



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, January 13, 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 Copeland to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20210071

SCLC Presentation

Presentation of a Leadership Award by the Southern Christian Leadership Conference (SCLC) in conjunction with Martin Luther King Day.

The Southern Christian Leadership Conference (SCLC) presented the Leadership Award to Council member Reggie Copeland.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20201053 Scheduled Appearance**

Scheduled Appearance - Donald Barth

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).

A motion was made by Council member Copeland, seconded by Council member Kelly, to suspend the rules of order to add an item to the consent agenda to approve the final plat for Overlook at Bells Ferry for the creation of a forty (40) unit townhome development at 1691 Bells Ferry Road. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

Prior to the consent agenda, a motion was made by Council member Morris, seconded by Council member Goldstein, to suspend the rules of order to add an item to the consent agenda for the denial of a claim for Jose Alvara. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

Mayor Pro tem Michelle Kelly Cooper briefly explained the consent agenda process.

City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Finance/Investment: Agenda item 20201055 was added to the consent agenda.

-under Judicial/Legislative: Agenda item 20201044 was added to the consent agenda, as amended.

-under Judicial/Legislative: Agenda item 20201049 was added to the consent agenda.

-under Other Business: Agenda item 20210059 was amended to include a waiver 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.

-under Other Business: Agenda item 20210048 was added to the consent agenda.

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

Vote: 7 – 0 – 0 Approved

20210056 Veto of Item #20200811

Veto for item #20200811 (Reef Kitchens).

Discussion was held regarding the veto of agenda item 20200811, Z2020 29 Special Land Use Permit, Reef Kitchens (Nirmaan Investment LLC).

During the discussion, Council Member Goldstein discloses that William Scott Kinsey is a tenant of Philip M. Goldstein and the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is a partner of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is the father of Council Member Goldstein.

City Attorney Doug Haynie explained the veto process, stating that it would take five (5) votes to override a veto.

Motion to override the Mayor's veto of item #20200811, Special Land Use Permit for a mobile retail establishment in the corporate limits of the City of Marietta as applied and filed by REEF Kitchens (Nirman Investment LLC, passed by the Marietta City Council December 9, 2020.

The motion was made by Council member Richardson, seconded by Council member Kelly, to override the Mayor's veto. The motion failed by the following vote:

Vote: 4 – 3 – 0 Denied
Voting Against: Johnny Walker, Grif Chalfant and Andy Morris

MINUTES:

*** 20210001 Regular Meeting - December 9, 2020**

Review and approval of the December 9, 2020 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR'S APPOINTMENTS: (for informational purposes only)

- * **20210002** **Mayor Pro tem**
- Appointment of Johnny Walker as Mayor Pro tem until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210003** **Presiding Officer**
- Appointment of Reggie Copeland as Presiding Officer/Parliamentarian until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210004** **Economic/Community Development Committee**
- Appointment of Johnny Walker as Chairman, Grif Chalfant as Vice Chair and Andy Morris to the Economic/Community Development Committee until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210005** **Finance/Investments Committee**
- Appointment of Joseph R. Goldstein as Chairman, Reggie Copeland as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210006** **Judicial/Legislative Committee**
- Appointment of Andy Morris as Chairman, Cheryl Richardson as Vice Chair and Joseph R. Goldstein to the Judicial/Legislative Committee until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

- * **20210007** **Parks, Recreation & Tourism Committee**
- Appointment of Michelle Cooper Kelly as Chairman, Andy Morris as Vice Chair and Reggie Copeland to the Parks, Recreation and Tourism Committee until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210008** **Personnel/Insurance Committee**
- Appointment of Cheryl Richardson as Chairman, Joseph R. Goldstein as Vice Chair and Grif Chalfant to the Personnel/Insurance Committee until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210009** **Public Safety Committee**
- Appointment of Reggie Copeland as Chairman, Johnny Walker as Vice Chair and Cheryl Richardson to the Public Safety Committee until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210010** **Public Works Committee**
- Appointment of Grif Chalfant as Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Works Committee until the Organization meeting in January 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210050** **Marietta Historic Board of Review Mayor’s Appointment**
- Appointment of Christopher G. Brown to the Marietta Historic Board of Review as the Mayor’s Appointment, for a two (2) year term, expiring January 11, 2023.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

CITY COUNCIL APPOINTMENTS:

- * **20200985** **Planning Commission Appointment - Ward 7**
- Reappointment of Stephen Diffley to the Planning Commission for a 3-year term, expiring January 10, 2024.
Stephen Diffley has been on the board since January 2009.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20201046** **Cobb Municipal Association 2021 Delegates**
- Appointment of Grif Chalfant and Stephanie Guy as the voting delegates for the Cobb Municipal Association (CMA) business meetings.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20201048** **National League of Cities 2021 Delegates**
- Appointment of Joseph R. Goldstein as the voting delegate and Reggie Copeland as the alternate voting delegate for the NLC business meetings.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

ORDINANCES:**20200888** **Z2020-32 [REZONING] CAPITAL CITY BANK**

Z2020-32 [REZONING] CAPITAL CITY BANK is requesting the rezoning of 1.19 acres located in Land Lots 1217 & 1232, District 16, Parcels 1450, 1470, 0740, 0750, 0670 of the 2nd Section, Cobb County, Georgia, and being known as 225, 237 & 251 Roswell Street and 311 & 313 Anderson Street from CRC (Community Retail Commercial) and OI (Office Institutional) to CRC (Community Retail Commercial). Ward 5A.

The Planning Commission recommends Approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Anderson 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 from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated January 5, 2021 with the condition that Variance 3(a) be limited to the design presented in Exhibit "A."

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 located at 225, 237 & 251 Roswell Street and 311 & 313 Anderson Street from CRC (Community Retail Commercial) and OI (Office Institutional) to CRC (Community Retail Commercial).

Kevin Moore, attorney for the applicant, requested rezoning of the subject to consolidate the subject properties and their zoning classification to CRC (Community Retail Commercial) to develop a 6,000 square foot, split-tenant space to be used as a financial institution. This proposal would completely redevelop the site by removing the structure attached to 236 Washington Avenue and reconfiguring the parking area. The proposed financial institution is shown with separate entry and exit drives onto Roswell Street. There will also be inter-parcel access with the two adjoining properties to the north and west.

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

City Attorney Doug Haynie disclosed that he owns property near the subject property in this matter.

Discussion was held by Council.

A motion was made by Council member Copeland, seconded by Council member Richardson, to approve the rezoning of property at 225, 237 & 251 Roswell Street and 311 & 313 Anderson Street from CRC (Community Retail Commercial) and OI (Office Institutional) to CRC (Community Retail Commercial), with the following stipulations 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 January 13, 2021 with the condition that Variance 5(a) be limited to the design presented in Exhibit "A."

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved as Amended

20201000

Z2021-01 [REZONING] JERRY & ANGELA PFEUFFER

Z2021-01 [REZONING] JERRY & ANGELA PFEUFFER are requesting the rezoning of 0.59 acres located in Land Lot 1289, District 16, Parcel 0310 of the 2nd Section, Cobb County, Georgia, and being known as 391 Atlanta Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

The Planning Commission recommends Approval as Stipulated.

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

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

1. Variance to allow the use of gravel as an acceptable driving and parking surface. [§716.08 (A & 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 request for the rezoning for property located at 391 Atlanta Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).

The applicant requested to rezone the subject property from OI to R-4 in order to utilize the existing structure as a residence. The surroundings properties are a mixture of single-family residences (town homes and single family detached homes), a real estate agency, and an attorney's office.

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

Discussion was held by Council regarding the gravel driveway.

A motion was made by Council member Richardson, seconded by Council member Chalfant, to approve the rezoning of property at 391 Atlanta Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre), with the following variance is incorporated as a condition of zoning:

1. *Variance to allow the use of gravel as an acceptable driving and parking surface for an area not to extend any further than the rear of the house and according to drawing signed and dated by the applicant.*

The motion carried by the following vote:

Vote: 6 – 0 – 1

Approved as Amended

Abstaining: Johnny Walker

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20210076 Denial of Claim**

Denial of Claim for Jose Alvara.

This Matter was Approved 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***** 20200977 Tree Preservation Fund**

Motion to approve an Ordinance amending the Fiscal Year 2021 Tree Preservation Fund budget to receive and appropriate a payment of \$8,882.50 from White Circle Holdings LLC for 1705 White Circle.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20201055 Marietta Hilton Conference Center & Hotel**

Motion to approve the Sixth Modification to the Lease Agreement with Marietta Leasehold L.P./Remington Hotel Management for the Marietta Hilton Conference Center & Hotel.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

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

* **20200951** **Amending Consolidated Retirement Plan**

Motion to approve an ordinance removing the following clause from Article V, Section 9 of the Consolidated Retirement Plan: “In the event a participant is involuntarily terminated for reasons other than willful misconduct, he shall be eligible to retire at any time after attaining his early retirement date, provided he has at least 20 years of credited service on the date he terminates his employment.” Item forwarded for consideration by the Pension Board.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20201034** **City of Marietta 2021 General Election**

Motion to approve an Ordinance to provide for the establishment of qualifying fees for the office of Mayor and the office of Council for the city of Marietta, Georgia and to provide for the opening and closing dates for filing notice of candidacy by candidates.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20201044** **Transient Vendors and Temporary Businesses During Pandemic**

Based upon the Charter and laws of the City of Marietta, the Mayor and Council hereby designate and authorize the City Manager for the City of Marietta to grant and/or approve temporary business licenses for Transient Vendors and Temporary Businesses to operate on a temporary basis as a result of the State-Issued State of Emergency, in accordance with Section 2.16 (7) of the City Charter in order to protect the safety, health or well-being of the citizens of the City.

Motion to approve as amended by adding the following language to the end, “notwithstanding any other ordinance or provision of the City Code. The powers granted herein shall terminate upon expiration of the Governor’s Emergency Order.”

This Matter was Approved on the Consent Agenda.

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

* **20201049** **MEAG Solar Initiative - Power Purchase Contract**

Motion to approve the concept of the Participant Power Purchase Contract submitted by MEAG for Marietta to purchase 3 megawatts of solar power generation. This motion expresses the intent of the City to add this solar power resource to the City/BLW generation mix.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

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

* **20201051** **Marietta High School Fence Art Display**

Motion to approve Marietta High School for the installation of art panels along the M2R Trail.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20201056** **FY 2021 Amendment to City/BLW Compensation and Classification System documents**

Motion approving an ordinance to amend the FY 2021 City of Marietta/BLW General Fund Position Allocation Chart and the Compensation, Position Classification, and Police and Fire Career Development Plans effective no earlier than the pay period beginning December 27, 2020, and retroactive to that date.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20201057** **City Employee Health Care Benefits**

Motion to approve an extension of previously approved motion authorizing the Director of Human Resources to coordinate with Anthem Blue Cross and Blue Shield to eliminate cost shares for employee members if they received treatment for COVID-19 from doctors, hospitals, and other health care professionals from the start of the declaration of the national emergency by the President of the United States with an expiration date at the earlier of the end of the national emergency or on June 30, 2021, with a review to occur at the June 9, 2021, Council meeting.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20201030 Matthews Circle Speed Study**

Motion authorizing Public Works to conduct the speed study of Matthews Circle, from James Street to Blanche Drive, to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20201031 Reynolds Street Mid-Block Crossing**

Motion to install a mid-block crossing on Reynolds Street as part of an ADA sidewalk improvement. This crossing will require the installation of thermoplastic crosswalk pavement markings, crosswalk ahead signage, Rapid Flashing Beacons, and two (2) ADA ramp improvements on the existing sidewalks. The estimated cost for this installation, including materials and equipment, is \$31,000.00 and will be funded from the 2016 SPLOST General Street & Drainage account.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20201032 Special Pavement Paintings on Polk Street**

Motion approving the request by the Marietta City Schools and Marietta High School to:

1) install special pavement paintings on Polk Street between Cleburne Avenue and Winn Street; 2) approval of the Maintenance Agreement; and 3) approval to allow the City to perform street or utility work without any responsibility to repair or replace the special pavement paintings and said agreement allows the City to request removal, in writing, of the special pavement paintings within 30 days.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 Approved

Voting Against: Cheryl Richardson

OTHER BUSINESS:*** 20210055 Final Plat - Kirk Ridge (1725 Stilesboro Road)**

Motion to approve the final plat for Kirk Ridge (Traton Homes) which consists of thirty-seven (37) age restricted single family detached homes at 1725 Stilesboro Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20210054 Annual Financial Audit Report FY2020**

Motion to receive and file the FY2020 Annual Financial Audit Report.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20210059 Safety and Workers' Compensation Policy**

Motion to approve an ordinance amending Section 4-4-30-020 of the Municipal Code of Marietta regarding employee compensation for on-the-job injuries after the first 90 days of lost time.

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: 7 – 0 – 0 Approved as Amended

20210160 Authorization to Advertise Property

Motion authorizing the advertisement for sale of a portion of 273 Hunt St.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20210046

Closure and Abandonment of a Portion of Washington Avenue within the City of Marietta

Motion authorizing the abandonment and sale of the unused Washington Avenue right of way identified as parcel number 16121301020 to Woodside Industrial Park LLC for \$5,225.00 who submitted the highest bid for such property described in Exhibit "A" hereof. This motion authorizes the Mayor and City Clerk to execute the Quitclaim Deed and any other documents required to carry out this motion.

Public Hearing

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

Joseph Mattarella, who represents Woodside Industrial Park, spoke regarding this matter.

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

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

Vote: 7 – 0 – 0**Approved**

20210047

Closure and Abandonment of a Portion of Tower Road within the City of Marietta

Motion authorizing the abandonment and sale of unused Tower Road right of way identified as Tracts 3a and 3b to Mr. Art Wiggins for \$3,000.00 who submitted the highest bid for such property described in Exhibit "A" hereof. This motion authorizes the Mayor and City Clerk to execute the Quitclaim Deed and any other documents required to carry out this motion.

Public Hearing

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

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

A 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**

- * **20210048** **BLW Actions of January 11, 2021**
- Review and approval of the January 11, 2021 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 **Approved**
Voting Against: Michelle Cooper Kelly

- * **20210073** **Final Plat - Overlook at Bells Ferry**
- Motion to approve the final plat for Overlook at Bells Ferry for the creation of a forty (40) unit townhome development at 1691 Bells Ferry Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

UNSCHEDULED APPEARANCES:

There were no unscheduled appearances.

Prior to adjourning, a motion was made in open session by Council member Chalfant, seconded by Council member Walker, to enter an Executive Session to discuss real estate disposition and leasing matters. The motion carried by the following vote:

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

The Executive Session was held.

A motion was made in open session by Council member Chalfant, seconded by Council member Kelly, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 – 0 – 0 **Approved**

ADJOURNMENT:

The meeting was adjourned at 9:15 p.m.

Date Approved: February 10, 2021

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk