



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, June 10, 2015

7:00 PM

Council Chamber

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

Yvonne Williams, Deputy City Clerk

CALL TO ORDER:

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

INVOCATION:

Mayor R. Steve Tumlin called upon Council member Fleming to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20150203 Citizens' Police Academy Graduation

The Marietta Citizens' Police Academy recognizes the following graduates

Jody Allen

Lisa Guerra

Richard Allen

Desiree' Hodge

Christina Bailey

Gay Hodkinson

Unicka Brown	Barry Holland
Jenni Busbee	Rebecca Kirk
Karen Carter	Angela Lewis
Campbell Dasher	Gerri Lumsden
Clint Ferebee	Ken Meslo

Made

20150490 Georgia Association of Chiefs of Police recognizes Marietta Police Department

Mark Bender with the Georgia Association of Chiefs of Police (GACP) will present a plaque to Marietta Police Chief Daniel Flynn recognizing the MPD's recertification (GA State Certification) from the GACP. The Marietta Police Department is both State Certified and Nationally Accredited. In addition, the GACP will present a Certificate of Appreciation plaque to Marietta Police Lieutenant Steve Campisi.

Made

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

20150454 Lucky Draw Tattoo - 11 Atlanta Street, Ward 5

Mr. Phillip Duke is appearing to request the placement of a table on the City's sidewalk in front of Lucky Draw Tattoo.

Present

20150545 Ms. Cindy Little, 77 Harold Street, NE Ward 5

Ms. Little wishes to address council relative to flooding problems in her neighborhood.

Not Present

20150551 Mr. Steve Imler, 599 Church Street, Ward 4

Wishes to address council about tourism grants.

Council member Goldstein stepped down from the dais during this appearance.

UNSCHEDULED APPEARANCES:

-Cordilla Anderson, who resides off Terrell Mill Road, expressed concern regarding a code enforcement issue in her area.

-William Latham and Jeffery Wright, with the Cobb County Civil War Roundtable, spoke regarding the development in Gilbert Road and Stilesboro Road area.

-Betty Ball, owner of the Italian restaurant on the Square, requested the use of a B-B-Q grill in front of their business during the 4th of the July celebration.

Council member Goldstein disclosed that the building in question is owned by his mother and sister. Council member Goldstein stepped down from the dais during this appearance.

-Charles Livingston, who resides on Kiowa Dr, expressed thanks for not allowing alcohol sales at the White Water Park.

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 Morris, seconded by Council member Kelly, to suspend the rules of order to add an agenda item related to the acquisition of property. The motion carried by the following vote:

*Vote: 7 – 0 – 0 Approved
(See agenda item 20150603)*

City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Council Appointments: Agenda item 20150571, Reappointment of Alice Summerour was added to the consent agenda.

-under Other Ordinances: Agenda item 20150384 JW Homes LLC, was removed from the consent agenda.

-under Parks and Rec: Agenda item 20150507, FY2016 Tourism Grants – New Requests should show Council member Goldstein abstaining.

-under Other Business: Agenda items 20150230, Permanent Easements, 20150567, 167 Hedges Street and 20150565, Boston Homes, were added to the consent agenda. Agenda item 20150565 should show Council member Goldstein abstaining.

-under Other Business: Agenda item 20150572, MEAG Meetings – City Council Travel and Training, was added to the consent agenda.

City Attorney Doug Haynie 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 Coleman, seconded by Council member Chalfant, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0 **Approved**

MINUTES:

* **20150516 Regular Minutes - May 13, 2015**

Review and approval of the May 13, 2015 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

MAYOR'S APPOINTMENTS: (for informational purposes only)

20150537 Marietta Housing Authority Appointment

Appointment of Chervonta "Taye" Pugh to the Marietta Housing Authority Board for a one year term expiring May 31, 2016.

Made

20150538 Marietta Housing Authority Appointment

Appointment of Mitch Hunter to the Marietta Housing Authority Board for a five (5) year term expiring May 31, 2020.

Made

CITY COUNCIL APPOINTMENTS:

* **20150571 Board of Lights and Water (BLW)**

Reappointment of Alice Summerour to the Board of Lights and Water (Non-Resident Member), for a 4-year term expiring July 14, 2019.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

ORDINANCES:

20150384

Z2015-18 [REZONING] JW HOMES LLC (MARIETTA HOUSING AUTHORITY)**Ord 7819**

Z2015-18 [REZONING] JW HOMES LLC (MARIETTA HOUSING AUTHORITY) requesting rezoning for properties located in Land Lots 1161 and 1216, District 16, Parcels 0950, 0010, and 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 306 & 321 Lemon Street and 345 Fort Street PRD-MF (Planned Residential Development - Multi Family) to PRD-SF (Planned Residential Development - Single Family). Ward 5.

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with has used and/or use the attorney, Kevin Moore, from time to time.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie also swore in those wishing to speak.

Brian Binzer, Development Services Director, presented information regarding the rezoning request for property located at 306 and 321 Lemon Street and 345 Fort Street from PRD MF (Planned Residential Development-Multi Family) to PRD SF (Planned Residential Development-Single Family).

Mr. Kevin Moore, attorney for the applicant, requesting to rezone properties for the purpose of building a subdivision consisting of 34 single family homes and 21 town homes. Mr. Moore presented a site plan, which showed the layout for the new development. Mr. Moore also summarized the variances being requested.

Discussion was held regarding concerns expressed by the Fire Chief and Public Works Director relating to the location of power poles, the width of the streets, on street parking, and the turning radius of fire trucks.

John Cole, who resides on Cole Street, expressed general concerns regarding the proposed development.

Motion to approve the rezoning of property located at 306 and 321 Lemon Street and 345 Fort Street from PRD-MF (Planned Residential Development – Multi Family) to PRD-SF (Planned Residential Development – Single Family), with the following variances and stipulations incorporated as conditions of zoning:

- 1. Variance to reduce the townhome driveways from 20' to 18.'*
- 2. Variance to allow trees in the right of way, as shown on the submitted plans, with the stipulation that the homeowner's association will be responsible for the maintenance and upkeep of these trees.*
- 3. Variance to reduce the required easement with for a private road from 50' to 30' for Alley 1, Alley 2, both Alley 4s, and unmarked alley. "Proposed Drive" will meet all standards for public streets.*
- 4. Variance to reduce the minimum travel way for the unlabeled private street behind T1-8 to 14' (one way).*
- 5. Variance to allow travel way to be 20' in width.*
- 6. Variance to reduce the minimum centerline radius from 100' to 38' on a private street marked "Alley 4" and connecting to Lemon and Cole Streets.*

7. Variance to allow an alternate turn around at the end of a private street with one end permanently closed and not providing a turnaround having a minimum roadway diameter of 80' and easement diameter of 100.'
8. Variance to clarify turning radius interpretation as shown as #8 on page 2 of plans.
9. Variance to allow fastigiated tree species when there are above-ground utility conflicts. Minor changes to the landscape plan, including location and change of species, may be made only upon approval of the City Arborist.
10. Variance to allow private streets to satisfy off-street parking requirements (§716.05).
11. Variance to relocate power pole on Fort Street without having to bury lines.
12. Variance to allow curb radii less than 25-ft required subject to all radii being constructed to safely accommodate an SU30 design vehicle at four (4) locations.
13. Variance from City Code 5-4-160 to allow the relocation of a utility pole and attached utilities required.
14. Stipulation that all joint utility easement widths must be approved by Marietta Power and Marietta Water.
15. Stipulation that Cole Street must be widened to a minimum of 12' from centerline or 20' from the opposite curb, whichever is greater.
16. Stipulation that sidewalks must be constructed along all parallel parking spaces connecting to other sidewalks within the development.
17. Stipulation that all streets not meeting city street width standards must be posted as "No Parking" zones; and the signs identifying "No Parking" zones must be erected prior to the issuance of any certificates of occupancy.
18. Stipulation to require sight distance easements where AASHTO sight or intersection sight distance standards are not met within the right of way.
19. Stipulation that the proposed right of way width along Cole Street at Alley 4 must be extended consistently to the northern development property line.
20. Stipulation that all proposed sidewalks must connect to existing sidewalks, where practical.
21. Stipulation that all signs, including but not limited to, street signs, "no parking" signs, and address signs, must be ornamental and similar in character to those signs in the Renaissance District.
22. Stipulation that for all homes that face the muse (green space) a sign shall be posted indicating the addresses at both ends of the fire access roads to identify the homes.
23. Stipulation requiring to show demarcation material and outline for the grass pave alley dock, which shall also be stated in the recorded covenants; and which shall not be able to be amended.
24. Stipulation requiring to show demarcation and permanent access easement for the entire turnaround on lots identified on the plans as T17 and T18 which shall also be stated in the recorded covenants; and which shall not be able to be amended.

The motion carried by the following vote:

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

20150562 Detailed Plan for Fort Hill

Motion to approve the detailed plan for Fort Hill, attached and dated June 10, 2015, and including all variances and stipulations addressed in rezoning Z2015-18 (#20150384).

Discussion was held regarding the Detailed Plan for Fort Hill as presented by JW Homes LLC.

Concern was expressed by Council regarding the architectural elevations and renderings for the homes, which were received by Council just prior to the meeting. There was general agreement that a special called meeting may be held to allow time for review of the architectural elevations and renderings.

Motion to approve the detailed plan for Fort Hill, attached and dated June 10, 2015, and including all variances and stipulations addressed in rezoning Z2015-18 (#20150384), subject to the house plans and building elevations being approved during a special called meeting held June 24, 2015.

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

Vote: 7 - 0 - 0 Approved as Stipulated

* **20150386 Z2015-20 [REZONING] RANDY WOMACK**

[Ord 7817](#)

Z2015-20 [REZONING] RANDY WOMACK requesting rezoning for property located in Land Lots 1000, 1001, 1016 and 1017, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 915 Cobb Parkway North from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 5.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20150240 CA2015-04 [CODE AMENDMENT] Proposed Amendments to the zoning ordinance regarding Section 712.07, Telecommunications Towers and Infrastructure.**

[Ord 7816](#)

Motion to amend the Zoning Ordinance regarding Telecommunications Towers and Infrastructure.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20150488 Denial of Claim**

Denial of the claim of the Georgia Department of Transportation (GDOT).

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny Claim

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

- 1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**
- 2. Finance/Investment: Stuart Fleming, Chairperson**

- * **20150460 Adoption of Recommended Budget for FY2016**

Approval of an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016, 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

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

- * **20150474 Resolution of support of Dobbins Air Reserve Base**

Approval of a resolution in support of the Dobbins Air Reserve Base.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20150346 Meeting Park Detailed Plan - Revision to sidewalk along east side of Waddell Street**

Motion to approve an amendment to the detailed plan for Meeting Park that would:

1. Eliminate the new 5' beauty strip between the curb and the 4' sidewalk along lots 1, 8 - 12
along the eastern side of Waddell Street;
2. Require a 4 ft. concrete sidewalk - without a landscaped 'beauty strip' - along Waddell Street
between Waterman Street and Meeting Street. (The existing sidewalk will not be allowed to remain.)
3. JW Homes would switch the types of trees in this area from 'Zelkova' to one of the following
and plant the trees in closer proximity to the house (as indicated in the attached letter and plans dated June 2, 2015 from Kelly Davis of Gaskins Engineering):
 - a. Trident Maple
 - b. Eastern Redbud
 - c. Crape Myrtle (not on Marietta list)
 - d. European Hornbeam (not on Marietta list)
4. The required street trees along Waddell Street would be relocated to behind the sidewalk and
maintained by the Meeting Park Homeowner's Association.
5. JW Homes would agree to increase the width of the grass strip along Waterman Street from 3
ft. to 4 ft. in order to accommodate the proposed trees.

All other conditions approved with previous detailed plans shall remain in effect.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

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

* **20150506 FY2016 Tourism Grants - Existing Organizations**

Motion to approve the grant amounts presented for each tourism organization listed under existing organization:

Atlanta Lyric Theatre - \$20,000
Cobb Landmarks and Historical Society - \$3,000
Earl Smith Strand Theatre - \$40,000
Friends of Brown Park - \$8,000
Friends of Brumby Hall - \$2,547
The Georgia Ballet - \$0

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20150510**

FY2016 Tourism Grant - Marietta Museum of History

Motion to approve the grant amount of \$128,697 for the Marietta Museum of History.

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. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

Mayor Tumlin currently serves as a director of the Marietta Welcome Center and Visitors Bureau. He has served as a director, but is currently not serving, of the following organizations being considered for sponsorships: Marietta-Cobb Museum of Art; Marietta Museum of History, Inc.; and Friends of the Strand, Inc. Additionally, Mayor Tumlin has provided legal services to Friends of the Strand, Inc. and accounting services to Marietta Museum of History, Inc. Mayor Tumlin has been/is a Member of Brumby Hall, Inc. and Cobb Landmarks & Historical Society.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20150473**

Welcome Center Contract

Motion to approve the Welcome Center contract and tourism funding.

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. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council

billboard on the property, to allow the applicant to reorient the billboard faces so that they face the east-west direction of South Marietta Parkway. He also mentioned that the panels on the billboard would be larger than what is currently at that location.

Walton Jordan, a representative of Swift Land Company, explained that the variances being requested deal with existing non-conformities for the billboard. He mentioned that they have received a vegetation management permit from the State to remove trees and vegetation in the current view zone of the sign. However, if the variance were granted the view zone for the sign would change and less trees and vegetation would be remove. The applicant feels that the proposed configuration of the sign would be in the best interest of Swift Land Company and the City.

Discussion was held by Council regarding the requested variances, which would allow the continuance of the non-conforming sign.

A motion was made by Council member Goldstein, seconded by Council member Kelly, to Deny the variance request. The motion carried by the following vote:

Vote: 7 – 0 – 0 Denied

*** 20150553 FY16 Hotel/Motel and Car Rental Tax Revenue and Distributions**

Motion to appropriate a supplemental \$100,000 allocation of 3% auto tourism funds for FY16 which tourism groups may apply for in September 2015, and \$180,000 in the FY16 tourism budget for capital projects.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20150511 Chestnut Hill Driver Speed Feedback Sign**

Motion authorizing the installation of one driver speed feedback sign on Chestnut Hill Road at the entrance to Charlton Forge Subdivision.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20150512 Burnt Hickory At Hardage Farm Subdivision Driver Speed Feedback Sign**

Motion authorizing the installation of one driver speed feedback sign on Burnt Hickory Road at Hardage Farm Subdivision.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20150230** **Permanent Easements at 692, 704, 710, and 720 Powder Springs Street**

Motion authorizing exchange of permanent landscape easements along 692, 704, 710, and 720 Powder Springs Street with QuikTrip Corporation and Oakwood Ventures I, II, III, IV, V, LLC in exchange for an equal or greater amount of permanent landscape easements along the same properties. QuikTrip Corporation and Oakwood Ventures I, II, III, IV, V, LLC shall be responsible for reconstructing sidewalk, landscaping, lighting, and all other features in the adjacent right of way and easements consistent with improvements constructed by the City of Marietta, to be approved by the Public Works Director.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20150567** **167 Hedges Street**

Motion authorizing acquisition of the property at 167 Hedges Street from the Bozeman's for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387 W. Atlanta Avenue in exchange for \$1,391.97.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20150563** **Gunter Street and Beavers Street Right of Way**

Motion authorizing advertising for a public hearing regarding the abandonment, rezoning and exchange of a portion of Gunter Street and Beavers Street right of way.

This Matter was Approved for Advertisement on the Consent Agenda.

Vote: 6 – 1 – 0

Approved for Advertisement

Voting Against: Andy Morris

* **20150565** **Boston Homes**

Motion to revise the letter of stipulations that were attached to the zoning approval for the property known as Boston Homes, and located at 53, 75, 76, & 83 Beavers Street; 57 Gunter Street, 98, 110, & 114 Howard Street; and 829, 891, & 895

