



File Reference: 20190817

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MEMORANDUM

TO: Historic Board of Review Members

FROM: Rusty Roth, Director, Director of Development Services *RR*
Shelby Little, Planning & Zoning Manager *SL*

SUBJECT: Review of Staff recommendation: Attorney for Historic Board of Review

DATE: August 28, 2019

BACKGROUND: On February 14, 2018, City Council made amendments to the City Code that impacted the Historic Board of Review. The language that was added to the City Code impacted the current serving city attorney's ability to serve as advisor to the board.

ISSUE: The language that was included in the City Code regarding the HBR in Section 7-8-8-080 (I), was modified to state:

I. *The historic board of review and the historic preservation committee shall be served and advised by a common attorney as engaged by the city with concurrent advisement from said two boards. Current serving city attorney shall not be eligible to represent concurrently the two boards.*

In order to comply with the revised code, City Staff from Human Resources, Finance and Development Services prepared a "request for proposal" and sought out local attorneys who might be interested in serving as advisor to the HBR. Although there was no response to the "request for proposal", Staff was able to contact and interview two (2) attorneys to discuss their qualifications and to determine their interest in serving as board attorneys.
(See attached resumes)

RECOMMENDATION: Staff recommends that Joseph B. Atkins should be obtained as counsel for the Historic Preservation Commission. Mr. Atkins is keenly interested in historic properties and has local government experience with both the City of Marietta (Marietta Civil Service Board) and Cobb County (Board of Zoning Appeals). In addition, Mr. Atkins has identified two associates with his firm that would be available to attend meetings, if for some unforeseen reason, he should he be unable to be present.

Lisa K. Rose, Esq.

533 Johnson Ferry Road, Building D, Ste. 400 | Marietta, Georgia 30068 | 678.806.8188 | lisa@roselitigation.lawyer

ATTRIBUTES

Strategic legal advisor with over 17 years of experience prosecuting and defending real estate and commercial litigation for corporate clients in federal and state courts in Georgia, as well as experience in serving as in house counsel. Effectively manage and supervise staff, daily operations, budgeting and billing needs while mentoring the growth of associates. Facilitate marketing needs for firm while providing training and educational seminars tailored to client needs. Excellent business acumen with keen ability to provide oversight and manage complex litigation. Attentive to details with strong ability to mitigate and reduce risk or maximize recoveries.

EXPERTISE IN LITIGATION

- Real estate litigation
- Contract disputes
- Intentional torts
- Creditors' rights litigation
- Interlocutory relief
- Enforcement of judgments
- Commercial litigation
- Landlord tenant disputes
- Nonjudicial foreclosures
- Personal property foreclosures
- Dispossessions
- Title litigation
- Priority of title
- Equitable subrogation
- Easements
- Boundary Disputes
- Tax redemptions/Sales

PROFESSIONAL EXPERIENCE

Rose Litigation, LLC | Partner and Mediator | January, 2018 - present

Founded strategic boutique law firm specializing in complex commercial real estate and business litigation. In addition to prosecuting and defending corporate clients and individuals in all aspects of real estate and corporate litigation, I am a registered Mediator with the Georgia Commission on Dispute Resolution.

Neel, Robinson & Stafford, LLC | Partner of Litigation Department | December 2011 - present

Established and managed growing real estate litigation department, including supervisor of staff, mentoring of associates and daily operations. Skillfully assessed risk management or mitigation of damages in all aspects of litigation and mediation.

Fox Weiss, LLC | Of Counsel | June, 2011 – December, 2011

Represented corporate clients in employment disputes and claims of discrimination nationwide. Served as in-house counsel, provided onsite training and marketed for additional client development.

McCalla Raymer, LLC | Partner of Litigation and Trial Practice Group | April, 2007 – May, 2011

Managed defensive litigation team and served as in-house counsel for firm in efforts to reduce number of claims for wrongful foreclosure, dispossession and eviction on behalf of firm and secured lenders.

Robinson, Jampol, Schleicher and Jacobs, LLC | Associate | September, 2003 – April, 2007

Practiced in the areas of commercial litigation, construction law, real estate and employment disputes.

EDUCATION

The University of Georgia School of Law, Juris Doctorate May 2001

- Activities: Appointed member on The Mock Trial Executive Board and assigned member of The 1999 ABA Mock Trial Team and The 2000 National Mock Trial Team
- Competitions: National Trial Competition, ABA Mock Trial Competition, J. Melvin England Mock Trial Competition, Russell Moot Court Competition and Talmadge Moot Court Competition.

The University of Georgia, Bachelor of Science in Education, May 1996

Joseph Blackshear Atkins

DOWNEY & CLEVELAND, LLP
288 WASHINGTON AVENUE
MARIETTA, GEORGIA
(770) 422-3233
atkins@downeycleveland.com

EXPERIENCE

Over thirty years of experience practicing law in the public and private sectors, including representing government entities, businesses, and professionals in significant litigation. Managed lawyers and support staff in private practice and in-house positions. Interim manager of major county law department in a jurisdiction with over 700,000 population and annual budget of over 800 million dollars. Currently maintain an active first-chair jury trial practice throughout metropolitan Atlanta and North Georgia in both state and federal courts.

EMPLOYMENT

Downey & Cleveland, LLP (Marietta, Georgia)

2015-present

Of Counsel

Local government, land use, zoning, wireless telecommunications, storm water, personal injury, property damage, premises liability, products liability, homeowners' association, and Americans With Disabilities Act litigation.

Cobb County Attorney's Office (Marietta, Georgia)

2002-2015

*Deputy County Attorney (2013-2014)
Interim County Attorney (2013)
Assistant County Attorney (2011-2013)
Senior Associate County Attorney (2003-2011, 2015)
Associate County Attorney (2002-2003)*

Twelve years of progressively increasing responsibility prior to office reorganization. Lead attorney for all zoning and land use matters for the Board of Commissioners, Planning Commission, and Board of Zoning Appeals, including billion dollar Major League Baseball mixed use project and thousands of public hearings involving land use. Lead attorney in major litigation involving class actions, catastrophic personal injury and property damage claims arising from infrastructure design and maintenance (wrongful death, storm water damage), voting rights and redistricting, and zoning and land use (including cell tower permitting litigation). Registered lobbyist concentrating on wireless telecommunications and utilities.

Carter & Ansley (Atlanta, Georgia)

1999-2002

Of Counsel

General Counsel to Coosa Valley Regional Development Center. Represented major life and health insurance companies in claims litigation. General insurance defense and products liability defense.

Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP
(Rome, Georgia)

1991-1999

*Partner (1996-1999)
Associate (1991-1995)*

Local government law. Civil rights defense, voting rights litigation, medical malpractice defense, class action litigation, general insurance defense.

Law Office of Theodore Salter, Jr. (Atlanta, Georgia) 1991
Associate

Workers' Compensation defense and general insurance defense.

Long, Weinberg, Ansley & Wheeler (Atlanta, Georgia) 1987-1990
Associate

Products liability defense, general insurance defense.

EDUCATION

J.D., University of Georgia School of Law (Athens, Georgia) 1987
*Member, Moot Court Board; Member, Jessup Moot Court Team
(Southeast Region Championship Team and Top Twenty
Oralist in United States)*

A.B. (Political Science) University of Georgia (Athens, Georgia) 1984
Chief Justice, Student Judiciary;

PROFESSIONAL

Admitted to practice before all state and federal courts in Georgia, as well as the Supreme Court of the United States. Member of the State Bar of Georgia, the Cobb County Bar Association, and the Lawyers Club of Atlanta. Fellow of Lawyers Foundation of Georgia.

PRESENTATIONS

Wireless Issues in Rights of Way, ACCG Legislative Leadership Conference (2016); *ACCG Wireless Telecommunications Webinar* (2015); *Regulation of Cell Towers*, Metro City and County Attorneys' Seminar (2013); *Zoning of Churches*, Institute for City and County Attorneys (2005); *Local Government Regulation of High Voltage Electrical Transmission Lines*, Metro City and County Attorneys' Seminar (2003).

MATTERS

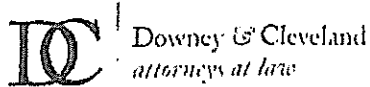
Amberfield Homeowners Association, Inc. v. Young, 346 Ga.App. 29, 813 S.E.2d 29 (2018); *Johnson v. Hamrick*, 196 F.3d 1216 (11th Cir. 1999); *Askew v. City of Rome*, 127 F.3d 1355 (11th Cir. 1997); *Crumly v. Cobb County Bd. of Elections and Voter Registration*, 892 F.Supp.2d 1333 (N.D. Ga. 2012); *T-Mobile South LLC v. Cobb County, Ga.*, 2011 WL 336641 (N.D. Ga. 2011); *Smith v. Cobb County Bd. of Elections and Registration*, 230 F.Supp.2d 1313 (N.D. Ga. 2002); *Cobb County v. Georgia Transmission Corp.*, 276 Ga. 367, 578 S.E.2d 852 (2003).

CIVIC

Cobb County Board of Ethics (Member 2015-2019, Chair 2019); Boy Scout Troop 713, Saint Catherine's Episcopal Church, Marietta (Troop Committee 2016-present, Scoutmaster 2012-2016, Assistant Scoutmaster 2011-2012); Rotary Club of Marietta (Member 2013-present, *Rotalight* Editor 2014-2017, Director of Administration 2017-2018/ 2019-2020); Peachtree Road United Methodist Church (Administrative Board of Stewards 2004-2007, President Family Builders Sunday School Class 2011-2012, Children's Sunday School Teacher 2000-2010); Greater Rome Chamber of Commerce (Board of Directors 1996-1997, Chair Congressional Action Committee 1995-1996); Rotary Club of Rome-Seven Hills (Charter Member and Board of Directors (1996-1999); University of Georgia National Alumni Association (Board of Directors 1998-2002).

PERSONAL

Born 1961, Chattanooga, Tennessee. Married to Marybeth Robertson Atkins (teacher, Johns Creek High School) with two children: Mary Sutherland (third-year student at University of Kentucky College of Law); and Joseph, Jr. (2nd Lt. United States Army).



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Our Attorneys

Joseph B. Atkins

Joseph B. Atkins is Of Counsel at Downey & Cleveland where he represents governments, businesses, and individuals in matters involving land use, zoning, wireless telecommunications, permitting, storm water, infrastructure construction and maintenance, voting rights, redistricting, and governmental ethics. He also defends governments, individuals, businesses, and insurance companies in personal injury, premises liability, property damage and Americans With Disabilities Act litigation. In addition to his tenure as a partner in a leading Georgia law firm, Mr. Atkins practiced thirteen years in the Cobb County Attorney's Office, where he was both a Deputy and an Interim County Attorney. He has served as lead counsel in thousands of land use matters and hearings, hundreds of hearings and trials in state and federal courts, the Georgia Public Service Commission, and the Georgia Government Transparency and Campaign Finance Commission. Mr. Atkins has also counseled local governments and associations and lobbied legislators on their behalf on issues related to local government matters. In this capacity, he was instrumental in forging Georgia's current wireless telecommunications statutes.

Education

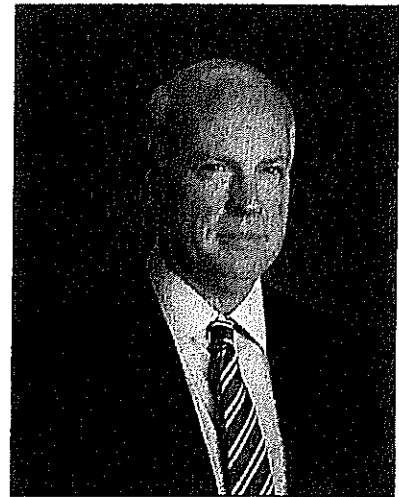
Bachelor of Arts in Political Science, the University of Georgia, 1984
 Juris Doctorate, the University of Georgia School of Law, 1987

Practice Areas

Local Government, Land Use, Zoning, Wireless Telecommunications, Permitting, Storm Water, Infrastructure Construction and Maintenance, Voting Rights, Redistricting, Governmental Ethics, General Tort Liability, Automobile Accident Liability, Premises Liability, Americans With Disabilities Act.

Court Admissions

Supreme Court of the United States
 United States Court of Appeals for the Eleventh Circuit
 United States District Court for the Northern District of Georgia
 United States District Court for the Middle District of Georgia
 United States District Court for the Southern District of Georgia
 Supreme Court of Georgia
 Court of Appeals of Georgia
 Georgia Superior and State Courts



Contact Joseph

alkins@downeycleveland.com

288 Washington Avenue
 Marietta, GA 30060

Call for an appointment:
 (770) 422-3233

Our Attorneys:

Russell B. Davis
 G. Lee Welborn
 W. Curtis Anderson
 Sean L. Hynes
 R. Christopher Harrison
 J. Colby Jones
 Joshua S. Ruplin
 Andrew A. Curtright
 M. Bradford Patterson
 Amanda S. Newquist
 Christopher A. Brockhart
 Sarah E. Akinosho
 Sarah G. Darden
 Emma C. Burch
 Matthew R. Sessions
 Charles H. Manush
 Justin Sanders
 Kevin W. Burkhardt

Jack G. Slaver, Jr., Of Counsel
 Joseph C. Parker, Of Counsel
 Rodney S. Shockley, Of Counsel

Memberships

State Bar of Georgia
Lawyers Foundation of Georgia
Cobb County Bar Association
Lawyers Club of Atlanta

Publications and Continuing Legal Education Presentations

Local Government Regulation of High Voltage Electrical Transmission Lines, Metro City and County Attorney's Seminar, 2003
Zoning of Churches, Institute for City and County Attorneys, 2005
Regulation of Cell Towers, Metro City and County Attorneys' Seminar, 2013
Telecommunications Law and Practice in Georgia, Association County Commissioners of Georgia Webinar, 2015
Wireless Facilities in the Right of Way, 2016 Legislative Leadership Conference - Association County Commissioners of Georgia, 2016

Sampling of Published Decisions and Significant Matters

Crumly v. Cobb County Bd. of Elections and Voter Registration, 892 F.Supp.2d 1333 (N.D. Ga. 2012)
T-Mobile South LLC v. Cobb County, Ga., 2011 WL 336641 (N.D. Ga. 2011)
Cobb County v. Georgia Transmission Corp., 276 Ga. 367, 578 S.E.2d 852 (2003)
Smith v. Cobb County Bd. of Elections and Registration, 230 F.Supp.2d 1313 (N.D. Ga. 2002)
Johnson v. Hamrick, 196 F.3d 1216 (11th Cir. 1999)
Askew v. City of Rome, 127 F.3d 1355 (11th Cir. 1997)
Lead Zoning Counsel to Board of Commissioners of Cobb County for \$1 Billion Atlanta Braves Major League Baseball Stadium and Mixed Use Project (2013-2014)
Advisor to Statewide Associations of Local Governments and Legislators Regarding Georgia's Mobile Broadband Infrastructure Leads to Development (BILD) Act (O.C.G.A. § 36-66B-1 *et seq.*) (2008-2014)
Lead Counsel to Board of Commissioners of Cobb County on Redistricting Matters Following Decennial Census (2002 & 2012)
Lead Counsel to Cobb County Government on Ethics and Pre-Clearance Matters Related to Tax Allocation District Referendum, Bond Referenda, and numerous SPLOST Referenda (2005-2012)

Community Involvement

Cobb County Ethics Board, Member
Boy Scout Troop 713, St. Catherine's Episcopal Church, Troop Committee and former Scoutmaster
Rotary Club of Marietta, Board of Directors
Peachtree Road United Methodist Church