



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 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 Walker to give the invocation.

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20210555 Recognition of Heroic Act of Service by a Marietta Police Department Officer

Recognition of Officer Ryan Smith for his selfless act of bravery, while off duty on May 8, 2021.

Presented

20210591 Marietta Police Officers

Recognition of the newest officers to the Marietta Police Department:

Officer Matthew Abekemeier
Officer Jeremy Henderson
Officer Michael Lutz
Officer Andrew Monis
Officer Sebastian Wright
Officer Casey Calhoun
Officer Valerie Douthitt
Officer Quincy Crosson

Presented

PROCLAMATIONS:**20210605 Recognition of Responders**

Recognition of responders from the Marietta Fire Department to the sudden cardiac arrest of a student athlete at the Marietta Middle School Gymnasium on March 20, 2021, saving his life.

Presented

20210618 Proclamation - Parks and Recreation Month

Presentation of a Proclamation declaring July 2021 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

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20210608 Scheduled Appearance**

Scheduled Appearance - Larry Wills

Not 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).

A motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules of order to add an item to the agenda to approve the Final Plat for property at 326 Nelson Street. The motion carried by the following vote:

*Vote: 7 – 0 – 0 Approved
(See agenda item 20210637)*

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 20210369 was added to the consent agenda.

A motion was made by Council member Kelly, 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:

*** 20210616 Regular Meetings - June 9, 2021**

Review and approval June 9, 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:

*** 20210568 Marietta Development Authority Appointment**

Reappointment of Fran Sutton to the Marietta Development Authority to fill the position for Post 1 for a 2-year term, expiring August 11, 2023.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:**20210527 Z2021-09 [REZONING] LW MARIETTA XIII, LLC**

Z2021-09 [REZONING] LW MARIETTA XIII, LLC is requesting the rezoning of 3.6 acres located in Land Lot 578, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 1775 Parkway Place from OHR (Office High Rise) to OHR (Office High Rise) with an additional use for residential units. Ward 7A.

The Planning Commission recommends Approval and that certain issues be addressed at the City Council Meeting.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval and that the room size and conversion of all rooms to be ADA accessible be addressed at the City Council Meeting. The motion carried 5-1-0. Ms. McCrae opposed.

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

1. Variance to reduce the minimum floor area for an efficiency apartment unit from 500 square feet to 350 square feet for no more than eighty-four (84) units.
2. Variance to reduce the required parking from 258 to 220 parking spaces. [§716.07 Table J]

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 1775 Parkway Place from OHR (Office High Rise) to OHR (Office High Rise) with an additional use for residential units.

Attorney for the applicant, Richard Calhoun with Gregory Doyle Calhoun & Rogers LLC, requested this rezoning in order to convert the 225-room hotel into a multi-use facility targeted at the aging and senior population (55 and older veterans), which would include 83 rental residential units, 125 hotel rooms, a commercial kitchen, adult day care, and support services for residents and visitors. If approved, the following variances would be incorporated as conditions of zoning:

1. *Variance to reduce the minimum floor area for an efficiency apartment unit from 500 square feet to 350 square feet for no more than eighty-four (84) units.*
2. *Variance to reduce the required parking from 258 to 220 parking spaces.*

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

Discussion was held by Council regarding the unique concept proposed by the applicant.

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

Vote: 7 – 0 – 0

Approved to Deny

20210484

CA2021-02 [CODE AMENDMENT]

CA2021-02 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.05 RA-4, Single Family Residential - Attached (4 units per acre); Division 708.06 RA-6, Single Family Residential - Attached (6 units per acre); Division 708.07 RA-8, Single Family Residential - Attached (8 units per acre); Division 708.09 PRD-SF, Planned Residential Development - Single Family; Division 708.14 PRD-MF, Planned Residential Development - Multi Family; Division 708.22 LRO, Low Rise Office; Division 712.01 Special Land Use Permits; and Division 712.02 Community Residences.

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

Public Hearing (all parties sworn in)

A 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

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20210593 Denial of Claim**

Denial of Claim for Dawn Heather Garrett.

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***** 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.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 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.

Second Reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20210483 Code Amendment - Metal Buildings**

Motion to authorize advertisement of proposed amendments to the Zoning Ordinance regarding metal building facades in the following sections: §708.15(G), §708.16(G), §708.17(G), §708.18(G), §708.22(G), §708.23(G), §708.24(G), §708.25(G), §708.26(G), and §708.27(G).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved for Advertisement

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**5. Personnel/Insurance: Cheryl Richardson, Chairperson****6. Public Safety Committee: Reggie Copeland, Chairperson**

* **20210563** **2021 Law Enforcement Training Program - Use of Force / De-escalation Grant, Award Number K75-8-008**

Motion to accept the Georgia Criminal Justice Coordinating Council Grant #K75-8-008 (2021 Law Enforcement Training Program - Use of Force/De-Escalation) in the amount of \$32,000 for the purpose of funding the police department's Brazilian Jui Jitsu Program.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

7. Public Works Committee: Grif Chalfant, Chairperson

* **20210573** **St John Avenue Utilities**

Motion authorizing variance from the underground utility's ordinance allowing a new lift pole in the right-of-way at 1515 St John Avenue and Goldie Drive. 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

* **20210576** **Various City Street Speed Limit Reductions**

Motion to lower and post the speed limit to 25 MPH on the following streets in accordance with the Manual on Uniform Traffic Control Devices (MUTCD):

- Natchez Trace (from Powder Springs to Springhollow Lane)
- Longwood Drive (from Powder Springs to Bellemeade Drive)
- Winchester Drive (from Longwood Drive to end)
- Lansdowne Court (from Winchester Drive to end)
- Longwood Drive (from Bellemeade Drive to Arden Drive)
- Monmouth Court (from Longwood Drive to end)
- Longwood Court (from Longwood Drive to end)
- Arden Drive (from Bellemeade Drive to Longwood Drive)
- Dunleith Court (from Arden Drive to end)
- William Robert Drive (from Arden Drive to Linden Lane)
- Linden Lane (from Longwood Drive to William Robert Drive)
- Linden Lane (from William Robert Drive to Arden Drive)
- Oregon Trail (from Cedar Trace to Cedar Trace)
- Cayman Lane (from Oregon Trail to end)
- Jamaica Cove (from Cayman Lane to end)
- Bimini Court (from Cayman Lane to end)
- Sugar Springs Lane (from Sugar Springs Drive to end)

- Brandl Drive (from Sugar Springs Lane to end)
- Forest Court (from Bellemeade Drive to end)
- Brandon Drive (from Bellemeade Drive to end)
- Montaign Court (from Brandon Drive to end)
- Oakpoint Drive (from Bellemeade Drive to end)
- Oakplace Drive (from Oakpoint Drive to end)
- Bellemeade Farms Road (from Bellemeade Drive to end)

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20210575 Powder Springs Street Parking Spaces and Loading Zone**

Motion authorizing the widening of sidewalk on Powder Springs Street between 26 Powder Springs Street and 52 Powder Springs Street by removing the loading zone and three parking spaces.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 Approved

Voting Against: Joseph R. Goldstein

* **20210607 Colston Road Speed Limit Reduction**

Motion to lower and post the speed limit to 25 MPH on Colston Road in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:

20210407 V2021-24 [VARIANCE] JULIA DUNCAN

V2021-24 [VARIANCE] JULIA DUNCAN is requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1144, District 16, Parcel 1440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 390 Wellons Street. Variance to reduce the side yard setback from 10' to 2' for an open, unenclosed deck, as shown on the attached plan. Ward 5A.

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 390 Wellons Street. Variance to reduce the side yard setback from 10' to 2' for an open, unenclosed deck.

Mr. Duncan requested a variance to reduce the side yard setback from 10' to 2' for an open, unenclosed deck. Mr. Duncan stated that work had begun on the deck but was ordered to stop work in order to obtain the variance.

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

Discussion was held by Council.

A motion was made by Council member Copeland, seconded by Council member Kelly, to approve the following variances request for property at 390 Wellons Street. Variance to reduce the side yard setback from 10' to 2' for an open, unenclosed deck.

An amendment was made by Council member Goldstein, seconded by Council member Richardson, to amend the motion to read, "Variance to reduce the side yard setback from 10' to 2' for an open, unenclosed deck, as shown on the attached plan." The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

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

The motion was made by Council member Copeland, seconded by Council member Goldstein, to approve the following variances request for property at 390 Wellons Street. Variance to reduce the side yard setback from 10' to 2' for an open, unenclosed deck, as shown on the attached plan.

The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved as Amended

20210622

\$1,200.00 Individual one-time Bonus/Incentive taken from (ARPA) \$11.1 Million Funding Allocation for "ALL" City of Marietta Employees

Motion to give "ALL" City of Marietta Employees a one-time bonus/incentive for {FISCAL YEAR - beginning 1st July 2021 - 30th June 2022} in the amount of \$1,200.00 taken from the American Rescue Plan Act (ARPA) funding allocation Marietta will receive in the amount of \$11.1 million dollars. This is an equitable motion for all and is equivalent to giving employees an extra \$25.00 per week or \$100.00 per month during this FISCAL YEAR.

This item is not an ongoing expense for our City of Marietta, and it will not raise taxes nor increase our budget due to it being extrapolated from the American Rescue Plan Act (ARPA).

A motion was made by Council member Copeland, seconded by Council member Goldstein, that this matter be Referred to the Finance/Investment Committee. The motion carried by the following vote:

Vote: 7 – 0 – 0

Referred to the Finance/Investment Committee

20210623

American Rescue Plan Act (ARPA) for Quality Workforce Affordable Housing

Motion to use a portion or percentage of the \$11.1 million dollar funding allocation from the American Rescue Plan Act (ARPA) for Quality Workforce Affordable Housing.

- **Affordable Housing Definition with Specifics:**

Affordable Housing is defined as housing that is affordable for "ALL" levels of income. Also, it is preferred as a household whose rent (or mortgage) PLUS utilities do not exceed 30 percent of their annual income.

Families who pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as but not limited to food, clothing, transportation, and childcare.

An estimated 12 million renter and homeowner households now pay more than 50 percent of their annual incomes for housing.

A motion was made by Council member Copeland, seconded by Council member Goldstein, that this matter be Referred to the Finance/Investment Committee. The motion carried by the following vote:

Vote: 7 – 0 – 0

Referred to the Finance/Investment Committee

20210624

Comprehensive Plan on the American Rescue Plan Act (ARPA)

Discussion of a comprehensive plan on how the American Rescue Plan Act (ARPA) \$11.1 million dollars will be utilized to improve the quality of life for "ALL" of the beautiful citizens in Marietta.

A motion was made by Council member Copeland, seconded by Council member Goldstein, that this matter be Referred to the Finance/Investment Committee. The motion carried by the following vote:

Vote: 7 – 0 – 0

Referred to the Finance/Investment Committee

20210637

Final Plat - 326 Nelson Street

Motion to approve the final plat for 326 Nelson Street and 309 Saint Mary’s Lane with the following conditions:

- 1. Waiver of the proposed sidewalk on Nelson Street.
- 2. Waiver of the right of way donation on Nelson Street.

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

A motion was made by Council member Goldstein, seconded by Council Kelly, to amend the motion by removing the second stipulation. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

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

The motion was made by Council member Chalfant, seconded by Council member Walker, to approve the final plat for 326 Nelson Street and 309 Saint Mary’s Lane with the following conditions:

- 1. Waiver of the proposed sidewalk on Nelson Street.

The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:02 p.m.

Date Approved: August 11, 2021

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk