



# 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, August 10, 2022**

**7:00 PM**

**Council Chamber**

***Presiding:** R. Steve Tumlin, Mayor*

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

***Also Present:***

*William F. Bruton, Jr., City Manager*

*Daniel White, 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 Chalfant to give the invocation.*

### **PLEDGE OF ALLEGIANCE:**

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

### **PRESENTATIONS:**

#### **20220740 National PAL Officer of the Year**

Presentation to recognize Major Michael Goins for being selected as the National PAL Officer of the Year for 2022.

Presented by Council Member Walker & Council Member Kent

**Presented**

**PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20220684            Scheduled Appearance**

Scheduled Appearance - Donald Barth

**Present**

**20220712            Scheduled Appearance**

Scheduled Appearance - Merv McDonald

**Present**

**20220745            Scheduled Appearance**

Scheduled Appearance - Lindsey Wiles

**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 Daniel White noted the following changes to the consent agenda.*

*-under Other Business: Agenda items 20220744 remained on the consent agenda and amended to read, "Motion to approve the use of up to \$325,000 of the Coronavirus State and Local Fiscal Revenue Replacement Funds for the repair of the awning at Fire Station 51, including the Budget Amendment associated with File ID 20220744."*

*-under Other Business: Agenda items 20220751 remained on the consent agenda and amended to read, "Motion to authorize staff to advertise amendments to Section 700, Zoning Ordinance for the City of Marietta, and specifically those provisions related to adult entertainment establishments, including but not limited to regulations in specific zoning districts, special land use permits and sign regulations.*

**A motion was made by Council member Richardson, seconded by Council member Kent, 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 abstaining on agenda items 20220714, 20220678, 20220679, 20220402 and 20220403.*

**MINUTES:****\* 20220737 Regular Meeting - July 13, 2022**

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

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

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

**\* 20220738 Special Meeting - July 26, 2022**

Review and approval of the July 26, 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:****ORDINANCES:****20220629                      Z2022-20 [REZONING] ELLIOT HOMES, LTD.**

Z2022-20 [REZONING] ELLIOT HOMES, LTD. is requesting the rezoning of 2.3 acres located in Land Lot 1224, District 16, Parcels 0530 & 0430 of the 2nd Section, Cobb County, Georgia, and being known as 807 & 811 Polk Street from R-1 (Single Family Residential/Agriculture - 1 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

*Planning Commission recommends Approval as Stipulated*

*A motion was made by Mr. Anderson, seconded by Mr. Diffley, to recommend approval as stipulated. The motion carried 6-1-0. Ms. McCrae opposed.*

*If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:*

*1) Letter of Stipulations from Garvis L. Sams of Sams, Larkin & Huff, LLP. to Russell J. Roth, City of Marietta Director of Development Services, dated July 14, 2022.*

*2) Revised Consolidated Stipulation Letter from Garvis L. Sams of Sams, Larkin & Huff, LLP. to Russell J. Roth, City of Marietta Director of Development Services, dated December 6, 2019.*

*Public Hearing (all parties sworn in)*

*City Attorney Daniel White 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 807 & 811 Polk Street from R-1 (Single Family Residential/Agriculture - 1 units/acre) to PRD-SF (Planned Residential Development - Single Family).*

*Garvis Sams, Jr., with Sams Larkin Huff, LLP, and attorney for the applicant, requested the rezoning of the subject property for the purpose of constructing an addition to a Planned Residential Development - No. Z2022-20. Mr. Sams stated that the applicant would be adding 10 lots to the existing development, which will be fully incorporated into The Cottages at Keeler Woods at Polk Street and Mountain View Road.*

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

*Discussion was held.*

*Motion to approve the regarding the request for the rezoning for property located at 807 & 811 Polk Street from R-1 (Single Family Residential/Agriculture - 1 units/acre) to PRD-SF (Planned Residential Development - Single Family), with following stipulation is incorporated as a condition of zoning:*

*Letter of stipulations and variances from Sams, Larkin, & Huff, LLP to Russell J. Roth, Development Services Director for the City of Marietta, dated July 14, 2022.*

*Letter of stipulations and variances from Sams, Larkin, Huff & Balli, LLP to Rusty Roth, Development Services Director for the City of Marietta, dated December 6, 2019.*

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

**Vote: 7 – 0 – 0**

**Approved**

**20220638**

**A2022-04 [DEANNEXATION] SARAH & WILLIAMROBERT GREEN**

A2022-04 [DEANNEXATION] SARAH & WILLIAMROBERT GREEN are requesting the deannexation of property located in Land Lot 855, District 16, Parcel 0070 of the 2nd Section, Cobb County, Georgia and being known as 1611 Dickson Drive, consisting of approximately 2.729 acres, and all applicable rights-of-way. Ward 5B.

*Planning Commission recommends Approval*

*A motion was made by Ms. McCrae, seconded by Mr. Anderson, to recommend approval. The motion carried 7-0-0.*

*Public Hearing (all parties sworn in)*

*City Attorney Daniel White opened the public hearing and called forward those wishing to speak.*





**5. Personnel/Insurance: Cheryl Richardson, Chairperson****6. Public Safety Committee: M. Carlyle Kent, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson****\* 20220677 Donation of Right-of-Way**

Motion authorizing the Public Works to receive the donation of right-of-way located at 420 & 430 Rigby Street per the Quitclaim Deed from Portico Properties Inc.

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

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

**\* 20220682 Wright Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Wright Street from Whitlock to Maxwell to determine if traffic calming devices are needed.

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

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

**\* 20220678 Denmead Street Utilities - AO2CDD4**

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 North Marietta Parkway, Denmead Street, across North Marietta Parkway, and to Hansell Street for 1,100 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

**\* 20220679 Scufflegrit Road Utilities - AO29EHY**

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 Scufflegrit Road from the intersection of Allgood Road to Brentwood

Drive for 1,500 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.

*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

\*        **20220402**

**Ayers Avenue Utilities - AO2BE6P**

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 Ayers Avenue, Lawrence Street, and Austin Avenue for 2,500 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.

*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

\*        **20220403**

**Polk Street Utilities - AO2653K**

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 Polk Street, Lindley Avenue, Hope Street, Evelyn Street, Faith Street, Debonaire Drive, McCord Street, Cleburne Avenue, Winn Street, and Brown Avenue for 14,232 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



**20220711****Stream Buffer Variance Request**

Motion authorizing a variance of 3,463 square feet into the 75-foot impervious stream buffer and 5,747 square feet into the 50-foot undisturbed stream buffer at 816 Meyer View Lane.

Public Hearing Required

*City Attorney Daniel White opened the public hearing and called forward those wishing to speak.*

*City Engineer Charles Richards presented information regarding the request for a variance from the Stream Buffer Protection Ordinance for property located at 816 Meyer View Lane.*

*The applicants Eric and Lee Eason requested the variance from the Stream Buffer Protection Ordinance, City Municipal Code section 7-10. Mr. Eason stated they are requesting permission to construct a single-family residence, garage, and pool within the 75-foot impervious and 50-foot undisturbed stream buffers. This will require a 3,463 square foot encroachment into the 75-foot impervious buffer and a 5,747 square foot encroachment into the 50-foot undisturbed buffer. They are also proposing to implement a stream buffer mitigation plan that would mitigate the overall runoff quality for the property.*

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

*Discussion was held.*

*Motion authorizing a variance of 3,463 square feet into the 75-foot impervious stream buffer and 5,747 square feet into the 50-foot undisturbed stream buffer at 816 Meyer View Lane.*

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

**Vote: 7 – 0 – 0**

**Approved**

**OTHER BUSINESS:**\* **20220707****Property & Casualty/Miscellaneous Insurance Coverage**

Motion to approve the City of Marietta/BLW property & casualty and other miscellaneous Insurance coverage, premiums, and companies utilized for the policy period of August 17, 2022, to August 17, 2023.

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

**Vote: 7 – 0 – 0**

**Approved**

\* **20220744**      **Fire Station 51**

Motion to approve the use of up to \$325,000 of the Coronavirus State and Local Fiscal Revenue Replacement Funds for the repair of the awning at Fire Station 51 including a Budget Amendment.

*Motion to approve the use of up to \$325,000 of the Coronavirus State and Local Fiscal Revenue Replacement Funds for the repair of the awning at Fire Station 51, including the Budget Amendment associated with File ID 20220744.*

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

**Vote: 7 – 0 – 0**

**Approved as Amended**

**20220746**      **Ordinance Amendments Related to Chapter 8-20 - Adult Entertainment Establishments**

Motion to repeal existing Chapter 8-20 entitled "Adult Entertainment Establishments" of the Code of Ordinances of the City of Marietta and replace with the new Chapter 8-20 "Adult Establishments" by adopting new Sections 8-20-010, et seq.; to amend Section 8-8-2-130, Paragraph A, of the Code of Ordinances of the City of Marietta; and to amend Section 8-4-040, Paragraph C, of the Code of Ordinances of the City of Marietta.

First Reading

*City Attorney Daniel White presented information regarding the interest in repealing the existing Chapter 8-20 entitled "Adult Entertainment Establishments".*

*Discussion was held by Council.*

*A motion was made by Council member Richardson, seconded by Council member Chalfant, to include in this Ordinance the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. The motion carried by the following vote:*

*Vote: 7 – 0 – 0*

*Approved*

*Motion to repeal existing Chapter 8-20 entitled "Adult Entertainment Establishments" of the Code of Ordinances of the City of Marietta and replace with the new Chapter 8-20 "Adult Establishments", with amendment to Section 8-20-040 (A9), which shall be amended to read, "...engaged in any misrepresentation of material fact, or omission of material fact, concerning the nature of the business."*

*Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing*

*this matter on the following regular City Council meeting.*

**The 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                      Approved as Amended**

\*      **20220751      Amendments to Section 700**

Motion to authorize staff to advertise an amendment to Section 700 - Zoning Ordinance.

*Motion to authorize staff to advertise amendments to Section 700, Zoning Ordinance for the City of Marietta, and specifically those provisions related to adult entertainment establishments, including but not limited to regulations in specific zoning districts, special land use permits and sign regulations.*

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

**Vote: 7 – 0 – 0                      Approved as Amended**

**20220557      CA2022-07 [CODE AMENDMENT] 2022 COMPREHENSIVE PLAN**

Motion to approve transmittal resolution submitting the City of Marietta 2022 Comprehensive Plan draft to the Atlanta Regional Commission and the Georgia Department of Community Affairs for review.

*Planning Commission recommends Approval*

*A motion was made by Mr. Kinney, seconded by Mr. Diffley, to recommend approval. The motion carried 7-0-0.*

*Public Hearing (all parties sworn in)*

*City Attorney Daniel White opened the public hearing and called forward those wishing to speak.*

*Economic Development Manager Daniel Cummings presented information regarding the draft 2022 Comprehensive Plan.*

*Don Barth, who lives on St. John's Avenue, spoke regarding this matter.*

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

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

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

\* 20220739 **BLW Actions of August 8, 2022**

Review and approval of the August 8, 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:**

**ADJOURNMENT:**

*The meeting was adjourned at 8:14 p.m.*

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

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

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