



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
Andy Morris, Ward 4
M. Carlyle Kent, Ward 5
Andre L. Sims, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, April 13, 2022

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Andre Sims, Ward 6

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20220367 **Mount Paran Christian School's Girls' Basketball Team**

Presentation to recognize Coach Stephanie Dunn for being selected Coach of the Year and the 2022 State Champions Mount Paran Girls' Basketball Team.

20220392 **Presentation for Jim Croy**

Presentation by Council Member Morris to recognize Jim Croy for his retirement and his contribution to the Marietta Community.

Requested by Council Member Morris

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.**

- 20220284** **Scheduled Appearance**
Scheduled Appearance - Lisa Hodge
- 20220286** **Scheduled Appearance**
Scheduled Appearance - Elliot Paulk
- 20220365** **Scheduled Appearance**
Scheduled Appearance - George Bentley
- 20220361** **Scheduled Appearance**
Scheduled Appearance - Donald Barth

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:

- * **20220327** **Regular Meeting - March 9, 2022**
Review and approval of the March 9, 2022 regular meeting.
- * **20220328** **Executive Session Minutes**
Review and approval of the following executive session minutes:

April 14, 2021 Agenda Review Session
May 10, 2021 Agenda Work Session
July 8, 2021 Agenda Work Session
August 24, 2021 Special Called Agenda Work Session

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:**ORDINANCES:****20211702 Z2022-05 [REZONING] TRATON, LLC. (JAMES & GLORIA ADAMS)**

Z2022-05 [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 MXD (Mixed Use Development - City). Ward 4B.

Planning Commission recommends Denial.

Mr. McClure made a motion to approve the request as submitted. The motion was not seconded.

Mrs. McCrae made a motion, seconded by Mr. Duffley, to recommend denial as submitted. The motion carried 3-1-0. Mr. McClure opposed the denial.

If Council approves the rezoning, the following variances would be incorporated as a condition of rezoning:

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 March 31, 2022, with the removal of variance 12(a).

Public Hearing (all parties are sworn in)

20211073 A2022-02 [ANNEXATION] TRATON LLC. (JAMES & GLORIA ADAMS)

A2022-02 [ANNEXATION] TRATON LLC. (JAMES & GLORIA ADAMS) 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 Denial.

Mrs. McCrae made a motion, seconded by Mr. Duffley, to recommend denial as submitted. The motion carried 3-1-0. Mr. McClure opposed the denial.

Public Hearing (all parties are sworn in)

20211074 CA2022-02 [CODE AMENDMENT]

CA2022-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lot 9310, 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 Approval.

Mr. Diffley made a motion, seconded by Mr. McClure, to recommend approval as submitted. The motion carried 4-0-0.

Public Hearing (all parties are sworn in)

20220228 Z2022-10 [REZONING] DAN DURSO (SOUTH COAST INVESTORS LLC)

Z2022-10 [REZONING] DAN DURSO (SOUTH COAST INVESTORS LLC) are requesting the rezoning of 0.73 acres located in Land Lot 1216, District 16, Parcel 0430 of the 2nd Section, Cobb County, Georgia, and being known as 362 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A

Planning Commission Tied 2-2.

Mrs. McCrae made a motion, seconded by Mr. Diffley, to recommend denial as submitted. The motion failed with a vote of 2-2-0. Chairman Kinney and Mr. McClure opposed the recommendation.

Public Hearing (all parties are sworn in)

20220232 Z2022-13 [REZONING] WHITE HAWK BUSINESS PARK III, LLC.

Z2022-13 [REZONING] WHITE HAWK BUSINESS PARK III, LLC is requesting the rezoning of 2.01 acres located in Land Lot 874, District 16, Parcels 0240 & 0250 of the 2nd Section, Cobb County, Georgia, and being known as 1377 & 1395 Canton Road from NRC (Neighborhood Retail Commercial) and C RC (Community Retail Commercial) to LI (Light Industrial). Ward 6B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded Mrs. McCrae, to recommend approval as submitted. The motion carried 4-0-0.

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

Letter of stipulations and variances from Adam J. Rozen, P.C. to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 1, 2022.

Public Hearing (all parties are sworn in)

20220153 CA2022-04 [CODE AMENDMENT] Code Amendment Section 712.08 Tree Protection and Landscaping

CA2022-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.08 Tree Protection, and landscaping regarding appropriate tree species on small residential lots.

Planning Commission recommends Approval.

Mrs. McCrae made a motion, seconded by Mr. Diffley, to recommend approval as submitted. The motion carried 4-0-0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20220340 Denial of Claim**

Denial of Claim for Calvin Fields.

- * **20220354** **Denial of Claim**
Denial of Claim for Paige Abney.

- * **20220375** **Denial of Claim**
Denial of Claim for Hubert Stuttles.

- * **20220376** **Denial of Claim**
Denial of Claim for Jolene McIntyre & Gary McIntyre.

- * **20220388** **Denial of Claim**
Denial of Claim for Marvin Lopez.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Andre L. Sims, Chairperson**

- * **20220288** **CDBG PY2022 Annual Action Plan**
Motion to approve the proposed CDBG Annual Action Plan for Program Year 2022.

2. Finance/Investment: Joseph R. Goldstein, Chairperson

- * **20220289** **Selection of Audit Firm**
Motion to authorize the execution of a contract between the City of Marietta and Nichols, Cauley, & Associates, as the audit firm for financial auditors for fiscal year 2022 through fiscal year 2025.

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

20220087 Sanitary Conditions and Procedures

Motion to approve the revised ordinance to Sect. 7-4-2-110 - Sanitary Conditions and Procedures.

Second Reading

20210589 Charter Amendment related to Firefighter and Police Officer Civil Service

Motion to approve Amendment to the Charter for the City of Marietta Section 4.13 entitled "Firefighter and Police Officer Civil Service".

Second Reading
Public Hearing Required

*** 20210590 Code Amendment - Civil Service Rules and Regulations**

Motion to approve an ordinance amending Chapter 4-8 of the Municipal Code of Marietta related to Civil Service Rules and Regulations as requested by the Civil Service Board.

Second Reading

Council Member Goldstein opposed

*** 20220165 Pension Plan Amendments (Retirement Applications)**

Motion approving an ordinance amending the defined benefit pension plans to clarify that the Pension Board has the authority to act on retirement applications submitted less than 30 days from the applicant's retirement date as forwarded by the Pension Board.

Second Reading

20220166 Pension Plan Amendments (Pension Board)

Motion approving an ordinance amending Article X in the defined benefit pension plans to allow the police and fire chiefs to select a designee to serve on the board in an ex officio role, update the officers and duties section, and make other administrative updates and formatting changes as forwarded by the Pension Board.

Second Reading

* **20220290** **Marietta History Center Collection**

Motion approving the request from the Marietta History Center for the permanent removal of items from its collection.

* **20220300** **Final Plat - Rosehill Townhomes**

Motion to approve the final plat for Rosehill Townhomes, a 33 townhome community located at 401 Rose Drive and zoned RM-12 (Z2020-23).

20220321 **Attached Townhome Moratorium**

Motion to approve a moratorium on the application and processing by the staff of the City of new residential zoning applications, re-zonings, and annexations for attached residential housing developments until the City completes its review and update to its Zoning Ordinance or until December 31, 2022, whichever first occurs.

Public Hearing

4. Parks, Recreation and Tourism: Johnny Walker, Chairperson

* **20220296** **Marietta Arts Council TrailFest 2022**

A motion to approve the Marietta Arts Council Requests to conduct the M2R TrailFest to include:

1. A short-term (60-day) installation of artwork and photography along the Mountain to River Trail from South Marietta Parkway to Kennesaw Avenue and various private property locations from May 5, 2022, to July 5, 2022, adhering to City of Marietta public art guidelines.
2. Placement of sculptures in Atherton Square, Brown Park, Lewis Park, Monarch Park; and the greenspace area adjacent to the Pie Bar at the corner of Powder Springs St./Waverly Way provided it does not interfere with water line work in that area, all for a duration of 6 months.
3. Artistic installation on bridge over North Marietta Parkway (GDOT approval required) for a period of 60-days from May 5, 2022, to July 5, 2022.
4. One day of activities for the community on Saturday, May 7 such as musicians, dancers, and performers along the Mountain to River (M2R) Trail and in various city parks and private property locations.

5. Personnel/Insurance: Cheryl Richardson, Chairperson

20220322 Youth Council

Motion for approval to move forward with the idea of a Marietta Youth Council.

6. Public Safety Committee: M. Carlyle Kent, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson***** 20220305 Frasier Street Properties**

Motion authorizing Public Works and the City Attorney to reject all bids and to readvertise the parcels at 609 & 617 Frasier Street for sale with a minimum bid of \$80,000.00 per parcel.

*** 20220306 Proposed Revision to the Flood Plain Management/Flood Prevention Ordinance**

Motion adopting the revised Flood Plain Management/Flood Prevention Ordinance.

First Reading

*** 20220310 Powder Springs Street and Club Drive**

Motion authorizing Public Works to close Club Drive at Powder Springs Street and extend the sidewalk across Club Drive as part of the Powder Springs Street Streetscape Project.

20220307 Trammell Street Traffic Calming

Motion authorizing Public Works to install one (1) speed table, two (2) No Parking zone, and stripe the centerline of the roadway on Trammell Street with an estimated total cost of \$3,725.00.

Public Hearing Required

20220308 Park Street Traffic Calming

Motion authorizing Public Works to install two (2) driver feedback signs and one (1) Rapid Flashing Beacon for a pedestrian crossing at the intersection of Park Street and Armstrong Street on Park Street with an estimated cost of \$26,800.00.

Public Hearing Required

20220309 East Dixie Avenue Traffic Calming

Motion authorizing Public Works to install the two (2) speed tables on East Dixie Avenue with an estimated cost of \$3,450.00.

Public Hearing Required

20220320 State Road Repaving

Motion to draft a letter to the Georgia Department of Transportation regarding the repaving of State Roads in Marietta.

OTHER BUSINESS:**20220203 V2022-08 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC.**

V2022-08 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC. is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1237, District 16, Parcel 0330, 2nd Section, Marietta, Cobb County, Georgia, and being known as 994 Roswell Street. Ward 7A.

- 1) Variance to extend the temporary allowance authorized by V2021-19 for gravel as a parking and driving surface within the Commercial Corridor Design Overlay - Tier A;
- 2) Variance to construct a building and parking area in the rear of a property within the Commercial Corridor Design Overlay - Tier A;
- 3) Variance to waive the required landscaped buffer of 10 feet to separate the parking facility from the adjacent parcel when parking is located in a side yard in Tier A;
- 4) Variance to reduce the rear yard setback from 35' to 20'.

Public Hearing (all parties are sworn in)

20220204 V2022-09 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC.

V2022-09 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC. is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1237, District 16, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1010 Roswell Street. Ward 7A.

- 1) Variance to allow a mobile retail food establishment within 40 feet of a property line;
- 2) Variance to allow a mobile retail food establishment for more than 12 days annually;
- 3) Variance to reduce required parking to 8 spaces on site.

Public Hearing (all parties are sworn in)

20220205 V2022-10 [VARIANCE] WALEED JARAYSI

V2022-10 [VARIANCE] WALEED JARAYSI is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 578, District 17, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 555 Commerce Drive. Ward 7A.

- 1) Variance to reduce the required landscape strip along a public street (South Marietta Pkwy) from 10' to 3';
- 2) Variance to reduce the rear yard building setback from 35' to 15' adjacent to South Marietta Pkwy;
- 3) Variance to increase the maximum building height from 75' to 92';
- 4) Variance to reduce the minimum number of parking spaces required from 89 to 69;
- 5) Variance to allow a nonconforming sign to remain on property being redeveloped.

Public Hearing (all parties are sworn in)

20220317 Pay Study Results

Motion to approve changes to the City/BLW position, classification and compensation plans in accordance with the recommendations presented in the compensation review conducted by Evergreen Solutions and including the additional compensation recommendations presented by the City Manager and staff. Such changes to be effective May 1, 2022.

20220393 COVID-19 Partial Reimbursement

Motion approving a resolution of payments for partial reimbursement of qualified expenses incurred by eligible employees of the City of Marietta/BLW due to COVID-19 pandemic.

20220378 Marietta Youth Council

Motion to move forward & establish the Marietta Youth Council and Advisory Board with the initial resolution and initial by laws. The Mayor and Council authorizes a committee (two council members) to be formed to meet with the public & private school representatives and new advisory board to finalize the resolution and by laws to present to the Mayor and Council for approval.

Requested by Council Member Carlyle Kent

20220384 Juneteenth Holiday

Discussion to designate Juneteenth as a City Holiday.

Requested by Council Member Cheryl Richardson

*** 20220379 BLW Actions of April 11, 2022**

Review and approval of the April 11, 2022, 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: