



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
Andy Morris, Ward 4
M. Carlyle Kent, Ward 5
Andre L. Sims, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, February 9, 2022

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

*Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris,
M. Carlyle Kent, Andre Sims 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 Morris to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20220145 Distinguished Service Award

Presentation of a Distinguished Service Award to Chief Dan Flynn for his Faithful and Dedicated Service to the City of Marietta for 15 years from January 2007-January 2022 as the Chief of Police.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20220152 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).

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

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

-under Judicial/Legislative: Agenda items 20210387 was added to the consent agenda and amended to read, "Motion to approve the request by the 1825 Stilesboro Homeowners' Association to allow the HOA to approve a homeowner's request to relocate a current street tree to a common area in the neighborhood and plant a new tree in the front yard. The homeowners may choose from any street tree listed in the attached Table G-2 "Small Lot Tree Species Selection List", except those marked with an asterisk. The following conditions apply:

- a.) Any trees to be replaced or relocated should be all scheduled at approximately the same time and planted within one year of today's date. Otherwise, the size discrepancies between the trees would negatively impact the aesthetic purpose of the tree regulations.*
- b.) Street trees should be at least 2.5 inches in diameter*
- c.) A revised tree plan that identifies all replaced and/or relocated trees, as well as those trees that were allowed to remain in their original location, must be submitted to City Development Services Staff within one year of today's date."*

-under Other Business: Agenda item 20220138 remains on the consent agenda and amended to read, "Motion to approve all the BLW action, except for BLW agenda item 20211153, BLW Board Strategic Business Plan 2021/ Objective 4A."

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

Vote: 7 – 0 – 0

Approved

MINUTES:*** 20220122 Regular Meeting - January 12, 2022**

Review and approval of the January 12, 2022 meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20220123 Special Meeting - January 25, 2022**

Review and approval of the January 25, 2022 special 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:***** 20220039 Marietta Welcome Center & Visitors Bureau Appointment**

Appointment of Joseph R. Goldstein to the Marietta Welcome Center & Visitors Bureau for a two-year term.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20220040 Georgia Municipal Association 2022 Delegates**

Appointment of Joseph R. Goldstein as voting delegate and Cheryl Richardson as alternate voting delegate for the Georgia Municipal Association (GMA) business meetings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20220041 National League of Cities 2022 Delegates**

Appointment of M. Carlyle Kent as voting delegate and Joseph R. Goldstein as alternate voting delegate for the NLC business meetings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20220043** **Marietta Pension Board - Ex Officio (Police Chief)**
- Appointment of Acting Police Chief Marty Ferrell to the Marietta Pension Board (Ex Officio) for the duration of his tenure as Acting Police Chief. Acting Chief Ferrell votes in the absence of the appointed Police Representative.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220070** **Historic Preservation Commission Appointment (Ward 4)**
- Appointment of Mike Wilson to the Historic Preservation Commission Ward 4 for a term of three years, beginning immediately upon appointment and expiring February 10, 2025.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220071** **Historic Board of Review Appointment (Ward 4)**
- Appointment of Mike Wilson to the Historic Board of Review Ward 4 for a two (2) year term, beginning upon appointment and expiring February 10, 2024.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220125** **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, 2023, as recommended by the Civil Service Board.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

ORDINANCES:**20211079 Z2022-06 [REZONING] NORTH RIVER CHURCH OF CHRIST, INC.**

Z2022-06 [REZONING] NORTH RIVER CHURCH OF CHRIST, INC. is requesting the rezoning of 0.58 acres located in Land Lot 1163, District 16, a portion of Parcel 0020 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 320 Austin Avenue from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

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 320 Austin Avenue from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).

Gray McWhirter, representing North River Church of Christ, Inc., requested rezoning of the subject property for the construction of four (4) single-family detached homes. The property is in the City's designated Residential Infill Development District and is currently an unused, wooded part of North River's Church's property. Mr. McWhirter also submitted a revised detailed plan for review.

Randal Greene, who resides on Skyview Drive, expressed concern regarding on street parking for this development.

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

Discussion was held by Council specifically regarding on street parking.

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

Vote: 7 – 0 – 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20220150 Denial of Claim**

Denial of Claim for St. Stephen United Methodist Church.

This Matter was Approved to Deny Claim 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: Andre L. Sims, Chairperson**
- 2. Finance/Investment: Joseph R. Goldstein, Chairperson**

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

* 20210387 Revised Detailed Plan - 1825 Stilesboro Road

Motion to approve the request by the 1825 Stilesboro Homeowners' Association to allow the HoA to approve a homeowner's request to relocate a current street tree to a common area in the neighborhood and plant a new tree in the front yard. The following species are allowed in addition to those shown on the approved tree plan:

1. Bloodgood Japanese Maple
2. Coral Bark Japanese Maple
3. Trident Maple

The following conditions apply:

- a. Any trees to be replaced or relocated should be all scheduled at approximately the same time and planted within one year of today's date. Otherwise, the size discrepancies between the trees would negatively impact the aesthetic purpose of the tree regulations.
- b. Street trees should be at least 2.5 inches in diameter
- c. A revised tree plan that identifies all replaced and/or relocated trees, as well as those trees that were allowed to remain in their original location, must be submitted to City Development Services Staff within one year of today's date.

Motion to approve the request by the 1825 Stilesboro Homeowners' Association to allow the HoA to approve a homeowner's request to relocate a current street tree to a common area in the neighborhood and plant a new tree in the front yard. The homeowners may choose from any street tree listed in the attached Table G-2 "Small Lot Tree Species Selection List", except those marked with an asterisk.

The following conditions apply:

- a. Any trees to be replaced or relocated should be all scheduled at approximately the same time and planted within one year of today's date. Otherwise, the size discrepancies between the trees would negatively impact the aesthetic purpose of the tree regulations.*
- b. Street trees should be at least 2.5 inches in diameter*
- c. A revised tree plan that identifies all replaced and/or relocated trees, as well as those trees that were allowed to remain in their original location, must be submitted to City Development Services Staff within one year of today's date.*

This Matter was Approved as Amended on the Consent Agenda.

Vote: 7 – 0 – 0

Approved as Amended

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

* **20220056** **2022 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 held in calendar year 2022.

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.

Council Member Goldstein discloses that he is a member of the Board of Directors of the Marietta Visitor's Bureau by virtue of being appointed by the Marietta City Council.

Council Member Goldstein discloses that Paula Shea is a member of the Downtown Marietta Development Authority. Paula Shea is the aunt of Council Member Goldstein

Council Member Goldstein discloses that members of his family and/or entities owned by himself and/or members of his family own property in downtown Marietta.

This Matter was Approved on the Consent Agenda.

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

* **20220057** **Extension of Agreements for Aviation Sports Complex**

Motion to authorize a four-year extension of the agreements between the City and the Marietta Development Authority and the Marietta Development Authority and 643DP Athletics, LLC per the existing contracts.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220084** **The City Club, Marietta Fees**

Motion to increase existing fees and implement some new fee categories at The City Club, Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20220061** **Nationwide 457(b) Deferred Compensation Agreement**

Motion to approve the amendment to extend the administrative services agreement on the 457(b) deferred compensation plan with Nationwide through January 12, 2026.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

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

7. Public Works Committee: Grif Chalfant, Chairperson

* **20220078** **2011 SPLOST Project Budget Reallocation**

Motion to reallocate 2011 SPLOST Project Funds among previously approved 2011 SPLOST projects.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20220079** **2016 SPLOST Project Budget Reallocation**

Motion to reallocate 2016 SPLOST Project Funds among previously approved 2016 SPLOST projects.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20220080** **Acceptance of a Donation of Right-of-Way**

Motion authorizing Public Works to receive the donation of right-of-way located at 249 Cobb Parkway South along Frey's Gin Road per the Quitclaim Deed from Aldi Inc.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220082 Hedges Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Hedges Street from Powder Springs Street to Atlanta Street to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220083 Chicopee Drive Speed Study**

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

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220091 Iroquois Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Iroquois Drive from Chicopee Drive to Sequoia Drive to determine if additional traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:

* **20220028 Annual Financial Audit Report FY2021**

Motion to receive and file the FY2021 Annual Financial Audit Report.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220153** **Code Amendment - Section 712.08 Tree Protection and Landscaping**

Motion to authorize staff to advertise proposed changes to the Tree Protection and Landscaping Ordinance regarding acceptable tree species and street tree requirements in small lot and townhome subdivisions.

This Matter was Approved on the Consent Agenda.

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

* **20220156** **Rottenwood Creek Trail Phase I Project Life University, Inc.**

Motion authorizing acquisition of easements at 1135, 1415, 1100, 1266 & 1450 Barclay Circle from Life University, Inc. for the purpose of constructing the Rottenwood Creek Trail Phase I Project in exchange for \$504,000.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20220157** **Rottenwood Creek Trail Phase I Project Board of Regents of the University System of Georgia**

Motion authorizing acquisition of easements at 86 South Cobb Drive (Hudson Road) and 1100 S Marietta Parkway from the Board of Regents of the University System of Georgia, for the purpose of constructing the Rottenwood Creek Trail Phase I Project in exchange for \$373,900.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20220158** **950 Cobb Parkway S**

Motion to authorize the acquisition of property owned by Freeport Title & Guaranty, Inc. as Trustee of the 950 Cobb Parkway Land Trust 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**

* **20220159** **975 Cobb Parkway S**

Motion to authorize the acquisition of property owned by Gelder and Willett, 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

* **20220160** **150 Mountain View Road**

Motion to authorize the acquisition of property owned by Arthur N. Ward 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

* **20220138** **BLW Actions of February 7, 2022**

Review and approval of the February 7, 2022 actions and minutes of Marietta Board of Lights and Water.

Motion to approve all the BLW action, except for BLW agenda item 20211153, BLW Board Strategic Business Plan 2021/ Objective 4A.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 7:35 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk