



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary 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

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 Flanegan |
| Park Street Elementary | Jimena Zacarias |
| Sawyer Road Elementary | Onome Oghene-Ruemu |
| Westside Elementary | Charlotte Jones |

Presented

20210869 Scheduled Appearance

Scheduled Appearance - Donald Barth

Present

20210872 Scheduled Appearance

Scheduled Appearance - Valentin Cruz

Present

*** 20210819 Regular Meeting - September 8, 2021**

Review and approval of the September 8, 2021 regular meeting minutes.
Approved and Finalized

* **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

Approved and Finalized

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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

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

Public Hearing (all parties sworn in)

Approved and Finalized

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.

Tabled

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.

Tabled

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

Tabled

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 & 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 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. Diffley 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)

Motion to approve the rezoning with the following additional stipulations: Variances (14)(c.) and (14)(f.) regarding the stream buffers are removed from this letter and will be addressed at a later date.

Sidewalks along the development frontage will be provided along Roberta Drive and Saine Drive.

Approved as Amended

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

Public Hearing (all parties sworn in)

Approved and Finalized

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

Public Hearing (all parties sworn in)

Approved and Finalized

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)

Motion to approved the code amendments with an amendment to G(3a) of each section, with shall read, "Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look)."

Approved as Amended

* **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.

Approved and Finalized

* **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

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **20210834 Marietta History Museum**

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

Approved and Finalized

* **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.

Approved and Finalized

* **20210661 2011 SPLOST Project Budget Reallocation**

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

Approved and Finalized

* **20210662 2016 SPLOST Project Budget Reallocation**

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

Approved and Finalized

- * **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.

Approved and Finalized

- * **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.

Approved and Finalized

- * **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).

Approved and Finalized

- * **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.

Approved and Finalized

- * **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.

Approved and Finalized

- * **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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).

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

* **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.

Approved and Finalized

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.

Approved and Finalized

*** 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.

Approved and Finalized

*** 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. Further, the City shall require a Hold Harmless and Indemnity Agreement from the buyer as part of the sale.

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. Further, the City shall require a Hold Harmless and Indemnity Agreement from the buyer as part of the sale.

Approved and Finalized

*** 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.

Approved and Finalized

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

Motion to approve the October 11, 2021 actions and minutes of Marietta Board of Lights and Water, excluding BLW agenda item 20210849, Renewable Energy Credits.

Approved and Finalized