

1. Agenda

Documents:

[111418RM-REVISED.PDF](#)

2. Summary

Documents:

[111418RM.PDF](#)

3. Executed Ordinances

Documents:

[Z2018-29 \(302920\) CHURCH ST 268.PDF](#)



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, November 14, 2018

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Joseph R Goldstein, Ward 7

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20181187 2018 / 2019 Marietta High School Basketball Teams

Introduction of the 2018 / 2019 Marietta High School Basketball Girls Team presented by Council Member Cheryl Richardson & the Marietta High School Basketball Boys Team presented by Council Member Reggie Copeland.

20181266 Presentation of the 2018 Regional Redevelopment Award

Presentation of the 2018 Regional Redevelopment Award for Franklin Gateway from the Annual Metro Atlanta Redevelopment Summit.

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20181143 Scheduled Appearance

Scheduled Appearance - Anna Arrington

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:

- * **20181214 Regular Meeting - October 10, 2018**
Review and approval of the October 10, 2018 regular meeting minutes.

- * **20181215 Special Meeting - October 30, 2018**
Review and approval of the October 30, 2018 special meeting minutes.

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

- * **20181142 Civil Service Board Council Appointment**
Reappointment of James T. Martin to the Civil Service Board (Post 1 - Council Appointment) for a three (3) year term, expiring December 31, 2021.

- * **20181220 Historic Preservation Commission Appointment Ward 5**
Appointment of Carol Williams to the Historic Preservation Commission (Ward 5), for a three (3) year term, expiring November 14, 2021.

- * **20181205 Historic Board of Review Appointment (Ward 7)**
Appointment of Ashley J. Williams to the Historic Board of Review (Ward 7), for a term of two (2) years, expiring November 14, 2020.

* **20181221 Planning Commission Appointment (Ward 2)**

Appointment of Frasure Hunter to the Planning Commission (Ward 2), for a three (3) year term expiring November 14, 2021.

* **20181136 Planning Commission Appointment Ward 3**

Appointment of Boozer McClure to the Planning Commission (Ward 3) for three (3) year term, effective January 1, 2019 to January 1, 2022.

ORDINANCES:

20181060 Z2018-28 [REZONING] BLUE DOOR RENTALS LLC

Z2018-28 [REZONING] BLUE DOOR RENTALS LLC is requesting the rezoning of 0.28 acres located in Land Lot 218, District 17, Parcel 0280, 2nd Section, Marietta, Cobb County, Georgia, and being known as 93 Gramling Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an additional use as a duplex. Ward 1A.

The following variances are incorporated as conditions of zoning:

Variance to reduce the side setback along the western property line from 10 feet to 7 feet. [§708.04 (H)]

Variance to reduce the side setback along the eastern property line from 10 feet to 9 feet. [§708.04 (H)]

Variance to reduce the front yard setback from 25 feet to 24 feet. [§708.04 (H)]

Variance to allow a graveled and grassed surface for parking. [§716.08 (B)]

Variance to reduce the required parking spaces from 5 spaces to 3 spaces. [§716.07 (E)]

The Planning Commission recommends Approval.

Mr. Poor made a motion, seconded by Mr. Diffley, to recommend approval as submitted. The motion carried 4 1 0. Mr. Davis opposed.

Public Hearing (all parties are sworn in)

20181063 Z2018-29 [REZONING] RALEIGH JENKINS (KEVIN KNOX)

Z2018-29 [REZONING] RALEIGH JENKINS (KEVIN KNOX) is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3A.

If Council approves the rezoning, the following variances would be incorporated as conditions of zoning and shall apply to the existing structure only:

Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.04 H]

Variance to reduce the side yard setback along the north side from 10' to 8.5'. [§708.04 H]

Variance to allow one single family detached dwelling on 0.2 acres. [§708.04 H]

The Planning Commission recommends Approval as Stipulated.

Mr. Diffeley made a motion, seconded by Mr. Hunter, to recommend approval as stipulated. The motion carried 5 0 0.

Public Hearing (all parties are sworn in)

20181094 CA2018-07 [CODE AMENDMENT]

CA2018-07 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 714.08, Downtown Marietta Sign District, Paragraph C, Marietta Historic Board of Review.

Council member Goldstein disclosed that he and/or his family members and/or entities he and/or his family members may own or have an interest in, own property in the Historic District.

The Planning Commission recommends Approval.

Mr. Diffeley made a motion, seconded by Mr. Poor, to recommend approval as submitted. The motion carried 5 0 0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20181133 Denial of Claim**
Denial of Claim for Deonna G. Smith.
- * **20181134 Denial of Claim**
Denial of Claim for Kirsten T. Smith.
- * **20181148 Denial of Claim**
Denial of Claim for Laura Sinclair.
- * **20181159 Denial of Claim**
Denial of Claim for Michael Stevenson.
- * **20181253 Denial of Claim**
Denial of Claim for Samantha Johnson.
- * **20181254 Denial of Claim**
Denial of Claim for Deborah Jester.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson**

- * **20181157 Commercial Real Estate Broker Services - Roswell Street Properties**
Motion to extend brokerage agreement with McWhirter Realty Partners for 942 Roswell Street, 994 Roswell Street & 1010 Roswell Street through December 31, 2021.
- * **20181158 Real Estate Consultant Contract with Jones Lang LaSalle Americas, Inc.**
Motion to extend professional consulting services agreement with Jones Lang LaSalle for the Franklin Gateway Redevelopment Project through December 31, 2021.

2. Finance/Investment: Joseph R. Goldstein, Chairperson*** 20181174 FY2018 Budget Reconciliation**

Motion to amend the budget for the Fiscal Year 2018 for the annual year-end settlement of accounts.

*** 20181154 Payment to Tree Preservation Fund by Lennar Georgia, Inc.**

Motion adopting an ordinance approving an amendment to the Fiscal Year 2019 Tree Preservation Fund budget to receive and appropriate a payment from Lennar Georgia, Inc. for Promenade at the Square.

*** 20181173 GMA Annual Mayors' Day Conference**

Motion approving travel and training expenses for the Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference in Atlanta, Georgia, January 25-28, 2019.

*** 20181181 Ordinance to approve a budget amendment to fund putting greens renovations at the City Club, Marietta.**

Motion to approve the allocation of funds to renovate the putting greens at City Club, Marietta in FY19.

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

* **20181031** **Revised Detailed Plan - Marietta Township Elevations**

Motion to approve a revision to the detailed plan for house elevations at Marietta Township, located at 838 Powder Springs Street and 313 Chestnut Hill Road, with the following language:

1. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by David Weekley Homes and approved by the City of Marietta, dated November 14, 2018.
2. 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.
 - g. Per Z2017-07 “*applicant shall utilize carriage style garage doors on all homes.*”

* **20181053** **Marietta Square Visitor Parking Passes**

Motion to approve an Ordinance deleting Section 9-4-060 of the Code of Marietta, Georgia, “Visitor Passes.”

Second Reading

* **20181025** **Code Amendment - Article 7-8-8, Downtown Marietta Historic District**

Motion to approve an amendment to Article 7-8-8, Historic District to include exemptions and an appeal process.

Second Reading

Council member Goldstein disclosed that he and/or his family members and/or entities he and/or his family members may own or have an interest in, own property in the Historic District.

Council member Goldstein opposed

* **20181151 Final Plat - Promenade at the Square Phase 2**

Motion to approve the request by Lennar Georgia, Inc. for approval of the final plat for Phase 2 of Promenade at the Square, formerly Wynhaven.

Council member Goldstein opposed

* **20181152 Annexation Request - Anderson Road**

Motion to authorize staff to proceed with annexing approximately six (6) acres located on Anderson Road pursuant to O.C.G.A. §36-36-32, Annexation upon application of owners of 60% of the land and 60% of the electors generally.

* **20181180 2019 City Council Meeting Dates-Religious Holidays**

Motion to approve the 2019 proposed meeting dates for City Council & Committee Meetings, as related to the religious holidays. The Council Meeting originating scheduled for Wednesday, October 9th shall be moved to Thursday, October 10th and the Committee Meeting originally scheduled for December 24th shall be moved to Tuesday, December 17th.

* **20181274 2019 City Council Meeting Dates-Non-Religious Events**

Motion to approve the 2019 proposed meeting dates for City Council & Committee Meetings, as related to the non-religious events. The Council Agenda Work Session originating scheduled for July 8th shall be moved to Wednesday, July 3rd and the Council Agenda Work Session scheduled for March 11th shall be moved to Thursday, March 7th.

Council members Cooper-Kelly and Morris opposed

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

* **20181156 Branding Project Winter Wonderland Funding**

Motion approving the Branding Project to revise Winter Wonderland plans and reduce the previously approved funding request from \$24,000 to \$12,500.

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20181188** **Amendment of 2019 City/BLW Position Allocation Chart**

Motion approving an ordinance to amend the FY2019 City of Marietta/BLW Pay and Classification Plan and Position Allocation Chart to add a Police Sergeant position in place of a Police Officer position to head the new Security Services Unit.

* **20181191** **Recognition of Former Councilman Philip Goldstein**

Motion to approve the submittal of former Councilman Philip Goldstein for the Lifetime Service Award from (GMA) Georgia Municipal Association.

Council Member Goldstein discloses that former Councilman Philip Goldstein is his father.

Council member Goldstein abstaining

6. Public Safety Committee: Reggie Copeland, Chairperson

* **20181108** **Donation to Police Department-Cobb Realty4Rehab**

Motion to approve for the Police Department to receive and use a \$8,505.00 donation from Cobb Realty4Rehab to assist with the police department's funding of the Narcan program.

7. Public Works Committee: Grif Chalfant, Chairperson

20180353 **Soaring Drive Speed Tables**

Motion authorizing the installation of Speed Tables on Soaring Drive using Ward 6 safety funds.

Public Hearing

* **20181170** **2016 SPLOST Project Budget Reallocation**

Motion authorizing the allocation of \$325,000 previously unallocated 2016 SPLOST funds to the Radio System Upgrade project.

* **20181171** **Burnt Hickory Road Trail Memorandum of Agreement with the National Park Service and Cobb County**

Motion approving a Memorandum of Agreement with the National Park Service and Cobb County for future maintenance of the Kennesaw Mountain Pedestrian improvements, X2404 project.

* **20181168** **Mountain to River Trail Landscape License Agreement with Cobb County**

Motion approving a Landscape License Agreement with Cobb County for the construction of the Mountain to River Trail across property known as the Cobb Civic Center.

* **20181162** **North Forest Avenue, Forest Avenue, and Hunt Street Speed Limits**

Motion to approve setting the speed limit for North Forest Avenue, Forest Avenue, and Hunt Street to 25 mph.

* **20181163** **North Forest Avenue at Forest Avenue**

Motion authorizing an all way stop to be installed at the intersection of North Forest Avenue with Forest Avenue.

Council member Goldstein opposed

* **20181164** **Forest Avenue Parking**

Motion authorizing a no parking zone to be installed along the south side of Forest Avenue extending 100 feet from the intersection with Cherokee Street eastward.

* **20181165** **Locust Street Speed Study**

Motion authorizing a speed study to be conducted on Locust Street.

* **20181166** **Kiowa Drive at Sequoia Drive**

Motion authorizing a speed study to be conducted on Kiowa Drive at Sequoia Drive.

* **20181167** **Kiowa Drive Speed Limit**

Motion to approve setting the speed limit of Kiowa Drive to 25 mph.

* **20181172** **Franklin Gateway Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be overlashing on existing fiber along Franklin Gateway from Kingston Court to the first existing pole on the north side of Rottenwood Creek. This motion does not grant a perpetual variance. Zayo Fiber Solutions must relocate underground at their expense if other utilities at the location are moved underground.

OTHER BUSINESS:

20181231 **Ethics Complaint/Affidavit**

Motion to approve the amendments to the ethics complaint/affidavit related to the Ethics Code 1-14.

* **20181248** **Kennesaw Avenue Bridge**

Motion to name the Kennesaw Avenue Bridge over the Loop, the “Justice P. Harris Hines” bridge.

(Requester’s note: To honor in memory that Harris Hines and his wife and family lived on Kennesaw Avenue for over 40 years and this was their Bridge to support our community with trips to the Cobb County Court House where he served with integrity with our Courts, both as an attorney and Judge, and the bridge to which he served Marietta and its Citizens of all natures, and the Bridge that connected him in service to his Church, First Presbyterian Church of Marietta for over 40 years!)

* **20181232** **Americans with Disabilities Act (ADA) Transition Plan**

Motion to adopt the City of Marietta, Georgia, ADA Transition Plan.

* **20181261** **Acceptance of a Land and Water Conservation Fund Grant**

Motion to approve the adoption of a Resolution accepting a Land and Water Conservation Fund grant in the amount of Fifty Thousand Dollars for trail resurfacing at Wildwood Park.

* **20181265** **Amending Ordinance for Alcohol Sales**

Motion to amend Marietta Code Sect. 8-8-2-170-B - *Sales by consumption on-premises licensees* to allow the sale of alcoholic beverages by restaurants to begin at 11:00 a.m. on Sundays.

Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.

* **20181273** **MEAG Off-System Energy Sales Margins Power Supply Year 2019**

Motion to approve the recommendation by the Board of Lights and Water for the election of MEAG Off-System Energy Sales Margins for the power supply year 2019.

* **20181275** **Certified Election Results**

Motion to approve the certified election results of the November 6, 2018, City of Marietta General Election related to Marietta Sunday Alcohol Sale presented by the Cobb County Board of Elections and Registration.

* **20181267** **600 Powder Springs Street**

Motion authorizing acquisition of a portion of property and an easement at 600 Powder Springs Street from H and D Investments for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$43,400.00 and the stipulations listed below:

1. The City of Marietta agrees to work around the store sign. However, should the sign be impacted, The City will pay the owner \$16,000.00 to replace the sign in accordance with City code.

* **20181268** **1176 Allgood Road**

Motion authorizing acquisition of a portion of property and an easement at 1176 Allgood Road from Luis S. and Silva I. Mora for the purpose of constructing the Intersection of Allgood Road and Sawyer Road Project in exchange for \$10,400.00.

* **20181269** **583 Colonial Circle**

Motion authorizing acquisition of the required right-of-way and an easement at 583 Colonial Circle from Deeyarsh, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$3,000.00 and the stipulations as listed below:

1. City will maintain large maple tree at Station 115+17R; pruning of branches is okay. Building a block wall around the tree trunk is acceptable if necessary, to save the tree. Please note that while City will take measures save tree, survival cannot be guaranteed
2. Steps from private sidewalk to public sidewalk will be eliminated; City will leave the private sidewalk from the side door of the apartment building to the planned limits of construction line.
3. Construction workers will not use parcel for parking.

* **20181270** **236 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 236 S. Fairground Street from Belen B. Hickman Living Trust for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$11,900.00.

Council member Richardson disclosed that she represents the Belen B. Hickman Living Trust.

Council member Richardson abstaining.

* **20181271** **155 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 155 S. Fairground Street from Mark Bessette and Debra Bessette for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$8,400.00 and stipulations as listed.

1. City will retain both driveway openings on Fairground Street. There are two businesses and the owner wants to retain one driveway on Fairground Street for each business.
2. City will be responsible for any disturbance to underground storage tanks.

* **20181272** **574 S. Fairground Street**

Motion authorizing acquisition of the required right-of-way and an easement at 574 S. Fairground Street from United Food & Gas, Inc for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$3,700.00 and the stipulations as listed below:

1. Should vehicles bottom-out on the restored driveway, the City will review with owner and redress as needed.
2. City will design & construct any changes to the driveway to the property & any changes to the gradient thereof so as not to impair vehicular access thereon.

* **20181276** **Roswell Street Design Change Agreement**

Motion approving the exchange of right of way and Design Change Agreement with Woodside Industrial Park, LLC to construct a U-turn lane at the intersection of Roswell Street and Aviation Street as part of the Roswell Street improvements project.

* **20181216** **BLW Actions of November 12, 2018**

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

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT:



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary CITY COUNCIL

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Wednesday, November 14, 2018

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20181187

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20181266

Presentation of the 2018 Regional Redevelopment Award

Presentation of the 2018 Regional Redevelopment Award for Franklin Gateway from the Annual Metro Atlanta Redevelopment Summit.

Presented

20181143

Scheduled Appearance

Scheduled Appearance - Anna Arrington

Present

* **20181214**

Regular Meeting - October 10, 2018

Review and approval of the October 10, 2018 regular meeting minutes.

Approved and Finalized

- * **20181215** **Special Meeting - October 30, 2018**
- Review and approval of the October 30, 2018 special meeting minutes.
- Approved and Finalized**
- * **20181142** **Civil Service Board Council Appointment**
- Reappointment of James T. Martin to the Civil Service Board (Post 1 - Council Appointment) for a three (3) year term, expiring December 31, 2021.
- Approved and Finalized**
- * **20181220** **Historic Preservation Commission Appointment Ward 5**
- Appointment of Carol Williams to the Historic Preservation Commission (Ward 5), for a three (3) year term, expiring November 14, 2021.
- Approved and Finalized**
- * **20181205** **Historic Board of Review Appointment (Ward 7)**
- Appointment of Ashley J. Williams to the Historic Board of Review (Ward 7), for a term of two (2) years, expiring November 14, 2020.
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- * **20181221** **Planning Commission Appointment (Ward 2)**
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3. Variance to reduce the front yard setback from 25 feet to 24 feet. [§708.04 (H)]
4. Variance to allow a graveled and grassed surface for parking. [§716.08 (B)]
5. Variance to reduce the required parking spaces from 5 spaces to 3 spaces. [§716.07 (E)]

Denied

20181063**Z2018-29 [REZONING] RALEIGH JENKINS (KEVIN KNOX)**

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3. Variance to allow one single family detached dwelling on 0.2 acres. [§708.04 H]

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Council member Goldstein disclosed that he and/or his family members and/or entities he and/or his family members may own or have an interest in, own property in the Historic District.

Approved and Finalized

* **20181133 Denial of Claim**

Denial of Claim for Deonna G. Smith.

Approved to Deny Claim

* **20181134 Denial of Claim**

Denial of Claim for Kirsten T. Smith.

Approved to Deny Claim

* **20181148 Denial of Claim**

Denial of Claim for Laura Sinclair.

Approved to Deny Claim

* **20181159 Denial of Claim**

Denial of Claim for Michael Stevenson.

Approved to Deny Claim

* **20181253 Denial of Claim**

Denial of Claim for Samantha Johnson.

Approved to Deny Claim

* **20181254** **Denial of Claim**

Denial of Claim for Deborah Jester.

Approved to Deny Claim

* **20181157** **Commercial Real Estate Broker Services - Roswell Street Properties**

Motion to extend brokerage agreement with McWhirter Realty Partners for 942 Roswell Street, 994 Roswell Street & 1010 Roswell Street through December 31, 2021.

Approved and Finalized

* **20181158** **Real Estate Consultant Contract with Jones Lang LaSalle Americas, Inc.**

Motion to extend professional consulting services agreement with Jones Lang LaSalle for the Franklin Gateway Redevelopment Project through December 31, 2021.

Approved and Finalized

* **20181174** **FY2018 Budget Reconciliation**

Motion to amend the budget for the Fiscal Year 2018 for the annual year-end settlement of accounts.

Approved and Finalized

* **20181154** **Payment to Tree Preservation Fund by Lennar Georgia, Inc.**

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* **20181173** **GMA Annual Mayors' Day Conference**

Motion approving travel and training expenses for the Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference in Atlanta, Georgia, January 25-28, 2019.

Approved and Finalized

* **20181181** **Ordinance to approve a budget amendment to fund putting greens renovations at the City Club, Marietta.**

Motion to approve the allocation of funds to renovate the putting greens at City Club, Marietta in FY19.

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* **20181031** **Revised Detailed Plan - Marietta Township Elevations**

Motion to approve a revision to the detailed plan for house elevations at Marietta Township, located at 838 Powder Springs Street and 313 Chestnut Hill Road, with the following language:

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 - 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.
 - g. Per Z2017-07 “applicant shall utilize carriage style garage doors on all homes.”

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Motion to approve an Ordinance deleting Section 9-4-060 of the Code of Marietta, Georgia, “Visitor Passes.”

Second Reading

Approved and Finalized

* **20181025** **Code Amendment - Article 7-8-8, Downtown Marietta Historic District**

Motion to approve an amendment to Article 7-8-8, Historic District to include exemptions and an appeal process.

Second Reading

Council member Goldstein disclosed that he and/or his family members and/or entities he and/or his family members may own or have an interest in, own property in the Historic District.

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* **20181151** **Final Plat - Promenade at the Square Phase 2**

Motion to approve the request by Lennar Georgia, Inc. for approval of the final plat for Phase 2 of Promenade at the Square, formerly Wynhaven.

Approved and Finalized

* **20181152** **Annexation Request - Anderson Road**

Motion to authorize staff to proceed with annexing approximately six (6) acres located on Anderson Road pursuant to O.C.G.A. §36-36-32, Annexation upon application of owners of 60% of the land and 60% of the electors generally.

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* **20181180** **2019 City Council Meeting Dates-Religious Holidays**

Motion to approve the 2019 proposed meeting dates for City Council & Committee Meetings, as related to the religious holidays. The Council Meeting originating scheduled for Wednesday, October 9th shall be moved to Thursday, October 10th and the Committee Meeting originally scheduled for December 24th shall be moved to Tuesday, December 17th.

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- * **20181274** **2019 City Council Meeting Dates-Non-Religious Events**
- Motion to approve the 2019 proposed meeting dates for City Council & Committee Meetings, as related to the non-religious events. The Council Agenda Work Session originating scheduled for July 8th shall be moved to Wednesday, July 3rd and the Council Agenda Work Session scheduled for March 11th shall be moved to Thursday, March 7th.
- Approved and Finalized**
- * **20181156** **Branding Project Winter Wonderland Funding**
- Motion approving the Branding Project to revise Winter Wonderland plans and reduce the previously approved funding request from \$24,000 to \$12,500.
- Approved and Finalized**
- * **20181188** **Amendment of 2019 City/BLW Position Allocation Chart**
- Motion approving an ordinance to amend the FY2019 City of Marietta/BLW Pay and Classification Plan and Position Allocation Chart to add a Police Sergeant position in place of a Police Officer position to head the new Security Services Unit.
- Approved and Finalized**
- * **20181191** **Recognition of Former Councilman Philip Goldstein**
- Motion to approve the submittal of former Councilman Philip Goldstein for the Lifetime Service Award from (GMA) Georgia Municipal Association.
- Council Member Goldstein discloses that former Councilman Philip Goldstein is his father.
- Approved and Finalized**
- * **20181108** **Donation to Police Department-Cobb Realty4Rehab**
- Motion to approve for the Police Department to receive and use a \$8,505.00 donation from Cobb Realty4Rehab to assist with the police department's funding of the Narcan program.
- Approved and Finalized**

20180353 Soaring Drive Speed Tables

Motion authorizing the installation of Speed Tables on Soaring Drive using Ward 6 safety funds.

Public Hearing

Approved and Finalized

*** 20181170 2016 SPLOST Project Budget Reallocation**

Motion authorizing the allocation of \$325,000 previously unallocated 2016 SPLOST funds to the Radio System Upgrade project.

Approved and Finalized

*** 20181171 Burnt Hickory Road Trail Memorandum of Agreement with the National Park Service and Cobb County**

Motion approving a Memorandum of Agreement with the National Park Service and Cobb County for future maintenance of the Kennesaw Mountain Pedestrian improvements, X2404 project.

Approved and Finalized

*** 20181168 Mountain to River Trail Landscape License Agreement with Cobb County**

Motion approving a Landscape License Agreement with Cobb County for the construction of the Mountain to River Trail across property known as the Cobb Civic Center.

Approved and Finalized

*** 20181162 North Forest Avenue, Forest Avenue, and Hunt Street Speed Limits**

Motion to approve setting the speed limit for North Forest Avenue, Forest Avenue, and Hunt Street to 25 mph.

Approved and Finalized

- * **20181163** **North Forest Avenue at Forest Avenue**
- Motion authorizing an all way stop to be installed at the intersection of North Forest Avenue with Forest Avenue.
- Approved and Finalized**
- * **20181164** **Forest Avenue Parking**
- Motion authorizing a no parking zone to be installed along the south side of Forest Avenue extending 100 feet from the intersection with Cherokee Street eastward.
- Approved and Finalized**
- * **20181165** **Locust Street Speed Study**
- Motion authorizing a speed study to be conducted on Locust Street.
- Approved and Finalized**
- * **20181166** **Kiowa Drive at Sequoia Drive**
- Motion authorizing a speed study to be conducted on Kiowa Drive at Sequoia Drive.
- Approved and Finalized**
- * **20181167** **Kiowa Drive Speed Limit**
- Motion to approve setting the speed limit of Kiowa Drive to 25 mph.
- Approved and Finalized**
- * **20181172** **Franklin Gateway Utilities**
- Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be overlashing on existing fiber along Franklin Gateway from Kingston Court to the first existing pole on the north side of Rottenwood Creek. This motion does not grant a perpetual variance. Zayo Fiber Solutions must relocate underground at their expense if other utilities at the location are moved underground.
- Approved and Finalized**

20181231 Ethics Complaint/Affidavit

Motion to approve the amendments to the ethics complaint/affidavit related to the Ethics Code 1-14.

Approved and Finalized

*** 20181248 Kennesaw Avenue Bridge**

Motion to name the Kennesaw Avenue Bridge over the Loop, the “Justice P. Harris Hines” bridge.

(Requester’s note: To honor in memory that Harris Hines and his wife and family lived on Kennesaw Avenue for over 40 years and this was their Bridge to support our community with trips to the Cobb County Court House where he served with integrity with our Courts, both as an attorney and Judge, and the bridge to which he served Marietta and its Citizens of all natures, and the Bridge that connected him in service to his Church, First Presbyterian Church of Marietta for over 40 years!)

Approved and Finalized

*** 20181232 Americans with Disabilities Act (ADA) Transition Plan**

Motion to adopt the City of Marietta, Georgia, ADA Transition Plan.

Approved and Finalized

*** 20181261 Acceptance of a Land and Water Conservation Fund Grant**

Motion to approve the adoption of a Resolution accepting a Land and Water Conservation Fund grant in the amount of Fifty Thousand Dollars for trail resurfacing at Wildwood Park.

Approved and Finalized

* **20181265** **Amending Ordinance for Alcohol Sales**

Motion to amend Marietta Code Sect. 8-8-2-170-B - Sales by consumption on-premises licensees to allow the sale of alcoholic beverages by restaurants to begin at 11:00 a.m. on Sundays.

Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.

Approved and Finalized

* **20181273** **MEAG Off-System Energy Sales Margins Power Supply Year 2019**

Motion to approve the recommendation by the Board of Lights and Water for the election of MEAG Off-System Energy Sales Margins for the power supply year 2019.

Approved and Finalized

* **20181275** **Certified Election Results**

Motion to approve the certified election results of the November 6, 2018, City of Marietta General Election related to Marietta Sunday Alcohol Sale presented by the Cobb County Board of Elections and Registration.

Approved and Finalized

* **20181267** **600 Powder Springs Street**

Motion authorizing acquisition of a portion of property and an easement at 600 Powder Springs Street from H and D Investments for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$43,400.00 and the stipulations listed below:

1. The City of Marietta agrees to work around the store sign. However, should the sign be impacted, The City will pay the owner \$16,000.00 to replace the sign in accordance with City code.

Approved and Finalized

* **20181268** **1176 Allgood Road**

Motion authorizing acquisition of a portion of property and an easement at 1176 Allgood Road from Luis S. and Silva I. Mora for the purpose of constructing the Intersection of Allgood Road and Sawyer Road Project in exchange for \$10,400.00.

Approved and Finalized

* **20181269** **583 Colonial Circle**

Motion authorizing acquisition of the required right-of-way and an easement at 583 Colonial Circle from Deeyarsh, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$3,000.00 and the stipulations as listed below:

1. City will maintain large maple tree at Station 115+17R; pruning of branches is okay. Building a block wall around the tree trunk is acceptable if necessary, to save the tree. Please note that while City will take measures save tree, survival cannot be guaranteed
2. Steps from private sidewalk to public sidewalk will be eliminated; City will leave the private sidewalk from the side door of the apartment building to the planned limits of construction line.
3. Construction workers will not use parcel for parking.

Approved and Finalized

* **20181270** **236 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 236 S. Fairground Street from Belen B. Hickman Living Trust for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$11,900.00.

Council member Richardson disclosed that she represents the Belen B. Hickman Living Trust.

Council member Richardson abstaining.

Approved and Finalized

* **20181271** **155 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 155 S. Fairground Street from Mark Bessette and Debra Bessette for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$8,400.00 and stipulations as listed.

1. City will retain both driveway openings on Fairground Street. There are two businesses and the owner wants to retain one driveway on Fairground Street for each business.
2. City will be responsible for any disturbance to underground storage tanks.

Approved and Finalized

* **20181272** **574 S. Fairground Street**

Motion authorizing acquisition of the required right-of-way and an easement at 574 S. Fairground Street from United Food & Gas, Inc for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$3,700.00 and the stipulations as listed below:

1. Should vehicles bottom-out on the restored driveway, the City will review with owner and redress as needed.
2. City will design & construct any changes to the driveway to the property & any changes to the gradient thereof so as not to impair vehicular access thereon.

Approved and Finalized

* **20181276** **Roswell Street Design Change Agreement**

Motion approving the exchange of right of way and Design Change Agreement with Woodside Industrial Park, LLC to construct a U-turn lane at the intersection of Roswell Street and Aviation Street as part of the Roswell Street improvements project.

Approved and Finalized

* **20181216** **BLW Actions of November 12, 2018**

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

Approved and Finalized

FILE REFERENCE NO: 20181063

ORDINANCE NO: 8060

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as **268 Church Street**.

WHEREAS, application has been filed by **RALEIGH JENKINS (KEVIN KNOX)** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that tract or parcel of land lying and being in Land Lot 1159 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin on the easterly side of Church Street at its intersection with the southeasterly side of North Marietta Parkway and running thence north 53 degrees 58 minutes 51 seconds east along the southeasterly side of North Marietta Parkway 35.49 feet to an iron pin; running thence south 87 degrees 23 minutes 26 seconds east a distance of 119.65 feet to an iron pin; running thence south 01 degrees 45 minutes 52 seconds east a distance of 58.61 feet to an iron pin found; running thence north 89 degrees 12 minutes 18 seconds west a distance of 150.00 feet to an iron pin on the easterly side of Church Street; running thence along the easterly side of Church Street north 00 degrees 03 minutes 59 seconds west a distance of 41.08 feet to an iron pin and the Point of Beginning, all as shown on plat of survey prepared by McClung Surveying, Inc., dated March 3, 1997, Perry E. McClung, Georgia Registered Land Surveyor No. 1541.

Together with all rights and easements under the joint driveway agreement dated December 7, 1908 filed March 4, 1909 at Deed Book KK, Page 578, Cobb County, Georgia Records.

Said tract or parcel of land contains 0.20± acres (8,712 square feet).

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) to R-4 (Single Family Residential – 4 units/acre).

Section 3: The following variances are incorporated as conditions of zoning and shall apply to the existing structure only:

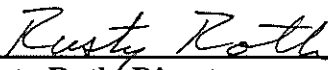
1. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.04 H]
2. Variance to reduce the side yard setback along the north side from 10' to 8.5'. [§708.04 H]
3. Variance to allow one single family detached dwelling on 0.2 acres. [§708.04 H]

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

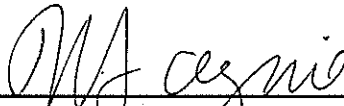
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Rusty Roth, Director
Department of Development Services

Approved as to form:



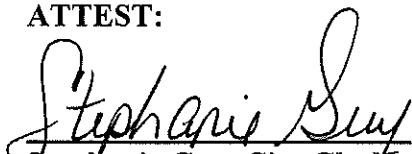
Douglas R. Haynie, City Attorney

Approved by City Council:

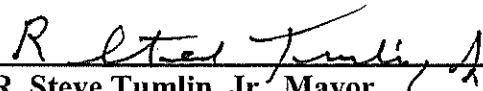
DATE: November 14, 2018

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor

MAP

