

1. Agenda

Documents:

[091323RM.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, September 13, 2023

7:00 PM

Council Chamber

---

### CALL TO ORDER:

### INVOCATION:

*Council Member Cheryl Richardson, Ward 1*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20230715      2023 Harvard Debate Champion**

Recognition of the outstanding accomplishment of Marietta High School Junior Trina Whitaker as the 2023 Harvard Debate Champion.

*Presented by Council Members Cheryl Richardson & Carlyle Kent*

**20230730      American Public Works Association (APWA) Accreditation**

APWA Director Robert Garland will present National Accreditation of the Marietta Public Works Department to Mark Rice, Director of Public Works, and the Department will be recognized for recent Awards.

**20230792 Hispanic Heritage Month**

Recognition of La Parrilla Mexican Restaurants for their contribution to their communities. Hispanic Heritage Month (HHM) takes place September 15 to October 15 every year as a time to recognize and celebrate the many contributions, diverse cultures, and extensive histories of the American Latino community.

**PROCLAMATIONS:****20230784 2023 Public Power & Clean Water Week**

Presentation of a Proclamation to Heidi Dasinger to recognize Marietta Power & Water for Public Power & Clean Water Week.

**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.**

**20230714 Scheduled Appearance**

Scheduled Appearance - Donald Barth.

**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:**

- \* **20230751 Special Meeting - August 9, 2023**  
Review and approval of the August 9, 2023 Special Meeting minutes.
  
- \* **20230752 Regular Meeting - August 9, 2023**  
Review and approval of the August 9, 2023 Regular Meeting minutes.

\*      **20230753**      **Executive Session Minutes**

Review and approval of the following executive session minutes:

- August 30, 2022 - Special Called Agenda Work Session
- September 12, 2022 - Agenda Work Session
- November 7, 2022 - Agenda Work Session
- December 12, 2022 - Agenda Work Session

**MAYOR’S APPOINTMENTS: (for informational purposes only)**

**CITY COUNCIL APPOINTMENTS:**

\*      **20230718**      **Marietta Development Authority Appointment**

Reappointment of Fran Sutton (Post 1) to the Marietta Development Authority, for a 2-year term expiring September 13, 2025.

**ORDINANCES:**

**20230668****Z2023-18 [REZONING] CAPITAL CITY PROPERTIES, LLC.**

**Z2023-18 [REZONING] CAPITAL CITY PROPERTIES, LLC.** is requesting the rezoning of 0.27 acres located in Land Lot 1214, District 16, Parcel 0880 of the 2nd Section, Cobb County, Georgia, and being known as 695 Lawrence Street from OI (Office Institutional) to R-4 (Single-family Residential - 4 units/acre). Ward 1A.

***Planning Commission recommends Approval as Stipulated***

*Mr. Smith made a motion, seconded by Mr. Diffley, to recommend approval with stipulation. The motion carried with a vote of 7-0-0.*

*Upon Council's approval of the request to rezone, the following variances would be incorporated as conditions of zoning.*

*1. Variance to reduce the major side setback from 25 feet to 17.4 feet [§708.04 (H)];*

*2. Variance to reduce the minor side setback from 10 feet to 3.7 feet [§708.04 (H)];*

*3. Variance to reduce the distance of an accessory structure from the rear and side property lines from 10 feet to 2 feet and 4 feet, respectively [§708.04 (H)].*

*(Stipulation that the driveway entrance and paving at the corner of Lawrence Street and Ayers Street will be removed and replaced with grass.)*

***Public Hearing (all parties sworn in)*****20230674****Z2023-19 [REZONING] KENNY PROPERTIES, LLC.**

**Z2023-19 [REZONING] KENNY PROPERTIES LLC** is requesting the rezoning of 3.528 acres located in Land Lot 781, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2349 Windy Hill Road from GC (General Commercial - Cobb County) to CRC (Community Retail Commercial - City). Ward 7A.

***Planning Commission recommends Approval***

*Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the request to rezone. The motion carried with a vote of 7-0-0.*

***Public Hearing (all parties sworn in)***

- 20230675**      **A2023-01 [ANNEXATION] KENNY PROPERTIES, LLC.**  
**A2023-01 [ANNEXATION] KENNY PROPERTIES, LLC.** is requesting the annexation of property located in Land Lot 781, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2349 Windy Hill Road, consisting of 3.528 acres. Ward 7A.

*Planning Commission recommends Approval*

*Mr. Duffley made a motion, seconded by Mr. Hunter, to recommend approval of the annexation request. The motion carried with a vote of 7-0-0.*

*Public Hearing (all parties sworn in)*

- 20230676**      **CA2023-04 [CODE AMENDMENT] KENNY PROPERTIES, LLC.**  
**CA2023-04 [CODE AMENDMENT] KENNY PROPERTIES, LLC.** In conjunction with the requested annexation of property located in located in Land Lot 781, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2349 Windy Hill Road, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

*Planning Commission recommends Approval*

*Mr. Duffley made a motion, seconded by Mr. Hunter, to recommend approval of the code amendment in conjunction with the annexation. The motion carried with a vote of 7-0-0.*

*Public Hearing (all parties sworn in)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

- \*      **20230759**      **Denial of Claim**  
  
Denial of Claim for Dwain Howard.

- \* **20230788**      **Denial of Claim**  
Denial of Claim for Francisco Rojas Escalante.
  
- \* **20230789**      **Denial of Claim**  
Denial of Claim for Lea Marietta, LLC.
  
- \* **20230790**      **Denial of Claim**  
Denial of Claim for Mildred McCray.

**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**

- \* **20230720**      **Detailed Plan - 400 Booth Road**  
  
Motion to approve the detailed plan, including house elevations, for 400 Booth Road, which was rezoned in April 2023 for the development of 35 single family homes (Z2023-04) along a new private road.

**20230584**      **Charter Amendment to Section 3.3**

Motion to amend City of Marietta Charter Section 3.3 to adopt a new ward boundary map pursuant to the 2020 decennial census.

*First Reading*  
*Public Hearing (all parties sworn in)*

\* **20230367**      **Apartments/Multi-family Uses**

Motion to authorize staff to advertise a code amendment to revise Section 708.18, CBD, Central Business District.

*Council member Goldstein disclosed that he, his members of his family and/or entities that he and/or his family members own property in the Central Business District (CBD).*

*Council Member Goldstein opposed.*

\* **20230642**      **Easement for Courthouse elevator staging and construction**

Motion to approve a request from Cobb County for an easement adjacent to the Courthouse for elevator staging and construction.

*Council Member Morris opposed.*

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



**\* 20230729 Marietta Square Christmas Lights**

Motion to redirect the already allocated \$11,571.00 in tourism funds originally given to the Branding Project and request an additional \$7,429.00 for a total of \$19,000.00 to the City Services account to direct towards the purchase and installation of new lights. Further, to approve the Amended Welcome Center contract.

*Disclosures for Council Member Goldstein for Tourism Grants*

*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 Stone Worthy, LLC 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 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 Philip M. Goldstein is a member of the Marietta Square Branding Project. Philip M. Goldstein is the father of Council Member Goldstein.*

*Council Member Goldstein discloses that Marietta Theatre Company is believed to be a subtenant of Colt Chambers. A space leased by Colt Chambers is owned by a member of Council Member Goldstein's family.*

*Council Member Goldstein abstaining.*

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

\* **20230742**      **2024 Employee Group Benefits Program Administration**

Motion approving the renewal of group health and dental plan administration with Anthem Blue Cross and Blue Shield, renewing stop-loss coverage with Voya, transferring the retiree Medicare Advantage plan to Aetna, renewal of pharmacy benefit management services with Express Scripts, renewing the life and disability insurance with MetLife, and the renewal of the administrative services agreements with all other employee-funded ancillary providers for calendar year 2024. City contributions and active premiums will remain the same as last year.

*Council Member Cheryl Richardson disclosed a conflict of interest as she is an authorized attorney for ARAG, which provides legal services as a benefit to City employees.*

\* **20230743**      **2024 Flexible Benefit Plan**

Motion approving the 2024 Flexible Benefit Plan, Summary Plan Description, and increasing the maximum allowable health contribution to \$3,050 with Total Administrative Services Corporation (TASC). Additionally, the maximum allowable health contribution is allowed to increase without further Council action should the IRS announce it after the approval of this motion.

**6. Public Safety Committee: M. Carlyle Kent, Chairperson**

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

**20230735**      **Brookwood Drive Traffic Calming**

Motion authorizing the Public Works to install three (3) speed tables, relocate one (1) existing driver feedback sign, addition of one (1) stop sign at the McNeel Court intersection, and additional 25 MPH speed limit signage on Brookwood Drive with an estimated cost of \$8,000.00. Ward 3A

*Public Hearing (all parties sworn in)*

**20230736**      **Manget Street Traffic Calming**

Motion authorizing Public Works to lower the speed limit to 25 MPH on Manget Street from South Marietta Parkway to Waterman Street with an estimated cost of \$825.00. Ward 1A

*Public Hearing (all parties sworn in)*

**20230737 Proposed Code Addition to the Water Use Ordinance for Water Efficiency Code Requirements**

Motion for the City of Marietta to adopt Section 6-8-3 for the Water Efficiency Code Requirements as mandated by the State.

*First Reading*

**\* 20230567 Red Light Camera Locations**

Motion to install red light camera at the intersection of Cobb Parkway S and S Marietta Parkway.

**OTHER BUSINESS:****20230791 Enforcement Action against Murano Automotive Group - 1296 Carolyn Street**

Motion to authorize the city attorney to file an action for injunctive relief and claim for attorney's fees and court costs against Ana Carolina Murano and Gentil Murant (d/b/a Murano Automotive Group or Murano Auto Repair) and Fritzen Group, LLC seeking to enjoin the operation of an unlicensed auto repair business at 1296 Carolyn Street, Marietta, GA 30062.

**\* 20230725 Municipal Electric Authority of Georgia (MEAG) Annual Subscription for Supplemental Power 2024**

Motion to approve the recommendation by the Board of Lights and Water to approve the supplemental power supply nomination as presented and authorize the agreement for the 2024 Annual Subscription with MEAG accordingly.

**\* 20230785 BLW Actions of September 11, 2023**

Review and approval of the September 11, 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:**