



# 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, May 12, 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 Chalfant to give the invocation.*

**PLEDGE OF ALLEGIANCE:**

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

**PRESENTATIONS:**

**20210399**

**Atlanta Panthers SC**

Recognize the Atlanta Panthers Soccer Club of United Women’s Soccer.  
Team Owner - Bernadette “Bernie” Beale.

**Presented**

**20210447      Marietta Police Officers**

Recognition of the newest officers to the Marietta Police Department:

- Officer Lane Lindsay
- Officer Matthew Simmons
- Officer Christopher Roper

**Presented**

**PROCLAMATIONS:**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE  
MAYOR, COUNCIL AND/OR CITY MANAGER:**

**SCHEDULED APPEARANCES:**

**20210416      Scheduled Appearance**

Scheduled Appearance - Jesse Bonner

**Not Present**

**20210417      Scheduled Appearance**

Scheduled Appearance - Darryl Durham

**Present**

**20210418      Scheduled Appearance**

Scheduled Appearance - Stephen Dubois

**Present**

**20210449      Scheduled Appearance**

**Scheduled Appearance - Richard Segars**

**Present**

*Don Barth also spoke during scheduled appearances.*



**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:****\* 20210394 Marietta Historic Board of Review - Ward 1**

Reappointment of Dorothy Woodruff to the Marietta Historic Board of Review (Ward 1), for a two-year term expiring May 12, 2023.  
Dorothy Woodruff has been on the board since January 2015.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20210428 Marietta Historic Board of Review - Ward 2**

Reappointment of David Freedman to the Marietta Historic Board of Review (Ward 2), for a two-year term expiring May 12, 2023.  
David Freedman has been on the board since January 2012.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20210426 Marietta Historic Board of Review - Ward 5**

Reappointment of Louise Griffin Williams to the Marietta Historic Board of Review (Ward 5), for a two-year term expiring May 12, 2023.  
Louise Griffin Williams has been on the board since June 2019.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20210395 Marietta Historic Board of Review - Ward 6**

Reappointment of Stacy Smith to the Marietta Historic Board of Review (Ward 6), for a two-year term expiring May 12, 2023.  
Stacy Smith has been on the board since January 2016.

*Council member Goldstein disclosed that Stacy Smith is a tenant of a member of his family and/or an entity owned by a member of his family.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**ORDINANCES:**

20210290

**Z2021-08 [REZONING] ELIZABETH DENNEY (MARK MCKAIN/PETER VARLJEN)**

**Z2021-08 [REZONING] ELIZABETH DENNEY (MARK MCKAIN/PETER VARLJEN)** is requesting the rezoning of approximately 0.34 acres located in Land Lot 288, District 17, Parcel 0240 of the 2nd Section, Cobb County, Georgia, and being known as 175 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

*The Planning Commission recommends Approval.*

*Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 6-0-0.*

*If Council approves the rezoning, the following variances would be incorporated as conditions of zoning: The following variances are incorporated as conditions of zoning:*

- *Variance to reduce the rear yard setback for an accessory structure from 10 ft to 0 ft [§708.04 (F.1)]*
- *Variance to allow the use of gravel as an acceptable driving and parking surface in the area shown on submitted survey only. [§716.08 (A & B)]*
- *Variance to reduce the southern side setback for the existing home from 10 ft. to 5 ft. [§708.04 (H)]*

*Council Member Walker disclosed that one of the applicants works with his Real Estate Company.*

*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 175 W Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).*

*The owner, Mark McKain, is requesting to rezone the subject property so that it will match the overall zoning designation for the neighboring properties and continue to be used as a single-family residence.*

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

*Discussion was held by Council regarding the variance for a gravel driving and parking surface.*

*A motion was made by Council member Richardson, seconded by the Council member Morris, to approve the rezoning request for property located at 175 W Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre), with the following variances are incorporated as conditions of zoning:*

1. *Variance to reduce the rear yard setback for an accessory structure from 10 ft to 0 ft.*
2. *Variance to reduce the southern side setback for the existing home from 10 ft. to 5 ft.*

*Further discussion was held.*

*An amendment to the motion was made by Council member Goldstein, seconded by Council member Richardson, to approve the rezoning request amending the*

*first variance to read, "Variance to reduce the rear yard setback for an accessory structure from 10 ft to 0 ft, only in the footprint of the existing structure."*

**The motion carried by the following vote:**

**Vote: 4 – 2 – 1**                      **Amendment Approved**  
 Voting Against: Cheryl Richardson and Andy Morris  
 Abstaining: Johnny Walker

*Mayor Tumlin called for a vote on the motion as amended.*

*A motion was made by Council member Richardson, seconded by the Council member Morris, to approve the rezoning request for property located at 175 W Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre), with the following variances are incorporated as conditions of zoning:*

- 1. Variance to reduce the rear yard setback for an accessory structure from 10 ft to 0 ft, only in the footprint of the existing structure.*
- 2. Variance to reduce the southern side setback for the existing home from 10 ft. to 5 ft.*

**The motion carried by the following vote:**

**Vote: 6 – 0 – 1**                      **Approved as Amended**  
 Abstaining: Johnny Walker

**20210178**

**CA2021-01 [CODE AMENDMENT]**

CA2021-01 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710.07 Storage; Division 710.08 Bulk sanitation containers, temporary bulk waste containers, and donation boxes; Division 716.08 Surface parking standards; and Division 716.09 Parking in residential districts.

*The Planning Commission recommends Approval.*

*Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval as written. The motion carried 6-0-0.*

*Public Hearing (all parties are sworn in)*

*City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak. Seeing no one else wishing to speak, the public hearing was closed.*

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

**Vote: 7 – 0 – 0**                      **Approved**

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

- \* **20210396**            **Denial of Claim**  
Denial of Claim for Estate of Johnny Bolton.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 – 0 – 0**                      **Approved to Deny Claim**
- \* **20210397**            **Denial of Claim**  
Denial of Claim for Jawuan Taylor.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 – 0 – 0**                      **Approved to Deny Claim**
- \* **20210398**            **Denial of Claim**  
Denial of Claim for Amado Francisco Ixmay Vicente.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 – 0 – 0**                      **Approved to Deny Claim**
- \* **20210430**            **Denial of Claim**  
Denial of Claim for Stephanie Kemper.  
**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**
- 3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**

\* **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.

**Second Reading**

*Motion authorizing the Parks, Recreation and Facilities Department to establish policies and procedures necessary to ensure compliance with O.C.G.A Title 26, Chapter 2, Article 14 regulating Georgia Food Sales and Food Service. Further, said policies shall require that all food vendors at permitted non-profit food service events on city property be inspected before the event by the Cobb Douglas Public Health Department (CDPH) or certified inspector by said department; and applicable fees as established by CDPH for the inspection shall be the responsibility of the individual vendor or the event organizer at the discretion of the event organizer.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved as Amended**

**20210386 Detailed Plan - Promenade Ridge**

Motion to approve the detailed plan submittal for the development of thirty (30) single family detached lots on 5.3 acres zoned PRD-SF per Z2020-14 and located off of Fairlane Drive.

*Councilmember Goldstein discloses that Bill Haggeman is a tenant of member(s) of his family and/or entities owned by member(s) of his family.*

*Motion to approve the detailed plan submittal for the development of thirty (30) single family detached lots on 5.3 acres zoned PRD-SF per Z2020-14 and located off of Fairlane Drive, with the following conditions:*

- 1. Developer agrees to add windows were indicated on attached building elevations and according to attached letter from James Nash, Heatherland Homes dated May 10, 2021.*
- 2. Variance to reduce the centerline radius to allow the curve in the roadway at Lot-6 and to eliminate the stop bars and signs, as shown on the attached plan.*

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

**Vote: 7 – 0 – 0**

**Approved**



**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson****\* 20210377 Skate Park Advisory Committee**

Motion to approve the creation of a Skate Park Advisory Committee.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20210378 Installation of a Certified Pollinator Habitat within Kirby Park.**

Motion to direct staff to bring back a plan for a implementation of a certified pollinator habitat and conservation park at Kirby Park for environmental and educational purposes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**5. Personnel/Insurance: Cheryl Richardson, Chairperson****6. Public Safety Committee: Reggie Copeland, Chairperson****\* 20210372 National Park Service Agreement**

Motion to approve the General Agreement between the National Park Service and the City of Marietta for policing services in and around Kennesaw Mountain National Battlefield Park.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**7. Public Works Committee: Grif Chalfant, Chairperson****\* 20210271 Anderson Street Dumpster Enclosure Location**

Motion authorizing Public Works to construct the dumpster enclosure across from 26 Winters Street along the street with brick façade, metal roof, access at each end of the enclosure, with side entry doors, and relocating any street parking to the current dumpster location on Winters Street.

*Council Member Goldstein discloses that members of his family and/or entities owned by members of his family own property in the Downtown Solid Waste Management District.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20210362**

**Parkview Street Parking**

Motion authorizing a no parking zone to be installed along both sides of the street along Parkview Lane, Parkview Court, and Parkview Trace in the Parkview at Barrett Greene Subdivision.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20210364**

**Lemon Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Lemon Street from Cole Street to Rigby Street to determine if traffic calming devices are needed.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20210365**

**Saint Anne’s Road Speed Study**

Motion authorizing Public Works to conduct the speed study of Saint Anne’s Road from Kennesaw Avenue to Keeler Woods Drive to determine if traffic calming devices are needed.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20210366**

**Austin Avenue Speed Study**

Motion authorizing Public Works to conduct the speed study of Austin Avenue from Cobb Parkway North to Roswell Street to determine if traffic calming devices are needed.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\* 20210400

**Trammell Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Trammell Street from South Marietta Parkway to Wright Street to determine if traffic calming devices are needed.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* 20210401

**Charles Avenue Speed Study**

Motion authorizing Public Works to conduct the speed study of Charles Avenue from Powers Ferry Road to Blanch drive to determine if further traffic calming devices are needed.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* 20210402

**Park Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Park Street from Roswell Street to Frasier Circle to determine if traffic calming devices are needed.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* 20210363

**Trammell Street 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 where AT&T is “next to transfer” along Wright Street from 500 Henry Drive to 22 Trammell Street. 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

\* 20210392

**Automated Traffic Enforcement System**

Motion to approve an automated traffic enforcement system at the intersection of Cobb Parkway North and the Canton Road on Ramp at I-75.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\* 20210429

**Lawrence Street and Washington Street Traffic Calming**

Motion to stay the action approved under Legistar item 20200703 referring to Lawrence Street and Washington Street becoming one-way street until a public hearing can be held during the Special Called Meeting May 25, 2021 at 6pm.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**OTHER BUSINESS:**

\* 20210456

**Ordinance for Street Racing**

Motion to rescind the Street Racing Ordinance approved under Legistar item 20210186 for the Marietta Police Department to regulate and prohibit street racing on our streets, public property, and private parking lots.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

20210455

**Mask Requirement**

Motion to authorize a “no mask” requirement in City/BLW buildings and adjacent campus and to safely phase into “normal” workplace environment on City/BLW property effective 8 AM on Monday May 17, 2021 at Management discretion. Further, to remove signs of restrictive Mask nature from City/BLW Buildings, Square, and City Sidewalks. City to post on its Web site known covid vaccine opportunities within City for Citizen consideration updated weekly.

*Discussion was held.*

*Motion to authorize a “no mask” requirement in City/BLW buildings and adjacent campus and to safely phase into “normal” workplace environment on City/BLW property effective 8 AM on Monday May 17, 2021 at Management discretion. Further, to remove signs of restrictive Mask nature from City/BLW Buildings, Square, and City Sidewalks. City to post on its Web site known covid vaccine opportunities within City for Citizen consideration updated weekly. The*

*City Manager is directed to present the current administrative plan related to COVID-19 rules and procedures at the May 25, 2021 Special Called Meeting.*

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

**Vote: 4 – 3 – 0**

**Approved as Amended**

Voting Against: Cheryl Richardson, Reggie Copeland and Michelle Cooper Kelly

\* **20210461**

**520 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 520 Powder Springs St from James W. Corley III and Carolyn J. Corley for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Pkwy Project in exchange for \$10,650.00, stipulations as listed below.

1. Construction of a stone retaining wall on right-of-way in keeping with the Powder Springs Street Project aesthetic.
2. Backfill behind the wall with dirt so that lawn is more or less level with the top of the wall.
3. Install a decorative metal fence in keeping with Powder Springs Street Project aesthetic.
4. Fence should be the length of the Powder Springs Street property line.
5. Fence should surround the stairwell and include a gate at the top of the steps.
6. Replace existing brick steps with similar brick steps that are up to code.
7. The steps should line up with the brick walkway leading to the house - not a right angle to the sidewalk.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* **20210462**

**942 Roswell Street**

Motion to approve the sale of 942 Roswell Street to “The Drafty Dane (Park and Pint)” for the price of \$365,000 and terms substantially similar to the proposal dated April 29th, 2021 as agreed upon by the City Manager and City Attorney.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* **20210425**

**BLW Actions of May 10, 2021**

Review and approval of the May 10, 2021 actions and minutes of Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*        **20210482                      350 McDonald Court**

Motion authorizing the City to sell the lot located at 350 McDonald Court for \$69,000.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**

*The meeting was adjourned at 8:15 p.m.*

**Date Approved:** \_\_\_\_\_

\_\_\_\_\_  
**R. Steve Tumlin, Mayor Tumlin**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**