



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, February 10, 2021

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Michelle Cooper Kelly, Ward 6

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20210153 Black History Presentation

Presentation presented by Mr. Pervis Brown for Black History Month. He is a veteran, historian as well as a current Doctoral Student at the University of Michigan. Introduced by Council Member Reggie Copeland.

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20201052 Scheduled Appearance

Scheduled Appearance - Brian Peters

- 20210052** **Scheduled Appearance**
Scheduled Appearance - Ron Remillard
- 20210102** **Scheduled Appearance**
Scheduled Appearance - Donald Barth
- 20210116** **Scheduled Appearance**
Scheduled Appearance - Matthew Grund

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:

- * **20210080** **Executive Session Minutes**
Review and approval of the following executive session minutes:
- September 9, 2019 Agenda Work Session
 - September 11, 2019 Agenda Review Session
 - October 7, 2019 Agenda Work Session
 - October 29, 2019 Special Called Agenda Work Session
- * **20210119** **Meeting Minutes - January 13, 2021**
Review and approval of the January 13, 2021 meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:**

- * **20210129** **Marietta Civil Service Board - Post 5**
Reappointment of Philip Hynninen to the Marietta Civil Service Board (Post 5), for a one-year term expiring January 31, 2022, as recommended by the Civil Service Board. *Philip Hynninen has been on the board since January 2019.*

* **20210147** **Historic Board of Review Appointment (Ward 7)**

Appointment of Martin C. Kendall to the Historic Board of Review Ward 7 for a two (2) year term, expiring February 8, 2023.

ORDINANCES:

20210034 **Z2021-02 [REZONING] SCP ACQUISITIONS, LLC**

Z2021-02 [REZONING] SCP ACQUISITIONS, LLC is requesting the rezoning of 7.73 acres located in Land Lots 732, 733, 780, & 781, District 17, Parcel 0180 of the 2nd Section, Cobb County, Georgia, and being known as 2086 Cobb Parkway South from CRC (Community Retail Commercial) to PRD-MF (Planned Residential Development - Multi Family) and CRC (Community Retail Commercial). Ward 7A.

The Planning Commission recommends Approval as Stipulated.

Mr. Anderson made a motion, seconded by Mr. Hunter to recommend approval as stipulated. The motion carried 5-1-0. Ms. McCrae opposed.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from Sams, Larkin & Huff to Rusty Roth, Director Development Services for the City of Marietta, dated January 21, 2021.

Public Hearing (all parties are sworn in)

20210035 **Z2021-03 [REZONING] Z AND C CORP, LLC**

Z2021-03 [REZONING] Z AND C CORP, LLC is requesting the rezoning of 0.848 acres located in Land Lot 147, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 718 Fairgate Road from CRC (Community Retail Commercial) to RA-8 (Single Family Residential - Attached). Ward 3A.

The Planning Commission recommends Approval as Stipulated.

Ms. McCrae made a motion, seconded by Mr. Kinney to recommend approval as stipulated. The motion carried 6-0-0.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from Adam J. Rozen of Rozen & Rozen, PC, to Robin Osindele, Urban Planner for the City of Marietta, dated February 1, 2021.

Public Hearing (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****20210115 Denial of Claim**

Denial of Claim for Renardo Nehimiah Lewis and Lubreeze Lewis.

Council Member Goldstein discloses that Renardo Nehimiah Lewis is a tenant of Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in the vote on or discussion of this matter in his official capacity as a Council Member.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****2. Finance/Investment: Joseph R. Goldstein, Chairperson***** 20210074 Tree Preservation Fund (Bullock)**

Motion to approve an Ordinance for an amendment to the Fiscal Year 2021 Tree Preservation Fund budget to receive and appropriate a payment of \$660.00 from Darrell Bullock for 301 Lemon Street.

*** 20210075 Tree Preservation Fund (Vickers)**

Motion to approve an Ordinance for an amendment to the Fiscal Year 2021 Tree Preservation Fund budget to receive and appropriate a payment of \$3,960.00 from MKR Enterprises, LLC for 345 Cobb Parkway South.

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20210092 Revised Detailed Plan - The Cottages at Keeler Woods**

Motion to authorize the establishment of a gated community for the Cottages at Keller Woods according to standards set forth in Section 726.03.

* **20210106** **Revised Detailed Plan - AUFC Storage Container**

Motion to authorize Atlanta United to permanently place a Conex storage container on a portion of 849 Franklin Gateway with the condition that the container be painted AUFC colors.

* **20210093** **Revised Detailed Plan - The Dugout (1468 Cobb Pkwy N)**

Motion to approve a revised landscape plan for the The Dugout at 1468 Cobb Parkway North. This request includes the following:

Replacement of the street trees along Cobb Parkway North with 6' tall shrubs due to a water line easement.

Construction of a wood fence as shown in the attached picture along the Cobb Parkway North frontage. The fence will be set back far enough so the proposed shrubs can be between the fence and the right of way.

* **20200975** **Home Delivery of Alcoholic Beverages**

Motion to approve an ordinance amending Section 8-8-2-190 of the City Code to allow for the home delivery of alcoholic beverages by certain businesses.

First Reading

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

*** 20210098 2021 Street Closure and Associated Alcohol Sales and Consumption Requests**

Motion authorizing street closures and alcohol sales and consumption for the following city sponsored and/or city sanctioned events contingent on the expiration of, or modifications to, the Governor's Executive orders related to COVID-19 that would allow the individual events to safely comply with said orders or resume normal operations in the absence of any restrictive orders by the Governor or city officials. Each event will be denied or approved by city staff at the earliest possible time based on restrictions or the lack thereof.

Street Closures:

- May-retta Daze Spring Arts and Crafts Festival
- Glover Park Concert Series
- Juneteenth
- Fourth in the Park
- Art in the Park
- Marietta Reads
- Marietta StreetFest
- Chalktoberfest
- HarvestFest
- Taste of Marietta
- MUST Ministries Gobble Jog

Alcohol Requests:

- Taste of Marietta
- Art in the Park
- Chalktoberfest

Council Member Goldstein discloses that he is a member of the Marietta Cobb Museum of Art (MCMA).

Council Member Goldstein discloses that he is a Board Member for the Marietta Visitors Bureau representing the City of Marietta.

* **20210057 Sidewalk Saturday**

Motion to recommend approval of the request from the Marietta Square Branding Project to waive Section 5-4-110A of the Marietta City Code of Ordinances to allow merchants in the downtown business district to display merchandise for sale. The event dates would be on Saturday only and will be approved by the City Manager. This waiver is approved provided there is a four-foot pathway maintained on sidewalks and the merchandise is removed if a city staff person, as designated by the city manager, requests that the merchandise be removed from the sidewalk.

Council Member Goldstein discloses that Philip M. Goldstein is a member of the Branding Project and that members of his family own property leased to merchants that may participate in the proposed Sidewalk Saturday. Philip M. Goldstein is the father of Council Member Goldstein.

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20210069 2021 Appointed Officials Review**

Motion approving an ordinance to increase the salaries of the following appointed officials by three percent, payable in installments per city administrative procedures retroactive to January 1, 2021:

- Administrative Assistant to the Mayor, with amendment of the associated employment agreement
- City Clerk
- City Manager, with amendment of the associated employment agreement
- BLW General Manager
- Municipal Court Judge
- Prosecuting Attorney

Additionally, the compensation of the position of Associate Judge shall be set at \$275.00 per session effective upon passage and not retroactive. The compensation of the position of Assistant Prosecuting Attorney shall be set at \$250.00 per session effective upon passage and not retroactive.

6. Public Safety Committee: Reggie Copeland, Chairperson

20210103 City Hall Security

Motion to approve the screening of people entering the City Council Chambers for public meetings with the use of a metal detector.

7. Public Works Committee: Grif Chalfant, Chairperson

- * **20210084 Tom Read Drive Speed Study**

Motion authorizing Public Works to proceed with a Public Information Meeting for speed tables on Tom Read Drive.

- * **20210085 Darien Way Speed Study**

Motion authorizing Public Works to proceed with the installation of a 4-way stop intersection at Darien Way and South Keller Woods Drive and with the posting of a lower speed limit to 25 MPH on Darien Way from Stewart Avenue to Keeler Woods Drive.

- * **20210100 Roosevelt Circle and McIntosh Avenue Speed Study**

Motion authorizing Public Works to hold a Public Information Session for speed tables and stop sign on Roosevelt Circle and McIntosh Avenue.

- * **20210086 Bouldercrest Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Bouldercrest Drive, from Walnut Drive to Longstreet Drive, to determine if traffic calming devices are needed.

- * **20210099 Longstreet Drive and Hampton Place Stop Sign**

Motion authorizing Public Works to create a 3-way stop at the intersection of Longstreet Drive and Hampton Place including a stop sign ahead sign and trimming of vegetation.

- * **20210105 Lockheed Avenue Street Parking**

Motion authorizing a no parking zone to be installed along both sides of Lockheed Avenue from South Marietta Parkway to Pine Forest Way.

- * **20210122 Freyer Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Freyer Drive, from Cherokee Street to Allgood Road, to determine if traffic calming devices are needed.

* **20210087** **AT&T Utilities - 1GW48036N-A**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Durham Street, Hazel Street, Whitlock Drive, Maxwell Avenue, Northcutt Street, McDonald Street, Rambo Place, North Hillcrest Drive, West Service Street, East Service Street, and South Woodland Drive. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

Council member Goldstein abstaining

* **20210088** **AT&T Utilities - 1GW48036N-B**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along South Woodland Drive, Chinquapin Drive, Chestnut Drive, Walnut Drive, Hickory Drive, West Club Drive, and Redwood Drive. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

Council member Goldstein abstaining

* **20210089** **AT&T Utilities - 1GW48044N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Northcutt Street to Maxwell Avenue and then west to 247 Maxwell Avenue down to the new Fiber Distribution Cabinet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

Council member Goldstein abstaining

* **20210090** **AT&T Utilities - 1GW81012N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Scufflegrit Road, starting at Holcomb Lake Road, for 240 feet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

Council member Goldstein abstaining

* **20210091** **AT&T Utilities - 1GW81017N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Ross Road, starting at Sandy Plains Road, for 262 feet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

Council member Goldstein abstaining

* **20210094** **Memorandum of Agreement with the Cobb County Soil and Water Conservation District**

Motion authorizing the execution of the Memorandum of Agreement between the City of Marietta and the Cobb County Soil and Water Conservation District.

OTHER BUSINESS:

20210036 V2021-07 [VARIANCE] TWO OIL 5, LLC

V2021-07 [VARIANCE] TWO OIL 5, LLC is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1211, District 16, Parcels 1380 & 1390, 2nd Section, Marietta, Cobb County, Georgia, and being known as **49 Cobb Parkway North**. Ward 5A.

Variances:

Variance to reduce the minimum lot size from 20,000 sq.ft. to 12,980 sq.ft. [*§708.16 (H)*]

Variance to reduce the site design optional elements for the Commercial Corridor Overlay District Tier A from 50% to 40%. [*§712.09(E.2)*]

Variance to waive the maximum 16' front setback from Key Drive [*§712.09(F.2.b.i)*]

Variance to reduce the private landscape zone between the sidewalk and the building face [*§712.09(F.4.a.ii)*]

Variance to allow the curb cut along Key Drive to remain within 40 feet of an intersection. [*§716.02(B)*]

Public Hearing (All parties are sworn in)

*** 20210156 609 & 617 Frasier Street**

Motion to authorize and direct the Director of Public Works and the City Attorney to conduct the legal advertisements for the public sale of certain property within the City of Marietta. The process shall include the conducting of legal advertisements and bidding. The Director of Public Works is hereby authorized to establish a minimum price of such property and to implement any other matters required by State law or beneficial to the City of Marietta. Any and all bids shall be returned to the Mayor and Council for final review following a public hearing on this matter. This motion applies to 609 & 617 Frasier Street Properties. A copy of the description of such property is on file with the Public Works Department.

*** 20210154 565 & 567 Powder Springs Street**

Motion to authorize the acquisition of property owned by B J FRYE, LLC 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.

* **20210155** **531, 541 & 551/561 Powder Springs Street**

Motion to authorize the acquisition of property owned by BJJ, JR. LLC 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.

* **20210121** **BLW Actions of February 8, 2021**

Review and approval of the February 8, 2021 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: