



# 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, June 14, 2023

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:***

*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 Kent to give the invocation.*

### **PLEDGE OF ALLEGIANCE:**

*Everyone remained standing for the Pledge of Allegiance.*

### **PRESENTATIONS:**

### **PROCLAMATIONS:**

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

### **SCHEDULED APPEARANCES:**



**MINUTES:****\* 20230529 Regular Meeting - May 10, 2023**

Review and approval of the May 10, 2023 regular meeting minutes.

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

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

**\* 20230530 Special Meeting - May 30, 2023**

Review and approval of the May 30, 2023 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:****ORDINANCES:****20230423                      Z2023-14 [REZONING] SCOTT W. SJOGREN (LALIWALA)**

Z2023-14 [REZONING] SCOTT W. SJOGREN (LALIWALA) are requesting the rezoning of one acre located in Land Lot 779, District 16, Parcel 0250 of the 2nd Section, Cobb County, Georgia, and being known as 1071 Ruby Drive from CRC (Community Retail Commercial) with stipulations to LI (Light Industrial). Ward 6B.

*Planning Commission recommends Denial*

*Ms. McCrae made a motion to recommend approval with stipulations. The motion failed due to lack of second.*

*Mr. Smith made a motion, seconded by Mr. Hunter, to recommend denial. The motion carried 4-1-0. Ms. McCrae opposed.*

*Should Council approve, the following variance would be incorporated as a condition of zoning:*

*1) Variance to permit trailer sales/service within 50 feet of residentially-zoned properties (Section 708.26 B.8.b.)*

*Public Hearing (all parties 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 1071 Ruby Drive from CRC (Community Retail Commercial) with stipulations to LI (Light Industrial).*

*The applicant, Scott Sjogren, requested rezoning of the subject property to operate his trailer sales lot, using at least one of the structures currently on site as an office space.*

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

*Discussion was held by Council.*

*Motion to deny the rezoning request for property located at 1071 Ruby Drive from CRC (Community Retail Commercial) with stipulations to LI (Light Industrial).*

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

**Vote: 7 – 0 – 0**

**Denied**

**20230275**

**CA2023-02 [CODE AMENDMENT] Comprehensive Development Code, Div. 710, Section 710.04, Fences and Walls.**

Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710, Supplementary District Regulations, Section 710.04, Fences and Walls.

*Planning Commission recommends Approval*

*Mr. McClure made a motion, seconded by Mr. Smith, to recommend approval. The motion carried 4-0-0. Mr. Hunter was not present for the vote.*

*Public Hearing (all parties sworn in)*

*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.*

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

**Vote: 7 – 0 – 0**

**Approved**

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

- \* **20230472**      **Denial of Claim**
- Denial of Claim for Michelle Lawrence.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved to Deny Claim**
- \* **20230508**      **Denial of Claim**
- Denial of Claim for Benjamin Berliner.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved to Deny Claim**
- \* **20230514**      **Denial of Claim**
- Denial of Claim for Stewart L. Gittens, JR. and Addicia Gittens.
- This Matter was Approved 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**

- \* **20230450**      **Adoption of Recommended Budget for FY2024**
- Motion to approve the Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2023 and ending June 30, 2024, 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.

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

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

\*     **20230477                      Tree Preservation Fund (Big Tex Trailers)**

Motion to approve an Ordinance for an amendment to the Fiscal Year 2023 Tree Preservation Fund Budget to receive and appropriate a payment of \$25,050.00 for construction activity at 850 Cobb Parkway North.

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

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

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

\*     **20230478                      Revised Detailed Plan - Burberry at Sandtown**

Motion to approve a modification to the originally approved townhome elevations for 1501 & 1521 Sandtown Road, now known as Burberry at Sandtown, by omitting window grids and allowing 1/1 windows on all units.

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

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

\*     **20230479                      Revised Detailed Plan - Rosehill Townhomes**

Motion to approve the revised townhome elevations for 401 Rose Drive, now known as Rosehill Townhomes, with the rear door being modified to match the front door.

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

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

\*     **20230480                      Final Plat - The Gates at Hamilton Grove Ph. 2**

Motion to approve the final plat for Phase 2 of the Gates at Hamilton Grove. This phase contains new private streets and 28 townhomes.

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

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

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\* **20230481**      **Code Amendment - Section 712.08, Tree Protection and Landscaping**

Motion to authorize staff to advertise proposed changes to Section 712.08, Tree Protection & Landscaping Ordinance.

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

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

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

\* **20230447**      **FY2024 Tourism Grants**

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

The Earl Smith Strand Theatre  
GA Metro Dance Theatre  
Georgia Symphony Orchestra  
Marietta/Cobb Museum of Art  
Marietta History Center  
Marietta Square Branding Project  
The Georgia Ballet  
Brumby Hall & Gardens/GWTW  
Cobb Landmarks  
Marietta Arts Council  
Marietta Fire Museum  
Old Zion Heritage Museum  
Marietta Educational Gardens  
Marietta Theatre Company  
Lemon Street Classic, Inc.  
City Staff Request - City Services  
Marietta Visitors Bureau  
Lease of Welcome Center  
City Staff Marketing Request

*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 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 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.*

*Motion to approve the FY24 Tourism Grants, as follows:*

*FY 2024 Tourism Grant Allocations*

*Auto Rental Tax (3%)*

|   |                  |
|---|------------------|
| <i>The Earl Smith Strand Theatre</i>      | <i>\$55,714</i>  |
| <i>GA Metro Dance Theatre</i>             | <i>\$17,571</i>  |
| <i>Georgia Symphony Orchestra</i>         | <i>\$17,836</i>  |
| <i>Marietta/Cobb Museum of Art</i>        | <i>\$69,929</i>  |
| <i>Marietta History Center</i>            | <i>\$160,000</i> |
| <i>Marietta Square Branding Project</i>   | <i>\$14,571</i>  |
| <i>The Georgia Ballet</i>                 | <i>\$11,357</i>  |
| <i>Brumby Hall &amp; Gardens/GWTW</i>     | <i>\$67,429</i>  |
| <i>Cobb Landmarks</i>                     | <i>\$27,929</i>  |
| <i>Marietta Arts Council</i>              | <i>\$12,521</i>  |
| <i>Marietta Fire Museum</i>               | <i>\$15,000</i>  |
| <i>Old Zion Heritage Museum</i>           | <i>\$16,929</i>  |
| <i>Marietta Educational Gardens</i>       | <i>\$6,429</i>   |
| <i>Marietta Theatre Company</i>           | <i>\$14,571</i>  |
| <i>Lemon Street Classic, Inc.</i>         | <i>\$19,000</i>  |
| <i>City Staff Request - City Services</i> | <i>\$196,350</i> |
| <i>NAACP Juneteenth event</i>             | <i>\$13,429</i>  |
| <i>Brumby Gardens Capitol request</i>     | <i>\$13,500</i>  |
| <i>Total</i>                              | <i>\$750,065</i> |

*Hotel Motel Tax (8%)*

|                                     |                  |
|-------------------------------------|------------------|
| <i>Marietta Visitors Bureau</i>     | <i>\$390,000</i> |
| <i>Lease of Welcome Center</i>      | <i>\$19,669</i>  |
| <i>City Staff Marketing Request</i> | <i>\$35,000</i>  |
| <i>Total</i>                        | <i>\$444,669</i> |

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

**Vote: 7 – 0 – 0**

**Approved**



**5. Personnel/Insurance: Cheryl Richardson, Chairperson****\* 20230516 FY 2024 City/BLW Pay and Classification System documents**

Motion approving an Ordinance adopting the City of Marietta and Board of Lights and Water Position Allocation Charts, and the Compensation, Position Classification, and Career Development Plans for FY 2024, with changes to take effect on July 1, 2023.

**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****\* 20230465 Fairgate Road Utilities - AO2GZSJ**

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 Chestnut Hill Road from the intersection of Chestnut Hill Drive to the intersection of Fairgate Road and then north on Fairgate Road to Heathersett Drive for 1,700 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. Wards 2B and 3A.

*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

**\* 20230466 Cunningham Road Utilities - AO2JOAM**

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 Cunningham Road from the intersection of Westward Drive to Lowell Drive for 200 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. Ward 2B

*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

\*        **20230467**                      **Austin Avenue Utilities - AO2JXB9**

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 Austin Avenue from the intersection of Lawrence Street to the intersection of Washington Avenue and then to 51 Austin Avenue for 500 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. Wards 1A and 5A.

*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

\*        **20230468**                      **Longwood Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Longwood Drive from Bellemeade Drive to Arden Drive to determine if traffic calming devices are needed. Ward 2B

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

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

\*        **20230469**                      **Barnes Mill Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Barnes Mill Drive from Barnes Mill Road to Meadow Place to determine if traffic calming devices are needed. Ward 5B

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

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

\*        **20230482**                      **Supplemental Project Framework Agreement (PFA) #3 for Rottenwood Creek Trail Phase 1**

Motion to accept the grant funds through approval of Supplemental Project Framework Agreement (PFA) #3 with GDOT

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

**Vote: 7 – 0 – 0**

**Approved**

**OTHER BUSINESS:**

**20230435 V2023-16 [VARIANCE] ANTHONY S. LOCKE (879 ROSWELL STREET, LLC.)**

V2023-16 [VARIANCE] ANTHONY S. LOCKE (879 ROSWELL STREET, LLC.) are requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1213, District 16, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia, and being known as 879 Roswell Street. Ward 5A.

1. Variance to reestablish the nonconforming use of automotive repair shop (including paint and body) after discontinuance of 6 months.

*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 879 Roswell St NE.*

*The applicant, Anthony Locke, requested a variance to reestablish the nonconforming use of automotive repair shop (including paint and body) after discontinuance of 6 months. Mr. Locke's repair shop is now considered illegally nonconforming due to the discontinuance of his business license for a period of 6-months. In May 2022 the applicant came to City Hall to renew his license but failed to submit documentation required by the Business License Division. As a result, the 2022 and 2023 license was never issued; the last valid license for auto repair expired on December 31, 2021. To continue his automotive business, Mr. Locke will require a variance to reestablish the nonconforming use of an automotive repair shop (including paint and body) in Tier A after discontinuance of 6 months.*

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

*Discussion was held by Council, specifically regarding properties within the City that now considered nonconforming use after discontinuance of 6 months.*

*Motion to approve the variance to reestablish the nonconforming use of automotive repair shop (including paint and body) after discontinuance of 6 months, for property located at 879 Roswell Street. Further, the applicant shall contact the Business License Department to complete any outstanding documents needed for the 2022 and 2023 business license, and satisfy any applicable penalties and fines incurred.*

**The motion was made by Council member Kent, seconded by Council member Walker, that this matter be Approved as Amended. The motion carried by the following vote:**

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

Voting Against: Cheryl Richardson

\*        **20230562                      Lakewood Drive to Olive Street Project - 380 Roswell Street**

Motion authorizing acquisition of easements at 380 Roswell Street from Betty G. and D.C. Barfield, et al for the purpose of constructing the Roswell Street-Lakewood Drive to Olive Street Project in exchange for \$750,000.00.

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

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

\*        **20230563                      Cole Street Sidewalk - 284 North Marietta Parkway**

Motion authorizing the City Attorney to proceed with eminent domain to acquire the parcel at 284 North Marietta Parkway for the Cole Street Sidewalk Project for \$16,800.00.

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

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

\*        **20230552                      MEAG Solar Power Purchase Contract/2nd Amendment**

Approval of the 2nd Amendment to the MEAG Solar Power Purchase Contract, and to authorize the Mayor to execute this agreement between the City and MEAG.

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

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

Voting Against: Joseph R. Goldstein

\*        **20230531                      BLW Actions of June 12, 2023**

Review and approval of the June 12, 2023 actions and minutes of the Marietta Board of Lights and Water.

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

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

**20230564**

**1121 Cobb Parkway S. - Atlanta Industrial LL, LLC**

Motion to authorize the acquisition of property owned by Atlanta Industrial LL, 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.

**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: 7 – 0 – 0**

**Approved**

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**

*The meeting was adjourned at 8:43 p.m.*

**Date Approved:** \_\_\_\_\_

\_\_\_\_\_  
**R. Steve Tumlin, Mayor**

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

