



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, May 11, 2022

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris,
M. Carlyle Kent, Andre L. Sims and Joseph R. Goldstein (*attending telephonically*)

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 gave the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20220485

Marietta Police Officers

Council members Cheryl Richardson and M. Carlyle Kent Carlyle Kent to introduce the newest officers to the Marietta Police Department:

Officer Franciele Calvario
Officer David Lester
Officer Andrew Lionbarger
Officer Andrew Price
Officer Willie Taylor

Recognized

PROCLAMATIONS:**20220477 Building Safety Month**

Council Member Grif Chalfant will present a Proclamation to Tim Forbes, Deputy Director Engineering/Inspections, Building Official, in observance of Building Safety Month. Americans are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property. The City of Marietta hereby proclaims the month of May 2022 as Building Safety Month.

Presented

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20220409 Scheduled Appearance**

Scheduled Appearance - Lisa Hodge

Not Present

20220433 Scheduled Appearance

Scheduled Appearance - Reggie Copeland

Present

20220447 Scheduled Appearance

Scheduled Appearance - Dr. H. Benjamin Williams

Present

20220470 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).

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 related to the Defined Benefit Pension Plan Investment Policy Statement. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

A motion was made by Council Richardson, seconded by Council member Sims, to approve the updated Defined Benefit Pension Plan Investment Policy Statement (IPS) on the consent agenda. The motion carried by the following vote:

*Vote: 7 – 0 – 0 Approved
(See agenda item 20220504)*

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

City Attorney Doug Haynie noted there were no changes to the consent agenda.

-under Other Business: Agenda item 20220499 remains on the consent agenda and amended to read, "Motion authorizing the sale of approximately 1409 square feet constituting 0.03 acres of land (more or less) located at 115 Gadsden Street to Alan Bowling for \$6,171.42."

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

Vote: 7 – 0 – 0 Approved
*with the following exceptions:
Joseph R. Goldstein voting against agenda item 20220087.*

MINUTES:**20220486****Motion to Reconsider**

Motion to reconsider Legistar Number 20220322, Council Youth Ambassador actions of April 13, 2022, to establish the designation of a Council Youth Ambassador for each Council Member and Mayor. Ambassador to be chosen by respective Council Member as a liaison between Ward and Councilperson at individual Council members direction. As a group, have semiannual cook outs and gatherings from time to time.

Requested by Council Member Goldstein

A motion was made by Council member Goldstein, seconded by Council member Richardson, to reconsider Legistar Number 20220322, Council Youth Ambassador actions of April 13, 2022. The motion carried by the following vote:

Vote: 4 – 3 – 0 Approved
Voting Against: Grif Chalfant, Johnny Walker and Andy Morris

A motion was made by Council member Kent, seconded by Council member Goldstein, to establish the designation of a Council Youth Ambassador for each Council Member and Mayor. Ambassador to be chosen by respective Council Member as a liaison between Ward and Councilperson at individual Council members direction. Meet as a group for special projects and special gatherings from time to time.

A substitute motion was made by Council member Johnny Walker, seconded by Council member Chalfant, that this matter be referred to Committee for further discussion. The motion carried by the following vote:

Vote: 5 – 2 – 0 Referred to the Personnel/Insurance Committee
Voting Against: M. Carlyle Kent and Joseph R. Goldstein

20220426 Special Meeting - April 11, 2022

Review and approval of the April 11, 2022 special meeting minutes.

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

Vote: 7 – 0 – 0 Approved

20220427 Regular Meeting - April 13, 2022

Review and approval of the April 13, 2022 regular meeting minutes.

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

Vote: 7 – 0 – 0 Approved as Amended

20220428 Special Meeting - April 29, 2022

Review and approval of the April 29, 2022 special meeting minutes.

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

Vote: 7 – 0 – 0 Approved

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:**

- * **20220316** **Historic Board of Review Appointment At-Large**
- Reappointment of Johnny Walker to the Marietta Historic Board of Review for the City Council At-Large Appointment for a two-year term expiring on May 16, 2024.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220408** **Construction Board of Adjustment and Appeals**
- Appointment of Steve Arrants (Ward 2), Gordon Brans (Ward 3), Chris Poston (Ward 4), Cristina Stallworth (Ward 5) to the Construction Board of Adjustment and Appeals for five (5) year terms expiring April 14, 2027.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220471** **Marietta Historic Board of Review Reappointment (Ward 3)**
- Reappointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two-year term, expiring May 16, 2024.
- Rebecca Nash Paden has served four years on the Marietta Historic Board of Review.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220462** **Board of Zoning Appeals Appointment (Ward 3)**
- Appointment of Mark Maloney to the Board of Zoning Appeals (Ward 3) for a 3-year term, expiring May 14, 2025.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

ORDINANCES:**20220227 Z2022-09 [REZONING] SK COMMERCIAL REALTY**

Z2022-09 [REZONING] SK COMMERCIAL REALTY is requesting the rezoning of 2.7 acres located in Land Lot 1075, District 16, Parcels 0200, 0900, 0160, 0150, 0140, 0890, 0120, 0880, 0910, 0190, 0210, 1210, 0220, 0230, 0920, & 0930 of the 2nd Section, Cobb County, Georgia, and being known as 101 Burnap Street; 310, 312, 314, 316, 318, 320, 324 Roselane Street; 411, 663, 667, 669, 671, 673, 675, & 681 North Avenue from R-2 (Single Family Residential - 2 units/acre) to MXD (Mixed Use Development). Ward 4B.

Planning Commission recommends Denial.

Mr. Anderson made a motion, seconded by Mr. McClure, to recommend denial as submitted. The motion carried 6-0-0.

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 01 Burnap Street; 310, 312, 314, 316, 318, 320, 324 Roselane Street; 411, 663, 667, 669, 671, 673, 675, & 681 North Avenue from R-2 (Single Family Residential - 2 units/acre) to MXD (Mixed Use Development).

Rob Hosack of Taylor English Decisions LLC requested rezoning of the subject property to develop a 5- story residential complex of 206 units, comprised of 10 two-story townhomes and a mixture of studio, one- and two-bedroom luxury apartment units.

The project will also include a 14,005 square foot medical office space. Mr. Hosack also presented the proposed site plan and elevations, along with a letter of agreeable stipulations/conditions from Rob Hosack of Taylor English Decisions LLC to Sarah Ciccone, Senior Planner for the City of Marietta, dated April 13, 2022.

Those speaking in opposition to the proposed development were Richard Springfield, representing the homeowners of McClaren Mill Lofts, Stephen Imler, Janice Hoover, Ida Smith, Christine Rosman and Marcea Verser. Rachel Johnson spoke in favor of the proposed development.

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, that this matter be Denied. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20220230

Z2022-11 [REZONING] PSR INVESTOR, LLC. (MATALON PROPERTIES, LLC.)

Z2022-11 [REZONING] PSR INVESTOR, LLC. (MATALON PROPERTIES, LLC.) are requesting the rezoning of 7.2 acres located in Land Lot 260, District 19, Parcels 0010, 0090, 0230, & 0220 of the 2nd Section, Cobb County, Georgia, and being known as 1401 & 1409 Powder Springs Street and 1405 & 1411 Dura Drive from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) and PRD-SF (Planned Residential Development - Single Family). Ward 2B.

Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Anderson, to recommend approval as submitted. The motion carried 5 1 0. Mr. Hunter opposed the recommendation.

If council approves, the following stipulations 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 May 2, 2022.

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 1401 & 1409 Powder Springs Street and 1405 & 1411 Dura Drive from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) and PRD-SF (Planned Residential Development - Single Family).

Kevin Moore, attorney for the applicant, requested rezoning of the subject to develop a 59-unit neighborhood development (42 attached townhomes and 17 detached single-family) on 6.52 acres and one - 6,000 SF commercial building on 0.68 acres. Mr. Moore also presented the proposed site plan and elevations, along with a letter of agreeable stipulations/conditions from J. Kevin Moore of Moore Ingram Johnson & Steele dated May 11, 2022.

Speaking regarding this matter was Kelly Davis, representing his father and mother in-law Muddy and Peggy Waters.

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

Discussion was held by Council.

Motion to approve the request for the rezoning for property located at 1401 & 1409 Powder Springs Street and 1405 & 1411 Dura Drive from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) and PRD-SF (Planned Residential Development - Single Family), with following stipulations are incorporated as a condition 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 May 11, 2022.*
- 2. The proposed elevations will have similar decorative elements to those shown on attached Sheet No. 3.*
- 3. The access to/from Dura Drive will be for emergency access only.*

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

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

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20220476** **Denial of Claim**

Denial of Claim for Robert J. Hobbs.

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

* **20220416** **Lease of Clarke Library**

Motion to approve the agreement between the City of Marietta and K. Mike Whittle Designs, Inc for the lease of 156 Church Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

2. Finance/Investment: Joseph R. Goldstein, Chairperson*** 20220419 Veterans' Memorial Investment**

Motion to approve an investment to the Veteran's Memorial in the amount of \$50,000 to be funded by funds designated as revenue loss under the American Rescue Plan Act's State and Local Fiscal Recovery Fund program and to recommend that the Board of Lights and Water do the same with their own funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20220306 Proposed Revision to the Flood Plain Management/Flood Prevention Ordinance**

Motion adopting the revised Flood Plain Management/Flood Prevention Ordinance.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Second Reading

20220058 Code Enforcement Noise Ordinance

Motion to approve changes to Chapter 10-6, Noise.

First Reading

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

Vote: 5 – 2 – 0 First Reading
Voting Against: Cheryl Richardson and Joseph Goldstein

*** 20220301 Code Amendment - HBR Review Exemption for Filming**

Motion adopting a revision to Article 7-8-8-050 (E.) which would allow the temporary modification to existing buildings or structures within the Downtown Historic District associated with a filming permit to be exempt from obtaining a certificate of approval from the Historic Board of Review.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **First Reading**

* **20220313** **Code Amendment - Auto Sales and Repairs**

Motion to authorize staff to advertise proposed changes to zoning regulations regarding automobile sales and repairs.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved for Advertisement**

* **20220087** **Sanitary Conditions and Procedures**

Motion to approve the revised ordinance to Sect. 7-4-2-110 - Sanitary Conditions and Procedures.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 **First Reading**

Voting Against: Joseph R. Goldstein

* **20220312** **Code Amendment - Commercial Corridor Design Overlay District**

Motion to authorize staff to advertise a change to the Commercial Corridor Design Overlay District (Section 712.09).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved for Advertisement**

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

* **20220453** **Police Athletic League (PAL) Summer Camp Program**

Motion to approve a grant to the Pal Summer Camp program in the amount of \$25,000 to be funded by funds designated as revenue loss under the American Rescue Plan Act's State and Local Fiscal Recovery Fund program.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20220430** **Summer Camp Funding Memorandum of Understanding**

Motion to approve a Memorandum of Understanding to accept \$10,000 for summer camp grant funding for the Building Opportunities for Out-of-School Time (BOOST) Grant Program, 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

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

7. Public Works Committee: Grif Chalfant, Chairperson

20220400 **Aviation Road Traffic Calming**

Motion authorizing Public Works to reduce the speed limit to 25 MPH between Roswell Road and North Park Drive with an estimated cost of \$250.00.

Public Hearing

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

Speaking regarding this matter were Celeste Burke, Marianne Gopel and Cory Tuttle

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

A motion was made by Council member Richardson, seconded by Council member Kent, authorizing Public Works to reduce the speed limit to 25 MPH between Roswell Road and North Park Drive with an estimated cost of \$250.00.

After further discussion, the motion was withdrawn.

Motion authorizing Public Works to reduce the speed limit to 25 MPH between Roswell Road and North Park Drive; convert the intersection of Aviation Road and Lynda Lane to a 3-way stop condition with pedestrian ramps and crosswalks; and convert the intersection of Aviation Road and North Park Drive to a 4-way stop condition with pedestrian ramps and crosswalks with a total estimated cost of \$1,500.00.

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 **Approved as Amended**

OTHER BUSINESS:

- * **20220501** **American Rescue Plan Act Funds**
- Motion to elect the Standard Allowance of \$10 million for revenue loss as provided by the American Rescue Plan Act's State and Local Fiscal Recovery Fund program.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220492** **Municipal Electric Authority of GA (MEAG) Voting Member and Delegate**
- Motion to approve a recommendation by the BLW Board to designate Board Member Andy Morris as the voting delegate and General Manager Ron Mull as the alternate selection for the 2022 MEAG Annual Meeting.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220493** **Polk Street at Mountain View Road Project -149 Mountain View Road**
- Motion authorizing acquisition of a portion of property and easements at 149 Mountain View Road from Sarah Singleton for the purpose of constructing the Polk Street at Mountain View Road Project in exchange for \$12,400.00.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220494** **Polk Street at Mountain View Road Project - City of Marietta- 760 Polk St**
- Motion authorizing conversion of City property to public right-of-way at 760 Polk St from for the purpose of constructing the Polk St at Mountain View Rd Project.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20220495** **Allgood Road at Merritt Road Improvements Project - 960 Allgood Road**
- Motion authorizing acceptance of the driveway easement at 960 Allgood Road from First Capital Investment, LLC for the purpose of constructing the Allgood Road at Merritt Road Improvements Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220496 Allgood Road at Merritt Road Improvements Project -980 Allgood Road**

Motion authorizing acquisition of a portion of property and easements at 980 Allgood Road from Lillie Inez Watson & James W. Watson for the purpose of constructing the Allgood Road at Merritt Road Improvements Project in exchange for \$7,044.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220497 Lawrence Street Improvements Project -422 Lawrence Street**

Motion authorizing acquisition of a portion of property and easements at 422 Lawrence Street from Samantha Ann McMillan for the purpose of constructing the Lawrence Street Improvements Project in exchange for \$3,200.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220499 115 Gadsden Street**

Motion authorizing the sale of approximately 1409 square feet constituting 0.03 acres of land (more or less) located at 115 Gadsden Street to Alan Bowling for \$6,117.42.

Motion authorizing the sale of approximately 1409 square feet constituting 0.03 acres of land (more or less) located at 115 Gadsden Street to Alan Bowling for \$6,171.42.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved as Amended

* **20220500 750 Polk Street**

Motion to authorize the acquisition of property owned by Hans U. Rechsteiner and Lynn R. Rechsteiner 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 in 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

* **20220429 BLW Actions of May 9, 2022**

Review and approval of the May 9, 2022, actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220504 Defined Benefit Pension Plan Investment Policy Statement**

Motion approving the updated Defined Benefit Pension Plan Investment Policy Statement (IPS).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:02 p.m.

Date Approved: June 8, 2022

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk