



# 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*

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Wednesday, March 9, 2022

7:00 PM

Council Chamber

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*Presiding: R. Steve Tumlin, Mayor*

*Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris,  
M. Carlyle Kent, Andre L. Sims 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 7:00 p.m.*

### INVOCATION:

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

### PLEDGE OF ALLEGIANCE:

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

### PRESENTATIONS:

### PROCLAMATIONS:

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

### SCHEDULED APPEARANCES:



\* 20220248

**Historic Board of Review Appointment (Ward 4)**

Motion to appoint Jim Trimble to the Historic Board of Review Ward 4 for a two (2) year term, beginning upon appointment and expiring March 10, 2024.

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

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

\* 20220249

**Historic Preservation Commission Appointment (Ward 4)**

Motion to appoint Jim Trimble to the Historic Preservation Commission Ward 4 for a three (3) year term, beginning immediately upon appointment and expiring March 10, 2025.

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

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

**ORDINANCES:**

20211077

**Z2022-03 [REZONING] GRACEPOINT SCHOOL, INC.**

Z2022-03 [REZONING] GRACEPOINT SCHOOL, INC. is requesting the rezoning of 4.45 acres located in Land Lots 866, 867, 934 & 935, District 16, Parcels 0260 & 0440 of the 2nd Section, Cobb County, Georgia, and being known as 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 4B.

The Planning Commission recommends Approval as Stipulated.

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

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

The following variances are incorporated as conditions of zoning:

1. Letter of stipulations from Fred D. Bentley, Jr. to Shelby Little, Planning & Zoning Manager, dated December 31, 2021
2. Variance to reduce the minimum lot acreage for a school from 5 acres to 4.45 acres. [708.23 (B.19.a)]

Tabled on January 12, 2022

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 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional).*

*Mr. Fred Bentley, Jr., attorney for the applicant, requested rezoning for the subject property to use the existing building on Tract I as a private school for children with dyslexia, with no more than 180 students grades K through 8. Gracepoint has no immediate plans to develop Tract II in connection with the school, except to use Tract II as outdoor space for the students. Mr. Bentley submitted the proposed site plan and letter of stipulations/conditions to which the applicant has agreed.*

*Those speaking regarding this matter include one of the founders of the Gracepoint School Molly Home and Head of School for Gracepoint Joy Wood. Also speaking were Amanda Kirk and Donna Hunter, both adjacent property owners.*

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

*Discussion was held by Council, specifically regarding vehicle access to the property.*

*A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the rezoning for property located at 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional), with the following stipulations and variances incorporated as conditions of zoning:*

- 1. Letter of stipulations from Fred D. Bentley, Jr. to Shelby Little, Planning & Zoning Manager, dated December 31, 2021.*
- 2. Variance to reduce the minimum lot size for a school from 5 acres to 4.45 acres.*

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

**Vote: 6 – 1 – 0                      Approved**  
Voting Against: Cheryl Richardson

**20220106**

**Z2022-07 [REZONING] MARGARET KEHELEY LIVING TRUST**

Z2022-07 [REZONING] MARGARET A. KEHELEY LIVING TRUST is requesting the rezoning of 0.47 acres located in Land Lot 1003, District 16, Parcel 0160 of the 2nd Section, Cobb County, Georgia, and being known as 140 Marble Mill Road from HI (Heavy Industrial) to CRC (Community Retail Commercial). Ward 5B

The Planning Commission recommends Approval.

Ms. McCrae made a motion, seconded by Mr. Hunter, to recommend approval as written. The motion carried 5-0- 0.

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 140 Marble Mill Road from HI (Heavy Industrial) to CRC (Community Retail Commercial).*

*Pamela Drewry, daughter of the applicant Margaret Keheley, requested to rezone the subject property to allow for more varied uses on the property.*

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

*Discussion was held by Council.*

*A motion was made by Council member Kent, seconded by Council member Chalfant, to approve the request for the rezoning for property located at 140 Marble Mill Road from HI (Heavy Industrial) to CRC (Community Retail Commercial).*

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

**Vote: 7 – 0 – 0**

**Approved**

**20220107**

**Z2022-08 [REZONING] DAVID AND MAITE LINDENBERG**

Z2022-08 [REZONING] DAVID & MAITE LINDENBERG are requesting the rezoning of 0.19 acres located in Land Lot 1143, District 16, Parcel 0150 of the 2nd Section, Cobb County, Georgia, and being known as 473 Morningside Drive from R-4 (Single Family Residential -4 units/acre) to RA-6 (Single Family Attached - 6 units/acre). Ward 4B.

The Planning Commission recommends Approval as Stipulated.

Mr. Anderson made a motion, seconded by Mr. Hunter to recommend zoning from R 4 to R 4 with additional use (duplex). The motion carried 5-0-0.

If Council approves the rezoning, the following variances would be incorporated as a condition of zoning:

1. Variance to reduce the western side yard setback from 10' to 5' for the existing structure.
2. Variance to reduce the eastern side yard setback from 10' to 6' 7" for the existing structure.
3. Variance to increase the allowable density to 10.6 units/acre.
4. Variance to reduce the minimum lot width from 75' to 65'.

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 473 Morningside Drive from R-4 (Single Family Residential -4 units/acre) to RA-6 (Single Family Attached - 6 units/acre).*

*Representing the applicant, Jahnee Prince, with Parker Poe, requested rezoning of the subject property to allow for the rehabilitation of the existing duplex on the site. Mrs. Prince acknowledged that duplexes are not permitted uses under R-4 zoning; however, properties to the north, east, west and across Morningside Drive to the south are also zoned R-4 and used as duplexes.*

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

*Discussion was held by Council specifically regarding the continuation of the nonconforming use on the property.*

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

**Vote: 5 – 2 – 0                      Denied**  
Voting Against: Grif Chalfant and Andre Sims

## **RESOLUTIONS:**

### **CITY ATTORNEY'S REPORT:**

\*     **20220207              Denial of Claim**

Denial of Claim - Normisha Queener.

**This Matter was Approved to Deny Claim on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved to Deny Claim**

\*     **20220270              Denial of Claim**

Denial of Claim for Christopher Emerson.

**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**

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- \* **20220151**      **YELLS 21st Century Community Learning Centers Grant**
- Motion to approve the Carryover award of \$45,644 to the existing budget for the FY22 Marietta YELLS 21st Century Community Learning Centers (CCLC) grant.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20220162**      **Budgeted Training, Travel, and Meal Expense for Council Members**
- Motion to approve a cumulative budget amount for Travel & Training for the Mayor and Council that shall not exceed a \$56,000.00 allowance for a fiscal year and for an individual Elected Official, the yearly budgeted allowance shall not exceed \$7,000 individually.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20220163**      **SPLOST Project Financing**
- Motion to approve the prefunding of 2022 SPLOST Tier/Level 1 projects to mitigate inflationary pressures through internal financing of up to \$20,000,000, and the reimbursing of the funds used at a rate of 1.5%.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- 3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**
- \* **20220087**      **Sanitary Conditions and Procedures**
- Motion to approve the revised ordinance to Sect. 7-4-2-110 - Sanitary Conditions and Procedures.
- First Reading
- A motion was made by Council member Richardson, seconded by Council member Sims, that this matter be Approved. The motion carried by the following vote:**
- Vote: 6 – 1 – 0**                      **First Reading**  
Voting Against: Joseph R. Goldstein

**20220183 Zoning Stipulation Change - Z2021-04 Roselane St 343 & 361 Petty Dr**

Motion to approve the request by Prestwick Companies to modify the site plan approved with Z2021-04. This is a modification to the location of the building on the site. All stipulations associated with Z2021-04 will remain in effect.

**A 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**

**\* 20220184 Final Plat - Crescent Walk**

Motion to approve the final plat for Crescent Walk (224 & 226 Crescent Circle).

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

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

**\* 20220202 Repeal of the Clean City Commission Ordinance**

Motion to approve an ordinance to repeal Article 1-10-6-060 of the City Code, which established the Clean City Commission and approval of the dissolution of the 501(c)3 Clean City nonprofit corporation.

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

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

**4. Parks, Recreation and Tourism: Johnny Walker, Chairperson****\* 20220187 Summer Camp Grant Funding**

Motion to approve submission of summer camp grant funding from the American Rescue Plan Act for the Building Opportunities for Out-of-School Time (BOOST) Grant Program, established through the Georgia Statewide Afterschool Network (GSAN) and the Georgia Department of Education (GaDOE) administered by the Georgia Parks and Recreation Association (GRPA).

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

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

**5. Personnel/Insurance: Cheryl Richardson, Chairperson****20210589 Charter Amendment related to Firefighter and Police Officer Civil Service**

Motion to approve Amendment to the Charter for the City of Marietta Section 4.13 entitled "Firefighter and Police Officer Civil Service".



First Reading  
Public Hearing Required

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

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

**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: 7 – 0 – 0                      First Reading**

\*        **20210590                      Code Amendment - Civil Service Rules and Regulations**

Motion to approve an ordinance amending Chapter 4-8 of the Municipal Code of Marietta related to Civil Service Rules and Regulations as requested by the Civil Service Board.

First Reading

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

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

\*        **20220165                      Pension Plan Amendments (Retirement Applications)**

Motion approving an ordinance amending the defined benefit pension plans to clarify that the Pension Board has the authority to act on retirement applications submitted less than 30 days from the applicant's retirement date as forwarded by the Pension Board.

First Reading

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

**Vote: 7 – 0 – 0                      First Reading**

\*        **20220166                      Pension Plan Amendments (Pension Board)**

Motion approving an ordinance amending Article X in the defined benefit pension plans to allow the police and fire chiefs to select a designee to serve on the board in an ex officio role, update the officers and duties section, and make other administrative updates and formatting changes as forwarded by the Pension Board.

First Reading

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

**Vote: 7 – 0 – 0**                      **First Reading**

\*        **20220188**                      **Defined Benefit Pension Plan Investment Policy Statement**

Motion approving the updated Defined Benefit Pension Plan Investment Policy Statement (IPS) as forwarded by the Pension Board.

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

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

\*        **20220189**                      **Supplemental Pension Investment Policy Statement**

Motion approving the Supplemental Pension Investment Policy Statement (IPS) as forwarded by the Pension Board. This update removes Exhibit A, the list of investment options, in favor of indicating the options are found in the quarterly reports.

**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**

\*        **20220176**                      **Mountain View Road Utilities - 1GW48102N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber and requiring the removal of all duplicate utility poles where AT&T is “next to transfer” along Mountain View Road, Polk Street, and Lindley Avenue for 2,600 feet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

*Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.*

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

**Vote: 6 – 0 – 1**                      **Approved**

Abstaining: Joseph R. Goldstein

**20220177****Merritt Road Traffic Calming Proposal**

Motion authorizing Public Works to relocate the School Zone Flashing Beacon, install one (1) Driver Feedback Sign, installation of additional signage, and clearing vegetation to improve line of sight on Merritt Road. The estimated total cost for the proposed project is \$37,000.00 with a \$4,500.00 contribution from the Marietta City Schools.

Public Hearing Required

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

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

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

**Vote: 7 – 0 – 0**

**Approved**

**20220178****Frasier Street Traffic Calming Proposals**

Motion authorizing Public Works to install the traffic calming measures for Frasier Street between South Fairground Road and Alexander Circle. This project will include one (1) speed table, one (1) driver feedback sign, and two (2) enhanced stop signs with LED lighting. The estimated cost for this project is \$14,000.00.

*Mark Rice, Public Works Director, presented the proposed calming measures for Frasier Street between South Fairground Road and Alexander Circle.*

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

*Those speaking regarding this matter include:*

*Allen and Karen, who leaves at the corner of Frasier Street and Manget Street*

*Becca Lewis, who leaves on Easy Pines Way*

*Clark and Kathy Spell, who leaves on Golden Banner Avenue*

*Richard Smith, who leaves on Frasier Street*

*Robbie Huck, who leaves on Summit Avenue*

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

*A motion was made by Council member Richardson, seconded by Council member Goldstein, authorizing Public Works to install the traffic calming measures for Frasier Street between South Fairground Road and Alexander Circle. This project will include one (1) speed table and one (1) driver feedback sign. The estimated cost for this project is \$14,000.00.*

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

**Vote: 7 – 0 – 0**

**Approved as Amended**

\* 20220179

**Brookwood Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Brookwood Drive from Whitlock Avenue to Kirkpatrick Drive to determine if traffic calming devices are needed.

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

**Vote: 7 – 0 – 0**

**Approved**

\* 20220180

**Howard Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Howard Street from Washington Avenue to Toliver Street to determine if traffic calming devices are needed.

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

**Vote: 7 – 0 – 0**

**Approved**

\* 20220181

**Montgomery Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Montgomery Street from Cherokee Street to Wellons Avenue to determine if traffic calming devices are needed.

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

**Vote: 7 – 0 – 0**

**Approved**

20220233

**Ordinance Amendment Related to Chapter 8-12-16 - Solicitation**

Motion to amend Chapter 8-12-16 entitled “Solicitation” of the Code of Ordinances of the City of Marietta by adopting new Sections 8-12-16-010, et seq.

First Reading  
Public Hearing

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

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

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

**Vote: 7 – 0 – 0**

**First Reading**

**OTHER BUSINESS:****20220265 HB844, HB1093 & SB494 Resolution**

Motion to approve a resolution opposing HB844, HB1093 & SB494 which would unconstitutionally limit a City's authority to make housing, land use and zoning decisions within a local government's geographical boundaries.

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

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

**\* 20220266 Housing Standards Resolution**

Motion to adopt a resolution supporting locally established building design standards for residential dwellings.

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

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

**\* 20220271 1048 Franklin Gateway**

Motion to authorize the acquisition of property owned by Franklin Road, 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. City staff and the City Attorney are authorized to conduct a voluntary purchase if that becomes feasible.

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

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

**\* 20220272 191 Mountain View Road**

Motion to authorize the acquisition of property owned by Mark W. Taylor & Nghia V. Nguyen 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. City staff and the City Attorney are authorized to conduct a voluntary purchase if that becomes feasible.

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

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

**20220254**

**BLW Actions of March 7, 2022**

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

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

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

**UNSCHEDULED APPEARANCES:**

*The following residents expressed concern regarding constant flooding from Sope Creek, which is adjacent to their property on Forest Avenue:*

- Lisa Hines*
- Dana Douglas*
- Duncan Meadows*
- Leslie Dixson*
- Madison Garrett*
- Patricia Demita*
- Michael Bronner*

**ADJOURNMENT:**

*The meeting was adjourned at 9:12 p.m.*

**Date Approved: April 13, 2022**

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**R. Steve Tumlin, Mayor Tumlin**

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