



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, June 8, 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

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 on Council member Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20220585 K9 Officer Tyson Recognition

Recognition of Officer Jared Foster & K9 Officer Tyson, of the Marietta Police Department.

Recognized

20220580

Citizens' Government Academy Graduates

The following are graduates from our 2022 Citizens' Government Academy Class.

Suzanne Alea	Courtney Morrel
Silvia Barbuto	Munzir Naqvi
Serina Bruce	Matthew Ocelli
Lori Crawford	Pat Pavlak
Kibbie DeJarnett	Lorin Pavlak
Alan Eisen	Cheryl Richardson
Essie Green	Liz Roberts
Mary Hatfield	Alex Rogers
Randy Hatfield	John Silvey
Diane Hewitt	Richard Springfield
Janice Hoover	Jody Traylor
M. Carlyle Kent	Carl Ward
Boozer McClure	Jenna Watson
David McKoy	Scott Wright

Presented

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

20220423

Scheduled Appearance

Scheduled Appearance - Kari Walker

Not Present

Scheduled Appearance

Scheduled Appearance - George Bentley

Present

Scheduled Appearance

Scheduled Appearance - Linda Nordahl

Present

20220552 Scheduled Appearance

Scheduled Appearance - Larry Wills

Present

Council member stepped down from the dais prior to the discussion regarding the consent agenda.

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 item 20220087 remains on the consent agenda, with Council member Richardson also voting against.

-under Judicial/Legislative: Agenda item 20220511 was added to the consent agenda.

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

Vote: 6 – 0 – 0 Approved

Absent for the vote: Joseph R. Goldstein

with the following exceptions:

Cheryl Richardson voting against agenda item 20220087

Council member Goldstein returned to the dais

MINUTES:*** 20220565 Regular Meeting - May 11, 2022**

Review and approval of the May 11, 2022 meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved

Absent for the vote: Joseph R. Goldstein

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

* **20220535 Board of Zoning Appeals Appointment (Ward 7)**

Appointment of Donald Barth to the Board of Zoning Appeals (Ward 7) for a three-year term, expiring May 14, 2025.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved
Absent for the vote: Joseph R. Goldstein

* **20220536 Construction Board of Adjustment and Appeals (Ward 7)**

Appointment of Christopher Hinton (Ward 7) 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: 6 – 0 – 0 Approved
Absent for the vote: Joseph R. Goldstein

ORDINANCES:

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20220534 Denial of Claim**

Denial of Claim for Raechel Richards.

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

Vote: 6 – 0 – 0 Approved to Deny Claim
Absent for the vote: Joseph R. Goldstein

* **20220574 Denial of Claim**

Denial of Claim for Amended Claim of Felipe Silva, Expedito Silva, Estate of Maria Bezerra Ferreira, Paloma Alcantara Junquiera and Mario Alves De Silva Baba.

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

Vote: 6 – 0 – 0 Approved to Deny Claim
Absent for the vote: Joseph R. Goldstein

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Andre L. Sims, Chairperson**2. Finance/Investment: Joseph R. Goldstein, Chairperson***** 20220556 Sugar Hill Water Tank Replacement Funding**

Motion to approve the allocation of \$1,180,581 in original State and Local Fiscal Recovery Fund program funds and \$969,419 in State and Local Recovery Fund program funds designated as revenue loss to the Marietta Board of Lights and Water for the replacement of the Sugar Hill Water Tank. The total cost for the Sugar Hill Water Tank replacement is \$6,479,000.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved
Absent for the vote: Joseph R. Goldstein

*** 20220503 Adoption of Recommended Budget for FY2023**

Motion to approve the Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2022 and ending June 30, 2023, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

Council Member Goldstein discloses that PMG Family, LLC and JRG Marietta Parkway, LLC own properties in the Center City South Renaissance Tax Allocation District. Council Member Goldstein is an owner of both PMG Family, LLC and JRG Marietta Parkway, LLC.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved
Absent for the vote: Joseph R. Goldstein

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20220058 Code Enforcement Noise Ordinance**

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

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 Approved
Absent for the vote: Joseph R. Goldstein

- * **20220087** **Sanitary Conditions and Procedures**
- Motion to approve the revised ordinance to Sect. 7-4-2-110 - Sanitary Conditions and Procedures.
- Second Reading
- This Matter was Approved on the Consent Agenda.**
- Vote: 5 – 1 – 0** **Approved**
Voting Against: Cheryl Richardson
Absent for the vote: Joseph R. 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.
- Second Reading
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0** **Approved**
Absent for the vote: Joseph R. Goldstein
- * **20220510** **Code Amendment - Historic Preservation Ordinance**
- Motion to adopt a revision to Article 7-8-8 regarding changes to neighbor notification procedures and the exemption of new accessory structures that are not visible from the public roadway from requiring a Certificate of Appropriateness.
- First Reading
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 0 – 0** **First Reading**
Absent for the vote: Joseph R. Goldstein
- * **20220511** **Code Amendment - Removal and Storage of Vehicles**
- Motion to approve a revision to Section 9-12-060 of the Marietta City Code, Notice to owner regarding removal of dismantled or junked vehicles from private property.
- First Reading

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **First Reading**

Absent for the vote: Joseph R. Goldstein

* **20220530** **Ordinance Amendment - Massage Therapy Businesses**

Motion to approve the proposed amendment to Article 8-12-6 regarding Massage Therapy Businesses.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **First Reading**

Absent for the vote: Joseph R. Goldstein

20220509 **Detailed Plan - 1326 Old Bells Ferry Road**

Motion to approve the detailed plan for 53 townhomes at 1326 Old Bells Ferry Road zoned MXD (Z2022-05) with the following conditions:

1. The rear of the townhomes will not be required to contain shutters to match the sides and rear elevations.
2. All sidewalks will be a minimum of 5' in width.
3. The development must meet all applicable ordinances regarding stream buffers and floodplain encroachments.

Rusty Roth, Development Services Director, presented information regarding the request for approval of the detailed plan for a 53-townhome development at 1326 Old Bells Ferry Road.

Mr. Poston with Traton Homes requested the approval of the detailed plan, which consists of a site plan, tree plan, and building elevations, and must be approved prior to any site development. Mr. Poston mentioned that Traton is also requesting permission to not put shutters on the rear sides of the buildings, as shown on the elevations presented.

Discussion was held by Council.

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**

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

* 20220520

FY2022 Tourism Grants

Motion to approve the grant amounts presented for each tourism organization, along with the Welcome Center Contract.

City Staff Request - City Services - \$185,000
 The Earl Smith Strand Theatre - \$39,000
 GA Metro Dance Theatre - \$15,000
 Georgia Symphony Orchestra -\$11,000
 Marietta/Cobb Museum of Art - \$58,500
 Marietta History Center - \$160,000
 Marietta Square Branding Project -\$4,500
 The Georgia Ballet - \$7,000
 Brumby Hall & Gardens/GWTW -\$67,000
 Cobb Landmarks - \$18,000
 Marietta Arts Council -\$9,000
 Atlanta Lyric Theatre - \$8,000
 Marietta Fire Museum - \$12,000
 TBD \$5,000
 TOTAL \$599,000

Marietta Visitors Bureau - \$320,000
 Lease of Welcome Center -\$19,096
 City Staff Marketing Request -\$20,000
 TOTAL \$359,096

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 Ashleigh Whitworth and Morgan Stoner 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 Councilmember 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 the Atlanta Lyric Theatre rents space owned 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.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

* **20220526** **The City Club, Marietta Operating Agreement**

Motion approving an Independent Contractor Agreement with Classic Golf Management, Inc., for the day-to-day operations of the City Club Marietta effective October 1, 2022.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

* **20220527** **Revision to Chalktoberfest Street Closures**

Motion to approve the revisions to the street closures for Chalktoberfest, changing the closures of W. Park to E. Park for a 30-minute duration on Thursday and the entirety of Friday evening.

Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20220508** **FY 2023 City/BLW Pay and Classification System Documents**

Motion approving an Ordinance adopting the City of Marietta and Board of Lights and Water Pay and Classification System documents for FY 2023, with any changes to take effect on July 1, 2022.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

* **20220190** **MissionSquare Retirement 457(b) Administrative Services Agreement**

Motion to approve the updated administrative services agreement on the 457(b) deferred compensation plan with MissionSquare Retirement.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

* **20220191** **MissionSquare Retirement 401(a) Administrative Services Agreement**

Motion to approve the updated administrative services agreement on the 401(a) Supplemental Pension Plan with MissionSquare Retirement.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

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

7. Public Works Committee: Grif Chalfant, Chairperson

* **20220516** **McDonald Street Speed Study**

Motion authorizing Public Works to conduct the speed study of McDonald Street from Whitlock Avenue to the cul-de-sac to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

* **20220517** **Victory Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Victory Drive from Roswell Street to Park Street to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0 **Approved**
Absent for the vote: Joseph R. Goldstein

20220519 **Henry Drive Traffic Calming**

Motion authorizing Public Works to install a combination concrete speed table and pedestrian crosswalk on Henry Drive, installing a no parking zone on Henry Drive around the speed table, and installing wayfinding signage on Wright Street to direct traffic to Griggs Street and Powder Springs Street with an estimated cost of \$25,000.00 and the Marietta Walk Homeowners Association contributing \$6,600.00 towards the construction costs.

Public Hearing

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

Public Works Director Mark Rice summarized the options for Henry Drive Traffic Calming.

Speaking regarding this matter was Belinda Hernandez.

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

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

Vote: 7 – 0 – 0 Approved

20220539

Hedges Street Stop Sign Request

Motion authorizing Public Works to convert the intersection of Hedges Street and Gadsen Avenue/Raymond Street to a 4-way stop condition with a pedestrian crosswalk with a total estimated cost of \$1,500.00.

Public Hearing

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

Public Works Director Mark Rice summarized the options for Henry Drive Traffic Calming.

Speaking regarding this matter included Alan Bowling, Andre Goodman and Amanda Reddinger.

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

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

OTHER BUSINESS:**20220421 V2022-13 [VARIANCE] COBB COUNTY KENNESTONE HOSPITAL AUTHORITY**

V2022-13 [VARIANCE] COBB COUNTY KENNESTONE HOSPITAL AUTHORITY is requesting variances for property zoned OI (Office Institutional), located in Land Lot 1074, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia, and being known as 677 Church Street. Ward 4B.

1. Variance to increase the allowable Floor Area Ratio to 1.41
2. Variance to increase the allowable building height to 150'
3. Variance to reduce the front yard setback along Church Street from 50' to 6'
4. Variance to eliminate the 5' planted border area along an internal accessway.

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 variances requested for property at 677 Church Street.

Callie Andrews, Senior Vice President and Chief Operating Office of Wellstar Health System, presented information regarding the requested variances. The variances are needed to construct a 150-bed patient care tower to replace the Baird Building, which would be demolished.

A motion was made by Council member Morris, seconded by Council member Goldstein, to approve the variances outlined in variance request V2022-13, as presented. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

*** 20220566 BLW Actions of June 6, 2022**

Review and approval of the June 6, 2022, actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 0

First Reading

Absent for the vote: Joseph R. Goldstein

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 8:10 p.m.

Date Approved: July 13, 2022

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk