



# 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, May 8, 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 7:05 p.m.*

### INVOCATION:

*Mayor Tumlin called upon Councilwoman Kelly to give the invocation.*

### PLEDGE OF ALLEGIANCE:

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

### PRESENTATIONS:

**20190380      Top 50 Smart Cities Award**

Presentation to the City of Marietta of the top 50 Smart Cities International Award.

**Presented**

**20190416      2019 Top 100 Cities Best Places to Live**

Presentation to the City of Marietta for being recognized one of the 2019 Top 100 Best Places to Live in America.

**Presented**

**20190468      Legislative Presentation**

Presentation from Councilmember Cheryl Richardson for Senate Bill 31, Emergency Rescue and Councilmember Reggie Copeland for Senate Bill 25, School Bus Safety.

**Presented**

**PROCLAMATIONS:****20190456      National Public Works Week**

Presentation of a Proclamation by Councilmember Grif Chalfant to Mark Rice, Public Works Director, proclaiming the week of May 19, 2019 as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

**Read**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20190440      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).**

*Prior to the Consent Agenda, a motion was made by Council member Chalfant, seconded by Council member Morris, to suspend the rules of order to add an item to the Council agenda to authorize the acquisition of a portion of property and easements at 316 S. Fairground Street by means of eminent domain. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved*

*A motion was made by Council member Chalfant, seconded by Council member Morris, to authorize staff and the city attorney to commence the process to acquire the following property by means of eminent domain: portion of property and easements at 316 S. Fairground Street from Judd and Yesenia Bare for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved  
(See agenda item 20190472)*

*A motion was made by Council member Kelly, seconded by Council member Richardson to suspend the rules of order to add an item to the Council agenda to accept the proposed mediation related to a zoning application submitted by Traton Homes, LLC. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved*

*A motion was made by Council member Kelly, seconded by Council member Chalfant, to approve a Motion to accept the proposal from Cobb County dated May 8, 2019 which proposes mediation in this matter to include a team from both from the County and the City that consists of elected office District Commissioner and Marietta Council ward member. Unless extended by mutual consent, this motion requires that mediation be completed on or before June 25, 2019 and that the results of mediation be reported to the Judicial Legislative committee meeting on June 25, 2019. This motion provides that all meetings of the mediation shall be open to the public. This motion also confirms that this matter will return to the mayor and city council on July 10, 2019 unless otherwise agreed and that there shall be a public hearing on July 10, 2019 on this matter. The elected official to represent the city of Marietta in this mediation shall be Michelle Cooper Kelly. All parties acknowledge that any recommendation from the mediator must be voted upon by Cobb County Georgia and the city of Marietta Georgia in public before it would become final. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved  
(See agenda item 20190474)*

*Mayor Pro tem Johnny Walker briefly explained the consent agenda process.*

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

*-under Ordinances: Agenda items 20190009, 20190010 and 20190011 were added to the consent agenda as a motion to table until the July 10 Council meeting.*

*-under Finance/Investment: Agenda item 20190171 remains on the consent agenda, with Council member Goldstein opposed*

*-under Public Works: Agenda items 20190414 and 20190415 were added to the consent agenda*

**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 20190171*

## **MINUTES:**

**\*      20190420      Special Meeting - April 8, 2019**

Review and approval of the April 8, 2019 Special Meeting minutes.

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

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

**\*      20190421      Regular Meeting - April 10, 2019**

Review and approval of the April 10, 2019 Regular Meeting minutes.

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

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

**\*      20190366      Executive Session Minutes**

Review and approval of the following executive session minutes:

January 3, 2018 Special Called City Council Meeting  
January 30, 2018 Special Called City Council Work Session

February 14, 2018 Agenda Review Session  
February 14, 2018 City Council Meeting  
February 27, 2019 Special Called City Council Work Session

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

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

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

**CITY COUNCIL APPOINTMENTS:**

\*     **20190362                      Board of Lights and Water Appointment**

Motion to reappoint Bruce E. Coyle to the Board of Lights and Water (Resident Member).

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

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

\*     **20190405                      Marietta Development Authority Appointments**

Motion to reappoint Judy E. Renfroe Post 6 and Mike Henderson Post 7 to the Marietta Development Authority for a 6-year term, expiring May 8, 2025.

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

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

\*     **20190289                      Marietta Board of Zoning Appeals Board Attorney**

Motion to approve the appointment of Doug Haynie with the law firm Haynie, Litchfield & White, P.C. for the Marietta Board of Zoning Appeals for attorney services.

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

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

\*     **20190290                      Marietta Planning Commission Board Attorney**

Motion to approve the appointment of Doug Haynie with the law firm Haynie, Litchfield & White P.C. for the Marietta Planning Commission for attorney services.

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

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

\*     **20190460                      Board of Zoning Appeals Appointment (Ward 3)**

Motion to appoint Larry Zenoni to the Board of Zoning Appeals (Ward 3) for a 3-year term, expiring May 8, 2022.

**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 the rezoning until July 10, 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 the annexation until July 10, 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 the code amendment until July 10, 2019 City Council meeting.*

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

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

**20190295**      **Z2019-15 [SPECIAL LAND USE PERMIT] COBB COUNTY YOUTH MUSEUM, INC**

Z2019-15 [SPECIAL LAND USE PERMIT] COBB COUNTY YOUTH MUSEUM, INC is requesting a Special Land Use Permit for a place of assembly (museum) for property located in Land Lot 41, District 19, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 649 Cheatham Hill Drive (a/k/a 393 Terrell Drive), currently zoned R-2 (Single Family Residential - 2 units/acre). Ward 2A.

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

1. Variance to reduce the setback for an existing structure (pavilion) from 75 feet to 8 inches. [§708.02 (E.1.b)]
2. Variance to reduce the setback for the existing building (Youth Museum) and proposed addition from 75 feet to 16 feet. [§708.02 (E.1.b)]
3. Variance to allow a septic system for a commercial site. [§732.03]
4. Variance to reduce the required parking spaces from 26 to 14. [§716.07 (E)]
5. Variance to reduce the two-way interior drive width from 20 feet to 18 feet. [§716.08 (C.5)]

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

*Rusty Roth, Development Services Director, presented information regarding the Special Land Use Permit (SLUP) request for property located at 1021 and 1026 Oregon Trail SW. Mr. Roth also summarized the criteria used to determine whether the permit should be granted.*

*Kristi Storey, on behalf of the Cobb County Youth Museum, requested a Special Land Use Permit at 649 Cheatham Hill Drive in order to expand and renovate the existing museum. The subject property is about 11.403 acres in size and zoned*



*R-2 (Single Family Residential - 2 units/acre). Cheatham Hill Drive is accessed off Whitlock Avenue and leads through the battlefield to the Youth Museum. The request is to rezone the subject property from R-2 to R-2 with a Special Land Use Permit (SLUP).*

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

*A motion was made by Council member Chalfant, seconded by Council member Kelly, to approved the Special Land Use Permit for property located at 649 Cheatham Hill Drive (a/k/a 393 Terrell Drive), currently zoned R-2 (Single Family Residential - 2 units/acre), with the following variances incorporated as conditions of zoning:*

- 1. Variance to reduce the setback for an existing structure (pavilion) from 75 feet to 8 inches. [§708.02 (E.1.b)]*
- 2. Variance to reduce the setback for the existing building (Youth Museum) and proposed addition from 75 feet to 16 feet. [§708.02 (E.1.b)]*
- 3. Variance to allow a septic system for a commercial site. [§732.03]*
- 4. Variance to reduce the required parking spaces from 26 to 14. [§716.07 (E)]*
- 5. Variance to reduce the two-way interior drive width from 20 feet to 18 feet. [§716.08 (C.5)]*

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

**Vote: 7 – 0 – 0**

**Approved**

**20190297**

**Z2019-17 [REZONING] KATHRYN HARBOUR (MICHAEL LANGSTON & SHANNON R. MOORE)**

Z2019-17 [REZONING] KATHRYN HARBOUR (MICHAEL LANGSTON & SHANNON R. MOORE) 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 R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

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

1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]
2. Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]
4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]

*Council member Walker disclosed that he is the Co-owner of a business next door to the property located at 268 Church Street. He is a tenant, not the owner at 262 Church 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 to rezone property at 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Mr. Roth mentioned that the current owner rezoned the property from OI to R-4 in November 2018 with the intention of using it as his personal residence. For reasons unknown, the owner put the property back on the market and the current applicant wishes to use it as a real estate office, which would require rezoning back to commercial zoning.*

*The applicant, Kathryn Harbour, requested rezoning of the property back to OIT (Office Institution Transitional) to renovate the property and for use as a professional office. She mentioned that there are a few as-built conditions that do not meet OIT standards and would be require variances:*

- 1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet.*
- 2. Variance to reduce the minimum lot width from 75' to 60'.*
- 3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35.*
- 4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is.*

*Discussion was held by Council, many expressing concern regarding the request to revert to the OIT (Office Institution Transitional) zoning.*

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

*A motion was made by Council member Morris, seconded by Council member Chalfant, to Deny the rezoning request for property located at 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional).*

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

**Vote: 4 – 2 – 1**

**Denied**

Abstaining: Johnny Walker

Voting Against: Reggie Copeland and Joseph R. Goldstein

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****\* 20190385 Denial of Claim**

Denial of Claim for Timothy Moreland.

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

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

**\* 20190459 Denial of Claim**

Denial of Claim for Deborah Hall.

**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**

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

**\* 20190171 Proposed Lease Amendment Marietta Conference Center & Hotel**

Motion to approve the proposed lease amendment with Marietta Leasehold L.P./Remington Hotel Management.

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

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

Voting Against: Joseph R. Goldstein

**3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson****\* 20190412 Marietta Museum of History's Collection**

Motion approving the request from the Marietta Museum of History for the permanent removal of items from its collection.

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

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

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

Motion adopting an ordinance to amend Code Section 10-4-210, regulating smoking policies in city parks and recreation facilities.

Second Reading

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

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

**20190302 Open Containers Policies**

Motion to amend Code Section 8-8-2-160 and 10-4-070 to allow 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.*

Second Reading

*In depth discussion was held regarding the proposed amendment to the open container ordinance.*

*A motion was made by Council member Richardson, seconded by Council member Morris, to amend Code Section 8-8-2-160 and 10-4-070 to allow Open Containers of alcoholic beverages in the Downtown District.*

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

**Vote: 5 – 1 – 1                      Approved**

Voting Against: Grif Chalfant

Abstaining: Joseph R. Goldstein

*Mayor Tumlin vetoed the motion.  
(The official veto is on file in the City Clerk's Office.)*

*City Attorney Doug Haynie explained the veto process and stated that it would take five (5) votes to override a veto.*

**A motion was made by Council member Richardson, seconded by Council member Kelly, to override the veto. The motion failed by the following vote:**

**Vote: 4 – 2 – 1                      Failed**  
Voting Against: Johnny Walker and Grif Chalfant  
Abstaining: Joseph R. Goldstein

\*        **20190240                      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 1A and 2B.

First Reading

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

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

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

\*        **20190417                      Funding Request for Playground Slide**

Motion approving a budget amendment authorizing the expenditure of monies from the Whitaker Estate Funds for the purchase of a replacement slide for the Laurel Park playground.

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

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

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

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

\*        **20190378                      Motion to Accept Grant from Firehouse Subs Public Safety Foundation**

Motion to approve the acceptance of a grant from the Firehouse Subs Public Safety Foundation. This grant will be for a Yanmar Three-Seat Utility Terrain Vehicle valued at \$20,988 which will be used by the Marietta Fire Department.

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

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

\*     **20190389                      Revisions to MPD Policies**

Motion approving the revisions to the listed policies for the Marietta Police Department - A052 (Detention & Housing of Detainees), A074 (Infectious Disease), E035 (Critical Response Team), P015 (Video & Audio Recording Equipment) & P046 (Legal Process).

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

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

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

\*     **20190392                      Allgood and Merritt Road Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Allgood Road and Merritt Road from Overbrook Circle to Barnes Mill 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: 7 – 0 – 0                      Approved**

\*     **20190393                      Kennesaw Avenue Speed Traffic Calming**

Motion authorizing Public Works to conduct the speed study on Kennesaw Avenue from CSX railroad to Atwood Drive to determine if traffic calming devices are needed.

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

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

\*     **20190394                      Sandy Plains Road Utilities**

Consideration of a motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Sandy Plains Road, Scufflegrit Road, and Allgood Road from West Oak Parkway to Lincoya 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**

\*     **20190395                      Soaring Drive Parking**

Motion authorizing a no parking zone to be installed along Soaring Drive from Barnes Mill Road to the intersection with Soaring Way.

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

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

\*     **20190396                      Allgood Road Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Allgood Road from Lincoya Drive to Overbrook Circle. 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**

\*     **20190381                      Title VI Program Documents**

Motion approving the Title VI Nondiscrimination Agreement and Assurances between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, along with approval of the City of Marietta Title VI Policy and DBE Policy statements. Additionally, this motion appoints the Director of Human Resources and Risk Management as the City of Marietta Title VI Coordinator.

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

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

\*     **20190414                      2011 SPLOST Project Budget Reallocation**

Motion to reallocate 2011 SPLOST Project Funds among previously approved 2011 SPLOST projects.

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

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

\*     **20190415                      2016 SPLOST Project Budget Reallocation**

Motion to reallocate 2016 SPLOST Project Funds among previously approved 2016 SPLOST projects.

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

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

**OTHER BUSINESS:**

\*     **20190470                      137 Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 137 S. Fairground Street from 4-T, Inc. for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$4,000.00 and stipulations as listed:

1. Temporary easement terminates no later than 2 years from date of closing.
2. No overnight storage of equipment or materials shall be allowed on the property.
3. Teena Regan is a licensed real estate agent acting as principal.

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

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

\*     **20190422                      BLW Actions of May 6, 2019**

Review and approval of the May 6, 2019 actions and minutes of Marietta Board of Lights and Water.

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

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

**20190472                      316 S. Fairground Street**

Motion to authorize staff and the city attorney to commence the process to acquire the following property by means of eminent domain: portion of property and easements at 316 S. Fairground Street from Judd and Yesenia Bare for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project.



**A 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: 7 – 0 – 0                      Approved**

**20190474                      Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz)**

Motion to accept the proposal from Cobb County dated May 8, 2019 which proposes mediation in this matter to include a team from both from the County and the City that consists of elected office District Commissioner and Marietta Council ward member. Unless extended by mutual consent, this motion requires that mediation be completed on or before June 25, 2019 and that the results of mediation be reported to the Judicial Legislative committee meeting on June 25, 2019. This motion provides that all meetings of the mediation shall be open to the public. This motion also confirms that this matter will return to the mayor and city council on July 10, 2019 unless otherwise agreed and that there shall be a public hearing on July 10, 2019 on this matter. The elected official to represent the city of Marietta in this mediation shall be Michelle Cooper Kelly. All parties acknowledge that any recommendation from the mediator must be voted upon by Cobb County Georgia and the city of Marietta Georgia in public before it would become final.

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

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

#### **UNSCHEDULED APPEARANCES:**

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

#### **ADJOURNMENT:**

*The meeting was adjourned at 8:23 p.m.*

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

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

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