



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

Wednesday, July 8, 2015

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

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

Absent: Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Daniel White, Assistant City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Grif Chalfant to give the invocation.

PLEDGE OF ALLEGIANCE:

Council member Chalfant asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20150637 Keep Marietta Beautiful Scholarship

Joan Ellars, Keep Marietta Beautiful presents a scholarship stipend to Leslie Paige, one of their most committed volunteers.

Presented

20150638

Sigma Nu Fraternity at Kennesaw State University

Keep Marietta Beautiful and the City appreciate all of the work of the young people in the area, especially the College fraternity Sigma Nu at Kennesaw State University, Marietta Campus. Joan Ellars, Keep Marietta Beautiful will present them with a plaque.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

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.

A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules of order to add an agenda item related to the acquisition of property at 710/720 Powder Springs Road. The motion carried by the following vote:

*Vote: 6 – 0 – 0 Approved
(See agenda item 20150676)*

A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules of order to add an agenda item related to the acquisition of property at 260 Washington Avenue. The motion carried by the following vote:

*Vote: 6 – 0 – 0 Approved
(See agenda item 20150677)*

Assistant City Attorney Daniel White noted the following changes to the consent agenda:

-under Ordinances: Agenda item 20150448 The following variance are hereby approved: Variance to allow the existing carriage house to be closer to Montgomery Street than the principal structure. [§708.03 (F.1)]

-under Judicial/Legislative: Agenda item 20150420 was added to the consent agenda.

-under Other Business: Agenda item 20150446 was added to the consent agenda with amendments to the variances as follows:

1. Variance to locate an additional use on a parcel with an existing billboard sign. [§714.04 (F)]

2. Variance to reduce the required distance between a billboard sign and a church or school from 500 feet to 204 feet. [§714.04 (F.1)]

In addition, the following are stipulations are included:

1. Notwithstanding anything to the contrary contained in the motion, it is stipulated that the existing billboard located at 1440 Field Park Circle shall be removed within 120 days (or sooner) of December 1, 2027 (date of the current lease expiration between the property owner and Clear Channel Outdoor, Inc.) at the expense of the property owner.

2. The Agreement and Release (attached) entered into among Seventh Day Adventist Church, Clear Channel Outdoors and the City of Marietta is incorporated into this motion by reference.

Assistant City Attorney Daniel White opened the public hearing for those items on the consent agenda requiring a public hearing.

A resident who lives on Hardage Drive expressed concern regarding agenda item 20150492, rezoning neighboring property on Hardage Drive.

General discussion was held regarding the rezoning. There was general agreement that this item remain on the consent agenda.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made by Council member Kelly, seconded by Council member Coleman, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 6 – 0 – 0 Approved

MINUTES:

* **20150630 Regular Meeting - June 10, 2015**

Review and approval of the June 10, 2015 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

* **20150631 Special Meeting - June 24, 2015**

Review and approval of the June 24, 2015 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:***** 20150635 Planning Commission Appointment (Ward 2)**

Appointment of Frasure Hunter to the Planning Commission (Ward 2), for a three year term expiring July 8, 2018.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

*** 20150636 Historic Preservation Commission Appointment**

Appointment of Carol Williams to the Historic Preservation Commission (Ward 5), for a three (3) expiring July 8, 2018.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

ORDINANCES:*** 20150382 Z2015-16 [REZONING] SONDR A ROWAN (SUSAN RAPER)**

Z2015-16 [REZONING] SONDR A ROWAN (SUSAN RAPER) requesting rezoning for property located in Land Lot 1146, District 16, Parcel 0370, 2nd Section, Marietta, Cobb County, Georgia and being known as 319 Church Street from RM-8 (Multi Family Residential - 8 units / acre) to R-4 (Single Family Residential - 4 units/ acre). Ward 4

Motion to Table this matter until the August 12, 2015 City Council meeting.

This Matter was Approved to Table on the Consent Agenda.

Vote: 6 – 0 – 0 Tabled

*** 20150447 Z2015-21 [REZONING] JUDITH BROCK****[Ord 7824](#)**

Z2015-21 [REZONING] JUDITH BROCK requesting rezoning for property located in Land Lot 1159, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 297 Church Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units / acre). Ward 4.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

- * **20150448** **Z2015-22 [REZONING] RICHARD F. & MARGIE M. BAUER**
- [Ord 7825](#)
- Z2015-22 [REZONING] RICHARD F. & MARGIE M. BAUER requesting rezoning for property located in Land Lot 1145, District 16, Parcel 2630, 2nd Section, Marietta, Cobb County, Georgia and being known as 155 Montgomery Street from R-4 (Single Family Residential - 4 units / acre) to R-3 (Single Family Residential - 3 units / acre). Ward 5.
- The following variance is incorporated as a condition of zoning:
- Variance to reduce the setback along Club Drive from 25 feet to 20 feet for the existing house and new garage. [§708.02 (H)]
- Assistant City Attorney Daniel White explained that the variance printed on the agenda was incorrect. The variance should read as follows:
Variance to allow the existing carriage house to be closer to Montgomery Street than the principal structure. [§708.03 (F.1)]*
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0 Approved**
- * **20150491** **Z2015-23 [REZONING] JAMES W. CORLEY III**
- [Ord 5826](#)
- Z2015-23 [REZONING] JAMES W. CORLEY III requesting rezoning property located in Land Lots 215 & 215, District 17, Parcel 1070, 2nd Section, Marietta, Cobb County, Georgia and being known as 520 Powder Springs Street from OI (Office Institutional) to R-2 (Single Family Residential - 2 units / acre). Ward 3.
- The following variance is incorporated as a condition of zoning:
- Variance to reduce the setback along Club Drive from 25 feet to 20 feet for the existing house and new garage. [§708.02 (H)]
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0 Approved**
- * **20150493** **Z2015-25 [REZONING] REX HOWTON**
- [Ord 7827](#)
- Z2015-25 [REZONING] REX HOWTON requesting rezoning for property located in Land Lot 1014, District 16, Parcel 1060, 2nd Section, Marietta, Cobb County, Georgia and being known as 900 Campbell Hill Street from OI (Office Institutional) to CRC(Community Retail Commercial). Ward 5.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0 Approved**
- * **20150492** **Z2015-24 [REZONING] PHILIP D. & KAREN C. HYNNINEN**
- [Ord 7820](#)
- Z2015-24 [REZONING] PHILIP & KAREN HYNNINEN requesting rezoning for property located in Land Lot 327, District 20, Parcel 0010, 2nd Section, Cobb

County, Georgia and being known as property on Hardage Drive from RR (Rural Residential - County) to R-2 (Single Family Residential - 2 units / acre). Ward 4.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

- * **20150497 A2015-04 [ANNEXATION] PHILIP D. & KAREN C. HYNNINEN**

Ord 7821

A2015-04 [ANNEXATION] PHILIP D. & KAREN C. HYNNINEN requesting the annexation of property located in Land Lot 327, District 20, Parcel 0010 (also known as property on Hardage Drive), of the 2nd Section, Cobb County, Georgia consisting of 4.622 acres. Ward 4.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

- * **20150498 CA2015-05 [CODE AMENDMENT]**

Ord 7822

CA2015-05 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 327, District 20, Parcel 0010 (also known as property on Hardage Drive), the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20150649 Denial of Claim**

Denial of the claim of Karen G. Roll.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 6 – 0 – 0 Approved to Deny Claim

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

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

* **20150578** **Atlanta Regional Commission Grant Proposal**

Resolution of support to submit grant proposal for the specific purpose of communicating the history of Elizabeth Porter site through public art.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**

* **20150580** **Allocation of CDBG Funds**

Resolution to approve the allocation of \$19,125 of unspent FY'2014 CDBG funds to demolish the structures and clear the premises at 19/21 Hedges Street and 63 W. Dixie Avenue, Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**

2. Finance/Investment: Stuart Fleming, Chairperson

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

* **20150420** **Planning Commission Rules of Procedures**

Motion approving the Rules of Procedure for the Planning Commission.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**

* **20150339** **Revised Detail Plan for Manget Phases II - Crosswalk across Frasier Street**

Motion to amend the approved Detailed Plan for Manget Phase II, to allow a raised ADA compliant crosswalk, including a brick paver top, across Frasier Street. GDCI GA 4, L.P. will install the crosswalk with the understanding and agreement that the City of Marietta will be responsible for any future maintenance of the crosswalk. The height of the crosswalk will be consistent with existing City of Marietta guidelines and will connect the Manget Phase I greenspace with Manget Phase II greenspace; all as shown on the attached plan labeled "Exhibit A" signed by the owner and dated July 8, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**

* **20150478** **Precinct Boundary Change**

Motion authorizing a boundary change to existing precinct Marietta 4B, currently voting at Nobis Works, 1480 Bells Ferry Road, Marietta GA 30066, by receiving a portion of precinct Marietta 4A, World Changers Church International, 601 Tower Road, Marietta GA 30060, to coincide with changes approved by the Cobb County Board of Elections and Registration.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

* **20150589** **Intergovernmental Agreement between the City of Marietta and the Housing Authority of the City of Marietta**

Motion to approve an Intergovernmental Agreement between the City of Marietta and the Housing Authority of the City of Marietta for the management of Marquis Place Apartments.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

* **20150602** **Cell Site Lease Extension Agreement**

Motion approving a contract agreement between the City of Marietta and the Marietta Development Authority to consider the extension of a master lease originally signed on September 12, 1996 for cell sites located at 151 Manning Road, also known as Laurel Park, and Allgood Fire Station 6 located at 805 Allgood Road.

Marietta Development Authority approved the agreement at the noon meeting held on June 19, 2015.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

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

* **20150604** **Request from the Earl Smith Strand Theatre for street closures**

A motion approving the closure of N. Park Square and E. Park Square Saturday, July 18th from 1:00 p.m. - 11:00 p.m., for the purpose of conducting a car show in conjunction with the Creepers Club. The event will serve as a fundraiser for the Strand Theatre and help to raise awareness for that venue and the Creepers Club. Further, the event is granted a waiver of City Code Section 10-4-070 (E) that “may permit the consumption of beer, wine, and liquor in and adjacent to Glover Park...

for a bona fide charitable, eleemosynary or civic cause..." This allows alcohol to be carried into the streets but only sold by merchants on the Square.

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

* **20150586 Art in the Park Request**

A motion approving a waiver of 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 in the intersections of N. Park Square/Lawrence St. and Roswell St./E. Park Square and on Atlanta St. beginning Saturday, September 5 through Monday, September 7, 2015, during festival operating hours in accordance with local and state regulations.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

* **20150585 Custer Park Recreation Center Facility Rental Pricing and Procedures**

Motion approving the guidelines, descriptions and the pricing list for facility rentals at the newly renovated Custer Park Recreation Center.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

5. Personnel/Insurance: Johnny Walker, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20150577 Aviation Road Rapid Flashing Beacon (RFB)**

Motion authorizing the installation of a Rapid Flashing Beacon at the existing crosswalk on Aviation Road, per request by Marietta City Schools, with half of the cost to be paid by Marietta City Schools.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0

Approved

OTHER BUSINESS:

20150446 V2015-25 GEORGIA-CUMBERLAND ASSOCIATION OF SEVENTH-DAY ADVENTISTS, INC, 1440 FIELD PARK CIRCLE

V2015-25 [VARIANCE] GEORGIA-CUMBERLAND ASSOCIATION OF SEVENTH-DAY ADVENTISTS, INC. requests variances for property located in Land Lot 08680, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1440 Field Park Circle, currently zoned CRC (Community Retail Commercial). Variance to locate an additional use on a parcel with an existing billboard sign; variance to reduce the required distance between a billboard sign and a church or school from 500 feet to 204 feet; and variance to reduce the minimum driveway width from 20 feet to 15 feet. Ward 4.

The following variances are hereby approved:

- 1. Variance to locate an additional use on a parcel with an existing billboard sign. [§714.04 (F)]*
- 2. Variance to reduce the required distance between a billboard sign and a church or school from 500 feet to 204 feet. [§714.04 (F.1)]*

In addition, the following are stipulations are included:

- 1. Notwithstanding anything to the contrary contained in the motion, it is stipulated that the existing billboard located at 1440 Field Park Circle shall be removed within 120 days (or sooner) of December 1, 2027 (date of the current lease expiration between the property owner and Clear Channel Outdoor, Inc.) at the expense of the property owner.*
- 2. The Agreement and Release (attached) entered into among Seventh Day Adventist Church, Clear Channel Outdoors and the City of Marietta is incorporated into this motion by reference.*

This Matter was Approved as Amended on the Consent Agenda.

Vote: 6 – 0 – 0

Approved as Amended

*** 20150461 V2015-29 [VARIANCE] IDOC MAIN LLC (CRESCENT VIEW ENGINEERING LLC)**

V2015-29 [VARIANCE] IDOC MAIN LLC (CRESCENT VIEW ENGINEERING LLC) requesting variances for property located in Land Lots 1002 & 1015, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 895 Canton Road, currently zoned CRC (Community Retail Commercial). Variance to allow more than 12 parking spaces in a row without a planter island within the area of improvement only as shown on the attached site plan, prepared by Gibraltar Engineering and dated May 12, 2015. Ward 5.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

* **20150647 27 N. Fairground Street**

Motion authorizing acquisition of a portion of the property for right-of-way and easements at 27 N. Fairground Street from NS-MPG, Inc., (aka AT&T) for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$40,350.00 with the following amended stipulations:

1. The City's contractor will be instructed in writing to maintain "positive" drainage away from AT&T's building at all times during and at the completion of the work to prevent water from seeping into or under AT&T building along the Fairground Street side. The area between the proposed barrier wall and AT&T's building is to be filled primarily with 4" thick "sidewalk strength" concrete, 2500 psi or stronger, with any remaining landscaped area(s) concentrated at either end of the building and sized and configured so as to be accessible and maintainable with standard landscaping equipment.
2. The City, at the City's sole cost and expense shall trim, or remove as appropriate, all trees, bushes, and other vegetation within the public right-of-way along the south side of Washington Avenue NE between Fairground Street NE and Rogers Street to reduce or eliminate intersection sight distance obstructions for vehicles turning from Rogers Street to Washington Avenue.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

20150641 Marquis Place Apartments Second Vote to Approve

Second motion to approve the Contract for the Sale and Purchase of Real and Personal Property between Marquise Place Holdings, LLC, as Seller, and the City of Marietta, as Purchaser, for the purchase of 1019 Franklin Road, Marietta, Georgia, consisting of 28.65 acres of land, more or less, excluding certain property deeded to the Georgia Department of Transportation for I-75 Managed Lanes Project. As set forth in the above referenced contract, this is the second vote to approve same. The remaining terms and conditions of the contract are incorporated into this motion. This motion includes the authorization for the Mayor and City Clerk to execute same and for staff to conduct the matters set forth in the contract. A copy of the contract is on file with the City Clerk.

The motion was made by Council member Morris, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:

Vote: 5 – 1 – 0 Approved
Voting Against: Anthony Coleman

- * **20150632** **BLW Actions of the July 6, 2015**
- Review and approval of the July 6, 2015 actions and minutes of the Marietta Board of Lights and Water.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0** **Approved**
- * **20150676** **Property Acquisition - 710/720 Powder Springs Road**
- Motion to authorize the acquisition of a portion of property and easements at 710/720 Powder Springs Road from Oakwood Ventures, LLC, for the purpose of constructing the Powder Springs Streetscape Project in exchange for \$275,000.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0** **Approved**
- * **20150677** **Property Acquisition - 260 Washington Avenue**
- Motion to authorize the acquisition of a portion of property and easements at 260 Washington Avenue owned by Beth Ann Hanna for the purpose of constructing the Alexander Street Improvements - Roswell to Washington in exchange for \$35,000, with the following stipulation:
That the City agrees to remove a tree located at the front corner of the property on Washington Avenue.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0** **Approved**

UNSCHEDULED APPEARANCES:

-Charles Livingston, who resides on Kiowa Dr, spoke regarding agenda item 20150641, Acquisition of the Marquis Place apartments.

-Susan Raper spoke regarding agenda item 20150382, Rezoning for property located 319 Church Street that was tabled until the August council meeting.

ADJOURNMENT:

The meeting was adjourned at 7:29 p.m.

