



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, April 13, 2022

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:

William F. Bruton, Jr., City Manager

Douglas R. 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 Sims to give the invocation.

PLEDGE OF ALLEGIANCE:

Everyone was asked to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20220367

Mount Paran Christian School's Girls' Basketball Team

Presentation to recognize Coach Stephanie Dunn for being selected Coach of the Year and the 2022 State Champions Mount Paran Girls' Basketball Team.

Presented

20220392

Presentation for Jim Croy

Presentation by Council Member Morris to recognize Jim Croy for his retirement and his contribution to the Marietta Community.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20220284 Scheduled Appearance**

Scheduled Appearance - Lisa Hodge

Not Present

20220286 Scheduled Appearance

Scheduled Appearance - Elliot Paulk

Not Present

20220365 Scheduled Appearance

Scheduled Appearance - George Bentley

Present

20220361 Scheduled Appearance

Scheduled Appearance - Donald Barth

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 Public Works: Agenda item 20220320 was added to the consent agenda.

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

Vote: 7 – 0 – 0

Approved

with the following exceptions:

Joseph R. Goldstein voting against agenda item 20210590

MINUTES:*** 20220327 Regular Meeting - March 9, 2022**

Review and approval of the March 9, 2022 regular meeting.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20220328 Executive Session Minutes**

Review and approval of the following executive session minutes:

April 14, 2021 Agenda Review Session
May 10, 2021 Agenda Work Session
July 8, 2021 Agenda Work Session
August 24, 2021 Special Called Agenda Work Session

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:****20211702 Z2022-05 [REZONING] TRATON, LLC. (JAMES & GLORIA ADAMS)**

Z2022-05 [REZONING] TRATON, LLC. (JAMES & GLORIA ADAMS) are requesting the rezoning of 10.19 acres located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia, and being known as 1326 Old Bells Ferry Road from R-20 (Single Family Residential - County) to MXD (Mixed Use Development - City). Ward 4B.

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 1326 Old Bells Ferry Road from R-20 (Single Family Residential - County) to MXD (Mixed Use Development - City).

Kevin Moore, attorney for the applicant, requested rezoning and annexation of the subject to develop a fifty-three (53) townhome community. Mr. Moore explained that the requested MXD district is intended to allow flexible site planning and building arrangements for commercial, office and residential uses. A new letter of stipulations dated April 13 was also presented, which outlined the stipulations and conditions to which the applicant has agreed.

Those speaking regarding this matter were Larry Wills and Don Barth.

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

Discussion was held by Council, specifically regarding the requested variance to accommodate the use of a hammerhead road design rather than a cul-de-sac.

Motion to approve the rezoning request for property located at 1326 Old Bells Ferry Road from R-20 (Single Family Residential - County) to MXD (Mixed Use Development - City), with the following variances incorporated as a condition of rezoning:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 13, 2022, with the removal of variance 12(c), variance to accommodate the use of a hammerhead road design rather than a cul-de-sac.

The motion carried by the following vote:

Vote: 4 – 3 – 0 Approved as Amended

Voting Against: Cheryl Richardson, Andre Sims, Joseph R. Goldstein

20211073

A2022-02 [ANNEXATION] TRATON LLC. (JAMES & GLORIA ADAMS)

A2022-02 [ANNEXATION] TRATON LLC. (JAMES & GLORIA ADAMS) is requesting the annexation of property located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia and being known as 1326 Old Bells Ferry Road, and any associated right of way, consisting of approximately 10.19 acres. Ward 4B.

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

Kevin Moore, attorney for the applicant, requested that his presentation from the rezoning be incorporated for the annexation.

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

A 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: 7 – 0 – 0 Approved

20211074

CA2022-02 [CODE AMENDMENT]

CA2022-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lot 9310, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia and being known as 1326 Old Bells Ferry Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

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

Kevin Moore, attorney for the applicant, requested that his presentation from the rezoning be incorporated for the code amendment.

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

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

Vote: 7 – 0 – 0 Approved

20220228

Z2022-10 [REZONING] DAN DURSO (SOUTH COAST INVESTORS LLC)

Z2022-10 [REZONING] DAN DURSO (SOUTH COAST INVESTORS LLC) are requesting the rezoning of 0.73 acres located in Land Lot 1216, District 16, Parcel 0430 of the 2nd Section, Cobb County, Georgia, and being known as 362 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A

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 362 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

Pete Bilson, with Bilson and Associates, requested rezoning of the subject property on behalf of the applicant to develop three single-family detached residences according to the Residential Infill Development Overlay District development standards. Mr. Bilson presented the proposed site plans showing how the property lines would be reconfigured for the construction of the three homes.

Those speaking regarding this matter were Don Barth and another area resident.

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

Discussion was held by Council.

A motion was made by Council member Kent, seconded by Council member Sims, to approve the rezoning request for property located at 362 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre), as presented.

An amendment to the motion was made Council member Goldstein, seconded by Council member Richardson, to approve the rezoning request with the stipulation that after the 3 lots shown on the site plan dated 2/15/22 are created, no additional subdivision of the property is permitted. The motion carried by the following vote:

Vote: 7 – 0 – 0 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 Sims, to approve the rezoning request for property located at 362 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre), with the following stipulation are incorporated as a condition of zoning:

After the three lots shown on the site plan dated 2/15/22 are created, no additional subdivision of the property is permitted.

The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

20220232

Z2022-13 [REZONING] WHITE HAWK BUSINESS PARK III, LLC.

Z2022-13 [REZONING] WHITE HAWK BUSINESS PARK III, LLC is requesting the rezoning of 2.01 acres located in Land Lot 874, District 16, Parcels 0240 & 0250 of the 2nd Section, Cobb County, Georgia, and being known as 1377 & 1395 Canton Road from NRC (Neighborhood Retail Commercial) and CRC (Community Retail Commercial) to LI (Light Industrial).

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 377 & 1395 Canton Road from NRC (Neighborhood Retail Commercial) and CRC (Community Retail Commercial) to LI (Light Industrial).

Adam Rozen, attorney for the applicant, requested rezoning of the subject property to incorporate it into White Hawk's growing light industrial holdings in the Canton Road corridor. Mr. Rozen presented the proposed site plan and letter of stipulations dated April 1, 200, which outlined the stipulations and conditions to which the applicant has agreed.

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

Motion to approve the request for the rezoning for property located at 377 & 1395 Canton Road from NRC (Neighborhood Retail Commercial) and CRC (Community Retail Commercial) to LI (Light Industrial), with the following stipulations are incorporated as a condition of zoning:

Letter of stipulations and variances from Adam J. Rozen, P.C. to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 1, 2022.

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

Vote: 7 – 0 – 0 Approved

20220153 CA2022-04 [CODE AMENDMENT] Code Amendment Section 712.08 Tree Protection and Landscaping

CA2022-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.08 Tree Protection, and landscaping regarding appropriate tree species on small residential lots.

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

Rusty Roth, Development Services Director, presented information regarding the proposed code amendment related to tree protection and landscaping.

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

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

Vote: 7 – 0 – 0 Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20220340 Denial of Claim**
- Denial of Claim for Calvin Fields.
- This Matter was Approved to Deny Claim on the Consent Agenda.**
- Vote: 7 – 0 – 0 Approved to Deny Claim**
- * **20220354 Denial of Claim**
- Denial of Claim for Paige Abney.
- This Matter was Approved to Deny Claim on the Consent Agenda.**
- Vote: 7 – 0 – 0 Approved to Deny Claim**
- * **20220375 Denial of Claim**
- Denial of Claim for Hubert Stuttles.
- This Matter was Approved to Deny Claim on the Consent Agenda.**
- Vote: 7 – 0 – 0 Approved to Deny Claim**

- * **20220376** **Denial of Claim**
- Denial of Claim for Jolene McIntyre & Gary McIntyre.
- This Matter was Approved to Deny Claim on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved to Deny Claim**

- * **20220388** **Denial of Claim**
- Denial of Claim for Marvin Lopez.
- This Matter was Approved to Deny Claim 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

- * **20220288** **CDBG PY2022 Annual Action Plan**
- Motion to approve the proposed CDBG Annual Action Plan for Program Year 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

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

- * **20220289** **Selection of Audit Firm**
- Motion to authorize the execution of a contract between the City of Marietta and Nichols, Cauley, & Associates, as the audit firm for financial auditors for fiscal year 2022 through fiscal year 2025.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

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

20220087 Sanitary Conditions and Procedures

Motion to approve the revised ordinance to Sect. 7-4-2-110 - Sanitary Conditions and Procedures.

Second Reading

Discussion was held. There was consensus that this matter be tabled and referred to the Judicial/Legislative Committee for further discussion.

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

Vote: 7 – 0 – 0 Tabled

20210589 Charter Amendment related to Firefighter and Police Officer Civil Service

Motion to approve Amendment to the Charter for the City of Marietta Section 4.13 entitled “Firefighter and Police Officer Civil Service”.

Second Reading
Public Hearing Required

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

Seeing no one 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: 7 – 0 – 0 Second Reading

*** 20210590 Code Amendment - Civil Service Rules and Regulations**

Motion to approve an ordinance amending Chapter 4-8 of the Municipal Code of Marietta related to Civil Service Rules and Regulations as requested by the Civil Service Board.

Second Reading

This Matter was Approved on the Consent Agenda.

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

* **20220165 Pension Plan Amendments (Retirement Applications)**

Motion approving an ordinance amending the defined benefit pension plans to clarify that the Pension Board has the authority to act on retirement applications submitted less than 30 days from the applicant's retirement date as forwarded by the Pension Board.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Second Reading

20220166 Pension Plan Amendments (Pension Board)

Motion approving an ordinance amending Article X in the defined benefit pension plans to allow the police and fire chiefs to select a designee to serve on the board in an ex officio role, update the officers and duties section, and make other administrative updates and formatting changes as forwarded by the Pension Board.

Second Reading

Discussion was held regarding a proposed ordinance. Section 5B of the ordinance was amended to read, " Member from Post 1 serves until the organization meeting of the following Council. Members from Posts 2 and 3 serve until the expiration of the current Committee appointment, which is through the next January Council meeting."

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

Vote: 7 – 0 – 0 Second Reading

* **20220290 Marietta History Center Collection**

Motion approving the request from the Marietta History Center for the permanent removal of items from its collection.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20220300 Final Plat - Rosehill Townhomes**

Motion to approve the final plat for Rosehill Townhomes, a 33 townhome community located at 401 Rose Drive and zoned RM-12 (Z2020-23).

This Matter was Approved on the Consent Agenda.**Vote: 7 – 0 – 0****Approved****20220321****Attached Townhome Moratorium**

Motion to approve a moratorium on the application and processing by the staff of the City of new residential zoning applications, re-zonings, and annexations for attached residential housing developments until the City completes its review and update to its Zoning Ordinance or until December 31, 2022, whichever first occurs.

Public Hearing

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

Those speaking regarding this matter include Don Barth and Eric Bishop.

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

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

Vote: 3 – 4 – 0**Denied**

Voting Against: Andy Morris, M. Carlyle Kent, Andre Sims and Joseph R. Goldstein

4. Parks, Recreation and Tourism: Johnny Walker, Chairperson* **20220296****Marietta Arts Council TrailFest 2022**

A motion to approve the Marietta Arts Council Requests to conduct the M2R TrailFest to include:

1. A short-term (60-day) installation of artwork and photography along the Mountain to River Trail from South Marietta Parkway to Kennesaw Avenue and various private property locations from May 5, 2022, to July 5, 2022, adhering to City of Marietta public art guidelines.
2. Placement of sculptures in Atherton Square, Brown Park, Lewis Park, Monarch Park; and the greenspace area adjacent to the Pie Bar at the corner of Powder Springs St./Waverly Way provided it does not interfere with water line work in that area, all for a duration of 6 months.
3. Artistic installation on bridge over North Marietta Parkway (GDOT approval required) for a period of 60-days from May 5, 2022, to July 5, 2022.
4. One day of activities for the community on Saturday, May 7 such as musicians, dancers, and performers along the Mountain to River (M2R) Trail and in various city parks and private property locations.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

5. Personnel/Insurance: Cheryl Richardson, Chairperson

20220322 Youth Council

Motion for approval to move forward with the idea of a Marietta Youth Council.

Discussion was held.

A substitute motion was made by Council member Kent, seconded by Council member Walker, to approve the following actions:

1. To establish the designation of a Council Youth Ambassador for each Council Member and Mayor. Ambassador to be chosen by respective Council Member as a liaison between Ward and Councilperson at individual Council members direction. As a group, have semiannual cook outs and gatherings from time to time.

2. To establish a Youth Academy for 25 or more with the first 8 spots being the Council Youth Ambassadors and remaining participants through open application with Youth Academy formatted similar to established Citizen Academy to fit the age group of 14 to 18.

Further discussion was held. Mayor Tumlin ruled that the motion shall be divided into two motions and called for a vote on the first part of the original motion.

The substitute motion was made by Council member Kent, seconded by Council member Walker, Establish the designation of a Council Youth Ambassador for each Council Member and Mayor. Ambassador to be chosen by respective Council Member as a liaison between Ward and Councilperson at individual Council members direction. As a group, have semiannual cook outs and gatherings from time to time. The motion failed by the following vote:

Vote: 3 – 4 – 0

Failed

Voting Against: Cheryl Richardson, Grif Chalfant, Andy Morris and Joseph R. Goldstein

A substitute motion was made by Council member Kent, seconded by Council member Richardson, to establish a Youth Academy for 25 or more participants through open application, with Youth Academy formatted similar to established Citizen Academy to fit the age group of 14 to 18. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

6. Public Safety Committee: M. Carlyle Kent, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson***** 20220305 Frasier Street Properties**

Motion authorizing Public Works and the City Attorney to reject all bids and to readvertise the parcels at 609 & 617 Frasier Street for sale with a minimum bid of \$80,000.00 per parcel.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20220306 Proposed Revision to the Flood Plain Management/Flood Prevention Ordinance**

Motion adopting the revised Flood Plain Management/Flood Prevention Ordinance.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 First Reading

*** 20220310 Powder Springs Street and Club Drive**

Motion authorizing Public Works to close Club Drive at Powder Springs Street and extend the sidewalk across Club Drive as part of the Powder Springs Street Streetscape Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20220307 Trammell Street Traffic Calming

Motion authorizing Public Works to install one (1) speed table, two (2) No Parking zone, and stripe the centerline of the roadway on Trammell Street with an estimated total cost of \$3,725.00.

Public Hearing Required

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

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

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

Vote: 7 – 0 – 0 Approved

20220308 Park Street Traffic Calming

Motion authorizing Public Works to install two (2) driver feedback signs and one (1) Rapid Flashing Beacon for a pedestrian crossing at the intersection of Park Street and Armstrong Street on Park Street with an estimated cost of \$26,800.00.

Public Hearing Required

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

Seeing no one 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: 7 – 0 – 0 Approved

20220309 East Dixie Avenue Traffic Calming

Motion authorizing Public Works to install the two (2) speed tables on East Dixie Avenue with an estimated cost of \$3,450.00.

Public Hearing Required

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

Speaking regarding this matter were Matt Ingle and Brian Hall who both live on East Dixie Avenue.

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

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

Vote: 7 – 0 – 0 Approved

* **20220320** **State Road Repaving**

Motion to draft a letter to the Georgia Department of Transportation regarding the repaving of State Roads in Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

OTHER BUSINESS:

20220203 **V2022-08 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC.**

V2022-08 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC. is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1237, District 16, Parcel 0330, 2nd Section, Marietta, Cobb County, Georgia, and being known as 994 Roswell Street. Ward 7A.

- 1) Variance to extend the temporary allowance authorized by V2021-19 for gravel as a parking and driving surface within the Commercial Corridor Design Overlay - Tier A;
- 2) Variance to construct a building and parking area in the rear of a property within the Commercial Corridor Design Overlay - Tier A;
- 3) Variance to waive the required landscaped buffer of 10 feet to separate the parking facility from the adjacent parcel when parking is located in a side yard in Tier A;
- 4) Variance to reduce the rear yard setback from 35' to 20'.

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 variances requested for property at 994 Roswell Street.

The applicant and owner of Atlanta Hard Cider and Distillery, Mark Deno, requested the requested variances to build a brick warehouse to house the finished product. Mr. Deno stated that the warehouse will have the architectural look as the distillery built on the property of 1010 Roswell Street. The gravel parking that was allowed on the property at 994 Roswell Street will be replaced with asphalt for parking.

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

Discussion was held by Council.

A motion was made by Council member Goldstein, to approve the variances outlined in variance request V2022-08, with the following amendments and stipulation:

- 1) Variance to extend the temporary allowance authorized by V2021-19 for gravel as a parking and driving surface within the Commercial Corridor Design Overlay - Tier A, for an additional three (3) months;*
- 2) Variance to construct a building and parking area in the rear of a property within the Commercial Corridor Design Overlay - Tier A, for an additional three (3) months;*
- 3) Variance to waive the required landscaped buffer of 10 feet to separate the parking facility from the adjacent parcel when parking is located in a side yard in Tier A;*
- 4) Variance to reduce the rear yard setback from 35' to 20'.*
- 5) The applicant shall provide parking spaces at 994 Roswell Street to replace any parking spaces reduced at 1010 Roswell Street to accommodate a food truck.*

The motion died for a lack of a second.

A motion was made by Council member Walker, seconded by Council member Richardson, to approve the variances outlined in variance request V2022-08, as presented.

Further discussion was held.

An amendment to the motion was made by Council member Goldstein, seconded by Council member Richardson, to approve the variances outlined in variance request V2022-08 as presented, with an amendment to variance #1 allowing the variance to extend the temporary allowance authorized by V2021-19 for gravel as a parking and driving surface within the Commercial Corridor Design Overlay - Tier A, for an additional six (6) months. The motion failed by the following vote:

Vote: 3 – 4 – 0

Failed

Voting Against: Grif Chalfant, Johnny Walker, Andy Morris and M. Carlyle Kent

An amendment to the motion was made by Council member Goldstein, to approve the variances outlined in variance request V2022-08 as presented, with an amendment to variance #2 to construct a building and parking area in the rear of a property within the Commercial Corridor Design Overlay - Tier A, for an additional five (5) years. The motion died for a lack of a second.

An amendment to the motion was made by Council member Goldstein, to approve the variances outlined in variance request V2022-08 as presented, with a stipulation that the applicant shall provide parking spaces at 994 Roswell Street to replace any parking spaces reduced at 1010 Roswell Street to accommodate a food truck. The motion died for a lack of a second.

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member Walker, seconded by Council member Richardson, to approve the variances outlined in variance request V2022-08, as presented. The motion carried by the following vote:

Vote: 6 – 1 – 0 **Approved**

Voting Against: Joseph R. Goldstein

20220204

V2022-09 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC.

V2022-09 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC. is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1237, District 16, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1010 Roswell Street. Ward 7A.

- 1) Variance to allow a mobile retail food establishment within 40 feet of a property line;
- 2) Variance to allow a mobile retail food establishment for more than 12 days annually;
- 3) Variance to reduce required parking to 8 spaces on site.

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 variances requested for property at 1010 Roswell Street.

The applicant and owner of Atlanta Hard Cider and Distillery, Mark Deno, requested the variances to allow a mobile retail food establishment on the property at 1010 Roswell Street.

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

Discussion was held by Council.

A motion was made by Council member Walker, seconded by Council member Richardson, to approve the variances outlined in variance request V2022-09, as presented.

An amendment to the motion was made by Council member Goldstein, to approve the variances outlined in variance request V2022-09 as presented, with a stipulation that the applicant shall provide parking spaces at 994 Roswell Street to replace any parking spaces reduced at 1010 Roswell Street to accommodate a food truck. The motion died for a lack of a second.

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member Walker, seconded by Council member Morris, to approve the variances outlined in variance request V2022-09, as presented. The motion carried by the following vote:

Vote: 6 – 1 – 0 Approved

Voting Against: Joseph R. Goldstein

20220205

V2022-10 [VARIANCE] WALEED JARAYSI

V2022-10 [VARIANCE] WALEED JARAYSI is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 578, District 17, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 555 Commerce Drive. Ward 7A.

- 1) Variance to reduce the required landscape strip along a public street (South Marietta Pkwy) from 10' to 3';
- 2) Variance to reduce the rear yard building setback from 35' to 15' adjacent to South Marietta Pkwy;
- 3) Variance to increase the maximum building height from 75' to 92';
- 4) Variance to reduce the minimum number of parking spaces required from 89 to 69;
- 5) Variance to allow a nonconforming sign to remain on property being redeveloped.

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 variances requested for property at 555 Commerce Drive.

Kevin Moore, attorney for the applicant, requested variances for the subject property to allow for a more efficient use of the property. The applicant has proposed a four (4) story building, with retail, restaurant, and office spaces.

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

Discussion was held by Council.

A motion was made by Council member Goldstein, seconded by Council member Morris, to approve the variances outlined in variance request V2022-10, incorporating the letter of stipulations and conditions dated April 13, 2022 submitted by Kevin Moore, with the following amendment: Variance #4 related to parking shall be restricted by mitigation. If the mitigation, which includes a parking easement agreement, cannot be reached with 60 days, the variance shall be removed.

The motion failed by the following vote:

Vote: 2 – 5 – 0 Failed

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

20220317 Pay Study Results

Motion to approve changes to the City/BLW position, classification and compensation plans in accordance with the recommendations presented in the compensation review conducted by Evergreen Solutions and including the additional compensation recommendations presented by the City Manager and staff. Such changes to be effective May 1, 2022.

A 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: 7 – 0 – 0 Approved

20220393 COVID-19 Partial Reimbursement

Motion approving a resolution of payments for partial reimbursement of qualified expenses incurred by eligible employees of the City of Marietta/BLW due to COVID-19 pandemic.

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

Vote: 7 – 0 – 0 Approved

20220378 Marietta Youth Council

Motion to move forward & establish the Marietta Youth Council and Advisory Board with the initial resolution and initial by laws. The Mayor and Council authorizes a committee (two council members) to be formed to meet with the public & private school representatives and new advisory board to finalize the resolution and by laws to present to the Mayor and Council for approval.

No Action Taken

20220384 Juneteenth Holiday

Discussion to designate Juneteenth as a City Holiday.

Discussion was held.

The 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: 4 – 3 – 0 Approved
Voting Against: Grif Chalfant, Johnny Walker, and Andy Morris

Mayor Tumlin vetoed the motion. (The official veto is on file in the City Clerk's Office.)

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 carried by the following vote:

Vote: 4 – 3 – 0 Failed

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

* **20220379**

BLW Actions of April 11, 2022

Review and approval of the April 11, 2022, 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:

The following residents expressed concern regarding the denial of the Juneteenth Holiday: Jerienne Grimes, Janet Arnold Savage and Gerald Greer

ADJOURNMENT:

The meeting was adjourned at 10:35 p.m.

Date Approved: May 11, 2022

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk