



City of Marietta

Meeting Minutes

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, June 10, 2020

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris, Reggie Copeland, Michelle Cooper Kelly, 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 Copeland 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 APPEARANCE

20200481 **Scheduled Appearance**

Scheduled Appearance - Larry Wills

Not 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 Michelle Cooper Kelly briefly explained the consent agenda process.

City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Other Business: Agenda items 20200504 and 20200505 were moved up on the agenda to fall after the consent agenda.

-under Other Business: Agenda item 20200506 was added to the consent agenda and amended to read, "Motion to approve an ordinance amending Municipal Code Chapter 8-39, Outdoor Cafes to add Section 8-39-065 Temporary usage permit for outdoor restaurants within the entire jurisdiction limits of the City of Marietta - COVID-19. 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."

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

Vote: 7 - 0 - 0 Approved

20200504 City Resolution

Motion to approve a resolution which will be presented by Council Member Cheryl Richardson.

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

Vote: 7 - 0 - 0 Approved

20200505 Resolution Supporting HB 426

Motion to approve a Resolution supporting the HB 426.

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

Vote: 7 - 0 - 0 Approved

MINUTES:

- * **20200438** **Regular Meeting - May 13, 2020**
- Review and approval of the May 13, 2020 regular meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200439** **Special Meeting - May 20, 2020**
- Review and approval of the May 20, 2020 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:**

- * **20200405** **GMA Voting Delegates**
- Appointment of Michelle Cooper Kelly as the voting delegate and Joseph R. Goldstein as the alternate voting delegate for the 2020 GMA Business Meeting being held during the virtual GMA Annual Convention.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

ORDINANCES:**20200143** **Z2020-11 [REZONING] ALI GHARDAN (STEPHEN THOMPSON)**

Z2020-11 [REZONING] ALI GHARDAN (STEPHEN THOMPSON) are requesting the rezoning of 3.15 acres located in Land Lots 140 & 141, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

The Planning Commission recommends Approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Chairman Kinney, Mr. Diffley and Mr. McClure were for. Mr. Anderson, Mr. Davis, Mr. Hunter and Ms. McClure opposed. The motion failed.

Ms. McCrae made a 2nd motion, seconded by Mr. Hunter to deny the application. Mr. Anderson, Mr. Hunter and Ms. McCrae were for. Chairman Kinney, Mr. Duffley, Mr. Davis and Mr. McClure were against. The 2nd motion failed.

Chairman Kinney made a 3rd motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Mr. Hunter and Ms. McCrae opposed. The motion carried 5-2-0.

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

1. Letter of stipulations from Ali Ghadrhan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 22, 2020, and;
2. Letter containing additional stipulations from Ali Ghadrhan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.

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 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

The applicant, Peter Derum, requested that this matter be table to allow time to address concerns by Council and surrounding property owners.

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

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: 7 – 0 – 0

Tabled

20200295

Z2020-17 [REZONING] MICHAEL LANGSTON

Z2020-17 [REZONING] MICHAEL LANGSTON is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

This Item was TABLED at the May 13th City Council Meeting.

The Planning Commission recommends approval as Stipulated.

Mr. Duffley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.

If Council approves the rezoning, the following variances and stipulation would be incorporated as conditions of zoning:

Variations:

The following variations are incorporated as conditions of zoning:

1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]
2. Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]
4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]

Stipulations:

The following stipulation is incorporated as conditions of zoning:

1. The exterior of the property be brought into compliance within three (3) months.
2. A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the interior (268 Church St. side) of the fence along the rear line.

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 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional).

Carl Westmoreland, representing the applicant, requested rezoning of the subject property from R-4 to OIT so the property can be used as a professional office with a residential appearance. The property is located at a busy intersection and is adjacent to both residential and office uses, so using the property as a professional office should not pose a detrimental effect on surrounding properties. The property had previously been used as office space but has been vacant and listed for sale for approximately three (3) years. If Council approves the rezoning, several stipulations and variations would be incorporated as conditions of zoning.

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

Discussion was held by Council.

A motion was made by Council member Walker, seconded by Council member Kelly, to approve the rezoning for property located at 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional), with the following variations incorporated as conditions of zoning:

1. Variance to reduce the minimum lot size from 10,000 square ft to 8,700 square ft.
2. Variance to reduce the minimum lot width from 75' to 60'.
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35.
4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is.
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'.

The following stipulations are incorporated as conditions of zoning:

1. The exterior of the property be brought into compliance within three (3) months.

2. A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the exterior (Registry Townhomes side) of the fence along the rear line. The fence will be installed not later than August 15, 2020 and the applicant will attempt to have the landscaping installed by October 15, 2020, but in no event later than November 1, 2020.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved as Amended

* **20200345**

Z2020-19 [REZONING] PULTE HOME COMPANY, LLC

Z2020-19 [REZONING] PULTE HOME COMPANY, LLC is requesting the rezoning of 3.8 acres located in located in Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

The Planning Commission recommends Approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval as submitted including the letter of stipulations dated May 22, 2020, except that item #4 be amended to restrict the number of leasable units at any one time to no more than five percent. The motion carried 7-0-0.

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

1. Letter of stipulations and variances from Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 5, 2020.

Motion to TABLE to the next City Council Meeting, July 8, 2020.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0

Tabled

Council member Walker disclosed that he represents Center State Bank on the sale of the property in the matter related to 308 Montgomery Street.

20200348

Z2020-20 [REZONING] MARK LEWIS

Z2020-20 [REZONING] MARK LEWIS is requesting the rezoning of 0.74 acres located in Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 5A.

The Planning Commission recommends Approval.

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

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

1. Variance to increase the density from 4 units/acre to 4.05 units/ acre.

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 of property located at 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.

The applicant, Mark Lewis, requested rezoning of the subject property to develop three single-family detached homes. Although the property is currently vacant, it previously contained three (3) single family homes that were demolished between 2009-2015. Mr. Lewis presented proposed architectural renderings/elevations and site plan for the project.

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

Discussion was held by Council.

A motion was made by Council member Copeland, seconded by Council member Chalfant, to approve the rezoning of property located at 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density, with the following variance and stipulation are incorporated as conditions of zoning:

1. Variance to increase the density from 4 units/acre to 4.05 units/ acre.
2. Sidewalks will be required as part of the building permit for each parcel.

The motion carried by the following vote:

Vote: 6 – 0 – 1 Approved
Abstaining: Johnny Walker

20200365

Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY

Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY are requesting the rezoning of approximately 1.6 acres located in Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise). Ward 1A.

The Planning Commission recommends Approval.

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

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

1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [§708.13 (H)]
2. Variance to reduce the minimum building height from 5 stories to 4 stories. [§708.13 (H)]
3. Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'. [§708.13 (H)]
4. Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'. [§708.13 (H)]
5. Variance to reduce the parking minimum from 148 to 94 parking spaces. [§716.07 and §708.13 (H)]

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 of a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise).

Noel Taylor, representing the Marietta Housing Authority, requested rezoning of a portion of the subject property to develop a 4-story multifamily complex with 94 units -47 one-bedroom units and 47 two-bedroom units. The applicant stated that the proposed multifamily complex will be marketed towards seniors. The maximum density allowed for RHR is sixty-five (65) units per acre; and this project is proposed to be fifty-nine (59) units per acre. Mr. Noel presented the proposed architectural renderings/elevations and site plan for the project.

Those speaking regarding this rezoning request:

*Mr. Potter, with the Artisan Resource Center
Donald Barth, who lives on Saint John Ave*

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

Discussion was held by Council.

A motion was made by Council member Richardson, seconded by Council member Morris, to approve rezoning of a portion of 565 Cobb Parkway South from CRC(Community Retail Commercial) to RHR (Residential High Rise), with the following variances are incorporated as conditions of zoning:

Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac.

Variance to reduce the minimum building height from 5 stories to 4 stories.

Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'.

Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'.

Variance to reduce the parking minimum from 148 to 86 parking spaces.

An amendment to the motion was made by Council member Goldstein to add an additional stipulation that the residential use be limited to senior living, as defined at 55 and older. The motion failed for lack of a second.

Mayor Tumlin called for a vote on the original motion.

The motion carried by the following vote:

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

20200366

Z2020-23 [REZONING] 33 HOLDINGS LLC

Z2020-23 [REZONING] 33 HOLDINGS LLC is requesting the rezoning of 3.26 acres located in Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre). Ward 1A.

The Planning Commission recommends Approval.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval as submitted with the change in zoning from RM12 to PRD-SF. The motion carried 7-0-0.

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

1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.

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 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre).

The applicant requested rezoning of the subject property to develop a thirty-five (35) unit townhome community. Each of the units would be 2-stories and contain three (3) bedrooms with two-car garages. The applicant stated the community would include green spaces that would provide walking trails, dog park, and open area. The applicant presented proposed site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.

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

Discussion was held by Council.

A motion was made by Council member Richardson, seconded by Council member Chalfant, to approve the request for the rezoning for property located at 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre), with the following stipulations are incorporated as conditions of zoning:

1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI

Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.

2. *At the time that the preliminary plat is submitted for consideration and approval, in addition to the site plan and landscape plan, a building footprint plan showing staggered units and architectural elevations showing all four sides of the buildings must also be included as part of the preliminary plat for consideration and approval.*

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

* **20200367**

Z2020-24 [REZONING] BERCHER HOMES, LLC

Z2020-24 [REZONING] BERCHER HOMES, LLC is requesting the rezoning of 0.43 acres located in Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2nd Section, Cobb County, Georgia, and being known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

The Planning Commission recommends Approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulation from Mr. Moore dated May 29, 2020. The motion carried 7-0-0.

If Council approves the rezoning, the following stipulations and variances 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 29, 2020.

Motion to TABLE to the next City Council Meeting, July 8, 2020.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0

Tabled

20200160

CA2020-04 [CODE AMENDMENT]

CA2020-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.

The Planning Commission recommends Approval as Stipulated.

Mr. Diffley made a motion, seconded by Ms. Davis, to recommend approval as written. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

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

Rusty Roth presented information regarding the proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.

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

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

Vote: 6 – 0 – 1 **Approved**
Abstaining: Cheryl Richardson

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Johnny Walker, Chairperson

* **20200430** **PY19 CDBG Annual Action Plan Amendment**

Motion to approve the PY19 CDBG Annual Action Plan amendment to incorporate new allocation of CDBG-CV funds used to prevent, prepare for or respond to COVID-19.

Council Member Goldstein discloses that Atlanta Legal Aid Society is a tenant of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is an owner of the Herbert S. Goldstein Family Limited Partnership. 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

2. Finance/Investment: Joseph R. Goldstein, Chairperson

* **20200398** **Adoption of Recommended Budget for FY2021**

Motion to approve an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, 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 – 1 Approved

Abstaining: Joseph R. Goldstein

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

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20200442 Wildwood Park Disc Golf Course**

Motion to approve funding for the planning, design, and engineering for a Disc Golf Course at Wildwood Park from 2009 Parks Bond Fund proceeds.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

Council member Goldstein stepped down from the dais prior to the discussion related to Tourism Grants.

20200446 FY2021 Tourism Grants

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

City Staff Request - Vapor Wake Dog	\$ 00
City Staff Request - City Services	\$140,000
The Earl Smith Strand Theatre	\$ 54,780
Cobb NAACP Juneteenth	\$ 5,000
GA Metro Dance Theatre	\$ 14,940
Georgia Symphony Orchestra	\$ 12,450
Marietta/Cobb Museum of Art	\$ 74,700
Marietta Museum of History	\$160,000
Marietta Square Branding Project	\$ 5,000
Old Zion Baptist Church Heritage Museum	\$ 8,300
The Georgia Ballet	\$ 8,300
Marietta Gone with The Wind Museum	\$ 68,670
Cobb Landmarks	\$ 16,600
Marietta Business Association (Art in Park)	*In with City Services
Marietta Arts Council	\$ 6,960
Atlanta Lyric Theatre	\$ 8,300
Friends of Brown Park	\$ 00
Marietta Educational Gardens	<u>\$ 00</u>
	\$584,000
Marietta Welcome Center	\$300,000
Marietta Visitor's Bureau Facility Maintenance	<u>\$ 10,000</u>
	\$310,000

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 Elise Goldstein is a member of the Georgia Symphony Orchestra Chorus and is a member of one of the committees of the Georgia Symphony Orchestra. Elise Goldstein is the mother of Council Member Goldstein.

A motion was made by Council member Kelly, seconded by Council member Morris, to approve the grant amounts presented for each tourism organization, along with the Welcome Center Contract.

Discussion was held by Council.

An amendment to the motion was made by Council member Copeland to approve the grant amounts, with an increase for the NAACP for a total amount of \$8,300. The motion failed for lack of a second.

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member Kelly, seconded by Council member Morris, to approve the grant amounts as presented, along with the Welcome Center Contract. The motion carried by the following vote:

Vote: 5 – 1 – 0 Approved
 Voting Against: Reggie Copeland
 Absent for the vote: Joseph R. Goldstein

Council member Goldstein returned to the dais.

* **20200451**

Modification of the Independent Contractor Agreement Between the Marietta Development Authority and 6-4-3DP Athletics, LLC

Motion to approve a modification to the Independent Contractor Agreement between the Marietta Development Authority and 6-4-3DP Athletics, LLC.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

5. Personnel/Insurance: Cheryl Richardson, Chairperson*** 20200471 GMA District 3 West Officers**

Motion to approve the City vote for GMA District 3 West Officers for 2020-2022.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20200344 FY 2021 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 2021, with changes to take effect on the pay period beginning June 28, 2020. Due to the Coronavirus pandemic and associated budget conditions, documents will be revisited later in the fiscal year.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20200419 Updating Personnel Policies**

Motion approving an ordinance amending the City/BLW personnel policies regarding recruitment, selection, and reemployment. 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Reggie Copeland, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson***** 20200410 Roselane Street Speed Study**

Motion authorizing Public Works to conduct the speed study of the Roselane Street area to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20200417

Frasier Street Speed Study

Motion authorizing Public Works to conduct the speed study of Frasier Street from South Fairground Road to Alexander Circle to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20200425

Cleburne Avenue Speed Study

Motion authorizing Public Works to conduct the speed study of the Cleburne Avenue area to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20200420

Seminole Speed Study Calming Concept

Motion authorizing Public Works to install parking bulb outs for on-street parking, medians, and parking restrictions on Seminole Dr.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20200418

Anderson Street Utilities

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Anderson Street from 162 Anderson Street to 25 Powder Springs Street. This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

Council Member Goldstein discloses that the recipients of the service are tenants of Philip M. Goldstein and Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is an owner of the Herbert S. Goldstein Family Limited Partnership. 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

- * **20200411** **Proposed Revision to the Water Use Ordinance for Commercial Car Wash Recycling**
- Motion for the City of Marietta to adopt the revised Water Use Ordinance for Commercial Car Wash Recycling.
- Second Reading
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **First Reading**
- * **20200412** **Proposed Wastewater/Sanitary Sewer System Ordinance**
- Motion for the City of Marietta to adopt the addition of a new Ordinance of the Wastewater/Sanitary Sewer System prohibiting decentralized wastewater systems.
- Second Reading
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **First Reading**
- * **20200414** **Proposed Revision to the Water Use Ordinance for Large Landscape Irrigation Systems**
- Motion for the City of Marietta to adopt the revised Water Use Ordinance for Large Landscape Irrigation Systems.
- Second Reading
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **First Reading**

OTHER BUSINESS:

- 20200327** **V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)**
- V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC) are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Ward 4B.
1. Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [§712.08 (G.2.a.)]
 2. Request to modify the site plan associated with Z2018-32 (20181183).

20200494

Appeal of CoA2020-03 (#20200472) 441 Church Street - Cooper Jones

Consideration of an appeal made by Cooper Jones Construction of a decision by the Historic Preservation Commission on the Certificate of Appropriateness (#20200472) for a change in porch materials at 441 Church Street.

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak. He explained that the Historic Preservation ordinance states that anyone adversely affected by a determination of the commission may appeal that decision to City Council.

Cooper Jones presented information related to his to appeal to the decision by the Historic Preservation Commission to deny his Certificate of Appropriateness. The request was to change the material on the vertical face of the front porch (from finished floor level down to finished grade) from "limewashed brick and granite stone" to "all granite stone".

Members of the Historic Preservation Commission spoke regarding their decision to deny the Certificate of Appropriateness.

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

In depth discussion was held by Council.

A motion was made by Council member Morris, seconded by Council member Chalfant, to reverse the decision by the Historic Preservation Commission to deny the Certificate of Appropriateness (#20200472) for a change in porch materials at 441 Church Street. The motion carried by the following vote:

Vote: 5 – 2 – 0

Approved

Voting Against: Cheryl Richardson and Reggie Copeland

* 20200485

BJA FY 2020 Coronavirus Emergency Supplemental Funding

Motion to approve an Ordinance amending the Fiscal Year 2020 Grant Fund for the City of Marietta to receive a grant from the Department of Justice, Bureau of Justice Assistance (B.J.A.) for \$67,149.00 to purchase items as needed for the City of Marietta's response to the Covid-19 virus pandemic.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20200514

MEAG Power 2020 Annual Election

Motion to appoint Council member Andy Morris as the voting delegate and BLW General Manager Ron Mull as the alternate voting delegate for the MEAG Power 2020 Annual Election.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20200506

Temporary Usage Permit for Dine-in/Dine-Out Tents

To authorize staff to consider for implementing a temporary usage permit for dine-in/dine-out tents similar to such Recently approved in the city of Duluth, Georgia. Said permit shall include Promulgated necessary regulations, how furnished, and adherence to social distancing, no smoking, and general use encouraging take out dining of nearby restaurants as to, but not limited to, the following:

1. Glover Park with Branding Project as permitted user.
2. Conference Center on adjacent open space and in parking lot (limited to Area occupying less than 10% of all available parking on premises. Permitted User-Hilton
3. Shopping center, that has two or more eateries, allowed in parking areas Subject to City restrictions including less than 10% of all parking. Permitted User-Management of shopping center
4. Office Building that has over 100 parking spaces and building has employee break/dining room.

If enacted, commencing 7/1/20 through 9/30/20.

Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta.

Motion to approve an ordinance amending Municipal Code Chapter 8-39, Outdoor Cafes to add Section 8-39-065 Temporary usage permit for outdoor restaurants within the entire jurisdiction limits of the City of Marietta - COVID-19.

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 Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved as Amended

* 20200474

BLW Actions of June 8, 2020

Review and approval of the June 8, 2020 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

