



# City of Marietta

--205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL

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

**Wednesday, March 11, 2020**

**7:00 PM**

**Council Chamber**

**Presiding:** R. Steve Tumlin, Mayor

**Present:** Grif Chalfant, Johnny Walker, Andy Morris, Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein

**Absent:** Cheryl Richardson

***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 Chalfant to give the invocation.*

### **PLEDGE OF ALLEGIANCE:**

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

### **PRESENTATIONS:**

**20200211**

#### **Wellstar Kennestone Hospital**

Presentation to thank Wellstar Kennestone Hospital & Innovative Fitness for the donation of the exercise equipment to the Marietta Police Department.

**Presented**

**PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20200186            Scheduled Appearance**

Scheduled Appearance - Larry Wills

*Larry Wills spoke regarding public hearings and Council meeting minutes.*

**Present****20200187            Scheduled Appearance**

Scheduled Appearance - Don Barth

*Don Barth spoke regarding the Special Land Use Permit approved last month for 460 Birney Street.*

**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).**

*Prior to the consent agenda, a motion was made by Council member Copeland, seconded by Council member Walker, to suspend the rules of order to table agenda items 20200077, 20200078, 20200079, 20200154 and 20200037 until the April 6, 2020 Council meeting and add them to the consent agenda. The motion carried by the following vote:*

*Vote: 6 – 0 – 0                                    Approved*

*Mayor Pro tem Michelle Cooper Kelly briefly explained the consent agenda process.*

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

*-under Minutes: Agenda item 20200183 was removed from the consent agenda.*

*-under Council Appointments: Agenda item 20200220 was added to the consent agenda.*

*-under Economic/Community Development: Agenda item 20200069 was added to the consent agenda with Council member Goldstein abstaining.*

*-under Other Business: Agenda item 20200184 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: 6 – 0 – 0**                      **Approved**

*with the following exception:*

*Council member Goldstein abstaining on agenda item 20200069*

#### **MINUTES:**

##### **20200183                      Regular Meeting - February 12, 2020**

Review and approval of the February 12, 2020 regular meeting minutes.

*Brief discussion was held regarding the procedure of generating meeting minutes.*

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

**Vote: 6 – 0 – 0**                      **Approved**

##### \*      **20200188                      Special Meeting - February 25, 2020**

Review and approval of the February 25, 2020 special meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

#### **MAYOR’S APPOINTMENTS: (for informational purposes only)**

#### **CITY COUNCIL APPOINTMENTS:**

##### \*      **20200220                      Marietta Pension Board - Post 7 (General Employee Representative)**

Appointment of Scott Reece to fill the vacated membership of Keisha Register on the Marietta Pension Board (Post 7) with term expiring December 31, 2021.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**                      **Approved**

#### **ORDINANCES:**

20200036

**Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC)**

Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC) is requesting the rezoning of 0.21 acres located in Land Lot 1143, District 16, Parcel 0370 of the 2nd Section, Cobb County, Georgia, and being known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval as stipulated. The motion carried 7-0-0.

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

Variances:

1. Variance to reduce the major side setback along the eastern property line from 25 feet to 21 feet. [§708.04 (H)]
2. Variance to reduce the front yard setback along the northern property line from 25 feet to 19 feet. [§708.04 (H)]

The following stipulation is incorporated as a condition of zoning:

1. A new paved driveway that will hold at least 3 cars will be provided on the west side of the property.

*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 for property at 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).*

*The applicant, Jody Collins with Aramis Realty, LLC, requested the rezoning of the subject property in order to use the existing structure as a single-family residence. The property is located at the corner of Morningside Drive and North Fairground Street. The property had previously been used as a duplex but has been vacant and listed for sale for approximately six (6) years. This property is surrounded by residential uses and low intensity offices.*

*Josh Killion, who resides at 392 Fairground Street, spoke in opposition to the rezoning request.*

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

*Discussion was held by Council, specifically regarding the uses of the surrounding properties.*

*Motion to deny the rezoning request for property located at 508 Morningside Dr from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).*

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

**Vote: 6 – 0 – 0**

**Denied**

20200061

**Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC**

Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC is requesting the rezoning of 0.27 acres located in Land Lot 1160, District 16, Parcel 1280 of the 2nd Section, Cobb County, Georgia, and being known as 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

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

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

Variance:

1. Variance to reduce the southern side yard setback from 10 feet to 7 feet. [§708.04 (H)]

*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 for property at 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).*

*The applicant, Scott Teverin with T.D. Property Rentals LLC, requested rezoning of the subject property in order to renovate the existing structure and use it as a single-family residence. The applicant wishes to make substantial renovations to the home that would not be permitted under the existing commercial zoning. The existing structure projects into the side yard setback on the south side, so the following variance would be necessary to allow the house to remain as is:*

1. Variance to reduce the southern side yard setback from 10 ft. to 7 ft.

*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 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre), with the following variance is incorporated as a condition of zoning:*

*Variance to reduce the southern side yard setback from 10 feet to 7 feet.*

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

**Vote: 5 – 1 – 0**

**Approved**

Voting Against: Andy Morris

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\*      **20200077**                      **Z2020-10 [REZONING] 20 HOLDINGS, LLC**

Z2020-10 [REZONING] 20 HOLDINGS, LLC is requesting the rezoning of 4.2 acres located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia, and being known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 3A.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as stipulated. The motion carried 7-0-0.

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

Stipulations:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated March 2, 2020.
2. Applicant must comply with noise attenuation construction requirements as identified in the letter from Kenneth W. Williams, Base Civil Engineer, Dobbins ARB to Rusty Roth, Development Services Director for the City of Marietta, dated March 2, 2020.

Public Hearing (all parties are sworn in)

*Motion to Table this matter until the Monday, April 6, 2020 City Council meeting. (The April Council meeting was moved due to the religious holiday.)*

**This Matter was Tabled on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Tabled**

**20200078**                      **A2020-02 [ANNEXATION] 20 HOLDINGS, LLC**

A2020-02 [ANNEXATION] 20 HOLDINGS, LLC is requesting the annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia and being known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres. Ward 3A.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

*Motion to Table this matter until the Monday, April 6, 2020 City Council meeting. (The April Council meeting was moved due to the religious holiday.)*

**This Matter was Tabled on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Tabled**

**20200079 CA2020-02 [CODE AMENDMENT]**

CA2020-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, and being known as 1501 & 1521 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 3A.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

*Motion to Table this matter until the Monday, April 6, 2020 City Council meeting. (The April Council meeting was moved due to the religious holiday.)*

**This Matter was Tabled on the Consent Agenda.**

**Vote: 6 – 0 – 0**

**Tabled**

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****\* 20200069 Marietta Tax Allocation Districts**

Motion to authorize staff to pursue termination of the Center City South Renaissance and Center City Perimeter Tax Allocation Districts.

*Council Member Goldstein discloses that PMG Family, LLC and JRG Marietta Parkway, LLC own properties in the Center City South Renaissance Tax Allocation District. Council Member Goldstein is an owner of both PMG Family, LLC and JRG Marietta Parkway, LLC.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 – 0 – 1**

**Approved**

Abstaining: Joseph R. Goldstein

**2. Finance/Investment: Joseph R. Goldstein, Chairperson****3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson****\* 20191153 Smoking in Outdoor Cafes**

Motion to approve the amendments to Chapter 8-39, Outdoor Cafes, to restrict smoking in encroachment areas.

Second Reading

*Council member Goldstein disclosed that members of his family and entities owned by himself and family members own properties within the proposed no smoking district.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**\* 20200132 No Smoking District**

Motion to approve the amendment to Chapter 10-4-210, Smoking prohibited, for the establishment of the downtown No Smoking District.

Second Reading

*Council member Goldstein disclosed that members of his family and entities owned by himself and family members own properties within the proposed no smoking district.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**\* 20200168 Polling Location Change**

Motion to approve an Ordinance amending Section 1-6-080 of the Marietta Code of Ordinances to change the polling locations for Wards 3A and 6A.

First Reading

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      First Reading**



- \* **20200064**      **Detailed Plan - South Avenue Townhomes**
- Motion to approve the detailed plan consisting of a site plan, tree plan, and building elevations for 127, 135, & 141 South Avenue.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

- \* **20200159**      **Detailed Plan - 1725 Stilesboro Road**
- Motion to approve the detailed site and tree plan for the development of thirty-seven (37) age restricted, single family detached homes at 1725 Stilesboro Road.

Architectural elevations for the homes will be brought back to City Council for approval prior to issuance of any building permits.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

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

**5. Personnel/Insurance: Cheryl Richardson, Chairperson**

- \* **20191046**      **Nationwide 457(b) Deferred Compensation Plan Amendment**
- Motion approving the Memorandum of Understanding amending the current Fixed Account Amendment on the Nationwide 457(b) Deferred Compensation Plan. This amendment freezes all existing funds in the Fixed Account at a 3.5% Guaranteed Minimum Interest Rate (GMIR) effective July 1, 2020, moves future funds to a 1.1% crediting rate and 0% GMIR, and maintains participant liquidity at 100%.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**6. Public Safety Committee: Reggie Copeland, Chairperson**

- \* **20200065**      **Revisions to Marietta Fire Department Code**
- Motion to approve the revisions for the Marietta Fire Department for the Fire Prevention and Protection Code.

Second Reading

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**7. Public Works Committee: Grif Chalfant, Chairperson**

\*      **20200149              Delk Rd. Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Delk Road from Franklin Gateway SE to Powers Ferry Road. 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: 6 – 0 – 0                      Approved**

\*      **20200150              Gresham Rd. NE Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Gresham Rd NE from Cobb Parkway North to 1122 Gresham Rd NE. 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: 6 – 0 – 0                      Approved**

\*      **20200151              Brumby ROW**

Motion authorizing the approval of the dedication of ROW, Permanent Easement, and Driveway Easement at the Brumby House at 472 Powder Springs St for the construction of the Powder Springs Streetscape.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*      **20200152              Marietta Conference Center ROW**

Motion authorizing the approval of the dedication of ROW, Permanent Easement, and Temporary Easement at the Marietta Conference Center 500 Powder Springs St for the construction of the Powder Springs Streetscape.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*        **20200153                      Kiowa and Sequoia Drive Traffic Calming**

Motion authorizing Public Works to install stop signs at the intersection Kiowa and Sequoia Drive.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*        **20200154                      North Fairground Street Sidewalk Access**

Motion authorizing the signing of an indemnification and release agreement by the property owner, compensation of \$1800.00 from the property owner for the removal of the 6-foot section of decorative wall to be returned to the applicable Special Local Option Sales Tax (SPLOST) account, return the remaining area of decorative wall to its current condition, and authorization of the installation of the side door and access directly onto the sidewalk at 27 North Fairground Street.

*Motion to Table this matter until the Monday, April 6, 2020 City Council meeting. (The April Council meeting was moved due to the religious holiday.)*

**This Matter was Tabled on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Tabled**

\*        **20200162                      Bells Ferry - Turner Rd Intergovernmental Agreement**

Motion authorizing the execution of the Intergovernmental Agreement between City of Marietta and Cobb County for the construction of a signalized intersection at Bells Ferry Rd and Turner Rd/Dickson Rd.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\*        **20200037                      V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC**

V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC is requesting variances for property located in Land Lots 1215 & 1234, District 16, Parcels 0600 & 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 27 North Fairground Street and 546 Washington Avenue. Ward 5A.

1. Variance to eliminate the 10' planted border along Rock Street. [§712.08 G.2.a]
2. Variance to reduce the setback on Rock Street from 40' to 1'. [§708.16 H.]
3. Variance to reduce the southern side setback for the new building from 15' to 3'. [§708.16 H]
4. Variance to reduce the northern side setback for the new building from 15' to 3'. [§708.16 H]
5. Variance to increase the impervious surface from 96% to 98%. [§708.16 H]

Public Hearing (All parties are sworn in)

*Motion to Table this matter until the Monday, April 6, 2020 City Council meeting. (The April Council meeting was moved due to the religious holiday.)*

**This Matter was Tabled on the Consent Agenda.**

**Vote: 6 – 0 – 0**

**Tabled**

**20200072**

**V2020-11 [VARIANCE] RACETRAC PETROLEUM, INC**

V2020-11 [VARIANCE] RACETRAC PETROLEUM, INC is requesting variances for property located in Land Lot 214, District 17, Parcels 0710 & 0220, 2nd Section of Cobb County, Marietta, Georgia and being known as 695 Powder Springs Street and 701 Sandtown Road. Ward 1A.

1. Variance to waive the Commercial Corridor Overlay District Tier B's site design mandatory element "75-foot maximum front setback from the building to the property line along any public street". [§712.09 (G.2.b.i)]
2. Variance to increase the sign face area for a monument sign on a collector road (Sandtown Rd) from 50 square feet to 100 sq. ft. [§714.04 (F.3) Table H]
3. Variance to increase the sign face area for a monument sign on an arterial road (Powder Springs Street) from 90 square feet to 100 square feet. [§714.04 (F.3) Table H]
4. Variance to increase the sign height for a monument sign on a collector road (Sandtown Road) from 10 feet to 15 feet. [§714.04 (F.3) Table H]
5. Variance to allow the digital sign area to exceed 50% of the total sign face. [§714.04 (F.4.c)]
6. Variance to allow digital signs within 200 feet of residential property. [§714.04 (F.4.a)]

Public Hearing (All parties are sworn in)

*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 variances for property located at 695 Powder Springs Street and 701 Sandtown Road.*

*The applicant, RaceTrac, represented by Adam J. Rozen, requested variances at the subject property to build a RaceTrac gas station and convenience store facing Powder Springs Street. Mr. Rozen presented architectural renderings/elevations and site plan for the project. Mr. Rozen also submitted an updated letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.*

*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 located at 695 Powder Springs Street and 701 Sandtown Road:*

*Variance to waive the Commercial Corridor Overlay District Tier B's site design mandatory element "75-foot maximum front setback from the building to the property line along any public street".*

*Variance to increase the sign face area for a monument sign on a collector road (Sandtown Road) from 50 square feet to 100 square feet.*

*Variance to increase the sign face area for a monument sign on an arterial road (Powder Springs Street) from 90 square feet to 100 square feet.*

*Variance to increase the sign height for a monument sign on a collector road (Sandtown Road) from 10 feet to 15 feet.*

*Variance to allow the digital sign area to exceed 50% of the total sign face.*

*Variance to allow digital signs within 200 feet of residential property.*

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

**Vote: 6 – 0 – 0**

**Approved**

## **OTHER BUSINESS:**

**\* 20200216 Travel & Training**

Motion to set budget for Elected Officials' Training and Development for FY2021 at \$5,000 for each Elected Council Member (\$35,000 cumulative) and \$1,000 for Mayor (total budget \$36,000) with no unused training and development costs carried forward or retroactively applied. In addition to CMA events being exempt, City sponsored "seating" at sanctioned events (Chamber & Civic functions and community sponsorships), where approved by City manager with same standard use for staff development, are exempt from EO Development cost annual Cap.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0**

**Approved**

\* 20200217 **Bond Tax Mileage Rate**

Motion to approve a reduction of the millage rates for the Redevelopment Bond and the Parks Bond. The Redevelopment Bond reduced to 1.625 mills and the Parks Bond reduced to .625 mills.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\* 20200218 **City Bonds**

Motion to authorize staff to engage financial advisors and bond attorney for the purpose of refinancing the Redevelopment Bond and the Parks Bond to a lower rate.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

\* 20200184 **BLW Actions of March 9, 2020**

Review and approval of the March 9, 2020 actions and minutes of Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 0                      Approved**

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**

*The meeting was adjourned at 8:13 p.m.*

**Date Approved:** \_\_\_\_\_

\_\_\_\_\_  
**R. Steve Tumlin, Mayor Tumlin**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**