



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, August 14, 2019

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

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

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Chalfant to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20190741 Marietta High School Senior Football Players and the Varsity Cheerleaders

Introduction of Coach Morgan - Mayor Steve Tumlin

Introduction of Senior Football Players - Coach Morgan

Presentation - Johnny Walker

Introduction of Varsity Cheerleaders - Michelle Cooper Kelly

Closing Remarks - Reggie Copeland

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

20190734 **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 Personnel/Insurance: Agenda item 20190671 was added to the consent agenda.

-under Other Business: Agenda items 20190750 and 20190751 were added to the consent agenda.

A motion was made by Council member Kelly, seconded by Council member Morris, 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 20190544, 20190284 and 2019640

MINUTES:

* **20190711** **Regular Meeting - July 10, 2019**

Review and approval of the July 10, 2019 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20190713** **Special Meeting - July 30, 2019**

Review and approval of the July 30, 2019 special called meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20190554** **Executive Session Minutes**

Review and approval of the following executive session minutes:

March 27, 2018 Special Called City Council Meeting
April 11, 2018 Agenda Review Session
June 11, 2018 Agenda Work Session
July 5, 2018 Agenda Work Session
August 6, 2018 Agenda 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:

* **20190603** **Marietta Development Authority Appointment**

Appointment of Fran Sutton to the Marietta Development Authority to fill the position for Post 1 for a 2-year term, expiring August 14, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

ORDINANCES:

20190473 **Z2019-20 [SPECIAL LAND USE PERMIT] ATTAWAY RECYCLING, LLC (1341 OWENBY, LLC)**

Z2019-20 [SPECIAL LAND USE PERMIT] ATTAWAY RECYCLING, LLC (1341 OWENBY, LLC) are requesting a Special Land Use Permit for trash/garbage hauling and storage at property located in Land Lot 926, District 16, Parcels 0340, 2nd Section, Marietta, Cobb County, Georgia and being known as 1341 Owenby Drive, currently zoned HI (Heavy Industrial). Ward 5B.

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 1341 Owenby Drive, currently zoned HI (Heavy Industrial).

Kevin Moore, attorney for the applicant, requested that this matter be withdrawn.

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

Motion to approve the request that this matter be withdrawn, with prejudice.

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

Vote: 7 – 0 – 0

Withdrawn

20190596

Z2019-22 [REZONING] F9 PROPERTIES LLC

Z2019-22 [REZONING] F9 PROPERTIES LLC is requesting the rezoning of 1.5 acres located in Land Lots 868, 932 & 933, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 1285 Field Parkway from CRC (Community Retail Commercial) to LI (Light Industrial). Ward 4B.

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 1285 Field Parkway from CRC (Community Retail Commercial) to LI (Light Industrial).

The applicant requested the rezoning of the subject property from CRC to LI in order to use the property for the warehousing of construction equipment, as well as a training center. There are no proposed modifications to the site, which appears to be in general compliance with current zoning requirements. Also, the interior modifications to the building are shown to be less than 75% of the replacement value of the building.

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

Discussion was held by Council.

A motion was made to approve the rezoning for property located at 1285 Field Parkway from CRC (Community Retail Commercial) to LI (Light Industrial).

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

Vote: 7 – 0 – 0

Approved

Council member Goldstein stepped down from the dais prior to the discussion related to the AME Church.

20190597

Z2019-23 SPECIAL LAND USE PERMIT TURNER CHAPEL AME CHURCH

Z2019-23 [SPECIAL LAND USE PERMIT] TURNER CHAPEL AME CHURCH is requesting a Special Land Use Permit for a food and clothing pantry (storage and distribution) associated with a place of assembly at property located in Land Lot 1215, District 16, Parcels 0860 & 0850, 2nd Section, Marietta, Cobb County, Georgia and being known as 527 & 533 Lawrence Street, currently zoned R-4 (Single Family Residential - 4 units/acre). Ward 5A.

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

Variances:

1. Variance to reduce the front setback from 75 ft. to 29 ft. [§708.04 (E.1.b)]
2. Variance to reduce the western side setback from 75 ft. to 11 ft. [§708.04 (E.1.b)]
3. Variance to reduce the eastern side setback from 75 ft. to 71 ft. [§708.04 (E.1.b)]
4. Variance to allow gravel as an acceptable parking surface. [§716.08 (B)]

Council Member Goldstein discloses that Marietta Shopping Center, LLC owns the property at 109 Leroy Street. Marietta Shopping Center, LLC is owned and managed by Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein.

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 for a Special Land Use Permit for property located at 527 & 533 Lawrence Street, currently zoned R-4 (Single Family Residential - 4 units/acre), to allow a food and clothing pantry (storage and distribution) associated with a place of assembly.

The applicant, Turner Chapel AME Church, requested a SLUP (Special Land Use Permit) in order to build the Marcus Mission Center at 527 and 533 Lawrence Street, which are currently vacant except for a gravel lot. The proposed layout for the "Mission Center," the following variances would be necessary:

- *Variance to reduce the front setback from 75 ft. to 29 ft.*
- *Variance to reduce the western side setback from 75 ft. to 11 ft.*
- *Variance to reduce the eastern side setback from 75 ft. to 71 ft.*

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

Discussion was held by Council.

A motion was made to approve the Special Land Use Permit for property located at 527 & 533 Lawrence Street, currently zoned R-4 (Single Family Residential - 4 units/acre), to allow a food and clothing pantry (storage and distribution) associated with a place of assembly.

The following variances are incorporated as conditions of the Special Land Use Permit:

Variance to reduce the front setback from 75 ft. to 29 ft.

Variance to reduce the western side setback from 75 ft. to 11 ft.

Variance to reduce the eastern side setback from 75 ft. to 71 ft.

Variance to allow gravel as an acceptable parking surface.

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

Vote: 6 – 0 – 0 Approved

Absent for the vote: Joseph R. Goldstein

Council member Goldstein returned to the dais

20190618

Z2019-24 [REZONING] SHEA KONIGSMARK

Z2019-24 [REZONING] SHEA KONIGSMARK is requesting the rezoning of 0.36 acres located in Land Lot 287, District 17, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 214 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

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

Variance:

1. Variance to allow gravel as a parking surface. [§716.08 (A)]

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 214 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

The applicant recently purchased the subject property with the goal to redevelop the duplex into a single-family residence for their personal home. The existing layout includes: two kitchens, multiple living spaces, and a wall separating the units. The proposed layout indicates converting one of the kitchens into a bathroom, a dining area into a laundry area, and a living area into a bedroom.

The structure does not encroach into the building setbacks and therefore would not require any setback variances. In order to allow some of the gravel driveway and parking area to remain, the following variance would be necessary:

- *Variance to allow gravel as a parking surface.*

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

Discussion was held by Council. Concern was expressed regarding the gravel parking surface.

A motion was made to approve the rezoning for property located at 214 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

*The following variance is incorporated as a condition of zoning:
Variance to allow gravel as a parking surface.*

An amendment to the motion was made by Council member Goldstein to limit the gravel parking service to the current conditions and not expanding. The motion failed for lack of a second.

Mayor Tumlin called for a on the original motion.

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

Vote: 7 – 0 – 0

Approved

20190620

Z2019-25 [REZONING] WORLD CHANGERS CHURCH INTL

Z2019-25 [REZONING] WORLD CHANGERS CHURCH INTL is requesting the rezoning of approximately 7.0 acres located in Land Lot 1076, District 16, Parcels 0720 & 1230 of the 2nd Section, Cobb County, Georgia, and being known as 601 & 611 Tower Road from R-3 (Single Family Residential - 3 units/acre) and OI (Office Institutional) to OI (Office Institutional). Ward 4A. If Council approves the rezoning, the following stipulation and variances would be incorporated as conditions of zoning:

Stipulation:

1. The portion of the property south of Noses Creek shall remain undeveloped.

Variances:

1. Variance to reduce the required parking to 175 parking spaces. [§716.07 (E)]
2. Variance to allow existing steeple to remain at present height (87 ft.). [§ 708.23 (H)]

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 601 & 611 Tower Road from R-3 (Single Family Residential - 3 units/acre) and OI (Office Institutional) to OI (Office Institutional).

Carol Jones, on the behalf of the property owner, World Changers Church International, requested to rezone properties at 601 and 611 Tower Road to OI (Office Institutional) to expand a place of assembly. The proposed change to the existing structure would be a two-story assembly space addition that would total 15,000 square feet.

The applicant is also requesting to use a temporary modular building to conduct teen ministry services until the construction of the new addition is complete. In order to allow the proposed temporary structure, the following variances would be necessary:

- *Variance to allow a temporary trailer to be utilized as temporary assembly space.*
- *Variance to reduce the rear setback for an accessory structure from 10 ft. to 5 ft.*

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

Discussion was held by Council.

A motion was made to approve the rezoning for property located at 601 & 611 Tower Road from R-3 (Single Family Residential - 3 units/acre) and OI (Office Institutional) to OI (Office Institutional), with the following stipulation and variances would be incorporated as conditions of zoning:

Stipulation:

The portion of the property south of Noses Creek shall remain undeveloped.

Variances:

Variance to reduce the required parking to 175 parking spaces.

Variance to allow existing steeple to remain at present height (87 ft.).

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

Vote: 7 – 0 – 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20190730 Denial of Claim**

Denial of Claim for Marica Johnson and La'Darian Johnson (minor).

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***** 20190490 Envision LCI Update Draft**

Consideration of the Envision LCI Update Draft.

Council member Goldstein disclosed that members of his family and entities owned by himself and members of his family own property in the LCI study area.

This Matter was Approved to Table on the Consent Agenda.

Vote: 7 – 0 – 0 Tabled

2. Finance/Investment: Joseph R. Goldstein, Chairperson**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 amendment to the ordinance to modify 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.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 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.

Second Reading

This Matter was Approved on the Consent Agenda.

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

* **20190091** **City Code amendment concerning Ethics Committee Appointments**

Motion to amend Section 1-14-4-010 of City Code related to Ethics Committee appointments to comply with Delay v. Sutton, 304 Ga. 338 (2018). The case requires council appointment of all committee members.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **First Reading**

* **20190677** **Final Plat - Oakton Sec. 10 Phase II**

Motion to approve the final plat for Oakton Section 10, Phase II that would create 298, 304, & 308 St. Mary's Lane.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20190678** **Revised Detailed Plan - 825 Powder Springs Street (BelAire Apts)**

Motion to approve the request by BelAire Apartments to finish the basement of Building #600 into six (6) efficiency apartments. This would increase the total number of units on the property from 176 to 182.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **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.

This Matter was Approved on the Consent Agenda.

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

* **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

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 **First Reading**

Voting Against: Joseph R. Goldstein

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

* **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 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 **Approved**

* **20190664** **Discussion Regarding "Holding" Spaces at Glover Park Concerts**

Motion to direct staff to evaluate options to deal with staking out of spaces with chairs, blankets or other methods in the hours prior to the Friday night concerts next year.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20190671** **Property & Casualty/Miscellaneous Coverage**

Motion to approve Trident/Argonaut Insurance Company as the City of Marietta/BLW property & casualty carrier and other miscellaneous coverage,

premiums, and companies utilized for the policy period of August 17, 2019, to August 17, 2020.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Reggie Copeland, Chairperson

*** 20190448 City Government Building Security**

Motion to move forward with Option 1 of the security options for City government buildings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190663 C.O.P.S. (Community Oriented Policing Services) Grant**

Motion to approve the acceptance of the revised C.O.P.S. (Community Oriented Policing Services) Grant for the Marietta Police Department. The grant will be used to fund two School Resource Officer (SRO) positions who will be assigned to the elementary schools. In addition to the general SRO duties, the officers will provide resources for gang prevention and education.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

7. Public Works Committee: Grif Chalfant, Chairperson

*** 20190612 Barnes Mill Road Utilities**

Motion authorizing variance from the underground utility's ordinance allowing a new service pole and guy-wire pole, behind the sidewalk, at 1239 Barnes Mill Road. This motion does not grant a perpetual variance. Marietta Power 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

* **20190682 Kassandra Drive Speed Limit**

Motion authorizing Public Works to install 25 MPH speed limit signs on Kassandra Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20190684 Cherokee Street Stream Buffer Request

Motion authorizing a variance to the Stream Buffer Protection ordinance allowing the property owner at 337 Cherokee Street to construct improvements within the 75-foot impervious and 50-foot undisturbed stream buffer. All construction within the buffers must be approved by the Public Works Director. Owner is required to mitigate the impact to the buffers by revegetating the remaining stream buffer in accordance with measures approved by the Public Works Director.

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

City Engineer, Jesus Sanchez, presented a request for variance form the Stream Buffer Protection Ordinance, City Code 7-10. The owner is requesting permission to construct a garage and overhead living space within the 75-foot impervious and 50-foot undisturbed stream buffers.

Mr. Sanchez explained that use of the stream buffer as the property rests today would be considered exempt from the ordinance; however, the improvements must comply with current code. The portion of property within the stream buffer while currently unimproved, does not provide significant benefits to the water quality of the stream. The owner is proposing to implement a stream buffer mitigation project that would vastly improve the overall runoff quality for the property. In accordance with City Code, City Council is permitted to grant a variance from the Stream Buffer Protection ordinance in this case.

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

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

Vote: 7 – 0 – 0 Approved

* **20190688 Polk Street at Winn Street Realignment**

Motion approving the scope of work for the Polk Street at Winn Street intersection improvement project to be funded by the 2016 SPLOST General Streets and Drainage account.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

OTHER BUSINESS:

20190747

Appeal of CoA2019-17 (#20190704) 441 Church Street - Stephen Imler

Consideration of an appeal of a decision by the Historic Preservation Commission on the application for a Certificate of Appropriateness (#20190704) for 441 Church Street by Stephen Imler.

Council Member Goldstein discloses that Philip M. Goldstein, Council Member Goldstein's father, owns properties in the Church-Cherokee Street Historic District.

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak. Mr. Haynie explained that Council has agreed to hold all three (3) appeal hearings at one time.

Mr. Haynie explained the Historic Preservation ordinance states that anyone adversely affected by a determination of the commission may appeal that decision to City Council. Stephen Imler, Cooper Jones, and Don Gillis wish to appeal the decision of the Historic Preservation Commission regarding the Certificate of Appropriateness for 441 Church Street heard August 5, 2019.

In April of this year, an application was made to replace the roof and limewash the brick at 441 Church Street. The HPC approved the request for a slate roof but denied the request to limewash the brick. In July, Cooper Jones Construction made an application to the HPC for 441 Church Street treating the brick (limewash or thin paint), replacing the windows, and adding a master suite to the side/rear of the home.

Stephen Imler made his presentation to appeal the decision by the Commission's to deny the owner's application for Certificate of Appropriateness related to certain improvements at 441 Church Street.

Cooper Jones made his presentation to appeal the Commission's decision to deny our request to limewash the brick at 441 Church Street.

Donald Gillis made his presentation to appeal the decision by the Commission's to deny the owner's application for Certificate of Appropriateness related to certain improvements at 441 Church Street.

Those speaking during the public hearing were Marion Savic, along with fellow HPC Commission members Becky Paden, Carol Williams and Paul Elliott.

Also speaking was Beth Myer who designed the modifications for the home at 441 Church Street.

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

Discussion was held by Council.

Regarding the first appeal 441 Church Street - Stephen Imler:

Motion to reverse the determination of the Historic Preservation Commission which occurred on August 5, 2019 in which the request for a Certificate of Appropriateness was denied regarding 441 Church Street. The Certificate of Appropriateness is hereby approved.

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

20190748 Appeal of CoA2019-17 (#20190704) 441 Church Street - Cooper Jones

Consideration of an appeal of a decision by the Historic Preservation Commission on the application for a Certificate of Appropriateness (#20190704) for 441 Church Street by Cooper Jones Construction.

Council Member Goldstein discloses that Philip M. Goldstein, Council Member Goldstein's father, owns properties in the Church-Cherokee Street Historic District.

Motion to reverse the determination by the Historic Preservation Commission which occurred on August 5, 2019 at which meeting the Historic Preservation Commission denied the request to limewash the brick at 441 Church Street.

Motion to reverse the determination by the Historic Preservation Commission in which they tabled applicant's request to add a master bedroom addition to the house located at 441 Church Street. This motion includes the affirmative approval of the addition of a master bedroom for the property located at 441 Church Street.

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

20190749 Appeal of CoA2019-17 (#20190704) 441 Church Street - Donald Gillis

Consideration of an appeal of a decision by the Historic Preservation Commission on the application for a Certificate of Appropriateness (#20190704) for 441 Church Street by Donald Gillis.

Council Member Goldstein discloses that Philip M. Goldstein, Council Member Goldstein's father, owns properties in the Church-Cherokee Street Historic District.

Motion to reverse the determination by the Historic Preservation Commission which occurred on August 5, 2019 in which the Historic Preservation Commission denied the owner's application for a Certificate of Appropriateness related to certain improvements at 441 Church Street. The Certificate of Appropriateness is hereby approved.

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

*** 20190735 IMAGE Agreement Renewal**

Motion to approve the renewal of the existing IMAGE Agreement for a four-year period through August 14, 2023.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190750 277 Fairground Street**

Motion authorizing acquisition of a right-of-entry for the purpose of performing the work on the property at 277 S. Fairground Street for the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for Ten Dollars (\$10.00).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20190751 346 Manget Street and 427 S. Marietta Parkway**

Motion authorizing acquisition of required right-of-way and easements at 346 Manget Street and 427 S. Marietta Parkway from KRB Properties, LLC for the purpose of constructing the Manget Street Improvements - Manget Street at Lakewood Drive Project in exchange for \$10,000.00 and stipulations as listed:

1. Owner requests a schedule for the project.
2. Lower entrance shall not be obstructed when replacing curb during the week. Curbing across the entrance to be completed on Saturday and coordinated with the owner.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20190714

BLW Actions of August 12, 2019

Review and approval of the August 12, 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:

ADJOURNMENT:

The meeting was adjourned at 8:35 p.m.

Date Approved: September 11, 2019

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk