



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, January 13, 2016

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Johnny Walker, Ward 3*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20160028 Challenge coin presentation by Fire Chief Jackie Gibbs**

Presentation of a challenge coin to the Mayor and City Council by Fire Chief Jackie Gibbs in recognition of their obtaining a Class 1 ISO Rating.

### PROCLAMATIONS:

**20151152 Marietta PAL "Blue Devils" Cheerleaders Win First Place in the FL Statewide Championship!**

The Marietta PAL "Blue Devils" Cheerleaders won the first place trophy in the Florida PAL Statewide Championship competition. Marietta PAL Cheerleaders landed impressive stunts and well-choreographed dance moves with synchronized precision to impress the team of judges and to walk away with the coveted first place trophy in the 12 and under category for cheer/dance/stunt.

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

**SCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**20160027      Scheduled Appearance - Ms. Joanne Ray**

Ms. Joanne Ray, 2261 Old Sewell Road - Ms. Ray is a customer of Marietta Power. During Christmas, Ms. Ray and several other homeowners suffered a power outage. Ms. Ray wishes to thank Marietta Power, the City and particularly the individuals who sacrificed time with their own families to take care of the citizens of Marietta.

**20151198      Scheduled Appearance - Larry Wills****UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**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:****20151181      Motion to Rescind**

Motion to rescind or amend Marietta City Council Legistar Number 20151126, BLW Actions of December 8, 2015.

**\*      20151172      Regular Meeting - December 9, 2015**

Review and approval of the December 9, 2015 regular meeting minutes.

**\*      20151173      Special Meeting - December 17, 2015**

Review and approval of the December 17, 2015 special meeting minutes.

**\*      20160016      Special Meeting - January 4, 2016**

Review and approval of the January 4, 2016 special meeting minutes.

**20160039 Executive Session Minutes**

Review and approval of the following executive session minutes:

July 6, 2015 Agenda Work Session  
July 8, 2015 Agenda Work Session  
August 10, 2015 Agenda Work Session  
August 12, 2015 Agenda Review Session  
August 12, 2015 City Council meeting  
September 3, 2015 Agenda Work Session  
September 9, 2015 City Council meeting  
October 12, 2015 Agenda Work Session

**MAYOR'S APPOINTMENTS: (for informational purposes only)****20160019 Municipal Judge**

Reappointment of Roger J. Rozen as the Marietta Municipal Chief Judge, to serve at pleasure of the Mayor or the Mayor designated service term until January 10, 2018 whichever comes first.

**20151169 Associate Judge Appointments**

Appointment of seven (7) Associate Judges, to serve at the pleasure of the Mayor or the Mayor designated service term until January 10, 2018 whichever comes first.

**(with the consent of Council)****\* 20160001 Mayor Pro tem**

Appointment of Johnny Walker as Mayor Pro tem for a term of one year expiring on January 11, 2017.

**\* 20160002 Presiding Officer**

Appointment of Michelle Cooper Kelly as Presiding Officer for a term of one year expiring on January 11, 2017.

**\* 20160003 Economic/Community Development Committee**

Appointment of G. A. (Andy) Morris as Chairman, Johnny Walker as Vice Chair and Grif Chalfant to the Economic/Community Development Committee for a term of one year expiring on January 11, 2017.

\* **20160004 Finance/Investments Committee**

Appointment of Stuart Fleming as Chairman, Grif Chalfant as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 11, 2017.

\* **20160005 Judicial/Legislative Committee**

Appointment of Philip M. Goldstein as Chairman, G. A. (Andy) Morris as Vice Chair and Stuart Fleming to the Judicial/Legislative Committee for a term of one year expiring on January 11, 2017.

\* **20160006 Parks, Recreation & Tourism Committee**

Appointment of Michelle Cooper Kelly as Chairman, Stuart Fleming as Vice Chair and Anthony Coleman to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 11, 2017.

\* **20160007 Personnel/Insurance Committee**

Appointment of Johnny Walker as Chairman, Anthony Coleman as Vice Chair and Philip M. Goldstein to the Personnel/Insurance Committee for a term of one year expiring on January 11, 2017.

\* **20160008 Public Safety Committee**

Appointment of Anthony Coleman as Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Safety Committee for a term of one year expiring on January 11, 2017.

\* **20160009 Public Works Committee**

Appointment of Griffin Lee Chalfant, Jr., as Chairman, Philip M. Goldstein as Vice Chair and G. A. (Andy) Morris to the Public Works Committee for a term of one year expiring on January 11, 2017.

\* **20160010 BLW Council Representative**

Appointment of G. A. (Andy) Morris as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 11, 2017.

\* **20160011 Marietta Board of Education Council Liaison**

Appointment of Johnny Walker as the council liaison to the Marietta Board of Education for a one year term expiring on January 11, 2017.

\* **20160012 Marietta Housing Authority Council Liaison**

Appointment of Anthony Coleman as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 11, 2017.

\* **20160013 Council Liaison Appointments**

Consideration of council liaison appointments as designated:  
Marietta Chamber/SPSU-KSU Merger - Griffin L. Chalfant, Jr.  
Wellstar/Medical Community - G. A. (Andy) Morris  
Lockheed/Military - Stuart Fleming  
Marietta City Schools - Johnny Walker  
Schools Governance Teams (SGT) for Marietta High School - Michelle Cooper Kelly  
Legislative - Philip M. Goldstein  
Lockheed/Military/Joint Land Use Study - Stuart Fleming  
Cobb/Douglas Board of Public Health - Mayor Steve Tumlin

**20160018 Cobb County Community Relations Council**

Appointment to the Cobb County Community Relations Council.

**CITY COUNCIL APPOINTMENTS:**

\* **20151154 Board of Zoning Appeals Reappointment**

Reappointment of Ron Clark to the Board of Zoning Appeals (Ward 5), for a three year term expiring December 12, 2018.

\* **20151164 Civil Service Board Appointment**

Reappointment of James T. Martin to the Civil Service Board (Post 1) for a three (3) year term expiring December 31, 2018.

\* **20151175 Historic Preservation Commission Appointment**

Reappointment of Martin C. Kendall to the Historic Preservation Commission (Ward 7), for a three year term expiring August 9, 2018.

\* **20151176 Board of Zoning Appeals Appointment**

Reappointment of Justice Kay Barber to the Board of Zoning Appeals (Ward 7) for a three year term, expiring January 8, 2019.

\* **20151182      Historic Preservation Commission Appointment**

Reappointment of Marion Savic to the Historic Preservation Commission (Ward 3), for a three (3) year term expiring January 9, 2019.

\* **20151183      Marietta Historic Board of Review**

Reappointment of Johnny Fulmer to the Marietta Historic Board of Review (Ward 7), for a two year term expiring January 8, 2018.

\* **20160014      Marietta Welcome Center & Visitors Bureau Appointment**

Appointment of Philip M. Goldstein to the Marietta Welcome Center & Visitors Bureau for a two-year term.

**ORDINANCES:**

**20151122      Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH**

Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH is requesting the rezoning of property located in Land Lot 1287, District 16, Parcels 0700, 0790, 0780, 0770, & 0360, 2nd Section, Marietta, Cobb County, Georgia, and being known as 566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St from R-4 (Single Family Residential - 4 units/acre) and NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 1A.

*The Planning Commission recommends approval as stipulated.*

*Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the following seven (7) stipulations.  
The motion carried 7-0-0.*

*Stipulations:*

- 1. Property must be maintained within code.*
- 2. Privacy fencing shall be placed between properties at 553 and 559 Frasier Street and constructed according to code.*
- 3. Hours of operation for receipt and distribution of food shall be between 9:00AM and 4:00PM and limited to two (2) days per week.*
- 4. Truck size shall be limited to a medium duty, single axle truck.*
- 5. Equipment and tools including, but not limited to, paint cans, trolley boxes, landscape tools, etc., to be stored inside every day.*
- 6. Outside freezer shall be enclosed by a wooden structure.*
- 7. Variance to reduce the required seventy-five (75) foot setback. [§708.04 (E (1.A))]*

*PUBLIC HEARING (all parties sworn in)*

**20150872 CA2016-01 [CODE AMENDMENT]**

CA2016-01 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 714, Signs, regarding billboards, digital billboards, and digital signs.

*The Planning Commission recommends approval.*

*Mr. Vanderslice made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 7-0-0.*

*PUBLIC HEARING (all parties are sworn in)*

**\* 20151066 CA2016-02 [CODE AMENDMENT]**

CA2016-02 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.05 RA-4, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director; Division 708.06 RA-6, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director; and Division 708.07 RA-8, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director regarding single family detached dwellings in RA zoning districts.

*The Planning Commission recommends approval.*

*Mr. Rosenbury made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 7-0-0.*

*PUBLIC HEARING (all parties sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****\* 20151166 Denial of Claim**

Denial of the Claim of Monica Van Winkle.

**\* 20151180 Denial of Claim**

Denial of the claim of DeAndrea Davenport and Sekeithia Jackson.

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:**

**COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson****2. Finance/Investment: Stuart Fleming, Chairperson****\* 20151149 2015 HEAT Grant Budget Amendment**

Approval of an Ordinance amending the Fiscal Year 2016 General Fund Budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

**\* 20150895 2015 Edward Byrne Grant Budget Amendment**

Approval of an Ordinance amending the Fiscal Year 2016 General Fund budget to receive and appropriate a grant from the Department of Justice through the Edward Byrne Memorial grant program for \$36,623 to fund a part-time Cyber Specialist.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson****\* 20151142 Revised Detailed Plan for Gracepoint School - Riverstone Church located at 2005 Stilesboro Road**

Motion to approve the revised Detailed Plan for Riverstone Church to allow the operation of Gracepoint School until August 31, 2016 for no more than 30 students; said property being located in District 20, Land Lot 252, Parcel 304, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2005 Stilesboro Road.

\* **20151143**      **Revised zoning stipulations for the Farm at Kennesaw Mountain subdivision**

Motion to approve the revised stipulations for the Farm at Kennesaw Mountain subdivision; said property being located in District 20, Land Lot 288, 2nd Section, Marietta, Cobb County, Georgia. The original zoning stipulations are hereby modified in order to:

1. Increase the allowable lots from 6 to 7
2. Extend the 30' wide access/utility easement and 20' private driveway to serve the new lot
3. Increase the maximum density from to 0.37 units/acre to 0.43 units/acre

All other stipulations would remain in effect and be evaluated for compliance during the platting, permitting, and construction process.

\* **20151064**      **Detailed Plan for Atlanta United FC**

Motion to approve the detailed plan, including only the site and tree plans, for the plans identified as Atlanta United Training Ground at 849 & 861 Franklin Road; said plans signed and dated by the applicant on January 13, 2016. Building elevations will be submitted at a later date.

The following items are additional conditions of approval for the attached detailed plan:

1. A decorative fence with a maximum height of 8 feet shall be allowed around the perimeter of the property.
2. An area shall be designated for the specific use of a billboard, and that area shall not be less than 20,000 square feet.
3. Protective netting, as shown in Appendix A, is approved for the site.
4. An exemption plat shall be submitted for approval in lieu of a final plat.

In accordance with Section 708.20.J.4 of the Marietta City Code, Atlanta United FC is requesting the approval of these revisions to the detailed plan for Atlanta United Training Ground.

\* **20151065**      **Revision to the Detailed Plan for Marietta Walk for Architectural Elevations**

Motion to approve a revision to the Detailed Plan for Marietta Walk in order to include the additional architectural elevations as shown on the attached plans ("Jamestown Premier" and "Manchester Premier").

All other conditions of the previously approved detailed plan will remain in effect.

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

**5. Personnel/Insurance: Johnny Walker, Chairperson****6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson****\* 20151148 Lake Drive Turn Around**

Motion authorizing Public Works to install a turn around on Lake Dr.

**OTHER BUSINESS:****20160030 Preston Chase Park**

Motion authorizing the expenditure of up to \$161,700 for professional design services and construction observation for "Preston Chase Park". Design will include three soccer fields, a walking track, a concession/restroom/maintenance/office building, and a playground. Such authorization to begin immediately after the signing of the AUFC lease and use documents for property on Franklin Road.

**20160038 Budget Amendment "Preston Chase Park"**

Ordinance approving an amendment to the Fiscal Year 2016 Budget to appropriate \$161,700 from tourism capital projects to hire a consulting firm to plan, design and oversee construction at "Preston Chase Park".

**\* 20160035 Revision to the Detailed Plan for Meeting Park L-103, L-104 & L-105**

Motion to approve the revised detailed plan for the Meeting Park L-103, L-104 & L-105, signed by the owner and dated January 13, 2016.

In order to allow for placement of the building to allow bay windows, J.W. Homes, LLC is requesting the following:

1. Reduce the setback between L-103 and L-104 from 10' to a minimum of 6' at the nearest point.
2. Reduce the setback between L-104 and L-105 from 10' to a minimum of 6' at the nearest point.

In accordance with Section 708.20.J.4 of the Marietta City Code, John Wieland Homes is requesting the approval of these revisions to the detailed plan for Meeting Park.

\*      **20151204      BLW Actions of January 11, 2016**

Review and approval of the January 11, 2016 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**ADJOURNMENT:**