



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, February 8, 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:

Mayor Tumlin called upon Council member Richardson to give the invocation.

PLEDGE OF ALLEGIANCE:

Everyone remained standing for the Pledge of Allegiance.

PRESENTATIONS:

20230143

Museum Professional of the Year

Presentation of the Museum Professional of the Year from the Georgia Association of Museums to Christa McCay, Marietta History Center's Collections Manager.

Presented by Council Member Johnny Walker

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20230081 Scheduled Appearance**

Scheduled Appearance - Brian Leggett

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 Johnny Walker briefly explained the consent agenda process.

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

-under Judicial/Legislative: Agenda item 20230059 remained on the consent agenda and amended to include 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.

-under Personnel/Insurance: Agenda items 202300152-20230157 were added to the consent agenda. Agenda items 20230156 and 20230157 should include 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 Kent, 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:

- * **20230090** **Regular Meeting - January 11, 2023**

Review and approval of the January 11, 2023 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

- * **20230093** **Executive Session Minutes**

Review and approval of the following executive session minutes:

June 7, 2021 Agenda Work Session
June 29, 2021 Special Called Agenda Work Session
August 4, 2021 Agenda Work Session
October 11, 2021 Agenda Work Session
December 6, 2021 Agenda Work Session

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

MAYOR’S APPOINTMENTS:

- * **20230063** **Marietta Historic Board of Review Mayor’s Appointment**

Reappointment of Christopher G. Brown to the Marietta Historic Board of Review as the Mayor’s Appointment, for a two (2) year term, expiring February 12, 2025.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

CITY COUNCIL APPOINTMENTS:

- * **20221178** **Historic Board of Review Appointment (Ward 7)**

Appointment of Martin C. Kendall to the Historic Board of Review Ward 7 for a two (2) year term, expiring February 12, 2025.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20221195** **Historic Preservation Commission Appointment (Ward 1)**

Reappointment of Steve Imler (Ward 1) to the Marietta Historic Preservation Commission (Ward 1), for a 3-year term expiring February 11, 2026.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

ORDINANCES:

20221184 **Z2023-03 [VARIANCE] BRANDON & ANNA KATHERYN DUQUETTE**

Z2023-03 [VARIANCE] BRANDON & ANNA KATHERYN DUQUETTE are requesting the rezoning of 0.3 acres located in Land Lot 1146, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia, and being known as 444 Campbell Hill Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an additional use to allow a paying tenant in an accessory dwelling unit. Ward 4B.

Planning Commission recommends Approval as Stipulated

Ms. McCrae made a motion, seconded by Mr. Smith, to approve the request as stipulated with the exclusion of the variance to allow gravel/slate chips as an acceptable parking surface . The motion carried with a vote of 5 0 0.

Should council approve the request, the following stipulations and variances would be incorporated as conditions of zoning:

Stipulation:

- 1) Variance to reduce the side yard setback along the northern property line from 10 feet to 5 feet (to accommodate both the existing home and proposed addition) [§708.04 (H)].
- 2) Variance to reduce the rear yard setback for an accessory dwelling unit to 20 feet. [§708.04 (C.1.g)].

Recommended to be excluded:

- 3) Variance to allow gravel/slate chips as an acceptable parking surface [§716.08 (A&B)].

Public Hearing (all parties sworn in)

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

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning for property located at 444 Campbell Hill Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre), with an additional use to allow a paying tenant in an accessory dwelling unit.

The applicant, Brandon Duquette, requested rezoning for the subject property to additional use to allow a paying tenant in an accessory dwelling unit. The following variances are also being request: 1) Variance to reduce the side yard setback along the northern property line from 10 feet to 5 feet (to accommodate both the existing home and proposed addition); 2) Variance to reduce the rear yard setback for an accessory dwelling unit to 20 feet and 3) Variance to allow gravel/slate chips as an acceptable parking surface.

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

Discussion was held by Council.

A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the rezoning request for property located at 444 Campbell Hill Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an additional use to allow an accessory dwelling unit for a family member only.

The following variances will be incorporated:

- 1) Variance to reduce the side yard setback along the northern property line from 10 feet to 5 feet (to accommodate both the existing home and proposed addition);*
- 2) Variance to reduce the rear yard setback for an accessory dwelling unit to 20 feet and*
- 3) Variance to allow concrete strips from the driveway up to the new accessory dwelling unit.*

In depth discussion was held regarding the original request for an additional use to allow a paying tenant in an accessory dwelling unit.

A motion was made by Council member Kent, seconded by Council member Chalfant, to call the question. The motion carried by the following vote:

Vote: 7 – 0 – 0 *Approved*

Mayor Tumlin called for a vote on the motion.

The motion was made by Council member Morris, seconded by Council member Chalfant, to approve the rezoning request for property located at 444 Campbell Hill Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an additional use to allow an accessory dwelling unit for a family member only.

The following variances will be incorporated:

- 1) Variance to reduce the side yard setback along the northern property line from 10 feet to 5 feet (to accommodate both the existing home and proposed addition);*
- 2) Variance to reduce the rear yard setback for an accessory dwelling unit to 20 feet and*
- 3) Variance to allow concrete strips from the driveway to the new accessory dwelling unit.*

The motion failed carried by the following vote:

Vote: 1 – 6 – 0 **Denied**

Voting Against: Cheryl Richardson, Grif Chalfant, Johnny Walker, M. Carlyle Kent, Andre L. Sims and Joseph R. Goldstein

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20230144** **Denial of Claim**

Denial of Claim for Ernest Wagoner.

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

* **20230060** **Tree Preservation Fund (Target)**

[Ord 8325](#)

Motion to approve an Ordinance for an amendment to the Fiscal Year 2023 Tree Preservation Fund budget to receive and appropriate a payment of \$1,677.50 for construction activity at 2199 Cobb Parkway South.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

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

* **20230042** **Final Plat - Fairgate Townhomes**

Motion to approve the final plat for 718 Fairgate Road for the construction of six (6) townhomes (Z2021-03).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20230043** **Code Amendment - Section 718.02 Administrative Variances**

Ord 8329

Motion to authorize staff to advertise an amendment to Section 718.02 Administrative Variances to reflect recent fee changes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved for Advertisement**

* **20230059** **Fee Chart Ordinance Amendment**

Ord 8326

Motion to approve ordinance amendments associated with approved City Fee Chart revisions effective January 1, 2023. Serves to refresh fee amounts embedded throughout the City's code sections.

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 as Amended**

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

* **20230044** **2023 Street Closure and Associated Alcohol Sales and Consumption Requests**

Motion authorizing street closures and alcohol sales and consumption for the following city sponsored and/or city sanctioned events held in calendar year 2023 as presented.

Street Closures:

- Marietta The Gathering
- Glover Park Concert Series
- Taste of Marietta
- May-retta Daze Spring Arts and Crafts Festival
- Juneteenth
- Fourth in the Park

Art in the Park

- Chalktoberfest
- HarvestFest
- Marietta Reads
- MUST Ministries Gobble Jog

Events Requesting Alcohol Sales:

- Taste of Marietta
- Art in the Park
- Chalktoberfest

Council Member Goldstein discloses that he is a member of the Marietta Cobb Museum of Art.

Council Member Goldstein discloses that he is a member of the Board of Directors of the Marietta Visitor's Bureau by virtue of being appointed by the Marietta City Council.

Council Member Goldstein discloses that Paula Shea is a member of the Downtown Marietta Development Authority. Paula Shea is the aunt of Council Member Goldstein.

Council Member Goldstein discloses that members of his family and/or entities owned by himself and/or members of his family own property in downtown Marietta.

This Matter was Approved on the Consent Agenda.

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

* **20230046** **Summer Camp Grant Funding**

Motion to approve submission of 2023 summer camp grant funding from the American Rescue Plan Act for the Building Opportunities for Out-of-School Time (BOOST) Grant Program, established through the Georgia Statewide Afterschool Network (GSAN) and the Georgia Department of Education (GaDOE) administered by the Georgia Parks and Recreation Association (GRPA).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20230064** **West Dixie Park**

Motion to allocate up to \$100,000 from the 2009 Parks Bond for the immediate beautification of the West Dixie Park.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20230078** **Administrative Correction**

Motion to approve Administrative Correction to the Pay & Classification Schedule.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

- * **20230152** **City Clerk Compensation and Contract**
- c/a 5152 Motion to approve compensation and employment contract for Stephanie E. Guy per City Code Section 4-4-2-030.C.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20230153** **Administrative Assistant to the Mayor Compensation and Contract**
- c/a 5151 Motion to approve compensation and employment contract for Elizabeth S. Kelley per City Code Section 4-4-2-030.C.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20230154** **Board of Lights & Water General Manager Compensation**
- Motion approving compensation for Ronald J. Mull as per the attached document retroactive to January 1, 2023. The General Manager will also participate in across the board increases provided to general employees as approved by the City Council.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20230155** **City Manager Compensation and Contract**
c/a 5153
- Motion to approve compensation and employment contract for William F. Bruton Jr. per City Charter Section 4.2 and per City Code Section 4-4-2-030.C.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20230156** **Municipal Court Prosecuting Attorney Compensation and Contract**
- [Ord 8327](#)
c/a 5154
- Motion to approve an ordinance fixing compensation for Benjamin F Smith and amending the employment agreement. Compensation is fixed by ordinance per City Charter Sections 4.11(a)(5) and 6.6(b).
- 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 as Amended

* **20230157**

Municipal Court Judge Compensation and Contract

[Ord 8328](#)
c/a 5155

Motion to approve an ordinance fixing compensation for Lawrence E. Burke and amending the employment agreement. Compensation is fixed by ordinance per City Charter Sections 4.11(a)(1) and 6.2(b).

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 as Amended

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

7. Public Works Committee: Grif Chalfant, Chairperson

* **20230053**

Holiday Street On-Street Parking

Motion authorizing a no parking zone to be installed along both sides of Holiday Street from Lawrence Street to the dead-end with an estimated cost of \$500.00. Ward 5A

Motion to Table and refer to the Public Works Committee.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Table

* **20230054**

Keeler Woods Drive Speed Study

Motion authorizing Public Works to conduct the speed study of Keeler Woods Drive from Atwood Drive to Darien Way to determine if traffic calming devices are needed. Ward 4A

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

20230055**Victory Drive Traffic Calming Proposal**

Motion authorizing Public Works to install the three (3) speed tables, reduce lane width to 10 feet, and the installation of a 3 way stop at North Park Drive with new ADA and pedestrian access on Victory Drive with the estimated costs at \$20,000.00. Ward 1A

Public Hearing Required

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

Public Works Director Mark Rice summarized the traffic calming proposal for Victory Drive.

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

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

Vote: 6 – 1 – 0

Approved

Voting Against: Andy Morris

OTHER BUSINESS:**20220883****V2022-34 [VARIANCE] ARIADNE NIKIFOROU**

V2022-34 [VARIANCE] ARIADNE NIKIFOROU is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1235, District 16, Parcel 0880, 2nd Section, Marietta, Cobb County, Georgia, and being known as 670 Roswell Street. Variance to allow an automotive repair shop (including paint and body) within 200 feet of a property used for a school or park; variance to allow an automotive repair shop (including paint and body) within 200 feet of a property zoned R-4; variance to allow an automotive repair shop (including paint and body) operate within the Commercial Corridor Design Overlay - Tier A; variance to allow tree removal within the existing buffer to be replaced with one row of evergreen trees; variance to allow gravel as an acceptable parking surface, only as shown on the attached application. Ward 1A.

Tabled at the November 9, 2022 and December 14, 2022 City Council meetings.

Public Hearing (all parties sworn in)

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

Rusty Roth, Development Services Director, presented information regarding the variances requested for property at 670 Roswell Street.

The applicant and owner, Ariandre Nikiforou, is requesting multiple variances for the property at 670 Roswell Street. The variances would allow an automotive repair shop within 200 feet of a property used for a school or park, within 200 feet of a property zoned R-4 and to operate within the Commercial Corridor Design Overlay - Tier A. There would also be a variance to allow tree removal within the existing buffer to be replaced with one row of evergreen trees and allow gravel as an acceptable parking surface.

*Those speaking regarding this matter:
Ken Finlayson, who resides on Fraiser Circle
Kathy Kelly, who resides on Fraiser Circle*

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

Discussion was held by Council regarding the site plan submitted by the applicant, with the assistance of a civil engineer. Council again stated what should be included in the plan to allow them to make an informed decision.

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

Vote: 7 – 0 – 0 Tabled

- * **20230145 MEAG Power 2023 Sale of Excess Reserve and Supplemental Capacity/City of East Point**

Motion to approve a recommendation by the Board of Lights and Water to approve the opinion letters regarding MEAG Power Sale of excess reserve capacity and supplemental capacity to the City of East Point on behalf of the City of Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20230146 MEAG Power 2023 Sale of Excess Reserve Capacity/City of East Point**
c/a 5148

Motion to approve a recommendation by the Board of Lights and Water to approve of the attached agreement allowing the Municipal Electric Authority of Georgia (MEAG) Power to sell 2023 excess reserve capacity, on our behalf, to the City of East Point, and to authorize the Mayor/ Chairman to execute this agreement for the specified amounts.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20230147
c/a 5149

MEAG Power Sale of Supplemental Capacity/City of East Point

Motion to approve a recommendation by the Board of Lights and Water to approve the Sale of Supplemental Capacity to the City of East Point and to authorize the Mayor/ Chairman to execute this agreement for the specified amounts.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20230148

Allgood Road at Merritt Road Improvements Project - 991 Allgood Road

Motion authorizing acquisition of a portion of the property and easements at 991 Allgood Road from Edgar Darden Borders for the purpose of constructing the Allgood Road at Merritt Road Improvements Project in exchange for \$3,080.00 and the following stipulations.

1. There will be no barriers in the road that will impede our turning left (East) from our driveway. We understand traffic may impede that turn during heavy traffic times.
2. The trees on the left of the driveway when you go up, (west) are outside the construction area and will not be disturbed. Do not damage those trees.
3. The Holly tree on the Right side going up the driveway, east, may need to be removed, we understand.
4. The White Fringe tree behind the Holly, may need some branches trimmed for construction. Do not damage this tree.
5. Any gravel or dirt that is leftover, can be left and we will move it.
6. We will dig up the day lilies and move them for you.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20230091

BLW Actions of February 6, 2023

Review and approval of the February 6, 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.
Brandon Duquette, who resides at 444 Campbell Hill Street
Resident who lives on Holiday Street.*

ADJOURNMENT:

The meeting was adjourned at 8:37 p.m.

Date Approved: March 8, 2023

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk