



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
Andy Morris, Ward 4
M. Carlyle Kent, Ward 5
Andre L. Sims, Ward 6
Joseph R. Goldstein, Ward 7

Thursday, July 13, 2023

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris, M. Carlyle Kent, Andre L. Sims and Joseph R. Goldstein

Also Present:

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 Sims to give the invocation.

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20230609

Marietta Police Officers

Recognition of the newest officers to the Marietta Police Department:

- Officer Crystal Hall
- Officer Hosly Rivera

Presented

PROCLAMATIONS:**20230610 Parks and Recreation Month**

Recognition of a Proclamation declaring July 2023 as "Parks and Recreation Month" in the City of Marietta and encouraging all citizens to enjoy what their community has to offer by taking part in their favorite sports, visiting the outdoors and spending time with friends and family.

Presented by Council Member Johnny Walker

Presented

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20230616 Scheduled Appearance**

Scheduled Appearance - Donald Barth.

Present

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Pro tem Johnny Walker briefly explained the consent agenda process.

City Attorney Doug Haynie noted that there were no changes to the consent agenda.

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:*** 20230606 Regular Meeting - June 14, 2023**

Review and approval of the June 14, 2023 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:*** **20230554 Board of Lights and Water Appointment**

Reappointment of Alice Summerour to the Board of Lights and Water (Non-Resident Member), for a 4-year term expiring July 13, 2027.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

ORDINANCES:**20230356 Z2023-13 [REZONING] 5TH STREET CAPITAL PARTNERS, LLC (YK DELK ROAD, LLC.)****[Ord 8339](#)**

Z2023-13 [REZONING] 5TH STREET CAPITAL PARTNERS, LLC (YK DELK ROAD, LLC.) are requesting the rezoning of 4.76 acres located in Land Lots 786 & 799, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2360 Delk Road from CRC (Community Retail Commercial) to RHR (Residential High Rise). Ward 7A.

Planning Commission recommends Approval as Stipulated

A motion was made by Diffley, seconded by Anderson that this matter be Recommended for Approval as Stipulated. The motion carried 5-1-0.

If Council approves the request, the following stipulations would be incorporated as conditions of zoning:

1. Letter (email) to the attention of Mr. Roth; Director of Development Services dated July 5, 2023, from Ms. Julie L. Sellers of Dillard Sellers, Attorneys at Law - Itemized stipulations 1 through 6.

Planning Commission further recommends an additional stipulation requiring the applicant to provide an aid and assistance program for current residents who will be displaced.

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 2360 Delk Road from CRC (Community Retail Commercial) to RHR (Residential High Rise).

Julie Sellers, representing the applicant, requested rezoning for the subject property to allow the existing motel rooms to be converted to apartments.

Ms. Sellers presented the proposed site plan, along with a letter of agreeable stipulations/conditions, dated July 13, 2023.

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 Walker, to deny the rezoning request for property located at 2360 Delk Road from CRC (Community Retail Commercial) to RHR (Residential High Rise).

Further discussion was held.

A substitute motion was made by Council member Richardson, seconded by Council member Morris, to approve the rezoning request for property located at 2360 Delk Road from CRC (Community Retail Commercial) to RHR (Residential High Rise), with the Stipulations Letter dated July 13, 2023. The motion carried by the following vote:

Vote: 4 – 3 – 0

Approved

Voting Against: Grif Chalfant, Johnny Walker and Joseph R. Goldstein

Mayor Tumlin vetoed the motion.

Mayor Tumlin called for a vote on the original motion to deny the rezoning request.

The motion was made by Council member Goldstein, seconded by Council member Walker, to deny the rezoning request for property located at 2360 Delk Road from CRC (Community Retail Commercial) to RHR (Residential High Rise). The motion failed by the following vote:

Vote: 3 – 4 – 0

Failed

Voting Against: Cheryl Richardson, Andy Morris, M. Carlyle Kent and Andre Sims

Mayor Tumlin vetoed the motion.

A motion was made by Council member Richardson, seconded by Council member Sims, to override the mayor’s veto regarding the motion to approve the rezoning request. The motion carried by the following vote:

Vote: 5 - 2 - 0

Approved

Voting Against: Johnny Walker and Andy Morris

20230451

Z2023-15 [REZONING] FORTUS INVESTMENT, LLC.[Ord 8340](#)

Z2023-15 [REZONING] FORTUS INVESTMENT, LLC. is requesting the rezoning of 0.375 acres located in Land Lot 726, District 17, Parcel 0040 of the 2nd Section, Cobb County, Georgia, and being known as 1045 Franklin Gateway from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7A.

Planning Commission recommends Approval

A motion was made by Diffley, seconded by Smith, that this matter be Recommended for Approval. The motion carried 6-0-0.

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 1045 Franklin Gateway from LI (Light Industrial) to CRC (Community Retail Commercial).

The applicant requested rezoning for the subject property to allow a restaurant to operate in Suite A of the existing building.

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

Discussion was held by Council.

Motion to approve the rezoning request for property located at 1045 Franklin Gateway from LI (Light Industrial) to CRC (Community Retail Commercial).

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

Vote: 7 – 0 – 0

Approved

20230481

CA2023-03 [CODE AMENDMENT] Division 712, Tree Protection and Landscaping.[Ord 8341](#)

CA2023-03 [CODE AMENDMENT] Division 712, Tree Protection and Landscaping. Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712, Supplementary Use Regulations, Section 712.08, Tree Protection and Landscaping, Paragraph N, Interior Landscaping of Vehicle Use Areas.

Planning Commission recommends Approval

A motion was made by Diffley, seconded by Anderson, that this matter be Recommended for Approval. The motion carried 6-0-0.

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 proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712, Supplementary Use Regulations, Section 712.08, Tree Protection and Landscaping, Paragraph N, Interior Landscaping of Vehicle Use Areas.

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

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

Vote: 7 – 0 – 0

Approved

CITY ATTORNEY'S REPORT:

* **20230594** **Denial of Claim**

Denial of Claim for Tabatha Gomez.

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: Andre L. Sims, Chairperson**
- 2. Finance/Investment: Joseph R. Goldstein, Chairperson**
- 3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**
- 4. Parks, Recreation and Tourism: Johnny Walker, Chairperson**
- 5. Personnel/Insurance: Cheryl Richardson, Chairperson**
- 6. Public Safety Committee: M. Carlyle Kent, Chairperson**

* **20230555** **Public Safety and Community Violence Reduction Grant**

[Ord 8342](#)

Motion to approve an award to the Marietta Police Department under the Public Safety and Community Violence Reduction Grant Program.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

7. Public Works Committee: Grif Chalfant, Chairperson

* **20230575 2011 SPLOST Project Budget Reallocation**

Motion to reallocate 2011 SPLOST Project Funds as stated in the 2011 SPLOST Project Budget Reallocation Table.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230576 2016 SPLOST Project Budget Reallocation**

Motion to reallocate 2016 SPLOST Project Funds as stated in the 2016 SPLOST Project Budget Reallocation Table.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230577 2022 SPLOST Project Budget Reallocation**

Motion to reallocate 2022 SPLOST Project Funds as stated in the 2022 SPLOST Project Budget Reallocation Table.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20230483 Bouldercrest Drive & Walnut Drive Traffic Calming Proposal

Motion authorizing Public Works to install 3-way stops at Walnut Drive and Hemlock Drive, Bouldercrest Drive and Walnut Drive, and Bouldercrest Drive and Longstreet Drive, and one (1) speed table between Wisteria Drive and Longstreet Drive with the estimated cost at \$5,750. Ward 2B

Public Hearing Required

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

Public Works Director Mark Rice summarized the traffic calming proposal for Bouldercrest Drive and Walnut Drive.

Those speaking regarding this matter:

Howard Harris

Ray Buday

Mark Adams

Ann Hall

Dan Guill

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

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

Vote: 7 – 0 – 0 Approved

* **20230578 Banberry Road Speed Study**

Motion authorizing Public Works to conduct the speed study of Banberry Road from Frey’s Gin Road to Blanche Drive to determine if traffic calming devices are needed and to set the speed limit at 25 MPH. Ward 7A

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230579 Goldie Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Goldie Drive from Powers Ferry Road to Blanche Court to determine if traffic calming devices are needed and lowering the speed limit to 25 MPH. Ward 7A

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230580 Northcutt Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Northcutt Street from Whitlock Avenue to Reynolds Street to determine if traffic calming devices are needed. Ward 3A

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230581 Reynolds Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Reynolds Street from Wright Street to Rambo Place to determine if traffic calming devices are needed. Wards 3A & 5A.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20230582 Washington Avenue and Alexander Street Stop Sign Request

Motion authorizing Public Works to convert the intersection of Washington Avenue and Alexander Street to a 4-way stop condition with a pedestrian crosswalk with a total estimated cost of \$9,000.00. Ward 5A

Public Hearing Required

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

Public Works Director Mark Rice summarized the proposal for Washington Avenue and Alexander Street.

*Speaking regarding this matter:
Rosser Southerland*

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

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

Vote: 7 – 0 – 0 Approved

* **20230592 South Avenue On-Street Parking**

Motion authorizing a no parking zone to be installed along both sides of the street of South Avenue from Frasier Street to Haley Street and from Grogan Street to South Marietta Parkway with an estimated cost of \$750.00. Ward 1A

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:

* **20230608** **Smyrna Police Department Jail (MOU) Agreement**

c/a 5185 Motion to approve the Intergovernmental Agreement between the City of Marietta and the City of Smyrna for a 3 year (or 36 months) term beginning July 17, 2023.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20230568 **DP2023-16 [VARIANCE/DETAILED PLAN] BEAZER HOMES, LLC**

DP2023-16 [VARIANCE/DETAILED PLAN] BEAZER HOMES, LLC is requesting detailed plan and variance approvals for 175 acres of property zoned PRD-SF (Planned Residential Development - Single Family), Land Lot 655, Parcels 0040 & 0050; Land Lot 713, Parcel 0360; Land Lot 714, Parcels 0010 & 0030; Land Lot 715, Parcels 0010, 0020, 0050; Land Lot 725, Parcel 0010; Land Lot 726, Parcel 0010; Land Lot 727, Parcel 0010; Land Lot 787, Parcel 0010; Land Lot 788, Parcel 0010; and Land Lot 786, Parcel 0030, District 16, of the 2nd Section, Cobb County, Georgia, and being known as property on Bells Ferry Road, 2247 Bells Ferry Road, property on Laura Lake Road, 150, 151, & 154 Laura Lake Road, and 1775 Bells Ferry Road. Ward 5B.

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 approval of the detailed plan for the development of property on Bells Ferry Road, 2247 Bells Ferry Road, property on Laura Lake Road, 150, 151, & 154 Laura Lake Road, and 1775 Bells Ferry Road.

Kevin Moore, representing the applicant, requested approval of the detailed plan for the development of the 175 acres off Bells Ferry Road that were annexed and rezoned in January 2023 per Z2022-29. The plan approved with the rezoning (the general plan), as well as the stipulation letter, calls for the construction of 592 housing units consisting of 299 single family detached homes, 95 age-targeted detached homes, and 198 attached townhome units. Mr. Moore explained that the only variance included with the rezoning was a variance to waive the requirement that recreational amenity areas be within three hundred (300) feet of seventy-five (75) percent of the units.

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

Discussion was held by Council.

Motion to approve the detailed site plan and landscaping plan, including exhibits; but the architectural elevations are not included and will have to be submitted for approval at a future date. Included with the approval of this detailed plan are the following variances:

1. Variance to allow cul-de-sacs to exceed 700 ft. in length.
2. Variance to waive the minimum lot size for townhome units.
3. Variance to allow a gated community.
4. Variance to allow only one full access point for single family developments containing more than 51 units.
5. Variance to modify the required condition for a 30-foot buffer adjacent to Barrington Hills subdivision.

All variances are subject to the submitted detailed plan with exhibits and limited thereby.

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

Vote: 7 – 0 – 0

Approved

20230428

V2023-15 [VARIANCE] VC PROPERTIES I, LLC

V2023-15 [VARIANCE] VC PROPERTIES I, LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1215, District 16, Parcel 0540, 2nd Section, Marietta, Cobb County, Georgia, and being known as 31 Rock Street. Variance to continue using the property for outdoor storage, including inventory associated with automobile sales. Ward 5A.

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

Rusty Roth, Development Services Director, presented information regarding the request for approval of a variance to continue using the property for outdoor storage, including inventory associated with automobile sales at property located at 31 Rock Street.

The applicant, Jayne Hawkins, requested a variance to continue using the property located at 31 Rock Street for outdoor storage of inventory associated with car sales. For almost 18 years, Ms. Hawkin's tenant, IQ Motors, has stored cars on the property as an overflow lot.

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

Discussion was held by Council.

A motion was made by Council member Kent, seconded by Council member Chalfant, to deny the variance request.

Further discussion was held.

A substitute motion was made by Council member Walker, seconded by Council member Richardson, that this matter be Tabled and to maintain the status quo as it relates to outdoor storage. The motion carried by the following vote:

Vote: 7 – 0 – 0 Tabled

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:31 p.m.

Date Approved: August 9, 2023

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk