



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda 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, November 8, 2023

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Johnny Walker, Ward 3*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

**20230952**      **Marietta City Schools Teacher of the Year**

Proclamation recognizing Candace Torrence, fifth grade teacher from Burruss Elementary, as the 2023 Marietta City Schools District Teacher of the Year.

*Presented by Mayor Steve Tumlin and City Manager Bill Bruton*

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

### SCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes,  
for a combined total of 20 minutes.**

- 20230885      Scheduled Appearance**  
Scheduled Appearance - Donald Barth.
  
- 20230954      Scheduled Appearance**  
Scheduled Appearance - Larry Wills.
  
- 20230922      Scheduled Appearance**  
Scheduled Appearance - Lindsey Wiles.

**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).**

**MINUTES:**

- \*      **20230905      Regular Meeting - October 11, 2023**  
Review and approval of the October 11, 2023 regular meeting minutes.

**MAYOR’S APPOINTMENTS: (for informational purposes only)**

**CITY COUNCIL APPOINTMENTS:**

**ORDINANCES:**

**20230724      Z2023-22 [REZONING] ROSENT HOLDING COMPANY, LLC.**

**Z2023-22 [REZONING] ROSENT HOLDING COMPANY, LLC.** is requesting the rezoning of 0.62 acres located in Land Lot 8540, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 640 Collins Road from R-2 (Single-family Residential - 2units/acre) to LI (Light Industrial). Ward 6B.

***Planning Commission recommends Approval with Stipulation***

*Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval of the request as stipulated. The motion carried with a vote of 7-0-0.*

***Stipulation:*** *The Commission recommends not approving the following variance which would be incorporated as a condition of zoning should Council approve the request as submitted.*

- 1. Variance to allow gravel as an acceptable parking surface (§716.08 A & B)*
- 2. Variance to reduce the buffer adjacent to residential (654 Collins Road) on the southeastern side for the construction of a new driveway and parking area as shown on the attached site plan. (§708.26 I)*

***Public Hearing (all parties sworn in)*****20230228      Z2023-06 [REZONING] WESTPLAN INVESTORS (MARIETTA CROSSING, LLC)**

**Z2023-06 [REZONING] WESTPLAN INVESTORS (MARIETTA CROSSING, LLC)** are requesting the rezoning of 19.25 acres located in Land Lots 1239 & 1240, 1281, & 1282 District 16, Parcels 0270, 0060, and 1310 of the 2nd Section, Cobb County, Georgia, and being known as 50 Powers Ferry Road; 2301 & 2315 Wylie Drive from MXD (Mixed Use Development) to MXD (Mixed Use Development). Ward 7A.

***Planning Commission recommends Approval***

*Mr. Diffley made a motion, seconded by Mr. McClure, to recommend approval. The motion carried with a vote of 6-0-0.*

***Public Hearing (all parties sworn in)***

**20230842**      **Z2023-23 [REZONING] CORNELIUS SAVAGE & IRAN KEARSE**  
**Z2023-23 [REZONING] CORNELIUS SAVAGE & IRAN KEARSE** are requesting the rezoning of 0.39 acres located in Land Lot 1215, District 16, Parcel 1000 of the 2nd Section, Cobb County, Georgia, and being known as 575 Lawrence Street from CRC (Community Retail Commercial) to R-4 (Single-Family Residential - 4 units/acre). Ward 5A.

*Planning Commission recommends Approval*

Ms. McCrae made a motion, seconded by Mr. Diffley, to recommend approval of the request as submitted. The motion carried with a vote of 6-0-0.

*Public Hearing (all parties sworn in)*

**20230843**      **Z2023-24 [REZONING] CITY DESIGN GROUP, INC.**

**Z2023-24 [REZONING] CITY DESIGN GROUP, INC.** is requesting the rezoning of 0.28 acres located in Land Lot 2350, District 16, Parcel 0570 of the 2nd Section, Cobb County, Georgia, and being known as 99 Merritt Street from OI (Office Institutional) to OI (Office Institutional) with an additional use (warehousing). Ward 1A.

*Planning Commission recommends Denial*

Mr. Smith made a motion, seconded by Mr. McClure, to recommend denial of the request as submitted. The motion carried with a vote of 4-2-0. Mr. Diffley and Mr. Kinney opposed.

*Public Hearing (all parties sworn in)*

**20230844**      **Z2023-25 [REZONING] BEAZER HOMES, LLC.**

**Z2023-25 [REZONING] BEAZER HOMES, LLC.** is requesting the rezoning of 5.33 acres located in Land Lot 7860, District 16, Parcel 0090 of the 2nd Section, Cobb County, Georgia, and being known as 1891 Bells Ferry Road from LI (Light Industrial) to PRD-SF (Planned Residential Development - Single Family). Ward 5B.

*Planning Commission recommends Approval*

Mr. Diffley made a motion, seconded by Mr. Smith, to recommend approval of the request as submitted. The motion carried with a vote of 6-0-0.

*Public Hearing (all parties sworn in)*

- 20230876**      **Z2023-26 [REZONING] 1680 SPRING, LLC. (SAINT & GOLDIE, LLC.)**  
**Z2023-26 [REZONING] 1680 SPRING, LLC. (SAINT & GOLDIE, LLC.)** are requesting the rezoning of 1.24 acres located in Land Lot 1147, District 16, Parcel 0470 of the 2nd Section, Cobb County, Georgia, and being known as 397 North Sessions Street from LI (Light Industrial) to LI (Light Industrial) with an additional use of retail and restaurant. Ward 4A.

***Planning Commission recommends Approval***

*Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the request as submitted. The motion carried with a vote of 6-0-0.*

*Should City Council approve the request, the following variances would be incorporated as a stipulation of zoning:*

*Variance to reduce the building setbacks to the as-built conditions identified on the exemption plat for Waterworks Neighbors, LLC. [§708.26 (H)]*

*Variance to eliminate the 50 ft buffer adjacent to a residential district. [§708.26 (I)]*

*Variance to reduce the required parking from 34 spaces to 32 spaces. [§716.07 (Table J)]*

***Public Hearing (all parties sworn in)***

- 20230367**      **CA2023-05 [CODE AMENDMENT] Comprehensive Development Code, Div. 708, Section 708.18, CBD, Central Business District.**  
Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, Section 708.18, CBD, Central Business District.

*Council Member Goldstein disclosed that he, his members of his family and/or entities that he and/or his family members own property in the Central Business District (CBD).*

***Planning Commission recommends Approval***

*Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the proposed amendment. The motion carried with a vote of 7-0-0.*

***Public Hearing (all parties sworn in)***

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

- \*     **20230877**     **Denial of Claim**  
  
Denial of Claim for Raechel Richards.
  
- \*     **20230903**     **Denial of Claim**  
  
Denial of Claim for Bryen Anderson Najarro Hernandez.
  
- \*     **20230904**     **Denial of Claim**  
  
Denial of Claim for Cesar Garcia.

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Andre L. Sims, Chairperson**
  
- 2. Finance/Investment: Joseph R. Goldstein, Chairperson**

- \*     **20230865**     **FY2023 Budget Reconciliation**  
  
Motion approving an amendment to the Fiscal Year 2023 budget to address the annual year-end settlement of accounts to move the salary savings due to unfilled positions for the purchase of equipment, to move the General fund capital contingency to user departments to cover approved capital items, and to appropriate the operational surplus in various Funds of the City.

*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.*

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

\* **20230914**      **Revised Detailed Plan - AUFC Media Trailer**

Motion to approve an extension of the temporary use of an office trailer on the site of the Atlanta United Children's Healthcare of Atlanta Training Ground, until December 31, 2026 or until construction of a new media center is complete, whichever is sooner.

\* **20230806**      **Code Amendment - Outdoor Storage**

Motion to authorize advertisement of possible amendments to how outdoor storage is regulated.

**20230887**      **Revised Detailed Plan - GreenHouse**

Motion to approve the revised detailed plan for the GreenHouse development previously rezoned under Z2022-29. This detailed plan would incorporate the five-acre parcel at 1891 Bells Ferry Road (Z2023-25) and address other minor revisions.

\* **20230898**      **Detailed Plan - Sandtown 2**

Motion to approve the request by Blue River Development for approval of the detailed plan for 5.91 acres off of Saine and Roberta Drives. This property was (partially) annexed and rezoned in 2021 per Z2021-14 for the construction of 40 homes (21 detached and 19 attached) and new public streets.

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

\* **20230902**      **Marietta History Center**

Motion to approve the request for Marietta History Center to display holiday panels as part of Winter Wonderland on the Square.

#### **5. Personnel/Insurance: Cheryl Richardson, Chairperson**

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

#### **7. Public Works Committee: Grif Chalfant, Chairperson**

\* **20230871 Title VI Program Documents**

Motion approving the Title VI Nondiscrimination Agreement and Assurances between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, along with approval of the City of Marietta Title VI Policy and DBE Policy statements. Additionally, this motion appoints the Director of Human Resources and Risk Management as the City of Marietta Title VI Coordinator and the Director of Public Works as the DBE Liaison Officer.

\* **20230872 Lawrence Street Utilities**

Motion authorizing variance from the underground utility's ordinance allowing a new support pole in the right-of-way at 718 Lawrence Street. This motion does not grant a perpetual variance. Marietta Power must relocate underground at their expense if other utilities at the location are moved underground. Ward 1A

\* **20230873 Merritt Street On-Street Parking**

Consideration of a motion authorizing the installation of no parking signage on Merritt Street.

\* **20230874 Welch Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Welch Street from Gramling Street to Latimer Street to determine if traffic calming devices are needed and to set the speed limit at 25 MPH. Ward 1A

\* **20230875 Etowah Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Etowah Drive from Chicopee Drive to Sequoia Drive to determine if traffic calming devices are needed. Ward 4B

**OTHER BUSINESS:**



**20230910 Certificate of Approval - 25 Polk Street-Marietta Station-New Construction**

Consideration of a certificate of approval requested by Marietta Station Partners, LLC c/o Bridger Properties, LLC for new construction at 25 Polk Street. This is a revision to, and re-submittal of the application heard at the May 1, 2023 Historic Board of Review and May 10, 2023 City Council meetings.

*Council Member Goldstein discloses that Philip M. Goldstein and two entities originally owned by Gary Eubanks and/or members of Gary Eubanks' family have cross access easements over their respective properties. Marietta Station Partners, LLC acquired the responsibilities and interest in the cross-access easement that was originally held by the Eubanks entities. Philip M. Goldstein is the father of Council Member Goldstein.*

**\* 20230947 MEAG Off-System Energy Sales Margins Power Supply Year 2024**

Motion to approve a recommendation by the Board of Lights and Water to elect the continuation of Off-System Energy Sales as credits to the monthly MEAG bills and execute the election form for the power supply year 2024.

**\* 20230921 FY23 Law Enforcement Wellness Act Grant Award**

Motion to approve an Ordinance amending the Fiscal Year 2023 Grant Fund for the Marietta Police Department to receive and appropriate a grant for the FY23 Law Enforcement Wellness Act Award from the Department of Justice for \$128,400.00 to contract a full-time mental health clinician.

**\* 20230953 Balli Law Agreement**

Motion to approve the final Balli Law Agreement for services during the Service Delivery/Double Taxation negotiations with Cobb County, with the addition of the City of Mableton.

**20230960      FY 2024 Amendments to City/BLW Pay and Classification System Documents**

Motion approving an Ordinance adopting the amendments to the City of Marietta and Board of Lights and Water Pay and Classification System documents for FY 2024 as attached, with changes to take effect on January 1, 2024. Additionally, this approves a four percent (4%) pay increase for general employees, hired on or before July 1, 2023, a five percent (5%) pay increase for to the Electric Line Worker & & Forestry Pay Plans, and seven percent (7%) pay increase for all sworn Police Officers, Public Safety Ambassadors' and Firefighters. In addition. authorization for "Annual Increase Add-Pay" in lieu of salary increases, when necessary to preserve established salary ranges City/BLW Pay and Classification System.

**\*      20230969      BLW Actions of November 6, 2023**

Review and approval of the November 6, 2023 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes,  
for a combined total of 30 minutes.**

**ADJOURNMENT:**