



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, August 14, 2013

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Philip M Goldstein, Ward 7 Council Member*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20130804      Marietta High School Football Team**

Marietta celebrates the opening of Marietta City Schools, the introduction of the 2013 Seniors of the Marietta Blue Devils football team and Coach Scott Burton and his coaching staff.

**20130864      Vision 20/20 Update**

Mr. Kee Carlisle gives an update on Vision 20/20.

### PROCLAMATIONS:

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

### SCHEDULED APPEARANCES:

**20130846      Scheduled Appearance - Leah Beltz**

Leah Beltz of 1465 Roswell Road, Marietta, GA, Ward 7.

**UNSCHEDULED APPEARANCES:****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:****\*      20130820      Regular Meeting - July 10, 2013**

Review and approval of the July 10, 2013 regular meeting minutes.

**\*      20130821      Special Meeting - July 25, 2013**

Review and approval of the July 25, 2013 special meeting minutes.

**MAYOR'S APPOINTMENTS:****CITY COUNCIL APPOINTMENTS:****\*      20130848      Board of Zoning Appeals Appointment**

Appointment of David Hunter to the Board of Zoning Appeals (Ward 4) for a three (3) year term expiring August 14, 2016.

**\*      20130863      Planning Commission Appointment**

Appointment of Roy Vanderslice to the Planning Commission (Ward 4) for a three (3) year term expiring August 14, 2016.

**\*      20130876      Planning Commission Appointment**

Appointment of Hicks Poor to the Planning Commission (Ward 3) for a three (3) year term expiring August 14, 2016.

**20130526 Board of Lights and Water Appointment**

Appointment to the Board of Lights and Water (non-resident member), for a four (4) year term expiring August 14, 2017.

**ORDINANCES:****\* 20130390 Z2013-16 Ray L. Beaty 925 Industrial Park Drive**

Z2013-16 [SPECIAL LAND USE PERMIT] RAY L. BEATY requests a Special Land Use Permit for a computer and electronics recycling facility for property located in Land Lot 09990, District 16, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia and being known as 925 Industrial Park Drive, currently zoned HI (Heavy Industrial). Ward 5.

*Planning Commission recommends approval w/stipulation      Vote: 4 – 0 – 0*

*Motion: Mr. Diffley made a motion, seconded by Mr. Waters, to approve the Special Land Use Application and the variance to reduce the required front yard setback from 50 feet to 33 feet*

*Stipulations: No outside storage*

*PUBLIC HEARING (all parties are sworn in)*

*This item was tabled at the June 12, 2013 and July 10, 2013 City Council Meetings.*

**20130681 Z2013-18 David J. Broel 70 Beavers Street**

Z2013-18 [REZONING] DAVID J. BROEL requests rezoning for property located in Land Lot 12130, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 70 Beavers Street from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

*The Planning Commission recommends approval as requested.. Vote 4-0-0*

*Motion: Mr. Waters moved to recommend to City Council to approve the rezoning as requested, seconded by Mr. Diffley.*

*Stipulations: N/A*

*PUBLIC HEARING (All parties sworn in.)*

**20130732      Z2013-19 Elliott Hollander 879 Polk Street, 900 Burnt Hickory Road, 920 Burnt Hickory Road, 941 Polk Street**

Z2013-19 [REZONING] ELLIOTT HOLLANDER requests rezoning for property located in Land Lot 12240, District 16, Parcel 0340 (879 Polk Street), Parcel 0410 (900 Burnt Hickory Road) and Parcel 0190 (920 Burnt Hickory Road); and in Land Lot 03230, District 20, Parcel 0450 (941 Polk Street), 2nd Section, Marietta, Cobb County, Georgia from CRC (Community Retail Commercial), R1 (Single Family Residential/Agriculture (1 unit/acre), and OI (Office Institutional) to OI (Office Institutional) with variances and stipulations. Ward 4.

*The Planning Commission recommends denial w/stipulation Vote: 4 – 0 – 0*

*Motion: Mr. Waters made a motion, seconded by Mrs. Richardson, to recommend to city council that this application be denied.*

*Stipulations: If the applicant and neighbors involved have a dialogue by the next city council meeting on Wednesday, August 14, 2013, then the Planning Commission recommends approval.*

*PUBLIC HEARING (All parties sworn in.)*

**20130733      Z2013-20 Keith Crystal 140 Dodd Street**

Z2013-20 [SPECIAL LAND USE PERMIT] KEITH CRISTAL requests rezoning for property located in Land Lot 12370, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 140 Dodd Street from CRC (Community Retail Commercial) to LI (Light Industrial), with a Special Land Use Permit (SLUP) for an auto storage yard and wrecker service. Ward 7.

*Councilman Goldstein disclosed that he is the Manager of Marietta Shopping Center, LLC (and owner) which is a Landlord to Keith Crystal and is a General Partner of Herbert S. Goldstein Family Limited Partnership (and partial owner) which is a Landlord to Keith Crystal.*

*To Councilman Goldstein's understanding, Keith Crystal is a member and an owner of Your Final Notice, LLC (proposed business at the site) and the applicant. Councilman Goldstein has no financial interest in the property at 140 Dodd Street that is the subject of the rezoning, etc.*

*The Planning Commission recommends approval as stipulated. Vote: 4 – 0 – 0*

*Motion: Mr. Diffley made a motion to recommend to city council that this rezoning be approved as submitted, from CRC (Community Retail Commercial) to LI (Light Industrial), and that the SLUP be granted for towing.*

*Stipulations: That only operable vehicles will be placed on this lot and that if inoperable vehicles are placed on the lot, Mr. Crystal will have to pave the lot, properly drain and environmentally treat drainage.*

*PUBLIC HEARING (All parties sworn in.)*

**\*      20130734      Z2013-21 Rose Driskell, Trustee of the W. G. Driskell Marital Trust**

Z2013-21 [REZONING] ROSE DRISKELL, TRUSTEE OF THE W. G. DRISKELL MARITAL TRUST, requests rezoning for property located in Land Lot 02900, District 17, Parcel 1010, 2nd Section, Marietta, Cobb County, Georgia and being known as 598 W. Atlanta Street from NRC (Neighborhood Retail Commercial) to OS (Office Services). Ward 3.

*The Planning Commission recommends Approval. Vote: 4 – 0 – 0*

*Motion: Mrs. Richardson made a motion, seconded by Mr. Waters, to recommend to city council that this application be approved.*

*Stipulations: N/A*

*PUBLIC Hearing (All parties sworn in.)*

\* **20130576**      **CA2013-09 Amendment to the Comprehensive Development Code of the City of Marietta regarding brew pubs, breweries, distilleries and wineries**

CA2013-09 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.15 Neighborhood Retail Commercial (NRC), Division 708.16 Community Retail Commercial (CRC), Division 708.17 Regional Retail Commercial (RRC), Division 708.18 Central Business District (CBD), Division 708.26 Light Industrial (LI), Division 708.27 Heavy Industrial (HI), Division 712.01 Special Land Use Permits (SLUP) and Division 724.02 Definitions of Terms, regarding brew pubs, breweries, distilleries and wineries.

*The Planning Commission recommends approval as stipulated. Vote: 4 – 0 – 0*

*Motion: Mr. Waters made a motion, seconded by Mrs. Richardson, to recommend to city council approval of File Reference #20130576 dated August 6, 2013, with the following changes:*

*Stipulations:*

• *On page 3, for NRC, Section E #1, the original language should be kept to read as follows:*

*1. Not applicable in this district.*

• *On page 5, #10; page 6, # 24; and page 9, #54, “d” added to read as follows:*

*d. A Special Land Use Permit shall be required for any such use located adjacent to residentially zoned property.*

• *On page 5, #10(b); page 6, #24(b); page 9, #54(b); page 10, E.4(b); page 13, #15(b); page 14, #29(b); page 17, #59(b); page 17, E.4(b); page 20, #12(b); page 21, #22(b); page 23, #54(b); page 23, E.4(b); page 24, #3(b); page 25, #9(b); page 27, #48(b); page 29, #3(b); page 32, #48(b); and page 32, #49(b) should read as follows:*

*b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.*

*PUBLIC HEARING (All parties sworn in.)*

## **RESOLUTIONS:**

## **CITY ATTORNEY'S REPORT:**

\* **20130801**      **Denial of Claim**

Denial of claim of Jason Arias.

\*     **20130873     Denial of Claim**

Denial of the claim of Jason Smith

\*     **20130874     Denial of Claim**

Denial of the claim of Lesa Hernandez

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

\*     **20130789     Section Eight Management Assessment Program (SEMAP) FY2013 Certification**

Approval of a Resolution authorizing the acceptance of the Section Eight Management Assessment Program (SEMAP) certification for FY 2013.

\*     **20130790     Franklin Gateway Tax Allocation District**

Approval of a Resolution to dissolve the Franklin Gateway TAD, with the funds being allocated to a special account to be used for the Franklin Road area.

**2. Finance/Investment: Annette Lewis, Chairperson**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**20130483     Setback for Commercial Property**

Motion to authorize advertisement of the Comprehensive Development Code of the City of Marietta, Division 708.16 CRC, Community Retail Commercial, Paragraph H, Bulk and Area Regulations; Division 708.17 RRC, Regional Retail Commercial, Paragraph H, Bulk and Area Regulations; Division 708.23 OI, Office Institutional, Paragraph H, Bulk and Area Regulations; Division 708.26 LI, Light Industrial, Paragraph H, Bulk and Area Regulations; and Division 708.27 HI, Heavy Industrial, Paragraph H, Bulk and Area Regulations.

**20130697 Kennesaw Avenue Historic District**

Approval of an Ordinance designating a portion of Kennesaw Avenue as an Historic District.

PUBLIC HEARING REQUIRED

**\* 20130766 Special Election Contract**

Motion to approve a contract between the City of Marietta and the Cobb County Board of Elections and Registration in order to carry out the special election to be called and held in conjunction with the Municipal General Election on November 5, 2013 in order to authorize issuance of general obligation bonds for the purpose of funding improvements along Franklin Road and other locations.

**\* 20130784 Administrative Variance Procedure**

Motion to authorize advertisement of the Comprehensive Development Code of the City of Marietta, Division 718, Administration and Enforcement

**\* 20130791 Precinct Boundary Amendment**

Motion to approve proposed changes to the precinct boundary for Marietta 5A and 5B to coincide with the change adopted by the Cobb County Board of Election and Registration in an effort to more evenly distribute the ballot combinations in each precinct and reduce cost of administration.

**\* 20130331 Digital Billboards**

Motion to authorize advertisement of an amendment to the Comprehensive Development Code of the City of Marietta, Division 714.04, Signs, Section 714.04(F), General Advertising and Off-Premises Signs.

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson****\* 20130775 Laurel Park Tennis Court Resurfacing**

Motion authorizing the expenditure of funds not to exceed \$15,000 from the 2009 Parks Bond in the category: Improvements to Existing Parks - specifically the line item for Laurel Park, to resurface and repair as needed five tennis courts at the Laurel Park Tennis Center.

\* **20130809      Lewis Park Off-Leash area and Playground Improvement Funding**

Motion approving the funding for improvements to the Lewis Park off-leash and playground areas not to exceed \$26,600 from the 2009 Parks Bond from the category "Improvements to Existing Parks" - specifically the line item for Lewis Park

\* **20130808      Lawrence Street Recreation Center Renovation**

Motion approving the proposed Lawrence Street Recreation Center renovation in an amount not to exceed \$1,158,423 with construction funding from the 2009 Parks Bond - specifically the line items in the Parks Improvement and Design Services.

**5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson**

\* **20130802      Property Casualty/Miscellaneous Coverage**

Approval of the property casualty and other miscellaneous coverage, premiums and companies utilized for the policy period of August 15, 2013 to August 14, 2014.

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

**7. Public Works Committee: Jim King, Chairperson**

\* **20130796      Lemon Street Two Way**

Motion authorizing Public works to remove all related one-way signs, from Lemon Street between Cole Street and Rigby Street and convert the intersection of Lemon Street with Cole Street to an all way stop.

\* **20130798      Philips Drive No Parking Zone**

Motion to approve installation of "No Parking" signs along the frontage of 376 and 379 Phillips Drive.

\* **20130799      Canton Road Closure**

Motion to approve road closure of the Canton Road bridge by C. W. Matthews Contracting Company for a maximum of 30 days for construction of future bridge.

\* **20130797 Sibley Street On-Street Parking**

Motion to install on-street parking on the west side of Sibley Street with restriction for no parking from 11:00PM to 6:00AM.

\* **20130800 Radar Speed Signs**

Motion authorizing Public Works to purchase 20 radar speed signs.

**APPEARANCES:**

**OTHER BUSINESS:**

\* **20130877 24 Alexander Street, 25 Alexander Street and 274 Washington Avenue**

Motion authorizing acquisition of the property at 24 Alexander Street, 25 Alexander Street, and 274 Washington Avenue from David E. Miller, Jr. and Marietta Development, LLC for the purpose of constructing the Alexander Street Improvements - Roswell to Washington in exchange for \$79,400.00 and is inclusive of site improvements.

\* **20130878 426 N. Sessions Street**

Motion authorizing acceptance of the donation of the necessary property and easements at 426 N. Sessions Street from the Board of Lights and Water Works of the City of Marietta for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section.

\* **20130879 1100 S. Marietta Parkway**

Motion authorizing the acceptance of the donation of the necessary easements at 1100 S. Marietta Parkway from Regents of the University System of Georgia for the purpose of constructing the South Marietta Pkwy Sidewalk Project.

\* **20130853 State Properties Commission Revocable License Agreement**

Motion to approve the Revocable License Agreement with the State Properties Commission for the construction of the Kennesaw Mountain to Chattahoochee River Trail, Intown and North Sections.

**20130849 Amendment to Rules of Procedure of Council 1-4-040-D**

Motion approving an amendment to the Rules of Procedure of Council 1-4-040-D to delete item 16 Appearances and renumber the other items.

*This items was requested by Council Member Grif Chalfant.*

\* **20130866      Suspension of Rules**

Consideration of a motion to suspend the rules in order to remove or take no action on the agenda item "Appearances" being D 17 of 1-4-40 of Code of Ordinances as authorized in introductory sentence of D (Order of Business. "The business of all regular meetings of the council should be transacted in the following order, unless the council by a vote of a majority of the members present, shall suspend the rules and change the order of business) and 1-4-40 S.

*This item was requested by Mayor Tumlin.*

**20130865      Council Gatherings**

Motion to amend code section 1-4-040 Rules and Procedures of Council, (W. Council Gatherings) to read as follows

w. Council Gatherings. The city manager is hereby directed to post notices in conformity with the Georgia Open Meetings law regarding informal gatherings following council events from time to time as needed. ~~following city council meetings whereby a quorum of the mayor and city council may gather for a meal. Such notice shall state that the purpose of the gathering is for informal discussion and socializing. No voting may occur at any such gathering and no official action may be taken at any such gathering. The city council person designated for the invocation for the specific month shall designate a restaurant within the city limits of the City of Marietta and, in default thereof, the city manager shall designate the Marietta Diner located at 306 Cobb Parkway South, Marietta, Georgia. In addition, at the committee of the whole meeting prior to the regular monthly city council meeting, a majority of the city council shall be authorized to designate a different restaurant and in such case that will be the location posted.~~

*This item was requested by Mayor Tumlin.*

**20130875      MEAG Power Excess Base Sale Option/ Vogtle 1 and 2**

Motion to complete the Non-Binding Interest Survey pertaining to the MEAG Power Excess Base Sale Option-Vogtle 1 and 2 at a 20 MW level.

\* **20130822      BLW Actions of the August 12, 2013**

Review and approval of the August 12, 2013 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**