



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary 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*

---

Wednesday, June 12, 2013

7:00 PM

Council Chamber

---

**20130637      Presentation - Black Heritage Walking Tour Brochure**

Members of the Black Heritage Walking Tour Committee present the newly designed brochure.

**Presented**

**20130640      Theresa Jenkins, Director of the Marietta Welcome Center and Visitor's Bureau**

The city of Marietta wishes to thank Theresa Jenkins, Executive Director of the Marietta Welcome Center and Visitors Bureau for 29 years of service to the citizens of Marietta.

**Presented**

**20130587      Marietta Citizens' Police Academy**

Graduates from the Marietta Citizens' Police Academy are

Willie Atkinson	Liz Hobbs
Ed Bentley	Debbie Johnson
Marilyn Carney	Susan Marshall
Heather Chandler	Ron Mason
Kathryn Coefield	Dr. Ron Nierenberg
Arit Essien	Bob Owenby
Doug Haddon	Raul Randolph
Brenda Hawkins	Wayne Schlegel
Lamar Hawkins	Sandra Summerman
Shyam Heda	

**Presented**

**20130614 Mr. Joe Collette, District Manager of Jiffy Lube located at 1605 Cobb Parkway. Ward 1.**

Re: Banners are prohibited at his business and he feels like they are necessary for advertising.

**Present**

\* **20130571 Regular Meeting - May 8, 2013**

Review and approval of the May 8, 2013 regular meeting minutes.

**Approved and Finalized**

\* **20130604 Special Meeting - May 29, 2013**

Review and approval of the May 29, 2013 special meeting minutes.

**Approved and Finalized**

\* **20130572 Special Meeting - May 30, 2013**

Review and approval of the May 30, 2013 special meeting minutes.

**Approved and Finalized**

**20130671** Appointment of Fran Sutton to the Marietta Housing Authority for a five (5) year term expiring May 29, 2018.

**Made**

**20130606 Planning Commission Appointment**

Consideration of an appointment to the Planning Commission (Ward 3), for a three year term.

**Removed**

**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.

**Tabled**

**20130466 Z2013-17 Kevin Seifert 181 and 197 Lakewood Drive**

Z2013-17 [REZONING] KEVIN SEIFERT requests rezoning for property located in Land Lot 12880, District 16, Parcel 0770 and 0920, 2nd Section, Marietta, Cobb

County, Georgia and being known as 181 & 197 Lakewood Drive from RA-6 (Single Family Residential-Attached) to PRD-MF (Planned Residential Development Multi-Family). Ward 1.

*Motion to approve the rezoning request with an added stipulation that reads, "These parcels shall be incorporated into the Manget Development and adjacent existing PRD-MF zoning as identified in Ordinance 6874 adopted by City Council on November 9, 2005. Any future development of these lots shall have their detailed plan approved by City Council to show the incorporation into the Manget Development."*

**Approved as Amended**

- \* **20130326**      **CA2013-06 Amendment to the Comprehensive Development Code regarding Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District**

CA2013-06 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District

**Approved and Finalized**

- \* **20130646**      **Denial of Claim**

Denial of Claim of Jocelyn Guillaume.

**Approved and Finalized**

- 20130515**      **Redevelopment Bond**

Motion to approve Bond Resolution for Urban Redevelopment Bond to be placed on the November 5, 2013 ballot. See the attached Resolution.

**Approved as Amended**

- 20130534**      **Adoption of Recommended Budget for FY2014**

Approval of an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

*Approval of an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2013, and ending June 30, 2014, with an addition to the FY2014 budget to fund the PAL/Franklin Road Programs Coordinator position for one year.*

**Approved as Amended**

- \* **20130632**      **FY2013 Budget Amendment for receipt of funding**
- Approval of an Ordinance amending the FY2013 budget to appropriate a \$15,131 Wellstar payment for installing the mid-block pedestrian crossing over Witcher Street
- Approved and Finalized**
- \* **20120819**      **CA2013-05 Amendment to the Future Land Use Map, a component of the City of Marietta's Comprehensive Plan 2006-2030.**
- CA2013-05 [CODE AMENDMENT] Proposal to amend the Future Land Use Map, a component of the City of Marietta's Comprehensive Plan 2006-2030.
- Approved for Advertisement**
- \* **20130558**      **Interagency Service Agreement**
- Motion approving an Interagency Service Agreement with Marietta City Schools for the implementation of an Automated Safety Enforcement Program on city school buses, as requested by the Marietta School System.
- Approved and Finalized**
- \* **20130560**      **Detail Plan for Manget Phases II, III & IV**
- Motion to approve the Detailed Plan for Manget Phase II, III & IV, signed by the owner and dated June 12, 2013, in accordance with Section 708.14(J.4) of the Marietta City Code, with the following conditions:
1. The following area requirements are incorporated as development standards:
    - a. Minimum Lot Size                    - 2,040 sq.ft.
    - b. Minimum Lot Width                    - 34 ft.
    - c. Maximum Impervious Surface Area - 50% (for entire development)
    - d. Minimum Open Space                - 40% (for entire development)
    - e. Maximum Floor Area Ratio (FAR)- 0.55 (for entire development)
  2. The Manget Home Owners Association will include in their protective covenants provisions to enforce parking regulations on private streets within the community.
  3. Corner visibility clearance shall be maintained within 15 feet of the intersection of the right of way or alley, unless approved by the Public Works Director and Director of Development Services. [716.04]
  4. Any encroachments into the stream buffers must be in compliance Stream Buffer Ordinance.

In addition, the following variances are approved:

1. Variance to reduce the 30' buffer adjacent to 233, 253, 271 & 279 Lakewood Drive. If buffer is disturbed by developer while grading the proposed stormwater pond or other activities, the Developer will be required to install a 6' high opaque fence and evergreen trees 12' o.c. staggered. [708.14(I)]
2. Variance to allow private alleys as a primary means of access. [716.06]
3. Variance to waive cul-de-sac requirements. [730.01(E)]
4. Variance to reduce the minimum radii of horizontal curvature of the centerline from 100 ft. [730.01(H.1)]
5. Variance to provide street trees only along the public streets as shown on the submitted plans [712.08]
6. Variance to eliminate required planter island within the row of 15 parking spaces on Street "C". [712.08]
7. Variance to allow trees in right of way, as shown on the submitted plans. [712.08(D)]

In order to ensure that homes built within the Manget development are built consistent with the 4-Sided Architecture definition, the following language shall be adopted. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by Brockbuilt Homes and approved by the City of Marietta, dated June 12, 2013. Design features, standards, and requirements incorporated in the homes shall be as follows:

- a. Mixture of materials, with material changes taking place on the interior corners or where roof massing accommodates the change of materials. Mixture of the materials should continue, as appropriate, onto the side and rear elevations, i.e. water tables.
- b. Window muntins appropriate to the style of the home on all four sides of the residence.
- c. Shutters on front, side and rear elevations of the homes, where they can be seen from the public or private streets, and where functionally appropriate.
- d. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.), except on basement level. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

*Motion to table this matter until next month or a possible special called Council meeting at the Committee Meetings.*

**Tabled**

\*      **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.

**Approved for Advertisement**

\*      **20130561**      **Art in the Park Request**

Motion approving a waiver in accordance with City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the annual Labor Day Weekend "Art in the Park" event sponsored by the Marietta Business Association with the stipulation that the applicant conduct the sale of beer and wine in the intersection of N. Park Square/Lawrence St. and the intersection of Roswell St. and E. Park Square Saturday, August 31 through Monday, September 2, 2013 during festival operating hours in accordance with local and state regulations.

**Approved and Finalized**

\*      **20130603**      **Tourism Grants**

Motion to approve request to allocate hotel/motel and 3% auto rental tax funds according to the FY2014 Welcome Center Contract.

**Approved and Finalized**

**20130556**      **Position allocation and compensation plan**

Approval of an Ordinance adopting the position allocation chart for the City of Marietta and the Board of Lights and Water and approval of the City of Marietta/BLW position classification and compensation plans for the period of July 1, 2013 to June 30, 2014.

*Approval of the Position allocation and compensation plan, with an addition of the PAL/Franklin Road Programs Coordinator.*

**Approved as Amended**

- \*     **20130539**     **Traffic Calming**  
Motion to begin design and balloting for speed tables on Maple Avenue and Bouldercrest Drive.  
  
**Approved and Finalized**
- \*     **20130540**     **Reaffirming/Accepting dedicated street, Brown Avenue**  
Motion to expressly affirm/reaffirm/accept the dedicated street and revoke any act of abandonment and assert title to the dedicated street, including the unimproved portion, of “Brown Avenue” pursuant to that certain subdivision plat of Joseph M. Brown as recorded in Cobb County records in 1922.  
  
**Approved and Finalized**
- \*     **20130475**     **Brown Avenue Sidewalk**  
Motion approving Brown Avenue Sidewalk Option 3 as presented with the addition of a radius and other improvements to guide pedestrians along sidewalk at Brown Avenue and Polk Avenue intersections.  
  
**Approved and Finalized**
- \*     **20130430**     **Kennestone Hospice Sign**  
Motion to approve a Revocable Easement Agreement to allow WellStar Hospice to install a monument sign at the intersection of Kennesaw Avenue and Dickson Avenue.  
  
**Approved and Finalized**
- \*     **20130541**     **Transportation Alternatives Projects**  
Motion to submit the Rottenwood Creek Trail, Phase 1 and 2 to the Atlanta Regional Commission for Transportation Alternatives funding.  
  
**Approved and Finalized**
- \*     **20130543**     **Barclay Circle Signage**  
Motion to approve decorative signage along Barclay Circle. Life University to fund purchase of signs. Public Works to install signs.  
  
**Approved and Finalized**
- \*     **20130544**     **Waterman Street and Alexander Street Intersection**  
Motion to approve creating an all way stop at the northern intersection of Waterman Street and Alexander Street.

**Approved and Finalized****\* 20130469 V2013-23 Kennestone Hospital, Inc. - 818 Church Street**

V2013-23 [VARIANCE] KENNESTONE HOSPITAL, INC. requests the following variances for property located in Land Lot 10150, District 16, Parcel 0280 and being known as 818 Church Street:

1. Variance to remove three (3) existing planter islands. §712.08 (G) (1.c)
2. Variance to reduce the tree site density factor on the site in order to remove two existing trees §  
712.08 (D)(4).

*Approval of the variance request for property located at 818 Church Street, with an added stipulation that the Letter of Stipulations dated June 11, 2013 be incorporated in the granting of following variances:*

- 1.Variance to remove three (3) existing planter islands. [§712.08 (G)(1)(a)]*
- 2.Variance to reduce the tree site density factor on the site in order to remove two existing trees. [§712.08 (D)(4)]*

**Approved as Amended****\* 20130644 MEAG Power Annual Meeting Voting Delegate**

Motion appointing Johnny Sinclair as voting delegate for the 2013 MEAG Power Annual Meeting to be held July 2013 in Amelia Island, Florida as requested by Council Member Morris.

**Approved and Finalized****\* 20130645 MEAG Power Annual Meeting Alternate Voting Delegate**

Motion appointing Grif Chalfant as the alternate voting delegate for the 2013 MEAG Power Annual Meeting to be held July 2013 in Amelia Island, Florida as requested by Council Member Morris.

**Approved and Finalized****\* 20130657 MEAG Power Annual Meeting**

Motion to approve travel expenses for Council members who wish to attend the 2013 MEAG Power Annual Meeting July 17, 2012 in Amelia Island, Florida.

*Motion to approve travel expenses for Council members who wish to attend the 2013 MEAG Power Annual Meeting July 2013 in Amelia Island, Florida.*

**Approved as Amended**

\* **20130608**

**26 Powder Springs Street**

Motion authorizing acquisition of the property at 26 Powder Springs Street from 3G Manning, LLLP for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$3,100.00.

Council member Goldstein abstaining.

**Approved and Finalized**

\* **20130609**

**40 Powder Springs Street**

Motion authorizing acquisition of the property at 40 Powder Springs Street from Murray House Realty, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$5,500.00 and the following stipulations below:

1. Temporary Construction Easement shall expire 9 months after construction begins on property.
2. The City agrees that it will construct the header curb along the easterly r/w line and repair any damage to asphalt located on the property that occurs as a result of construction at their sole cost.

Council member Goldstein abstaining.

**Approved and Finalized**

\* **20130610**

**530 Roselane Street**

Motion authorizing acquisition of the property at 530 Roselane Street from Carl J. Galgano for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$35,500.00.

**Approved and Finalized**

\* **20130611**

**1051 S. Marietta Parkway**

Motion to authorize the acquisition of property owned by Patrick Vince Lanzo 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.

**Approved and Finalized**

\* **20130658**      **929 S. Marietta Parkway and 1157 S. Marietta Parkway**

Motion to accept the donation of the necessary easements of the following properties for the purpose of constructing the South Marietta Pkwy Sidewalk Project:

929 S. Marietta Parkway from RLSR Five, LLC

1157 S. Marietta Parkway from Kenneth Clyde Brown

**Approved and Finalized**

\* **20130659**      **531 Roselane Street & 598 Nancy Street**

Motion authorizing the acquisition of the property at 531 Roselane Street & 598 Nancy Street from the corresponding property owners Decatur Properties IV, Inc, et al., for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for the monies already paid to the Cobb County Superior Court and the following stipulations.

1. The sign at the southern entrance is not to be disturbed. In the event that the sign is disturbed, the City or its Contractor will replace the sign at their expense.
2. The 3' hedge row along the Roselane Street Frontage is to be re-established with 5 gallon Purple Diamond Lorapetlum shrubs 36 inches apart at the expense of the City and/or its contractor.
3. Per the drawing in the Exhibit "A" attached to this document there is 1 (one) handicapped space in the reconfigured parking. Re-establish 2 (two) handicap parking spaces on the North end of the reconfigured spaces.
4. The \$2,250 for the 598 Nancy St. property will be disbursed to the corresponding property owner SFURAU, LLC and Decatur Properties IV, Inc., and the \$68,700 for the 531 Roselane St. property will be dispersed to the corresponding property owner Decatur Properties IV, Inc., Cincinnati Properties, LLC, et al.

**Approved and Finalized**

\* **20130660**      **261 Washington Avenue**

Motion authorizing the acceptance of the acquisition of the necessary easements at 261 Washington Avenue from J. Alfred Johnson for the purpose of constructing the Alexander Street Improvements - Roswell to Washington Project in exchange for \$3,530.48 and the following stipulation.

1. The City of Marietta shall address drainage issue on Alexander Street behind existing sidewalk.

**Approved and Finalized**

**20130662** Motion to authorize the City Attorney and staff to proceed with any actions necessary for the Council to consider a resolution approving the use of eminent domain to acquire the following properties at the July 10, 2013 Council meeting for the purpose of completing the Elizabeth Porter Recreation Center:

321 Allgood Road  
329 Allgood Road  
335 Allgood Road  
343 Allgood Road  
349 Allgood Road  
409 N Marietta Parkway

*Motion to authorize the City Attorney and staff to proceed with negotiations with the appropriate appraisals to acquire the following properties for the purpose of completing the Elizabeth Porter Recreation Center:*

*321 Allgood Road  
329 Allgood Road  
335 Allgood Road  
343 Allgood Road  
349 Allgood Road  
409 N Marietta Parkway*

**Approved as Amended**

\* **20130573** **BLW Actions of the June 10, 2013 meeting**

Review and approval of the June 10, 2013 actions and minutes of the Marietta Board of Lights and Water.

**Approved and Finalized**

**20130652** **Executive Session**

Executive Session to discuss legal, personnel and/or real estate matters.

**Held**