



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, January 8, 2020

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Grif Chalfant, Johnny Walker, Andy Morris, Reggie Copeland, Michelle Cooper Kelly, Joseph R. Goldstein and Cheryl Richardson (attending by phone)

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 Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PROCLAMATIONS:

20200030 Recognition of Anna Cate McLeod

Presentation of a Proclamation by Mayor Tumlin and Council Member Michelle Cooper Kelly to Anna Cate McLeod from Marietta High School in Recognition for her International Mission to Uganda.

Presented

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

SCHEDULED APPEARANCES:

20191161 Scheduled Appearance

Scheduled Appearance - Larry Wills

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.

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

-under Other Business: Agenda items 20200029 and 20200031 were added to the consent agenda.

A motion was made by Council member Kelly, seconded by Council member Morris, 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 opposed to agenda items 20191149 and 20191150

PRESENTATIONS:

20200027 Swearing in the Chief Judge

Swearing in Judge Roger J. Rozen as Chief Judge of the City of Marietta Municipal Court.

Mayor Tumlin administered the oath for Roger Rozen as Chief Judge and Joan Bloom as Associate Judge of the Municipal Court.

Oath Administered

20200028 Swearing in the Prosecuting Attorney

Swearing in Ben F. Smith as Prosecuting Attorney of the City of Marietta Municipal Court.

Mayor Tumlin administered the oath for Ben Smith as Prosecuting Attorney of the Municipal Court. The oath was also administered for Robert Schnatmier and Jason Treadaway as Assistant Prosecuting Attorneys for the Municipal Court.

Oath Administered**MINUTES:**

- * **20191178 Special Meeting - December 11, 2019**
Review and approval of the December 11, 2019 special meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 – 0 – 0 Approved

- * **20191179 Regular Meeting - December 11, 2019**
Review and approval of the December 11, 2019 regular meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 – 0 – 0 Approved

- * **20191180 Special Meeting - December 17, 2019**
Review and approval of the December 17, 2019 special meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 – 0 – 0 Approved

MAYOR'S APPOINTMENTS:

- * **20200001 Mayor Pro tem**
Appointment of Michelle Cooper Kelly as Mayor Pro tem for a term of one year expiring on January 13, 2021.
This Matter was Approved on the Consent Agenda.
Vote: 7 – 0 – 0 Approved

- * **20200003** **Presiding Officer**
- Appointment of Cheryl Richardson as Presiding Office/Parliamentarian for a term of one year expiring on January 13, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200004** **Economic/Community Development Committee**
- Appointment of Johnny Walker as Chairman, Grif Chalfant as Vice Chair and Andy Morris to the Economic/Community Development Committee for a term of one year expiring on January 13, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200005** **Finance/Investments Committee**
- Appointment of Joseph R. Goldstein as Chairman, Reggie Copeland as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 13, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200006** **Judicial/Legislative Committee**
- Appointment of Andy Morris Chairman, Cheryl Richardson as Vice Chair and Joseph R. Goldstein to the Judicial/Legislative Committee for a term of one year expiring on January 13, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200007** **Parks, Recreation & Tourism Committee**
- Appointment of Michelle Cooper Kelly as Chairman, Andy Morris as Vice Chair and Reggie Copeland to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 13, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

* 20200008

Personnel/Insurance Committee

Appointment of Cheryl Richardson Chairman, Joseph R. Goldstein as Vice Chair and Grif Chalfant to the Personnel/Insurance Committee for a term of one year expiring on January 13, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20200009

Public Safety Committee

Appointment of Reggie Copeland as Chairman, Johnny Walker as Vice Chair and Cheryl Richardson to the Public Safety Committee for a term of one year expiring on January 13, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20200010

Public Works Committee

Appointment of Grif Chalfant Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Works Committee for a term of one year expiring on January 13, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

CITY COUNCIL APPOINTMENTS:

* 20200012

Appointment of Chief Judge

Nomination of Judge Roger J. Rozen as Chief Judge of the City of Marietta Municipal Court to continue his term through January 13, 2022 and until a successor is appointed incorporating the conflicting charter provisions and the minutes of January 10, 2018 for acknowledgment of term since January 10, 2018 until January 13, 2022.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

- * **20200013** **Appointment of Associate Judges**
- Appointment of Melinda Taylor, Lawrence “Larry” Burke, Nathan Wade and Joan Bloom as Associate Judges of City of Marietta Municipal Court for a term ending January 13, 2022 or until a successor is appointed.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200011** **Appointment of Prosecuting Attorney**
- Appointment of Ben F. Smith as the Prosecuting Attorney of the Municipal Court for a two-year term expiring January 13, 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200019** **Appointment of Assistant Prosecuting Attorneys**
- Appointment of Latonia Hines, Thomas Griner, Jason Treadaway, Donna Merrell, Robert Donovan and Robert Schnatmeier, Jr., as Assistant Prosecuting Attorneys of the City of Marietta Municipal Court, for a term ending January 13, 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200014** **Appointment of Municipal Court Clerk**
- Appointment of Pam Allen as Municipal Court Clerk with term ending January 13, 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200016** **Cobb Municipal Association 2020 Delegates**
- Appointment of Council Member Grif Chalfant and Council Member Reggie Copeland as voting delegates for the Cobb Municipal Association (CMA) business meetings.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

ORDINANCES:**20191100 Z2020-02 [REZONING] THAD HIGGINS (JEAN E. JOHNSON JR & JOHN S. THOMBLEY)**

Z2020-02 [REZONING] THAD HIGGINS (JEAN E. JOHNSON JR & JOHN S. THOMBLEY) are requesting the rezoning of 0.52 acres located in Land Lot

1216, District 16, Parcels 0180, 0190, & 0200 of the 2nd Section, Cobb County, Georgia, and being known as 104 Cole Street and 314 & 320 Fort Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

Mr. Diffley made a motion, seconded by Mr. Davis to recommend approval as stipulated. The motion carried 6-1-0. Mr. McClure opposed.

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

Stipulations:

1. The garages shall be used for parking and storage of vehicles and may not be enclosed to provide for additional residential space. This shall be included as a deed restriction on all sales information.
2. The applicant will donate the right of way shown on the rezoning plan to the City.
3. Increase edge of pavement radius at the intersection of Cole and Fort Streets to 30'.
4. Construct ADA ramp for the pedestrian crossing over Fort Street at Cole Street.
5. Remove existing retaining wall along Fort Street.

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 for the rezoning with a special land use permit (SLUP) for property located at 104 Cole Street and 314 & 320 Fort Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).

The applicant, Thad Higgins, requested the rezoning of the subject property in order to develop three single family detached residences in accordance with the Residential Infill Development Overlay District's development standards. Mr. Higgins presented the site plan for the proposed homes.

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

Discussion was held by Council.

Motion to approve the rezoning with a special land use permit (SLUP) for property located at 104 Cole Street and 314 & 320 Fort Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre), with the following stipulations hereby incorporated as conditions of zoning:

1. The garages shall be used for parking and storage of vehicles and may not be enclosed to provide for additional residential space. This shall be included as a deed restriction on all sales information.

*2. The applicant will donate sufficient right of way to allow for future road and sidewalk improvements, shown on the attached site plan.
Remove existing retaining wall along Fort Street.*

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

Vote: 7 – 0 – 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Johnny Walker, Chairperson

2. Finance/Investment: Joseph R. Goldstein, Chairperson

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

* **20191149 Revised Detailed Plan - 218 & 234 Roswell Street**

Motion to approve the revised detailed plan requested by Tanalta Real Estate for the construction of two buildings at the corner of Meeting Street and Roswell Street, zoned MXD (Mixed Use Development) and located within the Commercial Corridor Design Overlay - Tier A.

This Matter was Approved on the Consent Agenda.

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

* **20191150 Revised Detail Plan: Heritage Ridge**

Motion to approve the revised detail plan for Heritage Ridge to reduce the front, side, and rear setbacks on lots 12, 18, 19, and 26-32, as referenced in the staff

memorandum dated December 12, 2019, with an added stipulation that the garages shall be used for the parking and storage of vehicles only and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the covenants to ensure enforcement.

This Matter was Approved on the Consent Agenda.

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

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

5. Personnel/Insurance: Cheryl Richardson, Chairperson

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20191145** **Rigby Street Traffic Calming**

Motion authorizing Public Works to conduct the speed study of the Rigby Street area to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20191146** **Franklin Drive Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Franklin Drive from Cobb Parkway South to Hidden Glen Drive. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

OTHER BUSINESS:

20191081 **V2020-01 [VARIANCE] WAFFLE HOUSE, INC**

V2020-01 [VARIANCE] WAFFLE HOUSE, INC is requesting variances for properties located in Land Lot 0781, District 16, Parcel 00140, 2nd Section of Cobb County, Marietta, Georgia and being known as 1811 Williams Drive.

1. Variance to reduce the minor side yard setback from fifteen (15) feet to ten (10) feet for only the existing structure [§708.16 (H)]
2. Variance to allow parking spaces to encroach within the ten (10) foot landscape strip [§712.08 (G-1a.)]
3. Variance to reduce the rear yard setback from thirty-five (35) feet to twenty-two (22) feet for only the existing structure [§708.16 (H)]
4. Variance to increase the maximum allowable sign height for a monument sign from ten (10) feet to fifteen (15) feet along a collector road [§714.04 (H)]
5. Variance to increase maximum allowable sign face area from fifty (50) square feet to ninety (90) square feet along a collector road [§714.04 (H)]
6. Variance to waive the required sidewalks [§732.07]
7. Applicant agrees to donate up to 10' of additional right of way if a project in the future is necessary

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

Rusty Roth, Development Services Director, presented information regarding the variances requested for property at 1811 Williams Drive.

Kevin Moore, attorney for the applicant Waffle House, requested several variances to demolish the current building on-site and develop a new building within the same footprint. Mr. Moore presented the proposed site plan for the new building, along with a diagram of the new monument sign.

Discussion was held by Council, specifically regarding the height of the monument sign and the donation of right-of-way for future sidewalks.

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

Discussion was held by Council.

Motion to approve the following variances requested for property at 1811 Williams Drive:

1. Variance to reduce the minor side yard setback from fifteen (15) feet to ten (10) feet for only the existing structure
2. Variance to allow parking spaces to encroach within the ten (10) foot landscape strip
3. Variance to reduce the rear yard setback from thirty-five (35) feet to twenty-two (22) feet for only the existing structure
4. Variance to increase the maximum allowable sign height for a monument sign from ten (10) feet to fifteen (15) feet along a collector road
5. Variance to increase maximum allowable sign face area from fifty (50) square feet to ninety (90) square feet along a collector road
6. Variance to waive the required sidewalks
7. Applicant agrees to donate up to 10' of additional right of way if a project in the future is necessary

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

Vote: 7 – 0 – 0

Approved as Amended

* **20200029**

115 S. Fairground Street Easement Acquisition

Motion authorizing acquisition of a portion of property and easements at 115 S. Fairground Street from Fairground Properties, LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$3000.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20200031**

600 Powder Springs Road

Motion to authorize the acquisition of property owned by H&D Investments, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20191175**

Annual Financial Audit Report FY2019

Motion to receive and file the FY2019 Annual Audit Report.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20191205**

BLW Actions of January 6, 2020

Review and approval of the January 6, 2020 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 7:45 p.m.

Date Approved: February 12, 2020

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk