



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda 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, July 10, 2013

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Jim King, Ward 6 Council Member

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20130721 Distinguished Service Award - Dr. Harlon Crimm

Presentation of Distinguished Service Award to Dr. Harlon Crimm for 12 years of service to the Board of Lights and Water (BLW) Board.

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

MOTIONS:

20130723 Rescission of Urban Redevelopment Bond Resolution

Motion to rescind \$35M Redevelopment Bond (Legistar #20130515) which was adopted on June 12, 2013.

20130725 Rescind employment of bond advisors and bond attorney for the Urban Redevelopment Bond

Motion to rescind employment of bond advisors and bond attorney (Legistar #20130389) adopted on April 17, 2013.

20130753 Public Hearing

Public Hearing regarding possible projects to implement using Urban Redevelopment Bond proceeds.

There will be an allotment of one hour for the hearing with a five minute limit per speaker

20130724 Urban Redevelopment Bond Resolution - November 5th Ballot

Motion to approve Bond Resolution for Urban Redevelopment Bond to be placed on the November 5, 2013 ballot in the amount of \$68,000,000.00. (See attached Resolution).

20130726 Employment of Bond Advisors and Bond Attorney

Motion to employ Dianne McNabb, PFM Group as Financial Consultant for a fee not to exceed \$68,000.00 and Teresa P. Finister of Murray, Barnes, Finister, LLP as Bond Counsel for a fee not to exceed \$60,000.00 and to serve as Disclosure Counsel for a fee not to exceed \$40,000.00 contingent upon the Urban Redevelopment Bond issue passing and based upon a single issuance of bonds.

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:*** 20130751 Regular Meeting - June 12, 2013**

Review and approval of the June 12, 2013 meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:****20130606 Planning Commission Appointment**

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

ORDINANCES:**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.

Planning Commission recommends approval w/stipulation Vote: 4 – 0 – 0

Motion: Mr. Diffley made a motion, seconded by Mr. Waters, to approve the Special Land Use Application and the variance to reduce the required front yard setback from 50 feet to 33 feet

Stipulations: No outside storage

PUBLIC HEARING (all parties are sworn in)

This item was tabled from the June 12, 2013 City Council Meeting

* **20120819 Future Land Use Map**

Motion to amend the Future Land Use Map, a component of the City of Marietta's Comprehensive Plan 2006-2030, according to the attached updated maps.

Planning Commission recommends for approval of all future land use maps except Maps #6, #22 and #23. Vote: 4 – 1 – 0 with Mr. Waters opposed.

Motion: Map #6 - Proposal is to recommend change to the existing Medium Density Residential (MDR) Future Land Use to Mixed Use Development (MXD). Mr. Waters moved to recommend to city council that map #6 be approved as presented, seconded Mr. Diffley. Motion carried 4 – 1 – 0. Mr. Schupp opposed.

Map #22 - Proposal is to recommend change to Community Service and Institutional (CSI) for the area north of Tower Road making it easier for the hospital/medical development to get the necessary zoning. Mr. Waters made a motion to adopt Map #22 as presented, seconded by Mr. Diffley. Motion carried 5 – 0 – 0.

Map #23 - Mr. Schupp made a motion, seconded by Mr. Diffley to change the area north of Tower Road to Community Service and Institutional (CSI), as proposed, and south of Tower to remain as High Density Residential (HDR). The motion carried 4 – 1 – 0 with Mr. Waters opposed.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20130576 Amendments to the Comprehensive Development Code**

Motion to refer proposed changes to 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 back to the Planning Commission and to authorize re-advertisement.

Planning Commission recommend that city council table this item Vote: 4 – 1 – 0

Motion: Mr. Schupp made a motion, seconded by Mr. Diffley, to table the item due to a request for more research dealing with odors, noise, and hours of operation for breweries and distilleries in commercial districts. Mr. Waters opposed.

Stipulations: N/A

PUBLIC HEARING (all parties sworn in)

Council Members Morris, Goldstein and Sinclair opposed.

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20130694 Denial of Claim**
Denial of the claim of Angel Cordle and David Haynes.
- * **20130722 Denial of Claim**
Denial of the claim of Carmen DeJesus.
- * **20130720 Denial of Claim**
Denial of claim of Joshua Phillips.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson**

- * **20130701 FY 2013 CDBG Projects**
Motion approving the FY 2013 CDBG Project List as amended. See attached.
- 20130564 Sub-Recipient Agreement**
Approval of a Resolution authorizing the execution of the FY 2013 CDBG Program Sub-Recipient Agreement with Cobb County.
- 20130716 Consideration of Motion Related to Consulting Services**
Motion to authorize the Economic Development Manager to seek RFQ's for a consultant/developer/professional services provider to work with the City of Marietta and /or Marietta Housing Authority on the acquisition, demolition, sale, re-zoning and/or master planning of property described in the Urban Redevelopment Plan (Franklin-Gateway Redevelopment Area).

20130729 Intergovernmental Agency Agreement - Marietta Housing Authority

Motion to authorize the City Attorney to draft an IGA with the Marietta Housing Authority relating to the Urban Redevelopment Bond to be brought back for council approval.

2. Finance/Investment: Annette Lewis, Chairperson*** 20130650 Grant - Governor's Office of Highway Safety**

Approval of an Ordinance amending the Fiscal Year 2013 General Fund Budget to receive and appropriate a grant from the Governor's Office of Highway Safety to purchase an Intoxilyzer 9000.

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

20130560 Detail Plan for Manget Phases II, III & IV

Motion to approve the Detailed Plan for Manget Phase II, III & IV (dated July 9, 2013) and signed and dated July 10, 2013 by the owner, 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 - 1,500 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. Prior to the issuance of the first Certificate of Occupancy for these three phases, the Manget Home Owners Association will include in their protective covenants provisions to enforce parking regulations on private streets within the community. These covenants must be recorded at the Cobb County Clerk of the Superior Court's office.
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.
5. Minimum travelway widths for one-way alleys will be 14' and two-way streets will be 20'.

In addition, the following variances are approved:

1. Variance to reduce the 30' buffer adjacent to 271, 279 & 287 Lakewood Drive. If buffer is disturbed, the Developer will be required to install a 6' high opaque fence and a double row of 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. to the amount specified on Sheet C2.1. [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 allow street trees in right of way, as shown on the submitted plans. [712.08(D)]
7. Variance to allow understory/ornamental trees such as dogwood, crape myrtles, flowering cherry, etc. due to overhead utilities and allow them to be 2" caliper at the time of planting. [712.08 (G)(2)(b)]

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 July 10, 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 public or private streets or alleys, 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.

20130778 Private Alleys in Manget Phases II, III, & IV

Motion to approve private alleys within the Manget development, Phases 2, 3 & 4, including a variance to allow the alleys to be a primary means of access to the residences within the development. Further, the developer is required to install "No Parking" signs on all alleyways.

* **20130555 MU2LCI Final Draft Plan**

Approval of a resolution for the adoption of the Marietta University Enhancement District (MU2) LCI Plan.

PUBLIC HEARING

* **20130697 Kennesaw Avenue Historic District**

Motion to authorize advertisement for the public hearing on the designation of the district.

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

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

* **20130692 Consolidated Pension Plan**

Approval of an ordinance amending the City of Marietta/BLW Retirement Plan 4532 (New Consolidated Plan) to clarify the Disability retirement provisions.

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20130684 Traffic Calming**

Motion authorizing Public Works to collect updated traffic speed and volume data for Wood Valley Drive and Hickory Drive and to postpone opening Hickory Drive and Woodvalley Drive ballots until further notice.

Council members Sinclair and Coleman opposed.

* **20130686 Project Framework Agreements**

Motion to approve Project Framework Agreements with GDOT for the intersection improvement projects at Atlanta Street and South Marietta Parkway, North Marietta Parkway and Cobb Parkway.

20130728 Speed Hump Installation

Motion to approve installation of speed tables on Lee's Trace.

APPEARANCES:

OTHER BUSINESS:

* **20130741 Marietta Redevelopment Corporation Officers**

Motion approving the recommendation of the Marietta Redevelopment Corporation (MRC) Board of Directors to appoint Ron Francis as Chairman and Terry Lee as Vice Chairman of the Marietta Redevelopment Corporation for a one (1) year term.

* **20130770** **W&A Railroad Right-of-way**

Motion authorizing acquisition of the easements as shown on the attached exhibits along the Western & Atlantic Railroad Right-of-way from State Properties Commission for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$136,320.00 to the State Properties Commission and \$32,120.00 to CSX Transportation.

* **20130730** **CSX Contract**

Motion to approve the Construction Agreement from CSX Transportation for the construction of a quad-gate and warning system at the Waverly Way crossing.

Council member Goldstein disclosed that he, family members and/or an entity that he owns, own or lease property adjacent to CSX railroad right-of-way.

* **20130758** **Selection of the auditing firm for FY2013**

Motion to proceed with a contract with Crace Galvis McGrath, LLC in the amount of \$68,560 to perform the audit of fiscal year 2013.

20130765 **Speed Hump Policy**

Motion to "stay" the current "Speed Hump" policy and suspend and hold all activities of whatever nature and whatever stages thereto, other than those actions already approved by Council, so as to be reviewed and revised as to clarity, definitiveness, completeness, conclusiveness, and reasonableness. Establish an ad hoc review committee of 3 members, with Mayor as Chairman, J/L Chair and Public Works Chair, to address the "language" of the Policy with deference as to substance and purpose for council. Ad Hoc committee to meet, recommend changes to be presented to Council for consideration by August Council meeting. To include a Recommendation with advice of City Attorney as to effective date of final revised Policy or applicability of actions taken under a previously approved Policy.

* **20130752** **BLW Actions of the July 8, 2013 meeting**

Review and approval of the July 8, 2013 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: