



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, August 8, 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

Daniel White, Assistant 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 Morris to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20180855 Marietta High School Senior Football Players and the Varsity Cheerleaders

Marietta celebrates the opening of Marietta City Schools, the introduction of the 2018 Seniors of the Marietta Blue Devils Football team and the 2018 Varsity Cheerleaders.

Presented

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

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.

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

-under Public Works: Agenda item 20180808 remained on the consent agenda and amended to read, "Motion to install a sign on Lindley Ave honoring Pastor Benjamin Lockhart for his contribution to his Church and Marietta Community. This would be an honorary Street name such as "Dr. Benjamin Lockhart, Jr., Ave" to be installed close to the entrance of the Church on Lindley Ave."

-under Public Works: Agenda item 20180834 was added to the consent agenda.

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

Vote: 7 - 0 - 0 Approved

with the following exception:

Council member Goldstein abstaining on agenda item 20180842.

MINUTES:

* **20180840 Regular Meeting - July 11, 2018**

Review and approval of the July 11, 2018 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20180841 Special Meeting - July 24, 2018**

Review and approval of the July 24, 2018 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20180842** **Executive Session Minutes**

Review and approval of the following executive session minutes:

April 26, 2017 City Council Special Meeting Work Session
May 8, 2017 Agenda Work Session
May 10, 2017 Agenda Review Session
June 14, 2017 City Council Meeting

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1 **Approved**
Abstaining: Joseph R. Goldstein

MAYOR’S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

* **20180878** **Historic Preservation Commission Appointment (Ward 6)**

Reappointment of Rebecca Nash Paden (Ward 6) to the Historic Preservation Commission for a term of three years, expiring August 8, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

ORDINANCES:

20170009 **Z2017-08 [REZONING] OCHOA GLORIA TORRES (NICHOLAS TORRES)**

Z2017-08 [REZONING] OCHOA GLORIA TORRES (NICHOLAS TORRES) is requesting the rezoning of approximately 0.54 acres located in Land Lots 287 & 290, District 17, Parcel 0670, 2nd Section, Marietta, Cobb County, Georgia, and being known as 566 W Atlanta Street, from NRC (Neighborhood Retail Commercial) to CRC (Community Retail Commercial). Ward 1A.

The following stipulations are incorporated as conditions of zoning:

- Letter of stipulations from Adam J. Rozen of Sams, Larkin, Huff & Balli, to Jasmine Thornton, Planning & Zoning Administrator for the City of Marietta, dated May 25, 2018.
- Letter of stipulations from Adam J. Rozen of Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 29, 2018.

City Attorney Doug Haynie opened the public hearing and explained the rules of order.

Rusty Roth, Development Services Director, presented information regarding the request to rezone property at 566 W Atlanta Street, from NRC (Neighborhood Retail Commercial) to CRC (Community Retail Commercial). Mr. Roth stated that the property would be used to build a sales office for a commercial landscaping company with outdoor storage.

Adam J. Rozen of Sams, Larkin, Huff & Balli, requested rezoning of the subject property to develop and operate a pine straw business. The main building is proposed to be a two-story structure that would have trailers located behind the building to store the pine straw. However, variances would be necessary since there are four (4) single family residential properties bordering the subject property. The requested variances are outlined in the letter of stipulations dated May 25, 2018 and June 29, 2018.

Discussion was held by Council.

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

A motion was made by Council member Richardson, seconded by Council member Kelly, to approve the rezoning request for property located at 566 W Atlanta Street, from NRC (Neighborhood Retail Commercial) to CRC (Community Retail Commercial), with the following stipulations incorporated as conditions of zoning:

- 1. Letter of stipulations from Adam J. Rozen of Sams, Larkin, Huff & Balli, to Jasmine Thornton, Planning & Zoning Administrator for the City of Marietta, dated May 25, 2018.*
- 2. Letter of stipulations from Adam J. Rozen of Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 29, 2018.*

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20180746

Z2018-21 [SPECIAL LAND USE PERMIT] BUFORD CLAIRMONT COMPANY LTD (ECO-SITE, LLC)

Z2018-21 [SPECIAL LAND USE PERMIT] BUFORD CLAIRMONT COMPANY LTD (ECO-SITE, LLC) is requesting a Special Land Use Permit for a new telecommunications tower on property zoned CRC (Community Retail Commercial), located in Land Lot 361, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known 621 South Marietta Parkway. Ward 1A.

If Council approves the Special Land Use Permit, the following variances would be incorporated as conditions of the Special Land Use Permit:

1. Variance to locate a telecommunications tower within 240 feet of residentially zoned property. [§712.07 (B.1)]
2. Variance to reduce the landscaped buffer from 50 feet to 4 feet. [§712.07 (B.5)]

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

Rusty Roth, Development Services Director, presented information regarding the Special Land Use Permit for a new telecommunications tower on property at 621 South Marietta Parkway. The subject property, Parkway Plaza Shopping Center, is approximately 11.38 acres in area and zoned CRC (Community Retail Commercial).

John McLeon, representing Eco-Site, requested a SLUP to construct a new cell tower in the area to accommodate their client, T-Mobile. T-Mobile is requesting this tower to reduce the burden of the existing towers that are at- or over-capacity, resulting in intermittent service for their users. The proposed height of the tower would be 120 feet tall, which is the maximum height allowed for a tower in CRC and containing four (4) users.

Mr. McLeon also requested the following variances be incorporated as conditions of the Special Land Use Permit:

1. Variance to locate a telecommunications tower within 240 feet of residentially zoned property. [§712.07 (B.1)]
2. Variance to reduce the landscaped buffer from 50 feet to 4 feet. [§712.07 (B.5)]

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

Discussion was held regarding the height of the proposed tower and the visual optics of the neighboring residences.

A motion was made by Council member Richardson, seconded by Council member Walker, to deny the Special Land Use Permit for a new telecommunications tower on property located at 621 South Marietta Parkway. The motion carried by the following vote:

Vote: 6 – 1 – 0 Denied
Voting Against: Andy Morris

20180755

Z2018-23 [REZONING] WAYMON AHART, TRUSTEE (THE STONEHAVEN SCHOOL INC)

Z2018-23 [REZONING] WAYMON AHART, TRUSTEE (THE STONEHAVEN SCHOOL INC) is requesting the rezoning of approximately 3.77 acres located in Land Lot 02900, District 17, Parcel 0640, 2nd Section, Marietta, Cobb County, Georgia, and being known as 521 Atlanta Street from LI (Light Industrial) to OI (Office Institutional). Ward 1A.

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

Variances:

1. Variance to reduce the buffer adjacent to RA-6 from 30' to 20.' [§708.23 (I)]
2. Variance to disturb within the required buffer. [§710.05]
3. Variance to reduce the minimum lot acreage for a school from five (5) acres to 3.77 acres [§708.23 (B.20)].
4. Variance to allow a curb cut for a commercial development to be alongside a residential street [§716.02 (D)].
5. Variance to reduce the required total number of parking spaces from 124 to 97 spaces [§716.07 (J)].

Stipulation:

1. A buffer, consisting of two rows of evergreen trees, a minimum of 6 feet in height, and a 6 foot tall opaque fence, be provided adjacent to the residentially zoned properties.

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

Rusty Roth, Development Services Director, presented information regarding the request to rezone property at 521 Atlanta Street. Mr. Roth stated that the property would be used to build a campus for the Stonehaven School, Inc.

Mr. Moore, with Moore, Ingram, Johnson, & Steele, requested the rezoning to develop the subject property as the new campus for the Stonehaven School. Currently they are operating out of Grace Pointe Church located just to the north at 505 Atlanta Street. The proposed facilities for the school's campus would include three classroom buildings, a gymnasium, an athletic field, and attendant parking.

Based on the submitted plans, Mr. Moore requested that the following variances be incorporated as conditions of zoning:

1. Variance to reduce the buffer adjacent to RA-6 from 30' to 20.' [§708.23 (I)]
2. Variance to disturb within the required buffer. [§710.05]
3. Variance to reduce the minimum lot acreage for a school from five (5) acres to 3.77 acres [§708.23 (B.20)].
4. Variance to allow a curb cut for a commercial development to be alongside a residential street [§716.02 (D)].
5. Variance to reduce the required total number of parking spaces from 124 to 97 spaces [§716.07 (J)].

Those speaking regarding this request were Beth Dove, who owns property on King Court, and Larry Wills, who resides at 60 Oakmont Drive.

Discussion was held by Council, specifically related to carpool traffic and the total number of students that would be enrolled once the school is built out.

Mr. Moore said current enrollment is 120, with a projected 90 more students in the next two-three years. Then over the course of the next five years they would bring other students to this location bringing the total to 200-240 students. Mr. Moore also explained that the proposed carpool route would allow for adequate stacking on the property, with little to no spillage into the street.

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

Further discussion was held. There was general agreement to table this matter and referred to the Public Works Committee to discuss traffic issues.

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

Vote: 7 – 0 – 0

Tabled

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

*** 20180861 Denial of Claim**

Denial of Claim for Skylar Larmore.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Deny Claim

*** 20180871 Denial of Claim**

Denial of Claim for Ross D Routh.

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***** 20180862 Supplemental Project Framework Agreement**

Motion to accept the additional grant funds through the execution of the Supplemental Project Framework Agreement (PFA) with GDOT for the Rottenwood Creek Trail Phase II and amending the budget to reflect the additional grant funding.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20180806 Special Election Alcohol Referendum**

Motion to appoint the Cobb County Board of Elections and Registration as the election superintendent for the City of Marietta and approve the contract for the November 6, 2018 Special Election regarding the Sunday Alcohol Sales Referendum.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20180818 Interagency Services Agreement with Marietta City Schools**

Motion to approve the renewal of Interagency Services Agreement for School Bus Photo Enforcement between the City of Marietta and Marietta City Schools.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**5. Personnel/Insurance: Cheryl Richardson, Chairperson**

* **20180814** **Property & Casualty/Miscellaneous Coverage**

Motion approving the City of Marietta/BLW property & casualty and other miscellaneous coverage, premiums, and companies utilized for the policy period of August 17, 2018, to August 17, 2019.

- Property & Casualty-Trident/Argonaut: \$687,609
- Excess Workers' Compensation-Midwest Employers Casualty Company: \$268,146 (policy period of August 17, 2018, to August 17, 2020)
- Fiduciary Liability-Chubb Insurance Group/Federal Insurance Company: \$11,663
- Public Official Bonds-Travelers Casualty and Surety, Inc.: \$625.00

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

* **20180808** **Honorary Street Sign**

Motion to install a sign on Lindley Ave honoring Pastor Benjamin Lockhart for his contribution to his Church and Marietta Community. This would be an honorary Street name such as " Pastor Benjamin Lockhart Ave" to be installed close to the entrance of the Church on Lindley Ave.

Motion to install a sign on Lindley Ave honoring Pastor Benjamin Lockhart for his contribution to his Church and Marietta Community. This would be an honorary Street name such as "Dr. Benjamin Lockhart, Jr., Ave" to be installed close to the entrance of the Church on Lindley Ave.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved as Amended

* **20180826** **Maple Avenue Student Drop Off and Pickup**

Motion to authorize the installation of "No Student Drop Off or Pickup" signs along the south side of Maple Avenue from Cleburne Avenue to the western entrance to Westside Elementary School.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20180827** **962 Roswell Street Utility Variance**
- Motion approving a variance from the Underground Utilities ordinance to allow the installation of one utility pole along the Dodd Street frontage of 962 Roswell Street.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20180834** **513 Kent Terrace Fence**
- Motion to approve a Revocable Easement Agreement to allow Dale Yake to maintain a fence on Kent Terrace and Anderwood Ridge right of way.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20180854** **Maple Avenue at Cleburne Avenue Rapid Flashing Beacon**
- Motion authorizing the installation of a rapid flashing beacon pedestrian crossing at the intersection of Maple Avenue and Cleburne Avenue using Wards 3 and 4 traffic safety funds.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20180596** **Charlton Forge Speed Signs**
- Motion to authorize the installation of driver speed feedback survey signs using Ward 2 traffic safety funds:
Two signs in the vicinity of 951 and 958 Chestnut Hill Road
One sign in the vicinity of 1040/1050 Charlton Trace
One sign in the vicinity of 975/979 Denmeade Walk
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

OTHER BUSINESS:

- 20180742** **V2018-34 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING)**
- V2018-34 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING) are requesting variances for property located in Land Lot 800, District 17, Parcel

0090, 2nd Section, Cobb County, Georgia, and being known as 2424 Delk Road, currently zoned CRC (Community Retail Commercial).

1. Variance to reduce the rear setback for a billboard support structure from 35' to 9'. §708.16 (H); §714.04 (G.1); §714.04 (G.8)
2. Variance to reduce the rear setback for billboard sign faces from 26.25' to 9'. §708.16 (H); §714.04 (G.1); §714.04 (G.8)
3. Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)
4. Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)
5. Variance to increase the allowable height for a billboard from 70' to 85' above adjacent I-75 road grade. §714.04 (G.6)

Rusty Roth, Development Services Director, presented information regarding both variance requests for properties located at 2424 and 2430 Delk Road.

Matthew Klase, representing the applicants, explained that Lamar Advertising and TLC Properties are proposing major alterations to the existing billboards due to the GDOT constructing a 32-foot tall sound barrier along the eastside of I-75. The applicant indicated that they were not informed about the possibility of a sound barrier being constructed along I-75. According to the applicant, had they been properly informed, they would have attempted to voice their concerns about the possibility of a structure being erected directly in front of their billboards. Their concern is that the barrier will obstruct the visibility of the sign and only by increasing the allowable sign height will visibility be restored.

A motion was made by Council member Morris, seconded by Council member Chalfant, to grant the following variances for property located at 2424 Delk Road, currently zoned CRC (Community Retail Commercial):

1. Variance to reduce the rear setback for billboard sign faces from 26.25' to 15'. §708.16 (H); §714.04 (G.1); §714.04 (G.8)
2. Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)
3. Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)
4. Variance to increase the allowable height for a billboard from 70' to 84' above adjacent I-75 road grade. §714.04 (G.6)

The motion carried by the following vote:

Vote: 6 – 1 – 0 **Approved**
Voting Against: Joseph R. Goldstein

20180743**V2018-35 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING)**

V2018-35 [VARIANCE] TLC PROPERTIES INC (LAMAR ADVERTISING) are requesting variances for property located in Land Lot 800, District 17, Parcel 0060, 2nd Section, Cobb County, Georgia, and being known as 2430 Delk Road, currently zoned CRC (Community Retail Commercial).

1. Variance to reduce the rear setback for billboard sign faces from 26.25' to 15'. §708.16 (H); §714.04 (G.1); §714.04 (G.8)
2. Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)
3. Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)
4. Variance to increase the allowable height for a billboard from 70' to 84' above adjacent I-75 road grade. §714.04 (G.6)

A motion was made by Council member Morris, seconded by Council member Chalfant, to grant the following variances for property located at 2430 Delk Road, currently zoned CRC (Community Retail Commercial).

1. *Variance to reduce the rear setback for billboard sign faces from 26.25' to 15'. §708.16 (H); §714.04 (G.1); §714.04 (G.8)*
2. *Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)*
3. *Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)*
4. *Variance to increase the allowable height for a billboard from 70' to 84' above adjacent I-75 road grade. §714.04 (G.6)*

The motion carried by the following vote:

Vote: 6 – 1 – 0 Approved

Voting Against: Joseph R. Goldstein

20180868**Appeal of V2018-22 (20180616) Alderswood of Georgia Holdings Inc.**

Consideration of an appeal of BZA's approval of the Special Land Use Permit V2018-22 (#20180616) by the homeowners of Carriage Oaks subdivision. *Mayor Tumlin called on City Attorney Doug Haynie to hold the public hearing.*

City Attorney Doug Haynie opened the hearing and swore in those wishing to speak. Mr. Haynie explained the appeals process related to variance requests approved and/or denied by the Board of Zoning Appeals. This request related to 1306 & 1326 Whitlock Avenue was approved by the BZA on June 25, 2018. The Carriage Oaks homeowners request to have their concerns heard in a de novo hearing, as stated under the Zoning Ordinance 720. Council may approve, modify and approve, or reject the determination made by the Board.

Todd Korn, representing the applicant, presented information regarding the request for a special land use permit to allow the existing cemetery to expand into the remaining undeveloped thirty (30) acres, in addition to the existing thirty-six (36) acres. The expansion would occur in the northern portion of the property, nearest to the existing homes in the Carriage Oaks Subdivision. Mr. Korn reiterated that the proposal adheres to the cemetery requirements, including the twenty-five (25) foot undisturbed buffer, which will minimize any impact the expansion may have on the residences.

Diagrams were also presented to show the location of the estate type burials and mausoleums on the property. There would be cemetery ground burials, such as monuments, benches, private mausoleum structures and outdoor shade structures. be located on the grounds.

Stuart Napshin spoke on behalf of the homeowners of the Carriage Oaks subdivision in opposition to the variance request. Mr. Napshin outlined the specific reasons for the opposition.

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

Discussion was held by Council regarding the proposed layout of the grounds, as opposed to the final placement of mausoleums and other structures. Discussion was also held regarding the buffer between the cemetery and neighboring residences.

A motion was made by Council member Morris, seconded by Council Kelly, to reject the Board of Zoning Appeal's approval of the Special Land Use Permit V2018-22 (#20180616) by the homeowners of Carriage Oaks subdivision. The motion carried by the following vote:

Vote: 7 – 0 – 0 Decision Overturned

*** 20180886 Old Mountain Road Resurfacing**

Motion to approve the Intergovernmental Agreement with Cobb County to resurface Old Mountain Road and Garrison Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20180843 BLW Actions of August 6, 2018**

Review and approval of the August 6, 2018 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:30 p.m.

Date Approved: September 12, 2018

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk