



# 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, September 9, 2020**

**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:**

*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 7:04 p.m.*

**INVOCATION:**

*Mayor Tumlin called upon Council member Richardson to give the invocation.*

**PLEDGE OF ALLEGIANCE:**

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

**PRESENTATIONS:**

**PROCLAMATIONS:**

**20200759 Georgia Highlands College**

Presentation of a Proclamation by Council Member Cheryl Richardson to Georgia Highlands College to celebrate its legacy as an exceptional institution.

**Presented**

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

**SCHEDULED APPEARANCES:**

**20200751            Scheduled Appearance**

Scheduled Appearance - Larry Wills

**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).**

*Prior to the consent agenda, a motion was made by Council member Chalfant, seconded by Council member Morris, to suspend the rules of order to add an item to the consent agenda to discuss the use of the Cares Act Funds. The motion was carried by the following vote:*

*Vote: 7 – 0 – 0*

*Approved*

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

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

*-under Judicial/Legislative: Agenda item 20200708 was added to the consent agenda, with the additional stipulation that the buffer fencing will consist of a 6' tall opaque fence, double sided wood to be stained or painted, as indicated on the attached plan.*

*-under Public Works: Agenda item 20200703 remains on the consent agenda and amended to read, "Motion authorizing Public Works to proceed with the traffic calming options to include speed tables, driver feedback signs, lane narrowing, and lowering the speed limit on Washington Avenue to 25 MPH, as selected by Council. Further, Lawrence Street will become one way going east to west and Washington Street one way west to east between Cole Street and Fairground Street."*

*-under Other Business: Agenda item 20200760 was added to the consent agenda.*

*-under Other Business: Agenda item 20200752 was added to the consent agenda as a motion to refer back to the Judicial Legislative Committee as a discussion related to the alcohol ordinance.*

*-under Other Business: Agenda item 20200753 was removed from the agenda.*

**A motion was made by Council member Walker, 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:****\* 20200721 Regular Meeting - August 12, 2020**

Review and approval of the August 12, 2020 regular 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:****ORDINANCES:****20200639                      Z2020-27 [REZONING] HR ACQUISITION I CORPORATION (EVOQ MARIETTA LLC)**

Z2020-27 [REZONING] HR ACQUISITION I CORPORATION (EVOQ MARIETTA LLC) is requesting the rezoning of 7.18 acres located in Land Lot 1014, District 16, Parcels 1310, 1090, 1120, 1060 & 1070 of the 2nd Section, Cobb County, Georgia, and being known as 833 & 900 Campbell Hill Street, 100, 120, & 150 Florence Street from OI (Office Institutional) and RHR (Residential High Rise) to OI (Office Institutional). Wards 4B & 5B.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval as stipulated. The motion carried 7-0-0.

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

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 31, 2020.

Public Hearing (all parties 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 833 & 900 Campbell Hill Street, 100, 120, & 150 Florence Street from OI (Office Institutional) and RHR (Residential High Rise) to OI (Office Institutional).*

*Kevin Moore, attorney for the applicant, requested to rezone the subject properties from RHR (Residential High Rise) and OI to OI to develop a second medical office building at 833 Campbell Hill Street property. The parking area around the two buildings will have 308 parking spaces. The four (4) parcels*

*on the north side of Florence Street will be combined and developed as a parking lot with 224 parking spaces. The applicant has stated the second medical office building would be approximately 85,000 square feet and a maximum of four (4) stories in height. Parking for the two (2) medical office buildings (proposed and existing) would be redesigned to provide connectivity, both vehicular and pedestrian, between the two tracts of land.*

*Mr. Moore also presented the proposed site plan for the project, as well as a letter of stipulations outlining the conditions to which the applicant has agreed.*

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

*Discussion was held by Council.*

*A motion was made by Council member Morris, seconded by Council member Walker, to approve the rezoning of property at 833 & 900 Campbell Hill Street, 100, 120, & 150 Florence Street from OI (Office Institutional) and RHR (Residential High Rise) to OI (Office Institutional), with the following stipulation:*

*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 August 31, 2020, as amended September 9, 2020.*

**The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved as Amended**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Johnny Walker, Chairperson**

**2. Finance/Investment: Joseph R. Goldstein, Chairperson**

**\* 20200725 Cares Act Funding**

Motion to approve an amendment to the Fiscal Year 2021 budget to receive and appropriate grant funds awarded to the City of Marietta from Cobb County as part of the Sharing and Use of Coronavirus Aid, Relief, and Economic Security (CARES) Act.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20200728                      21st Century Community Learning Centers Grant**

Motion to approve the 21st Century Community Learning Centers Grant Award for the YELLS program and the accompanying FY2021 Budget Amendment.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

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

\*      **20200708                      Detailed Plan - Campus Realty Advisors**

Motion to approve the detailed plan, including the attached site plan, tree plan, and building elevations, for 315 Freys Gin Rd and 1222, 1230, 1238, & 1246 Banberry Road, with the following stipulation:

- An exemption plat shall be submitted for approval in lieu of a final plat.

*Motion to approve the detailed plan, including the attached site plan, tree plan, and building elevations, for 315 Freys Gin Rd and 1222, 1230, 1238, & 1246 Banberry Road, with the following stipulation:*

- 1. An exemption plat shall be submitted for approval in lieu of a final plat.*
- 2. Buffer fencing will consist of a 6' tall opaque fence, double sided wood to be stained or painted, as indicated on the attached plan.*

**This Matter was Approved on the Consent Agenda.**

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

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

\*      **20200729                      History Museum Event Rental Fees**

Motion to approve the Event Rental Fees for the City of Marietta History Museum.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

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\* **20200692**      **Welcome Center Contract Amendment**

Motion to approve an Amendment to the Welcome Center Contract regarding rent of the Depot building.

*Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.*

*Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Ashleigh Whitworth and Morgan Stoner and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Councilmember Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.*

*Council Member Goldstein discloses that the Atlanta Lyric Theatre rents space owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.*

*Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.*

*Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.*

*Council Member Goldstein discloses that Elise Goldstein is a member of the Georgia Symphony Orchestra Chorus and is a member of one of the committees of the Georgia Symphony Orchestra. Elise Goldstein is the mother of Council Member Goldstein.*

**This Matter was Approved on the Consent Agenda.**

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

**5. Personnel/Insurance: Cheryl Richardson, Chairperson**

\* **20200689**      **2021 Employee Group Benefits Program Administration**

Motion approving the renewal of group health and dental plan administration and stop-loss coverage with Anthem Blue Cross and Blue Shield, renewal of the retiree Medicare Advantage plan with Anthem Blue Cross and Blue Shield, enrollment in the pharmacy benefit management services with Express Scripts, and the renewal of the administrative services agreements with all employee-funded ancillary providers for calendar year 2021.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**                      **Approved**

\* 20200690

**2021 Flexible Benefit Plan**

Motion approving the 2021 Flexible Benefit Plan, Summary Plan Description, and the increase of the maximum allowable health contribution from \$2,700 to \$2,750 with Total Administrative Services Corporation (TASC).

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* **6. Public Safety Committee: Reggie Copeland, Chairperson**

20200723

**2020 Assistance to Firefighters Grant Program-COVID-19 Supplemental**

Motion to approve an Ordinance amending the Fiscal Year 2021 Grant Fund for the City of Marietta Fire Department to accept an award from FEMA's Assistance to Firefighters Grant program for \$22,586.03 to assist with Covid-19 related expenses.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**7. Public Works Committee: Grif Chalfant, Chairperson**

\* 20200696

**M2R Trail Agreement with State Properties Commission**

Motion authorizing the execution of the permanent Easement Agreement with the State Properties Commission for the M2R Trail.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* 20200697

**Rottenwood Trail Phase 1 Right-of-Way Agreement**

Motion authorizing the execution of the Right of Way Agreement for Rottenwood Trail Phase 1 Project PI#0015042 with the Georgia Department of Transportation.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

- \*     **20200699**           **Tom Read Drive Speed Study**
- Motion authorizing Public Works to conduct the speed study of the Tom Read Drive area to determine if traffic calming devices are needed.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved**
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- \*     **20200700**           **Cleburne Avenue Speed Study Results**
- Motion authorizing Public Works to proceed with the installation of stop signs at the intersection of McCord Street and Cleburne Avenue.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved**
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- \*     **20200702**           **Carriage Oaks Neighborhood Traffic Calming**
- Motion authorizing Public Works to install speed tables in the Carriage Oaks Neighborhood.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved**
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- \*     **20200703**           **Lawrence Street Traffic Calming**
- Motion authorizing Public Works to proceed with the traffic calming options to include speed tables, driver feedback signs, lane narrowing, and lowering the speed limit on Washington Avenue to 25 MPH, as selected by Council.
- Motion authorizing Public Works to proceed with the traffic calming options, including lowering the speed limit on Washington Avenue to 25 MPH, as selected by Council. Further, Lawrence Street will become one way going east to west and Washington Street one way west to east between Cole Street and Fairground Street.*
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                   **Approved as Amended**

**OTHER BUSINESS:**



\* 20200638

**V2020-31 [VARIANCE] BHULLAR HOLDINGS, LLC**

V2020-31 [VARIANCE] BHULLAR HOLDINGS, LLC is requesting variances for property located in Land Lot 1134, District 16, Parcel 0100, 2nd Section of Cobb County, Marietta, Georgia and being known as 1860 (aka 1850) Roswell Road. Ward 7A.

1. Variance to increase the allowable impervious surface from 80% to 95%;
2. Variance to allow planter islands in lieu of the 10 foot planted border area along Roswell Road as shown on site plan dated 6/9/20;
3. Variance to waive the 10 foot planted border area along the South Marietta Parkway frontage as shown on site plan dated 6/9/20;
4. Variance to reduce the landscape buffer as shown on site plan dated 6/9/20;
5. Variance to allow a detention pond within a buffer;
6. Variance to reduce the rear yard setback from 35' to 11' for the existing building;
7. Variance to reduce the setback from 2' to 0' and allow a 6' tall chain link fence along the Roswell Road frontage.

Tabled to the next City Council Meeting on October 14, 2020.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Tabled**

\* 20200760

**Bouldercrest Drive Sidewalk Enhancements Project Parcel 5 - Raymond C. Buday and Rebecca W. Buday - 535 Bouldercrest Drive**

Motion authorizing acquisition of the easements at 535 Bouldercrest Drive from Raymond C. Buday and Rebecca W. Buday for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for \$1,979.00 and stipulations as listed below.

1. City shall bear all costs of the authorized removal of any trees.
2. City shall not remove trees having a diameter at the base of greater than twelve (12) inches.
3. In the event any tree located within or close proximity to the construction easement dies within two (2) years following completion of construction, City will pay for removal of that said dead tree.
4. City will bear all costs associated with relocation, restoration or damage repair of the property sprinkler system resulting from the sidewalk construction. Such work shall be done by a private entity with substantial experience in sprinkler system installation and maintenance.
5. City will bear all costs associated with relocation, restoration or damage repair of all power, gas, water, electric, and cable lines, controls, and structures resulting from the sidewalk construction.
6. The aprons at the junction of the sidewalks and the existing driveway shall intrude into the existing driveways only such distance as is necessary to permit smooth ingress and egress.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20200752**

**2020 General Election Ballot-Marietta Sunday Alcohol**

Marietta Sunday Alcohol--By the Drink, By the Package Sales

Shall the Governing Authority of the City of Marietta, Georgia be authorized to permit and regulate Sunday Sales of malt beverages, wine, and distilled spirits by the drink from 11:00 AM to 12:00 Midnight and by the package from 11:00 AM to 12:00 Midnight?

*Motion to refer this matter to the Judicial/Legislative Committee as a discussion related to the Alcohol Ordinance.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Referred to the Judicial Legislative Committee**

**20200724**

**City Council Terms of Office & Organization Meeting**

To consider cycles of ½ City Council every two years for four-year terms. Councilpersons 2, 3, and 4 and Mayor to be elected for a two-year term in 2021 and then in November 2023 for four-year terms thereafter. No change for 1,5,6, and 7. Amendment for City Code Sections 2.4 (Election; terms of office) and 2.8 (Organization meeting; official oath).

*In depth discussion was held. Comments were made by the Mayor and several Council members regarding this matter.*

*A motion was made by Council member Walker, seconded by Council member Chalfant, to approve the City Council staggered terms of office & organization meeting. The motion failed by the following vote:*

*Vote: 3 – 4 – 0                      Failed*  
*Voting Against: Cheryl Richardson, Reggie Copeland, Michelle Cooper Kelly, and Joseph R. Goldstein*

*Mayor Tumlin vetoed the motion.*  
*(The official veto is on file in the City Clerk's Office.)*

*City Attorney Doug Haynie explained the veto process in this instance means no action is taken on this matter. No other motions were made related to this item.*

**No Action Taken**

\* 20200753 2020 General Election Ballot-Marietta Special Election-Terms of Council

Marietta Special Election--Non-Binding Referendum --Alternate Terms of Council--Biennial Election of 4 Members each to serve term of 4 years--2021 Election, 4 Members elected for 2 years, and 4 years thereafter commencing 2023, other 4 Members for 4 Years in 2021 and thereafter.

Should the Mayor and City Council for the City of Marietta amend the Charter for the City of Marietta to set forth for the members of the elected body of the offices of the Mayor and City Council for the City of Marietta so that a designated Four of the Council Body be elected for term of four years every two years commencing with the November, 2021 election to which four of the members of the elected body of the offices of the Council be elected for Four Year terms and thereafter and four of the members of the elected body of the Marietta Council be elected for two years and then every four years thereafter. Said Charter shall be further amended for ancillary changes necessary to accommodate this biennial election amendment, specifically for Sections 2.4 and 2.8 of City Charter.

Requested by Mayor Tumlin

**Removed**

\* 20200722 BLW Actions of September 2, 2020

Review and approval of the September 2, 2020, actions and minutes of Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0 Approved**

20200765 Cares Act Funding

Discussion regarding the Cares Act Funding.

*Discussion was held regarding the proper use of the Cares Act funding.*

*Motion to direct the City Attorney to contact the Attorney General's Office to request an opinion regarding the appropriate use of the Cares Act funds, specifically as it relates to the reimbursement of public safety expenses.*

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

**Vote: 7 – 0 – 0 Approved**

**UNSCHEDULED APPEARANCES:**

*There were no unscheduled appearances.*

**Prior to adjourning, a motion was made in open session by Council member Walker, seconded by Council member Chalfant, to enter an Executive Session to discuss real estate disposition. 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 Goldstein, 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 8:10 p.m.*

**Date Approved: October 14, 2020**

\_\_\_\_\_  
**R. Steve Tumlin, Mayor**

**Attest: \_\_\_\_\_**  
**Stephanie Guy, City Clerk**