



# 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*  
*Vacant, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, July 13, 2016

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Philip M. Goldstein, Ward 7*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20160732 Oath of Office**

Administration of Oath of Office of Griffin L. Chalfant to Cobb Marietta Water Authority Board by Mayor Tumlin.

### PROCLAMATIONS:

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

### SCHEDULED APPEARANCES:

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

**20160604 Scheduled Appearance - Ms. Josephine Taylor, Ward 6**

Wishes to address the Mayor and Council about "Code Enforcement Issues."

**20160696      Scheduled Appearance - Larry Wills**

Wishes to address council about "Redevelopment."

**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:****\*      20160713      Executive Session Minutes**

Review and approval of the following executive session minutes:  
January 12, 2015 Agenda Work Session  
January 14, 2015 Agenda Review Session  
January 28, 2015 Special Called Agenda Work Session  
February 9, 2015 Agenda Work Session  
February 11, 2015 City Council Meeting  
March 11, 2015 Agenda Review Session  
March 25, 2015 Special Called Agenda Work Session  
April 8, 2015 Agenda Review Session  
April 29, 2015 Special Called Agenda Work Session  
April 11, 2015 Agenda Work Session

**\*      20160673      Regular Meeting - June 8, 2016**

Review and approval of the June 8, 2016 regular meeting minutes.

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

\* **20160523**      **Z2016-16 [REZONING] CG NORTHCHASE**

**Z2016-16 [REZONING] CG NORTHCHASE** is requesting the rezoning of 9.34 acres located in Land Lots 797 and 798, District 17, Parcels 2060 and 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known 1130 and 1140 Northchase Parkway from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for a secondary school. Ward 6A.

*The Planning Commission recommends approval. Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as submitted.  
The motion carried 7 0 0.*

*Public Hearing (all parties are sworn in)*

\* **20160526**      **Z2016-19 [REZONING] KATHY GORRELL (CHARLOTTE EVANS)**

**Z2016-19 [REZONING] KATHY GORRELL (CHARLOTTE EVANS)** is requesting the rezoning of 0.3 acres located in Land Lot 288, District 17, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia, and being known as 508 West Atlanta Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units / acre). Ward 1A.

*The Planning Commission recommends approval.  
Mr. Poor made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 7 0 0.*

*Public Hearing (all parties are sworn in)*

\* **20160501**      **Z2016-20 [REZONING] CITY OF MARIETTA**

**Z2016-20 [REZONING] CITY OF MARIETTA** is requesting the rezoning of 28.6 acres located in Land Lots 716, 717, 724, & 725, District 17, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1019 Franklin Gateway from PRD-MF (Planned Residential Development - Multi Family) to PCD (Planned Commercial Development). Ward 7A.

*The Planning Commission recommends approval.  
Mr. Poor made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 7 0 0.*

*Public Hearing (all parties are sworn in)*

\* **20160518**      **Z2016-15 [REZONING] RICHARD CARLTON ET AL.**

**Z2016-15 [REZONING] RICHARD CARLTON ET AL.** (due to number of individual parcels, a full list of titleholders is available at the Marietta Planning & Zoning Division) are requesting the rezoning of 1.32 acres located in Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 840 Kennesaw Avenue Units 1B - 11B from OS (Office/Service - Cobb County) to OI (Office Institutional). Ward 4A.

*The Planning Commission recommends approval.*

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

*Public Hearing (all parties are sworn in)*

\* **20160519**      **A2016-02 [ANNEXATION] RICHARD CARLTON ET AL,**

**A2016-02 [ANNEXATION] RICHARD CARLTON ET AL,** (due to number of individual parcels, a full list of titleholders is available at the Marietta Planning & Zoning Division) are requesting the annexation of property located in Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440 (also known as 840 Kennesaw Avenue, including Units 1B - 11B), of the 2nd Section, Cobb County, Georgia consisting of 1.32 acres plus all associated right of way. Ward 4A.

*The Planning Commission recommends approval.*

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

*Public Hearing (all parties are sworn in)*

\* **20160520**      **CA2016-05 [CODE AMENDMENT]**

**CA2016-05 [CODE AMENDMENT]** In conjunction with the requested annexation of property in Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 840 Kennesaw Avenue Units 1B-11B, the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service & Institutional). Ward 4A.

*The Planning Commission recommends approval.*

*Ms. McCrae 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)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****\* 20160697 Denial of Claim**

Motion to deny the claim of Samantha Gregory.

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson****2. Finance/Investment: Stuart Fleming, Chairperson****\* 20160693 Ordinance for final adoption of FY2017 Ad Valorem Tax Levies**

Adopting the final Ad Valorem tax levies for support of City government and public operations and debt service obligations.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson****\* 20160640 Request to Advertise Public Hearing - Church Cherokee Streets Historic District**

Motion to authorize staff to advertise for the final public hearing to designate the Church Cherokee Streets Historic District as a local historic district at the August 10, 2016 City Council meeting.

*Council member Goldstein disclosed that he is the owner of four (4) parcels in the proposed Church-Cherokee Street Historic District.*

*Council member Goldstein abstaining*

\* **20160642      Electrical Facility Easement**

Motion to grant an electrical facility easement to Marietta Board of Light and Water on the property known as 861 Franklin Gateway, as shown in Exhibit A, for the development of the Atlanta United FC (AUFC) corporate office and training facilities.

\* **20160639      Detailed Plan - 720,730, 780 Canton Rd; 899 Cobb Pkwy N**

Motion to approve the detailed plan for 720, 730, 780 Canton Road and 899 Cobb Parkway North dated 6/30/16 and signed by the applicant. The 14 acre proposed townhome community was rezoned PRD-MF with stipulations in June 2016 (Z2016-13). In addition to the variances outlined in the stipulation letter, the following variance is necessary to implement the attached tree plan:  
Variance to waive the street tree requirement along Private Drive B to those plantings shown on the attached plan.

Elevations for the rear-entry townhomes (70-90) along Private Drive B and two-story townhomes along the southern property line (1-34) to be submitted for review and approval by City Council at a later date.

\* **20160664      Financial Disclosures**

Approval of an Ordinance deleting Section 1-14-2-040 of the Code of Marietta, Georgia, "Financial Disclosures."

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

\* **20160649      Request from the Kiwanis Club to permit the consumption of alcohol during the Freedom Concert on Friday, September 9, 2016.**

Motion to approve a request to approve a waiver of City Code Section 10-4-070 (E) to permit the "consumption of beer, wine, and liquor in and adjacent to Glover Park...for a bona fide charitable, eleemosynary or civic cause..." for the previously approved event that will be held on, Friday, September 9, 2016.

*Council member Goldstein disclosed that he is a member of the Marietta Kiwanis Club.*

*Council member Goldstein abstaining*

\* **20160650 ChalktoberFest Street Closure Addendum**

Motion to approve a request by the Marietta-Cobb Museum of Art to amend previously approved street closures for the ChalktoberFest event to be held the weekend of October 8th and 9th; specifically, the closure of the following streets on Friday, October 7, 2016 at 7:30 p.m. for the purpose of hosting the event;

East Park Square;

Lawrence St. (Waddell St. to the square);

Cherokee St. (Hansell St. to the square) and;

The westbound lanes of Roswell St. (Waddell St. to the square).

These streets were previously approved to close on Saturday, October 8, 2016 at 6:00 a.m., but the event organizers are requesting to close these streets on Friday evening instead to aid in their setup of the event.

*Council member Goldstein disclosed that he is a member of the Marietta-Cobb Museum of Art.*

*Council member Goldstein abstaining*

\* **20160654 Marietta Kiwanis Club Request**

Motion to approve a tourism grant application for \$6,000 for city services for the Marietta Kiwanis Club concert on the Marietta Square to be held Friday, September 9.

*Council member Goldstein disclosed that he is a member of the Marietta Kiwanis Club.*

*Council member Goldstein abstaining*

\* **20160684 Marietta Museum of History Study**

Motion to authorize staff to begin study of absorbing management of operations of the MMH and the Gone with the Wind Museum, all ramifications thereto. Include operating agreement need with MMH, Inc. commencing 1/1/17 with assignment of rights and all properties and especially addressing Aviation Museum and any legal issues, as it is not within City. Said operating agreement to define responsibility and sovereign duties and rights. Budget matters to be included.

*Council member Goldstein disclosed that he is a member of the Marietta Museum of History.*

\* **20160651 Elizabeth Porter Park Mural Contract**

**Motion** authorizing the appropriation of \$14,000.00 from the 2009 Parks Bond - Category B, Improvements to Existing Parks - to engage an artist for the refinement of the design, preparation, and installation of a mural at Elizabeth Porter Park with the final mural design being approved by the city council.

**5. Personnel/Insurance: Johnny Walker, Chairperson**

\* **20160612 Ethics Committee - Council Appointment**

Motion to reappoint Susan Connor to the Ethics Committee (Council Appointment) for a term of two (2) years, expiring July 10, 2018.

\* **20160567 Compensation of Board Members**

Motion to amend City Code Section 1-10-6-120 - Compensation Generally, to provide for an increase in compensation as attached for board members serving at the January 2018 term of council.

**6. Public Safety Committee: Michelle Cooper Kelly, Vice Chairperson**

\* **20160647 Update of Noise Ordinance Relating to Fireworks**

Approval of amendments to the Noise Ordinance 10-6-020, 10-6-050 (H) to regulate time and use of fireworks within the city.

\* **20160644 Fire Prevention Ordinance Change to Include Updated Fireworks Law**

Motion to approve proposed amendments to the Fire Prevention Ordinance 2-6-160.

**7. Public Works Committee: Grif Chalfant, Chairperson**

\* **20160655 Sequoia Drive Speed Tables**

Motion authorizing Public Works to proceed with the process for consideration of speed tables in accordance with the Speed Table Policy.

\*     **20160656     Bells Ferry Road Lighting**

Motion to authorize installation of additional street lighting on Bells Ferry Road.

\*     **20160659     Memorandum of Understanding with GDOT for the Kennesaw Mountain to Chattahoochee River Gap Trail**

Motion to approve the request by GDOT for an updated MOU due to the delayed federal funding schedule.

\*     **20160683     South Avenue at Haley Street Utility Pole Relocation**

Motion to approve the request by Brock Built Homes, LLC for a variance from the Underground Utility Relocation Ordinance to relocate a utility pole.

\*     **20160688     Canton Road Underground Utilities variance**

Motion to approve the request by Traton Homes for variance from the Underground Utilities ordinance to allow the relocation of poles in the vicinity of 720, 730, and 750 Canton Road.

\*     **20160602     West Dixie and Gramling Street Speed Tables**

Motion authorizing installation of one speed table on West Dixie Avenue and one speed table on Gramling Street to be considered by Council. *A public hearing is required.*

*Council member Goldstein opposed*

**20160622 Forest Lane, Hope Street, Knollwood Drive, and Pamela Street Speed Tables**

Motion authorizing installation of two speed tables each on Forest Lane, Hope Street, Knollwood Drive, and Pamela Street to be considered by Council.

**Public Hearing Required**

*Mayor Tumlin disclosed that a family member, Raymond S Tumlin, III, is part owner of residence at 186 Knollwood Dr. as disclosed in 6/30/16 Financial pursuant to 1-14-02-070, but if specific reference to said property, then 1-14-02-60 shall apply.*

*Council member Chalfant disclosed that his son lives on Hope Street.*

**OTHER BUSINESS:**

\* **20160473 V2016-28 [VARIANCE] EMERSON OVERLOOK, LLC (KATHRYN RAYNOR)**

**V2016-28 [VARIANCE] EMERSON OVERLOOK, LLC (KATHRYN RAYNOR)** requesting a variance for property located in Land Lot 1233, District 16, Parcel CMMN, 2nd Section, Cobb County, Georgia, and being known as 326 Roswell Street, currently zoned CRC (Community Retail Commercial).  
Variance to allow trees to be removed from required planter islands.

\* **20160699 Project Framework Agreement for Rottenwood Creek Trail Phase II Planning Study**

Motion authorizing the Project Framework Agreement (PFA) with GDOT for PI # 0015049 Rottenwood Creek Trail Phase II Planning Study.

\* **20160728 Transportation Enhancement (TE) Agreement**

Approval of the Transportation Enhancement (TE) Agreement related to Atherton Square.

*Council member Goldstein abstaining*

\* **20160607 Eminent Domain related to 426-428 Frasier Street, Marietta, Georgia**

Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 426-428 Frasier Street, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by law in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to law. Further, this motion authorizes the City Attorney to file any appeal deemed necessary related to any ruling in this matter. Staff and the City Attorney are further authorized to negotiate a voluntary purchase of the property subject to final approval from the Mayor and Council.

*Public Hearing*

\* **20160710 Charter Amendment for Salary of Mayor, Mayor Pro Tem, and Members of the City Council effective January 2018.**

Motion to approve the first reading of Amendment to the Charter for City of Marietta Section 2.12 and Section 2.7 related to Compensation for the Mayor of the City of Marietta, the Mayor Pro Tem and the members of the City Council, effective January 2018.

**First Reading**

*Public Hearing*

\* **20160712 Non-Binding Special Election Contract**

Motion to approve contract to conduct a Marietta City Special Election between the City of Marietta and the Cobb County Board of Elections and Registration. The Mayor and City Clerk are hereby authorized to execute the contract to conduct the Special Election between the City of Marietta and the Cobb County Board of Elections and Registration.

\* **20160711 Calling for a Special Election: Non-Binding Referendum: Term Limits**

Motion to approve Ordinance Calling for a Special Election: Non-Binding Referendum: Term Limits

**20160722 Appeal Hearing - Officer Written Order of Case # 14-0000971 560 Powder Springs Street, Wynhaven Property**

Appeal hearing required for boarded up buildings located at 560 Powder Springs Street (Wynhaven).

Motion to (affirm) (reverse) the order of the Director of Development Services for the City of Marietta dated June 27, 2016.

*Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore.*

*Mayor Tumlin as Chairman of the Board of the BLW discloses that Kevin Moore represents, as legal counsel, the Marietta Board of Lights and Water.*

**20160729 Hope Street and Pamela Street Speed Tables**

Motion authorizing the installation of three speed tables each as located by the recommendation of the Public Works Director, on Hope Street and Pamela Street.

*This item is requested by Mayor Tumlin.*

*Council member Chalfant disclosed that his son lives on Hope Street.*

***Public Hearing*****20160735 Knollwood Drive Speed Tables**

Motion to install two speed tables on Knollwood Dr. and three speed tables on Forest Lane.

*This item is requested by Council Member Walker.*

Mayor Tumlin disclosed that a family member, Raymond S. Tumlin, III, is part owner of residence at 186 Knollwood Dr. as disclosed in 6/30/16 Financial pursuant to 1-14-02-070, but if specific reference to said property, then 1-14-02-60 shall apply.

**\* 20160674 BLW Actions of July 7, 2016**

Review and approval of the July 7, 2016 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

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

**ADJOURNMENT:**