



# 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*

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Wednesday, January 10, 2018

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Cheryl Richardson, Grif Chalfant, Johnny Walker, G. A. (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 7:02 p.m.*

### **INVOCATION:**

*Mayor Tumlin called upon Council member Andy Morris to give the invocation.*

### **PLEDGE OF ALLEGIANCE:**

*Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.*

### **PRESENTATIONS:**

### **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).**

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

*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 consent agenda related to the disposition of a portion of 1101 Powder Springs Street. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved*

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

*-under City Council Appointments: Agenda item 20180035 was added to the consent agenda and amended to read, "Motion to appoint the following Associate Judges for the January 10, 2018 City Council Agenda appointments: Lawrence E. Burke, Stephen A. Yaklin, Melinda Davis Taylor, Robert Schnatmeier, Jr., Nathan J. Wade, Phyllis Gingrey Collins."*

*-under City Council Appointments: Agenda item 20180075 was added to the consent agenda and amended to read, "Motion to appoint the following Associate Prosecuting Attorneys to serve the term ending 12/31/2019: Susan M. Miller, Mr. Carmen Porreca, Thomas E. Griner, Latonia Patrice Hines and Jason Treadway."*

*-under Ordinances: Agenda item 20171185 was removed from the consent agenda.*

*-under Parks and Rec.: Agenda item 20171202 remained on the consent agenda with minor amendments to the agreement.*

*Mr. Haynie then opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.*

**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**

*with the following exceptions:*

*Council member Goldstein voting against agenda item 20171193.*

*Council member Kelly abstaining on agenda item 20171095.*

**MINUTES:**

- \* **20180055**      **Regular Meeting - December 13, 2017**
- Review and approval of the December 13, 2017 regular meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20180056**      **Special Meeting - December 20, 2017**
- Review and approval of the December 20, 2017 special meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20180057**      **Special Meeting - January 3, 2018**
- Review and approval of the January 3, 2018 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:**

- \* **20180034**      **Appointment of Chief Judge**
- Election of Roger Rozen for Chief Judge of the Municipal Court with a term of two years through December 31, 2019 and with appropriate written memorialization pursuant to Georgia Code.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **21080035**      **Appointment of Associate Judges**
- Nomination of Associate Judges for January 10, 2018 City Council Agenda appointments.
- Motion to appoint the following Associate Judges for the January 10, 2018 City Council Agenda appointments to serve the term ending 12/31/2019:*

*Lawrence E. Burke*                      *Stephen A. Yaklin*  
*Melinda Davis Taylor*              *Robert Schnatmeier, Jr.*  
*Nathan J. Wade*                      *Phyllis Gingrey Collins*

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

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

**20180036**                      **Election of Prosecuting Attorney**

Election of a Prosecuting Attorney to serve term ending 12/31/2019.  
Nominations are Robert Donovan and Ben Smith.

*A motion was made by Council member Richardson, seconded by Council member Kelly, to elect Robert Donovan as the Prosecuting Attorney to serve term ending 12/31/2019.*

*A substitute motion was made by Council member Walker, seconded by Council member Morris, to election Ben Smith as the Prosecuting Attorney to serve term ending 12/31/2019. The motion failed by the following vote:*

*Vote: 2 – 5 – 0*                      *Failed*  
*Voting Against: Cheryl Richardson, Grif Chalfant, Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein*

*Mayor Tumlin called for a vote on the original motion.*

**A motion was made by Council member Richardson, seconded by Council member Kelly, to elect Robert Donovan as the Prosecuting Attorney to serve term ending 12/31/2019. The motion carried by the following vote:**

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

**20180075**                      **Appointment of Associate Prosecuting Attorneys**

Nomination of Associate Prosecuting Attorneys to serve the term ending 12/31/2019.

*Motion to appoint the following Associate Prosecuting Attorneys to serve the term ending 12/31/2019:*

*Susan M. Miller*                      *Mr. Carmen Porreca*  
*Thomas E. Griner*                      *Latonia Patrice Hines*  
*Jason Treadway*

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

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

- \* **20180037**      **Appointment of City Clerk**
- Appointment of Stephanie Guy as City Clerk.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20180038**      **Appointment of City Attorney**
- Nomination of Douglas Haynie as City Attorney.
- Motion to appoint Douglas Haynie as City Attorney.*
- The motion was made by Council member Morris, seconded by Council member Chalfant, that this matter be Approved. The motion carried by the following vote:**
- Vote: 6 – 1 – 0**                      **Approved**  
Voting Against: Joseph R. Goldstein
- \* **20180071**      **Appointment of Municipal Court Clerk**
- Motion to appoint Pam Allen as Municipal Court Clerk pursuant to City Code 6.7 consistent within the defined terms of OCGA § 36-32-13, for a two year term.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20180065**      **Cobb Municipal Association 2018 Delegates**
- Appointment of Michelle Cooper Kelly and Cheryl Richardson as voting delegates for the Cobb Municipal Association (CMA) business meetings.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**

**ORDINANCES:****20171186****Z2018-03 [REZONING] ALICEY INC****[Ord. 7999](#)**

Z2018-03 [REZONING] ALICEY INC is requesting the rezoning of approximately 1.97 acres located in Land Lot 714, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1222 Franklin

Gateway from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 1A.

*City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie then swore in those wishing to speak.*

*Rusty Roth, Development Services Director, presented information regarding the request to rezone property at 1222 Franklin Gateway from OI (Office Institutional) to CRC (Community Retail Commercial).*

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

*Discussion was held by Council.*

*A motion was made by Council member Richardson, seconded by Council member Morris, to approve the rezoning request for property located at 1222 Franklin Gateway from OI (Office Institutional) to CRC (Community Retail Commercial), with the following variances and stipulation would be incorporated as conditions of zoning:*

- 1. Variance to reduce the required road frontage for a free-standing sign from 75' to 40'.*
- 2. Variance to allow signage to be 15' tall.*

*The following uses will not be allowed on the property without a future Special Land Use Permit:*

*Adult entertainment shops  
Dry cleaning utilizing petrochemicals  
Helicopter landing areas  
Pawn shops  
Motels/Hotels - Extended Stay  
Shelters for the homeless*

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

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

\* **20171184**

**Z2018-01 [REZONING] CITY OF MARIETTA**

[Ord. 7997](#)

Z2018-01 [REZONING] CITY OF MARIETTA is requesting the rezoning of 7,460 square feet of property located in Land Lots 1213 & 1236, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of the Covington Avenue right of way from unzoned to CRC (Community Retail Commercial). Ward 1A.

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

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

20171185

**Z2018-02 [REZONING] CITY OF MARIETTA****Ord. 7998**

Z2018-02 [REZONING] CITY OF MARIETTA is requesting the rezoning of 8,445 square feet of property located in Land Lot 1238, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as Freys Gin Court from unzoned to CRC (Community Retail Commercial). Ward 7A.

*City Attorney Doug Haynie opened the public hearing and sworn in those wishing to speak.*

*Rusty Roth, Development Services Director, presented information regarding the request by the City to rezone property at known as Freys Gin Court from unzoned to CRC (Community Retail Commercial).*

*Mr. Richard Hubert expressed interest in having his property included in the rezoning since it is similarly situated on Freys Gin Court. It was determined that the request could not be included in this rezoning, as it has not been advertised as such.*

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

**The motion was made by Council member Walker, seconded by Council member Kelly, to approve the rezoning request for property located at known as Freys Gin Court from unzoned to CRC (Community Retail Commercial). The motion carried by the following vote:**

**Vote: 6 – 1 – 0                                  Approved**  
Voting Against: Andy Morris

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**\*      **20180050                  Denial of Claim**

Denial of Claim for Rebecca Crenshaw.

**This matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0                                  Approved to Deny Claim**

\*      **20180064                  Denial of Claim**

Denial of Claim for Spyridon Lourentazatos.

**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****\* 20171190 CDBG Application Package**

Motion to approve the plans and supporting documents for 2018 Community Development Block Grant application package.

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

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

**2. Finance/Investment: Joseph Goldstein, Chairperson****3. Judicial/Legislative: G.A. (Andy) Morris, Chairperson****\* 20171178 Unexpired Contracts**

Motion to approve certain unexpired contracts to ratify in accordance with Section 36-30-3 of the Official Code of Georgia Annotated (O.C.G.A.).

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

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

**\* 20171193 Detailed Plan - White & Roselane Townhomes**

Motion to approve the detailed plan for 271 & 223 White Street consisting of site and tree plans (revision dates 12/14/17 and 12/18/17 respectively) and attached townhome elevations. The following shall be incorporated with the plan:

1. Variance to reduce the width of the access easement for the private street from 50 feet to 20 feet.
2. Variance to increase the maximum impervious surface from 60% to 62%.
3. Variance to allow understory trees as street trees.

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

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

Voting Against: Joseph R. Goldstein



- \* **20171095**      **SB 85 and Sunday Alcohol Sales for Malt Beverage and Distilled Spirit Manufacturers**

[Ord. 8000](#)

Motion to approve the Alcoholic Beverage Ordinance changes concerning malt beverage and distilled spirit manufacturers to comply with SB 85.

*Council member Michelle Cooper Kelly disclosed that she is employed by a large brewery that also owns several craft breweries.*

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

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

Abstaining: Michelle Cooper Kelly

- 20170806**      **Small Cell Ordinance**

[Ord. 8001](#)

Approval of the Small Cell Ordinance and authorizing forwarding to the Cobb Delegation.

*Discussion was held regarding the Small Cell Ordinance. There was general agreement to create a separate fund for the paid fees, similar to the current Tree Preservation Fund.*

**A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the Small Cell Ordinance, with an amendment to create a separate fund for the paid fees. The motion carried by the following vote:**

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

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

- \* **20171202**      **Laurel Park Tennis Center Independent Contractor Agreement**

Motion approving an Independent Contractor Agreement with Tennis Dynamics, Inc. for operations of the Laurel Park Tennis Center.

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

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

- \* **20171203**      **Custer Park Lease Agreement**

Motion approving a lease agreement with the Metro Atlanta YMCA through the McClesky/N. East Cobb branch for the use of Custer 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**

**\*      20171206                      Utilities at 900 Whitlock Avenue**

Motion approving a variance from the Underground Utilities ordinance to allow the relocation of one utility pole and currently attached facilities at the frontage of 900 Whitlock Avenue. No new overhead utilities are authorized as part of this variance.

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

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

**\*      20171207                      Hillside Drive Speed Limit**

Motion authorizing the installation of 25 mph speed limit signs on Hillside Drive is approximately 575 feet and connects Campbell Hill Street with Church Street.

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

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

**\*      20171208                      Powers Ferry Road Speed Limit**

Motion to set the speed limit of Powers Ferry Road at 35 mph.

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

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

**\*      20171209                      Cole Street Utilities**

Motion approving a variance from the Underground Utilities ordinance to allow the installation of one new pole and two spans of new primary electrical wire on Cole Street.

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

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

\*     **20171201           Water Meter Easement for Elizabeth Porter Park**

Motion to approve the Grant of a Water Meter Easement between the BLW and the City for placement of a water meter at Elizabeth Porter Park.

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

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

**OTHER BUSINESS:**

**20171128           Appeal of Susan Raper (319 Church Street) Follow-up Elevations**

Motion to review and approve the side elevations for the proposed home at 319 Church Street. A motion to reject the Historic Preservation Commission's denial and approve a Certificate of Appropriateness for the demolition of the house at 319 Church Street occurred on December 13th, 2017. The motion also included approval of the front elevation, as shown on the application dated November 20, 2017, with the stipulation that the applicant will bring side elevations of the proposed home, as seen from a public street, to City Council for their review and approval prior to permitting.

*Discussion was held regarding the side elevations for the proposed home at 319 Church Street, as seen from a public street.*

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

**Vote: 6 – 1 – 0                    Approved**  
Voting Against: Cheryl Richardson

\*     **20171029           Disposition of a portion of 1101 Powder Springs Street.**

A motion authorizing the advertisement of the sale of approximately 896 s.f. of property at 1101 Powder Springs Street at a minimum bid of \$3.00 per sq. ft. The buyer must provide a survey and legal description, and assume all costs for attorney's fee and closing expenses. The City reserves the right to reject any and all bids.

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

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

**20171176            The Park and Hide Initiative for preserving and enhancing Historical Downtown**

To begin due diligence to work “intergovernmentally” with DMDA with advice from Branding Project and Cobb Government to consider a revenue bond to finance and construct a parking deck with a “historical” accent with a component to begin “undergrounding” dumpsters and trash bins in downtown area in a to be determined location(s) in Glover Park area (within 2 blocks). Initial component to be City of Marietta to purchase for fair value the home of the City’s History Museum from the Landlord, DMDA with the condition that the DMDA apply proceeds of purchase towards the construction of a new deck and undergrounding trash receptacles with balance paid from said Revenue Bond. Purchase of Kennesaw House to be financed from the capital authorized expenditure portion of the Car Rental Tax.

Requested by Mayor Tumlin

**Referred to the Judicial/Legislative Committee**

**20180072            City Council Committee Meeting for June**

Motion to approve the change of the City Council Committee Meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018, due to the GMA Conference.

Requested by Joseph Goldstein

*A motion was made by Council member Chalfant to approve the motion to change the City Council Committee Meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018, due to the GMA Conference.*

*After a brief discussion, the motion was withdrawn.*

*A motion was made by Council member Morris, seconded by Council member Walker, to deny the motion to change the City Council Committee Meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018.*

*A substitute motion was made by Council member Goldstein, seconded by Council member Kelly to approve the motion to change the City Council Committee Meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018.*

*A substitute motion was made by Council member Goldstein to approve a motion to change the City Council Committee Meeting from Tuesday, June 26, 2018 to Thursday, June 28, 2018. The motion failed for lack of a second.*

*Mayor Tumlin called for a vote on the substitute motion.*

*The substitute motion was made by Council member Goldstein, seconded by Council member Kelly to approve the motion to change the City Council Committee Meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018. The motion failed by the following vote:*

*Vote: 3 – 4 – 0                      Failed*  
*Voting Against: Cheryl Richardson, Grif Chalfant, Johnny Walker and Andy Morris*

*Mayor Tumlin called for a vote on the original motion.*

**The motion was made by Council member Morris, seconded by Council member Walker, to deny the motion to change the City Council Committee Meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018. The motion carried by the following vote:**

**Vote: 4 – 3 – 0                      Approved to Deny**  
Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein

\*      **20180066**

**BLW Actions of January 8, 2018**

Review and approval of the January 8, 2018 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 8:15 p.m.*

**Date Approved: \_\_\_\_\_**

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

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