



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL AGENDA WORK SESSION

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

Monday, March 6, 2023

5:15 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

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

Absent: Andre L. Sims

Also Present:

Bill Bruton, City Manager

Doug Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Tumlin called the meeting to order at 5:15 p.m.

MINUTES:

20230233 **Agenda Work Session - February 6, 2023**

Review and approval of the February 6, 2023 Agenda Work Session minutes.

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

Vote: 6 – 0 – 0

Approved

BUSINESS:

20230221 **BLW Report**

Council Member Andy Morris gives the Board of Lights and Water (BLW) report for the meeting held on Monday, March 6, 2023.

Reported

A motion was made by Council member Goldstein, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda related to the Southeastern Power Administration (SEPA). The motion carried by the following vote:

*Vote: 6 – 0 – 0 Approved
(See agenda item 20230254)*

20230254 Southeastern Power Administration (SEPA)/ Renewable Energy Certificate

Motion to approve a recommendation from the Board of Lights and Water to utilize MEAG Power as the specified agent to accept the Southeastern Power Administration (SEPA)/ Georgia-Alabama-South Carolina System Renewable Energy Certificate credits on our behalf.

The motion was made by Council member Goldstein, seconded by Council member Richardson, that this matter be Recommended for Council Agenda Consent. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval – Consent Agenda

A motion was made by Council member Goldstein, seconded by Council member Richardson, to suspend the rules of order to add a Denial of Claim to the agenda. The motion carried by the following vote:

*Vote: 6 – 0 – 0 Approved
(See agenda item 20230255)*

20230255 Denial of Claim

Denial of the claim of Juliette Henderson.

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

Vote: 6 – 0 – 0 Recommended for Approval – Consent Agenda

20230180 Detailed Plan - The Cottages at Keeler Woods Ph. 2

Request for approval of a detailed plan for ten (10) new homes and a new private street as Phase 2 of the Cottages at Keeler Woods (Z2022-20), currently located at 807 & 811 Polk Street.

Motion to approve the detailed plan for ten (10) new homes and a new private street as Phase 2 of the Cottages at Keeler Woods (Z2022-20), currently located at 807 & 811 Polk Street.

The motion was made by Council member Walker, seconded by Council member Chalfant, that this matter be Recommended for Council Agenda Non-Consent. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Council Agenda Non-Consent

20230238 Planning Commission Appointment (Ward 2)

Reappointment of Frasure Hunter to the Planning Commission (Ward 2), for a three (3) year term expiring March 13, 2026.

A motion was made by Council member Chalfant, seconded by Council member Morris, that this matter be Recommended for Council Agenda Consent. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval – Consent Agenda

20230116 Marietta Civil Service Board - Post 5

Consideration of a recommendation from the Civil Service Board, to reappoint of Philip Hynninen to the Marietta Civil Service Board (Post 5), for a one-year term expiring January 31, 2024.

Philip Hynninen has been on the board since January 2019.

Motion to reappoint Philip Hynninen to the Marietta Civil Service Board (Post 5), for a one-year term expiring January 31, 2024.

The motion was made by Council member Chalfant, seconded by Council member Walker, that this matter be Recommended for Council Agenda Consent. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval – Consent Agenda

20221156 Ethics Committee Council Appointment

Discussion of Ethics Committee Appointments.

Motion to reappoint Michelle Cooper Kelly to the Ethics Committee (Council Appointment), for a term of two (2) years expiring March 12, 2025.

The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda Consent. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval – Consent Agenda

20230223 Draft City Council Agenda

Review and approval of the Wednesday, March 8, 2023 DRAFT City Council Agenda.

A motion was made by Council member Chalfant, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda for an appointment to the Board of Zoning Appeals. The motion carried by the following vote:

*Vote: 6 – 0 – 0 Approved
(See agenda item 20230256)*

A motion was made by Council member Chalfant, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda for a Presentation for James "Ken" Lowman. The motion carried by the following vote:

*Vote: 6 – 0 – 0 Approved
(See agenda item 20230257)*

(The City Manager noted that several items were left off consent in error. Those items will be added to consent on the final draft. Also, agenda item 20230222, Redistricting Ward Map Study Committee, will be added to the final draft, as it was also left off the Council agenda in error.)

Review of the draft City Council agenda:

-under Minutes: Agenda item 20230236 was added to the consent agenda.

-under Judicial/Legislative: Agenda item 20230203 should show Council member Goldstein abstaining.

-under Parks and Rec: Agenda item 20230049 was added to the consent agenda.

-under Personnel/Insurance: Agenda item 20230010 was added to the consent agenda.

-under Other Business: Agenda item 20230237 was added to the consent agenda.

Discussed

20230256 Board of Zoning Appeals Appointment (Ward 2)

Appointment of Walt Walker to the Board of Zoning Appeals (Ward 2), for a three-year term beginning immediately and expiring on March 11, 2026.

The motion was made by Council member Chalfant, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda Consent. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval – Consent Agenda

20230257

Proclamation - James Kenneth Lowman

Presentation of a Proclamation to James Kenneth Lowman, recognizing his service on the Board of Zoning Appeals.

The motion was made by Council member Chalfant, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda Non-Consent. The motion carried by the following vote:

Vote: 6 – 0 – 0

Recommended for Council Agenda Non-Consent

Council member Goldstein stepped down from the dais prior to the vote to go into executive session.

20230224

Executive Session

Executive Session to discuss legal, personnel, and/or real estate matters.

A motion was made in open session by Council member Richardson, seconded by Council member Kent, to enter an Executive Session to discuss pending litigation, and real estate acquisition. The motion carried by the following vote:

Vote: 5 – 0 – 0

Approved

Absent for the vote: Joseph R. Goldstein

The Executive Session was held.

Council member Goldstein left the room during a portion of the discussion.

A motion was made in open session by Council member Richardson, seconded by Council member Morris, to exit the Executive Session. The motion carried by the following vote:

Vote: 5 – 0 – 0

Approved

Absent for the vote: Joseph R. Goldstein

Council member Goldstein returned to the dais.

During the executive session, a matter was brought up that Council Member Goldstein had a conflict of interest on. Council Member Goldstein disclosed the conflict (the full disclosure will be part of the executive session minutes), did not participate in the discussion and removed himself from the executive session during the discussion on the matter.

After the executive session, the following motions were made:

1.) A motion was made by Council member Chalfant, seconded by Council

member Richardson, to suspend the rules of order to add an item to the agenda related to property located at 630 Whitlock Ave. The motion carried by the following vote:

Vote: 6 – 0 – 0 Approved

A motion was made by Council member Chalfant, seconded by Council member Walker, to authorize acquisition of easements at 630 Whitlock Ave. from SAI BABA 2005 Inc for the purpose of constructing the Lindley Sidewalk Improvements Project in exchange for \$9,450.00. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval - Consent Agenda

2.) A motion was made by Council member Chalfant, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda related to property located at 1982 Delk Industrial Blvd. The motion carried by the following vote:

Vote: 6 – 0 – 0 Approved

A motion was made by Council member Chalfant, seconded by Council member Richardson, to authorize acquisition of easements at 1982 Delk Industrial Blvd. from CPVF III Franklin Forest LLC for the purpose of constructing the Rottenwood Creek Trail Phase I Project in exchange for \$21,200.00. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval - Consent Agenda

3.) A motion was made by Council member Chalfant, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda related to Parcel 33 at 102 South Fairground Street. The motion carried by the following vote:

Vote: 6 – 0 – 0 Approved

A motion was made by Council member Chalfant, seconded by Council member Richardson, to authorize the City Attorney to proceed with eminent domain to acquire the required extension for the temporary construction easement and the driveway easement for Parcel 33 at 102 South Fairground Street from Native Descendants Heritage LLC for the Fairground Street - South Marietta Parkway to Roswell Street (Fairground B) Project. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval - Consent Agenda

4.) A motion was made by Council member Chalfant, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda related to Parcel 21 at 1048 Franklin Gateway. The motion carried by the following vote:

Vote: 6 – 0 – 0 *Approved*

A motion was made by Council member Chalfant, seconded by Council member Richardson, to authorize the City Attorney to proceed with eminent domain to acquire the required 14,073 square feet for permanent easement for Parcel 21 at 1048 Franklin Gateway from Navrang LLC for the Rottenwood Creek Trail Phase I Project. The motion carried by the following vote:

Vote: 6 – 0 – 0 *Recommended for Approval - Consent Agenda*

ADJOURNMENT:

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____