



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, February 10, 2021

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

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

Also Present:

Bill Bruton, City Manager
Doug Haynie, City Attorney
Stephanie Guy, City Clerk

CALL TO ORDER:

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

INVOCATION:

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

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20210153 Black History Presentation

Presentation presented by Mr. Pervis Brown for Black History Month. He is a veteran, historian as well as a current Doctoral Student at the University of Michigan. Introduced by Council Member Reggie Copeland.

Presented

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

20201052 Scheduled Appearance

Scheduled Appearance - Brian Peters

Present

20210052 Scheduled Appearance

Scheduled Appearance - Ron Remillard

Not Present

20210102 Scheduled Appearance

Scheduled Appearance - Donald Barth

Present

20210116 Scheduled Appearance

Scheduled Appearance - Matthew Grund

Not Present

Mrs. Kim Hill was called forward to speak during 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).

Prior to the consent agenda, a motion was made by Council member Richardson, seconded by Council member Goldstein, to suspend the rules of order to add a waiver to agenda item 20200975, Home Delivery of Alcoholic Beverages, as set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

Mayor Pro tem Johnny Walker briefly explained the consent agenda process.

City Attorney Doug Haynie noted the following changes to the consent agenda:
-under Ordinances: Agenda items 20210034 and 20210035 should be amended to include the letters of stipulations dated February 8, 2021.
-under Judicial/Legislative: Agenda item 20200975 should show Council member Chalfant opposed.

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

MINUTES:

* **20210080 Executive Session Minutes**

Review and approval of the following executive session minutes:

September 9, 2019 Agenda Work Session
September 11, 2019 Agenda Review Session
October 7, 2019 Agenda Work Session
October 29, 2019 Special Called Agenda Work Session

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210119 Meeting Minutes - January 13, 2021**

Review and approval of the January 13, 2021 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:

* **20210129 Marietta Civil Service Board - Post 5**

Reappointment of Philip Hynninen to the Marietta Civil Service Board (Post 5), for a one-year term expiring January 31, 2022, as recommended by the Civil Service Board.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210147** **Historic Board of Review Appointment (Ward 7)**

Appointment of Martin C. Kendall to the Historic Board of Review Ward 7 for a two (2) year term, expiring February 8, 2023.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

ORDINANCES:

20210034 **Z2021-02 [REZONING] SCP ACQUISITIONS, LLC**

Z2021-02 [REZONING] SCP ACQUISITIONS, LLC is requesting the rezoning of 7.73 acres located in Land Lots 732, 733, 780, & 781, District 17, Parcel 0180 of the 2nd Section, Cobb County, Georgia, and being known as 2086 Cobb Parkway South from CRC (Community Retail Commercial) to PRD-MF (Planned Residential Development - Multi Family) and CRC (Community Retail Commercial). Ward 7A.

The Planning Commission recommends Approval as Stipulated.

Mr. Anderson made a motion, seconded by Mr. Hunter to recommend approval as stipulated. The motion carried 5-1-0. Ms. McCrae opposed.

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

1. Letter of stipulations and variances from Sams, Larkin & Huff to Rusty Roth, Director Development Services for the City of Marietta, dated January 21, 2021.

Public Hearing (all parties are sworn in)

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 the rezoning for property at 2086 Cobb Parkway South from CRC (Community Retail Commercial) to PRD-MF (Planned Residential Development - Multi Family) and CRC (Community Retail Commercial).

Attorney for the applicant, Garvis Sams, with Sams, Larkin & Huff, requested to rezone the subject property in order to build two retail spaces, an apartment complex, and amenities for the apartments. The proposed development would use the two existing arterial roadways for access - Windy Hill Road and Cobb Parkway South. The applicant has proposed for the portion of the subject property facing Cobb Parkway South to be zoned CRC and would accommodate the retail/restaurant area.

The residential portion of the development would contain 303 apartments with 70% percent (212) being one-bedroom apartments and 30% (91) being two-bedroom apartments. Since the residential tract would be 6.17 acres in area, this would yield a residential density of 49.1 units/acre.

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

Discussion was held by Council.

A motion was made by Council member Goldstein to deny the rezoning request. The motion died for lack of a second.

A motion was made by Council member Kelly, seconded by Council member Richardson, to approve the rezoning request for property at 2086 Cobb Parkway South from CRC (Community Retail Commercial) to PRD-MF (Planned Residential Development - Multi Family) and CRC (Community Retail Commercial), with the following stipulations are incorporated as conditions of zoning:

Letter of stipulations and variances from Sams, Larkin & Huff to Rusty Roth, Director Development Services for the City of Marietta, dated February 8, 2021.

An amendment to the motion was made by Council member Goldstein, seconded by Council member Chalfant, to limit the business use of the leasing center to 750 sq ft.

An amendment to the amendment of the motion was made by Council member Chalfant, seconded by Council member Chalfant, to state that the amenities included in the project shall be a minimum of 4000 sq ft, without the leasing center. The motion failed by the following vote:

Vote: 2 – 5 – 0 Failed

Voting Against: Cheryl Richardson, Johnny Walker, Andy Morris, Reggie Copeland and Michelle Cooper Kelly

Mayor Tumlin called for a vote on the first amendment to limit the business use of the leasing center to 750 sq ft. The motion failed by the following vote:

Vote: 0 – 7 – 0 Failed

Voting Against: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris, Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein

Mayor Tumlin called for a vote on the original motion.

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

20210035

Z2021-03 [REZONING] Z AND C CORP, LLC

Z2021-03 [REZONING] Z AND C CORP, LLC is requesting the rezoning of 0.848 acres located in Land Lot 147, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 718 Fairgate Road from CRC (Community Retail Commercial) to RA-8 (Single Family Residential - Attached). Ward 3A.

The Planning Commission recommends Approval as Stipulated.

Ms. McCrae made a motion, seconded by Mr. Kinney to recommend approval as stipulated. The motion carried 6-0-0.

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

1. Letter of stipulations and variances from Adam J. Rozen of Rozen & Rozen, PC, to Robin Osindele, Urban Planner for the City of Marietta, dated February 1, 2021.

Public Hearing (all parties are sworn in)

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 the rezoning for property at 718 Fairgate Road from CRC (Community Retail Commercial) to RA-8 (Single Family Residential - Attached).

Attorney for the applicant, Adam Rozen, with Rozen & Rozen PC, requested to rezone the subject property in order to develop a townhome community consisting of six (6) attached townhomes. The applicant provided a site plan showing two-car garage, rear-entry townhomes off a private drive and minimum twenty (20) foot driveways.

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

Discussion was held by Council.

A motion was made by Council member Walker, seconded by Council member Kelly, to approve the rezoning request for property at 718 Fairgate Road from CRC (Community Retail Commercial) to RA-8 (Single Family Residential - Attached), with the following the following stipulations are incorporated as conditions of zoning:

Letter of stipulations and variances from Adam J. Rozen of Rozen & Rozen, PC, to Robin Osindele, Urban Planner for the City of Marietta, dated February 8, 2021.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

Council member Goldstein stepped down from the dais prior to the discussion regarding the Denial of Claim.

20210115 Denial of Claim

Denial of Claim for Renardo Nehimiah Lewis and Lubreeze Lewis.

Council Member Goldstein discloses that Renardo Nehimiah Lewis is a tenant of Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in the vote on or discussion of this matter in his official capacity as a Council Member.

Discussion was held regarding the denial of claim for Renardo Nehimiah Lewis and Lubreeze Lewis.

A motion was made by Council member Morris, seconded by Council member Richardson, to approve to deny the claim. The motion carried by the following vote:

Vote: 5 – 1 – 0 **Approved to Deny Claim**
 Voting Against: Reggie Copeland
 Absent for the vote: Joseph R. Goldstein

Council member Goldstein returned to the dais.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****2. Finance/Investment: Joseph R. Goldstein, Chairperson***** 20210074 Tree Preservation Fund (Bullock)**

Motion to approve an Ordinance for an amendment to the Fiscal Year 2021 Tree Preservation Fund budget to receive and appropriate a payment of \$660.00 from Darrell Bullock for 301 Lemon Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20210075** **Tree Preservation Fund (Vickers)**

Motion to approve an Ordinance for an amendment to the Fiscal Year 2021 Tree Preservation Fund budget to receive and appropriate a payment of \$3,960.00 from MKR Enterprises, LLC for 345 Cobb Parkway South.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

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

* **20210092** **Revised Detailed Plan - The Cottages at Keeler Woods**

Motion to authorize the establishment of a gated community for the Cottages at Keller Woods according to standards set forth in Section 726.03.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20210106** **Revised Detailed Plan - AUFC Storage Container**

Motion to authorize Atlanta United to permanently place a Conex storage container on a portion of 849 Franklin Gateway with the condition that the container be painted AUFC colors.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20210093** **Revised Detailed Plan - The Dugout (1468 Cobb Pkwy N)**

Motion to approve a revised landscape plan for the The Dugout at 1468 Cobb Parkway North. This request includes the following:

- Replacement of the street trees along Cobb Parkway North with 6' tall shrubs due to a water line easement.
- Construction of a wood fence as shown in the attached picture along the Cobb Parkway North frontage. The fence will be set back far enough so the proposed shrubs can be between the fence and the right of way.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20200975 Home Delivery of Alcoholic Beverages**

Motion to approve an ordinance amending Section 8-8-2-190 of the City Code to allow for the home delivery of alcoholic beverages by certain businesses.

Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 **Approved as Amended**
Voting Against: Grif Chalfant

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

20210098 2021 Street Closure and Associated Alcohol Sales and Consumption Requests

Motion authorizing street closures and alcohol sales and consumption for the following city sponsored and/or city sanctioned events contingent on the expiration of, or modifications to, the Governor’s Executive orders related to COVID-19 that would allow the individual events to safely comply with said orders or resume normal operations in the absence of any restrictive orders by the Governor or city officials. Each event will be denied or approved by city staff at the earliest possible time based on restrictions or the lack thereof.

Street Closures:

- May-retta Daze Spring Arts and Crafts Festival
- Glover Park Concert Series
- Juneteenth
- Fourth in the Park
- Art in the Park
- Marietta Reads
- Marietta StreetFest
- Chalktoberfest
- HarvestFest
- * · Taste of Marietta
- MUST Ministries Gobble Jog

Alcohol Requests:

- Taste of Marietta
- Art in the Park
- Chalktoberfest

Council Member Goldstein discloses that he is a member of the Marietta Cobb Museum of Art (MCMA).

Council Member Goldstein discloses that he is a Board Member for the Marietta Visitors Bureau representing the City of Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210057 Sidewalk Saturday**

Motion to recommend approval of the request from the Marietta Square Branding Project to waive Section 5-4-110A of the Marietta City Code of Ordinances to allow merchants in the downtown business district to display merchandise for sale. The event dates would be on Saturday only and will be approved by the City Manager. This waiver is approved provided there is a four-foot pathway maintained on sidewalks and the merchandise is removed if a city staff person, as designated by the city manager, requests that the merchandise be removed from the sidewalk.

Council Member Goldstein discloses that Philip M. Goldstein is a member of the Branding Project and that members of his family own property leased to merchants that may participate in the proposed Sidewalk Saturday. Philip M. Goldstein is the father of Council Member Goldstein.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20210069 2021 Appointed Officials Review**

Motion approving an ordinance to increase the salaries of the following appointed officials by three percent, payable in installments per city administrative procedures retroactive to January 1, 2021:

- Administrative Assistant to the Mayor, with amendment of the associated employment agreement
- City Clerk
- City Manager, with amendment of the associated employment agreement
- BLW General Manager
- Municipal Court Judge
- Prosecuting Attorney

Additionally, the compensation of the position of Associate Judge shall be set at \$275.00 per session effective upon passage and not retroactive. The compensation of the position of Assistant Prosecuting Attorney shall be set at \$250.00 per session effective upon passage and not retroactive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Reggie Copeland, Chairperson**20210103 City Hall Security**

Motion to approve the screening of people entering the City Council Chambers for public meetings with the use of a metal detector.

Motion to approve the screening of people entering the City Council Chambers for public meetings through a security screening process. Further, to authorize the use of funds in the amount of \$20,000 for the purchase of said security screening system.

The motion was made by Council member Copeland, seconded by Council member Kelly, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0**Approved as Amended****7. Public Works Committee: Grif Chalfant, Chairperson***** 20210084 Tom Read Drive Speed Study**

Motion authorizing Public Works to proceed with a Public Information Meeting for speed tables on Tom Read Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0**Approved***** 20210085 Darien Way Speed Study**

Motion authorizing Public Works to proceed with the installation of a 4-way stop intersection at Darien Way and South Keller Woods Drive and with the posting of a lower speed limit to 25 MPH on Darien Way from Stewart Avenue to Keeler Woods Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0**Approved***** 20210100 Roosevelt Circle and McIntosh Avenue Speed Study**

Motion authorizing Public Works to hold a Public Information Session for speed tables and stop sign on Roosevelt Circle and McIntosh Avenue.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0**Approved**

* 20210086

Bouldercrest Drive Speed Study

Motion authorizing Public Works to conduct the speed study of Bouldercrest Drive, from Walnut Drive to Longstreet Drive, to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20210099

Longstreet Drive and Hampton Place Stop Sign

Motion authorizing Public Works to create a 3-way stop at the intersection of Longstreet Drive and Hampton Place including a stop sign ahead sign and trimming of vegetation.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20210105

Lockheed Avenue Street Parking

Motion authorizing a no parking zone to be installed along both sides of Lockheed Avenue from South Marietta Parkway to Pine Forest Way.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20210122

Freyer Drive Speed Study

Motion authorizing Public Works to conduct the speed study of Freyer Drive, from Cherokee Street to Allgood Road, to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210087** **AT&T Utilities - 1GW48036N-A**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Durham Street, Hazel Street, Whitlock Drive, Maxwell Avenue, Northcutt Street, McDonald Street, Rambo Place, North Hillcrest Drive, West Service Street, East Service Street, and South Woodland Drive. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

This Matter was Approved on the Consent Agenda.

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

* **20210088** **AT&T Utilities - 1GW48036N-B**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along South Woodland Drive, Chinquapin Drive, Chestnut Drive, Walnut Drive, Hickory Drive, West Club Drive, and Redwood Drive. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

This Matter was Approved on the Consent Agenda.

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

* **20210089** **AT&T Utilities - 1GW48044N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Northcutt Street to Maxwell Avenue and then west to 247 Maxwell Avenue down to the new Fiber Distribution Cabinet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

This Matter was Approved on the Consent Agenda.

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

* **20210090** **AT&T Utilities - 1GW81012N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Scufflegrit Road, starting at Holcomb Lake Road, for 240 feet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

This Matter was Approved on the Consent Agenda.

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

* **20210091** **AT&T Utilities - 1GW81017N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Ross Road, starting at Sandy Plains Road, for 262 feet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

This Matter was Approved on the Consent Agenda.

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

* **20210094** **Memorandum of Agreement with the Cobb County Soil and Water Conservation District**

Motion authorizing the execution of the Memorandum of Agreement between the City of Marietta and the Cobb County Soil and Water Conservation District.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

OTHER BUSINESS:**20210036 V2021-07 [VARIANCE] TWO OIL 5, LLC**

V2021-07 [VARIANCE] TWO OIL 5, LLC is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1211, District 16, Parcels 1380 & 1390, 2nd Section, Marietta, Cobb County, Georgia, and being known as 49 Cobb Parkway North. Ward 5A.

Variances:

1. Variance to reduce the minimum lot size from 20,000 sq.ft. to 12,980 sq.ft. [§708.16 (H)]
2. Variance to reduce the site design optional elements for the Commercial Corridor Overlay District Tier A from 50% to 40%. [§712.09(E.2)]
3. Variance to waive the maximum 16' front setback from Key Drive [§712.09(F.2.b.i)]
4. Variance to reduce the private landscape zone between the sidewalk and the building face [§712.09(F.4.a.ii)]
5. Variance to allow the curb cut along Key Drive to remain within 40 feet of an intersection. [§716.02(B)]

Public Hearing (All parties are sworn in)

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

Rusty Roth, Development Services Director, presented information regarding the variance request for property at 49 Cobb Parkway North. Mr. Roth also summarized the criteria used to consider variance requests.

Attorney for the applicant, Adam Rozen, with Rozen & Rozen PC, proposed the acquisition of the subject property for the purpose of a Take 5 Oil Change business. Take 5 Oil Change provides an efficient option for oil changes while the customer remains in their vehicle. The existing building will be replaced with new construction of the oil change facility in line with the quality architecture seen throughout the Take 5 Oil Change branding and the neighboring restaurant and retail uses at the nearby intersection of Cobb Parkway and Roswell Street.

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

Discussion was held by Council.

A motion was made by Council member Copeland, seconded by Council member Goldstein, to approve the following variances request for property at 49 Cobb Parkway North:

Variances:

1. *Variance to reduce the minimum lot size from 20,000 sq.ft. to 12,980 sq.ft.*
2. *Variance to reduce the site design optional elements for the Commercial Corridor Overlay District Tier A from 50% to 40%.*
3. *Variance to waive the maximum 16' front setback from Key Drive*

4. *Variance to reduce the private landscape zone between the sidewalk and the building face*
5. *Variance to allow the curb cut along Key Drive to remain within 40 feet of an intersection.*
6. *Variance to reduce the 10-foot planted border along Cobb Parkway North to 5-feet.*
7. *Subject to the stipulation letter prepared by Adam J. Rozen, P.C. to Jasmine Chatman, Planning & Zoning Administrator for the City of Marietta dated February 8, 2021.*
8. *The existing nonconforming pylon sign on the site will be removed.*

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved as Amended

* **20210156**

609 & 617 Frasier Street

Motion to authorize and direct the Director of Public Works and the City Attorney to conduct the legal advertisements for the public sale of certain property within the City of Marietta. The process shall include the conducting of legal advertisements and bidding. The Director of Public Works is hereby authorized to establish a minimum price of such property and to implement any other matters required by State law or beneficial to the City of Marietta. Any and all bids shall be returned to the Mayor and Council for final review following a public hearing on this matter. This motion applies to 609 & 617 Frasier Street Properties. A copy of the description of such property is on file with the Public Works Department.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20210154**

565 & 567 Powder Springs Street

Motion to authorize the acquisition of property owned by B J FRYE, 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20210155** **531, 541 & 551/561 Powder Springs Street**

Motion to authorize the acquisition of property owned by BJF, JR. 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20210121** **BLW Actions of February 8, 2021**

Review and approval of the February 8, 2021 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

UNSCHEDULED APPEARANCES:

Those speaking during unscheduled appearances were Kathy Slough and Donald Barth.

ADJOURNMENT:

The meeting was adjourned at 9:39 p.m.

Date Approved: March 10, 2021

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk