



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, April 14, 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 Richardson to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20210283

Marietta High School Varsity Girls Basketball Team

Council Member Reggie Copeland to recognize the Marietta High School Girls Basketball Team to celebrate their win to be the State Champions.

Presented

20210284 Marietta Police Officers

Council Member Cheryl Richardson to recognize the newest officers to the Marietta Police Department:

Officer Elizabeth Hilton & Officer Sarah Youngblood

Presented

PROCLAMATIONS:**20210275 Building Safety Month**

Mayor Tumlin will present a Proclamation to Tim Forbes, Deputy Director Engineering/Inspections, Building Official, in observance of Building Safety Month. Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus, and federal agencies in protecting lives and property. The City of Marietta hereby proclaims the month of May 2021 as Building Safety Month.

Presented

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20210242 Scheduled Appearance**

Scheduled Appearance - Brian Peters

Present

20210336 Scheduled Appearance

Scheduled Appearance - Ron Remillard

Present

20210338 Scheduled Appearance

Scheduled Appearance - Donald Barth

Present

20210337 Scheduled Appearance

Scheduled Appearance - George Bentley

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 20210186 was added to the consent agenda.

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

Vote: 7 – 0 – 0 Approved

After the consent agenda, a motion was made by Council member Richardson, seconded by Council member Kelly, to suspend the rules of order to add an item to the agenda to authorize the appraisal and advertisement for sale of approximately 1915 SF of property located at 135 Gadsden Street. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

20210382 135 Gadsden Street

Motion authorizing the appraisal and advertisement for sale of approximately 1915 SF of property located at 135 Gadsden Street.

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
(See the reconsideration of agenda item 20210382 on page 20.)

MINUTES:*** 20210313 Regular Meeting - March 10, 2021**

Review and approval of the March 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:

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)

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 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).

Kevin Moore, attorney for the applicant, requested rezoning of the subject to MXD (Mixed Use Development) zoning classification to construct 45,000 square feet of retail, restaurant, and/or event space; thirty-nine (39) townhomes; one hundred sixty (160) age restricted apartments; and 176 multifamily apartment units. The purpose of the MXD zoning district is to “allow flexible site planning and building arrangements for commercial, office and residential uses under a unified plan which fosters natural resource conservation and reduces traffic congestion.”

Mr. Moore also presented the proposed site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.

*Those speaking in opposition to the development:
James Rosich, Anna Holladay, Hill Wright and Lillie Read*

The parties in opposition expressed concern over the high-density use, traffic impact, safety and environmental concerns.

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

Discussion was held by Council.

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

Vote: 7 – 0 – 0 Denied

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)

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 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).

Kevin Moore, attorney for the applicant, requested rezoning of the subject to PRD-SF (Planned Residential Development - Single Family) in order to build 204 townhouses. This development plan shows two different housing types. The eastern neighborhood contains 121 front-entry townhomes while the western neighborhood contains 83 rear-loaded townhome units. PRD-SF is a zoning category intended to "allow flexible site planning and building arrangements under a unified plan of development so that innovative land planning methods may be utilized which foster natural resources conservation and neighborhood cohesiveness."

Mr. Moore also presented the proposed site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.

Those speaking in opposition to the development:

Mark Preetorius, Ronna Woodruff, Liore Friedman, Chris Klaer, Donald Barth and Lillie Read

The parties in opposition expressed concern over the high-density use and traffic impact.

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 Richardson, that this matter be Denied. The motion carried by the following vote:

Vote: 7 – 0 – 0

Denied

20210211

Z2021-05 [REZONING/SPECIAL LAND USE PERMIT] LLOYD NAWROCKI

Z2021-05 [REZONING/SPECIAL LAND USE PERMIT] LLOYD NAWROCKI is requesting the rezoning and Special Land Use Permit for 0.64 acres located in Land Lot 504, District 17, Parcel 0870, 2nd Section, Marietta, Cobb County, Georgia, and being known as 340 Lockheed Avenue from OI (Office Institutional) and CRC (Community Retail Commercial) to OI (Office Institutional) with a Special Land Use Permit for a halfway house. Ward 1A.

The Planning Commission recommends Approval as Stipulated.

Mr. Davis made a motion, seconded by Mr. Diffley to recommend approval as stipulated. The motion carried 4-0-0.

If Council approves the rezoning and Special Land Use Permit, the following stipulation would be incorporated as conditions of zoning:

The following stipulation is incorporated as conditions of zoning:

- 1. The Special Land Use Permit for a halfway house/drug abuse treatment center (inpatient) shall have a 3-year time limit.*

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 Special Land Use Permit for property located at 340 Lockheed Avenue from OI (Office Institutional) and CRC (Community Retail Commercial) to OI (Office Institutional) with a Special Land Use Permit for a halfway house. Mr. Roth also summarized the criteria used to determine whether the permit should be granted.

The applicant, Eric Phillips, is requesting a Special Land Use Permit to operate a halfway house, or more commonly called a sober-living facility, with up to ten (10) single occupancy rooms. This property is approximately 0.64 acres in size and is mostly zoned OI (Office Institutional). However, the northernmost portion of the property is more accurately zoned CRC (Community Retail Commercial), as a result of a right of way sale conducted in November 2012 and has resulted in this property being split zoned.

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

Discussion was held by Council.

A motion was made by Council member Richardson, seconded by Council member Kelly, to approved the Special Land Use Permit for property located at 340 Lockheed Avenue from OI (Office Institutional) and CRC (Community Retail Commercial) to OI (Office Institutional) with a Special Land Use Permit for a halfway house, with following stipulation is incorporated as a condition of zoning: The Special Land Use Permit for a halfway house/drug abuse treatment center (inpatient) shall have a 3-year time limit.

A substitute motion was made by Council member Walker, seconded by Council member Chalfant, to approve the rezoning request with the Special Land Use Permit for a halfway house/drug abuse treatment center (inpatient) shall have a 2-year time limit. The motion failed by the following vote:

Vote: 2 – 4 – 1 Denied
Voting Against: Cheryl Richardson, Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein
Abstaining: Andy Morris

Mayor Tumlin called for a vote on the original motion.

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

Vote: 5 – 1 – 1 Approved
Voting Against: Johnny Walker
Abstaining: Andy Morris

20210188

Z2021-07 [REZONING] PARIN CHHEDA (MARGARET ELIZABETH WOODY)

Z2021-07 [REZONING] PARIN CHHEDA (MARGARET ELIZABETH WOODY) are requesting the rezoning of 0.4 acres located in Land Lot 1074, District 16, Parcel 0170 of the 2nd Section, Cobb County, Georgia, and being known as 91 Margaret Avenue from OI (Office Institutional) to OI (Office Institutional) with an additional use as a motel. Ward 4B.

The Planning Commission recommends Approval.

*Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval as submitted. The motion carried 4-0-0.
If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:*

1. Variance to allow a hotel/motel to be established within 300 feet of any property zoned for residential use. [§708.23 (B.13)]

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 91 Margaret Avenue from OI (Office Institutional) to OI (Office Institutional) with an additional use as a motel.

The applicant, Dr. Parin Chheda, is requesting to rezone the property located at 91 Margaret Avenue from OI (Office Institutional) to OI (Office Institutional) with the additional use of a motel for short term rental of three (3) units. According to the plans submitted, the existing building - a 1-story building with a basement - would be renovated in order to be used a motel for short term rental of three units. The primary use of the facility would be to provide accommodations for families of patients being treated at Wellstar Kennestone Hospital. The proposed motel would be within walking distance of the hospital.

Those speaking in opposition to the development: Donald Gillis, Steve Imler, Scott Brooks, Dr. Elizabeth Street and Joe Parker

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 Kelly, that this matter be Denied. The motion carried by the following vote:

Vote: 7 – 0 – 0

Denied

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20210296 Denial of Claim**

Denial of Claim for Cornelius Baldwin.

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*** 20210273 CDBG PY2021 Annual Action Plan**

Motion to approve the Community Development Block Grant Program (CDBG) Annual Action Plan for Program Year 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

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

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 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.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20210253 Marietta Museum of History’s Collection**

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

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20210241** **Board of Elections and Registration Contract**
- Motion to approve a contract between the City of Marietta and the Cobb County Board of Elections and Registration in order to carry out the General Election to be conducted on November 2, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
-
- * **20210243** **Board of Education 2021 General Election**
- Motion to approve a contract with the Marietta Board of Education regarding the conduct of the November 2, 2021 General Election and related expenses.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
-
- * **20210259** **Parking Warning Sign**
- Motion to approve removing the parking warning sign on Anderson Street as requested by the DMDA.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
-
- * **20210178** **Proposed Changes to Sect. 710.7, Sect. 710.08, and Sect. 716.08**
- Motion to advertise proposed changes to Sect. 710.07 - Storage; Sect. 710.08 - Bulk sanitation containers, temporary bulk waste containers, and donation boxes; and Sect. 716.08 - Surface parking standards.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved for Advertisement**

* **20210276** **Detailed Plan - Windy Hill Apartments**

Motion to approve the detailed plan, including site plan, landscape plan, and building elevations, for 303 apartments at 2086 Cobb Parkway South, with the following stipulations:

1. All radii internal to the site will be a minimum of 35.'
2. A GDOT 9032 Type 9 mountable curb with signs stating "Authorized Emergency Vehicles Only" will be installed in the median on Windy Hill Road, subject to approval from Cobb County Department of Transportation

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210278** **Modification of Zoning Stipulation (Z-9827) - 1481 Lynchburg Place**

Motion to approve the modification of a zoning stipulation from Z-9827 for East Park/Olde Lexington. This modification would allow the homeowner at 1481 Lynchburg Place to disturb the natural 10' buffer against Brentwood Subdivision in order to construct a retaining wall for drainage and erosion purposes, according to the attached plan.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210280** **Preliminary Plat - 1040 Westborough Road**

Motion to approve the preliminary plat for the 14 townhomes proposed for 1040 Westborough Road, zoned RM-8 per Z2020-31.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210293** **Changing Dates for Agenda Work Session in July & August**

Motion approving the change of the July Agenda Work Session from July 12th to July 8th, due to the MEAG Power Annual Meeting on July 11-14, 2021 and to change the August Agenda Work Session from August 9th to August 4th, due the GMA Annual Meeting on August 6-10, 2021.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20210299** **Nonprofit Food Service Event Permits**
- Motion to approve an ordinance requiring a permit for food sales and food service as part of nonprofit events pursuant to Article 14 under O.C.G.A §26-2-391.
- First Reading
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **First Reading**

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

- * **20210285** **Marietta Arts Council Request for Art Installation**
- Motion to approve the installation of an art gallery along the fence adjacent to the M2R Trail by the Marietta Arts Council from May 6 to July 12, 2021.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

5. Personnel/Insurance: Cheryl Richardson, Chairperson

- * **20210274** **2021 Flexible Benefit Plan Updates**
- Motion approving updates to the 2021 Flexible Benefit Plan and Summary Plan Description based on recent changes to federal law.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

- * **20210263** **Aviation Road Speed Study**
- Motion authorizing Public Works to conduct the speed study of Aviation Road from South Marietta Parkway to Roswell Street to determine if traffic calming devices are needed.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

* **20210264** **Freyer Drive Traffic Calming**

Motion authorizing Public Works to proceed with another speed study once the Seminole Drive Streetscape Project has been completed to determine if traffic calming measures on Freyer Drive are warranted.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20210270** **Manning Road Utilities**

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 that are no longer in use by AT&T along Manning Road from Wilson Circle to Manning Villas Drive. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at the location are moved underground.

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

* **20210265** **AT&T Utilities - 1GW48037N**

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 that are no longer in use by AT&T along Cherokee Street, Chicopee Drive, Seminole Drive, Freyer Drive, Etowah Drive, Chicasaw Drive, Kennestone Drive, Sequoia Drive, Iroquois Drive, Mohawk Drive, Apache Trail, and Kiowa Drive. 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.

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

* **20210266** **AT&T Utilities - 1GW48038N-A**

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 that are no longer in use by AT&T along Barnes Mill Road, Baker Lane, Albert Drive, Bonnie Dell Drive, Mountain View Drive, and Rosalyn Drive. 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.

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

* **20210267** **AT&T Utilities - 1GW48038N-B**

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 that are no longer in use by AT&T along Beech Street, Burbank Circle, Aleamo Drive, Wallace Road, Lakeview Drive, Andrews Drive, North Marietta Parkway, Dot Street, and Carolyn Street. 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.

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

* **20210268** **AT&T Utilities - 1GW48039N-A**

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 that are no longer in use by AT&T along Kirkpatrick Drive, Hillandale Circle, Merrydale Drive, Brookwood Drive, Columbia Drive, and Normandy Drive. 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.

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

* **20210269 AT&T Utilities - 1GW48039N-B**

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 that are no longer in use by AT&T along Walnut Drive, Hemlock Drive, Holly Drive, Wisteria Drive, Bouldercrest Drive, Banks Street, Hickory Drive, and Woodvalley Drive. 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.

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

OTHER BUSINESS:

20210189 V2021-18 [VARIANCE] ROSENT HOLDING COMPANY

V2021-18 [VARIANCE] ROSENT HOLDING COMPANY LLC is requesting variances for property located in Land Lot 854, District 16, Parcel 0090, 2nd Section of Cobb County, Marietta, Georgia and being known as 629 Collins Road. Ward 6B.

- Variance to modify conditions established under V2019-07 and Z2017-22.
- Variance to allow the use of gravel as an allowable parking surface. [§716.08]

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 variance request for property at 629 Collins Rd. Mr. Roth also summarized the criteria used to consider variance requests.

Rosent Holding Company is requesting additional variances and modifications to those previously approved for 629 Collins Road under cases Z2017-22 and V2019-07. The current request would allow a gravel overflow parking area, a new carport on the back of the building, and a fenced area for a dumpster in the front yard. Should Council approve the variance request, the following variances would be granted:

1. Variance to modify conditions established under V2019-07 and Z2017-22.
2. Variance to allow the use of gravel as an allowable 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 Walker, to approve the following variances requested for 629 Collins Road:

1. Variance to modify conditions established under V2019-07 and Z2017-22.
2. Variance to allow the use of gravel as an allowable parking surface but only in the attached, highlighted areas.
3. The dumpster can remain in its existing location or moved to a new dumpster pad as shown on the plan; however, dumpster must be screened from view by fencing.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved as Amended

20210244

V2021-19 [VARIANCE] PEACHTREE ASSET MANAGEMENT, LLC

V2021-19 [VARIANCE] PEACHTREE ASSET MANAGEMENT is requesting a variance for property located in Land Lot 1237, District 16, Parcel 0330, 2nd Section of Cobb County, Marietta, Georgia and being known as 994 Roswell Street. Ward 7A.

Variance to allow a gravel as a temporary parking and driving surface in the Commercial Corridor Design Overlay - Tier A.

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 variance request for property at 994 Roswell Street. Mr. Roth also summarized the criteria used to consider variance requests.

The applicant, Mark Deno, representing Peachtree Asset Management LLC, is requesting a variance to allow a temporary “crush run” gravel parking area at the site at 994 Roswell Street. There are only 13 parking spaces on the Phase 1 property, which meets City parking requirements, but Mr. Deno would like to be prepared for more customers at certain times. The variance request is for a temporary period because if the area were to be paved prior to development of Phase 2, then the parking area would be damaged by construction equipment.

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 Richardson, to approve the following variances requested for 994 Roswell Street. Variance to allow a gravel as a temporary parking and driving surface, as shown on the attached site plan, in the Commercial Corridor Design Overlay - Tier A for a period not to exceed 12 months and with the following conditions:

- a. Parking is limited to visitors to Atlanta Hard Cidery only.*
- b. Installation of a temporary construction exit, minimum 20' in length, will be installed to access Coggins Place.*

The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved as Amended

* **20210335 942 Roswell Street**

Motion authorizing the advertisement for sale of 942 Roswell Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210349 FY 2021 Amendment to City/BLW Position Allocation Chart**

Motion approving an ordinance to amend the FY 2021 City of Marietta/BLW General Fund Position Allocation Chart to add a part-time Bailiff for the purpose of security screening at the Council Chamber.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210345 MEAG Annual Meeting**

Motion to approve Council Member Andy Morris as the voting delegate and Ron Mull as the alternate selection for the MEAG Annual Meeting.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210346 MEAG Board Nomination**

Motion to approve the nomination of Mayor Tumlin for the position on the MEAG Board.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20210354** **Municipal Electric Authority of Georgia (MEAG) 2020 Year-end Settlement**
- Motion to accept the MEAG 2020 year-end settlement funds and credit the entire amount of \$3,389,260 to the next MEAG bill.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210355** **MEAG Power Telecommunications Project 2020 Year-end Settlement**
- Motion to accept the MEAG 2020 year-end settlement funds and credit the entire amount of \$7,882 to the MEAG Power monthly bill.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20210356** **567 Bouldercrest Drive**
- Motion authorizing acquisition of a portion of property and easements at 567 Bouldercrest Drive for Bouldercrest Drive Sidewalk Enhancements in exchange for \$3,368.00 and the stipulations listed:
- a. If the approximately 40-inch hardwood tree that will be approximately 51 feet from the edge of the fill slope dies within two (2) years following completion of construction, the City will pay for removal of the tree and stump.
 - b. All trees removed for the project will have the stumps removed and not buried in place.
 - c. The City is to repair any wall damages resulting from the sidewalk construction and is limited to damages that started within 6 feet of the sidewalk construction. The City, Contractor, and Owner will inspect for damages within 2 weeks prior to starting construction on the property or within 25 feet of the wall.
 - d. The City will bear all costs associated with relocation, restoration or damage repair of the property sprinkler system resulting from the sidewalk construction. Such work shall be done by a private entity with substantial experience in sprinkler system installation and maintenance.
 - e. The City will bear all costs associated with relocation, restoration or damage repair of all power, gas, water, electric, and cable lines, controls, and structures resulting from the sidewalk construction.
 - f. The City will bear all costs associated with the relocation, restoration or damage repair of owner's drainage structure resulting from the sidewalk construction. This includes moving all rocks/bricks to a safe location on owner's property when ready to begin construction.
 - g. The City will use Super-Sod "Elite Tall Fescue" sod, or equivalent and not seed when completing final grassing.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

* **20210314** **BLW Actions of April 12, 2021**

Review and approval of the April 12, 2021 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*A motion was made by Council member Richardson, seconded by Council member Goldstein, to reconsider the motion authorizing the appraisal and advertisement for sale of approximately 1915 SF of property located at **135 Gadsden Street**, agenda item 20210382. The motion carried by the following vote:*

Vote: 7 – 0 – 0 Approved

*A motion was made by Council member Richardson, seconded by Council member Goldstein, authorizing the appraisal and advertisement for sale of approximately 1915 SF of property located at **115 Gadsden Street**. The motion carried by the following vote:*

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

Those speaking during unscheduled appearances were Jessie Bonner, Jr., Steve Woodman, Ron Nicklosovich, Mike Treadaway, Marla Blackstone, Jeriene Bonner-Grimes, Wayne Blackstone expressed concern about Lawrence Street and Washington Street becoming one-way Streets.

Kent French expressed concern regarding speeding in the Park Street Elementary School area.

Shelly Young expressed concern regarding an adult entertainment shop opening in her area.

ADJOURNMENT:

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

Date Approved: May 12, 2021

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk