



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
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, March 10, 2021

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:

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 Goldstein 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 APPEARANCES:

20210169

Scheduled Appearance

Scheduled Appearance - Matthew Grund

Not Present

20210191

Scheduled Appearance

Scheduled Appearance - Brian Peters

Present

20210192

Scheduled Appearance

Scheduled Appearance - Ron Remillard

Not Present

20210190

Scheduled Appearance

Scheduled Appearance - Donald Barth

Present

Melody Lindsey and Brad York were called forward to speak during 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 Ordinances: Agenda items 20210890 and 20210891 were amended to Motion to table.

-under Public Safety: Agenda item 2010186 was added to the consent agenda.

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

Vote: 7 – 0 – 0

Approved

MINUTES:

- * **20210215** **Regular Meeting - February 10, 2021**
- Review and approval of the February 10, 2021 regular 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:**

- * **20210183** **Marietta Development Authority Board Appointment**
- Reappointment of James D. Southerland to the Marietta Development Authority Board (Post 5) for a 5-year term, expiring March 10, 2026.
- James D. Southerland has served on the Board for 12 years.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210196** **Board of Zoning Appeals Appointment (Ward 7)**
- Appointment of Cecedrick Lockett to the Board of Zoning Appeals (Ward 7) for a three-year term, expiring March 10, 2024.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

ORDINANCES:

- * **20200890** **Z2020-34 [REZONING] NEXUS MARIETTA, LLC**
- Z2020-34 [REZONING] NEXUS MARIETTA LLC is requesting the rezoning of 16.82 acres located in Land Lot 649, District 17, Parcels 0390, 0380, 0370, 0210, 0990, 0220, 0360, 0230, 0350, 0240, 1580, 1440, 0270, 1590, 0030; Land Lot 648, District 17, Parcel 0790; Land Lot 650, District 17, Parcels 0610 & 0620; and Land Lot 647, District 17, Parcel 0020 of the 2nd Section, Cobb County, Georgia, and being known as 350 Virginia Place; 411, 417, 420, 421, 430, 431, 440, 441, 450, 456, 460, 464, 470, 500, 506, 510, 520, & 524 Meadowbrook Drive from CRC (Community Retail Commercial) and RRC (Regional Retail Commercial) to MXD (Mixed Use Development). Ward 6A.

The Planning Commission recommends Denial.

Mr. Kevin Moore, Esq., for the Applicant, requested to table this request in order that Public Works would have more time to review the newly received traffic study.

The public hearing was held.

Mr. Diffley made a motion, seconded by Ms. McCrae to deny the request to table. The motion carried 4-2-0. Chairman Kinney, Mr. Diffley, Mr. Hunter and Ms. McCrae voted in favor of denial. Mr. Anderson and Mr. Davis voted against. Mr. McClure was not present for the vote.

Mr. Diffley made a second motion, seconded by Mr. Hunter to recommend denial. 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 from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated February 1, 2021.

Public Hearing (all parties are sworn in)

Motion to table Z2020-34 [Rezoning] Nexus Marietta, LLC.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0 Tabled

Mayor Steve Tumlin opposed

* **20200891**

Z2020-35 [REZONING] NEXUS MARIETTA, LLC

Z2020-35 [REZONING] NEXUS MARIETTA, LLC is requesting the rezoning of 29.76 acres located in Land Lot 1281, District 16, Parcels 0700, 0720, 0730, 0740, 0750, 0760; Land Lot 1280, District 16, Parcels 0050, 0070, 0080; Land Lot 577, District 17, Parcel 0020; Land Lot 648, District 17, Parcels 0310, 0340, 0320, 0350, 0800, 0370, 0380, 0520, 0540, 0570, 0330, 0530 of the 2nd Section, Cobb County, Georgia, and being known as 1438, 1454, 1462, 1470, 1480, 1486, 1496 Blanche Drive; 1532 & 1554 Blanche Court; 1651, 1663, 1664, 1665, 1680, 1690, 1696, & 1706 Crestridge Drive; 218, 222, 224, & 226 Herbert Drive; and 382 Scott Drive from R-2 (Single Family Residential - 2 units/acre, R-4 (Single Family Residential - 4 units/acre), and RRC (Regional Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 7A.

The Planning Commission recommends Denial.

Mr. Kevin Moore, Esq., for the Applicant, requested to table this request in order to allow completion of the traffic study. The Board Members moved forward with the public hearing.

A public hearing was held.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend denial. 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 lot size from 4,000 sq. ft. to the individual unit's building footprint. [§708.09 (H)]*
2. *Variance to allow the proposed 156 single family units to be accessed off local streets as shown on submitted plan. [§730.01 (A)]*
3. *Variance to reduce the width of a private alley for two-way travel along Lots 7 - 10 from 20 ft. to 16 ft. [§716.06 (B)].*

Public Hearing (all parties are sworn in)

Motion to table Z2020-35 [Rezoning] Nexus Marietta, LLC.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0 Tabled
Mayor Steve Tumlin opposed

20210070

Z2021-04 [REZONING] PDC LAND ACQUISITION, LLC & MARIETTA HOUSING AUTHORITY

Z2021-04 [REZONING] PDC LAND ACQUISITION, LLC & MARIETTA HOUSING AUTHORITY are requesting the rezoning of 2.27 acres located in Land Lot 1076, District 16, Parcels 0160 & 0110 of the 2nd Section, Cobb County, Georgia, and being known as 343 Roselane Street and 361 Petty Drive from OI (Office Institutional) to RHR (Residential High Rise). Ward 4B.

The Planning Commission recommends Approval as Stipulated.

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

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

The following variances are incorporated as conditions of zoning:

1. *Variance to reduce the minimum building height from 5 stories to 4 stories. [§708.13 (H)]*
2. *Variance to reduce the minor side yard setback for a property zoned RHR from 30' to 15'. [§708.13 (H)]*
3. *Variance to reduce the rear yard setback for a property zoned RHR from 40' to 20'. [§708.13 (H)]*
4. *Variance to reduce the minimum required parking from 186 to 62 spaces. [§708.13 (H)]*
5. *Variance to waive the 10-foot planted border along Petty Drive. [§712.08 (G.2.a.)]*

The following stipulations are incorporated as conditions of zoning:

1. *The subject of abandonment of Petty Drive be discussed with the City.*
2. *The applicants will discuss project with adjacent property owners to see if there are opportunities to resolve any concerns.*
3. *Development is site-plan specific and must comply with the Fair Housing Act's "Housing For Older Persons" requirements.*

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 at 343 Roselane Street and 361 Petty Drive from OI (Office Institutional) to RHR (Residential High Rise).

The applicants, PDC Land Acquisition, LLC and Marietta Housing Authority, requested the rezoning of the subject property to construct a 4-story multifamily complex with up to 93 units for seniors, with up to ninety-three (93) units.

Speaking in opposition to this request: James Clay, Steven Early, Rick Springfield, Louis Williams and Mr. James Snuggs

Seeing no one 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, the request for the rezoning for property at 343 Roselane Street and 361 Petty Drive from OI (Office Institutional) to RHR (Residential High Rise), with the following variances are incorporated as conditions of zoning:

- 1. Variance to reduce the minimum building height from 5 stories to 4 stories.*
- 2. Variance to reduce the minor side yard setback for a property zoned RHR from 30' to 15'.*
- 3. Variance to reduce the rear yard setback for a property zoned RHR from 40' to 20'.*
- 4. Variance to reduce the minimum required parking from 186 to 62 spaces.*
- 5. Variance to waive the 10-foot planted border along Petty Drive.*

The following stipulations are incorporated as conditions of zoning:

Development is site-plan specific and must comply with the Fair Housing Act's "Housing For Older Persons" requirements.

The motion carried by the following vote:

Vote: 5 – 1 – 1 **Approved**
 Voting Against: Joseph R. Goldstein
 Abstaining: Reggie Copeland

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20210207** **Denial of Claim**

Denial of Claim for Lashaun Heard.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved to Deny Claim**

* **20210210** **Denial of Claim**

Denial of Claim for BreAzia Washington.

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: Johnny Walker, Chairperson

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

* **20210171** **Revised MOU for SRO for the Marietta City Schools**

Motion to approve the revised Memorandum of Understanding between the Board of Education of the City of Marietta Schools and the City of Marietta for School Resource Officer Program.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

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

* **20210152** **Marietta Police Department Ordinance Amendment**

Motion approving an ordinance amending the Marietta City Code 9-12-010, 9-12-020, 9-12-025, and 9-12-060 of the Chapter 9-12, "Removal and Storage of Vehicles" for the Marietta Police Department.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **First Reading**

* **20210158** **Final Plat - The Townes at Marietta Phase 1**

Motion to approve the final plat for the Townes at Marietta, Phase 1, located at 557, 571, 605 & 671 Wylie Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20210159** **Preliminary Plat - Rosehill Townhomes**

Motion to approve the request by 33 Holdings, LLC for approval of the preliminary plat to develop 33 townhomes at 401 Rose Drive, zoned RM-12 with the following variances:

Reduction in minimum lot size from 5 acres to 3.26 acres; Reduction in recreation area from 0.66 acres to 0.25 acres; and Waive active recreation requirement.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

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

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20210197** **Comprehensive City-Wide Compensation Review**

Motion to approve the staff to move forward with a comprehensive city-wide compensation review conducted by external organization to be hired at a budget no greater than \$55,000.

This Matter was Approved on the Consent Agenda.

Vote: 5 – 2 – 0 **Approved**
Voting Against: Johnny Walker and Andy Morris

6. Public Safety Committee: Reggie Copeland, Chairperson

* **20210186** **Ordinance Regarding Street Racing**

Motion to adopt an Ordinance for the Marietta Police Department to regulate and prohibit street racing on our streets, public property, and private parking lots.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **First Reading**

7. Public Works Committee: Grif Chalfant, Chairperson

* **20210163** **Amendment to the Intergovernmental Agreement with Cobb County**

Motion authorizing the execution of the amended Intergovernmental Agreement between City of Marietta and Cobb County for resurfacing White Circle.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210165 Chestnut Hill Road Speed Study**

Motion authorizing Public Works to conduct the speed study of Chestnut Hill Road, from Powder Springs Street to Hickory Drive, to determine if traffic calming devices are needed.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210166 Henry Drive Speed Study**

Motion authorizing Public Works to proceed with a Public Information Meeting for speed tables on Henry Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210167 Rigby Street Speed Study**

Motion authorizing Public Works to install two (2) speed tables on Rigby Street between Lemon Street and Fairground Street as indicated on the concept map.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210164 Pine Street Utilities**

Motion authorizing variance from the underground utility's ordinance allowing a new service pole and a new guy-wire pole in the right-of-way at 376/384 Pine 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.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20210174 Marietta Fiber Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of new fiber to be installed along Scufflegrit Road, Sandy Plains Road, Canton Road, and Sawyer Road from 1725 Scufflegrit Road to 850 Sawyer Road and for a new utility pole at the intersection of Sandy Plains Road and Canton Road. This motion does not grant a perpetual variance. The City of Marietta's Information Technology Department must relocate underground at their expense if other utilities at these locations are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20210184 Atlanta Street Streetscape Project**

Motion to fund, plan, and implement streetscape, sidewalk improvements on Atlanta Street from Waverly Way to Square as component part of multi-year enhancement of downtown streets and sidewalk.

Council Member Goldstein discloses that 1) 19-21 Atlanta Street are owned by PMG Whitlock Ave, L.L.C.; 2) 48 Atlanta Street and 39 Winters Street are owned by Philip M. Goldstein and 3) 52-56 Atlanta Street are owned by the Herbert S. Goldstein Family Limited Partnership, Philip M. Goldstein and PMG Investors, LLC. Philip M. Goldstein is the manager of 1) PMG Whitlock Ave, L.L.C. and 2) PMG Investors, LLC. Philip M. Goldstein is the General Partner of the Hebert 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

OTHER BUSINESS:*** 20210245 Sale of Property**

Motion to approve Purchase Agreement by and between the City of Marietta, Georgia, as the Seller, and Jeremy and Elizabeth Chapman, as the Purchaser, for the sale of approximately .10 acres of land being a portion of 273 Hunt St. for the purchase price of \$15,025 including authorization for the Mayor and City Clerk to execute same. The Purchaser must provide a survey with exemption plat, a legal description, and assume all costs for attorney's fee and closing expenses.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20210246

176 Mountain Brook Court

Motion authorizing acquisition of a portion of property and an easement at 176 Mountain Brook Court Debra A. Day for the purpose of constructing the Mountain Brook Sidewalk Access Project in exchange for \$4,224.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20210247

910 Mountain Brook Lane

Motion authorizing acquisition of an easement at 910 Mountain Brook Lane from Jeffery J. Miller and Sarah A. Miller for the purpose of constructing the Mountain Brook Sidewalk Access Project in exchange for \$2,048.00

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20210249

920 Mountain Brook Lane

Motion authorizing acquisition of an easement at 920 Mountain Brook Lane from George J. Bushey and Irene Y. Bushey for the purpose of constructing the Mountain Brook Sidewalk Access Project in exchange for \$2,444.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* 20210248

930 Mountain Brook Lane

Motion authorizing acquisition of an easement at 930 Mountain Brook Lane from Eric Morris and Sarah Morris for the purpose of constructing the Mountain Brook Sidewalk Access Project in exchange for \$2,169.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

20210250

940 Mountain Brook Lane

Motion authorizing acquisition of an easement at 940 Mountain Brook Lane from Gary M. Miller and Gloria F. Miller for the purpose of constructing the Mountain Brook Sidewalk Access Project in exchange for \$1,149.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210251 950 Mountain Brook Lane**

Motion authorizing acquisition of an easement at 950 Mountain Brook Lane from C. Harold Mauldin and Marilyn M. Mauldin for the purpose of constructing the Mountain Brook Sidewalk Access Project in exchange for \$126.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210216 BLW Actions of March 8, 2021**

Review and approval of the March 8, 2021 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

Those speaking during unscheduled appearances were Chris Stone and Chris Clair.

Prior to adjourning, a motion was made in open session by Council member Chalfant, seconded by Council member Kelly, to enter an Executive Session to discuss real estate acquisition/disposition. The motion carried by the following vote:

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

The Executive Session was held.

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

Vote: 7 – 0 – 0 Approved

ADJOURNMENT:

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

Date Approved: April 14, 2021

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk