

1. Agenda

Documents:

[051023RM.PDF](#)



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda

CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
Andy Morris, Ward 4
M. Carlyle Kent, Ward 5
Andre L. Sims, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, May 10, 2023

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Andy Morris, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20230434 **Marietta Police Officer**

Recognition of the newest officer to the Marietta Police Department:

· Officer Andrea Figueroa

20230454 Citizens' Government Academy Graduates

The following are graduates from our 2023 Citizens' Government Academy Class.

- | | |
|----------------------|--------------------|
| April Bailey | Mia Plachkinova |
| Sharon Blok | Melanie Prillaman |
| Norris Clemmons, Jr. | Efrain Ramirez |
| Crystal Consonery | Kathryn Remmele |
| Paul Conyngham | Edith Richmond |
| Shamika Evans | Julie Rome |
| Arlen Griffin | Gwen Sewell |
| Marco Holland | Zahrah Shabazz |
| J. Katina Jonasson | Ronda Smith |
| Jammye King | Nicole Smith |
| Benita McKoy | Rosser Southerland |
| Sonjia Mitchell | Tracy Stevenson |
| Claire Mozley | Jacquelyn Swint |
| Nina Nunes Eussen | Javon Swint |

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes,
for a combined total of 20 minutes.**

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).

MINUTES:

- * **20230413 Regular Meeting - April 12, 2023**

Review and approval of the April 12, 2023 regular meeting minutes.

* **20230414** **Executive Session Minutes**

Review and approval of the following executive session minutes:

February 22, 2022 Special Called Agenda Work Session
May 9, 2022 Agenda Work Session
July 11, 2022 Agenda Work Session
July 13, 2022 Agenda Review Session

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

* **20230385** **Marietta Historic Board of Review - Ward 1**

Reappointment of Dorothy Woodruff to the Marietta Historic Board of Review (Ward 1), for a two-year term expiring May 13, 2025.

Dorothy Woodruff has been on the board since January 2015.

* **20230373** **Marietta Historic Board of Review - Ward 2**

Reappointment of David Freedman to the Marietta Historic Board of Review (Ward 2), for a two-year term expiring May 13, 2025.

David Freedman has been on the board since January 2012.

* **20230386** **Marietta Historic Board of Review - Ward 5**

Reappointment of Jesse D. Bonner, Jr., to the Marietta Historic Board of Review (Ward 5), for a two-year term expiring May 13, 2025.

Jesse Bonner has been on the board since December 2022.

* **20230388** **Marietta Historic Board of Review - Ward 6**

Reappointment of Stacy Smith to the Marietta Historic Board of Review (Ward 6), for a two-year term expiring May 13, 2025.

Stacy Smith has been on the board since January 2016.

Council member Goldstein disclosed that Stacy Smith is a tenant of a member of his family and/or an entity owned by a member of his family.

* **20230387 Board of Zoning Appeals Appointment - Ward 5**

Reappointment of Juanita Carmichael to the Board of Zoning Appeals (Ward 5), for a three-year term, expiring May 12, 2026.

Juanita Carmichael has been on the board since May 2020.

* **20230389 Board of Zoning Appeals Appointment - Ward 6**

Reappointment of Bobby Van Buren to the Board of Zoning Appeals (Ward 6), for a three-year term, expiring May 12, 2026.

Bobby Van Buren has been on the board since June 2014.

ORDINANCES:

20230289 Z2023-07 [REZONING] REBECCA BERTHOLD (JUDD BARE)

Z2023-07 [REZONING] REBECCA BERTHOLD (JUDD BARE) are requesting the rezoning of 0.46 acres located in Land Lot 287, District 17, Parcel 0590 of the 2nd Section, Cobb County, Georgia, and being known as 524 West Atlanta Street from NRC (Neighborhood Retail Commercial) to LI (Light Industrial). Ward 1A.

Planning Commission recommends Approval as Stipulated

Mr. Kinney made a motion, seconded by Mr. Hunter, to recommend approval of NRC zoning with the additional use of T-Shirt printing. The motion carried 5-0-0.

Public Hearing (all parties are sworn in)

20230269 Z2023-09 [REZONING] RAJANIKANTH PANDIRI

Z2023-09 [REZONING] RAJANIKANTH PANDIRI is requesting the rezoning of 0.123 acres located in Land Lot 290, District 17, Parcel 0580, 2nd Section, Marietta, Cobb County, Georgia, and being known as 374 Kings Court from RA-6 (Single Family Residential Attached - 6 units/acre) to RA-6 (Single Family Residential Attached - 6 units/acre) with a variance to increase the density to 16.3 units/acre. Ward 1A.

The Planning Commission offers No Recommendation

Mr. Hunter made a motion, seconded by Mr. Diffley, to make no recommendation to Council.

The motion carried 5-0-0.

Approval of the request as submitted would require incorporation of the following variances:

- 1. Variance to reduce the minimum lot size for a duplex from 11,000 sq.ft. to 5,377 sq.ft. [§708.06 (H)]*
- 2. Variance to increase the density to 16.3 units/acre. [§708.06 (H)]*
- 3. Variance to reduce the minimum floor area per unit from 1,150 sq.ft. to 1,000 sq.ft. [§708.06 (H)]*
- 4. Variance to increase the maximum lot coverage from 35% to 38%. [§708.06 (H)] (based on Staff calculation of new total heated square feet/lot size - 2,033 sq.ft./5,377 sq.ft.)*
- 5. Variance to reduce the front setback from 25 ft. to 22 ft. [§708.06 (H)] (based on Staff measurement)*
- 6. Variance to reduce the rear setback from 30 ft. to 15 ft. [§708.06 (H)]*
- 7. Variance to eliminate the requirement for the provision of a guest parking space [§716.07 (Table J)]*

Public Hearing (all parties are sworn in)

20230305 Z2023-10 [REZONING] SKY PROP, LLC.

Z2023-10 [REZONING] SKY PROP, LLC. is requesting the rezoning of 0.66 acres located in Land Lot 1215, District 16, Parcels 1500 & 0440 of the 2nd Section, Cobb County, Georgia, and being known as 523 & 533 Washington Avenue from R-4 (Single Family Residential - 4 units/acre) and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5A.

Planning Commission recommends Approval

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval to rezone both properties to CRC with 4 variances. The motion carried 3-2-0. Mr. Anderson and Mr. McClure opposed.

Approval of the request would require incorporation of the following variances: Should Council approve, the following variances would be incorporated as conditions of zoning:

- 1. Variance to allow the existing sidewalk to remain along the entire frontage in lieu of constructing a 6-foot sidewalk with 2-foot grass strip. [§712.09 (F.4.a.i)]*
- 2. Variance to increase the maximum front setback from 16 ft. to 18 ft. [§712.09 (F.2.b.i)]*
- 3. Variance to reduce the setback for an accessory structure adjacent to residential from 25 ft. to 24 ft. [§708.16 (F.1)]*
- 4. Variance to allow two garages (accessory structures) not to reflect the architectural style and building material of the dwelling (principal) structure. [§712.09 (F.3.b.ix)]*

Public Hearing (all parties are sworn in)**RESOLUTIONS:****CITY ATTORNEY'S REPORT:***** 20230359 Denial of Claim**

Denial of Claim for Carol Burkes.

- * **20230383 Denial of Claim**
Denial of Claim for David Abrohams.
- * **20230440 Denial of Claim**
Denial of Claim for Anthony Brooks.
- * **20230452 Denial of Claim**
Denial of Claim for Dimitar H. Apostolov.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Andre L. Sims, Chairperson**
- 2. Finance/Investment: Joseph R. Goldstein, Chairperson**
- 3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

- * **20230360 Revised Detailed Plan - Caswell Overlook**

Motion to authorize Development Services staff to work with the Caswell Overlook Homeowners Association on the replacement of street trees creating conflicts between driveways and utilities. Plans for tree replacement, which may be done in phases, will be submitted to staff for review and approval and must comply with the standards outlined in Section 712.08 (G.2.c) "*Street tree requirements for small lot subdivisions and townhouse subdivisions.*" The Director of Development Services is given authority to waive tree replacement requirements in situations where utility conflicts will result in no feasible opportunity for replanting.

4. Parks, Recreation and Tourism: Johnny Walker, Chairperson

- * **20230371 Marietta Arts Council Request to Display Student Art**

A motion approving the installation of Marietta City Schools student art at various playgrounds designated by staff in conjunction with Marietta City Schools and the Marietta Arts Council from June 1, 2023, until August 1, 2023.

5. Personnel/Insurance: Cheryl Richardson, Chairperson**6. Public Safety Committee: M. Carlyle Kent, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson***** 20230365 Root Street On-Street Parking**

Motion authorizing a two (2) space loading zone to be installed along the eastern side of Root Street at North Park Square, converting both sides of the street to a fire lane, and replacing/updating the existing signage to indicate a fire lane, no parking, and a loading zone from North Park Square to Hansell Street with an estimated cost of \$750.00. Ward 5A

Council Member Goldstein discloses that members of his family and entities owned by members of his family own property along Root Street.

*** 20230366 Local Road Safety Plan**

Motion authorizing the adoption of the Local Road Safety Plan by the Mayor & Council and submittal to the Georgia Department of Transportation by the Public Works Department.

OTHER BUSINESS:**20230326 Certificate of Approval - 25 Polk Street (New Construction)**

Consideration of a certificate of approval requested by Marietta Station Partners, LLC c/o Bridger Properties, LLC for new construction at 25 Polk Street.

Public Hearing (all parties sworn in)

Council Member Goldstein discloses that Philip M. Goldstein and two entities originally owned by Gary Eubanks and/or members of his family have cross access easements over their respective properties. Marietta Station Partners, LLC acquired the responsibilities and interest in the cross access easement that was originally held by the Eubanks entities. Philip M. Goldstein is the father of Council Member Goldstein.

* **20230436 Appeal of V2023-03 (20230183) STEPHEN M. MCCUNE**

Consideration of appeals filed by Marla Blackstone, Wayne Blackstone, Lee Chesney, Georgiann Watson, Kandon Render, and Kristen Render regarding the Board of Zoning Appeals decision on March 27, 2023 for property located at 332 North Woodland Drive (V2023-03). The appeal hearing shall be conducted as set forth in Section 720.08 of the Code of Ordinances of the City of Marietta.

Motion to accept the request to withdraw the Appeal.

* **20230453 Municipal Electric Authority of Georgia (MEAG) Voting Member and Delegate**

Motion to approve a recommendation by the BLW Board to designate Board Member Andy Morris as the voting delegate and General Manager Ron Mull as the alternate selection for the 2023 MEAG Annual Meeting.

* **20230455 1121 Cobb Parkway -Rottenwood Creek Trail Phase I Project**

Motion authorizing acquisition of easements at 1121 Cobb Parkway from Atlanta Industrial, LLC for the purpose of constructing the Rottenwood Creek Trail Phase I Project in exchange for \$203,100.00.

* **20230456 Property Condemnation - 991 Wylie Road**

Motion to authorize the acquisition of property owned by Bridge WF II GA Element 41, LLC 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.

20230425 BLW Actions of May 8, 2023

Review and approval of the May 8, 2023 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes,
for a combined total of 30 minutes.**

ADJOURNMENT: