



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

Wednesday, February 11, 2015

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Andy Morris, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20150051 Mount Paran Christian School

Proclamation recognizing Marietta's Mount Paran Christian School as State Football Champions for 2014. They are the first since Lemon St. in 1966 and MHS in 1967.

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).

20150034 Speed Table Balloting Report

Public Hearing for Speed Tables on Maxwell Avenue

MINUTES:*** 20150092 Regular Meeting - January 14, 2015**

Review and approval of the January 14, 2015 regular meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:***** 20150113 Marietta Historic Board of Review Appointment (Ward 4)**

Reappointment Ray Worden (Ward 4) to the Historic Board of Review for a two (2) year term, expiring February 11, 2017.

ORDINANCES:**20141204 Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC**

Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC requests rezoning for property located in Land Lot 12310, District 16, Parcels 0050, 0040, 0020, 0030, 0100, 0660, 0740, 0280, 0060, 0860, and 0310, 2nd Section, Marietta, Cobb County, Georgia and being known as 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, & 114 Howard St; 829, 891, & 895 Washington Ave from RM-12 (Multi Family Residential - 12 units/acre), R-4 (Single Family Residential - 4 units/acre), OI (Office Institutional), and CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 5.

This item was tabled at the January 14, 2015 City Council Meeting. This was tabled at the request of the applicant.

* **20141042 Revised Detailed Plan for Wynhaven - 560 Powder Springs Street**

Motion to approve the revised detailed plan, including the site plan, landscape plans and architectural elevations, as well as a letter of stipulations dated February 4, 2015 from J. Kevin Moore, representing Black Orchid Realty, for the proposed development that will include single family homes and townhouses, as shown on the attached Detailed Plan for Wynhaven, signed by the owner and dated January 28, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

The purpose of this revision is to approve the revised detailed plan, including architectural elevations, for single-family homes and townhouses as shown on the attached plans - but to specifically exclude the area identified for a condominium building.

Said plans are to be developed by Black Orchid Equity, in partnership with their builder, Kerley Family Homes. Architectural elevations are also included with this revised plan.

The cabana, pool, and Townhouse units identified as TH65 - TH74 are only approved subject to the City Council abandoning the Gramling Street right of way and rezoning.

This approval shall include the following variances:

1. Variance to allow driveways to be 18' deep from back of sidewalk. However, driveways with no sidewalk will be at least 20' from back of curb.
2. Variance to eliminate the required 30' buffer against the adjacent R-2 properties.
3. Variance to reduce the required width of an access/utility easement for private streets from 50' to 40'.
4. Variance to allow single trunk Crape Myrtles and Little Gem Magnolias as street trees along Powder Springs Street.
5. Variance to exempt the townhome portion of the development from the Commercial Corridor Design Overlay - Tier B regulations.

This item was tabled at the January 14, 2015 City Council Meeting.

Motion to Table this matter until the March 11, 2015 City Council meeting.

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20150104 Denial of Claim**

Denial of the claim of Thomas Milo.

* **20150118 Denial of Claim**

Denial of the Claim of Greg Alan Titus

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

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

2. Finance/Investment: Stuart Fleming, Chairperson

* **20150030 To Engage Services of Bond Attorney**

Motion to engage Teresa P. Finister of Murray, Barnes, Finister, LLP as Bond Counsel for a fee not to exceed \$35,000 and to serve as Disclosure Counsel for a fee not to exceed \$25,000 contingent upon the issuance of new bonds for the refunding of the 2009D General Fund Park Bond.

* **20150035 Budget Amendment for Medical Director**

Approval of an Ordinance amending the Fiscal Year 2015 Budget to appropriate \$5,000 form reserves to cover the cost of medical director services for the Fire Department.

* **20150036 2015 GMA Annual Convention**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2015 Annual Convention in Savannah, GA June 26 - 30, 2015.

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

* **20150037 GWTW Memorabilia Collection Lease Renewal**

Motion to approve renewal of the contract with Dr. Chris Sullivan for lease of his Gone with the Wind Memorabilia collection.

4. Parks, Recreation, and Tourism: Michelle Cooper Kelly, Chairperson*** 20150025 2015 Street Closure Requests**

A motion to approve the closure of various streets throughout 2015 to accommodate the Glover Park Concert Series, Taste of Marietta, May-retta Daze, Fourth in the Park Parade and Festival, Art in the Park, Marietta StreetFest, Marietta Reads, Harvest Square Arts and Crafts Show, and MUST Ministries Gobble Jog as shown in the attached document items 20150025 A-I.

20150033 Juneteenth Celebration

A motion to approve 1) the temporary street closures of North and East Park Square from 2:00 am to 10:00 pm, and Lawrence St (Cherokee St. to Waddell St) from 7:00 AM to 10:00 PM on Saturday, June 19, 2015, 2) the waiver of park use and supervision fees, and 3) the provision of sanitation and waste services for this year's event for activities from Friday night through Sunday afternoon evening, June 19-21, 2014 for the purpose of conducting the annual Juneteenth celebration hosted by the NAACP Cobb County Chapter.

20150029 Hunter's Helping Hands Family Fun Day

Motion to approve the continued closure of East Park Square from 11 AM to 4 pm on Saturday, April 18 for the purpose of conducting the event. The event will be open to the public from 9 AM to 3 PM. Further, the event already has an approved road race permit with the Marietta PD that will have East Park Square closed until 11 AM on April 18.

20150047 Temporary Construction Easement Agreement for Burruss Park

Motion to approve a temporary construction easement with Dobbins ARB to provide access for streambank maintenance in Burruss Park.

5. Personnel/Insurance: Johnny Walker, Chairperson

20150024 Appointed Officials Compensation

Motion to approve the following for compensation of certain appointed officials.

- Approval of a 3 percent increase for Judge Roger Rozen and Solicitor Robert Donovan.
- Approval of a 3 percent increase for City Manager William Bruton Jr and the amendment of the existing employment agreement to include such increase.
- Approval of a 3 percent increase for Assistant to the Mayor Betsy Kelly and the changing of her hours per week to 33 as per the attached agreement.
- Approval of setting the salary of City Clerk Stephanie Guy at \$60,000 dollars.

6. Public Safety Committee: Anthony Coleman, Chairperson**20150038 Revisions to MPD Policies**

Motion approving the revisions to listed policies;

A025 (Electronic Control Weapons), A029 (Law Enforcement Safety Act), A047 (Internal Affairs), A079 (Military Deployment and Reintegration - new policy), P044 (Police Vehicles), S034 (Juvenile Procedures).

7. Public Works Committee: Grif Chalfant, Chairperson**20141329 Revised Flood Plain Management/Flood Damage Prevention Ordinance**

A Public Hearing regarding revisions to the Floodplain Management/Flood Damage Prevention Ordinance.

PUBLIC HEARING

OTHER BUSINESS:*** 20150119 Closure and abandonment of a portion of Gramling Street**

Motion to authorize advertisement for the closure and abandonment of a portion Gramling Street.

- * **20150017** **67, 77, 87 North Park Square and 85, 89 Root Street - Certificate of Approval (New Construction)**
- Motion to approve the proposed new building - a three (3) story four-sided brick building - as shown on the attached plans by Warner Architectural Associates, to be located at 67, 77 & 87 North Park Square and 85 & 89 Root Street, in Land Lot 12182, District 16, 2nd Section, Marietta, Cobb County, Georgia.
- Philip M. Goldstein is the owner and Manager of Marietta Properties, LLC.
- The Historic Board of Review recommended denial.*
- A motion was made by Brown, seconded by Paden that the recommendation for this Motion be denied. The motion carried by the following vote:*
- 7- 2- 0 (In Favor - Lee, Worden, Freedman, Paden, Brown, Woodruff, Walker)
(Opposed - Contreras, Fulmer)*
- Motion to refer this matter back to the Marietta Historic Board of Review.*
- * **20150094** **Streamlined Telecommunications Application for Alternative Structure (Monopine) at 890 Franklin Road**
- Motion to approve the Streamlined Telecommunications Application for an Alternative Structure (Monopine), as requested for the property located at 890 Franklin Road in Land Lot 07160, District 17, 2nd Section, Marietta, and Cobb County, Georgia.
- Councilman Goldstein disclosed that Verizon Wireless has/had a lease with him at 70 Waverly Way.*
- 20150090** **Police Body Cameras**
- Discussion regarding body cameras for Marietta Police as requested by Council member Coleman.
- * **20150079** **537 Whitlock Avenue**
- Motion accepting the donation of a temporary easement at Parcel 6, 537 Whitlock Avenue from Cline Patterson & Sharon Fisher for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150080 542 Whitlock Avenue**

Motion accepting the donation of a temporary easement at Parcel 7, 542 Whitlock Avenue from Cline Patterson for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150081 521 Whitlock Avenue**

Motion accepting the temporary driveway and construction easement with attached stipulations in exchange for \$765.00 at parcel 8, 521 Whitlock Avenue from Cline L. Patterson for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150082 534 Whitlock Avenue**

Motion accepting the donation of a temporary easement at parcel 9, 534 Whitlock Avenue from Cline L. Patterson for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150083 20 Brookwood Drive**

Motion accepting the temporary driveway and construction easement with attached stipulations in exchange for \$1,785.00 at parcel 10, 20 Brookwood Drive from Cline L. Patterson for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150084 428 Whitlock Avenue**

Motion accepting the donation of a temporary easement at Parcel 22, 428 Whitlock Avenue from Samantha & Mary Elizabeth Graves, for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150085 349 Whitlock**

Motion accepting the donation of a temporary easement with attached stipulations at Parcel 25, 349 Whitlock Avenue from Frances I. Brown for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150086 346 Whitlock Avenue**

Motion accepting the donation of a temporary easement at Parcel 26, 346 Whitlock Avenue from Jane Williams Sherlock and Kathleen Scott for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150087 298 Whitlock Avenue**

Motion accepting the agreement of a temporary driveway easement and property acquisition with attached stipulations in exchange for \$5,110.00 at parcel 28, 298 Whitlock Avenue from Jewell Warne Cone & Edwin Albert for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150088 282 Whitlock Avenue**

Motion accepting the agreement of temporary driveway easement and property acquisition with attached stipulations in exchange for \$4,839.00 at parcel 29, 282 Whitlock Avenue from Chad C. Almy for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150089 232 Whitlock Avenue**

Motion accepting donation of temporary easement at Parcel 31, 232 Whitlock Avenue from Donald C. & Daniel W. McLarty for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150120 220 Whitlock Avenue**

Motion accepting donation of temporary easement at Parcel 33, 220 Whitlock Avenue from Rebekah L. Callihan for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150121 440 Whitlock Avenue**

Motion accepting the donation of a temporary easement with the stipulation to have an additional 18" added to each dust pan/driveway at Parcel 19, 440 Whitlock Avenue from Gerald P. Alvarez & Virginia A. Stevens, for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150122 447, 455, 475, 485 Whitlock Avenue**

Motion accepting donation temporary driveway easements, temporary construction easements, and required Right-of-way at Parcel 14 (455 Whitlock Avenue), Parcel 15 (485 Whitlock Avenue), Parcel 17 (475 Whitlock Avenue), and Parcel 20 (447 Whitlock Avenue) from ROY E. & MARIE D. BARNES for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20150123 27 N. Fairground Street**

Motion to authorize the acquisition of property owned by NS-MGP, Inc. (a/k/a AT&T) on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20150093 BLW Actions of the February 9, 2015**

Review and approval of the February 9, 2015 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: