



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

Wednesday, November 12, 2014

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Stuart Fleming, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20141236 Marietta Museum of History Presentation

The Marietta Museum of History will make a presentation concerning the 150th Commemorative of the Civil War.

20141175 Presentation of an award from the GA Forestry Service

Presentation of a 2014 Grand Award from the Georgia Urban Forest Commission (GUFC) for outstanding streetscape revitalization for Church Street.

20141225 Marietta PAL

Marietta PAL presents their 2014-15 Program and will receive a \$15,000 check from Amerigroup, which was awarded to PAL to fund our new PAL Power Movers Program.

PROCLAMATIONS:

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

- * **20141195 MOTION TO RESCIND
MARIETTA CITY COUNCIL
LEGISTAR NUMBER 20140960
Z2014-19 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street**

Motion to rescind 20140960 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street which was previously approved by the Mayor and Council on October 8, 2014.

- * **20141196 MOTION TO RESCIND
MARIETTA CITY COUNCIL
LEGISTAR NUMBER 20141029
Z2014-20 City of Marietta Coggins Place Right-of-Way**

Motion to rescind 20141029 City of Marietta Coggins Place Right-of-Way which was previously approved by the Mayor and Council on October 8, 2014.

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:

- * **20141223 Regular Meeting - October 8, 2014**

Review and approval of the October 8, 2014 regular meeting minutes.

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

* **20141151 Marietta Museum of History Appointments**

Approval of a recommendation by the Museum of History Board to appoint Mark Morgan, Denise Flynn, Michelle Rogers and Dan Harliss to the Board of Directors for a term of 3-years expiring October 31, 2017.

ORDINANCES:

20141098 Z2014-21 Greater Community Church of God in Christ 74 Doran, 114 Doran Avenue, 122 Doran Avenue, 439 Chester Street, 66 Olive Street, 69 Doran Avenue, 99 Doran Avenue

Z2014-21 [REZONING] GREATER COMMUNITY CHURCH OF GOD IN CHRIST request rezoning for property located in Land Lot 12330, District 16 and being known as 74 Doran Avenue (Parcel 0430), 114 Doran Avenue (Parcel 0450), 122 Doran Avenue (Parcel 0460), 439 Chester Street (Parcel 0560), 66 Olive Street (Parcel 0600); and in Land Lot 12340, District 16 and being known as 69 Doran Avenue (Parcel 1230) and 99 Doran Avenue (Parcel 1240), 2nd Section, Marietta, Cobb County, Georgia from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 1A.

406 Chester Street is owned by JRG 30 Whitlock Ave, LLC, which is owned by Joseph Goldstein. Joseph Goldstein is the son of Councilman Philip Goldstein.

The Planning Commission recommends approval of zoning from R-4 to R-4 with a variance. Vote: 7 – 0 – 0 .

Motion: Mr. Rosenbury made a motion, seconded by Mr. Diffley, to recommend approval of a Special Land Use Permit for parking for religious assembly and associated uses for 69 Doran Avenue, 99 Doran Avenue, 122 Doran Avenue, and 66 Olive Street for a period of five years.

Variances: The following variances are as follows:

- 1. Complete waiver of paving requirements to allow parking on either grass or gravel. \$716.08*

20141099 Z2014-22 Brian Warren 1021 Marble Mill Circle

Z2014-22 [SPECIAL LAND USE PERMIT] BRIAN WARREN requests a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of residential sanitation trucks for property located in Land Lot 10040, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 Marble Mill Circle, currently zoned HI (Heavy Industrial). Ward 5B.

*The Planning Commission recommends approval Vote: 5 – 1 – 0
(Mr. Vanderslice opposed; Ms. McCrae absent)*

Motion: Mr. Poor made a motion to recommend approval of this Special Land Use Permit, seconded by Mr. Diffley.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20141127 Denial of Claim**

Denial of the claim of Raymond Weimer.

*** 20141128 Denial of Claim**

Denial of the claim of Luke C. Broadwell.

*** 20141182 Denial of Claim**

Denial of the claim of Carmen Yadira Paz Ramos, Fany Herrera, Merlin Herrera and Sandra Herrera.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

* **20141130 Franklin-Delk LCI**

Approval of a Resolution for the Gateway Marietta-Terrell Mill LCI grant application request of \$144,000, and the authorized local match of \$36,000 from the City of Marietta, Gateway Marietta CID and Cobb County by each contributing \$12,000 in support of the grant proposal

* **20141183 Substitution of Collateral**

Motion to approve a substitution of collateral between the City of Marietta and the Marietta Redevelopment Corporation whereby 67 Hedges Street shall be added to the existing Deed to Secure Debt from the Marietta Redevelopment Corporation to the City of Marietta and 193/195 Hedges Street shall be released from said Deed to Secure Debt recorded in Deed Book 15133, Page 5107, Cobb County Records. This motion is contingent upon the consent of the Bank of North Georgia to this transaction and the approval of the Board of Directors of the Marietta Redevelopment Corporation to this transaction. Further, the Mayor and City Clerk are authorized to execute any and all documents consistent with this motion and all documents are subject to the final approval of the City Attorney and the Economic Development Manager for the City of Marietta

2. Finance/Investment: Stuart Fleming, Chairperson

* **20141104 MPD HEAT Grant**

Approving and Ordinance amending the Fiscal Year 2015 General Fund Budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

* **20141119 GMA Annual Mayors' Day Conference**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference, January 23-26, 2015, in Atlanta, Georgia.

* **20141163 Refunding of 2009D General Obligation Bonds**

Motion to authorize the contract with Raymond James and Associates as the financial advisor for the possible refunding of the 2009D General Obligation Parks Bonds to save money because of lower interest rates.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20141114 2015 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2015.

20141115 Revised Detailed Plan for Marietta Walk Phase II

Motion to approve the revised site plan and architectural elevations for the single family homes associated with the Detailed Plan for Marietta Walk, Phase II, signed by the owner and dated November 12, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve the revised site plan, which changes the area previously identified for commercial use to be developed for single family homes by the new developer, Minerva USA, in partnership with their builder, Stonecrest Homes. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, are also included with this revised plan.

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

20141116 Revised Detailed Plan for Marietta Walk, Phases I & II - revised elevations & detailed tree plan

Motion to approve architectural elevations for the single family homes and townhouses associated with the Detailed Plan for Marietta Walk, Phases I & II, signed by the owner and dated November 12, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve additional architectural plans for the single family homes and townhouses, which include designs for front loaded single family detached homes, by the new developer, Minerva USA, in partnership with their builder, Stonecrest Homes. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, are attached.

Also, approval of a revised detailed tree plan that complies with the City tree ordinance, which has been revised since the original plan was approved in 2005.

The revised detailed plan for Marietta Walk, Phase I and Phase II, is approved - except that the street trees proposed to be planted along Powder Springs Street (12 lacebark elm trees, 3" in caliper) shall not be planted until the issue of whether to allow them in the right of way is resolved. Further, no certificates of occupancy shall be issued for those lots along Powder Springs Street until the issue regarding street trees has been brought back to City Council for resolution.

Further, the applicant agrees to complete the obligations specified in the letter from Stacy Patton to Brian Binzer dated November 11, 2014.

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

* **20141158 Windy Hill Road Annexation I**

Motion approving advertising of the annexation of the Windy Hill Road Island Annexation I properties as shown on the attached map (Exhibit A) and as identified by the parcel address list in the attached table (Exhibit B) into the City of Marietta.

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

20140557 “Blackwell Park” Development

A motion approving the development of “Blackwell Park” in accordance with the concept plan as presented at the October meeting of the Parks, Recreation and Tourism Committee referenced as option 1 with estimated probable costs of \$58,334 with funding from the 2009 Parks Bond fund.

*** 20141137 Restroom installation project**

A motion approving the procurement and installation of restroom structures as presented at the October Parks, Recreation and Tourism Committee at previously approved parks: Henry, Lewis, Merritt, Victory and Whitaker; and, amending the project budget by increasing the previously approved amount of \$387,090 (Agenda Item 20140558) to \$394,628.

5. Personnel/Insurance: Johnny Walker, Chairperson**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson***** 20141122 Bus Shelter Lease Extension**

Motion authorizing continuation of the current Bus Stop Shelter Agreement, Contract/Agreement Number 1864, on a month-to-month basis with the provision that the City may terminate the agreement with 90 days’ notice. The annual fee for each shelter shall be pro-rated annually based on the number of days the agreement is in effect. This month-to-month extension shall end December 8th, 2016 or 4 months after Cobb County Community Transit System enters into a new and similar contract, whichever comes first.

*** 20141123 Grant Budget Appropriation**

Approval of an Ordinance amending the Fiscal Year 2014 budget to appropriate reimbursable grant funds from GDOT for various Public Works projects.

*** 20141226 Grant Budget Appropriation**

Approval of an Ordinance amending the Fiscal Year 2015 budget to appropriate reimbursable grant funds from GDOT for the Rottenwood Creek Trail.

* **20141124 Comcast Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

Comcast permit #S1082TSC-CDOT2 for overlash of existing cable across Loudermilk Drive near the intersection of Church Street Extension.

This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

* **20141125 GDOT Memorandum of Agreement (MOA)**

Motion to approve the GATEway Grant Memorandum of Agreement between The Georgia Department of Transportation and The City of Marietta for Gateway Landscape Improvements along South Marietta Pkwy between Cobb Parkway and Franklin Road.

* **20141126 CSX Construction Agreement**

Motion to approve the Construction Agreement from CSX Transportation for the construction of the Atherton Square TE project.

* **20141153 Commerce Park Drive Sign**

Motion approving the attached Landscape License Agreement from Cobb County allowing a sign within Commerce Park Drive right of way.

* **20141035 Mill Street and Cherokee Street Improvements**

Motion authorizing improvements along Mill Street and Cherokee Street as presented with work commencing in January 2015.

Council member Goldstein disclosed that he owns property, manages property and/or have interest in entities that own property, and/or have relatives that own property along Mill Street, North Park Square, Church Street and Cherokee Street. It appears that all improvements proposed are to the public right-of-way.

Council member Coleman abstaining.

20141238 North Park Square Improvements

Motion to proceed with concept design with 7.5 feet sidewalk expansion as presented as "Option A" with construction to commence January 2016

Council member Goldstein disclosed that he owns property, manages property and/or have interest in entities that own property, and/or have relatives that own property along Mill Street, North Park Square, Church Street and Cherokee Street. It appears that all improvements proposed are to the public right-of-way.

*** 20141133 Manning Road**

Motion authorizing installation of traffic calming measures along Manning Road as shown on attached drawings.

*** 20141134 Frasier Street Speed Limit**

Motion establishing the speed limit along Frasier Street at 25MPH.

*** 20141170 Crosswalks and Stop Sign Request**

Motion authorizing a 5 way stop at the intersection of Maple Avenue, Winn Street, Camp Street and Holland Street.

Council member Goldstein opposed.

*** 20141172 Sign and Striping Request**

Motion authorizing signing and striping as shown on the attached drawing.

OTHER BUSINESS:

* **20140805 V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft. [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
2. Variance to reduce the front, side, and rear setbacks. [§708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
3. Variance to allow a billboard to be located within 1,000 feet of another billboard. [§714.04 (G.)(5.)]
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign. [§714.04 (G.)(10.)]
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC). [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]

Motion to Table this matter until the December 10, 2014 City Council meeting.

* **20140950 V2014-40 CBS Outdoor, LLC 1200 Gresham Road**

V2014-40 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 11660, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Gresham Road, currently zoned CRC (Community Retail Commercial). Ward 7.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.';
2. Variance to reduce the rear setback for billboard sign faces to 19.';
3. Variance to reduce the side setback for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 100' to 72.';
7. Variance to locate a billboard within 500' of a residential zoning district.

Motion to Table this matter until the January 14, 2015 City Council meeting.

* **20140953 V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive**

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11.';
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23.';
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards.;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 150' to 21.';
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

Motion to Table this matter until the December 10, 2014 City Council meeting.

20141117 V2014-52 CBS OUTDOOR, LLC 121 FREYS GIN ROAD

V2014-52 [VARIANCE] CBS OUTDOOR request variance for property located in Land Lot 12390, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Freys Gin Road, currently zoned CRC (Community Retail Commercial). Variance to increase LED sign face to 672 square feet. Ward 7A.

* **20140968 V2014-46 Racetrac Petroleum 2484 Delk Road, 2466 Delk Road, and 2400 Delk**

V2014-46 [VARIANCE] RACETRAC PETROLEUM request variances for property located in Land Lot 07990, District 17, Parcels 0380, 0050, and 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 2484 Delk Road, 2466 Delk Road, 2400 Delk Road, currently zoned CRC (Community Retail Commercial). Ward 7A

1. Variance to increase the maximum height of a freestanding monument sign, which shall have a brick base, from 15 ft. to 20 ft.
2. Variance to increase the maximum area of the sign face from 90 sq.ft. to 125 sq.ft.

20141100 V2014-48 Marietta High School 121 Winn Street

V2014-48 [VARIANCE] MARIETTA HIGH SCHOOL requests variances for property located in Land Lot 12200, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Winn Street, currently zoned R-4 (Single Family Residential 4 units/acre). Variance to eliminate the planted border strip along Cleburne Avenue; variance to reduce the planted border strip along Polk Street, as shown on the attached plans with the submittal date of September 15, 2014. Ward 3A.

*** 20141231 Begin Process to Change the Name of Franklin Road to Gateway Boulevard**

Motion to begin the process to change the name of Franklin Road to Gateway Boulevard on or before July 1, 2015. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road. The process will include advice and counsel from the Gateway Marietta CID area community and stakeholders.

It is further recommended to designate Gateway Boulevard commencing at South Marietta Parkway and terminating at Delk Road as the "JW Franklin and Sons Pottery Commemorative Highway".

*** 20141186 739 Franklin Road Tenant Signage**

Motion authorizing acquisition of tenant signage at 739 Franklin Road from Taquezia La Adelita in exchange for \$200.00, from Party Package Store in exchange for \$710.00 and from Laundry Concepts Inc. in exchange for \$200.00 for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments.

*** 20141187 170 N. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 170 N. Fairground Street from Church Loan Assets Master, LLC for the purpose of constructing the Fairground Street Improvements Project- from Roswell Street to Rigby Street in exchange for \$7,500.00.

*** 20141188 454 Whitlock Avenue**

Motion accepting donation of temporary easement at Parcel 18, 454 Whitlock Avenue from Larry M. Ingle for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

* **20141189 680 Franklin Road - Parcel 14-T**

Motion to authorize the acquisition of property owned by CBS Outdoor on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20141190 1391 Powder Springs Street**

Motion to authorize the acquisition of property owned by Stor-Master, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20141239 739 Franklin Road**

Motion to authorize purchase of 739 Franklin Road in exchange for \$56,465.60 and the City Attorney is authorized to take all action necessary to purchase said property.

* **20141240 739 Franklin Road**

Motion to authorize the acquisition of property owned by 739 Franklin Properties, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20141241 111 N. Fairground Street**

Motion to authorize the acquisition of property owned by Richard Roberts on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Council Member Coleman voting against.

* **20141242 1211 Powder Springs Street**

Motion to authorize the acquisition of property owned by William E. Lisenby, William H. Shaw, Jr. and Larry J. Baugh on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20141243 773 Wylie Road a/k/a 720 Franklin Road**

Motion to authorize the acquisition of property owned by The Gallery Apartments, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20141244 640 Franklin Road**

Motion to authorize the acquisition of property owned by Quiktrip Corporation on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20141224 BLW Actions of the November 10, 2014**

Review and approval of the November 10, 2014 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: