



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

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

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Thursday, October 13, 2016

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Johnny Walker, Ward 3*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20161006**      **Winners of the 2016 Clean Water/Public Power Week Poster Contest**

Michael Musser will be presenting the winners of the 2016 Clean Water/Public Power Week poster contest winners.

**20160915**      **Fire Prevention Week Poster Contest Winner**

Fire Department recognizing the 3rd grade students from each of the city schools, who are the winners of the Fire Prevention Week poster contest and will announce the Grand Prize Winner.

### PROCLAMATIONS:

**20161045      2016 Proclamation for Fire Prevention Week**

Mayor Steve Tumlin presents a Proclamation to proclaim the week of October 9-15, 2016, as Fire Prevention Week, and thus promote developing a safety plan that includes the use of smoke alarms, residential fire sprinkler installations and maintenance, as well as a home fire inspection plan to aid in preventing and limiting home fires.

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

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

**20161018      Scheduled appearance**

Scheduled Appearance - Larry Wills

**20161054      Scheduled Appearance**

Ms. Candance Jones would like to speak to council about "Zumba".

**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:****\*      20161043      Regular Meeting - September 14, 2016**

Review and approval of the September 14, 2016 regular meeting minutes.

**MAYOR'S APPOINTMENTS:****\*      20160958      Marietta Historic Board of Review Mayor's Appointment**

Appointment of Christopher G. Brown to the Marietta Historic Board of Review as the Mayor's Appointment, for a two (2) year term, expiring October 8, 2018.

**CITY COUNCIL APPOINTMENTS:**

\* **20161057**      **Historic Board of Review Appointment**

Appointment of Stacy Smith to the Historic Board of Review (Ward 6) for a term of two (2) years, expiring October 10, 2018.

**ORDINANCES:**

**20160894**      **Z2016-27 [REZONING] JEAN LAMOTHE**

Z2016-27 [REZONING] JEAN LAMOTHE is requesting the rezoning of 0.19 acres located in Land Lot 1143, District 16, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 463/465 Morningside Drive from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an additional use as a duplex. Ward 4B.

*The Planning Commission recommended this item for approval.*

*Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend to City Council that this is a street of duplexes and they recommend that this be approved for use as a duplex as submitted. The motion carried 4-3-0. Mr. Bennett, Mr. Davis and Mr. Hunter opposed.*

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\* **20161017**      **Denial of Claim**

Denial of Claim for Sarah Joseph.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

\* **20160963**      **Franklin Delk Livable Centers Initiative- Five Year Update**

Motion to approve the Franklin Delk Livable Centers Initiative (LCI) five year plan update.

\* **20160964 Release from City of Marietta to Marietta Redevelopment Corporation**

Motion to approve the execution of a Quitclaim Deed of Release in order to release the City of Marietta's Deed to Secure Debt interest from the Marietta Redevelopment Corporation to the City of Marietta dated December 18, 2013 in the original principal amount of \$221,000 and \$2,100,000 including the authorization of the Mayor and City Clerk to execute said Quitclaim Deed of Release with the Deed to be held by the City of Marietta until the closing."

*Council member Goldstein opposed*

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

\* **20160943 National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish to attend the National League of Cities (NLC) City Summit (formerly Congress of Cities) in Pittsburgh, PA, November 16-19, 2016.

\* **20161003 2016 MEAG Mayors Summit**

Motion approving travel for Mayor and Council members who wish to attend the 2016 MEAG Mayors Summit which will be held November 4-6 in, Greensboro, Georgia.

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

\* **20160641 Public Hearing - Design Guidelines for Forest Hills Historic District**

Motion to adopt the design guidelines for the proposed Forest Hills Historic District.

Public Hearing Required

**20160762      HB691- Municipal Court Judges**

Motion to incorporate HB691, Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts generally, so as to provide the removal of appointed municipal court judges under certain circumstances; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes; and,

Motion to approve the advertising and the holding of two public hearings in order to amend the Charter of the City of Marietta to amend Section 4.11 (Municipal Court) and Section 6.2 (Chief Judge of the Municipal Court) and to authorize the City Attorney to carry out all matters in order to amend the Charter and to incorporate H.B. 691 into the Charter for the City of Marietta.

**20160864      Wynhaven (Promenade at the Square) - Revised Detailed Plan**

Motion to approve the request by Lennar Georgia, Inc. for the revised detailed plan for 560 Powder Springs Street subject to the letter of agreeable stipulations and conditions, dated October 5, 2016, from J. Kevin Moore, Moore Ingram Johnson & Steele, LLP, to Russell J. Roth, Zoning Manager for the City of Marietta.

Further, the sentence under #6 General Site Notes regarding parking in the right of way shall only apply to the 90 degree off street parking spaces shown on the plan, as clarified under (14)(c) of the letter of agreeable stipulations and conditions referenced above.

Also, approval of a variance to allow the driveways lengths for townhomes 83 and 86 be shorter than eighteen (18) feet from the back of the sidewalk, as shown on the detailed plan.

*Council member Goldstein disclosed that he and/or his family members have been represented by Kevin Moore and/or his firm.*

**\*      20160942      2017 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2017.

**\*      20160960      Fence Regulations**

Motion to authorize advertisement of amendments to the Comprehensive Development Code of the City of Marietta, Division 710, Supplementary District Regulations, paragraph 710.04, Fences and Walls.

\* **20160999**      **Kennesaw State University Campus Police**

Approval of an Ordinance amending City Code to add Section 10 - 4 - 220 Enforcement of City Ordinances on the Campus of Kennesaw State University (formally Southern Polytechnic State University).

\* **20161001**      **Revised Detailed Plan for Atlanta United FC Training Ground**

Motion to approve the revised detailed plan for the signage only, as shown on the attached plans for Atlanta United FC Training Ground at 849 & 861 Franklin Road; said plans signed and dated by the applicant on January 13, 2016.

In accordance with Section 708.20.J.4 of the Marietta City Code, Atlanta United FC is requesting the approval of these revisions to the detailed plan regarding signage for Atlanta United FC Training Ground.

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

\* **20160961**      **Naming of New Park located at Frasier/Manget/Lakewood area**

Motion to name the new park located in the Frasier/Manget/Lakewood area “Kirby Park” in honor of Mr. Joe Kirby for his contributions to the community for over 20 years.

\* **20161031**      **Franklin Gateway Sports Complex**

Motion to name the multi-purpose sports facility on 1034 Franklin Gateway the “Franklin Gateway Sports Complex”.

\* **20161030**      **Naming of Field 3 for Franklin Gateway Sports Complex**

Motion to name Field 3 of the Franklin Gateway Sports Complex, Harry W. Livingston, Jr. Field.

*Requested by Mayor Tumlin*

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

**20160928      2017 Group Term Life Insurance Benefits**

Motion approving the 2017 Group Term Life Insurance plan with Lincoln Financial Group. The city-funded, basic term life insurance remains at three times salary up to a maximum of \$300,000 for full-time employees. The age reduction tiers for employees aged 65 and over have been removed in favor of a single age reduction for employees aged 75 and over at a 50% reduction of the policy's original face value. The rate per \$1,000 of coverage for basic life and accidental death and dismemberment is \$0.23. Regarding employee-funded, voluntary life insurance, the age reduction tiers for employees and spouses aged 70 and over have been removed in favor of a single age reduction for employees and spouses aged 75 and over at a 50% reduction of the policy's original face value. The rates for voluntary coverage have not changed, and are based on the age of the employee or spouse. All approved rates are guaranteed with Lincoln Financial Group until 2019.

**\*      20160944      National League of Cities (NLC) Annual Meeting**

Appointment of Philip M. Goldstein as the voting delegate for the National League of Cities (NLC) Annual Business Meeting that will be held during the National League of Cities (NLC) City Summit (formerly Congress of Cities) in Pittsburgh, PA, November 16-19, 2016.

**20161002      Ordinance approving amendments to the Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia (Ordinance 4532)**

Ordinance amending Article V of Section 4-12-6-010 of Exhibit B of Chapter 4-12 by adding preretirement spousal death benefits and other related matters, and amending Article XI Section 1 (A) of Section 4-12-6-010 of Exhibit B of Chapter 4-12 related to increasing or decreasing the benefits of elected or appointed officials.

**20161004      Ordinance approving an amendment to the Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia (Ordinance 4532)**

Ordinance approving an amendment to the Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia (Section 4-12-6-010 et. seq.), by stipulating a maximum retirement benefit for elected officials.

**6. Public Safety Committee: Ruben Sands, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson**

\* **20160890**      **Vegetative Waste Bags**

Motion amending City Code Section 5-8-040.6 effective January 1, 2017 to read as follows:

6. All leaves, grass clippings, pine needles, and similar yard trimmings shall be placed in reusable non disposable rigid containers or compostable brown paper bags and deposited at a curbside location adjacent to the originating property, but in no case shall it be placed in such a position as to obstruct the sidewalks, the gutter, or the free movement of traffic. All branches, limbs, and shrubbery shall be cut in lengths of six feet or less, and no single piece shall exceed four inches in diameter and weigh no more than 100 pounds.

\* **20160967**      **Polk Street Sidewalks**

Motion authorizing the installation of a sidewalk along the south side of Polk Street from Westside Elementary to the Debonair Drive.

\* **20160968**      **Etowah Drive, Iroquois Drive, and Kiowa Drive**

Motion authorizing the installation of two driver speed feedback signs each on Etowah Drive, Iroquois Drive, and Kiowa Drive.

\* **20160972**      **Longwood Drive**

Motion authorizing the installation of two driver speed feedback signs on Longwood Drive.

\* **20160980**      **Victory Drive Speed Sign**

Motion authorizing the installation of two driver speed feedback signs on Victory Drive.

\* **20161036**      **Downtown Business District Improvements**

Motion to authorize staff to contact Cobb County regarding the entrance of the existing parking garage and feasibility of providing restroom facilities for public use in the downtown area. Further to authorize staff to start discussion with CSX to investigate grant opportunities and discussion with the Downtown Marietta Development Authority regarding quiet railroad crossings.

*Council member Goldstein disclosed that he, his family members and/or entities that he owns or have an interest in, own property in the Central Business District (CBD). His business is also located in the CBD.*

**OTHER BUSINESS:**

**20160668      V2016-40 [VARIANCE] THE KRYSTAL CO (SIGNAL SIGNS)**

V2016-40 [VARIANCE] THE KRYSTAL CO (SIGNAL SIGNS) is requesting a variance for property located in Land Lot 1283, District 16, Parcel 0070, 2nd Section, Cobb County, Georgia, and being known as 271 Cobb Parkway South, currently zoned CRC (Community Retail Commercial). Variance to increase the allowable height for a freestanding sign from 15' to 22'8" along Cobb Parkway; variance to increase the maximum sign face from 90 sf. to 122 sf; variance to increase the maximum area of the sign structure from 90 sf. to 175 sf.; variance to reduce the setback for an accessory structure from 10' to 6'. Ward 7A.

**20160996      V2016-52 [VARIANCE] LIFE UNIVERSITY (WILLIAM D. JARR)**

V2016-52 [VARIANCE] LIFE UNIVERSITY (WILLIAM D. JARR) is requesting variances for property located in Land Lots 501, 508, 509, and 572, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia and being known as 1266 Barclay Circle. Variance to allow a billboard (scoreboard) not within 100 feet of the right of way of Interstate 75; variance to waive the requirement that a billboard (scoreboard) be regulated as a principal use and designated on an exemption plat filed with the Cobb County Superior Court; variance to allow a billboard within 500 feet of a school or park; variance to allow a billboard (scoreboard) to be multi-message within 500 feet of a school or park; variance to allow a billboard (scoreboard) on a lot with a building with signage; variance to allow a billboard (scoreboard) in the OI zoning district; variance to waive the exchange requirements for digital panels. Ward 1A.

**\*      20160982      166 Roswell St. - Stonebridge Church - Certificate of Approval (Demolition)**

Motion to approve Stonebridge Church submittal for demolition.

**\*      20161032      Consolidated Pension Plan**

Approval of an ordinance to amend the Fiscal Year 2017 budget to make an additional contribution for the City Employees and Elected Officials to the Consolidated Pension Plan, above and beyond recommended funding of approximately combined \$5.4 million, of One Million Dollars (\$1,000,000). Credit to Reserve.

*Requested by Mayor Tumlin*

\*     **20161044     BLW Actions of October 10, 2016**

Review and approval of the October 12, 2016 actions and minutes of Marietta Board of Lights and Water.

*Council member Goldstein voting against BLW agenda items 20161014 and 20161016.*

**UNSCHEDULED APPEARANCES:**

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

**ADJOURNMENT:**