



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
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

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.

Presented

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

Presented

20220284 **Scheduled Appearance**

Scheduled Appearance - Lisa Hodge

Not Present

20220286 **Scheduled Appearance**

Scheduled Appearance - Elliot Paulk

Not Present

20220365 **Scheduled Appearance**

Scheduled Appearance - George Bentley

Present

20220361 Scheduled Appearance

Scheduled Appearance - Donald Barth

Present

*** 20220327 Regular Meeting - March 9, 2022**

Review and approval of the March 9, 2022 regular meeting.

Approved and Finalized

*** 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

Approved and Finalized

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.

Motion to approve the rezoning request for property located at 1326 Old Bells Ferry Road from R-20 (Single Family Residential - County) to MXD (Mixed Use Development - City), with the following variances would be incorporated as a condition of rezoning:

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 April 13, 2022, with the removal of variance 12(c).

Approved as Amended

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. Diffley, to recommend denial as submitted. The motion carried 3-1-0. Mr. McClure opposed the denial.

Public Hearing (all parties are sworn in)

Approved and Finalized**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.

Ms. Little presented code amendment request CA2022-02 on behalf of the city. Mr. Kinney suggested that approval of the amendment in the event Council approved requests Z2022-05 [REZONING] and A2022-02 [ANNEXATION]. Mr. Diffley made a motion, seconded by Mr. McClure, to recommend approval as submitted. The motion carried 4-0-0.

Approved and Finalized

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

Motion to approve the rezoning request for property located at 362 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre), with the following stipulations are incorporated as a condition of zoning:

After the three lots shown on the site plan dated 2/15/22 are created, no additional subdivision of the property is permitted.

Approved as Amended

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 CRC (Community Retail Commercial) to LI (Light Industrial). Ward 6B.

Ms. Little presented rezoning request Z2022-13.

Mr. Rozen, representing the applicant, presented the request for rezoning.

A public hearing was held. There was no opposition to the request.

The request was discussed and with no further questions the public hearing was closed.

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:

1. 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.

Approved and Finalized

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.

Ms. Little presented the code amendment request on behalf of the city.

A public hearing was held. There was no opposition.

Mr. Kinney asked questions regarding the request. Mr. Roth answered the questions satisfactorily.

The public hearing was closed.

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

Approved and Finalized

* **20220340 Denial of Claim**

Denial of Claim for Calvin Fields.

Approved to Deny Claim

* **20220354 Denial of Claim**

Denial of Claim for Paige Abney.

Approved to Deny Claim

* **20220375 Denial of Claim**

Denial of Claim for Hubert Stuttles.

Approved to Deny Claim

* **20220376 Denial of Claim**

Denial of Claim for Jolene McIntyre & Gary McIntyre.

Approved to Deny Claim

* **20220388 Denial of Claim**

Denial of Claim for Marvin Lopez.

Approved to Deny Claim

- * **20220288** **CDBG PY2022 Annual Action Plan**
- Motion to approve the proposed CDBG Annual Action Plan for Program Year 2022.
- Approved and Finalized**
- * **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.
- Approved and Finalized**
- 20220087** **Sanitary Conditions and Procedures**
- Motion to approve the revised ordinance to Sect. 7-4-2-110 - Sanitary Conditions and Procedures.
- Second Reading
- Tabled**
- 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
- Approved and Finalized**
- * **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
- Approved and Finalized**

* **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

Approved and Finalized

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

Approved and Finalized

* **20220290 Marietta History Center Collection**

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

Approved and Finalized

* **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).

Approved and Finalized

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

Approved and Finalized

* **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.

Approved and Finalized

20220322 **Youth Council**

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

Motion to establish the designation of a Council Youth Ambassador for each Council Member and Mayor. Ambassador to be chosen by respective Council Member as a liaison between Ward and Councilperson at individual Council members direction. As a group, have semiannual cook outs and gatherings from time to time.

Approved as Amended

* **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.

Approved and Finalized

- * **20220306** **Proposed Revision to the Flood Plain Management/Flood Prevention Ordinance**
- Motion adopting the revised Flood Plain Management/Flood Prevention Ordinance.
- Second Reading
- Approved and Finalized**
- * **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.
- Approved and Finalized**
- 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
- Approved and Finalized**
- 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
- Approved and Finalized**
- 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
- Approved and Finalized**

* **20220320** **State Road Repaving**

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

Approved and Finalized

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)

Approved and Finalized

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)

Approved and Finalized

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)

Denied

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.

Approved and Finalized

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.

Approved and Finalized

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

No Action Taken

20220384 Juneteenth Holiday

Discussion to designate Juneteenth as a City Holiday.

Requested by Council Member Cheryl Richardson

Denied

*** 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.

Approved and Finalized