



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

Wednesday, August 9, 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 7:02 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

Everyone remained standing for the Pledge of Allegiance.

PRESENTATIONS:

20230682

Marietta Police Officer

Recognition of the newest officer to the Marietta Police Department:

· Officer Matthew Orlando

Presented

20230650 Go Fund Me Event

Presentation from Go Fund Me Officials Commending the City of Marietta as being named the 2022 Most Generous City in America and inviting the community to celebrate the achievement before the August Glover Park Concert Series on Friday, August 25, 2023.

Presented

20230681 Public Health Appreciation Award

Presentation of ‘‘Public Health Appreciation Award’’ to Mayor Steve Tumlin by Lisa Crossman, Deputy District Health Director of Cobb & Douglas Public Health.

Presented

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

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).

Prior to the Consent Agenda, a motion was made by Council member Goldstein, seconded by Council member Richardson, to suspend the rules of order to add an item to the agenda related to a motion to table Z2023-06 [Rezoning] Westplan Investors (Marietta Crossing, LLC). The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved
(See agenda item 20230228)

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

City Attorney Doug Haynie noted changes to the consent agenda.

-under City Council Appointments: Agenda item 20230641 was added to the consent agenda.

-under Ordinances: Agenda item 20230228 was added to the consent agenda as a Motion to Table.

-under Judicial/Legislative: Agenda item 20230642 was added to the consent agenda as a Motion to refer this matter back to the Judicial/Legislative Committee.

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:

* **20230661 Regular Meeting - July 13, 2023**

Review and approval of the July 13, 2023 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230662 Special Meeting - July 25, 2023**

Review and approval of the July 25, 2023 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:

* **20230636 Appointment to Ethics Committee**

The appointment of Lee A. DeHihns III to the Ethics Committee for a term of two years. The term is effective immediately and will expire on August 9, 2025.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230637 Construction Board of Adjustment and Appeals (Ward 1)**

Appointment of Guri Ben-Hashal (Ward 1) to the Construction Board of Adjustment and Appeals for five (5) year term expiring August 09, 2028.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230641** **Construction Board of Adjustment and Appeals (Ward 6)**

Appointment of Bob Barnes (Ward 6) to the Construction Board of Adjustment and Appeals for five (5) year term expiring August 09, 2028.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

ORDINANCES:

* **20230228** **Z2023-06 [REZONING] WESTPLAN INVESTORS (MARIETTA CROSSING, LLC)**

Z2023-06 [REZONING] WESTPLAN INVESTORS (MARIETTA CROSSING, LLC) are requesting the rezoning of 19.25 acres located in Land Lots 1239 & 1240, 1281, & 1282 District 16, Parcels 0270, 0060, and 1310 of the 2nd Section, Cobb County, Georgia, and being known as 50 Powers Ferry Road; 2301 & 2315 Wylie Drive from MXD (Mixed Use Development) to MXD (Mixed Use Development). Ward 7A.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Tabled**

20230507 **Z2023-16 [REZONING] H. LELAND WHITFIELD, III (1141 WHITLOCK AVENUE, LP.)**

Z2023-16 [REZONING] H. LELAND WHITFIELD, III (1141 WHITLOCK AVENUE, LP.) are requesting the rezoning of 1.64 acres located in Land Lots 324 & 325, District 20, Parcel 1450 of the 2nd Section, Cobb County, Georgia, and being known as 1141 Whitlock Avenue from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A

Planning Commission recommends Denial

Ms. McCrae made a motion, seconded by Mr. Diffley, to recommend denial. The motion carried with a vote of 4-2-0. Mr. Anderson and Mr. McClure opposed.

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 1141 Whitlock Avenue from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

The applicant, H. Leland Whitefield III, on behalf of 1141 Whitlock Avenue LP, requested the rezoning of 1141 Whitlock Avenue from OI (Office Institutional) to PRD-SF (Planned Residential Development, Single-Family) to construct eight (8) detached homes (each separated by five [5] feet).

Those speaking in opposition to of the development:

Pamela Cohen

Sydney Pascoe

Michael Osbourne

Jim Singleton

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

Discussion was held by Council.

Motion to deny the rezoning request for property located at 1141 Whitlock Avenue from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

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

Vote: 7 – 0 – 0

Denied

20230593

Z2023-17 [REZONING] AJ GLASS (PALIFOX MARIETTA, LLC.)

Ord. 8344

Z2023-17 [REZONING] AJ GLASS (PALIFOX MARIETTA, LLC.) are requesting the rezoning of 3.9 acres located in Land Lot 7820, District 16, Parcel 0120, of the 2nd Section, Cobb County, Georgia, and being known as 1791 Williams Drive from CRC (Community Retail Commercial) to LI (Light Industrial). Ward 5B.

Planning Commission recommends Approval

Mr. Diffley made a motion, seconded by Mr. Anderson, to recommend approval. The motion carried with a vote of 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 1791 Williams Drive from CRC (Community Retail Commercial) to LI (Light Industrial).

The applicant, Justin Story of AJ Glass requested rezoning of the subject property to operate a facility which supplies glass to commercial projects. Some light manufacturing is to be performed on site, such as metal fabrication. There will be no retail customers visiting the business on a day-to-day basis.

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

Discussion was held by Council.

Motion to approve the rezoning request for property located at 1791 Williams Drive from CRC (Community Retail Commercial) to LI (Light Industrial).

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

Vote: 7 – 0 – 0 Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

*** 20230647 Denial of Claim**

Denial of Claim for McDonald Knight.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny Claim

*** 20230649 Denial of Claim**

Denial of Claim for Elionne Cadet.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny Claim

*** 20230670 Denial of Claim**

Denial of Claim for Hector Gonzales on behalf of Jazmine Gonzales.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny Claim

*** 20230693 Denial of Claim**

Denial of Claim for Andrew Murphy.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny Claim

* **20230642 Denial of Claim**

Denial of Claim for Hector Gonzales on behalf of Matthew Gonzales.

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**

* **20230584 Redistricting Map**

Motion to authorize advertisement of the Redistricting Map titled Proposed Wards School and Parks Draft Option 2.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved for Advertisement

* **20230642 Easement for Courthouse elevator staging and construction**

Motion to approve a request from Cobb County for an easement adjacent to the Courthouse for elevator staging and construction.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Referred to the Judicial Legislative Committee

- 4. Parks, Recreation and Tourism: Johnny Walker, Chairperson**
- 5. Personnel/Insurance: Cheryl Richardson, Chairperson**
- 6. Public Safety Committee: M. Carlyle Kent, Chairperson**
- 7. Public Works Committee: Grif Chalfant, Chairperson**

* **20230621** **Margaret Avenue Utilities - AO2MBGM**

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” from the existing connection at 683 Cherokee Street, along Margaret Avenue, down Church Street, and then to 574 Church Street for approximately 950 feet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations 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

* **20230622** **Ward 7 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) effective and to be installed when the speed studies are completed on Banberry Drive and Goldie Drive:

- Blanche Drive (from Wylie Road to Blanche Court)
- Blanche Court (from Blanche Drive to end)
- James Street (from Charles Avenue to Goldie Drive)
- Matthews Circle (from James Street to Blanche Drive)
- Scott Drive (from Crestridge Drive to Marvin Circle)
- Marvin Circle (from Scott Drive to end)
- Crestridge Drive (from Scott Drive to end)
- Dean Circle (from Crestridge Drive to end)

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20230646** **School Zone Cameras**

Motion to direct staff to enter negotiations with Marietta City Schools regarding the possible installation of School Safety Speed Cameras.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

OTHER BUSINESS:

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; variance to allow outside storage areas to be located beyond the side or rear yard; variance to increase the allowable storage area from 25% to 75 % of total lot. Ward 5A.

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 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 Goldstein, to deny the variance request.

Further discussion was held.

A substitute motion was made by Council member Richardson, seconded by Council member Walker, to allow storage of automobiles behind the currently existing chain-link fence shown on the application. Further, the applicant shall be allowed to park cars in front of, and to the east of the existing chain-link fence shown on the application. There shall be no parallel parking, and no cars shall be allowed to protrude into the public right of way.

An amendment to the motion was made by Council member Richardson, seconded by Council member Walker, to grant a temporary operational permit only to the applicant by the Marietta City Council regarding the above referenced property located at 31 Rock St., through and including December 31, 2024, with a fee in the amount of \$10 per year subject to all conditions set forth herein. The motion carried by the following vote:

*Vote: 5 – 1 – 0 Amendment Approved
Voting Against: Joseph R. Goldstein
Absent for the vote: Grif Chalfant*

A second amendment was made by Council member Kent, seconded by Council member Sims, to add a stipulation that the applicant shall pave with concrete or asphalt and re-stripe the area in front of, and to the east of the existing chain-link fence. The motion carried by the following vote:

*Vote: 6 – 0 – 0 Amendment Approved
Absent for the vote: Grif Chalfant*

Mayor Tumlin called for a vote on the first amendment to the motion, as further amended.

The amendment to the motion was made by Council member Richardson, seconded by Council member Walker, to grant a temporary operational permit only to the applicant by the Marietta City Council regarding the above referenced property located at 31 Rock St., Marietta, GA through and including December 31, 2024, with a fee in the amount of \$10 per year subject to all conditions set forth herein. Further, to add a stipulation that the applicant shall pave with concrete or asphalt and re-stripe the area in front of, and to the east of the existing chain-link fence. The motion carried by the following vote:

*Vote: 5 – 1 – 0 Amendment Approved
Voting Against: Joseph R. Goldstein
Absent for the vote: Grif Chalfant*

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

The substitute motion was made by Council member Richardson, seconded by Council member Walker, to allow storage of automobiles behind the currently existing chain-link fence shown on the application. Further, the applicant shall be allowed to park cars in front of, and to the east of the existing chain-link fence shown on the application but only after applicant re-stripes the area for perpendicular parking. There shall be no parallel parking, and no cars shall be allowed to protrude into the public right of way. This motion also grants a temporary operational permit only to the applicant by the Marietta City Council regarding the above referenced property located at 31 Rock St., Marietta, GA through and including December 31, 2024, with a fee in the amount of \$10 per year subject to all conditions set forth herein.

The motion carried by the following vote:

Vote: 5 – 1 – 0 Approved as Amended
Voting Against: Joseph R. Goldstein
Absent for the vote: Grif Chalfant

* **20230706** **Property & Casualty/Miscellaneous Insurance Coverage**

Motion to approve the City of Marietta/BLW property & casualty and other miscellaneous Insurance coverage, premiums, and companies utilized for the policy period of August 17, 2023, to August 17, 2024.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20230663** **BLW Actions of August 7, 2023**

Review and approval of the August 7, 2023 actions and minutes of the 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 8:45 p.m.

Date Approved: September 13, 2023

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk