



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, January 11, 2023

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

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

Also Present:

Bill Bruton, City Manager
Doug Haynie, City Attorney
Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Rabbi Daniel Dorsch on behalf of Council Member Joseph Goldstein, gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone remained standing for the Pledge of Allegiance.

PRESENTATIONS:

20221194 Marietta Police Officers

Recognition of the newest officers to the Marietta Police Department:

Officer Angelique Henry
Officer Andrew Price
Officer Thomas Price
Officer Blake Jerez

Presented by Council Member Richardson & Council Member Kent

Presented

20230016 Habitat for Humanity

Presentation of \$500,000 American Rescue Plan Act funds from the City of Marietta to Habitat for Humanity for the Marietta Public Service Housing Program.

Presented by Council Member Goldstein

Presented

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

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Pro tem Johnny Walker briefly explained the consent agenda process.

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

-under Mayor's Appointments: Agenda item 20230010 remained on the consent agenda as a Motion to Table.

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

Vote: 7 – 0 – 0 Approved

MINUTES:*** 20221190 Regular Meeting - December 14, 2022**

Review and approval of the December 14, 2022 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20221191** **Special Meeting - December 22, 2022**

Review and approval of the December 22, 2022 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

MAYOR’S APPOINTMENTS: (for informational purposes only)

* **20230001** **Mayor Pro tem**

Appointment of Johnny Walker as Mayor Pro tem for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20230002** **Presiding Officer**

Appointment of Andre L. Sims as Presiding Officer for a term of one year expiring January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20230003** **Economic/Community Development Committee**

Appointment of Andre L. Sims as Chairman, Joseph R. Goldstein as Vice Chair and M. Carlyle Kent to the Economic/Community Development Committee for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20230004** **Finance/Investments Committee**

Appointment of Joseph R. Goldstein as Chairman, M. Carlyle Kent as Vice Chair and Cheryl Richardson to the Finance/Investments Committee for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* 20230005

Judicial/Legislative Committee

Appointment of Andy Morris as Chairman, Cheryl Richardson as Vice Chair and Andre L. Sims to the Judicial/Legislative Committee for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20230006

Parks, Recreation & Tourism Committee

Appointment of Johnny Walker as Chairman, Andre L. Sims as Vice Chair and Grif Chalfant to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20230007

Personnel/Insurance Committee

Appointment of Cheryl Richardson as Chairman, Grif Chalfant as Vice Chair and Johnny Walker to the Personnel/Insurance Committee for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20230008

Public Safety Committee

Appointment of M. Carlyle Kent as Chairman, Johnny Walker as Vice Chair and Andy Morris to the Public Safety Committee for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20230009

Public Works Committee

Appointment of Grif Chalfant as Chairman, Andy Morris as Vice Chair and Joseph R. Goldstein to the Public Works Committee for a term of one year expiring on January 10, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230010** **Appointment of Associate Prosecuting Attorneys**

Motion to allow the appointment of two substitute Prosecuting Attorneys to fill the two-year term of office (to January 2024) of the recent resigning Marietta Municipal Court Prosecuting Attorneys pursuant to OCGA § 15-18-95.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Referred to the Personnel/Insurance Committee

CITY COUNCIL APPOINTMENTS:

* **20221149** **Cobb Municipal Association 2023 Delegates**

Appointment of Cheryl Richardson and Carlyle Kent as the voting delegates for the Cobb Municipal Association (CMA) business meetings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20221150** **Georgia Municipal Association 2023 Delegates**

Appointment of Andre Sims as the voting delegate and Joseph Goldstein as alternate voting delegate for the Georgia Municipal Association (GMA) business meetings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20221166** **National League of Cities 2023 Delegates**

Appointment of Carlyle Kent as the voting delegate and Joseph Goldstein as the alternate voting delegate for the National League of Cities business meetings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20221196** **Planning Commission Appointment (Ward 1)**

Reappointment of Craig Smith to the Planning Commission (Ward 1), for a three (3) year term, expiring January 14, 2026.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20221197** **Board of Zoning Appeals Appointment (Ward 1)**

Appointment of James R. Southerland to the Board of Zoning Appeals (Ward 1) for a three (3) year term, expiring January 14, 2026.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

ORDINANCES:

20221062 **Z2023-01 [REZONING] TIMOTHY DAVID CONNOR JR.**

Ord 8320

Z2023-01 [REZONING] TIMOTHY DAVID CONNOR JR. is requesting the rezoning of 4,000 square feet located in Land Lot 1146, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia, and being known as 432 Campbell Hill Street from R-4 (Single Family Residential - 4 units/acre) to R-3 (Single Family Residential - 3 units/acre). Ward 4B.

Planning Commission recommends Approval

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

Public Hearing (all parties sworn in)

Mayor Tumlin 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 432 Campbell Hill Street from R-4 (Single Family Residential - 4 units/acre) to R-3 (Single Family Residential - 3 units/acre).

The applicant, Timothy Connor, Jr., requested rezoning of the rear-most 4,000 square feet of his yard from R-4 (Single Family Residential-4 units/acre) to R-3 (Single Family Residential-3 units/acre). This rezoning would allow the 4,000 square feet to be combined with the parcel immediately to the east and sold to the owner of 429 Church Street.

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

Discussion was held by Council.

Motion to approve the rezoning request for property located at 432 Campbell Hill Street from R-4 (Single Family Residential - 4 units/acre) to R-3 (Single Family Residential - 3 units/acre).

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

Vote: 7 – 0 – 0 **Approved**

20221089

Z2023-02 [REZONING] KENNESTONE DEVELOPMENT PARTNERS, LLC. (JAMES C. DODD JR.)Ord. 8321

Z2023-02 [REZONING] KENNESTONE DEVELOPMENT PARTNERS llc (JAMES C. DODD JR.) are requesting the rezoning of 0.52 acres located in Land Lot 1013, District 16, Parcels 0430 & 0420 of the 2nd Section, Cobb County, Georgia, and being known as 750 James Street and 630 (aka 730) Tower Road from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 5B.

Planning Commission recommends Approval as Stipulated

Mr. Anderson made a motion, seconded by Mr. Diffley, to recommend approval of RA 8 zoning with variances. The motion carried 7 0 0.

Should Council approve the request the property will be zoned RA 8 (Single Family residential - 8 units per acre) with the following stipulations incorporated as conditions of zoning:

- 1) Variance to waive the recreation area requirement (minimum size of 10,000 sf, including both active and passive amenities) [§708.07 (B.1.h)]*
- 2) Variance to reduce the minimum tract size from 4 acres to 0.52 acres [§708.07 (H)]*
- 3) Variance to waive or reduce the 30 foot buffer requirement when an RA 8 district abuts a R 2 district [§708.09 (I)]*

Public Hearing (all parties sworn in)

Mayor Tumlin 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 750 James Street and 630 (aka 730) Tower Road from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

Parin Chheda, Manager of Kennestone Development Partners LLC, requested rezoning of the two (2) parcels to develop four attached, single-family townhomes. Currently, a house exists on each of the subject property lots, which would be demolished to build the townhomes. Mr. Chheda submitted the proposed site plan showing the four (4) townhomes, a detention pond, and space for guest parking, along with sidewalks along both Tower Road and James Street.

James Baits, who resides on Lee Drive, expressed concern regarding traffic issues in the area.

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

Discussion was held by Council regarding the recommendation by the Planning Commission to rezone the property to RA-8 (Multi-Family Residential - 8 units/acre), with variances and/or stipulations.

Motion to approve the rezoning request for property located at 750 James Street and 630 (aka 730) Tower Road from R-2 (Single Family Residential - 2

units/acre) to RA-8 (Multi-Family Residential - 8 units/acre), with the following variances incorporated as a condition of zoning:

1. Variance to waive the recreation area requirement (minimum size of 10,000 sq.ft., including both active and passive amenities) [§708.07 (B.1.h)].
2. Variance to reduce the minimum tract size from 4 acres to 0.52 acres [§708.07 (H)].
3. Variance to waive or reduce the 30-foot buffer requirement when an RA-8 district abuts a R-2 district [§708.09 (I)].

The following stipulations are incorporated as a condition of zoning:

1. Building architecture shall include a slight offset or stagger of units at the exterior facade.
2. Buildings shall be four-sided brick facades.
3. Minimum area of each unit shall be 2,000 square feet.
4. A monument sign for the subdivision shall be included in the development near the entrance of the subdivision.

Further discussion was held regarding the monument sign and whether it would be appropriate.

A motion to amend was made by Council member Kent, seconded by Council member Richardson, to change stipulation #4 from a monument sign to a historic marker noting the history of Kennesaw Battle subdivision. The motion carried by the following vote:

Vote: 7 – 0 – 0 Amendment Approved

Mayor Tumlin called for a vote on the original motion, as amended.

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

Vote: 7 – 0 – 0 Approved as Amended

After noticing someone else wishing to speak regarding agenda item 20221089, the following motion was made.

A motion was made by Council member Goldstein, and Council member Kent, to resend the vote for agenda item 20221089 to allow for another speaker. The motion carried by the following vote:

Vote: 4 – 3 – 0 Approved
Voting Against: Grif Chalfant, Andy Morris and Andre Sims

Mayor Tumlin vetoed the motion.

City Attorney Doug Haynie explained the veto process, stating that it would take five (5) votes to override a veto.

A motion was made by Council member Richardson, seconded by Council member Goldstein, to override the mayor's veto.

The motion failed by the following vote:**Vote: 4 – 3 – 0 Failed**

Voting Against: Grif Chalfant, Johnny Walker, and Andy Morris

20220978
Ord. 8322**Z2022-29 [REZONING] BEAZER HOMES, LLC.**

Z2022-29 [REZONING] BEAZER HOMES, LLC. (DIVERSIFIED TRUST COMPANY, INC.) are requesting the rezoning of 175 acres located in Land Lot 655, Parcels 0040 0050; Land Lot 713, Parcel 0360; Land Lot 714, Parcels 0010 & 0030; Land Lot 715, Parcels 0010, 0020, 0050; Land Lot 725, Parcel 0010; Land Lot 726, Parcel 0010; Land Lot 727, Parcel 0010; Land Lot 787, Parcel 0010; Land Lot 788, Parcel 0010; and Land Lot 786, Parcel 0030, District 16, of the 2nd Section, Cobb County, Georgia, and being known as property on Bells Ferry Road, 2247 Bells Ferry Road, property on Laura Lake Road, 150, 151, & 154 Laura Lake Road, and 1775 Bells Ferry Road from R-20 (Single Family Residential) in the County and RA-8 (Single Family Residential Attached - 8 units/acre) in the City to PRD-SF (Planned Residential Development - Single Family Residential) in the City. Ward 5B.

TABLED at the December 14, 2022 City Council Meeting

Ms. McCrae made a motion, seconded by Mr. Smith, to recommend denial as submitted. The motion failed with a vote of 3 3 0. Mr. Anderson, Mr. Hunter and Mr. McClure opposed.

Should Council approve the request the following is incorporated as a condition of zoning:

1. Letter of stipulations and conditions from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated December 6, 2022.

Public Hearing (all parties sworn in)

Mayor Tumlin 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 on Bells Ferry Road, 2247 Bells Ferry Road, property on Laura Lake Road, 150, 151, & 154 Laura Lake Road, and 1775 Bells Ferry Road from R-20 (Single Family Residential) in the County and RA-8 (Single Family Residential Attached - 8 units/acre) in the City to PRD-SF (Planned Residential Development - Single Family Residential) in the City.

Mr. Kevin Moore (Moore, Ingram, Johnson & Steel LLP.) representing Beazer Homes, requested the annexation and rezoning of the subject property to develop a residential community containing a maximum of five hundred ninety-two (592) residences, comprised of single-family, detached residences, age-targeted residences, and townhomes. Specifically, the residential community shall consist of the following:

TABLED at the December 14, 2022 City Council Meeting

Mr. Anderson made a motion, seconded by Mr. McClure, to recommend approval as submitted. The motion failed with a vote of 3-3-0. Mr. Diffley, Mr. Smith and Ms. McCrae opposed.

Public Hearing (all parties sworn in)

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

Mr. Kevin Moore (Moore, Ingram, Johnson & Steel LLP.) representing Beazer Homes, requested that his presentation from the rezoning be incorporated for the code amendment.

Carol Brown, representing many concerned residents and over 350 petitioners to the rezoning and annexation.

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

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

Vote: 6 – 0 – 0 Approved
Absent for the vote: Grif Chalfant

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20221158 Denial of Claim**

Denial of Claim for Anthony Brooks.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny Claim

* **20221179 Denial of Claim**

Denial of Claim for Rafael Ramirez.

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**
3. **Judicial/Legislative: G. A. (Andy) Morris, Chairperson**
4. **Parks, Recreation and Tourism: Johnny Walker, Chairperson**
5. **Personnel/Insurance: Cheryl Richardson, Chairperson**
6. **Public Safety Committee: M. Carlyle Kent, Chairperson**
7. **Public Works Committee: Grif Chalfant, Chairperson**

* **20221143 Donation of Right-of-Way**

Motion authorizing the Public Works to receive the donation of 1,707 square feet of right-of-way located at 76 Olive Street per the Quitclaim Deed from Bailey Pallet, LLC. Ward 1A.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20221144 Dodd Street Utilities - AO2GPJ4**

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 Dodd Street, from the intersection of Claymore Drive to the last pole south of Roswell 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. Wards 1A and 7A.

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

* **20221145 Manget Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Manget Street from Waterman Street to Grogan Street to determine if traffic calming devices are needed. Ward 1A.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20221146** **Fort Street On-Street Parking**

Motion authorizing a no parking zone to be installed along the north side of Fort Street west of Wood Drive with an estimated cost of \$500.00. Ward 5A.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20221148** **Atlanta Street & Waverly Way Intersection Improvement Project**

Motion authorizing Public Works to proceed with the construction of the intersection safety improvements at Atlanta Street and Waverly Way as stated in Option 2 which includes the installation of a traffic signal, decorative signal poles, brick crosswalks, widened brick sidewalks, new street pavement throughout the intersection, acquisition of required right-of-way and construction easements, and other safety improvements as required, at an estimated cost of \$569,884.80. This project to be funded as a pedestrian safety improvement project from the 2022 SPLOST General Streets & Drainage account. Wards 1A & 5A

Council Member Goldstein discloses that Farzad Ghasemshahi is a tenant of members of his family and/or entities owned by members of his family. Farzad Ghasemshahi is believed to be a tenant of or has a business at 72 Atlanta Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

20221147 **James Street Speed Limit Reductions**

Motion to lower and post the speed limit to 25 MPH on the following streets in accordance with the Manual on Uniform Traffic Control Devices (MUTCD):

- James Street (from Tower Road to end)
- James Court (from James Street to James Street)
- Lee Drive (from James Street to end)

Public Hearing

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

Public Works Director Mark Rice summarized the James Street speed limit reductions.

*Those speaking regarding this matter were:
Charlotte Mann, who resides on Lee Drive.
Mr. Beavers, who resides on James Street.*

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

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

Vote: 6 – 0 – 0 **Approved**

Absent for the vote: Grif Chalfant

OTHER BUSINESS:

* **20230019** **GTIB Application**

Motion authorizing Public Works to submit a grant application to the Georgia Transportation Infrastructure Bank (GTIB) for the reconstruction of the Franklin Gateway Bridge.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20230017** **Annual Comprehensive Financial Report**

Motion to receive and file the FY2022 Annual Comprehensive Financial Report.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20221192** **BLW Actions of January 9, 2023**

Review and approval of the January 9, 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**

UNSCHEDULED APPEARANCES:

Speaking during unscheduled appearances were:

Elizabeth, who resides on Kiowa Drive.

Charlotte Mann, who resides on Lee Drive.

ADJOURNMENT:

The meeting was adjourned at 8:55 p.m.

Date Approved: February 8, 2023

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk