



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, June 12, 2019

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

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

Also Present:

Bill Bruton, City Manager

Doug 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.

PRESENTATIONS:

20190521 Presentation for the Certificate of Achievement for Excellence in Financial Reporting

Presentation of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United

States and Canada for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year 2018 to Finance Director Sam Lady.

Note this is the 31st consecutive year the City has received this award

Presented

20190583 Recognition of Lois Morrison

Recognition of Lois Morrison from Keep Marietta Beautiful for all her work for the City of Marietta.

Presented

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

20190515 Scheduled Appearance

Scheduled Appearance - Grant Brown

Present

20190561 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 Council Appointments: Agenda item 20190571 was added to the consent agenda as a "Motion to appoint Louise Griffin Williams to the Historic Board of Review (Ward 5) for a 2-year term, expiring June 12, 2021."

-under Ordinances: Agenda item 20190017 was added to the consent agenda as a "Motion to approve the applicant's request to withdraw Z2019-06 Polk Street Residential, without prejudice."

-under Ordinances: Agenda item 20190435 was added to the consent agenda.

-under City Attorney's Report: Agenda item 20190542 was added to the consent agenda.

-under Other Business: Agenda item 20190572 should show Council member Goldstein voting against.

A motion was made by Council member Morris, seconded by Council member Goldstein, 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 items 20190488 and 20190572

Council member Goldstein abstaining on agenda items 20190486 and 2019543

MINUTES:

* **20190552 Regular Meeting - May 8, 2019**

Review and approval of the May 8, 2019 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR'S APPOINTMENTS: (for informational purposes only)

20190574 Marietta Housing Authority Appointment

Reappointment of J. Larry Stevens to the Marietta Housing Authority for a term of five (5) years expiring on May 29, 2024.

Made

20190575 Marietta Housing Authority Appointment

Reappointment of Chervonta "Taye" Pugh to the Marietta Housing Authority Board for a one-year term expiring May 29, 2020.

Made

CITY COUNCIL APPOINTMENTS:*** 20190453 Board of Lights and Water Appointment**

Reappointment of Alice Summerour to the Board of Lights and Water (Non-Resident Member), for a four (4) year term, expiring July 14, 2023.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190571 Historic Board of Review Appointment**

Consideration of an appointment to the Historic Board of Review (Ward 5) for a 2-year term, expired May 10, 2019.

Appointment of Louise Griffin Williams to the Historic Board of Review (Ward 5) for a 2-year term, expiring June 12, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:*** 20190017 Z2019-06 [REZONING] POLK STREET RESIDENTIAL LLC**

Z2019-06 [REZONING] POLK STREET RESIDENTIAL LLC is requesting the rezoning of 8.96 acres located in Land Lot 1224, District 16, Parcels 0530, 0430, 0460, 0420, 0450, 0480, & 1000 of the 2nd Section, Cobb County, Georgia, and being known as 807, 811, 819, 871, 875, & 931 Polk Street, and 103 Mountain View Road from R-1 (Single Family Residential/Agriculture) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

Motion to approve the applicant's request to withdraw Z2019-06 Polk Street Residential, without prejudice.

This Matter was Withdrawn on the Consent Agenda.

Vote: 7 – 0 – 0 Withdrawn

20190292

Z2019-13 [REZONING] DARRELL BULLOCK

Z2019-13 [REZONING] DARRELL BULLOCK is requesting the rezoning of approximately 0.41 acres located Land Lot 1160, District 16, Parcels 0580 & 1070 of the 2nd Section, Cobb County, Georgia and being known as 291 Lemon Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for vehicle leasing. Ward 5A. If Council approves the rezoning, the following variance would be incorporated as condition of zoning:

1. Variance to allow gravel as an acceptable parking surface [§716.08 (B)].

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 291 & 301 Lemon Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial), with an additional use for vehicle leasing in order to allow parking/storage of U-Haul vehicles.

The applicant requested the rezoning in order to continue using the property as storage for U-Haul trucks after the City Code Enforcement received a complaint. The applicant stated there would be a maximum of three (3) trucks stored on the site at any one time. The request for storage of commercial vehicles as an additional use would include a request to use the existing gravel parking lot, as the zoning ordinance does not allow gravel as an acceptable parking surface.

There were four (4) residents speaking in opposition to this request: Mike Slocomb, Eric Mitchell, Sarah Cougar and Eric Slivinski

Discussion was held by Council.

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

A motion was made by Council member Walker, seconded by Council member Chalfant, to Deny the rezoning request for property located at 291 & 301 Lemon Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for vehicle leasing.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Denied

20190296

Z2019-16 [REZONING] SIX POINTS HOMES, LLC (LAWRENCE R. HARRIS, JR. & EDDIE A. FRITZ)

Z2019-16 [REZONING] SIX POINTS HOMES, LLC (LAWRENCE R. HARRIS, JR. & EDDIE A. FRITZ) are requesting the rezoning of 0.759 acres located in Land Lot 1234, District 16, Parcels 0340, 0350, & 0970 of the 2nd Section, Cobb County, Georgia, and being known as 127, 135, & 141 South Avenue from CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

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

- Letter of stipulations from J. Kevin Moore, Moore Ingram, Johnson & Steele, LLP to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 4, 2019.

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 127, 135, & 141 South Avenue from CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family).

Mr. Kevin Moore, with Moore, Ingram, Johnson, & Steele, requested the rezoning to develop a residential community, in the townhome style, containing a maximum of eight (8) residences. Mr. Moore referenced updated plans and stipulations, which addressed many of the concerns raised by nearby residents.

There were two (2) residents expressing concern regarding this development: Sarah Cant and Debbie Newman

Discussion was held by Council.

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

A motion was made by Council member Richardson, seconded by Council member Morris, to approve the rezoning request for property located at 127, 135, & 141 South Avenue from CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family), with the following stipulations incorporated as conditions of zoning:

Letter of stipulations from J. Kevin Moore, Moore Ingram, Johnson & Steele, LLP to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 4, 2019.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

* **20190435** **Z2019-19 [REZONING] Traton Homes, LLC (Hartwood investments LLC)**

Z2019-19 [REZONING] Traton Homes, LLC (Hartwood investments LLC) is requesting the rezoning of 9.58 acres located in Land Lot 505, District 17, Parcel 0170 and Land Lot 1282, District 16, Parcels 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as 315 Frey's Gin Road; 1222, 1230, 1238, & 1246 Banberry Road from LI (Light Industrial) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development Single Family). Ward 7A.

Motion to refer this matter to the June 25 Judicial/Legislative Committee meeting.

The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20190542** **Denial of Claim**

Denial of Claim for 4062 Kingston Court, LLC.

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**

* **20190454** **MEAG Power 2019 Annual Meeting**

Motion to approve travel expenses for Council members who wish to attend the 2019 MEAG Power Annual Meeting July 8-10, 2019 in Amelia Island, Florida. This motion includes the City Attorney.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190467** **Adoption of Recommended Budget for FY2020**

Motion to approve an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

Per the disclosure letter dated January 2, 2018, Council member Goldstein will not be participating in any discussion or vote of the use of the City Center South Renaissance Tax Allocation District funds in the budget in his official capacity as a City Council Member.

Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Billy and Lisa Toups and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that the Atlanta Lyric Theatre rents space owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that Actors Theatre of GA performs shows in space rented by Raul Thomas and owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. While not required, Council Member Goldstein chooses to abstain on this item.

Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

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

* **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.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190485 Zoning Stipulation Amendment (Z2015-32) - Scarlet Oaks**

Motion to approve the request by Kraft Mark Homes, LLC to replace stipulation #2 from Z2015-32 to the following:

- 2. No more than one (1) home shall be rented at any given time and with the following conditions:
 - a. All new homeowners must live in the residence for a minimum of three months before the residence may be rented to discourage purchases made solely as rental property;
 - b. Homeowners must receive approval from the Scarlet Oaks Homeowner’s Association and provide tenant’s name and contact information before leasing the property;
 - c. A minimum lease period of thirty (30) days to avoid short-term rentals and high community turnover;
 - d. Tenant compliance with community standards as part of the lease agreement with HoA authority to evict a non-compliant tenant.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190488 Final Plat - Heritage Ridge**

Motion to approve the final plat for Heritage Ridge at 1725 White Circle with the condition that the Homeowner’s Association be responsible for maintenance of the parking spaces partially within the right-of-way and a note will be included on the final plat.

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

*** 20190486 FY2020 Tourism Grants**

Motion to approve the grant amounts presented for each tourism organization, along with the Welcome Center Contract.

The Earl Smith Strand Theatre	\$66,000
Cobb NAACP Juneteenth	\$10,000
GA Metro Dance Theatre	\$18,000
Georgia Symphony Orchestra	\$15,000

Marietta/Cobb Museum of Art	\$90,000
Marietta Museum of History	\$162,000
Marietta Square Branding Project	\$12,000
Old Zion Baptist Church Heritage Museum	\$10,000
The Georgia Ballet	\$3,000
Marietta Gone with The Wind Museum	\$55,000
City Staff Request - Vapor Wake Dog	\$9,000
City Staff Request - City Services	\$132,000
Marietta Business Association (Art in Park)	\$16,000

NEW REQUESTS

Cobb Landmarks	\$20,000
Marietta Arts Council	\$12,000
Actors Theatre of GA	\$5,000
Atlanta Lyric Theatre	\$10,000

Marietta Welcome Center	\$300,000
Marietta Fire Museum	\$8,000
City Marketing Budget for Museums, etc.	\$24,000

Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Billy and Lisa Toups and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

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Council Member Goldstein discloses that Actors Theatre of GA performs shows in space rented by Raul Thomas and owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. While not required, Council Member Goldstein chooses to abstain on this item.

Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.

This Matter was Approved on the Consent Agenda.

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

* **20190543** **Recommended FY20 Tax Allocation District and Tourism Budgets**

Motion to approve an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, for the various funds of the City of Marietta related to the Tax Allocation Districts (TAD) and Tourism Grants.

Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Billy and Lisa Touns and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that the Atlanta Lyric Theatre rents space owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that Actors Theatre of GA performs shows in space rented by Raul Thomas and owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. While not required, Council Member Goldstein chooses to abstain on this item.

Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.

This Matter was Approved on the Consent Agenda.

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

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20190382** **FY 2020 City/BLW Pay and Classification System documents**

Motion to approve an Ordinance adopting the City of Marietta and Board of Lights and Water Position Allocation Charts, and the Compensation, Position Classification, and Career Development Plans for FY 2020, with changes to take effect on the pay period beginning June 30, 2019.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20190462** **Workers' Compensation Third Party Administration Services**

Motion to approve the administrative services agreement with Brentwood Services Administrators, Inc. for Workers' Compensation Third Party Administration Services effective July 1, 2019.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Reggie Copeland, Chairperson

* **20190476** **Revisions to MPD Policies**

Motion to approve the revisions to the listed policies for the Marietta Police Department:
A019 (Risk Analysis Board), A044 (Uniforms, Equipment & Departmental Property), A054 (Assignments), P041 (Pursuit of Motor Vehicles), P047 (Traffic Accidents), P049 (Traffic Enforcement) & S060 (Special Purpose Vehicles)

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190505** **Georgia TIME Task Force Grant**

Motion to authorize the acceptance of a grant for \$5,140.00 from the Georgia TIME Task Force for the replacement of 135 traffic safety vests for the fire department.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

7. Public Works Committee: Grif Chalfant, Chairperson

* **20190484** **316 Fairground Street**

Motion to authorize the acquisition of property owned by Judd and Yesenia Bare 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

* **20190496 Alpine Way Parking**

Motion authorizing a no parking zone to be installed along Alpine Way from Barnes Mill Drive to Meadow Place.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190497 Cole Street Parking**

Motion authorizing a no parking zone to be installed along Cole Street from Roosevelt Circle to North Marietta Parkway.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190498 Burnt Hickory Trail Project IGA Update**

Motion approving the update of Intergovernmental Agreement between Cobb County and the City of Marietta regarding the acquisition of Right of Way for the Burnt Hickory Trail Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190500 Old 41 Highway Parking**

Motion authorizing a no parking zone to be installed along Old 41 Highway from Kirk Road intersection to the Kenview Drive intersection on Old 41 Highway.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190501 Cherokee and Freyer**

Motion authorizing the reallocation of remaining 2016 SPLOST Cherokee Street Sidewalks project funds to the 2016 SPLOST Church and Cherokee Street Safety Improvements project to allow for the construction of a median at the intersection of Cherokee St and Freyer Dr.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190502 Carriage Oaks Speed Study**

Motion authorizing Public Works to conduct a speed study on Carriage Oaks Drive from Whitlock Avenue to Grand Oaks Glen.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190503 Bellemeade Drive Speed Study**

Motion authorizing Public Works to conduct a speed study on Bellemeade Drive from Powder Springs Street to Longwood Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:

20190370 V2019-15 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC

V2019-15 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1237, District 16, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1010 Roswell Street. Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 square feet to 13,900 square feet. [§708.16 (H)]
2. Variance to reduce the 10' planted border area to 0' in the location shown on the site plan dated 2/15/19 [§712.09 (F.2.b.viii)] and [§712.08 (G.2)]

Public Hearing (all parties are sworn in)

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

Development Services Director Rusty Roth presented information regarding the variance request for property located at 1010 Roswell Street. Mr. Roth also summarized the criteria used to consider variance requests.

The owner wishes to develop property located at 1010 Roswell Street for a brewery with manufacturing space and tasting area on the subject property. Atlanta Hard Cider Company would occupy the space with the intention to expand into a new building across Coggins Place to the west, at 994 Roswell Street. The following variances are being requesting:

-Variance to reduce the minimum lot size from 20,000 square feet to 13,900 square feet.

-Variance to reduce the 10' planted border area to 0' in the location shown on the site plan dated 2/15/19

Discussion was held by Council.

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

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

Vote: 7 – 0 – 0

Approved

20190449

V2019-18 [VARIANCE] KINGSTON COURT LLC

V2019-18 [VARIANCE] KINGSTON COURT LLC is requesting variances for property located in Land Lot 726, District 17, Parcel 0510, 2nd Section of Cobb County, Marietta, Georgia and being known as 2164 Kingston Court. Ward 7A.

1. Variance to reduce lot acreage from 2 to 1.44 acres. [§708.25 (H)]
2. Variance to reduce the planted border along Delk Road from ten (10) to five (5) feet. [§712.08 (G.2)]
3. Variance to reduce the required number of parking spaces. [§716.07 (E)]

Public Hearing (all parties are sworn in)

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

Development Services Director Rusty Roth presented information regarding the variance request for property located at 2164 Kingston Court. Mr. Roth also summarized the criteria used to consider variance requests.

Mr. Roth explained that the subject property was previously a part of the adjacent property at 2168 Kingston Court, where Home2 Suites is under construction. Both buildings operated as a Holiday Inn and conference center until a fire in 2006. The property was later subdivided to allow for one hotel for each tract of land.

The applicant, Kingston Court, LLC, is requesting multiple variances for the property at 2164 Kingston Court in order to build a second hotel on the property. The applicant is proposing to construct an additional hotel building, containing sixty-one (61) rooms. The building would be in addition to the existing, dilapidated structure that is identified as having 45 rooms on the plan. A construction project of this magnitude will trigger the redevelopment threshold and require the entire site and all existing improvements come into compliance. As such, the applicant is requesting the following variances:

- 1. To reduce the minimum lot size for OHR from two (2) acres to 1.44 acres.*
- 2. Variance to reduce the planted border along Delk Road from ten (10) to five (5) feet.*
- 3. Variance to reduce the required number of parking spaces from 106 (one per room) to 99.*

Krishan Patel, General Manager of the Home2 Suites, spoke regarding the proposed development.

Discussion was held by Council, specifically regarding parking. In 2017, Council approved a parking reduction for the adjacent Home2 Suites. Concern was expressed regarding the current request to reduce the required number of parking spaces from 106 to 99, which does not seem to be sufficient to support two independently functioning hotels. There was general agreement that this matter be tabled to allow the applicant time to address Council's concerns.

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

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

Vote: 6 – 1 – 0 Tabled
Voting Against: Johnny Walker

* **20190584**

127 Fairground Street

Motion authorizing acquisition of a portion of property and easements at 127 S. Fairground Street from The Estate of Edgar H. Pounds for the purpose of constructing the Fairground St-South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$4,000 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190585** **685 Powder Springs Street**

Motion authorizing acquisition of a portion of property and an easement at 685 Powder Springs Street from Clifton Earl Smith for the purpose of constructing the Powder Springs Streetscape - Sandtown Road to S Marietta Parkway Project in exchange for \$28,653.60 to include the cost of replacing the sign to current City Code. (if needed)

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190586** **280 South Fairground Street**

Motion authorizing acquisition of a portion of property and an easement at 280 South Fairground Street from KTNG, LLC for the purpose of constructing the Fairground Street - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for the \$80,000.00 and the stipulation listed.

In addition to payment to KTNG, LLC of the sum of \$80,000, the City of Marietta agrees to rebuild at its sole expense the affected area of the retaining wall that is located along the common property line between Parcel 9 (KTNG, LLC) and Parcel 11 (JOSEPH VOGEL). The City will use materials consistent with those which currently compose this wall and shall perform all work in a wood workmanlike manner. Rebuilding of the will shall be substantially completed not later than twelve months from the start of construction on the project by the City.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190579** **Marietta City Schools Final MOU**

Motion to approve the final MOU between the Board of Education of the City of Marietta Schools and the City of Marietta to add two School Resource Officer positions to the School Resource Officer Program.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20190568** **Temporary Access Easement between the City of Marietta and AMB Group, LLC**
- Motion to grant temporary access easement to AMB Group, LLC for 849 Franklin Gateway.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
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- * **20190572** **Gateway Marietta CID Expansion Resolution**
- Motion to approve a resolution consenting to the expansion of the Gateway Marietta CID.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 1 – 0** **Approved**
Voting Against: Joseph R. Goldstein
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- * **20190573** **Attorney for Historic Board of Review and Historic Preservation Commission**
- Motion to waive the condition in code section 7-8-9-030G that the city attorney cannot serve as the attorney for the Historic Board of Review and Historic Preservation Commission, until such time as an eligible attorney is appointed.
- 7-8-9-030 G: The historic board of review and the historic preservation committee shall be served and advised by a common attorney as engaged by the city with concurrent advisement from said two boards. Current serving city attorney shall not be eligible to represent concurrently the two boards.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
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- * **20190545** **BLW Actions of June 10, 2019**
- Review and approval of the June 10, 2019 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:

*Those addressing City Council during unscheduled appearances:
John Cole, who lives on Cole Street
Donald Barth, who lives on Saint John Avenue*

ADJOURNMENT:

The meeting was adjourned at 8:45 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk