



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, June 9, 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 Morris to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20210514 Mount Paran Christian School's Baseball Team

Mayor Tumlin to recognize Coach Reese and the 2021 State Champion Mount Paran Eagles Baseball Team.

Presented

20210559 Recognition of Officer

Not Present

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

- 20210515** **Scheduled Appearance**

Scheduled Appearance - Robin McClelland

Present
- 20210516** **Scheduled Appearance**

Scheduled Appearance - Cristina Stallworth

Present
- 20210517** **Scheduled Appearance**

Scheduled Appearance - Richard Segers

Present
- 20210531** **Scheduled Appearance**

Scheduled Appearance - Steve Woodman

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 20210485 was added to the consent agenda.

-under Personnel/Insurance: Agenda item 2010391 was added to the consent agenda.

-under Public Works: Agenda item 20210369 was removed from the consent agenda.

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

Vote: 7 – 0 – 0 Approved

MINUTES:

* **20210510 Regular Meeting - May 12, 2021**

Review and approval of the May 12, 2021 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210511 Special Meeting - May 25, 2021**

Review and approval of the May 25, 2021 special 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:

* **20210488 Marietta Development Authority Appointment**

Reappointment of John J. Elliott Jr. Post 4 to the Marietta Development Authority for a 4-year term expiring June 9, 2025.

Mr. Elliott has served on the Development Authority Board since September 1999.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:

RESOLUTIONS:

CITY ATTORNEY'S REPORT:*** 20210498 Denial of Claim**

Denial of Claim for Jade Keller and Dryk Keller.

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**

Council member Goldstein stepped down from the dais prior to the discussion regarding the FY2022 budget.

20210478 Adoption of Recommended Budget for FY2022

Motion to approve an Ordinance adopting an Annual Budget for Fiscal Year 2022 beginning July 1, 2021, and ending June 30, 2022, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

Council Member Goldstein discloses that PMG Family, LLC and JRG Marietta Parkway, LLC own properties in the Center City South Renaissance Tax Allocation District. Council Member Goldstein is an owner of both PMG Family, LLC and JRG Marietta Parkway, LLC.

Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Ashleigh Whitworth and Morgan Stoner and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Councilmember Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.

Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.

Council Member Goldstein discloses that Elise Goldstein is a member of the Georgia Symphony Orchestra Chorus and is a member of one of the committees of the Georgia Symphony Orchestra. Elise Goldstein is the mother of Council Member Goldstein.

Council Member Goldstein discloses that Philip M. Goldstein is a member of the Marietta Square Branding Project. Philip M. Goldstein is the father of Council Member Goldstein.

City Manager Bill Bruton summarized certain aspects of the recommended budget for FY2022.

A motion was made by Council member Chalfant, seconded by Council member Morris, to approve the recommended budget for FY2022, as presented.

In depth discussion was held by City Council.

A substitute motion was made by Council member Copeland to approve the FY2022 budget, with an amendment giving each employee a bonus or incentive of \$1,200 to be funded by the American Rescue Act funds. The motion died for lack of a second.

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member Chalfant, seconded by Council member Morris to approve the recommended budget for FY2022, as presented.

The motion carried by the following vote:

Vote: 5 – 1 – 0 Approved

Voting Against: Reggie Copeland

Absent for the vote: Joseph R. Goldstein

Council member Goldstein returned to the dais.

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

*** 20210484 Code Amendment - Community Residences**

Motion to authorize the advertisement of changes to Section 712.02, Community Residences, and other zoning districts in order to be consistent with other amendments regarding group homes and Special Land Use Permits.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved for Advertisement

* **20210485 Final Plat - Cottages at Keeler Woods**

Motion to approve the final plat for the Cottages at Keeler Woods, a community of 27 detached homes accessed from Mountain View Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

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

* **20210476 Skate Park Advisory Committee**

Motion to authorize staff to move forward with the Skate Park Advisory Committee, as presented, adding Council Members Chalfant and Copeland.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210477 Kirby Park Pollinator Garden and Conservation Park**

Motion to authorize staff to move forward with the plan for the Kirby Park Pollinator Garden and Conservation Park.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210473 FY2022 Tourism Grants**

Motion to approve the grant amounts presented for each tourism organization, along with the Welcome Center Contract.

City Staff Request - City Services - \$191,000

The Earl Smith Strand Theatre - \$40,000

Cobb NAACP Juneteenth - \$8,000

GA Metro Dance Theatre - \$16,000

Georgia Symphony Orchestra - \$12,000

Marietta/Cobb Museum of Art - \$60,000

Marietta Museum of History - \$160,000

Marietta Square Branding Project - \$5,000

The Georgia Ballet - \$8,000

Brumby Hall & Gardens/GWTW - \$67,000
 Cobb Landmarks - \$19,000
 Marietta Business Association (Art in Park) - N/A
 Marietta Arts Council - \$10,000
 Atlanta Lyric Theatre - \$9,000
 Marietta Educational Gardens - \$5,000
 TOTAL \$610,000

Marietta Visitors Bureau - \$295,000
 Lease of Welcome Center - \$18,540
 City Staff Marketing Request - \$5,000
 TOTAL \$318,540

Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Ashleigh Whitworth and Morgan Stoner and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Councilmember Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that the Atlanta Lyric Theatre rents space owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.

Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.

Council Member Goldstein discloses that Elise Goldstein is a member of the Georgia Symphony Orchestra Chorus and is a member of one of the committees of the Georgia Symphony Orchestra. Elise Goldstein is the mother of Council Member Goldstein.

Council Member Goldstein discloses that Philip M. Goldstein is a member of the Marietta Square Branding Project. 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

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20210391 Administration of the City's Pay and Classification System**

Motion to approve an ordinance amending Article 4-4-24 of the Municipal Code of Marietta to update policies and procedures regarding administration of the City's pay and classification system.

First Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 First Reading

* **20210393 FY 2022 City/BLW Pay and Classification System documents**

Motion approving an Ordinance adopting the City of Marietta and Board of Lights and Water Position Allocation Charts, and the Compensation, Position Classification, and Career Development Plans for FY 2022, with changes to take effect on July 1, 2021.

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

20210369 Traffic Calming Policy

Motion authorizing the replacement in its entirety of the current Speed Table Policy in Chapter 5-17 of the City Code with the Traffic Calming Policy dated May 27, 2021.

First Reading

Discussion was held regarding the proposed Traffic Calming Policy.

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

Vote: 5 – 2 – 0 First Reading
Voting Against: Reggie Copeland and Joseph R. Goldstein

* **20210466** **Powder Springs Street Utilities**

Motion authorizing variance from the underground utility's ordinance allowing a new lift pole in the right-of-way at 1100 Powder Springs Street. This motion does not grant a perpetual variance. Marietta Power must relocate underground at their expense if other utilities at the location are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20210467** **Atlanta Street Utilities - 1GW48240N**

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 Frasier Street for 600 feet and along Atlanta Street for 1,500 feet to 407 Atlanta 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

* **20210468** **Lawrence Street Utilities - 1GW48248N**

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 Cole Street at the intersection of Lawrence Street for 400 feet and along Lawrence Street from Rigby Street for 1,500 feet to 519, 527, & 548 Lawrence 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

* 20210469

North Fairground Street Utilities - 1GW48249N

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 North Fairground Street from North Marietta Parkway for 1,200 feet to 480 North Fairground 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

Mayor Tumlin stepped down from the dais prior to the discussion related to the Exchange of Property between the City and Hawkins Glover Properties LLC.

Mayor Pro tem Johnny Walker presided over this portion of the meeting.

20210486

Exchange of Property between the City and Hawkins Glover Properties LLC

Motion approving the exchange of property between the City and Hawkins Glover Properties LLC. This motion to approve follows the public hearing on the matter and the findings by the Mayor and Council that this exchange as a matter of fact and a matter of law is in the best interest of the public. Further, the Mayor and Council find as a matter of fact and a matter of law that the City is receiving property equal to or greater than the property being transferred in the exchange. Final documentation is subject to the approval of the City Manager and the City Attorney. This motion authorizes the Mayor and City Clerk to execute the exchange deeds and documents. Area A on the attached shall be deeded by the City to Hawkins Glover Properties LLC. Area B shall be deeded by Hawkins Glover Properties LLC to the City.

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

Vote: 7 – 0 – 0 Approved

Mayor Tumlin returned to the dais.

20210518**Lawrence Street and Washington Street Traffic Calming**

Motion to remove the action approved under Legistar item 20200703 referring to Lawrence Street and Washington Street becoming one-way streets and lane narrowing. Further, this matter should be reviewed in one year to determine if the current traffic calming measures are working.

A motion was made by Council member Chalfant, seconded by Council member Morris, that this matter be Approved, as presented.

In depth discussion was held.

A substitute motion was made by Council member Copeland to approve Lawrence Street becoming one-way going west and Washington Street becoming one-way going east, with the addition of ADA compliant sidewalks. The motion died for lack of a second.

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member Chalfant, seconded by Council member Morris, that this matter be Approved, as presented.

The motion carried by the following vote:

Vote: 5 – 1 – 1 Approved

Voting Against: Reggie Copeland

Abstaining: Michelle Cooper Kelly

OTHER BUSINESS:**20210521****Speed Detection Devices on Lawrence Street**

Motion to request approval from the State giving our Marietta Police Department the authority of being able to use speed detection devices in a 25 MPH residential zone as a safety measure on Lawrence Street.

A motion was made by Council member Copeland, seconded by Council member Chalfant, that this matter be approved.

A substitute motion was made by Council member Chalfant, seconded by Council member Richardson, to refer this matter to the Public Works Committee.

The motion carried by the following vote:

Vote: 6 – 1 – 0 Referred to the Public Works Committee

Voting Against: Reggie Copeland

20210522 Speed Detection Devices on Washington Avenue

Motion to request approval from the State giving our Marietta Police Department the authority of being able to use speed detection devices in a 25 MPH residential zone as a safety measure on Washington Avenue.

A motion was made by Council member Copeland, seconded by Council member Chalfant, that this matter be approved.

A substitute motion was made by Council member Chalfant, seconded by Council member Richardson, to refer this matter to the Public Works Committee.

The motion carried by the following vote:

Vote: 6 – 1 – 0 Referred to the Public Works Committee
Voting Against: Reggie Copeland

20210523 Employee Compensation

Motion to move "ALL" City Employees in our Hall of Fame/All-American City from the previously proposed 3% raise to a 5% raise.

A motion was made by Council member Copeland to move "ALL" City Employees in our Hall of Fame/All-American City from the previously proposed 3% raise to a 5% raise. The motion died for lack of a second.

No Action Taken

20210524 Funding Options for Employee Compensation

Motion to analyze "ALL" possible financial sources, resources, actual receipt(s), and creative options to make this transformation doable.

A motion was made by Council member Copeland to analyze "ALL" possible financial sources, resources, actual receipt(s), and creative options to make this transformation doable. The motion died for lack of a second.

No Action Taken

20210551 Sanitation Concerns

Discussion of concern(s) in our *All American City/Hall of Fame City regarding our Sanitation Department - issues related to but not limited to the following:

- a) Back Door Services
- b) Temp Agency Receiving \$15.00 - \$16.00 Per Hour vs Our Hard-Working City Employees In Our Sanitation Department Receiving Only \$11.43 Per Hour

- c) Building Pay Incentives that would increase the compensation to sustain the manpower/womanpower needed (daily) to meet the overwhelming demands due to the (exponential growth) in Marietta
- d) Pulling staff from other departments to perform duties of Sanitation Department due to shortage of sanitation staff - (difficult for some employees due to not being built to handle this strenuous job)
- e) Calculation of steps taken (daily) by Sanitation Employees having to go way beyond the call of duty related to what other municipalities are doing surrounding duties and responsibilities
- f) Changing the culture by improving the efficiency of sanitation
- g) Issues of Equity - (essential workers should receive essential pay) the aspiration for a livable wage is \$15.00 per hour
- h) Boosting the MORALE
- i) Innovation

Discussion was held regarding perceived issues with the Sanitation Department.

Discussed

* **20210554**

42 Gramling Street

Motion authorizing acquisition of a portion of property and easements at 42 Gramling Street from for the purpose of constructing the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for \$429.00 with the stipulations as listed below.

1. Pave both driveways.
2. Re-build the cement block wall along the left (facing house) driveway.
3. Re-sod the entire front yard. Seed takes too long and does not always grown in fully, as our current yard has full mature sod.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20210556**

City of Marietta v. B A Stoner

Motion to approve settlement in the cases of City of Marietta v. B A Stoner, Case Numbers 20-1-06871 and 20-1-06872, condemnation actions acquiring certain property interests owned by B.A. Stoner, located at 639 Powder Springs Street and 10 Garrison Road, with an additional payment of \$5,300.00 to owner's lender, Westside Bank, for total final compensation of \$30,000.00 for the property interests at 639 Powder Springs Street, and with an additional payment of \$1,100 to the owners lender, Westside Bank, for total compensation of \$5,000 for the property interests at 10 Garrison Road, along with certain stipulations as set forth in the Proposed Consent Orders which are incorporated into this motion by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210557 686 Powder Springs Street**

Motion to authorize the acquisition of property owned by Eagle Lube Land, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210558 569 Frasier Street**

Motion to authorize the acquisition of property owned by First Christian Church (Disciples of Christ) Marietta, Georgia, Inc. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210512 BLW Actions of June 7, 2021**

Review and approval of the June 7, 2021 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

Donald Barth, who resides on St. John Ave, addressed the City Council.

ADJOURNMENT:

The meeting was adjourned at 8:53 p.m.

Date Approved: July 14, 2021

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk