

1. Agenda

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2. Summary

Documents:

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City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda 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, January 10, 2018

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member G.A. (Andy) Morris, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

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:

- * **20180055 Regular Meeting - December 13, 2017**
Review and approval of the December 13, 2017 regular meeting minutes.
- * **20180056 Special Meeting - December 20, 2017**
Review and approval of the December 20, 2017 special meeting minutes.
- * **20180057 Special Meeting - January 3, 2018**
Review and approval of the January 3, 2018 special meeting minutes.

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

- * **20180034 Appointment of Chief Judge**

Election of Roger Rozen for Chief Judge of the Municipal Court with a term of two years through December 31, 2019 and with appropriate written memorialization pursuant to Georgia Code.
- 20180035 Appointment of Associate Judges**

Nomination of Associate Judges for January 10, 2018 City Council Agenda appointments.
- 20180036 Election of Prosecuting Attorney**

Election of a Prosecuting Attorney to serve term ending 12/31/2019. Nominations are Robert Donovan and Ben Smith.
- 20180075 Appointment of Associate Prosecuting Attorneys**

Nomination of Associate Prosecuting Attorneys to serve the term ending 12/31/2019.
- * **20180037 Appointment of City Clerk**

Appointment of Stephanie Guy as City Clerk.
- 20180038 Appointment of City Attorney**

Nomination of Douglas Haynie as City Attorney.

* **20180071** **Appointment of Municipal Court Clerk**

Motion to appoint Pam Allen as Municipal Court Clerk pursuant to City Code 6.7 consistent within the defined terms of OCGA § 36-32-13, for a two year term.

* **20180065** **Cobb Municipal Association 2018 Delegates**

Appointment of Michelle Cooper Kelly and Cheryl Richardson as voting delegates for the Cobb Municipal Association (CMA) business meetings.

ORDINANCES:

20171186 **Z2018-03 [REZONING] ALICEY INC**

Z2018-03 [REZONING] ALICEY INC is requesting the rezoning of approximately 1.97 acres located in Land Lot 714, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1222 Franklin Gateway from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 1A.

The Planning Commission recommends approval with stipulations.

*Ms. McCrae made a motion to recommend denial. There was no second. The motion failed.
Mr. Poor made a motion, seconded by Mr. Diffley, to recommend approval with the following variances and stipulation. The motion carried 6 1 0. Ms. McCrae opposed.*

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

- 1. Variance to reduce the required road frontage for a free standing sign from 75' to 40'.*
- 2. Variance to allow signage to be 15' tall.*

Stipulation: The following uses will not be allowed on the property without a future Special Land Use Permit:

- 1. Adult entertainment shops*
- 2. Dry cleaning utilizing petrochemicals*
- 3. Helicopter landing areas*
- 4. Pawn shops*
- 5. Motels/Hotels Extended Stay*
- 6. Shelters for the homeless*

Public Hearing (all parties are sworn in)

* **20171184 Z2018-01 [REZONING] CITY OF MARIETTA**

Z2018-01 [REZONING] CITY OF MARIETTA is requesting the rezoning of 7,460 square feet of property located in Land Lots 1213 & 1236, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of the Covington Avenue right of way from unzoned to CRC (Community Retail Commercial). Ward 1A.

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)

* **20171185 Z2018-02 [REZONING] CITY OF MARIETTA**

Z2018-02 [REZONING] CITY OF MARIETTA is requesting the rezoning of 8,445 square feet of property located in Land Lot 1238, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as Freys Gin Court from unzoned to CRC (Community Retail Commercial). Ward 7A.

The Planning Commission recommends approval.

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

The meeting adjourned at 6:36PM. Immediately afterwards, Mr. Richard N. Hubert, stood up and opposed this rezoning request. Mr. Diffley made a motion to open the meeting and allow Mr. Hubert to speak. Mr. Hunter seconded. The motion carried 7 0 0.

After Mr. Hubert spoke, Mr. Diffley made a motion to close the public session. Ms. McCrae seconded.

The motion carried 7 0 0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20180050 Denial of Claim**

Denial of Claim for Rebecca Crenshaw.

* **20180064 Denial of Claim**

Denial of Claim for Spyridon Lourentazatos.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Johnny Walker, Chairperson

* **20171190 CDBG Application Package**

Motion to approve the plans and supporting documents for 2018 Community Development Block Grant application package.

2. Finance/Investment: Joseph Goldstein, Chairperson

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

* **20171178 Unexpired Contracts**

Motion to approve certain unexpired contracts to ratify in accordance with Section 36-30-3 of the Official Code of Georgia Annotated (O.C.G.A.).

* **20171193 Detailed Plan - White & Roselane Townhomes**

Motion to approve the detailed plan for 271 & 223 White Street consisting of site and tree plans (revision dates 12/14/17 and 12/18/17 respectively) and attached townhome elevations. The following shall be incorporated with the plan:

1. Variance to reduce the width of the access easement for the private street from 50 feet to 20 feet.
2. Variance to increase the maximum impervious surface from 60% to 62%.
3. Variance to allow understory trees as street trees.

Council member Goldstein opposing

* **20171095 SB 85 and Sunday Alcohol Sales for Malt Beverage and Distilled Spirit Manufacturers**

Motion to approve the Alcoholic Beverage Ordinance changes concerning malt beverage and distilled spirit manufacturers to comply with SB 85.

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

Council member Kelly abstaining

20170806 Small Cell Ordinance

Approval of the Small Cell Ordinance and authorizing forwarding to the Cobb Delegation.

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

* **20171202 Laurel Park Tennis Center Independent Contractor Agreement**

Motion approving an Independent Contractor Agreement with Tennis Dynamics, Inc. for operations of the Laurel Park Tennis Center.

* **20171203 Custer Park Lease Agreement**

Motion approving a lease agreement with the Metro Atlanta YMCA through the McClesky/N. East Cobb branch for the use of Custer Park.

5. Personnel/Insurance: Cheryl Richardson, Chairperson

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20171206 Utilities at 900 Whitlock Avenue**

Motion approving a variance from the Underground Utilities ordinance to allow the relocation of one utility pole and currently attached facilities at the frontage of 900 Whitlock Avenue. No new overhead utilities are authorized as part of this variance.

* **20171207 Hillside Drive Speed Limit**

Motion authorizing the installation of 25 mph speed limit signs on Hillside Drive is approximately 575 feet and connects Campbell Hill Street with Church Street.

* **20171208 Powers Ferry Road Speed Limit**

Motion to set the speed limit of Powers Ferry Road at 35 mph.

* **20171209 Cole Street Utilities**

Motion approving a variance from the Underground Utilities ordinance to allow the installation of one new pole and two spans of new primary electrical wire on Cole Street.

* **20171201 Water Meter Easement for Elizabeth Porter Park**

Motion to approve the Grant of a Water Meter Easement between the BLW and the City for placement of a water meter at Elizabeth Porter Park.

OTHER BUSINESS:

20171128 Appeal of Susan Raper (319 Church Street) Follow-up Elevations

Motion to review and approve the side elevations for the proposed home at 319 Church Street. A motion to reject the Historic Preservation Commission's denial and approve a Certificate of Appropriateness for the demolition of the house at 319 Church Street occurred on December 13th, 2017. The motion also included approval of the front elevation, as shown on the application dated November 20, 2017, with the stipulation that the applicant will bring side elevations of the proposed home, as seen from a public street, to City Council for their review and approval prior to permitting.

20171029 Disposition of a portion of 1101 Powder Springs Street.

A motion authorizing the advertisement of the sale of approximately 896 s.f. of property at 1101 Powder Springs Street at a minimum bid of \$3.00 per sq. ft. The buyer must provide a survey and legal description, and assume all costs for attorney's fee and closing expenses. The City reserves the right to reject any and all bids.

20171176 The Park and Hide Initiative for preserving and enhancing Historical Downtown

To begin due diligence to work “intergovernmentally” with DMDA with advice from Branding Project and Cobb Government to consider a revenue bond to finance and construct a parking deck with a “historical” accent with a component to begin “undergrounding” dumpsters and trash bins in downtown area in a to be determined location(s) in Glover Park area (within 2 blocks). Initial component to be City of Marietta to purchase for fair value the home of the City’s History Museum from the Landlord, DMDA with the condition that the DMDA apply proceeds of purchase towards the construction of a new deck and undergrounding trash receptacles with balance paid from said Revenue Bond. Purchase of Kennesaw House to be financed from the capital authorized expenditure portion of the Car Rental Tax.

Requested by Mayor Tumlin

20180072 City Council Committee Meeting for June

Motion to approve the change of the City Council Committee Meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018, due to the GMA Conference.

Requested by Joseph Goldstein

*** 20180066 BLW Actions of January 8, 2018**

Review and approval of the January 8, 2018 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT:



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Election of Roger Rozen for Chief Judge of the Municipal Court with a term of two years through December 31, 2019 and with appropriate written memorialization pursuant to Georgia Code.

Approved and Finalized

20180035 Appointment of Associate Judges

Nomination of Associate Judges for January 10, 2018 City Council Agenda appointments.

Motion to appoint the following Associate Judges for the January 10, 2018 City Council Agenda appointments:

Lawrence E. Burke

Stephen A. Yaklin

Melinda Davis Taylor

Robert Schnatmeier, Jr.

Nathan J. Wade

Phyllis Gingrey Collins

Approved and Finalized

20180036 Election of Prosecuting Attorney

Election of a Prosecuting Attorney to serve term ending 12/31/2019. Nominations are Robert Donovan and Ben Smith.

Motion to elect Robert Donovan as the Prosecuting Attorney to serve term ending 12/31/2019.

Approved and Finalized

20180075 Appointment of Associate Prosecuting Attorneys

Nomination of Associate Prosecuting Attorneys to serve the term ending 12/31/2019.

Motion to appoint the following Associate Prosecuting Attorneys to serve the term ending 12/31/2019:

Susan M. Miller

Mr. Carmen Porreca

Thomas E. Griner

Latonia Patrice Hines

Jason Treadway

Approved and Finalized

*** 20180037 Appointment of City Clerk**

Appointment of Stephanie Guy as City Clerk.

Approved and Finalized

20180038 Appointment of City Attorney

Nomination of Douglas Haynie as City Attorney.

Motion to appoint Douglas Haynie as City Attorney.

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Denial of Claim for Rebecca Crenshaw.

Approved to Deny Claim

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Tabled

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Referred to the Judicial/Legislative Committee

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