



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
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, February 10, 2016

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Grif Chalfant, Ward 2

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20151152 Marietta PAL "Blue Devils" Cheerleaders Win First Place in the FL Statewide Championship!

The Marietta PAL "Blue Devils" Cheerleaders won the first place trophy in the Florida PAL Statewide Championship competition. Marietta PAL Cheerleaders landed impressive stunts and well-choreographed dance moves with synchronized precision to impress the team of judges and to walk away with the coveted first place trophy in the 12 and under category for cheer/dance/stunt.

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20160135 **Scheduled Appearance** - Mr. Steve Imler, 599 Church Street, Ward 4
Wishes to address council regarding Legistar# 20160065, Design Guidelines for
Church-Cherokee Historic District.

20160122 **Scheduled Appearance** - Philip M. Goldstein, 31 Powers Ferry Manor

UNSCHEDULED 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:

* **20160082** **Regular Meeting Minutes - January 13, 2016**

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

20160095 **Special Meeting - January 27, 2016**

Review and approval of the January 27, 2016 special meeting minutes.

Dissent filed by Council Member Goldstein.

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

20151122 Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH

Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH is requesting the rezoning of property located in Land Lot 1287, District 16, Parcels 0700, 0790, 0780, 0770, & 0360, 2nd Section, Marietta, Cobb County, Georgia, and being known as 566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St from R-4 (Single Family Residential - 4 units/acre) and NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 1A.

The Planning Commission recommends approval as stipulated.

Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the following seven (7) stipulations.

The motion carried 7-0-0.

Stipulations:

- 1. Property must be maintained within code.*
- 2. Privacy fencing shall be placed between properties at 553 and 559 Frasier Street and constructed according to code.*
- 3. Hours of operation for receipt and distribution of food shall be between 9:00AM and 4:00PM and limited to two (2) days per week.*
- 4. Truck size shall be limited to a medium duty, single axle truck.*
- 5. Equipment and tools including, but not limited to, paint cans, trolley boxes, landscape tools, etc., to be stored inside every day.*
- 6. Outside freezer shall be enclosed by a wooden structure.*
- 7. Variance to reduce the required seventy-five (75) foot setback. [§708.04 (E) (1.A)]*

This item was tabled by the City Council at the January 13, 2016 meeting.

PUBLIC HEARING (all parties sworn in)

20160015 Z2016-02 [REZONING] CARY MCCALLUM

Z2016-02 [REZONING] CARY MCCALLUM is requesting the rezoning of property located in Land Lot 1141, District 16, Parcels 0280 & 0260, 2nd Section, Marietta, Cobb County, Georgia, and being known as 303 & 309 Austin Avenue from R-4 (Single Family Residential - 4 units/acre) to CRC (Community Retail Commercial). Ward 5B.

The Planning Commission recommends approval as stipulated.

Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the stipulation that the landscaping business be limited to aeration and top dressing and to include the following three (3) variances. The motion carried 4-3-0. Mr. Poor, Mr. Vanderslice and Ms. McCrae opposed.

Variances:

- 1. Allow the use of business within 100 feet from any property zoned single family residential.*
- 2. Allow company vehicles and equipment to use the existing gravel driveway and to be parked on the existing gravel area to the rear of the property.*
- 3. Allow the existing primary structure to remain within the 40' buffer against the residential zoning district. This variance would be for the existing primary structure only and would be voided if the property is redeveloped.*

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20160118 Denial of Claim**

Denial of the claim of Makeda King

*** 20160126 Denial of Claim**

Denial of Claim of Y'vette Shorts and Miqueen Davie.

*** 20160127 Denial of Claim**

Denial of Claim of Sarah Joseph.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:**

COMMITTEE REPORTS:

- 1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**
- 2. Finance/Investment: Stuart Fleming, Chairperson**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

20160055 Renaming of Franklin Road

Motion to approve changing the name of Franklin Road to Gateway Boulevard. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road. To designate Gateway Boulevard commencing at the South Marietta Parkway and terminating at Delk Road as the "Franklin Commemorative Highway".

*** 20160063 Unscheduled Appearance**

Motion to amend Rules and Procedures of Council to remove the first "Unscheduled Appearances" from the City Council agenda.

(First Reading)

*** 20160064 Revision to the Detailed Plan for Walton Horizons subdivision - L-19 & L-20, Dunlieth Parkway**

Motion to revise the Detailed Plan for Walton Horizons, specifically for building setbacks on lots L-19 and L-20. The revised setbacks are shown on the attached surveys, signed by the owner and dated February 10, 2016, and in accordance with Section 708.20(J.4) of the Marietta zoning Ordinance. All other zoning conditions previously approved for this development, including site plans, landscape plans, and architectural elevations, shall remain in effect. In addition, the applicant agrees to incorporate all four-sided architectural requirements into the walk-out basement area.

The purpose of this revision is:

1. For Lot 19, to increase the front setback off of Dunlieth Parkway from 5' to 11'; and to decrease the rear setback off of Saine Drive from 25' to 18'.
2. For Lot 20, to increase the front setback off of Dunlieth Parkway from 5' to 5'; and to decrease the rear setback off of Saine Drive from 25' to 11'.

*** 20151141 City of Marietta Comprehensive Plan Update**

Motion to approve the revised City of Marietta Vision Statement dated February 10, 2016 to be incorporated into the City of Marietta's 10-year update for the 2040 Comprehensive Plan (as attached in Exhibit A).

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**5. Personnel/Insurance: Johnny Walker, Chairperson***** 20151201 Marietta Development Authority Board Appointment**

Reappointment of James D. Southerland to the Marietta Development Authority Board (Post 5) for a 5 year term, effective February 10, 2016 and expiring February 10, 2021.

*** 20151202 Historic Board of Review Appointment at Large**

Reappointment of Johnny Walker to the Marietta Historic Board of Review for the City Council At Large Appointment for a two year term, effective February 10, 2016 and expiring February 10, 2018.

*** 20151203 Cobb Municipal Association 2016 Delegates**

Appointment of Council Members Grif Chalfant and Andy Morris to serve as the 2016 voting delegates for the Cobb Municipal Association (CMA) business meetings.

*** 20160040 Construction Board of Adjustment and Appeals**

Reappointment of Gordon Brans (Ward 3), Chris Poston (Ward 4) and Allen Worthy (Ward 5) to the Construction Board of Adjustment and Appeals for five (5) year terms expiring January 31, 2021.

20160042 Construction Board of Adjustment and Appeals

Consideration of an appointment to the Construction Board of Adjustment and Appeals (Ward 7) for five (5) year terms expiring January 31, 2021.

*** 20160033 2016 Flexible Benefit Plan**

Motion approving the 2016 Flexible Benefit Plan and Summary Plan Description with Total Administrative Services Corporation (TASC).

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson**

* **20160065 Public hearing for design guidelines of Church-Cherokee Streets Historic District**

Motion to authorize staff to advertise the public hearing for City Council regarding the adoption of the design guidelines for Church-Cherokee Historic District.

Council member Goldstein disclosed that he owns properties that are located in the proposed district; 473 Cherokee Street, Marietta, Georgia, 481 Cherokee Street, Marietta, Georgia, 489 Cherokee Street NE, Marietta, Georgia and 497 Cherokee Street NE, Marietta, Georgia.

The City Attorney's law firm has disclosed that one member of the firm resides within the proposed district.

OTHER BUSINESS:

* **20160121 Transfer of property to GDOT**

Motion to authorize the transfer of cemetery trail property along Cemetery Street from 121 Hedges Street to 480 West Atlanta Street to the Georgia Department of Transportation.

* **20160138 Authorization to expend 2009 Parks Bond funds for professional design and consultation.**

A motion authorizing an expenditure not to exceed \$10,000 for professional design and consultation with funding from the 2009 Parks Bond, Category D, Planning/Design/Administration/Contingencies, specifically account number 274-3001-541-3101.

* **20160137 BLW Actions of February 8, 2016**

Review and approval of the February 8, 2016 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: