



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, July 11, 2018

7:00 PM

Council Chamber

Presiding: Johnny Walker, Mayor Pro tem
Present: Cheryl Richardson, Grif Chalfant, Andy Morris, Reggie Copeland,
Michelle Cooper Kelly and Joseph R. Goldstein

Also Present:
William F. Bruton, Jr. City Manager
Doug Haynie, City Attorney
Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Pro tem Johnny Walker called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Pro tem Walker gave the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

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 20180709 was added to the consent agenda.

-under Judicial/Legislative: Agenda items 20180712 and 20180729 was removed from the consent agenda.

-under Public Works: Agenda item 20180717 remains on the consent agenda, with Joseph Goldstein abstaining.

A motion was made by Council member Morris, seconded by Council member Kelly, 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 voting against 20180713

Council member Goldstein abstaining on agenda items 20180763 and 20180717

MINUTES:

* **20180763** **Executive Session Minutes**

Review and approval of the following executive session minutes:

February 22, 2017 City Council Special Meeting Work Session

March 6, 2017 Agenda Work Session

March 8, 2017 Agenda Review Session

March 29, 2017 City Council Special Meeting Work Session

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstaining: Joseph Goldstein

* **20180767** **Regular Meeting - June 13, 2018**

Review and approval of the June 13, 2018 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20180768 Special Meeting - June 26, 2018**

Review and approval of the June 26, 2018 special 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:

* **20180709 Ethics Committee - Council Appointment**

Reappointment of Susan Connor to the Ethics Committee (Council Appointment) for a term of two (2) years, expiring July 10, 2020.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:

20180623 Z2018-19 [REZONING] DMJ REAL ESTATE LLC

Z2018-19 [REZONING] DMJ REAL ESTATE LLC is requesting the rezoning of approximately 0.28 acres located in Land Lot 1159, District 16, Parcel 0270, 2nd Section, Marietta, Cobb County, Georgia, and being known as 192 Church Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3A.

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

Variance to reduce the minimum lot width from 75’ to 74.96’. [§708.04 (H)]

Variance to increase the allowable impervious surface from 50% to 78%. [§708.04 (H)]

Variance to increase the allowable height for the existing structure only. Any new additions must comply with 35’ height limit. [§708.04 (H)]

Variance to reduce the major side yard setback along Ardis Street from 25’ to 11’. [§708.04 (H)]

Variance to reduce the minor side yard setback from 10’ to 2’. [§708.04 (H)]

Variance to reduce the setback for a wall and fence from 2’ to 0’. [§710.04 (D.1)]

ance to allow the existing gazebo (accessory structure) remain closer to the road than the house. [§708.04 (F.1)]

Variance to increase the area of the front yard allowed to be paved from 35% to 74%.
[§716.08 (C.8)]

9. Variance to allow a curb cut to be 37' wide and within 20' of a property line.
[§716.08 (C.8)]

10. Variance to reduce the 2' setback along the right of way for a fence or wall to 0' along Ardis Street. [§710.04 (D.4)]

11. Variance to allow a 6' fence on top of a 2' wall on a major side. [§710.04 (D.2)]

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 located at 192 Church Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).

Andrew Hairetis, owner of the property, requested the rezoning to allow the property to be used as a single-family residence rather than as an event facility, the Marlow House. The use of this property as a residence should have very little impact on the surrounding properties, as residential land uses typically generate less traffic and noise than commercial or office uses. The variances being requested are needed due to the age of the structure and its long time commercial use.

Discussion was held by Council.

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

Motion to approve the rezoning request for property located at 192 Church Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre), with the following variances and stipulation would be incorporated as conditions of zoning:

1. Variance to reduce the minimum lot width from 75' to 74.96'. [§708.04 (H)]

*2. Variance to increase the allowable impervious surface from 50% to 78%.
[§708.04 (H)]*

3. Variance to increase the allowable height for the existing structure only. Any new additions must comply with 35' height limit. [§708.04 (H)]

4. Variance to reduce the major side yard setback along Ardis Street from 25' to 11'. [§708.04 (H)]

5. Variance to reduce the minor side yard setback from 10' to 2'. [§708.04 (H)]

6. Variance to reduce the setback for a wall and fence from 2' to 0'. 710.04 (D.1)]

7. Variance to allow the existing gazebo (accessory structure) remain closer to the road than the house. [§708.04 (F.1)]

8. Variance to increase the area of the front yard allowed to be paved from 35% to 74%. [§716.08 (C.8)]

*9. Variance to allow a curb cut to be 37' wide and within 20' of a property line.
[§716.08 (C.8)]*

10. Variance to reduce the 2' setback along the right of way for a fence or wall to 0' along Ardis Street. [§710.04 (D.4)]

11. Variance to allow a 6' fence on top of a 2' wall on a major side. [§710.04 (D.2)]

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

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

20180601

Z2018-20 [REZONING] CITY OF MARIETTA

Z2018-20 [REZONING] CITY OF MARIETTA is requesting the rezoning of 6.72 acres located in Land Lot 578, District 17, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia, and being known as 550 Franklin Gateway from CRC (Community Retail Commercial) to PCD (Planned Commercial Development). Ward 1A.

If Council approves the rezoning, Planning Commission is requesting that any future detailed plans return to them for review as condition of zoning.

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 City owned property located at 550 Franklin Gateway from CRC (Community Retail Commercial) to PCD (Planned Commercial Development).

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

Motion to approve the rezoning request for property located at 550 Franklin Gateway from CRC (Community Retail Commercial) to PCD (Planned Commercial Development), with following stipulation is incorporated as a condition of zoning:

1. The detailed plan be submitted for consideration by the Planning Commission, in addition to City Council.

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

Vote: 7 – 0 – 0 Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:**COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson***** 20180684 FY19 CDBG Non-Profit Grant Recommendations**

Motion to approve the Fiscal Year 2019 CDBG Non-Profit Public Service Grants.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

2. Finance/Investment: Joseph R. Goldstein, Chairperson**20180718 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 Los Angeles, CA, November 7 - 10, 2018.

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

Vote: 5 – 2 – 0 Approved
Voting Against: Johnny Walker and Andy Morris

20180779 MEAG Power Mayors Summit

Motion approving travel and training for Mayor and Council members who wish to attend the MEAG Power Mayors Summit in Greensboro, GA, November 9 - 11, 2018.

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

Vote: 5 – 2 – 0 Approved
Voting Against: Johnny Walker and Andy Morris

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

- * 20180734 **Amendment to 1-12-150 - Appearance before the court of person served with charges; failure to appear; penalty.**

Motion to approve the ordinance to include language regarding offense jurisdiction and penalty.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- 20180712 **Model Home Ordinance**

Motion to authorize the advertisement of proposed updates to Section 726, Subdivision Regulations, including new regulations allowing model home permits.

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

Vote: 5 – 2 – 0 Approved for Advertisement
Voting Against: Joseph R. Goldstein and Michelle Cooper Kelly

- * 20180713 **Zoning Stipulation Change - 2168 Kingston Court Home2 Suites**

Motion to revise the zoning stipulations for 2168 Kingston Court. Marietta Hotel Investments LLC (Z2009-14), so as to amend paragraph No.3 of the stipulation letter from Garvis Sams of Sams, Larkin, Huff & Balli dated April 5, 2017 as stated:

“3. Utilizing the existing structure (which once housed a Holiday Inn Hotel) and after expending over One-Half Million Dollars in remediation and abatement costs, the Home2 Suites by Hilton shall contain a maximum number of 148 rooms. Twenty-six (26) of those rooms shall be “regular” non-extended stay rooms.”

And amended so as to delete the last sentence of the paragraph, as follows:
“3. Utilizing the existing structure (which once housed a Holiday Inn Hotel) and after expending over One-Half Million Dollars in remediation and abatement costs, the Home2 Suites by Hilton shall contain a maximum number of 148 rooms. ~~Twenty six (26) of those rooms shall be “regular” non-extended stay rooms.~~”

This Matter was Approved on the Consent Agenda.

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

20180729 State Law Change Regarding Sunday Alcohol Sales by the Drink

Motion to approve a resolution calling for a referendum to determine whether to authorize retailers to sell distilled spirits or alcoholic beverages for consumption on premises on Sundays between the hours of 11:00 a.m. and 12:30 p.m., in qualified establishments.

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 Approved

20180737 Final Plat - Hedges Park

Motion to approve the final plat for the Hedges Park development for seventy-eight (78) detached single-family homes at Hedges Street and West Dixie Avenue, zoned PRD-SF (Z2016-32). Approval of the final plat shall be contingent on an agreement between the City of Marietta and the developer of Hedges Park for the exchange of property addressed on #20180778.

Motion to approve the final plat for the Hedges Park development for seventy-eight (78) detached single-family homes at Hedges Street and West Dixie Avenue, zoned PRD-SF (Z2016-32). Approval of the final plat shall be contingent on an agreement between the City of Marietta and the developer of Hedges Park for the exchange of property addressed on #20180778, subject to the execution of the Revocable License Agreement and Maintenance Agreement.

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

Vote: 6 – 1 – 0 Approved

Voting Against: Joseph R. Goldstein

20180778 Revocable License Agreement and Maintenance Agreement

This Motion authorizes the exchange of properties between the City of Marietta and Calatlantic Homes of Georgia, Inc., based upon a finding of fact that the exchange is in the best interest of the public per the attached authorizing motion.

City Attorney Doug Haynie opened the public.

Discussion was held by Council regarding the finding of fact that the exchange is in the best interest of the public. Staff was directed to include suggested changes to the agreement.

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

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

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

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

* **20180744** **Art in the Park Festival**

Motion to authorize the 2018 Art in the Park festival to be a City sanctioned event.

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

7. Public Works Committee: Grif Chalfant, Chairperson

* **20180717** **Approval of Use of TAD Funds for Manget Neighborhood Improvements**

Motion to approve the use of \$227,700.12 of Tax Allocation District Funds for Manget area improvements.

Per Council Member Goldstein's disclosure letter dated January 2, 2018, Council Member Goldstein discloses that he owns property in the City Center South Renaissance Tax Allocation District.

This Matter was Approved on the Consent Agenda.

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

* **20180740** **White Circle Truck Access**

Motion designating White Circle from the southern intersection with Cobb Parkway to Turner Road as a no through truck route.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180764** **Waterman Street**

Motion authorizing a traffic study to be performed on Waterman Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

OTHER BUSINESS:

* **20180797** **MEAG Bond**

Motion to approve the MEAG Power Bond Validation Documents, and to authorize the Mayor to sign on behalf of the City.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180798** **51 S. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 51 S. Fairground Street from H. Aymar Manning, Jr. & Judith H. Manning for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$4,600.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180799** **602 Roswell Street**

Motion authorizing acquisition of easements at 602 Roswell Street from Wells Fargo, N.A. (fka First Union National Bank of Georgia) for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$800.00 and stipulations as listed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180769** **BLW Actions of July 5, 2018**

Review and approval of the July 5, 2018 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

