



# 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, July 8, 2020

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:***

*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 Kelly to give the invocation.*

### PLEDGE OF ALLEGIANCE:

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

### PRESENTATIONS:

**20200598 Acknowledgement of Council Member Michelle Cooper Kelly being Elected to the Position of GMA's Third Vice President**

**Recognized**

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

**20200536**            **Scheduled Appearance**  
  
Scheduled Appearance - Donald Barth

**Present**

**20200568**            **Scheduled Appearance**  
  
Scheduled Appearance - Trina Griffiths

**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 Michelle Cooper Kelly briefly explained the consent agenda process.*

*City Attorney Doug Haynie noted the following changes to the consent agenda:*

*-under Judicial/Legislative: Agenda item 20200528 was added to the consent agenda.*

*-under Judicial/Legislative: Agenda item 20200455 remained on the consent agenda. On page 3 of the agreement between the DMDA and the City, item 3b was amended to read, "The term of this Lease shall commence on the date hereof and shall continue for fifty (50) years from the date hereof."*

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

**Vote: 7 – 0 – 0**

**Approved**

**MINUTES:****\* 20200562 Regular Meeting - June 10, 2020**

Review and approval of the June 10, 2020 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:****\* 20200545 Cobb-Marietta Water Authority Appointment**

Motion appointing Council Member Grif Chalfant to the Cobb-Marietta Water Authority for a term of four (4) years, beginning August 15, 2020 and expiring August 14, 2024.

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

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

**ORDINANCES:****20200345 Z2020-19 [REZONING] PULTE HOME COMPANY, LLC**

Z2020-19 [REZONING] PULTE HOME COMPANY, LLC is requesting the rezoning of 3.8 acres located in located in Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

The Planning Commission recommends Approval as Stipulated.  
TABLED from the City Council Meeting on July 8, 2020.

Mr. Diffeley made a motion, seconded by Mr. Anderson to recommend approval as submitted including the letter of stipulations dated May 22, 2020, except that item #4 be amended to restrict the number of leasable units at any one time to no more than five percent. 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 and variances from Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 5, 2020.

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 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).*

*James Balli, representing the applicant, Pulte Home Company, LLC, requested the rezoning of 3.77 acres located on the east side of Atlanta Street, just south of the traffic light at East Dixie Avenue. The proposed development would consist of forty-nine (49) townhomes arranged along a new, circular, private roadway to be accessed from Kings Court. The townhomes would have 2-car garages accessed from the rear and the front façades would face Atlanta Street, Kings Court, and an internal greenspace between buildings. Mr. Balli presented proposed architectural renderings/elevations and site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.*

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

*Discussion was held by Council specifically related to the density of the development.*

*A motion was made by Council member Richardson, seconded by Council member Kelly, to approve the rezoning of property at 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family), with the following stipulations are incorporated as conditions of zoning:*

*1. Letter of stipulations and variances from Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 5, 2020.*

*Further discussion was held.*

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

**Vote: 7 – 0 – 0**

**Tabled**

**20200367**

**Z2020-24 [REZONING] BERCHER HOMES, LLC**

Z2020-24 [REZONING] BERCHER HOMES, LLC is requesting the rezoning of 0.43 acres located in Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

The Planning Commission recommends Approval as Stipulated.  
TABLED from the City Council Meeting on June 10, 2020.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulation from Mr. Moore dated May 29, 2020. The motion carried 7-0-0.

Applicant submitted a new stipulation letter on July 6, 2020.

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

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 July 6, 2020.

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 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).*

*Kevin Moore, representing the applicant, Bercher Homes, LLC, requested the rezoning of two (2) properties located at 224 and 226 Crescent Circle in order to develop a five (5) unit attached townhome development. The properties are currently vacant, total nearly 0.73 acres, and are zoned OI (Office Institutional). Mr. Moore presented proposed architectural renderings/elevations and site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.*

*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 Kelly, to approve the rezoning of property at 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family), with the following stipulations are incorporated as conditions of zoning:*

*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 July 6, 2020.*

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

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

20200167

**Z2020-13 [REZONING] CAMPUS REALTY ADVISORS, LLC  
(HARTWOOD INVESTMENTS, LLC)**

Z2020-13 [REZONING] CAMPUS REALTY ADVISORS, LLC (HARTWOOD INVESTMENTS, LLC) are requesting the rezoning of 9.57 acres located in Land Lots 505 & 576, District 17, Parcels 0170, 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development - Single Family) to PRD-MF (Planned Residential Development - Multi Family). Ward 7A.

The Planning Commission recommends Approval as Stipulated TABLED from the City Council Meeting on July 8, 2020.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval as stipulated. The motion carried 5-0-0.

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 June 30, 2020.
2. The access on Banberry Road will be restricted to emergency vehicles only and an additional access point will be opened onto Kathleen Drive.

Applicant submitted a new stipulation letter on July 6, 2020.

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

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 July 6, 2020.
2. The access on Banberry Road will be restricted to emergency vehicles only and an additional access point will be opened onto Kathleen Drive.

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 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development - Single Family) to PRD-MF (Planned Residential Development - Multi Family).*

*Kevin Moore, representing the applicant, Campus Realty Advisors, LLC., requested the rezoning of the subject properties to develop 2 3-story multi-family buildings and 2 4-story multi-family buildings marketed towards student housing for the nearby Kennesaw State University Marietta campus. Mr. Moore presented proposed architectural renderings/elevations and site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.*

*The following spoke in opposition to the proposed development: Brian Peters, James Epps, J. R. Harvey, Kristal Mejia Angel, Hail Wright and Donald Barth*

*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 Copeland, to Deny the rezoning of property at 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development - Single Family) to PRD-MF (Planned Residential Development - Multi Family).*

*Further discussion was held.*

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

**Vote: 7 – 0 – 0**

**Tabled**

## **RESOLUTIONS:**

### **CITY ATTORNEY'S REPORT:**

\* **20200600**      **Denial of Claim**

Denial of Claim for Mouloud Mohammedi.

**This Matter was Approved to Deny 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**

\* **20200528**      **Detailed Plan for Booth Road at Powder Springs Street (887 Powder Springs Street)**

Motion to approve the detailed plan for a 51-unit detached single family residential development at Booth Road and Powder Springs Street with the following conditions:

- Variance to allow a fire pit as the required active amenity area.
- Modification of the attached elevations to include faux shutters with trim along the lower level of the right elevation to comply with four-sided architecture.

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

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

\* **20200455**      **Contractual Agreements with DMDA & Marietta Visitors Bureau**

1. Motion to approve the Lease Agreement between the City of Marietta, as Landlord, and the Marietta Welcome Center, Inc., as Tenant, for property known as 4 Depot Street, Marietta, Georgia.
2. Motion to approve the Intergovernmental Agreement between the Downtown Marietta Development Authority, as Landlord, and the City of Marietta, as Tenant, for the Mill Street Parking Lot.

*Motion to amend the Intergovernmental Agreement between the Downtown Marietta Development Authority and the City of Marietta. On page 3, item 3b was amended to read, "The term of this Lease shall commence on the date hereof and shall continue for fifty (50) years from the date hereof."*

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

**Vote: 6 – 1 – 0**                      **Approved**

Voting Against: Joseph R. Goldstein

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

\* **20200362**      **Whitaker Park Funding Request**

Motion to adopt an ordinance amending the Whitaker Estate budget for FY21 not to exceed an expenditure of \$9,085 to modify the supports and replace the damaged fabric on the shade structure over the playground equipment at Whitaker Park.

**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****7. Public Works Committee: Grif Chalfant, Chairperson****\* 20200411 Proposed Revision to the Water Use Ordinance for Commercial Car Wash Recycling**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Commercial Car Wash Recycling.

Second Reading

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

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

**\* 20200412 Proposed Wastewater/Sanitary Sewer System Ordinance**

Motion for the City of Marietta to adopt the addition of a new Ordinance of the Wastewater/Sanitary Sewer System prohibiting decentralized wastewater systems.

Second Reading

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

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

**\* 20200414 Proposed Revision to the Water Use Ordinance for Large Landscape Irrigation Systems**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Large Landscape Irrigation Systems.

Second Reading

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

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

**\* 20200515 Sequoia Drive No Parking Area**

Motion authorizing a no parking zone to be installed along Sequoia Drive between the Iroquois Drive/Sequoia Drive intersection and the Kiowa Drive/Sequoia Drive intersection on both sides of the street.

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

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

\*        **20200516                      Hardage Trace Speed Study**

Motion authorizing Public Works to conduct the speed study of the Hardage Trace area to determine if traffic calming devices are needed.

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

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

\*        **20200517                      Woolco Drive Speed Limit**

Motion authorizing the establishment and posting of a 30 MPH speed limit along the entire length of Woolco Drive for both directions of travel between Roswell Road and Gresham Road.

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

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

\*        **20200519                      Pauladean Circle Utilities**

Motion authorizing variance from the underground utility's ordinance allowing a new utility pole at the property line of 291 and 295 Pauladean Circle. 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**

\*        **20200520                      Wylie Road Underground Utilities Variance**

Motion to deny the request from Cobb EMC to receive a variance to City Code Section 5-4-160 Underground Utilities ordinance. Request is to allow the installation of five (5) new poles along the right-of-way at 605 and 671 Wylie Road, one (1) new pole at 662 New Hope Road, and for the installation of 1,551 feet of new overhead service conductors.

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

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

\* **20200521**      **N. Fairground Street Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber across North Fairground Street from the corner of Rigby Street and North Fairground Street (528 Rigby Street) to 230 North Fairground Street. This motion does not grant a perpetual variance. Zayo Group 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**

\* **20200524**      **Kennesaw Avenue Improvements**

Motion authorizing Public Works to construct the Kennesaw Avenue Improvements Options 1 through 6 as selected by Council.

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

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

\* **20200532**      **Authorization of the Expenditure of Additional TAD Funds for Manget Neighborhood Improvements**

Motion to approve an additional TAD expenditure of \$23,335 for the relocation of Crown Castle’s aerial fiber in the Manget Neighborhood.

*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.*

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

**Vote: 6 – 0 – 1**                      **Approved**  
Abstaining: Joseph R. Goldstein

**OTHER BUSINESS:**

\* **20200592**      **Sunday Alcohol Sales - House Bill 879**

Motion to table to the next Judicial Legislative Committee consideration of House Bill 879 relating to changes in state alcohol laws.

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

**Vote: 7 – 0 – 0**                      **Tabled**

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\* **20200584**      **Iroquois and Chicopee Drive Traffic Calming**

Motion authorizing Public Works to install stop signs at the intersection Iroquois and Chicopee Drive to make this a 3-way stop intersection.

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

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

*Council member Goldstein stepped down from the dais prior to the discussion for agenda item 20202597.*

**20200597**      **Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project Parcel 34 - Marietta Properties LLC - 68 S. Fairground Street**

Motion authorizing acquisition of a portion of property and driveway easement at 68 S. Fairground Street from Marietta Properties LLC for the purpose of constructing the Fairground St - South Marietta Parkway to Roswell Street (Fairground B) Project in exchange for \$7,200.00 plus an additional \$300.00, reimbursable within 20 days of a completed survey, and the stipulations listed.

1. Ingress and egress shall be maintained throughout the duration of the project and shall be coordinated with owner and/or tenants. One of the two driveways shall be open at all times while construction is pending in front of the property. Construction directly in front of 68 S Fairground Street shall take no longer than three consecutive months.
2. Temporary Easements granted shall expire upon the earlier of 1) within two years of beginning of project or 2) September 1, 2022.
3. Driveway aprons will be constructed so that vehicles do not "bottom-out" or have to slow down to enter or exit the Property during use and so that it is a smooth transition (no dip or bump) into the Property from the Street.
4. Owner has agreed, for an additional \$2,500.00 (included in the counteroffer), to address any impact to parking spot number 1.
5. Owner shall be reimbursed by City in the amount of \$300 the cost of a new survey and setting the pins at the corners of the Property on Fairground Street within twenty (20) days of submitting a copy of the invoice from the Surveyor.
6. Owner shall provide the original document of Exhibit F, attached hereto and made a part hereof for City to file at closing as consent by the Mortgage holder. At closing, Owner shall convey the Right of Way by the Quit Claim deed attached as Exhibit D and made a part hereof and the Easement by the Temporary Driveway Easement attached as Exhibit E and made a part hereof.
7. Property herein means 68 S Fairground Street, Marietta, Georgia 30060 (a/k/a Parcel 34 of the project) that is owned by Marietta Properties, LLC.
8. Method of conveyance of the 330 square feet for right of right of way shall be a quit claim deed in the form set forth in Exhibit D, attached hereto and made a part hereof. The temporary driveway easement (which shall be in the form set forth in Exhibit E, attached hereto and made a part hereof) as well as the conveyance by quitclaim deed shall be subject to the retention by Owner of any access for the curb cuts as well as existing easements or utilities serving the Property or of record and





\* 20200582 **BLW Actions of July 6, 2020**

Review and approval of the July 6, 2020, 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:**

**ADJOURNMENT:**

*The meeting was adjourned at 8:47 p.m.*

**Date Approved:** August 12, 2020

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

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