actions of the September 8, 2014**

Review and approval of the September 8, 2014 actions and minutes of the Marietta Board of Lights and Water.

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

**Vote: 7 – 0 – 0                      Approved**

**UNSCHEDULED APPEARANCES:**

*Pete Estes, who resides on S Woodland Drive, requested clarification on the next steps for neighborhoods in the speed table process prior to amending the policy.*

**ADJOURNMENT:**

*The meeting was adjourned at 9:03 p.m.*

**Date Approved: October 8, 2014**

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

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