



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes 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*

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Wednesday, April 13, 2016

7:00 PM

Council Chamber

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

**Present:** Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly 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:

#### 20160329 Swearing-in of Hearing Officers

Swearing in of Maziar Mazloom & Cheryl Richardson by Chief Judge Roger Rozen as Hearing Officers for the Tax Intercept Program.

**Not Present**

**PROCLAMATIONS:****20160305      Building Safety Month**

Proclamation presented to Mark Rice, Chief Building Inspector, in observance of Building Safety Month. Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus, and federal agencies in protecting lives and property. The City of Marietta, hereby proclaims the month of May 2016 as Building Safety Month

**Presented**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20160325      Scheduled Appearance - Larry Wills**

Larry Wills, who lives on Oakmont Drive, addressed City Council.

**Present**

**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).**

*Pro tem Johnny Walker briefly explained the consent agenda process. City Attorney Doug Haynie noted the following changes to the consent agenda:*

*-under Minutes: Agenda item 20160078 should show Council member Goldstein voting against.*

*-under Economic Development: Agenda items 20160224 and 20160234 were added to the consent agenda.*

*-under Judicial/Legislative: Agenda items 20160278 and 20160279 should show Council member Goldstein abstaining.*

*-under Other Business: Agenda item 20160344 should show Council member Goldstein abstaining.*

*Mr. Haynie then 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 Kelly, seconded by Council member Fleming, to approve the consent agenda as modified. The motion carried by the following vote:**

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

*with the exception of the following:*

*Council member Goldstein abstaining on agenda items 20160278, 20160279 and 20160344*

*Council member Goldstein voting against agenda item 20160078*

### MINUTES:

\*     **20160290                      Regular Meeting - March 9, 2016**

Review and approval of the March 9, 2016 regular meeting minutes.

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

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

\*     **20160291                      Special Meeting - March 30, 2016**

Review and approval of the March 30, 2016 special called meeting minutes.

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

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

\*     **20160078                      Executive Session Minutes**

Review and approval of the following executive session minutes:

January 8, 2014 City Council Meeting

January 30, 2014 Special Called City Council Meeting

February 10, 2014 Agenda Work Session

March 6, 2014 Agenda Work Session

March 12, 2014 City Council Meeting

March 26, 2014 Special Called Agenda Work Session

April 7, 2014 Agenda Work Session

April 30, 2014 Special Called Agenda Work Session

May 12, 2014 Agenda Work Session

May 14, 2014 City Council Meeting

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

**Vote: 6 – 1 – 0**                      **Approved**  
Voting Against: Philip M. Goldstein

**MAYOR’S APPOINTMENTS: (for informational purposes only)**

**CITY COUNCIL APPOINTMENTS:**

**ORDINANCES:**

\*     **20160196**                      **Z2016-05 [REZONING] CENTURY COMMUNITIES, LLC**

Z2016-05 [REZONING] CENTURY COMMUNITIES, LLC is requesting the rezoning of 0.09 acres located in Land Lot 217, District 17, Parcels 0680, 0490, 0510, 0520, and 0530; and Land Lot 1290, 16th District, Parcels 0360 and 0370, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of 392, 404, 408, 412, 422, 430, and 436 Powder Springs Street from CRC (Community Retail Commercial) to MXD (Mixed Use Development). Ward 5A.

(Section 3) The following stipulation is incorporated as a condition of zoning: This property shall be incorporated into the Marietta Walk development, and all previously approved stipulations to zoning and detailed plans for Marietta Walk, including site plans, landscape plans and architectural elevations, shall also apply to this property.

*Public Hearing held during the consent agenda.*

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

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

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

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

\* **20160224**      **Final Fiscal Year 2016 CDBG Projects**

Approval of a Resolution authorizing the submittal of the city's Final Fiscal Year 2016 CDBG projects to Cobb County CDBG for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD).

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

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

\* **20160234**      **FY2016 CDBG Sub-recipient Agreement**

Motion approving the 2016 Program Year CDBG Sub-recipient Agreement submitted by Cobb County and amended by council as follows

The deletion of the following:

Section 1.1-Administration of Program (a & b)- "a. The County shall have the responsibility for providing limited administrative service to the City of Marietta's CDBG Program, including but not limited to preparation of plans to be submitted to HUD, issuance of notices, requests for project submittals, accepting applications, evaluation administration and monitoring of projects.

b. In compensation for the County administrative services identified (a.), the County shall receive an administrative fee of \$10,000, which shall be deducted from the City's annual administration allocation. No percentage of CDBG administrative fees assigned to the City shall exceed that allowed by HUD CDBG regulations."

The revision of the following:

Revision to page 30-Scope of Services: Remove "Administrative & Planning Functions CDBG Office" from the Activity Names and restore the \$10,000 to the City of Marietta Administrative & Planning Functions.

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

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

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

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

\* **20160245**      **Manget Ph. 1 - Revision to the Detailed Plan**

Motion to approve a revision to the detailed plan to convert SF35 (at the corner of Manget and Frasier Streets) to a corner park.

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

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

\*      **20160248**            **City of Marietta Comprehensive Plan Steering Committee**

Motion to appoint Philip M. Goldstein and Stuart Fleming to serve on the City of Marietta Comprehensive Plan Steering Committee.

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

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

\*      **20160309**            **Proposed Amendment to Personal Care - Group Homes Regulations**

Motion to authorize advertisement for amendments to the definitions regarding personal care homes and group homes.

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

**Vote: 7 – 0 – 0**                      **Approved for Advertisement**

\*      **20160278**            **44 Mill Street (Chick-fil-A) - Certificate of Approval (Demo/New Construction)**

Motion to approve a certificate of approval for new construction-site parking lot demo, grade and rebuild, utilities, dumpster and lights for the previously approved Chick-fil-A building.

The following items are additional conditions of approval for the attached site plan:

1. Full access onto Georgia 120 Loop (North Marietta Parkway) is required and must be approved by Georgia Department of Transportation.
2. The site plan is approved, site-specific for Chick-fil-A initially.
3. Improvements to the proposed driveway shall be the responsibility of the property owner and/or Chick-fil-A, and at no expense to the City of Marietta.

*Philip Goldstein and Mary Goldstein are owners of the property at 44 Mill Street (2130 Mill Street - County Tax Bill), Marietta, Ga.*

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

**Vote: 6 – 0 – 1**                      **Approved**

Abstaining: Philip M. Goldstein

\*      **20160279**            **44 Mill Street (Chick-fil-A) Signage**

Motion to approve a certificate of approval for Chick-fil-A building and monument signage.

*Philip Goldstein and Mary Goldstein are owners of the property at 44 Mill Street (2130 Mill Street - County Tax Bill), Marietta, Ga.*

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

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

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

**\* 20160263                      Tourism Grant Request, Marietta/Cobb Museum of Art**

Motion to approve a request from Sally Macaulay, Executive Director of Marietta/Cobb Museum of Art for a supplemental tourism grant for Coca Cola exhibit in the amount of \$10,248.

*Council member Goldstein disclosed that he is a member of the Marietta/Cobb Museum of Art.*

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

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

**\* 20160265                      Tourism Grant Request, Jersey Barriers**

Motion to approve a request from City Staff for tourism funds to purchase Jersey Barriers in the amount of \$10,820, as a capital project for future tourism grant funded event.

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

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

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

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

#### **7. Public Works Committee: Grif Chalfant, Chairperson**

**\* 20160254                      Real Property Agreement Kennesaw Mountain to Chattahoochee River (KMCR) Gap Trail**

Motion authorizing the Real Property Agreement between the City of Marietta and GDOT for the Transportation Enhancement (TE) project KMCR Gap Trail.

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

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

- \*      **20160255                      Intergovernmental Agreement for Cobb Parkway at Roswell Street SPLOST project**

Motion to approve a Memorandum of Understanding with GDOT for the US/41SR3 (Cobb Parkway) Intersection Improvement Project.

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

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

- \*      **20160286                      Bill (Scoop) Kinney Memorial Street**

Motion to place two signs on Polk St. (one near Cleburne and the other near Winn) not changing the street name but making the section of Polk between Cleburne and Winn St. the Bill (Scoop) Kinney Memorial Street. Bill Kinney was the longest season ticket holder for the Marietta Blue Devils, dedicated to Marietta High School and the City of Marietta with his years of writing about his beloved community.

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

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

- \*      **20160287                      Request for Speed Signs**

Motion authorizing staff to install two driver speed feedback signs on Bells Ferry Rd.

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

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

- \*      **20160298                      BLW Request for Variance**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the attached letter and attachment from Marietta Power dated 03-28-2016 for work on Gresham Road. This motion does not grant a perpetual variance.

Marietta Power must relocate underground at their expense if other utilities at the location are moved underground.

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

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

**OTHER BUSINESS:**

\*     **20160307                      Motion accepting the donation of right of way:**

- Along Burnt Hickory Rd. from Aspire Hollander, LLC
- Along Maple Ave. from Marietta City Schools
- Along Burnt Hickory Rd. from LED Hickory Investors, LLC

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

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

\*     **20160340                      Construction Agreement between State of Georgia Department of Transportation and City of Marietta for the Franklin Road Improvements Project**

Motion approving the Construction Agreement between State of Georgia Department of Transportation and the City of Marietta for the Franklin Road Improvements Projects from Twin Brooks Drive to Las Colinas Apartments Project, PI No. 0010325.

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

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

\*     **20160344                      Request for Stop Sign and Crosswalks**

Motion authorizing the installation of a 4-way stop and crosswalks at the intersection at Lee's trace & Chestnut Hill Circle.

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

**Vote: 6 – 0 – 1                      Approved**

Abstaining: Philip M. Goldstein

\*     **20160345                      Acceptance of Sessions Street Right of Way Donation**

Motion accepting the donation of right away along Sessions Street from Sessions Street Townhomes, LLC.

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

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

\*        **20160342        BLW Actions of April 11, 2016**

Review and approval of the April 11, 2016 actions and minutes of Marietta Board of Lights and Water.

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

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

**UNSCHEDULED APPEARANCES:**

*Larry Wills, who lives on Oakmont Drive, addressed City Council.*

**ADJOURNMENT:**

*The meeting was adjourned at 7:20 p.m.*

**Date Approved:        May 11, 2016**

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**R. Steve Tumlin, Mayor Tumlin**

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