



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes 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, October 10, 2012

7:00 PM

Council Chamber

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

**Present:** Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris,  
Rev. Anthony Coleman, Jim King, 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 Andy Morris to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Mayor Tumlin asked everyone to remain standing for the pledge of allegiance.*

### PRESENTATIONS:

### PROCLAMATIONS:

20121023

#### Public Power & Clean Water Week Poster Contest

Kim Holland, Water Department and Karmen Scarbro, Water Department,  
present the winners for Public Power & Clean Water Week Poster Contest from  
Park St. Elementary.

Clean Water Contest Winners

Grand Prize Winner - Julie Perez-Sosa - 5th Grade

1st Place - Vanessa Duran Hernandez - 5th Grade  
2nd Place - Ashley Gabirla Segoria - 3rd Grade  
3rd Place - Blessing Smith - 5th Grade  
Public Power Contest Winners  
Grand Prize Winner - Jose Orozco -4th Grade  
1st Place - Ivone Gutierrez - 5th Grade  
2nd Place - Kayla Gooden - 4th Grade  
3rd Place - Jesus Renteria Bahena - 3rd Grade

**Presented**

**20120866 Proclamation - Fire Prevention Month**

Presentation of a Proclamation to Lieutenant Grant Pearson , proclaiming October 7-13, 2012 as "Have Two Ways Out" week in the city of Marietta.

**Presented**

**20120978 Proclamation - Diaper Day**

Presentation of a Proclamation declaring October 29, 2012 as "Cobb Diaper Day" in the City of Marietta. The Cobb Diaper Day Committee is committed to asking the business community, concerned citizens, and non-profit organizations, to collect diapers from employees, members and friends throughout the month of October. The single act of donating diapers on Monday, October 29, 2012 at 5:00 PM at Glover Park, on the Marietta Square can help hundreds of families in Cobb County.

**Presented**

**20120990 Information Technology (IT) Department Wins Top Performer Award**

Ronnie Barrett, IT Director and Jeremy Waite, IT Systems Manager, accept award for the MyMarietta mobile app given by the Technology Association of Georgia (TAG) - Government Technology Society. The contest held September 18, 2012, was judged using the following criteria: creativity and innovation (30%), business value for government and citizens (40%), usability and performance (30%). The city of Marietta received the Top Performer award.

**Presented**

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

**SCHEDULED APPEARANCES:**

**20120961 Scheduled Appearance - Kristen Picken**

Resident at 413 Talcott Circle (Ward 4). Speaking to council about "backyard poultry."

**Presented**

### **UNSCHEDULED APPEARANCES:**

*Larry Willis, who resides at 60 Oakmont, spoke regarding agenda item 20121003, Elimination of Energy Tax.*

### **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).**

*Mayor Pro tem, Grif Chalfant, called upon Council member Johnny Sinclair, to preside over this portion of the meeting. Council member Sinclair briefly explained the consent agenda process.*

*-under Ordinances: Agenda item 20120859 was removed from the consent agenda, but will remain on the agenda for discussion.*

*-under Public Works: Agenda item 20120913 was amended to read, "Motion authorizing advertisement for a public hearing to be held on regularly scheduled November City Council Meeting regarding the closure, abandonment, zoning and sale of unimproved right of way between 320 and 340 Lockheed Avenue."*

*-under Other Business: Agenda item 20120142 was added to the consent agenda, with the following amendments to the agreement: Any use of the word sign throughout the agreement would be changed to the definitional term of sign meaning general advertising, off premise, and similar type sign; and a clause would be added that both parties warrant that there are not extensions to any existing leases on the property or the billboard and none shall be agreed to after December 31, 2018.*

*-under Other Business: Agenda item 20120788 was withdrawn by the applicant.*

*-under Other Business: Agenda item 20120903 was added to the consent agenda and amended to read, "Motion to approve the requested variances for property located in Land Lot 12380, District 16, Parcel 0210 and being known as 150 Cobb Parkway South. The following variances are hereby approved:*

- 1. Variance to allow gas canopy signage on all four sides;*
- 2. Variance to increase the allowable canopy signage on each side from 10 sq. ft. to 18.67 sq. ft.*
- 3. Variance to increase the allowable height for a monument sign in Tier A from 8' to 15';*
- 4. Variance to increase the allowable sign face area in Tier A from 60 sq. ft. to 90 sq. ft.*
- 5. The existing monument sign will be removed upon completion of the new monument sign.*

*-under Other Business: Agenda items 20121010 and 20121016 were removed from the agenda, with a notation showing Council member Goldstein abstaining on 20121010.*

*-under Other Business: Agenda items 20121009, 20121007 and 20121008 were added to the consent agenda, with Council member Goldstein abstaining to 20121009. Agenda items 20121011, 20121012, 20121013, 20121014 and 20121015 were added to the consent agenda, with the notation of Council member abstaining removed from 20121014.*

*City Attorney Douglas 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 Coleman, seconded by Council member Chalfant, 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 20121009, 20121010, 20121012, 20121013 and 20121015.*

*Council member Sinclair abstaining on agenda item 20121005.*

## MINUTES:

\* **20120945**      **Special Meeting - September 10, 2012**

Review and approval of the September 10, 2012 special meeting minutes.

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

**Vote: 7 - 0 - 0**

**Approved**

\* **20120946**      **Regular Meeting - September 12, 2012**

Review and approval of the September 12, 2012 regular meeting minutes.

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

**Vote: 7 - 0 - 0**

**Approved**

## MAYOR'S APPOINTMENTS:

## CITY COUNCIL APPOINTMENTS:

\* **20120880**      **Marietta Historic Board of Review Appointment**

Appointment of Johnny Sinclair to the Marietta Historic Board of Review for the City Council At Large Appointment.

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

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

\* **20120820**      **Board of Lights and Water Appointment**

Appointment of Michael G. Wilson to the Board of Lights and Water (Resident Post) for a term of four (4) years, beginning October 11, 2012 and expiring October 10, 2016.

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

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

**ORDINANCES:**

**20120859**      **Z2012-07 Ray Worden 361/363 Campbell Hill Street**

**[Ord 7609](#)**

Z2012-07 [REZONING] RAY WORDEN requests rezoning for a portion of the property located in Land Lot 11470, District 16, Parcel 0390, 2nd Section, Marietta, Cobb County, Georgia and being known as 361/363 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use so the property may be used as a residence(duplex). Ward 4.

*Mayor Tumlin opened the public hearing. City Attorney Doug Haynie explained the rules of order and swore in those wishing to speak.*

*Development Services Director Brian Binzer presented information regarding the rezoning and variance request for property. Mr. Binzer also summarized the Planning Commission recommendation.*

*The applicant, Ray Worden, requested rezoning for a portion of the property located at 361/363 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use so the property may be used as a residence (duplex).*

*Scott Loughrey, who resides at 225 Brumby Street, expressed concern regarding the rezoning request.*

*Discussion was held regarding the proposed use of the property. It was suggested to add language that states the property would revert back to the original zoning if the structure has substantial demolition.*

*Mayor Tumlin closed the public hearing.*

*Motion to approve the rezoning request for a portion of the property located at 61/363 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use so the property may be used as a residence (duplex), with the following conditions:*

*The use of the property as a duplex is hereby approved; however, if there is substantial demolition to the main structure, the zoning will revert back to NRC, without the residential (duplex) use. In addition, the following variances are approved as conditions of zoning for the current developed property only, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure:*

- 1. Variance to reduce the minimum lot width from 75' to 50.' §708.15 (H)*
- 2. Variance to reduce the left (south) side setback from 10' to 6' in order to accommodate the existing building. §708.15 (H)*
- 3. Variance to reduce the side setback for an accessory structure from 10' to 3' in order to accommodate the existing shed on the south side of the rear yard. §708.15 (F)(1)*
- 4. Variance to reduce the side setback for an accessory structure from 10' to 5' in order to accommodate the existing shed on the north side of the rear yard. §708.15 (F)(1)*
- 5. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.*
- 6. Variance to reduce the required driveway width from 20' to 10.' § 716.08 (C)(5)*

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

**Vote: 5 - 0 - 1**

**Approved as Amended**

Abstaining: Philip M. Goldstein

Absent for the vote: Johnny Sinclair

**20120901**

**Z2012-08 Russell Mullins (for 591 Colonial Circle, LLC) 591 Colonial Circle**

**[Ord 7608](#)**

Z2012-08 [REZONING] 591 COLONIAL CIRCLE, LLC requests rezoning for property located in Land Lot 12870, District 16, Parcel 0560, 2nd Section, Marietta, Cobb County, Georgia and being known as 591 Colonial Circle from LRO (Low Rise Office) to LRO (Low Rise Office) with an additional use so the property may be used as a residence (multi-family). Ward 1.

*Mayor Tumlin opened the public hearing. City Attorney Doug Haynie swore in those wishing to speak.*

*Development Services Director Brian Binzer presented information regarding the rezoning and variance request for property. Mr. Binzer also summarized the*

*Planning Commission recommendation.*

*The applicant, Russell Mullins, requested rezoning for a portion of the property located at 591 Colonial Circle from LRO (Low Rise Office) to LRO (Low Rise Office) with an additional use so the property may be used as a residence (multi-family).*

*Discussion was held and it was suggested to add the same language as the prior agenda item regarding demolition. However, instead of using the words "substantial demolition", there was general agreement to change the language to simply state if the main structure is demolished, the property would revert back to the original zoning.*

*Mayor Tumlin closed the public hearing.*

*Motion to approve the rezoning request for property located at 591 Colonial Circle from LRO (Low Rise Office) to LRO (Low Rise Office) with an additional use so the property may be used as a residence (multi-family), with the following conditions:*

*The use of the property as an apartment building is hereby approved; however if the main structure is demolished, the zoning reverts back to LRO, without the residential (multi-family residential) use. In addition, the following variances are approved as conditions of zoning for the current developed property only, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure:*

- 1. Variance to reduce the minimum lot area from 15,00 s.f. to 9,539 s.f. §708.22 (H)*
- 2. Variance to reduce the left (west) side setback from 15' to 10' in order to accommodate the existing building. §708.15 (H)*
- 3. Variance to reduce the right (east) side setback from 15' to 9.3' in order to accommodate the existing building. §708.15 (H)*
- 4. Variance to reduce the rear yard setback from 30' to 20' in order to accommodate the existing building. §708.15 (H)*
- 5. Variance to reduce the required number of parking spaces from 8 to 5; and to allow the existing parking configuration within the right of way of Colonial Circle. §716.07 (Table J)*
- 6. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.*

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

**Vote: 6 - 0 - 1**

**Approved as Amended**

Abstaining: Anthony Coleman

**20120859 Z2012-07 Ray Worden 361/363 Campbell Hill Street**

**A motion was made by Council member Lewis, seconded by Council member King, to rescind the action for agenda item 20120859 Z2012-07 Ray Worden 361/363 Campbell Hill Street. The motion carried by the following vote:**

**Vote: 5 - 0 - 1                      Approved**

Abstaining: Anthony Coleman

Absent for the vote: Johnny Sinclair

*A motion was made by Council member King, seconded by Council member Goldstein, to approve the use of the property as a duplex is hereby approved; however, if the main structure is demolished, the zoning will revert back to NRC, without the residential (duplex) use. In addition, the following variances are approved as conditions of zoning for the current developed property only, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure:*

- 1. Variance to reduce the minimum lot width from 75' to 50.' §708.15 (H)*
- 2. Variance to reduce the left (south) side setback from 10' to 6' in order to accommodate the existing building. §708.15 (H)*
- 3. Variance to reduce the side setback for an accessory structure from 10' to 3' in order to accommodate the existing shed on the south side of the rear yard. §708.15 (F)(1)*
- 4. Variance to reduce the side setback for an accessory structure from 10' to 5' in order to accommodate the existing shed on the north side of the rear yard. §708.15 (F)(1)*
- 5. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.*
- 6. Variance to reduce the required driveway width from 20' to 10.' § 716.08 (C)(5)*

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

**Vote: 5 - 0 - 1                      Approved**

Abstaining: Anthony Coleman

Absent for the vote: Johnny Sinclair

\* **20120814**

[Ord 7605](#)

**CA2012-07 Amendment to the Comprehensive Development Code regarding Fences and Walls, Division 710.04 Fences and Walls**

CA2012-07 [Code Amendment] Proposal to amend the Comprehensive Development Code. Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710.04, Fences and Walls.

*The required public hearing was held during the consent agenda.*

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

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

- \*     **20120854                      CA2012-08 Amendment to the Comprehensive Development Code regarding Division 708, District Standards and Permitted Uses, by amending Section 708.29, RRX, Railroads and railroad crossings; and Division 714, Signs, Paragraph 714.04(F), General Regulations, Paragraph F.**
- [Ord 7606](#)

CA2012-08 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, by amending Section 708.29, RRX, Railroads and railroad crossings; and Division 714, Signs, Paragraph 714.04 (F), General Regulations , Paragraph F.

*The required public hearing was held during the consent agenda.*

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

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

## **RESOLUTIONS:**

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

- \*     **20121005                      Denial of Claim**

Denial of the claim of Mike Nelson.

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

**Vote: 6 - 0 – 1                      Approved to Deny Claim**  
Abstaining: Johnny Sinclair

### **CITY MANAGER'S REPORT:**

### **MAYOR'S REPORT:**

### **COMMITTEE REPORTS:**

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

- \*     **20120923                      Amendment to Urban Redevelopment Plan and Opportunity Zone Map**

Approval of a Resolution adopting the October 2012 Amendment to the Amended April 2011/June 2009 Urban Redevelopment Plan and Authorization

to submit an application to Georgia Department of Community Affairs to expand the boundaries of the Opportunity Zone One to include eligible city parcels property south of Delk Road, east of Cobb Parkway, north of Terrell Mill Road and west of Interstate 75.

*The required public hearing was held during the consent agenda.*

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

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

\*     **20120927                      FFY'2013 CDBG Final Statement Projects List**

Approval of a Resolution authorizing the submittal of the City's FFY'2013 CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and approval of the use of \$396,185 of CDBG FFY'2013 funds the City will receive from HUD.

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

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

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

\*     **20120904                      Donation to the Tree Preservation Fund by Team Ford**

**[Ord 7607](#)**

Approval of an Ordinance amending the Fiscal Year 2013 Tree Preservation Fund budget to receive and appropriate a donation in the amount of \$1,265.00 from Team Ford.

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

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

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

\*     **20110790                      Tree Protection and Landscaping Ordinance**

Motion to authorize advertisement of proposed amendments to the City's Tree Protection and Landscaping Ordinance (Section 712.08).

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

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

\* 20120908

**A-Frame Signs**

Motion to authorize advertisement of proposed revisions to proposed revisions to the Comprehensive Development Code of the City of Marietta, Division 714, Signs, paragraph 714.03, Signs exempt from permit regulations.

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

**Vote: 7 - 0 - 0**

**Approved**

\* 20120915

**Revised Detail Plan for Meeting Park (Food Truck Events)**

Motion to approve a revision to the Detailed Plan for Meeting Park allowing a food truck event with the following conditions:

1. No sale or offer for sale shall be made by any licensee between 10:00 p.m. and 6:30 a.m.

2. The parking of food trucks shall be limited to the locations shown on the exhibit for Meeting Park Phase 1, dated 08-11-08, and signed by Matt Teague (Walton Communities) and Greg Smith (The Smith Group.)

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

**Vote: 7 - 0 - 0**

**Approved**

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

\* 20120921

**Farmer's Market**

Motion approving closure of Mill St. between Church St/W. Park Sq. and the railroad tracks Saturday mornings from November 24, 2012 to December 22, 2012, during the hours of 5:30 a.m. to 1 p.m. for the purposes of conducting a Holiday Edition of the Farmers Market. The market will operate between the hours of 9 a.m. and noon.

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

**Vote: 7 - 0 - 0**

**Approved**

\* 20120922

**Laurel Park Tennis Center Improvements**

Motion to approve bidding and award of construction services for Laurel Park Tennis Center to include shade structures, hardscape/sidewalk, irrigation repairs, landscape improvements, and materials and equipment necessary to complete the project to be funded from the 2009 parks bond in the category "Improvements to Existing Parks" - specifically the line item for Laurel Park - provided costs do not exceed the available balance on that line item.

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

**Vote: 7 - 0 - 0                      Approved**

**\*      20120984      Acquisition of Property**

Motion to approve a Contract for Sale between the City of Marietta and the Marietta Redevelopment Corporation (MRC) for the following property contingent on a satisfactory Phase I Environmental Report:  
136-138 Hedges Street, Marietta, GA 30008, in exchange for \$25,000.  
144-146 Hedges Street, Marietta, GA 30008, in exchange for \$25,000.  
141-143 W. Dixie Avenue, Marietta, GA 30008, in exchange for \$25,000.  
149-151 W. Dixie Avenue, Marietta, GA 30008, in exchange for \$25,000.

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

**Vote: 7 - 0 - 0                      Approved**

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

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

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

**\*      20120913      Request to acquire unimproved right-of-way**

Motion authorizing advertisement for a public hearing to be held on regularly scheduled November City Council Meeting regarding the closure, abandonment, rezoning and sale of unimproved right of way between 320 and 340 Lockheed Avenue.

*Motion authorizing advertisement for a public hearing to be held on regularly scheduled November City Council Meeting regarding the closure, abandonment, zoning and sale of unimproved right of way between 320 and 340 Lockheed Avenue.*

*The required public hearing was held during the consent agenda.*

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

**Vote: 7 - 0 - 0                      Approved**

**APPEARANCES:**

**OTHER BUSINESS:**

\*     **20120936           Civil Service Board Election - Post 2**

Motion to approve the certified Uncontested Election results for the Marietta Civil Service Board Post 2 vacancy, electing Edgar Darden Borders, II for a term of three years, effective January 1, 2013 and expiring on December 31, 2015.

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

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

\*     **20120942           NLC Annual Congress of Cities Business Meeting**

Motion to appoint Philip M. Goldstein as voting delegate and Johnny Sinclair as alternate voting delegate for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting, which will be held Saturday, December 1, 2012 in Boston, MA.

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

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

**20120987           Redistricting Map**

Motion authorizing the commencement of the legal process to amend the Ordinances and Charter of the City of Marietta related to the ward map of the City of Marietta in accordance with O.C.G.A. § 36-35-3 and other applicable laws with Public Hearings to be held on such matter at the regular City Council agenda on Wednesday, November 14, 2012 and the regular City Council agenda on Wednesday, December 12, 2012. The City Attorney and staff are directed to carry out all legal requirements related thereto.

*Council member Sinclair presented the map recommended by the Redistricting Committee.*

*Discussion was held regarding the proposed changes to the ward map. City Attorney Doug Haynie presented information regarding the next steps in the process to amend the Charter related to the ward map.*

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

**Vote: 6 - 1 - 0                            Approved**  
Voting Against: Jim King

**20121003 Elimination of Energy Tax**

Resolution of the City Council of the City of Marietta to not approve the tax on energy used in manufacturing under the structure of HB386.

*Mayor Tumlin gave a brief explanation regarding the City's decision to not approve the tax on energy used in manufacturing under the structure of HB386.*

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

**Vote: 7 - 0 - 0**

**Approved**

\* **20120142 V2012-12 Michael McDonald - Pavilion Development 2195 Cobb Parkway South**

V2012-12 [VARIANCE] MICHAEL MCDONALD (PAVILION DEVELOPMENT) request variance for property located in Land Lot 08050, District 17, Parcel 0160 and being known as 2195 Cobb Parkway South. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75.; Variance to waive the requirement that a general advertising sign be regulated as a principal use; Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign; Variance to reduce the side setback for a general advertising sign support structure from 15' to 11'; Variance to reduce the side setback for a general advertising sign face from 11.25' to 7'.; Variance to reduce the front setback for a general advertising sign face from 30' to 17'; Variance to allow a general advertising sign be located on a lot upon which a building and signage is located; Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign. Ward 1.

*Motion to approve the variances listed in variance request V2012-12 Michael McDonald - Pavilion Development 2195 Cobb Parkway South, with the following amendments to the agreement: Any use of the word sign throughout the agreement would be changed to the definitional term of sign meaning general advertising, off premise, and similar type sign; and a clause would be added that both parties warrant that there are not extensions to any existing leases on the property or the billboard and none shall be agreed to after December 31, 2018.*

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

**Vote: 7 - 0 - 0**

**Approved as Amended**

\* **20120788**                    **V2012-31 MRW Properties 313 Marble Mill Road**

V2012-31 [VARIANCE] MRW PROPERTIES request variance for property located in Land Lot 10050, District 16, Parcel 0280 and being known as 313 Marble Mill Road. Variance to waive all tree protection and landscaping requirements; Variance to allow a structure to use metal siding on a façade facing a roadway. Ward 5.

*Motion to allow the withdrawal of variance request V2012-31 MRW Properties 313 Marble Mill Road at the request of the applicant.*

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

**Vote: 7 - 0 – 0**                    **Withdrawn**

**20120902**                    **V2012-40 Mountain Motorsports, LLC 780 Cobb Parkway South**

V2012-40 [VARIANCE] MOUNTAIN MOTORSPORTS, LLC request variance for property located in Land Lot 05730, District 17, Parcel 0070 and being known as 780 Cobb Parkway South. Variance to reduce the required number of street trees from 5 to 3. Ward 1.

*Mayor Tumlin called forward those wishing to speak regarding this matter.*

*Development Services Director Brian Binzer presented information regarding the variance request for property. Mr. Binzer also summarized the criteria for which variance requests should be considered.*

*Dustin Farthing, owner of Mountain Motorsports, requested a variance for property located at 780 Cobb Parkway South. He mentioned that the variance would reduce the required number of street trees from 5 to 3 along the front of the property.*

*Discussion was held regarding the type of trees to be planted and placement of the trees in relation to the overhead power lines.*

*There was general agreement to table this matter for further discussion.*

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

**Vote: 6 – 0 – 0**                    **Tabled**  
Absent for the vote: Anthony Coleman

\* **20120903**      **V2012-41 Erik Juliano 150 Cobb Parkway South**

V2012-41 [VARIANCE] ERIK JULIANO request variances for property located in Land Lot 12380, District 16, Parcel 0210 and being known as 150 Cobb Parkway South. The following variances are hereby approved:

1. Variance to allow gas canopy signage on all four sides;
2. Variance to increase the allowable canopy signage on each side from 10 sq. ft. to 18.67 sq. ft.
3. Variance to increase the allowable height for a monument sign in Tier A from 8' to 15';
4. Variance to increase the allowable sign face area in Tier A from 60 sq. ft. to 90 sq. ft.

*Motion to approve the requested variances for property located in Land Lot 12380, District 16, Parcel 0210 and being known as 150 Cobb Parkway South. The following variances are hereby approved:*

1. *Variance to allow gas canopy signage on all four sides;*
2. *Variance to increase the allowable canopy signage on each side from 10 sq. ft. to 18.67 sq. ft.*
3. *Variance to increase the allowable height for a monument sign in Tier A from 8' to 15';*
4. *Variance to increase the allowable sign face area in Tier A from 60 sq. ft. to 90 sq. ft.*
5. *The existing monument sign will be removed upon completion of the new monument sign.*

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

**Vote: 7 - 0 - 0**

**Approved as Amended**

\* **20121009**      **Settlement Authority**

Motion authorizing settlement in the case of Faye S. McBee v. City of Marietta, final terms and conditions subject to the City Attorney, City Manager and Trident Insurance.

Roy Barnes and or his firm have represented Philip Goldstein and or family members in the past and currently represent him in his private capacity.

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

**Vote: 6 - 0 - 1**

**Approved**

Abstaining: Philip M. Goldstein

\* **20121007**      **187 Wright Street**

Motion accepting donation of right of way and temporary easements at 187 Wright Street from Faye McBee, subject to final approval of documents by the City Attorney, Public Works Director and City Manager.

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

**Vote: 7 - 0 - 0                      Approved**

\*     **20121008                      195 Wright Street**

Motion accepting donation of right of way and temporary easements at 195 Wright Street from Wells Fargo Home Mortgage, subject to final approval of documents by the City Attorney, Public Works Director and City Manager.

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

**Vote: 7 - 0 - 0                      Approved**

\*     **20121010                      26 Powder Springs Street**

Motion to authorize the acquisition of property owned by 3G Manning, LLLP 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.

*Motion to remove this item from the agenda.*

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

**Vote: 6 - 0 - 1                      Removed**

Abstaining: Philip M. Goldstein

\*     **20121011                      931 Powder Springs Street**

Motion authorizing acquisition of easements of 931 Powder Springs Street in exchange for \$1,412.00 from John L. & Sandra Anglin for the purpose of Powder Springs Street Multiuse Trail Improvement Project - Bellmeade Drive to Chestnut Hill Road.

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

**Vote: 7 - 0 - 0                      Approved**

\*     **20121012                      56 Powder Springs Street**

Motion authorizing acquisition of right of way and easement at 56 Powder Springs Street from Gregory D. Adcock for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$4,790.00.

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

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

\*        **20121013                      193 & 195 S. Marietta Parkway**

Motion authorizing acquisition of right of way and easements at 193 & 195 S. Marietta Parkway from Photo Investment Properties, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$34,070.00 and is inclusive of fence, relocation of the dumpster and parking, and site improvements.

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

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

\*        **20121014                      379 Campbell Hill Street**

Motion authorizing acquisition of right of way and easement at 379 Campbell Hill Street from Walter K. Carlisle and Karen K. Carlisle for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$2,850.00.

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

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

\*        **20121015                      72 Atlanta Street**

Motion to approve exchange of right-of-way in order to accommodate adjustments requested by the owners. The final documents are subject to the approval of the Director of Public Works, the City Manager and the City Attorney.

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

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

\*        **20121016                      1990 Delk Industrial**

Motion authorizing accepting the donation of the required Permanent Drainage easement and Temporary Construction easement with stipulations as follows at 1990 Delk Industrial Blvd from Cobalt Industrial REIT for the purpose of constructing the Delk Industrial Boulevard Storm Drainage Improvement Project. 1. The City shall cooperate with Grantor to ensure that the construction schedule reasonably meets the needs of each Tenant's business with regard to access,

deliveries and loading;

2. not interfere with the Tenants' day-to-day business operations;
3. ensure that access to and use of the building, dock doors, truck court and all parking areas located on Grantor's property remains open and unobstructed at all times;
4. provide Grantor with the direct telephone number of the City Representative and the Project Representative;
5. provide Grantor with the direct telephone number of a contact who can take phone calls within 2 hours of construction completion for each day construction occurs, which Grantor will provide to each Tenant, and cause such contact to promptly take all steps necessary to address reasonable concerns raised by any Tenant with respect to access to Grantor's buildings and/or other interference with such Tenant's business;
6. notify each Tenant prior to commencing any activity that could limit access to the building, dock doors, truck court or parking lots and cooperate with any Tenant whose delivery and/or loading schedule will be affected in order to accommodate such schedule;
7. cause the Project Manager to provide an available onsite meeting time for Tenants and Owner Representative at the start and end of each day during which Construction Activities will take place on subject property at 1990 Delk Industrial Blvd.; and
8. leave the Temporary Construction Tract and surrounding areas clean and free of equipment and materials at the end of each day.

*Motion to remove this item from the agenda.*

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

**Vote: 7 - 0 - 0**

**Removed**

\* 20120947

**BLW Actions of the October 8, 2012**

Review and approval of the October 8, 2012 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:**

**ADJOURNMENT:**

*The meeting was adjourned at 8:35 p.m.*

Date Approved: November 14, 2012

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

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