



# 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*

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Wednesday, July 8, 2015

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Grif Chalfant, Ward 2*

### 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.

**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.

### PROCLAMATIONS:

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

**SCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**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:**

- \*     **20150630**     **Regular Meeting - June 10, 2015**  
  
Review and approval of the June 10, 2015 regular meeting minutes.
  
- \*     **20150631**     **Special Meeting - June 24, 2015**  
  
Review and approval of the June 24, 2015 special meeting minutes.

**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.
  
- \*     **20150636**     **Historic Preservation Commission Appointment**  
  
Appointment of Carol Williams to the Historic Preservation Commission (Ward 5), for a three (3) expiring July 8, 2018.

**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

*The Planning Commission recommends approval.      Vote: 5-1-0*

*Mr. Vanderslice made a motion, seconded by Ms. McCrae to recommend approval as submitted with the stipulation that ownership issues be resolved before the City Council meeting. Mr. Rosenbury opposed.*

*PUBLIC HEARING (All parties sworn in.)*

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

\* **20150447**      **Z2015-21 [REZONING] JUDITH BROCK**

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.

*The Planning Commission recommends approval:      Vote: 6-0-0*

*Mr. Diffley made a motion, seconded by Mr. Poor to recommend approval as submitted.*

*PUBLIC HEARING (All parties sworn in.)*

\* **20150448**      **Z2015-22 [REZONING] RICHARD F. & MARGIE M. BAUER**

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)]

*The Planning Commission recommends approval:      Vote: 6-0-0*

*Mr. Rosenbury made a motion, seconded by Mr. Vanderslice to recommend approval as submitted.*

*PUBLIC HEARING (All parties sworn in.)*

\* **20150491**      **Z2015-23 [REZONING] JAMES W. CORLEY III**

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)]

*The Planning Commission recommends approval:   Vote: 6-0-0*

*Mr. Poor made a motion, seconded by Mr. Rosenbury to recommend approval as submitted, and to include a variance to reduce setback along Club Drive from 25 feet to 20 feet for the existing house and new garage.*

*PUBLIC HEARING (All parties sworn in.)*

\* **20150493**      **Z2015-25 [REZONING] REX HOWTON**

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.

*The Planning Commission recommends approval:   Vote: 6-0-0*

*Ms. McCrae made a motion, seconded by Mr. Diffley to recommend approval as submitted.*

*PUBLIC HEARING (All parties sworn in.)*

\* **20150492**      **Z2015-24 [REZONING] PHILIP D. & KAREN C. HYNNINEN**

Z2015-24 [REZONING] PHILIP D. & KAREN C. 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.

*The Planning Commission recommends approval:   Vote: 6-0-0*

*Mr. Vanderslice made a motion, seconded by Ms. McCrae to recommend approval as submitted.*

*PUBLIC HEARING (All parties sworn in.)*

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

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.

*The Planning Commission recommends approval:      Vote: 6-0-0*

*Mr. Duffley made a motion, seconded by Mr. Poor to recommend Approval as submitted.*

*PUBLIC HEARING (All parties sworn in.)*

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

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.

*The Planning Commission recommends approval:      Vote: 6-0-0*

*Mr. Rosenbury made a motion, seconded by Mr. Poor to recommend approval as submitted.*

*PUBLIC HEARING (All parties sworn in.)*

## **RESOLUTIONS:**

### **CITY ATTORNEY'S REPORT:**

\*      **20150649**      **Denial of Claim**

Denial of the claim of Karen G. Roll.

### **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.

\* **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.

**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.

\* **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.

\* **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.

\* **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.

\* **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.

#### **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.*

\* **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.

\* **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.

**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.

**OTHER BUSINESS:**

**20150446      V2015-25 [VARIANCE] GEORGIA-CUMBERLAND ASSOCIATION OF SEVENTH-DAY ADVENTISTS, INC.**

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.

\* **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.

\* **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.

*PUBLIC HEARING*

**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.

**\*      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.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**ADJOURNMENT:**