



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### 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, May 13, 2015

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

**Also Present:**

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 7:01 p.m.*

### INVOCATION:

*Mayor R. Steve Tumlin called upon Council member Goldstein to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.*

### PRESENTATIONS:

**20150361**

#### **Dumpster Wrap**

Recognition of Kennesaw State University's faculty and student participation with the City of Marietta to introduce public art in the Central Business District. Mayor and City Council voted to wrap a dumpster in the downtown with an artistic design to improve the esthetic appeal of the dumpsters. Initially, one dumpster was selected to be wrapped with a design. Staff met with partners with art expertise to assist in this project. The Arts and Sciences Department faculty at KSU

graciously volunteered to have some students and faculty submit design wrap options for consideration. Nine designs were submitted with four finalists. Donald Robson, Assoc. Professor at Kennesaw State University, submitted the winning design for the project. His design will soon be placed on the dumpster off of Powder Springs Street. City of Marietta thanks Kennesaw State University for its interest in this project and looks forward to enhancing its partnership with the University on future public art projects.

Winner of the Dumpster Design Competition: Professor Donald Robson  
Finalists: Carly Rymer, Kevin Lippelt and Kyung Yoon

Art Career Mentoring Service Director who organized students in competition  
Professor Robert Sherer

**Presented**

**20150390 Historic Preservation Month**

Mayor Tumlin presents a Proclamation to Becky Paden, member of the Marietta Historic Preservation Commission recognizing May 2015 as Historic Preservation Month in the city of Marietta in conjunction with the celebration of National Historic Preservation Month.

**Presented**

**20150426 Keep Marietta Beautiful Thanks Volunteers**

Keep Marietta Beautiful thanks the 115 World Mission Society Church of God members. They pulled over 4000 pounds of trash from about 2 miles of Rottenwood Creek in Marietta. Many city employees were out also, in addition to Councilmember Philip Goldstein.

**Presented**

**PROCLAMATIONS:**

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

**SCHEDULED APPEARANCES:**

**20150397 Scheduled Appearance - Sadiki-Yisrael Mangwiro**

Sadiki-Yisrael Mangwiro of 429 Allgood Road, Ward 5, to speak to Council.

**Not Present**

**20150398 Scheduled Appearance - Mack Parnell**

Mr. Parnell, Congress Field Representative, to thank Council.

**Present**

**UNSCHEDULED APPEARANCES:**

*Larry Wills, who lives on Oakmont Drive, expressed concern regarding agenda item Revisions to MPD Policies, which may lead to body cameras for police officers.*

*Brenda Grogan, Ward 5 resident, spoke regarding the closing of the Elizabeth Porter Recreation Center.*

**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).**

*Pro tem Johnny Walker briefly explained the consent agenda process.*

*A motion was made by Council member Goldstein, seconded by Council member Kelly, to suspend the rules of order to add an agenda item related to the Revision to the Detailed Plan for Meeting Park - 233 Waterman Street. The motion carried by the following vote:*

*Vote: 7 - 0 - 0                      Approved  
(See agenda item 20150430)*

*City Attorney Doug Haynie noted the following changes to the consent agenda:*

*-under Ordinances: Agenda items 20150290, 20150291 and 20150294 were added to the consent agenda. Item 20150290 was amended to read, "Letter of stipulations from Adam J. Rozen, Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated May 13, 2015."*

*-under Other Business: Agenda item 20150292 remains on the consent agenda, with an amendment to the last paragraph that should read, "...letter of stipulations from Adam J. Rozen, Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated May 13, 2015."*

*City Attorney Doug Haynie opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.*

**A motion was made by Council member Chalfant, seconded by Council member Morris, to approve the consent agenda as modified. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Approved**



\* **20150294**            **CA2015-03 [CODE AMENDMENT]**

[Ord 7811](#)

CA2015-03 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 1138, District 16, Parcel 0040 (also known as 1350 Gresham Road) and Land Lot 1167, District 16, Parcel 0040 (also known as 1330 Gresham Road), the City of Marietta proposes to designate the Future Land Use of said property as IM (Industrial Manufacturing). Ward 5.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**20150107**            **Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS**

Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS requests rezoning for property located in Land Lot 12320, District 16, Parcel 0760, 2nd Section, Marietta, Cobb County, Georgia and being known as 233 Waterman Street from PRD-MF (Planned Residential Development - Multi Family) to MXD (Mixed Use Development). Ward 1.

*City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.*

*Brian Binzer, Development Services Director, stated that the applicant has requested that this matter be tabled until next month.*

*The public hearing was closed.*

**A motion was made by Council member Goldstein, seconded by Council member Kelly, that this matter be Tabled. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Tabled**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\* **20150395**            **Denial of Claim**

Denial of the claim of Carla E. Solaarevalo & Reina Yanira Arevalodesola.

**This Matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved to Deny Claim**

\* **20150432 Denial of Claim**

Denial of the claim of Chance Chandler.

**This Matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved to Deny Claim**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

- 1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**
- 2. Finance/Investment: Stuart Fleming, Chairperson**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\* **20150354 GMA District 3 West Officers for 2015-2016**

Motion to cast a ballot for Michelle Cooper-Kelly as Vice President of the Third District West Region for GMA Board.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* **20150340 Welcome Group of Hospitality, Inc - 2136 Kingston Court (Z2014-24)**

Motion to replace the stipulations originally approved as a condition of zoning for case #Z2014-24 (20141205) dated December 10, 2014 with those listed in the attached letter from Yogesh Patel to Russell J. Roth, AICP, dated May 5, 2015, in order to:

1. Change the allowable height from six (6) stories to seven (7) stories.
2. Allow a nine (9) foot tall block and mortar dumpster enclosure in the southwestern corner of the property, between the building and Delk Road.
3. Reference updated building elevations, prepared by Daniel Lemberg - Architect, and conceptual site plan with the understanding that all City codes will be followed unless specifically exempted in the above referenced letter.

With the understanding that the applicant will be responsible for getting the necessary approvals from the FAA and Dobbins prior to permitting.







**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

\* **20150374** **Consideration of no parking along Waterman Street**

Motion authorizing no parking along Waterman Street between Alexander and Lakewood as requested by Council Member Stuart Fleming.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

\* **20150160** **Request for Restriping on Whitlock**

Motion authorizing the restriping of two (2) westbound lanes from Kirkpatrick going west on Whitlock. This item was requested by Council Member Morris.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

\* **20150332** **Scufflegrit Sidewalks**

Motion authorizing the installation of sidewalks on Scufflegrit Road from Gateview Drive to the southern property line of Cambridge Wall Subdivision as requested by Councilwoman Kelly.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

**OTHER BUSINESS:**

\* **20150247** **V2015-16 [VARIANCE] JOHN M. PATTERSON**

V2015-16 [VARIANCE] JOHN M. PATTERSON requests variances for property located in Land Lot 1147, District 16, Parcel 0440, 2nd Section, Marietta, Cobb County, Georgia and being known as 393 North Sessions Street, currently zoned LI (Light Industrial). Ward 4.

1. Variance to allow the expansion of a gravel parking area.
2. Variance to waive the requirements of the tree ordinance so as to reduce the site density factor from 9.28 units to 0.3 units.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

\* **20150292**      **V2015-21 [VARIANCE] VERMEER SOUTHEAST SALES AND SERVICE, INC.**

V2015-21 [VARIANCE] VERMEER SOUTHEAST SALES AND SERVICE, INC. requests variances for property located in Land Lot 1167, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1320 Gresham Road, currently zoned LI (Light Industrial). Ward 5

1. Variance to reduce the buffer from a 50' undisturbed buffer to 10' planted buffer.
2. Variance to reduce the front yard setback from 50' to 22' for the existing structure located on that section of 1320 Gresham Road where the existing building fronts along Gresham Road, as indicated on the Site Plan.
3. Variance to allow gravel as an acceptable surface for the parking of trailers and equipment.
4. Variance to allow the use of metal siding on the side(s) of a building facing a roadway.
5. Variance to waive the planted strip/border area requirement for the section adjacent to existing structure fronting Gresham Road.
6. Variance to allow outdoor storage within 50 feet of property zoned residentially and within 25 feet from any City-of-way.
7. Variance to waive the opaque fence requirement.

Further, the attached letter from Adam J. Rozen, Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated May 12, 2015, is incorporated as stipulations to the requested variances.

*Motion to approve the Variance request, with an amendment to the last item, which should read, "Further, the attached letter from Adam J. Rozen, Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated May13, 2015, is incorporated as stipulations to the requested variances."*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved as Amended**

\* **20150155**      **Summerhour Street Right of Way Abandonment**

Motion authorizing the abandonment and exchange of a portion of unimproved Summerhour Street right of way at the Meeting Park development in exchange for an equal or greater square footage of newly dedicated right of way in Meeting Park development. Final exchange of right of way is to be completed in conjunction with the approval of the Final Subdivision Plat for said property. The City Attorney and Director of Public Works are authorized to take any actions necessary to finalize the exchange of right of way.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**20150430                      Revision to the Detailed Plan for Meeting Park - 233 Waterman Street**

Motion to revise the detailed plan for Meeting Park to specifically incorporate the attached zoning plan, dated January 16, 2015, for 233 Waterman Street. All other previously approved stipulations to zoning and detailed plans for Meeting Park, including site plans, landscape plans, and architectural elevations, shall also apply to 233 Waterman Street.

**A motion was made by Council member Goldstein, seconded by Council member Kelly, that this matter be Tabled. The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Tabled**

**\*                      20150418                      Revision to MPD Video/Audio Equipment Use Policy**

Motion approving revisions to the MPD video/audio equipment use policy as requested by Mayor Tumlin.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\*                      20150427                      MEAG Voting Member and Delegate**

Appointment of G.A. (Andy) Morris as the voting delegate on the 2015 Municipal Electric Authority of Georgia (MEAG) Election Committee and Ron Mull as alternate voting delegate.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\*                      20150431                      MEAG Power 2015 Annual Election**

Motion to nominate Mayor Steve Tumlin to seek re-election to the Municipal Electric Authority of Georgia (MEAG) Board.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**







