



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, October 13, 2021

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Rabbi Daniel Dorsch on behalf of Council Member Joseph Goldstein, Ward 7

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20210788 Fire Prevention Week Poster Contest Winners

Council Members Cheryl Richardson & Reggie Copeland with the Marietta Fire Department will recognize the 3rd grade students from each of the Marietta City Schools, who are the winners of the Fire Prevention Week poster contest. The Grand Prize Winner will be announced the 13th of October.

AL Burruss Elementary	Alyssa Mae Fairley
Dunleith Elementary	Kayden Balark
Hickory Hills Elementary	Laura Lue
Lockheed Elementary	Eugenia Powell
MCAA	Darcy Flanagan
Park Street Elementary	Jimena Zacarias
Sawyer Road Elementary	Onome Oghene-Ruemu
Westside Elementary	Charlotte Jones

PROCLAMATIONS:

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

**Each speaker is allotted five (5) minutes,
for a combined total of 20 minutes.**

- 20210869** **Scheduled Appearance**
Scheduled Appearance - Donald Barth
- 20210872** **Scheduled Appearance**
Scheduled Appearance - Valentin Cruz

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:

- * **20210819** **Regular Meeting - September 8, 2021**
Review and approval of the September 8, 2021 regular meeting minutes.
- * **20210821** **Executive Session Minutes**
Review and approval of the following executive session minutes:
September 3, 2020 Agenda Work Session
September 29, 2020 Special Called Agenda Work Session
November 9, 2020 Agenda Work Session
December 9, 2020 Agenda Review Session

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

20210773 Marietta Development Authority Appointment - Post 2

Appointment of William Dunaway to the Marietta Development Authority (Post 2) for a two (2) year term expiring October 13, 2023.

*** 20210831 Marietta Development Authority Appointment - Post 3**

Reappointment of Sterling G. Wharton to the Marietta Development Authority (Post 3) to be for a term of four (4) years, expiring October 13, 2025.
Sterling Wharton has served on the Board since October 2009.

*** 20210838 Historic Preservation Commission Appointment - Ward 6**

Reappointment of Rebecca Nash Paden (Ward 6) to the Historic Preservation Commission for a term of three years, expiring October 13, 2024.
Rebecca Nash Paden has served on the Board since March 2016.

*** 20210829 Marietta Civil Service Board - Post 2**

Appointment of E. Darden Borders to the Marietta Civil Service Board (Post 2), for a three-year term expiring December 31, 2024.

ORDINANCES:**20210665 Z2021-12 [REZONING] CITY OF MARIETTA**

Z2021-12 [REZONING] CITY OF MARIETTA is requesting the rezoning of 0.353 acres located in Land Lots 1286, District 16, Parcels 0600, 0590, 0060 & 0050 of the 2nd Section, Cobb County, Georgia, and being known as 591, 599, 609, & 617 Frasier Street from RA-6 (Single Family Attached - 6 units/acre), OI (Office Institutional), and LRO (Low Rise Office) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

The Planning Commission recommends Approval.

Mr. Duffley made a motion, seconded by Mr. Smith to recommend approval as submitted. The motion carried 7-0-0.

Public Hearing (all parties sworn in)

20210760 Z2021-13 [REZONING] TRATON, LLC (JAMES & GLORIA ADAMS)

Z2021-13 [REZONING] TRATON, LLC (JAMES & GLORIA ADAMS) are requesting the rezoning of 10.19 acres located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia, and being known as 1326 Old Bells Ferry Road from R-20 (Single Family Residential - County) to PRD-SF (Planned Residential Development Single Family - City). Ward 4B.

*Planning Commission recommends to **TABLE** this item.*

Mr. Kevin Moore, Esq., for the Applicant, requested to table this request to the November meeting to give the City and County time to discuss the County's notice of intent to object to the annexation.

Mr. Diffley made a motion, seconded by Mr. Anderson to table this request. The motion carried 7-0-0.

Motion to Table

20210761 A2021-01 [ANNEXATION] TRATON LLC

A2021-01 [ANNEXATION] TRATON LLC is requesting the annexation of property located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia and being known as 1326 Old Bells Ferry Road, and any associated right of way, consisting of approximately 10.19 acres. Ward 4B.

*Planning Commission recommends to **TABLE** this item.*

Mr. Kevin Moore, Esq., for the Applicant, requested to table this request to the November meeting to give the City and County time to discuss the County's notice of intent to object to the annexation.

Mr. Diffley made a motion, seconded by Mr. Anderson to table this request. The motion carried 7-0-0.

Motion to Table

20210762 CA2021-04 [CODE AMENDMENT]

CA2021-04 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia and being known as 1326 Old Bells Ferry Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

*Planning Commission recommends to **TABLE** this item.*

Mr. Kevin Moore, Esq., for the Applicant, requested to table this request to the November meeting to give the City and County time to discuss the County's notice of intent to object to the annexation.

Mr. Difley made a motion, seconded by Mr. Anderson to table this request. The motion carried 7-1-0.

Motion to Table

20210763 Z2021-14 [REZONING] BLUE RIVER DEVELOPMENT, LLC

Z2021-14 [REZONING] BLUE RIVER DEVELOPMENT, LLC is requesting the rezoning of 5.91 acres located in Land Lot 208, District 17, Parcels 0280, 0290, 0400 & a portion of 0510 of the 2nd Section, Cobb County, Georgia, and being known as 1555, 1565, & 1575 Roberta Drive and a portion of a parcel on Saine Drive from RSL (Residential Senior Living - County) and CF (Future Commercial - County) to PRD-SF (Planned Residential Development Single Family - City). Ward 3A.

The Planning Commission recommends Approval as Stipulated.

Mr. Difley made a motion, seconded by Mr. Hunter to recommend approval as stipulated. The motion carried 7-0-0.

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

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated October 4, 2021.

Public Hearing (all parties sworn in)

20210764 A2021-02 [ANNEXATION] BLUE RIVER DEVELOPMENT LLC

A2021-02 [ANNEXATION] BLUE RIVER DEVELOPMENT LLC is requesting the annexation of property located in Land Lot 208, District 17, Parcels 0280, 0290, 0400 & 0510 of the 2nd Section, Cobb County, Georgia and being known as 1555, 1565, & 1575 Roberta Drive and a portion of a parcel on Saine Drive, and any associated right of way, consisting of approximately 5.91 acres. Ward 3A.

The Planning Commission recommends Approval.

Mr. Difley made a motion, seconded by Mr. Hunter to recommend approval. The motion carried 7-0-0.

Public Hearing (all parties sworn in)

20210765 CA2021-05 [CODE AMENDMENT]

CA2021-05 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 208, District 17, Parcels 0280, 0290, 0400 & and a portion of 0510 of the 2nd Section, Cobb County, Georgia and being known as 1555, 1565, & 1575 Roberta Drive and a portion of a parcel on Saine Drive, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 3A.

The Planning Commission recommends approval.

Mr. Difley made a motion, seconded by Mr. Hunter to recommend approval. The motion carried 7-0-0.

Public Hearing (all parties sworn in)

20210483 CA2021-03 [CODE AMENDMENT]

CA2021-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.15 Neighborhood Retail Commercial (NRC), Division 708.16 Community Retail Commercial (CRC), Division 708.17 Regional Retail Commercial (RRC), Division 708.18 Central Business District (CBD), Division 708.22 Low Rise Office (LRO), Division 708.23 Office Institutional (OI), Division 708.24 Office Services (OS), Division 708.25 Office High Rise (OHR), Division 708.26 Light Industrial (LI), and Division 708.27 Heavy Industrial (HI), regarding exterior building materials.

The Planning Commission recommends Approvals.

Mr. Anderson made a motion, seconded by Mr. McClure to recommend approval. The motion carried 7-0-0.

Public Hearing (all parties sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Johnny Walker, Chairperson**
- 2. Finance/Investment: Joseph R. Goldstein, Chairperson**

*** 20210795 21st Century Community Learning Centers Grant**

Motion to approve the 21st Century Community Learning Centers Grant Award for the YELLS program and the accompanying FY2022 Budget Amendment.

- 3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

* **20210730 Pension Plan Amendments**

Motion approving an ordinance amending the defined benefit pension plans to simplify and streamline Pension Board nomination and election procedures.

Second Reading

* **20210822 Final Plat - 521 Atlanta**

Motion to approve the final plat for 521 Atlanta Street, a forty (40) unit townhome development approved per Z2020-19.

* **20210823 Final Plat - The Townes at Marietta Phase II**

Motion to approve the Phase 2 final plat for the Townes at Marietta on Wylie Road.

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

* **20210811 Branding Project Winter Wonderland Request**

Motion to approve a request from the Branding Project in partnership with the Marietta Arts Council to close Winters Street between S. Park Square and Anderson St., from noon Wednesday, December 1 to noon Friday, December 3 for an interactive art display to be featured during the evening of the Santa on the Square event, December 2, 2021. The organizations shall present plans at the Parks, Recreation and Tourism Committee Tuesday, November 23 seeking approval to extend the displays in another park location for the duration of the Winter Wonderland displays.

Council Member Goldstein discloses that Philip M. Goldstein is a member of the Branding Project and members of his family and/or entities owned by members of his family own property in downtown Marietta. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein elects to abstain on this issue.

Council member Goldstein abstaining

* **20210834 Marietta History Museum**

Motion to approve the Marietta Museum of History to display holiday panels as part of Winter Wonderland on the Square.

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20210837 Retirement of Judge Rozen**

Motion to authorize staff to conduct a search for a candidate to fill the upcoming Chief Judge vacancy, with interviews with potential candidates to be held in December.

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20210661 2011 SPLOST Project Budget Reallocation**

Motion to reallocate 2011 SPLOST Project Funds among previously approved 2011 SPLOST projects.

Council Members Cheryl Richardson and Joseph Goldstein opposed

* **20210662 2016 SPLOST Project Budget Reallocation**

Motion to reallocate 2016 SPLOST Project Funds among previously approved 2016 SPLOST projects.

Council Member Joseph Goldstein opposed

* **20210801 City of Marietta - Cobb County Intergovernmental Agreement for Stream Monitoring and Sampling.**

Motion authorizing acceptance of the updated Inter-Governmental Agreement for the term 2019-2024.

* **20210802 Rigby Street Utilities - A0265KA**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber and requiring the removal of all duplicate utility poles where AT&T is "next to transfer" along Fort Street (750 feet) and Rigby Street (400 feet) for a total of 1,050 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 Joseph Goldstein abstaining

* **20210650 Soaring Way Parking**

Motion authorizing a no parking zone to be installed along both sides of the street at 991 to 979 Soaring Way, a total of four (4) signs, to be installed in accordance with City standards and the Manual on Uniform Traffic Control Devices (MUTCD).

* **20210804 North Saint Mary's Lane Speed Study**

Motion authorizing Public Works to conduct the speed study of North Saint Mary's Lane, from Kennesaw Avenue to the cul-de-sac, to determine if traffic calming devices are needed.

* **20210805 Trammell Street Traffic Calming**

Motion authorizing Public Works to proceed with the Public Information Meeting with the residents on Trammell Street to discuss possible traffic calming options.

* **20210806 Saint Anne's Road Traffic Calming**

Motion authorizing Public Works to proceed with the Public Information Meeting with the residents on Saint Anne's Road to discuss possible traffic calming options.

* **20210807 Park Street Traffic Calming**

Motion authorizing Public Works to proceed with the Public Information Meeting with the residents and Marietta City Schools on Park Street to discuss possible traffic calming options.

* **20210808 Austin Avenue Traffic Calming**

Motion authorizing Public Works to lower and post the speed limit to 25 MPH on Austin Avenue from Cobb Parkway North to Roswell Street in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

* **20210824** **Wellstar/Kennestone Hospital Signage**

Motion to allow the installation of additional wayfinding signage for Wellstar/Kennestone Hospital on City of Marietta traffic poles and support wiring at the Church Street and Whitcher Street (eastbound) intersection; the Church Street (southbound) and Cherry/Whitcher Street intersection; and the Tower Road (eastbound) and Church Street intersection and with the provided Revocable Easement Agreement and the Release & Indemnity Agreement. The additional signage will be installed according to the Manual on Uniform Traffic Control Devices (MUTCD), including matching existing signage sizes.

Council Member Joseph Goldstein opposed

OTHER BUSINESS:

* **20210828** **Civil Service Board Election - Post 2**

Motion to approve the certified Uncontested Election results for the Marietta Civil Service Board Post 2 vacancy, electing Edgar Darden Borders, II for a term of three years, effective January 1, 2022 and expiring on December 31, 2024.

* **20210864** **2022 Comprehensive Plan Update Agreement with the Atlanta Regional Commission**

Motion authorizing the Atlanta Regional Commission to assist in the development of the City's 2022 Comprehensive Plan Update.

20210865 **Lease Extension**

Motion to show support for the extension of the lease of City property on Dobbs Street with James Eubanks of Old Marietta Properties, LLC and that the City Attorney will work with the appropriate parties to bring back documents to Council for consideration.

* **20210868** **Pickens Industrial Drive Storm Damage**

Motion to allocate 2016 SPLOST Project Funds from the General Streets/Drainage Account to repair the creek crossing on Pickens Industrial Drive using a precast concrete bridge at a cost of \$638,065.00.

* **20210873** **Surplus Abandoned Well Property**

Motion to approve a recommendation from the Board of Lights and Water to join in the transaction and convey a Quit Claim Deed for the 750 square feet of surplus abandoned well property lying within the 67 Trammell Street to ensure a clean title.

* **20210875** **2nd Amendment to the Purchase and Sale Agreement of 942 Roswell Street**

Motion to approve the 2nd Amendment to the Purchase and Sale Agreement of 942 Roswell Street.

* **20210820** **BLW Actions of October 11, 2021**

Review and approval of the October 11, 2021 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes,
for a combined total of 30 minutes.**

ADJOURNMENT: