



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, March 14, 2018

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Reggie Copeland, Michelle Cooper Kelly and Joseph R. 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 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Michelle Cooper Kelly to give the invocation.

PLEDGE OF ALLEGIANCE:

Everyone was asked to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20180305

Recognition of Marietta Center for Advanced Academics (MCAA) Student Council

Council Member Michelle Cooper Kelly to recognize the (MCAA) Student Council representatives of the Marietta Center for Advanced Academics.

3A- Holland Poor & Oliva Pierson
3B- Kamero Leibel & Kaylee Wang
3C- Camille Hanson & Woodson Maddox
3D- Gabby Curfman & Zoey Brogan
4A- Aneesh Manyam & Charlotte Common
4B- Jacob Watson & Genevieve Lindsley Smith
4C- James Lowe & Caroline Rodriguez
4D- McKenzie Jenkins & Jaden Johnson
5A- Mahi Patel & Frank Kelley
5B- Addison Tilley & Elizabeth Ramirez
5C- Claire Breazeale & Jaide Venzen
5D- Kamille Rajahn & Dia Sashittal

Presented

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

20180312 Scheduled Appearance

Scheduled Appearance - Nancy Ryle
(Unable to Attend due to inclement weather and travel arrangements.)

Not Present

**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).**

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

*A motion was made by Council member Richardson, seconded by Council
member Morris, to suspend the rules of order to add an item to the agenda
related to a denial of claim. The motion carried by the following vote:*

*Vote: 7 – 0 – 0 Approved
(see agenda item 20180330)*

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

*-under Judicial/Legislative: Agenda item 20180271 was added to the consent
agenda with Council member Goldstein opposed.*

-under Other Business: Agenda item 20180242 was added to the consent agenda with Council members Kelly and Goldstein abstaining.

-under Other Business: Agenda item 20180292 was added to the consent agenda.

Mr. Haynie then 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 Morris, seconded by Council member Kelly, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

with the following exceptions:

Council member Goldstein voting against agenda item 20180271

Council members Kelly and Goldstein abstaining on agenda item 20180242

MINUTES:

*** 20180290 Regular Meeting - February 14, 2018**

Review and approval of the February 14, 2018 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20180291 Special Meeting - February 27, 2018**

Review and approval of the February 27, 2018 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR’S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

*** 20180228 Tax Intercept Hearing Officer Appointment**

Appointment of Tyler J Browning for the Tax Intercept Hearing Officer for Municipal Court TRIP Program.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20180239 Marietta Historic Board of Review Reappointment (Ward 3)**

Reappointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two-year term expiring March 14, 2020.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:

20180028 Z2018-05 [REZONING] BLACK BUILDERS LLC (TRATON HOMES LLC)

[Ord. 8024](#)

Z2018-05 [REZONING] BLACK BUILDERS LLC (TRATON HOMES LLC) is requesting the rezoning of 9.55 acres located in Land Lots 922 & 923, District 16, Parcels 0030, 0080, 0100, 0140, 0160 & 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1214, 1244, 1250 Allgood Road; 1052 & 1062 Lawanna Drive; and 1355 Lincoya Drive from R-2 (Single Family Residential - 2 units/acre), R-4 (Single Family Residential - 4 units/acre), and R-20 (Single Family Residential - County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 6B.

Council member Johnny Walker disclosed that he has a property listed at Greymont Circle owned by Brian Block. Council member Walker will abstain from voting on this matter.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie then swore in those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request to rezone property at 1214, 1244, 1250 Allgood Road; 1052 & 1062 Lawanna Drive; and 1355 Lincoya Drive from R-2 (Single Family Residential - 2 units/acre), R-4 (Single Family Residential - 4 units/acre), and R-20 (Single Family Residential - County) to PRD-SF (Planned Residential Development - Single Family) in the City.

Kevin Moore, attorney for the applicant, requested rezoning to develop a residential townhome community containing a maximum of 59 residences. Mr. Moore submitted a letter of stipulations dated March 14, 2018 outlining the conditions in which the property would be developed. Also submitted for review were the site plan for the development and building elevations.

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made to approve the rezone property at 1214, 1244, 1250 Allgood Road; 1052 & 1062 Lawanna Drive; and 1355 Lincoya Drive from R-2 (Single Family Residential - 2 units/acre), R-4 (Single Family Residential - 4 units/acre), and R-20 (Single Family Residential - County) to PRD-SF (Planned Residential Development - Single Family) in the City.

The following stipulations are incorporated as conditions of zoning: Letter of stipulations from J. Kevin Moore, Moore, Ingram, Johnson & Steele, LLP, to Shelby Little, AICP, Planning & Zoning Manager for the City of Marietta, dated March 14, 2018.

The motion was made by Council member Kelly, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 6 – 0 – 1 Approved
Abstaining: Johnny Walker

20180220

[Ord. 8022](#)

A2018-02 [ANNEXATION] BLACK BUILDERS LLC (TRATON HOMES LLC)

A2018-02 [ANNEXATION] BLACK BUILDERS LLC (TRATON HOMES LLC) is requesting the annexation of property located in Land Lot 923, District 16, Parcels 0140 & 0160 (also known as 1052 & 1062 Lawanna Drive) and all required right of way, of the 2nd Section, Cobb County, Georgia consisting of 1.19 acres. Ward 6B.

Council member Johnny Walker disclosed that he has a property listed at Greymont Circle owned by Brian Block. Council member Walker will abstain from voting on this matter.

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

Kevin Moore, attorney for the applicant, asked that his presentation from the rezoning be incorporated in the annexation.

Seeing no one else wishing to speak, the public hearing was closed.

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

Vote: 6 – 0 – 1 Approved
Abstaining: Johnny Walker

20180221

CA2018-02 [CODE AMENDMENT]**Ord. 8023**

CA2018-02 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 923, District 16, Parcels 0140 & 0160, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1052 & 1062 Lawanna Drive, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 6B.

Council member Johnny Walker disclosed that he has a property listed at Greymont Circle owned by Brian Block. Council member Walker will abstain from voting on this matter.

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

Kevin Moore, attorney for the applicant, asked that his presentation from the rezoning be incorporated for the code amendment.

Seeing no one else wishing to speak, the public hearing was closed.

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

Vote: 6 – 0 – 1 Approved
Abstaining: Johnny Walker

20180045

Z2018-11 [REZONING] COMPASS RESIDENTIAL LLC**Ord. 8020**

Z2018-11 [REZONING] COMPASS RESIDENTIAL LLC is requesting the rezoning of 0.22 acres located in Land Lot 1144, District 16, Parcel 1440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 390 Wellons Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie then swore in those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request to rezone property at 390 Wellons Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).

Mr. Roth mentioned that if Council approves the rezoning, the following variances would be incorporated as conditions of zoning: 1. Variance to reduce the major side yard setback from 25 feet to 19 feet. 2. Variance to allow the accessory structure to be located closer to the right-of-way than the principal structure.

The applicant requested rezoning of the subject property from NRC to R-4 in order to utilize the property as a residence.

*Seeing no one else wishing to speak, the public hearing was closed.
Discussion was held by Council.*

Motion to approve the rezone property at 390 Wellons Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre), with the rezoning, the following variances would be incorporated as conditions of zoning:

- 1. Variance to reduce the major side yard setback from 25 feet to 19 feet. [§708.04 (H)]*
- 2. Variance to allow the accessory structure to be located closer to the right-of-way than the principal structure. [§708.04 (F.1)]*

The motion was made by Council member Copeland, seconded by Council member Chalfant, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

* 20180117

Z2018-12 [REZONING] SESSIONS STREET PARTNERS LLC (EDJ HOMES, LLC)

[Ord. 8021](#)

Z2018-12 [REZONING] SESSIONS STREET PARTNERS LLC (EDJ HOMES, LLC) is requesting the rezoning of 0.34 acres located in Land Lot 1147, District 16, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia, and being known as 367 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 4B.

If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:

1. Variance to reduce the side yard setback along the northern side of the existing structure from 10' to 0.9.' [§708.04 (H)]
2. Variance to reduce the minimum lot width from 75' to 56.' [§708.04 (H)]

Public hearing held during consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20180254 Denial of Claim**

Denial of Claim for Ray Summerour.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny Claim

*** 20180287 Denial of Claim**

Denial of Claim for The Estate of Devin C. Howell.

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: Johnny Walker, Chairperson****2. Finance/Investment: Joseph R. Goldstein, Chairperson***** 20180244 Reduction of 2014 Redevelopment Bonds**

Motion to incorporate into upcoming Budgets commencing with 6/19 Budget, planning for a reduction of outstanding 2014 Redevelopment Bonds or equivalent escrow thereto by allocating available remaining funds of bond proceeds, recognizing and allocating increase of ad valorem tax digest, and use of escrow amortized funds being set aside annually for purposes of facilitating a Redevelopment bond millage rate of a targeted 1.75 mills commencing October, 2019 and 1.5 Mills commencing October, 2021 for the remainder of the “bond period”.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson

- * **20180232** **Amending Ordinance 10-4-070**
- [Ord. 8017](#) A motion amending Ordinance 10-4-070(G) to include the Branding Project as a “City Sanctioned” organization.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
-
- * **20180233** **Amending Ordinance 8-8-2-160 - Open Containers Prohibited--Exception**
- [Ord. 8018](#) A motion amending Ordinance 8-8-2-160(C) to add the Branding Project as a “City Sanctioned” designated organization.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
-
- * **20180235** **Revised Detailed Plan - Marvelle**
- Motion to approve the following revisions to the detailed plan for Marvelle:
1. Amend the statement under Parking Calculations from “Each lot shall have a 2-car garage plus a driveway at least 20’ deep in order to accommodate 2 additional cars” to “Each townhome lot shall have a 2-car garage plus a driveway at least 20’ deep in order to accommodate 2 additional cars” to reflect parking requirements for PRD-SF and match the parking calculations.
 2. Approve the designs dated 2/6/2018 for the Entrance Tower at Howard and Gunter Streets, as well as the Mews Towers, entry gates, and low fencing throughout the development.
 3. Approval of architectural elevations for the detached units dated 2/13/18. The homes in the community shall be traditional in nature and consistent with the house elevations submitted and signed by Brock Built Homes and approved by the City of Marietta, dated March 14, 2018. Design features, standards, and requirements incorporated in the homes shall be as follows:
 - a. Mixture of materials with material changes taking place on the interior corners or where roof massing accommodates the change of materials.
 - b. Window muntins appropriate to the style of the home on all four sides of the residence.
 - c. Shutters deemed appropriate by the architecture on front and side elevations (and on the rear elevations where they can be seen from the public streets) of the homes.

d. Mixture of the materials to continue, as appropriate onto the side and rear elevations.

e. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.) per heated floor space. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

f. In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20180271 Amendment of Rules and Enactment of Ordinances and Charter Amendments (1-4-040)**

Motion to approve ordinance amendment to Article 1-4-040 entitled “Rules and Enactment of Ordinances and Charter Amendments” including authorization for the Mayor and City Clerk to execute same.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 First Reading

Voting Against: Joseph R. Goldstein

20180269 Amendment of Code Section 1-14-2-010 (Ethics Ordinance)

[Ord. 8015](#)

Motion to amend Code Section 1-14-2-010 Ethics Ordinance definition so that it shall read as attached.

Discussion was held regarding amendments to Code Section 1-14-2-010 Ethics Ordinance. There was general agreement to move forward with the proposed document, changing the words "constructive knowledge" to read, "actual knowledge" anywhere it appears in the section.

The motion was made by Council member Morris, seconded by Council member Copeland, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

5. Personnel/Insurance: Cheryl Richardson, Chairperson*** 20180286 Naming of Parking Space at City Hall**

Motion to designate the handicapped parking space nearest to the Fire Department on the upper level (north end) of the parking deck as the Jason Bourne Memorial Parking Space in commemoration of Jason's service to the City/BLW.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Reggie Copeland, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson***** 20180249 Burnt Hickory Road Crosswalk**

Motion to approve the upgrading the Burnt Hickory Road rapid flashing beacon pedestrian crosswalk near Old Mountain Road at the Kennesaw Mountain trail.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20180251 Kennesaw Mountain to Chattahoochee River "Gap" Trail at East Dixie Avenue**

Motion amending the scope of the KMCR Gap project to install a trail along the southern side of East Dixie Avenue, remove the sidewalk replacement along the north side of East Dixie Avenue, and to add a phase to construct the portions of trail along East Dixie Avenue as a future separate project.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:**20180242 67-87 North Park Square-Wise Owl Brewing LLC**

Motion to approve a Certificate of Approval for the new construction of a new building, including exterior wall, projecting, and awning signage, on the empty lot at 67-87 North Park Square, according to the attached application package titled "Wise Owl Brewing - Revised 3/5/18 HBR Review" signed and dated by the applicant, with the following change:

1. The rear elevation will be brick with sandstone accents to match the front and side elevations.

The Historic Board of Review made the following recommendation at their March 3, 2018 meeting:

Board member Brown made a motion to approve the Certificate of Approval for the new construction of and signage for Wise Owl Brewery, and including a variance for multiple principal use signs, seconded by Board member Paden. Board member Brown suggested the applicant work with the adjacent property owner on the brick/sandstone composition of the rear elevation but did not make the approval contingent on an agreement. The motion carried with the following vote: 9-0-0

Council member Joseph R. Goldstein disclosed that 67-87 North Park Square is owned by Marietta Properties, LLC, which is owned and managed by his father Philip Goldstein. Further, Council member Goldstein will not participate in any discussion or vote on this item in his official capacity as city council member.

Council member Michelle Cooper Kelly disclosed that she is employed by a large brewery that also owns several craft breweries.

This Matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 2

Approved

Abstaining: Michelle Cooper Kelly and Joseph R. Goldstein

* **20180315**

598 Powder Springs Street

Motion authorizing acquisition of a portion of property and easements at 598 Powder Springs Street from Star Tune of America Inc. (Teresa C. Bowles) for the purpose of constructing the Powder Springs Streetscape- Sandtown Rd. to S. Marietta Parkway Project in exchange for \$48,700.00 and the stipulations as listed below:

1. Contractor to call owner, Teresa Bowles to let her know start of construction.
2. Owner to obtain quotes for new sign replacement if impacted. City of Marietta to pay for sign and installation.
3. If security lights fall within easement or right of way, City will bear cost of replacing and or moving same.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20180316 319 Manget Street**

Motion authorizing acquisition of a portion of property and easements at 319 Manget Street from 319 Manget, LLC for the purpose of constructing the Manget Street Improvements- Manget Street at Lakewood Drive Project in exchange for \$6, 310.20 and the stipulations listed below:

1. Resod front yard with existing type of grass.
2. Resurface driveway from curb to rear corner of house.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20180317 454 Haley Street**

Motion authorizing acquisition of a portion of property and easements at 454 Haley Street 454 Haley, LLC for the purpose of construction the Manget Street Improvements- Manget Street at Lakewood Drive Project in exchange for \$5,904.00 and the stipulations listed below:

1. Any land disturbed by construction will be graded and sodded. Also, entire front yard will be re-sodded with existing type of grass.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20180318 319 Stokes Avenue**

Motion authorizing acquisition of easements at 319 Stokes Avenue from Billy R. Ramsey and Shirley Gantt Ramsey for the purpose of constructing the Manget Street Improvements - Manget Street at Lakewood Drive Project in exchange for \$1,191.40.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20180292 BLW Actions of March 12, 2018**

Review and approval of the March 12, 2018 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20180330

Denial of Claim

Denial of Claim for Ronald W. Wilson.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Deny Claim

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 7:45 p.m.

Date Approved: April 11, 2018

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk