



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary 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, December 9, 2015

7:00 PM

Council Chamber

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- \* **20151090**      **Regular Meeting - November 11, 2015**  
  
Review and approval of the November 11, 2015 regular meeting minutes.  
**Approved and Finalized**
  
- \* **20151092**      **Special Meeting - November 19, 2015**  
  
Review and approval of the November 19, 2015 special meeting minutes.  
**Approved and Finalized**
  
- \* **20150983**      **Z2015-38 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN**  
  
Z2015-38 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN requesting rezoning for property located in Land Lot 1158, District 16, Parcel 1240, 2nd Section, Marietta, Cobb County, Georgia, and being known as 180 Locust Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3A.  
  
Council member Goldstein previously disclosed that he owns property at 195 Locust Street.  
**Approved and Finalized**
  
- \* **20151085**      **Z2015-39 [REZONING] CITY OF MARIETTA**  
  
Z2015-39 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 1075, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of Burnap Street right-of-way from unzoned to R-2 (Single Family Residential - 2 units/acre). Ward 4B.  
**Approved and Finalized**

\* **20150959**      **CA2015-11 [CODE AMENDMENT]**

CA2015-11 [CODE AMENDMENT] Proposal to amend Division 722, paragraph 722.06 Reversionary Clause, as shown below, by deleting it in its entirety.

722.06 Reversionary clause If at the time of 12 months from the date of rezoning of property the owner has not obtained a building permit, and presented the necessary development plans as determined by the Department of Planning and Zoning on at least a portion of said property, the Planning and Zoning Director may propose a map amendment to rezone the property back to the previous zoning district classification. The owner of the property will be notified of the reversionary action to take place and afforded an opportunity to appear before the Planning Commission and City Council to show cause why the reversionary action should not be taken.

**Approved and Finalized**

\* **20151047**      **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 22-25, 2016, in Atlanta, Georgia.

**Approved and Finalized**

\* **20151048**      **National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish to attend the National League of Cities (NLC) Congressional City Conference in Washington, DC, March 5-9, 2016.

**Approved and Finalized**

\* **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.

**Approved and Finalized**

\* **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.

**Approved and Finalized**

\* **20151062**      **Street Closure Requests for Marietta Square Farmer's Market**

Motion to approve street closures for the 2016 Marietta Square Farmer's Market as follows:

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):  
January 9, 2016 to March 26, 2016; from 7 a.m. to 2 p.m.

Saturday closure of North Park Square:

April 2, 2016 to November 26, 2016; from 7 a.m. to 2 p.m.

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):

December 3, 2016 to December 24, 2016; from 7 a.m. to 2 p.m.

Sunday closure of Mill St. (from the railroad tracks to West Park Sq.):

April 3, 2016 to November 20, 2016; from 12 noon to 5 p.m.

Also, to grant staff the authority to move the Farmer's Market location as necessary to accommodate Council approved improvements in Glover Park and on North Park Square.

**Approved and Finalized**

\* **20151063**      **Street Closure Request for Marietta Square Artist's Market**

Motion to approve for the closure of Mill St. from the railroad tracks to W. Park Square for the Marietta Square Artists Market the 2nd and 4th Saturdays of the month from April through November 2016.

Also, to grant staff the authority to relocate the Artist's Market if necessary to conduct Council approved streetscape improvements to North Park Square.

**Approved and Finalized**

\* **20151076**      **New Year's Eve Alcohol Request and Street Closure Change**

A motion approving the following items regarding the New Year's Eve event sponsored by the Branding Project:

1. A waiver of City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the duration of the event.
2. Earlier closure of West Park Square on Thursday, December 31, 2015 of 11:00 am instead of 5:00 pm as originally requested and approved (item #20150894), for the purpose of hosting kids activities during the event.

Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.

**Approved and Finalized**

\* **20151015**      **Marietta Museum of History Appointments**

Consideration of a recommendation by the Museum of History Board to reappoint William Paden, Davis McCollum, Kee Carlisle, Harlon Crimm and Betty Hunter for a term of three (3) years.

**Approved and Finalized**

\* **20151017**      **Marietta Museum of History Appointment**

Consideration of a recommendation by the Museum of History Board to appoint Kirkland A. McGhee, as a new appointment, for a term of three (3) years.

**Approved and Finalized**

\* **20151039**      **Revisions to MPD Policies**

Motions approving revisions to listed policies  
A019 (Risk Analysis Board), A051 (Media & Public Relations), A052 (Detention & Housing of Detainees), A070 (Departmental Forms & Reports), A079 (Activated Military Deployment and Reintegration Procedures), C050 (Crime Prevention), E010 (SWAT & Tactical Medic), E035 (Critical Response Team), P010 (Patrol Operations), P044 (Police Vehicles), S020 (Canine Program), S035 (Crime and Accident Scenes), S040 ( Organized Crime & Vice Control), S060 (Special Purpose Vehicles), T040 (Firearms Regulations & Qualifications)

**Approved and Finalized**

- \*     **20151045**            **Intergovernmental Agreement - Smyrna**

Motion to approve an Intergovernmental Agreement with Smyrna to house Marietta Police Department inmates.
  
- \*     **20151084**            **Memorandum of Understanding**

Motion approving a Memorandum of Understanding for Georgia's Tax Refund Intercept Program Participation.

**Approved and Finalized**
  
- \*     **20151051**            **Burnap Street Right of Way**

Motion authorizing the abandonment, sale, and/or exchange of Burnap Street right of way between Roselane Street and North Avenue, subject to permanent easements being provided for all existing utilities within said right of way until such utilities are abandoned.

PUBLIC HEARING (All Parties sworn in)

**Approved and Finalized**
  
- \*     **20151058**            **GDOT I-75 Managed Lanes Right-of-Way**

Motion approving a request from GDOT to transfer City rights of way for the I-75 Managed Lanes project.

**Approved and Finalized**
  
- \*     **20151059**            **GDOT RIGHT OF WAY CONTRACT**

Motion approving a request to approve right of way contract for the acquisition of right of way for the Cobb Parkway at North Marietta Parkway project.

**Approved and Finalized**
  
- \*     **20151060**            **Appropriation of Public Works Funds**

Approval of an Ordinance amending the Fiscal Year 2016 General Fund budget to receive and appropriate \$24,780 from the sale of right of way for the Public Works Department.

**Approved and Finalized**

**20150995 V2015-52 [VARIANCE] CLEARCHANNEL OUTDOOR, INC**

V2015-52 [VARIANCE] CLEARCHANNEL OUTDOOR, INC is requesting a variance for property located in Land Lot 1212, District 16, Parcel 0210, 2nd Section, Cobb County, Georgia, and being known as 131 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Ward 5A.

· Variance to allow a digital billboard panel within 500 feet of a residential zoning district.

**Approved and Finalized**

**\* 20151100 Urban Redevelopment Plan**

Approval of a Resolution of the City of Marietta adopting a modification to the Urban Redevelopment Plan. This item is being added at the request of Mayor Tumlin.

Public Hearing Required

**Approved and Finalized**

**\* 20151138 Revision to the detailed plan for Meeting Park L-91 & L-92**

In order to correct an improperly placed building foundation for L-92, JW Homes, LLC, is requesting the following:

1. Reduce the setback between L-91 and L-92 from 10' to 6.3' at the nearest point.
2. Reduce the required access and utility easement width for a private alley from 20' to 18' between L-89, L-90, and L-91.

This revision would only apply to these lots. All other previously approved stipulations and standards would remain in effect.

This item was requested by Council Member Coleman.

**Approved and Finalized**

**20151121 Appeal Hearing - Officer Written Order of Case # 14-04427 120 Lewis Street Property**

Appeal hearing required for boarded up building at 120 Lewis Street.

*Motion to affirm the decision of the hearing officer and written order in Case #14-04427 for Boarded-Up Property at 120 Lewis Street with the stipulation that the final date for compliance shall be June 10, 2016.*

**Approved as Stipulated**

- \*     **20151139**            **Abandonment of Right of Way at 861 & 849 Franklin Road**
- Motion Authorizing the Abandonment of Right of Way at 861 & 849 Franklin Road.
- PUBLIC HEARING (All Parties sworn in)
- Approved and Finalized**
- \*     **20151140**            **Settlement Agreement**
- Motion to approve a Settlement Agreement between the city and Christopher James Murray, et al. Cobb County Superior Court Case number 12-1-11874-52 subject to approve by the City Attorney and City Manager as to final form of the Agreement.
- Approved and Finalized**
- 20151126**            **BLW Actions of December 8, 2015**
- Review and approval of the December 8, 2015 actions and minutes of Marietta Board of Lights and Water.
- Approved and Finalized**
- 20151156**            **Property Acquisition**
- Motion to approve the acquisition of approximately 2.55 acres in the Magnet area from GDCI GA 4, L.P, in exchange for \$65,000 to be used as a park.
- Approved and Finalized**