



# 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*

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Wednesday, April 10, 2019

7:00 PM

Council Chamber

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

**Present:** Cheryl Richardson, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein

***Also Present:***

*William F. Bruton, Jr. City Manager*

*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 Copeland to give the invocation.*

### PLEDGE OF ALLEGIANCE:

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

### PRESENTATIONS:

#### 20190377 Citizens' Government Academy Graduates

The following are graduates from our 2019 Citizens' Government Academy Class

Nicole Amos

Brenda Kay Belcher

Christin Henson

Adam Kosarick

|                |                   |
|----------------|-------------------|
| Jan Blackston  | Jennifer Maze     |
| Tom Blackston  | Shelby Ron        |
| Steve Blue     | Eleanor Stevenson |
| Krissty Foster | Cheryl Stiles     |
| Chris Ginter   | Tracy Wright      |
| Carol Hammock  |                   |

**Presented****PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20190350          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 Minutes: Agenda item 20190345 was added to the consent agenda*

*-under Council Appointments: Agenda item 20190363 remains on the consent agenda, with Council member Goldstein abstaining*

*-under Ordinances: Agenda items 20190009, 20190010 and 20190011 were added to the consent agenda as a Motion to Table until the May 8, 2019 City Council meeting*

*-under Economic/Community Development: Agenda item 20190286 was added to the consent agenda, with Council member Goldstein voting against*

*-under Parks, Recreation and Tourism: Agenda item 20190272 remains on the consent agenda, with Council member Goldstein abstaining*

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

**Vote: 7 – 0 – 0                      Approved**

*with the following exceptions:*

*Council member Goldstein opposed to agenda item 20190286*

*Council member Goldstein abstaining on agenda items 20180363 and 20190272*

*Council member Morris opposed to agenda item 2019279*

#### **MINUTES:**

\*     **20190345                      Regular Meeting - March 13, 2019**

Review and approval of the March 13, 2019 regular meeting minutes.

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

**Vote: 7 – 0 – 0                      Approved**

\*     **20190357                      Special Meeting - March 28, 2019**

Review and approval of the March 28, 2019 special called meeting minutes.

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

**Vote: 7 – 0 – 0                      Approved**

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

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

\*     **20190238                      GMA Voting Delegates**

Appointment of Councilmember Cheryl Richardson as the voting delegate and Councilmember Grif Chalfant as the alternate voting delegate for the 2019 GMA Business Meeting being held during the GMA Annual Convention in June 2019.

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

**Vote: 7 – 0 – 0                      Approved**

\*     **20190361                      Historic Board of Review Appointment (Ward 2)**

Reappointment of David Freedman to the Historic Board of Review for a two (2) year term, expiring April 10, 2021.

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

**Vote: 7 – 0 – 0                      Approved**

\*     **20190269                      Historic Board of Review Appointment (Ward 4)**

Reappointment of Ray Worden (Ward 4) to the Historic Board of Review for a two (2) year term, expiring April 10, 2021.

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

**Vote: 7 – 0 – 0                      Approved**

\*     **20190363                      Historic Board of Review Appointment (Ward 6)**

Reappointment of Stacy Smith to the Historic Board of Review for a two (2) year term, expiring April 10, 2021.

*Council member Goldstein disclosed that Stacy Smith is a tenant of a member of his family and/or an entity owned by a member of his family.*

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

**Vote: 6 – 0 – 1                      Approved**

Abstaining: Joseph R. Goldstein

**20190355                      Marietta Civil Service Board Attorney Appointment**

Civil Service Board recommendation to appoint the law firm of Downey & Cleveland, LLP, as the Civil Service Board's attorney in accordance with City Code Section 4-8-080.

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

**Vote: 7 – 0 – 0                      Approved**

**ORDINANCES:**

\*     **20190009                      Z2019-04 [REZONING] Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz)**

Z2019-04 [REZONING] Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz) are requesting the rezoning of approximately 7.48 acres located Land Lot 1206, District 16, Parcels 0030, 0070, 0300, 0280, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895, 1905, 1923,

& 1935 Lower Roswell Road and 53, 56, 63, 73, & 76 Indian Trail from R-20 (Single Family Residential - Cobb County) and CRC (Community Retail Commercial - City) to PRD-SF (Planned Residential Development Single Family - City). Ward 6A.

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

The following stipulations and variances are incorporated as conditions of zoning:

· 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 April 1, 2019.

The following variances are incorporated as conditions of zoning:

1. Variance to reduce the required driveway length from 20 feet to 18 feet, as measured from back of curb or sidewalk. [§708.09 (B.2.e)]
2. Variance to waive the active recreational feature. [§708.09 (B.2.i)]
3. Variance to reduce the minimum open space from 25% to 21% (1.63 acres). [§708.09 (H)]
4. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit. [§708.09 (H)]
5. Variance to reduce the minimum centerline radii from 100 feet to what is shown on the plan dated 3/20/19 (received by staff 3/26/19). [§730.01 (H)]
6. Variance to waive the requirement to install a sidewalk along S. Marietta Parkway. [§732.07]
7. Variance to allow sidewalks as designated on the plans dated 3/20/19 (received by staff 3/26/19). [§732.07 (C)]
8. Variance to waive the requirements of an acceleration and deceleration lane into the new subdivision. [§730.01 (I.4.b)]
9. Variance to allow a single-family development of more than 51 dwelling units to provide one access point to an arterial street. [§730.01 (A)]
10. Variance to allow a billboard outside 100' of I-75. [§714.04 (G)]
11. Variance to waive the requirement that a billboard be regulated as a principal use. [§714.04 (G.1)]
12. Variance to allow a billboard within 500' of a residential zoning district. [§714.04 (G.2)]
13. Variance to increase the allowable number of faces for a billboard from two (2) to three (3). [§714.04 (G.4)]
14. Variance to allow a billboard remain within 1000' radius of another billboard. [§714.04 (G.5)]
15. Variance to allow a billboard on property zoned PRD-SF. [§714.04 (G.11)]
16. Variance to waive fire access from Private Alley D due to inadequate turnaround design.
17. Variance to reduce the minimum turning radii from 35' to 20.' [§710.06]

*Motion to Table until the May 8, 2019 City Council meeting.*

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

**Vote: 7 – 0 – 0**

**Tabled**

- \* **20190010**      **A2019-01 [ANNEXATION] TRATON HOMES, LLC (53 INDIAN TRAIL, LLC; 56 INDIAN TRAIL, LLC; 63 INDIAN TRAIL, LLC; 76 INDIAN TRAIL, LLC; ALVARO & ELIZABETH ARAUZ)**

A2019-01 [ANNEXATION] TRATON HOMES, LLC (53 INDIAN TRAIL, LLC; 56 INDIAN TRAIL, LLC; 63 INDIAN TRAIL, LLC; 76 INDIAN TRAIL, LLC; ALVARO & ELIZABETH ARAUZ) are requesting the annexation of properties located in Land Lot 1206, District 16, Parcels 0030, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, and any associated right of way, consisting of approximately 5.5 acres. Ward 6A.

*Motion to Table until the May 8, 2019 City Council meeting.*

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

**Vote: 7 – 0 – 0                      Tabled**

- \* **20190011**      **CA2019-01 [CODE AMENDMENT]**

CA2019-01 [CODE AMENDMENT] In conjunction with the requested annexation of properties located in Land Lot 1206, District 16, Parcels 0030, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, the City of Marietta proposes to designate the Future Land Use of said property as HDR (High Density Residential). Ward 6A.

*Motion to Table until the May 8, 2019 City Council meeting.*

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

**Vote: 7 – 0 – 0                      Tabled**

## **RESOLUTIONS:**

## **CITY ATTORNEY'S REPORT:**

- \* **20190301**      **Denial of Claim**

Denial of Claim for Ashley Saddler.

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

**Vote: 7 – 0 – 0                      Approved to Deny Claim**

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****\* 20190286 Gateway Marietta CID Expansion**

Motion to approve the expansion of the Gateway Marietta CID boundaries.

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

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

**\* 20190167 Non-Profit Public Service Grant Awards**

Motion to approve the Community Development Block Grant Program (CDBG) Non-Profit Public Service Grant Awards for Program Year 2019.

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

**Vote: 7 – 0 – 0                      Approved**

**2. Finance/Investment: Joseph R. Goldstein, Chairperson****\* 20190237 2019 GMA Annual Convention**

Motion to approve the travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2018 Annual Convention in Savannah, GA, June 21 - 25, 2019.

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

**Vote: 7 – 0 – 0                      Approved**

**\* 20190265 Payment to Tree Preservation Fund by Cobb County School District**

Ordinance approving an amendment to the Fiscal Year 2019 Tree Preservation Fund budget to receive and appropriate a payment of \$10,540 from Cobb County School District for the new Instructional Support Center at 540 Glover Street.

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

**Vote: 7 – 0 – 0                      Approved**

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

**\*      20190191                      Policy for Smoking in City Parks and Recreation Facilities.**

Motion adopting an ordinance to amend regulating smoking policies in city parks and recreation facilities.

First Reading

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

**Vote: 7 – 0 – 0                      First Reading**

**20190302                      Open Containers Policies**

Motion to approve Open Containers of alcoholic beverages in the Downtown District.

*Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta. Further, he, members of his family and/or entities owned by him and/or members of his family have business relationships with some of the people/entities supporting the open container district and asking for consideration thereof.*

**A motion was made by Council member Richardson, seconded by Council member Morris, to approve an amendment to Code section 8-8-2-160, as presented, with the following amendment to allow outside consumption of alcoholic beverages in the downtown district Thursdays from 5 pm until 10 pm, Friday from 5 pm until 11 pm and Saturday from 10 am until 11 pm.**

*Comments were made by Council member Chalfant.*

*Mayor Tumlin called the question.*

**The motion carried by the following vote:**

**Vote: 5 – 1 – 1                      First Reading**

Voting Against: Grif Chalfant

Abstaining: Joseph R. Goldstein

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



\* **20190272 Amended Welcome Center Contract & Budget Amendment**

Motion to approve the amended Welcome Center Contract & Budget Amendment.

*Council Member Goldstein discloses that the Earl Smith Strand Theatre is a tenant of the Herbert S. Goldstein Family Limited Partnership and that GA Metro Dance Theatre is a tenant of PMG Whitlock Ave, L.L.C. Philip M. Goldstein is a general partner of the Herbert S. Goldstein Family Limited Partnership and is the Manager of PMG Whitlock Ave, L.L.C. Philip M. Goldstein is the father of Council Member Goldstein. Both entities are owned by Member(s) of the Family of Council Member Goldstein.*

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

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

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

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

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

\* **20190277 Frog Leap Trail Speed Study**

Motion authorizing the speed limit on Frog Leap Trail to be a maximum of 25 MPH and for Public Works to install the applicable signage indicating the new speed limit.

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

**Vote: 7 – 0 – 0                      Approved**

\* **20190278 Cemetery Trail Project**

Motion approving Supplement Agreement #2 between GDOT and the City of Marietta for the Cemetery Trail Project, P.I. 0010704.

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

**Vote: 7 – 0 – 0                      Approved**

\* **20190279 KMCR Gap Trail Easement**

Motion approving a Revocable License Agreement for the KMCR Gap Trail project (PI 0010705) between the City of Marietta and the State Properties Commission.

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

**Vote: 6 – 1 – 0                      Approved**

Voting Against: Andy Morris

\*     **20190280                      Cobb Parkway South Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be overlashed on existing fiber from Terrell Mill Road along Cobb Parkway South to provide a new service at 1869 Cobb Parkway South. This motion does not grant a perpetual variance. Charter Communications 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**

\*     **20190281                      Seminole Drive Speed Traffic Calming**

Motion authorizing Public Works to conduct the speed study on Seminole Drive to determine if traffic calming devices are needed.

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

**Vote: 7 – 0 – 0                      Approved**

\*     **20190282                      Kirkpatrick Drive Speed Traffic Calming**

Motion authorizing Public Works to conduct the speed study on Kirkpatrick Drive to determine if traffic calming devices are needed.

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

**Vote: 7 – 0 – 0                      Approved**

**OTHER BUSINESS:**

\*     **20190158                      V2019-07 [VARIANCE] ROSENT HOLDING COMPANY LLC**

V2019-07 [VARIANCE] ROSENT HOLDING COMPANY LLC is requesting variances for property located in Land Lot 854, District 16, Parcel 0090, 2nd Section of Cobb County, Marietta, Georgia and being known as 629 Collins Road. Ward 6B.

1. Variance to allow the reduced driveway width to remain 11 feet for the point shown on the submitted survey. Any enlargement or expansion of the existing

structure must comply with all codes and will void the variance for the driveway width reduction. [§716.08 (C.5)]

2. Modification of stipulations from Z2017-22.

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

**Vote: 7 – 0 – 0**

**Approved**

**20190184**

**V2019-09 [VARIANCE] JAMES FREEMAN, LLC (OUTFRONT MEDIA, LLC)**

V2019-09 [VARIANCE] JAMES FREEMAN, LLC (OUTFRONT MEDIA, LLC) are requesting variances for property located in Land Lots 799 & 858, District 16, Parcel 0040, 2nd Section of Cobb County, Marietta, Georgia and being known 1751 Bells Ferry Road. Ward 5B.

1. Variance to waive the requirement that a billboard be regulated as a principal use. §714.04 (G.1)
2. Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)
3. Variance to locate a billboard within 500' of a church. §714.04 (G.2.)
4. Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)
5. Variance to allow a general advertising sign be located on a lot upon which a building and signage is located. §714.04 (G.9) and §714.06 (A.10)
6. These variances shall only apply to the billboard structure identified in the application.

*Mayor Tumlin called forward those wishing to speak.*

*Development Services Director Rusty Roth presented information regarding the variance request for property located at 1751 Bells Ferry Road. Mr. Roth also summarized the criteria used to consider variance requests.*

*Outfront Media, LLC is requesting variances to increase the height of an existing, nonconforming billboard on the east side of I-75 and located at 1751 Bells Ferry Road. The subject property is approximately thirty (30) acres in size, zoned CRC (Community Retail Commercial) and contains a total of five (5) billboards.*

*Discussion was held by Council regarding the current location and height of the billboard and whether the increased height would make it visible to the adjacent proposed subdivision.*

*Carol Brown with Canton Road Neighbors spoke in opposition to this proposal.*

*Matt Kasick representing Outfront Media spoke regarding this matter.*

*Motion to approve the following variances for property located at 1751 Bells Ferry Road:*

1. Variance to waive the requirement that a billboard be regulated as a principal use.
2. Variance to modify a billboard within 500' of a residential zoning district.
3. Variance to locate a billboard within 500' of a church.
4. Variance to modify a billboard within 1,000' of other billboards.
5. Variance to allow a general advertising sign be located on a lot upon which a building and signage is located.
6. These variances shall only apply to the billboard structure identified in the application.
7. In considering the requested variances, several hardships were noted.

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

**Vote: 5 – 2 – 0**                                **Approved as Amended**  
Voting Against: Andy Morris and Joseph R. Goldstein

\*        **20190347**                                **BLW Actions of April 8, 2019**

Review and approval of the April 8, 2019 actions and minutes of Marietta Board of Lights and Water.

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

**Vote: 7 – 0 – 0**                                **Approved**

*Council member Goldstein opposed to BLW agenda item 20190316, Level 3 Communications, LLC Pole Attachment License Agreement*

**UNSCHEDULED APPEARANCES:**

*Donald Barth, who lives on Saint John Ave, addressed the City Council.*

**ADJOURNMENT:**

*The meeting was adjourned at 7:50 p.m.*

**Date Approved: May 8, 2019**

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

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