



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes JUDICIAL LEGISLATIVE COMMITTEE

*Andy Morris, Chairman*  
*Cheryl Richardson, Vice Chair*  
*Joseph R. Goldstein*

Tuesday, September 29, 2020

Council Chamber

**Presiding:** Andy Morris

**Present:** Cheryl Richardson and Joseph R. Goldstein

**Also Present:**

*R. Steve Tumlin, Mayor*

*Grif Chalfant, Council - Ward 2*

*Johnny Walker, Council - Ward 3*

*Reggie Copeland, Council - Ward 5*

*Michelle Cooper Kelly, Council - Ward 6*

*Bill Bruton, City Manager*

*Doug Haynie, City Attorney*

*Stephanie Guy, City Clerk*

**CALL TO ORDER:**

*Chairman Morris called the meeting to order at 6:26 p.m.*

**MINUTES:**

**20200738 Regular Meeting - August 25, 2020**

Review and approval of the August 25, 2020 meeting minutes.

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

**Vote: 3 – 0 – 0**

**Approved**

**BUSINESS:**

**20200771 Update for V2020-31 Roswell Road 1860 (GRAND MOTORCARS)**

Update regarding V2020-31 scheduled for public hearing on October 14, 2020.

**Reported**

**20200432****Open Space in Residential Zones**

Discussion of issues surrounding open space and recreation area requirements in residential zoning districts.

**A motion was made by Council member Goldstein, seconded by Council member Richardson, that this matter be Referred to the Agenda Work Session. The motion carried by the following vote:**

**Vote: 3 – 0 – 0****Referred to the Agenda Work Session****20200768****Detailed Plan - 521 Atlanta Street**

Request by Pulte Homes for approval of a detailed site plan, landscape plan, and townhome elevations for forty (40) units zoned PRD-SF (Z2020-19).

**A motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Referred to the Agenda Work Session. The motion carried by the following vote:**

**Vote: 3 – 0 – 0****Referred to the Agenda Work Session****20200769****Detailed Plan - 1520, 1540, & 1560 Cunningham Road**

Request by Venture Homes for approval of a detailed site plan, landscape plan, and house elevations for fifty-two (52) units on Cunningham Road (Z2020-07).

**A motion was made by Council member Goldstein, seconded by Council member Richardson, that this matter be Referred to the Agenda Work Session. The motion carried by the following vote:**

**Vote: 3 – 0 – 0****Referred to the Agenda Work Session****20200770****Revised Detailed Plan - 1725 Stilesboro Rd**

Request by Traton Homes for approval of the house elevations for thirty seven (37) homes at 1725 Stilesboro Road, zoned PRD-SF.

**A motion was made by Council member Morris, seconded by Council member Goldstein, that this matter be Referred to the Agenda Work Session. The motion carried by the following vote:**

**Vote: 3 – 0 – 0****Referred to the Agenda Work Session****20200789****Preliminary Plat - 1435 Cunningham Road**

Request to approve the preliminary plat for the 15-townhome unit development at 1435 Cunningham Road (Z2019-32).

**A motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Referred to the Agenda Work Session. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Referred to the Agenda Work Session**

**20200790                      Rental Restriction Update**

Update from staff regarding rental percentage in certain restricted developments.

**A motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Tabled. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Tabled**

**20200791                      Code Amendment - Special Land Use Permit updates**

Discussion of a proposed code amendment to update Special Land Use Permit requirements and add drug abuse treatment centers.

**A motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Tabled. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Tabled**

**20200594                      HB 879: Extension of Sunday Sales for Off Premise Consumption**

Discussion of extending the hours of Sunday sales for off premise consumption.

*Council member Michelle Cooper Kelly disclosed that she is employed by a large brewery that also owns several craft breweries.*

*Motion to amend the Alcoholic Beverages Ordinances, to extend the hours of Sunday sales for off premise consumption.*

**The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Recommended for Council Agenda Non Consent**

**20200715                      Wine & Beer Tasting Ordinance**

Review of current Wine & Beer Tasting Ordinance (8-8-2-280 & 8-8-2-290).

*Council member Michelle Cooper Kelly disclosed that she is employed by a large brewery that also owns several craft breweries.*

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

**Vote: 3 – 0 – 0                      Tabled**

**20200540**

**Amendments to Marietta Charter**

1. Discussion of Section 1.10--City of Marietta shall honor, advocate and respect the equality of all without prejudice In Employment matters, procurement, civil and criminal enforcement, and services to our Citizens and Visitors.
2. Discussion of Section 1.11--To establish an oversight “Citizens Rights: Personnel and Policy Accountability Review Process” to ensure day to day individual responsibility to City Creed as enabled in City Charter Preamble. City Manager, Mayor, Chairman of Personnel Committee, HR Director, BLW Director, Chief Judge of Marietta Municipal Court, and Executive Director of MHA with Mayor as ex officio Chairman. Meetings shall be subject to Open Meetings Act with specific individual employees considerations in executive session as Personnel issue. Personnel shall include all City staff personnel, Elected and appointed officials, and agents of City by contract or otherwise. Charge of Review is to reman and recommend appropriately as cause to appropriate Supervisor of employee, Ethical Complaint of Elected Official, and a breach recommendation to an agreement if agent. Said consideration before Review shall include direct actions under scope of service; public comments and actions where City of Marietta nexus is evident. Reference to accountability of this Section 1.11 shall be referenced in all agreements of whatever nature including individuals and entities.

**Discussed**

*A motion was made by Council member Goldstein, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda to discuss proposed charter amendment related to mid-term appointments of prosecuting attorneys and judges. The motion carried by the following vote:*

*Vote: 3 – 0 – 0                      Approved  
(See agenda item 20200822)*

*Discussion was held regarding outdoor cafes around the Marietta Square.*

*Council Member Goldstein discloses that he, his family and/or entities owned by him and/or his family own property in Downtown Marietta.*

*A motion was made by Council member Richardson, seconded by Council member Goldstein, to suspend the rules of order to add an item to the agenda to discuss proposed changes to the outdoor cafe ordinance to allow the use of heaters by merchants around the square. The motion carried by the following vote:*

*Vote: 3 – 0 – 0                      Approved  
(See agenda item 20200815)*

**20200822 Charter Amendment related to Municipal Court Judges & Prosecuting Attorneys**

Discussion regarding an amendment to the Charter for the City of Marietta Section 4.11 entitled “Municipal Court” and Section 6.6 entitled “Prosecuting Attorney”.

*Motion to approve an Amendment to the Charter for the City of Marietta Section 4.11 entitled “Municipal Court” and Section 6.6 entitled “Prosecuting Attorney”.*

**The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 3 – 0 – 0 Recommended for Council Agenda Non Consent**

**20200815 Amendment of Chapter 8-39, Outdoor Cafes to address outdoor heaters**

Discussion regarding an amendment to Chapter 8-39 regarding outdoor heaters used in Outdoor Cafes.

*Council Member Goldstein discloses that he, his family and/or entities owned by him and/or his family own property in Downtown Marietta.*

*Motion to approve amendment to Chapter 8-39 regarding outdoor heaters used in Outdoor Cafes.*

**The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Referred to the Agenda Work Session. The motion carried by the following vote:**

**Vote: 3 – 0 – 0 Referred to the Agenda Work Session**

**ADJOURNMENT:**

*The meeting was adjourned at 8:04 p.m.*

**Respectfully submitted,**

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**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_