



# 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, July 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 Councilwoman Richardson to give the invocation.*

### PLEDGE OF ALLEGIANCE:

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

### PRESENTATIONS:

**20190617      Citizens' Police Academy Graduates**

Presentation of the Citizens' Police Academy graduating class.

Jayda Aystin                      Murray Kurtzberg  
Meredith Banks                  Barbara Martin

Mary Bonds	Daisy Patino
Marc Bourassa	Caleb Pomazon
Anita Farmer	Lindsey Ramsey
Stephanie Figuereo	Uneeda Robinson
Krissty Foster	Arrie Sherr
Chris Gruehn	Cynthia Tapia
Greg Jackson	Kevin Wolfson
Michelle King	Jill Wade
Lesley Kenny	

**Presented****PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20190635          Scheduled Appearance**

Scheduled Appearance - Donald Barth

**Present****20190648          Scheduled Appearance**

Scheduled Appearance - Larry Wills

**Not 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 Judicial/Legislative: Agenda item 20190587 was added to the consent agenda. Agenda item 20190610 remains on the consent agenda, with an amendment to the agreement to add paragraph 27 that stipulates that the property shall only be used for food services.*

*-under Personnel/Insurance: Agenda item 20190603 was added to the consent agenda.*

*-under Public Works: For agenda item 20190606, the disclosure by Council member Goldstein should read, "Council Member Goldstein discloses that an entity owned and managed by his father Philip M. Goldstein, owns property on Atlanta Street." This item should also show Council member Goldstein abstaining*

**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: 7 – 0 – 0                      Approved**

*with the following exceptions:*

*Council member Goldstein abstaining on agenda item 20190606*

*Council member Richardson opposed to agenda item 20190493*

#### **MINUTES:**

**\*      20190624              Regular Meeting - June 12, 2019**

Review and approval of the June 12, 2019 regular 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:**

**\*      20190613              Marietta Development Authority Appointment**

Motion to reappoint Ed Hammock (Post 2) to the Marietta Development Authority for a 2-year term expiring July 10, 2021.

**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 stay Agenda Items 20190009, 20190010, and 20190011 including the ancillary Public Hearing of each for a period of ninety days and if legal limitations not cured in said ninety days and Applicant not giving written notice to reactivate the Stayed motions, then the actions shall be dismissed without prejudice.*

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

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

**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 stay Agenda Items 20190009, 20190010, and 20190011 including the ancillary Public Hearing of each for a period of ninety days and if legal limitations not cured in said ninety days and Applicant not giving written notice to reactivate the Stayed motions, then the actions shall be dismissed without prejudice.*

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

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

**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 stay Agenda Items 20190009, 20190010, and 20190011 including the ancillary Public Hearing of each for a period of ninety days and if legal limitations not cured in said ninety days and Applicant not giving written notice to reactivate the Stayed motions, then the actions shall be dismissed without prejudice.*

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

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

**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.

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

1. Variance to reduce the required driveway length from 20' to 18' for all lots except for lot 11. [§708.09 (B.2.e)]
2. Variance to reduce the recreation area from 2.56 acres to 0.35 acres. [§708.09 (B.2.i)]
3. Variance to reduce the minimum open space from 25% to 3.6%. [§708.09 (H)]
4. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to footprint of the smallest unit. [§708.09 (H)]
5. Variance to increase the maximum impervious surface from 60% to 61%. [§708.09 (H)]
6. Variance to establish a gated community per Sect. 726.03, Private Development [§726.03]
7. Variance to reduce the minimum easement width for private street from fifty (50) feet to thirty (30) for the streets running north-south only. [§726.03 (A).]
8. Variance to allow a single-family development of more than 51 dwelling units to provide only one access point to a collector street. [§730.01 (A)]
9. Variance to waive an acceleration lane when constructing a new subdivision that intersects with a collector street. [§730.01 (I) (4.b)]
10. Variance to reduce the turning radii from 35 ft. to 28 ft. in front of lots 115 & 128. [§710.06]
11. Variance to waive the following for cul-de-sac requirements:
  - o Streets designed to have one end permanently closed shall provide a turnaround having a minimum roadway diameter of 80 feet, right-of-way diameter of 100 feet and a maximum length of 700 feet. [§730.01 (E.)]

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

*Rusty Roth, Development Services Director, presented information regarding the rezoning request for property located at 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).*

*Kevin Moore, attorney for the applicant, requested to rezone the subject properties to PRD-SF for a 128-unit townhouse development at the corner of Freys Gin and Banberry Road. The applicant wishes to combine and rezone the properties from R-4 (Single Family Residential - 4units/acre) and LI (Light Industrial) to PRD-SF (Planned Residential Development - Single-Family). Mr. Moore submitted the proposed site plan for the development and building elevations for review. Also, submitted was the letter of stipulations outlining the conditions in which the property would be developed.*

*Donald Barth, who resides on St. John Ave, expressed concern regarding the development.*

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

*Discussion was held by Council regarding the access points into the development and the need for deceleration lanes.*

*A motion was made by Council member Richardson, seconded by Council member Chalfant, to approve the rezoning of property located at 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), with the following stipulations are incorporated as conditions of zoning:*

- 1. Letter of stipulations from J. Kevin Moore, Moore Ingram, Johnson & Steele, LLP to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated July 3, 2019.*
- 2. The cabana for the pool shall contain restrooms.*
- 3. The road between units 110 - 123 will be configured to meet Fire Department requirements during the detailed plan review and approval process.*

*The following variances are incorporated as conditions of zoning:*

- 1. Variance to reduce the required driveway length from 20' to 18' for all lots.*
- 2. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to footprint of the smallest unit.*
- 3. Variance to increase the maximum impervious surface from 60% to 61%.*
- 4. Variance to establish a gated community per Sect. 726.03, Private Development*

5. Variance to reduce the minimum easement width for private streets from fifty (50) feet to thirty (30) for the streets running north-south only.
6. Variance to allow a single-family development of more than 51 dwelling units to provide only one access point to a collector street. The second, resident-only access will be to Kathleen Drive, a local road.
7. Variance to waive an acceleration lane when constructing a new subdivision that intersects with a collector street.

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

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

**20190524**

**Z2019-21 [REZONING] THE REVIVE LAND GROUP**

Z2019-21 [REZONING] THE REVIVE LAND GROUP is requesting the rezoning of 12.13 acres located in Land Lots 574, 575, & 579, District 17, Parcels 0270, 0190, 0160, & 0010 of the 2nd Section, Cobb County, Georgia, and being known as 557, 571, 605, & 673 Wylie Road from CRC (Community Retail Commercial) and R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development Single Family). Ward 1A.

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

Stipulation:

1. Number of units be reduced from 150 to 140.

Variances:

1. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to footprint of the smallest unit. [§708.09 (H)]
2. Variance to increase the maximum impervious surface from 60% to 64%. [§708.09 (H)]
3. Variance to eliminate the required acceleration and deceleration lanes [§730.01 (I.4.b)]
4. Variance to provide sidewalk as shown on the submitted plan. [§732.07 (C)]

*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 557, 571, 605, & 673 Wylie Road from CRC (Community Retail Commercial) and R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development Single Family).*

*A representative of the Revive Land Group requested to rezone the subject properties from R-2 and CRC to PRD-SF in order to develop a 150-unit townhouse development with internal private streets and two access points to Wylie Road.*



*The proposed townhouse units would be three (3) stories in height with floor areas ranging from 1,800 to 2,400 square feet. The applicant also requested that the maximum allowable rental homes be raised to ten (10) percent.*

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

*Discussion was held by Council regarding the proposed private streets and the restriction on rental homes. There was general agreement that there shall be no more than a maximum of five (5) percent of the units being leased at any one-time. The restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.*

*A motion was made by Council member Richardson, seconded by Council member Walker, to approve the rezoning request for property located at 557, 571, 605, & 673 Wylie Road from CRC (Community Retail Commercial) and R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development Single Family), with the following stipulations are incorporated as conditions of zoning:*

*Letter of stipulations from Neville Allison, The Revive Land Group, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated July 10, 2019, with the following changes:*

- 1. Stipulation #4 will be stricken in its entirety.*
- 2. The cabana for the pool will contain restrooms.*

*The following variances are incorporated as conditions of zoning:*

- 1. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to footprint of the smallest unit.*
- 2. Variance to increase the maximum impervious surface from 60% to 66%.*
- 3. Variance to eliminate the required acceleration and deceleration lanes*
- 4. Variance to provide sidewalk as shown on the submitted plan.*

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

**Vote: 7 – 0 – 0**

**Approved as Amended**

## **RESOLUTIONS:**

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

\* **20190636**      **Denial of Claim**

Denial of Claim for Eustenia Furlow.

**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****\* 20190616 National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish to attend the National League of Cities (NLC) City Summit in San Antonio, TX, November 20 - 23, 2019.

*Motion to remove this matter from the Council agenda.*

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

**Vote: 7 – 0 – 0                      Removed**

**20190653 Renovations of the Marietta Hilton Conference Center & Hotel**

Motion to authorize and direct the City Manager and City Attorney to prepare the legal documents to memorialize the funding for the renovations of the Marietta Hilton Conference Center & Hotel.

*Motion to approve the third modification of lease agreement among the City of Marietta, the Downtown Marietta Development Authority and Marietta Leasehold L.P./Remington Hotel Management, subject to the final approval of the Mayor, City Manager and City Attorney.*

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

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

**20190615      Funding for the Renovations of the Marietta Hilton Conference Center & Hotel**

Motion to approve the funding for the renovations of the Marietta Hilton Conference Center & Hotel with the Marietta Leasehold L.P. / Remington Hotel Management.

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

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

**3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson****20180736      Amendment of 9-4-40 to Change Time Period for Payment or Contesting of Parking Violations and to Clarify Procedures for Contesting of Violation and Court Processes.**

Motion to approve the modification of the time period allowed for payment or contesting of parking violations from 5 (five) days to 10 (ten) days to allow ample time for receipt by mail before escalated fine assessment imposed. And, to include provisions for contesting parking violation by filing written notice with the Clerk of Court and requirement of appearance in court for contested hearing. Proposed amendment clarifies various court processes.

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

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

**20190284      Mobile Retail Food Establishment Ordinance**

Motion to authorize staff to advertise changes to Division 708, District Standards and Permitted Uses, and Division 724.02, Division of Terms, regarding Mobile Retail Food Establishments.

*Discussion was held regarding the proposed changes to Division 708, District Standards and Permitted Uses, and Division 724.02, Division of Terms, regarding Mobile Retail Food Establishments.*

*There was general agreement to refer this matter back to the Judicial/Legislative Committee.*

The motion was made by Council member Richardson, seconded by Council member Copeland, that this matter be Referred to the Judicial/Legislative Committee. The motion carried by the following vote:

**Vote: 6 – 1 – 0**                      **Referred to the Judicial/Legislative Committee**  
Voting Against: Andy Morris

**20190640                      Mobile Retail Food Establishment**

Motion to approve changes to Article 8-12-27 of Business License Code to revise Mobile Retail Food Establishment permit process and requirements.

First Reading

The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Referred to the Judicial/Legislative Committee. The motion carried by the following vote:

**Vote: 6 – 1 – 0**                      **Referred to the Judicial/Legislative Committee**  
Voting Against: Andy Morris

\*      **20190587                      Townhome Elevations - Marvelle**

Motion to approve the elevations for townhomes on units 75 through 99 in Marvelle.

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

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

\*      **20190588                      Preliminary Plat - 803 Chestnut Hill Road**

Motion to approve the request by Duckett Management for approval of the preliminary plat for a four (4) parcel subdivision at 803 Chestnut Hill Road, zoned R-3.

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

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

**20190589                      Motion to approve the request by Traton Homes for the following:**

- a. Revised detached house elevations for the remaining, unbuilt lots in Manget Phases 3 and 4;
- b. Eliminate a total of three parking spaces on L-94, L-109, and L-111;
- c. Build a retaining wall in Kirby Park (inside the buffer) to level the lot and have a large enough buildable area for a house slab. Their request is to place the wall

approximately 2' outside the property line of L-121 and on the City-owned property.

- d. Move sidewalk and sidewalk easement 2' to the back of curb along Frasier St and in front of lots 77-86;
- e. Reduce the Utility Easement (UE), Access Easement (AE), and Drainage Easement (DE) by 6" on lots 77-82 to accommodate masonry on the rear of these houses;
- f. Reduce the UE and DE by 6" on lots 83-85 to accommodate masonry on the rear of these houses;
- g. Reduce the UE by 1' on Lot 87;
- h. Relocate the fire hydrant on Lot 98 at the developer's expense.

*Discussion was held regarding the Revised Detailed Plan - Manget Ph. 3 & 4.*

*Motion to approve the request by Traton Homes for the following:*

*a. Revised detached house elevations for the remaining, unbuilt lots in Manget Phases 3 and 4, according to the attached plans (print date 5/30/19) with the following conditions:*

*Basement lots with frontage on either Frasier Street, Manget Street, Waterman Street, and/or Lakewood Drive will contain brick up to the first-floor level on the sides of the homes.*

*b. Relocate the three parking spaces on L-94, L-109, and L-111 to L-98;*

*c. Move sidewalk and sidewalk easement 2' to the back of curb along Frasier St and in front of lots 77-86;*

*d. Reduce the Utility Easement (UE), Access Easement (AE), and Drainage Easement (DE) by 6" on lots 77-82 to accommodate masonry on the rear of these houses;*

*e. Reduce the UE and DE by 6" on lots 83-85 to accommodate masonry on the rear of these houses;*

*f. Reduce the UE by 1' on Lot 87;*

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

**Vote: 7 – 0 – 0**

**Approved as Amended**

\* **20190493**

**800 MHz Phase 2 Radio Contract**

Motion to approve the proposed 800 MHz phase 2 radio contract with Cobb County.

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

**Vote: 6 – 1 – 0**

**Approved**

Voting Against: Cheryl Richardson

\*      **20190610           1101 Powder Springs Street**

Motion to approve the award of a bid to Wilson Development Group, LLC.

*Motion to approve the award of a bid to Wilson Development Group, LLC., with an amendment to the Purchase and Sale Agreement to add a paragraph 27 that stipulates that the property shall only be used for food services.*

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

**Vote: 7 – 0 – 0                           Approved as Amended**

**20190544           Revisions to Section 7-4-2-110, Sanitary Conditions and Procedures**

Motion to approve the proposed changes to Section 7-4-2-110 regarding enforcement of overgrown yards.

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

**Vote: 6 – 1 – 0                           First Reading**

Voting Against: Joseph R. Goldstein

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

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

\*      **20190614           Amendment of 2020 City/BLW Position Allocation Chart**

Motion approving an ordinance to amend the FY2020 City of Marietta/BLW Position Allocation Chart to add two Police Officers to serve as School Resource Officers pursuant to the Memorandum of Understanding between the Marietta Board of Education and the City of Marietta approved by Council on June 12, 2019.

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

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

\*      **20190603           Marietta Development Authority Appointment**

Consideration of appointment to the Marietta Development Authority to fill the position for Post 1 for a 2-year term that expired on June 14, 2019.

*Motion to Table this matter and refer to the Personnel/Insurance Committee.*

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

**Vote: 7 – 0 – 0**

**Referred to the Personnel/Insurance Committee**

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

**\* 20190598 Revisions to Marietta Police Department Policies**

Motion to approve the revisions to the listed policies for the Marietta Police Department- A034 (Budget and Fiscal Management), A041 (Organizational Structure), A044 (Uniforms, Equipment & Departmental Property), A045 (Time Control Procedures), A047 (Internal Affairs), A048 (Administrative Protocol), A051 (Media & Public Relations), A054 (Assignments), A060 (Evidence Property Management), A070 (Department Forms & Reports), A077 (Employee Assistance), A078 (Transfers), C020 (Community Response Unit), P010 (Patrol Operations), P012 (Public Safety Ambassador Unit), S033 (Informants), S034 (Juvenile Procedures), S040 (Organized Crime Vice Control), T031 (Career Development) & T050 (Training).

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

**Vote: 7 – 0 – 0**

**Approved**

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

**\* 20190499 Polk Street and Mountain View**

Motion authorizing Public Works to proceed with a town hall meeting to discuss the implementation of the Polk St at Mountain View Roundabout project as a single lane roundabout.

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

**Vote: 7 – 0 – 0**

**Approved**

**\* 20190590 Cobb Pkwy and Trade Center Pkwy Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Cobb Pkwy from Roswell St to Trade Center Pkwy. 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**

\* **20190591**      **Cobb Pkwy and White Ave Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Cobb Pkwy from Trade Center Pkwy to White Ave. 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**

\* **20190592**      **Cobb Pkwy and Radar Cir Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Cobb Pkwy from Gresham Rd to Radar Cir. 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**

\* **20190593**      **Cobb Pkwy and Franklin Dr. Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Cobb Pkwy from Spinks Dr to Franklin Dr. 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**

\* **20190606**      **South Marietta Pkwy and Atlanta Road**

Motion approving the reallocation of 2011 SPLOST project funds from South Marietta Pkwy and Atlanta Road from the GDOT to 2011 SPLOST Gateway improvements.

*Council Member Goldstein discloses that an entity owned and managed by his father Philip M. Goldstein, owns property on Atlanta Street.*



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

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

Abstaining: Joseph R. Goldstein

\*     **20190608                      KMCR Gap Trail Project**

Motion approving an Agreement for Transportation Enhancement Activities between the Georgia Department of Transportation and the City of Marietta for construction of the KMCR Gap Trail Project, GDOT.

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

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

\*     **20190611                      Purchase with/through DMDA of the Mill Street Parking Lot**

Motion to pursue the option enacted in a Georgia Legislative Act circa 1980's(?) that allows DMDA/City the option to purchase said Mill Street Parking Lot now leased from the State of Georgia.

*Council member Goldstein disclosed that his aunt, Paula Shea, is on the DMDA Board.*

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

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

**OTHER BUSINESS:**

**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 from 100 to 99. [§716.07 (E)]

*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. This matter was tabled from last month due to concerns expressed regarding the request to reduce the*

*required number of parking spaces from 106 to 99. The applicant has since reduced the number of rooms for the hotel to 100, which means the variance, if approved, would be to reduce the parking spaces from 100 to 99.*

*Discussion was held.*

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

*The motion was made by Council member Goldstein, seconded by Council member Kelly, to approve the following requested variances for property located at 2164 Kingston Court:*

*Variance to reduce lot acreage from 2 to 1.44 acres.*

*Variance to reduce the planted border along Delk Road from ten (10) to five (5) feet.*

*Variance to reduce the required number of parking spaces from 100 to 99.*

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

**Vote: 7 – 0 – 0**

**Approved as Amended**

**20190523**

**V2019-21 [VARIANCE] LIDL US, LLC (BLANCHARD REAL ESTATE)**

V2019-21 [VARIANCE] LIDL US, LLC (BLANCHARD REAL ESTATE) are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1223, District 16, Parcels 0840 & 0850, 2nd Section, Marietta, Cobb County, Georgia, and being known as 670 Whitlock Avenue. Ward 3A.

1. Variance to reduce the required buffer from 40' to 10.' [§708.16 (I.)]
2. Variance to increase the maximum front building setback from 75' to 125.' [§712.09 (G.2.b.i)]
3. Variance to reduce the site design optional elements. [§712.09 (G.2.a.)]
4. Variance to reduce the building design optional elements. [§712.09 (G.3.a.)]
5. Variance to allow exterior finishes made primarily of EIFS, glass, and split-face, concrete block. [§712.09 (G.3.b.viii)]

The approval of these variances is contingent on the following stipulations:

1. A landscape buffer consisting of trees and shrubs be planted between the proposed building and western property line. The buffer will not extend towards Whitlock Avenue from the front building line.
2. The applicant will make best efforts to work with the adjacent property owner to the west to provide interparcel access.
3. The applicant will make best efforts to shift the building to the east.

*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 670 Whitlock Avenue. Mr. Roth also summarized the criteria used to consider variance requests.*

*The applicant, Lidl US, LLC, is requesting multiple variances for the three (3) acre property at 670 Whitlock Avenue. The site currently contains a 32,129 square foot building and parking lot built in the early 1970s. Due to its proximity to Whitlock Avenue, this property is subject to the additional regulations of the Commercial Corridor Design Overlay - Tier B.*

*The applicant is proposing to demolish the existing building on the site and build a new 29,089 square foot Lidl grocery store. The existing shopping center to the east will remain, as it has a different owner and is on a separate parcel of property (660 Whitlock Avenue). The configuration of the new parking lot for Lidl will maintain access to the shopping center at 660 Whitlock Avenue, as well as to the Waffle House at 650 Whitlock Avenue. In order to develop the property as shown on the provided site plan and building elevations, the applicant is requesting five variances.*

*Concern was expressed regarding the development and how the location of the building would block the view of the existing businesses to the west. Those speaking included, Carol Hammock and her father Mr. Hammock, David Sands, Teresa Elvy and Kathrine Churches. Also speaking in favor of the development were Parker Blanchard, landlord for the subject property and Clara Howell, property owner to the east.*

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

*Discussion was held by Council regarding the configuration of the new building, as it relates to the adjacent businesses to the west. It was suggested that this matter be tabled to allow the applicants work with the adjacent property owner to the west.*

*A motion was made by Council member Walker, seconded by Council member Richardson, that this matter be Tabled.*

*Further discussion was held. The motion to table this matter was withdrawn.*

*A motion was made by Council member Walker, seconded by Council member Kelly, to approve the following requested variances for property located at 670 Whitlock Avenue:*

*Variance to reduce the required buffer from 40' to 10.'*

- 2. Variance to increase the maximum front building setback from 75' to 125.'*
- 3. Variance to reduce the site design optional elements.*
- 4. Variance to reduce the building design optional elements.*
- 5. Variance to allow exterior finishes made primarily of EIFS, glass, and split-face, concrete block.*

*The approval of these variances is contingent on the following stipulations:*

- 1. A landscape buffer consisting of trees and shrubs be planted between the proposed building and western property line. The buffer will not extend towards Whitlock Avenue from the front building line.*

2. *The applicant will make best efforts to work with the adjacent property owner to the west to provide interparcel access.*
3. *The applicant will make best efforts to shift the building to the east.*

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

**Vote: 7 – 0 – 0**

**Approved as Amended**

\* **20190639**

**Joint Use / Management Agreement with Cobb County Parks and Recreation**

Motion to have Parks Department and staff to evaluate a Joint Use and Management agreement with Cobb County Parks and Recreation to incorporate two County Park Properties along Fairground Street into City Parks without owning the dirt: one is the unimproved parcel being considered for a Veterans Memorial and the second would be Perry Parham Park Complex. (Both parcels date to when Bell Bomber worked with City and Council to establish the Larry Bell Auditorium area (Perry Parham on same land in 1950's) and though County Parks are within the City and a joint use agreement could enhance these as great Ward 1 Parks and Facilities and a major Veterans Memorial on the roadway to this City's contribution to WWII, Bell Bomber in the 1940's. Perry Parham could tie in nicely to our successful 6-4-3 Youth sports program.

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

**Vote: 7 – 0 – 0**

**Referred to the Parks, Recreation & Tourism Committee**

**UNSCHEDULED APPEARANCES:**

*Those addressing City Council during unscheduled appearances:*

*-Theresa Gernatt, James Rosich and Robin Moody, speaking regarding rezoning application Z2019-04*

*-Marcie Jacobson and Terri Miller speaking regarding the proposed Mobile Retail Food Establishment ordinance*

**ADJOURNMENT:**

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

**Date Approved: August 14, 2019**

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

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

