



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

Wednesday, November 9, 2016

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member G.A. (Andy) Morris Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20161149 Graduates from the Marietta Citizens' Police Academy

Adams, Gena	Gaddis, Diane
All, Mary Eleanor	Gehlbach, Steve
All, William	Harmon, Rebecca
Baldwin, Barbara	Hayes, Ollie
Beckles, Ebonette	Mayer, Joan
Bittinger, Kenneth	Schepps, Mitzi
Bittinger, Sharon	Simpson, Harold
Burke, Dylan	Sirman, David
Burnett, Melinda	Smith, Joe
Duncan, Jerome	Suss, James
Elbel, Teresa	Tucker, Larry

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

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:

- * **20161116** **Regular Meeting - October 13, 2016**

Review and approval of the October 13, 2016 regular meeting minutes.

- * **20161114** **Executive Session Minutes**

Review and approval of the following executive session minutes:
June 24, 2015 Special Called Agenda Work Session
October 28, 2015 City Council Special Meeting
November 9, 2015 Agenda Work Session
November 11, 2015 City Council Meeting
November 19, 2015 City Council Special Meeting
December 7, 2015 Agenda Work Session
December 9, 2015 Agenda Review Session
December 17, 2015 Special Called Agenda Work Session

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

- * **20161133** **Historic Preservation Commission Appointment (Ward 4)**

Reappointment of Ray Worden to the Historic Preservation Commission (Ward 4) for a three year term expiring November 10, 2019.

- * **20160662** **Historic Board of Review Appointment (Ward 7)**

Appointment of Ashley J. Williams to the Historic Board of Review (Ward 7), for a term of two (2) years, expiring November 10, 2018.

* **20161063 Marietta Museum of History Appointments**

Motion approving a recommendation by the Museum of History Board to appoint Jeffrey Carlson and Boone Barnes to the board, for a term of three (3) years expiring October 31, 2019.

ORDINANCES:

20160987 Z2016-30 [SPECIAL LAND USE PERMIT] TURNER HILL COMMUNITY DEVELOPMENT CORPORATION

Z2016-30 [SPECIAL LAND USE PERMIT] TURNER HILL COMMUNITY DEVELOPMENT CORPORATION is requesting a Special Land Use Permit for 0.299 acres located in Land Lot 1143, District 16, Parcel 0520, 2nd Section, Marietta, Cobb County, Georgia, and being known as 460/462 Birney Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a special land use permit for an additional use as a halfway house. Ward 5A.

The Planning Commission recommended this item for approval.

Ms. McCrae made a motion, seconded by Mr. Diffley, to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in)

20160989 Z2016-32 [REZONING] INLINE COMMUNITIES, LLC

Z2016-32 [REZONING] INLINE COMMUNITIES, LLC is requesting the rezoning of approximately 9.05 acres located in Land Lot 217, District 17, Parcels 0290, 0020, 0280, 0030, 0270, 0040, 0260, 0050, 0250, 0060, 0240, 0070, 0230, 0080, 0220, 0090, 0210, 0100, 0110, 0300, 0310, 0320, 0330, 0340, 0350, 0360, 0370, 0380; and Land Lot 218, District 17, Parcels 0010, 0020, 0030; 2nd Section, Marietta, Cobb County, Georgia, and being known as 16, 19, 22, 29, 32, 37, 42, 47, 52, 57, 62, 69, 72, 77, 82, 91, 92, 101, & 111 Hedges Street; 41, 43, 44, 52, 53, 58, 63, 73, 83, 93, 101, & 107 West Dixie Avenue from OIT (Office Institution Transition) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

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

Council member Fleming disclosed that he has a contract to purchase property at 96 W. Dixie Avenue.

The Planning Commission recommended this item for approval.

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval as submitted. The motion carried 6 0 0.

Public Hearing (all parties are sworn in).

20160960 CA2016-08 [CODE AMENDMENT]

CA2016-08 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710, Supplementary District Regulations, paragraph 710.04, Fences and Walls.

The Planning Commission recommended this item for approval.

Mr. Hunter made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 5 1 0. Mr. Bennett opposed.

Public Hearing (all parties are sworn in).

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20161142 Denial of Claim**

Claim of Dental Care Alliance, LLC

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson****2. Finance/Investment: Stuart Fleming, Chairperson***** 20161061 GMA Annual Mayors' Day Conference**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference, January 20-23, 2017, in Atlanta, Georgia.

*** 20161068 Budget amendment to settle up FY2016**

Approval of an Ordinance amending the Fiscal Year 2016 budget to address the annual year-end settlement of accounts to move the salary savings due to unfilled positions for the purchase of 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.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20161074 Revised Detailed Plan for Atlanta United FC Training Ground**

Motion to approve the revised detailed plan to add show pitch permanent seating 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 November 9, 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.

* **20161067** **Revised Detailed Plan for Dow Chemicals - 1881 West Oak Parkway**

Motion to approve the revised detailed plan to locate “Hot Boxes” for chemical storage on the exterior of the existing building, as shown on the attached plans for the Dow Chemical Company at 1881 West Oak Parkway; said plans signed and dated by the applicant on November 9, 2016.

In accordance with Section 708.20.J.4 of the Marietta City Code, the Dow Chemical Company is requesting the approval of these revisions to the detailed plan regarding “Hot Boxes” for chemical storage.

* **20161080** **Marietta Museum of History’s Collection**

Motion approving the request from the Marietta Museum of History for the permanent removal of items from its collection.

Council member Goldstein disclosed that he is a member of the Marietta Museum of History.

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

5. Personnel/Insurance: Johnny Walker, Chairperson

* **20161055** **Consolidated Retirement Plan**

Motion to petition Pension Board through our two Council Representatives, Walker and Fleming, to consider the equitability of Article IV, Section 3 as to the 4% wage deduction for elected officials being matched with the Mayor’s salary as per the cap on benefits for elected officials as stipulated in Article V, Section 2.

* **20161060** **Civil Service Board Election**

Motion approving the Certified Election results for the Marietta Civil Service Board Post 4 vacancy, electing James Morris Northcutt for a term of three years, effective January 1, 2017 and expiring on December 31, 2019.

6. Public Safety Committee: Ruben Sands, Chairperson

* **20161040** **Revisions to MPD Policies**

Motion to approve revisions to listed policies A030 (Code of Conduct), A034 (Budget and Fiscal Management), A041 (Organizational Structure), A046 (GCIC/NCIC Computer System), A052 (Detention & Housing of Detainees), A060 (Evidence & Property Maintenance), A076 (Personnel Early Warning System), C030 (Law Enforcement Explorer Program), C060 (Volunteer Program), E020 (Barricaded Incidents), P041 (Pursuit of Motor Vehicles), P051 (DUI Arrest), S030 (Criminal Investigations), S035 (Crime and Accident Scenes), T040 (Firearms Qualifications), T050 (Training)

* **20161059** **Intergovernmental Agreement between City of Marietta and City of Kennesaw**

Motion to approve the exchange of four hundred forty-five (445) beanbag rounds of surplus ammunition from the City of Kennesaw Police Department, to the City of Marietta Police Department for forty-five (45) surplus holsters.

7. Public Works Committee: Grif Chalfant, Chairperson

* **20161101** **Campbell Hill Street Speed Sign**

Motion to install a driver speed feedback sign on Campbell Hill Street between Lacy Street and Hillside Drive.

Requested by MPD and Councilman Morris

* **20161144** **Powder Springs Street at West Dixie Avenue and Hedges Street**

Motion to modify Powder Springs Street Scope concept to include one full access point at West Dixie Ave. or Hedges Street.

OTHER BUSINESS:

* **20160990** **V2016-48 [VARIANCE] RECONNECTING FAMILIES**

V2016-48 [VARIANCE] RECONNECTING FAMILIES is requesting a variance for property located in Land Lot 1160, District 16, Parcels 0590 & 0570, 2nd Section, Cobb County, Georgia, and being known as 263 & 271 Lemon Street, currently zoned R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a community garden. Variance to allow 1" caliper street trees. Ward 3A.

20160991 V2016-50 [VARIANCE] DANIEL KANE

V2016-50 [VARIANCE] DANIEL KANE is requesting a variance for property located in Land Lot 581, District 17, Parcel 0130, 2nd Section, Cobb County, Georgia, and being known as 1011 Cobb Parkway South, currently zoned CRC (Community Retail Commercial). Variance to allow nonconforming pylon sign to remain after redevelopment of the site. Ward 1A.

20160992 V2016-51 [VARIANCE] FQSR, LLC d.b.a KBP FOODS

V2016-51 [VARIANCE] FQSR, LLC d.b.a KBP FOODS is requesting variances for property located in Land Lot 1211, District 16, Parcel 1370, 2nd Section, Cobb County, Georgia, and being known as 12 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Variance to reduce front setback from 5 feet to 2 feet; variance to reduce parking from 29 spaces to 23 spaces. Ward 7A.

*** 20161138 Hedges Street/Property swap with City of Marietta**

Motion to authorize advertisement of a public hearing and adoption of an ordinance, in accordance with Georgia Law, regarding the property swap between the proposed redevelopment of Hedges Street and City of Marietta, with the public hearing being held November 30, 2016.

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

*** 20161143 Naming the City of Marietta Municipal Courtroom**

Motion to designate the City Municipal Court room as the "Judge A. Harris Adams" Courtroom.

Requested by Mayor Tumlin

*** 20161157 Powder Springs Street Multi-use Trail Improvement Project (Project CSSTP-0006-00(723))**

Motion authorizing the city attorney to file quitclaim deeds showing a transfer of ownership of right-of-way and easements for the Powder Springs Street Multi-use Trail Improvement Project from the City of Marietta to the Georgia Department of Transportation (GDOT).

* **20161158** **759 Roswell Street**

Motion to authorize the acquisition of property owned by Kenneth E. Stanton Estate 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 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.

* **20161159** **Salvation Army Lease Agreement**

Motion to approve the Lease Agreement between the Salvation Army and the City of Marietta, for the acquisition and improvement of land adjacent to the Salvation Army with the use of CDBG funds.

20161161 **Response to Cobb County Zoning Amendment Notice**

Z-118, CII Holdings, LLC; zoning amendment located on the South side of White Circle, east of Noonday Church Road; Land Lot 863 of the 16th District, as modified per letter attached from Cobb County Community Development.

The City of Marietta objects to this zoning amendment upon the following grounds:
1) the rezoning is inconsistent with Cobb County's adopted Future Land Use Map which identifies this parcel as CAC (Community Activity Center). Light Industrial zoning is not a compatible zoning district for CAC Future Land Use Map category.
2) the City of Marietta reserves the right to enter further objections after a more thorough review of the revised application and submitted site plan.

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

* **20161120** **BLW Actions of November 7, 2016**

Review and approval of the November 7, 2016 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: