



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Cheryl Richardson, Ward 1*  
*Jason Waters, Ward 2*  
*Daniel Gaddis, Ward 3*  
*Byron "Tee" Anderson, Ward 4*  
*M. Carlyle Kent, Ward 5*  
*Andre L. Sims, Ward 6*  
*Joseph R. Goldstein, Ward 7*

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Wednesday, February 11, 2026

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Jason Waters, Ward 2*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

#### **20260136      Tree City USA Award**

Recognition of the 42nd consecutive Tree City USA Award from the Georgia Forestry Commission and proclaiming February 20th, 2026 as Arbor Day.

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

### **SCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes,  
for a combined total of 20 minutes.**

#### **20260164      Scheduled Appearance**

Scheduled Appearance - Kathy Slough.

**20260183      Scheduled Appearance**

Scheduled Appearance - Donald Barth.

**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).**

**MINUTES:**

**\*      20260100      Regular Meeting - January 14, 2026**

Review and approval of the January 14, 2026 meeting minutes.

**\*      20260165      Special Meeting - January 29, 2026**

Review and approval of the January 29, 2026 special meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:**

**\*      20260127      Board of Zoning Appeals Appointment (Ward 2)**

Reappointment of Walt Walker to the Board of Zoning Appeals (Ward 2), for a three-year term beginning immediately and expiring on February 11, 2029.

**\*      20260128      Historic Preservation Commission Appointments (Ward 2)**

Reappointment of David Freedman to the Marietta Historic Preservation Commission (Ward 2), for a 3-year term expiring February 11, 2029.

**\*      20260129      Planning Commission Appointment (Ward 2)**

Reappointment of Frasure Hunter to the Planning Commission (Ward 2), for a three (3) year term expiring February 11, 2029.

**ORDINANCES:****20250450      Z2025-15 [REZONING] JOHN KING CARTER, III**

**Z2025-15 [REZONING] JOHN KING CARTER, III** is requesting the rezoning of 0.543 acres located in Land Lot 648, 17th District, Parcel 0310 of the 2nd Section, Cobb County, Georgia, and being known as 1663 Crestridge Drive from R-2 (Single-Family Residential, 2 units/acre) to R-2 (Single-Family Residential, 2 units/acre) with increased density to 3.7 units/acre. Ward 7A.

***Planning Commission recommends Approval as Stipulated***

*On December 2, 2025, at the close of the public hearing, a motion was made by Mr. Anderson, seconded by Mr. Hunter, to recommend approval of the requested rezoning with the required variances and a stipulation that the property be formally divided via the Exemption Plat process and recorded with the County. The motion carried with a vote of 6-0-0.*

*The subject property would require two (2) variances if the requested R-2 with an increased density of 3.7 units/acre zoning is approved.*

***Required Variances:***

*1. Variance to decrease the minimum lot size from 15,000 square feet to 11,766 square feet for “lot 22” (1663 Crestridge Drive) and to 11,880 square feet for “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]*

*2. Variance to decrease the minimum lot widths from 100 feet to 70 feet for “lot 22” (1663 Crestridge Drive) and “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]*

***Public Hearing (all parties sworn in)*****RESOLUTIONS:****CITY ATTORNEY'S REPORT:****\*      20260133      Denial of Claim**

Denial of Claim for H. Blaine Ross.

\*      **20260134      Denial of Claim**

Denial of Claim for Damel Chambers.

\*      **20260186      Denial of Claim**

Denial of Claim for Eric Dawan McCain.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Andre Sims, Chairperson**

**2. Finance/Investment: M. Carlyle Kent, Chairperson**

\*      **20260123      Parks, Recreation, and Facilities Sponsorships Budget Amendment**

Motion to approve a budget amendment for the Parks, Recreation, and Facilities Department due to receiving \$2,600.00 in sponsorships for special events during the 2nd Quarter of Fiscal Year 2026.

\*      **20260135      Budget Amendment for Vaughan Foundation**

Motion to amend the Marietta History Fund's FY26 budget to accept and appropriate the \$8,000.00 donation from the Vaughan Foundation.

**3. Judicial/Legislative: Joseph R. Goldstein, Chairperson**

\*      **20260109      Final Plat - Highvale Ph. 2**

Motion to approve the final plat for Highvale Phase 2. Phase 2 contains the remaining 13 single family house lots and a new public road with cul-de-sac named Highvale Drive. Ward 2B.

\*      **20260121      Code Amendment - Section 732.03 Sanitary Sewers**

Motion to advertise the proposed amendment to the Zoning Ordinance pertaining to sanitary sewers and on-site sewage management systems.

\*      **20260131      Detailed Plan Revision - Cottages at Keeler Woods Sidewalk**

Motion to approve the request by Dove Field Developers to omit the sidewalk along the northern side of Wemberley Lane on Lots 1 and 11 of Phase 2 of the Cottages at Keeler Woods. Ward 3A.

**4. Parks, Recreation and Tourism: Jason Waters, Chairperson**

\*      **20260126      2026 Street Closure and Associated Alcohol Sales and Consumption Requests**

Motion to authorize street closures and alcohol sales and consumption requests for the 2026 calendar year as presented.

Street Closures:

- Glover Park Concert Series
- Taste of Marietta
- May-retta Daze Spring Arts and Crafts Festival
- Juneteenth
- Fourth in the Park
- Art in the Park
- Chalktoberfest
- HarvestFest
- MUST Ministries Gobble Jog

Events Requesting Alcohol Sales:

- Glover Park Concert Series
- Taste of Marietta
- Art in the Park
- Chalktoberfest

*Council Member Goldstein discloses that members of his family and/or entities owned by himself and/or family members own properties in the downtown area.*

*Council Member Goldstein discloses that he is a member of the Marietta Cobb Museum of Art.*

*Council Member Goldstien discloses that he is a lifetime member of the Cobb NAACP.*

*Council Member Goldstein discloses that his Aunt Paula Shea, serves on the Downtown Marietta Development Authority.*

*Council Member Goldstein Abstaining*

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\*      **20260132      Old Zion Heritage Museum Production Funding**

Motion to approve \$25,000.00 in funding for the Old Zion Heritage Museum Board to commission a theatrical production to commemorate the 250th Anniversary of the signing of the Declaration of Independence.

*Council Member Kent disclosed that he is a member of the NAACP and member of Zion Baptist Church which owns the Zion Museum.*

*Council Member Goldstein discloses that The Earl and Rachel Smith Strand Theatre is located in space rented by THE FRIENDS OF THE STRAND, INC and rents such space is owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.*

*Council Member Goldstein discloses that TheatreSquare Art Alliance is located in space rented by Raul Emiliano Thomas, Jr. and such space is owned by Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.*

*Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Stone Worthy, LLC and such space is owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.*

*Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.*

*Council Member Goldstein discloses that the Marietta Square Branding Project leases a space owned by PMG 358 ROSWELL STREET, LLC. Philip M. Goldstein is the owner and manager of PMG 358 ROSWELL STREET, LLC. Philip M. Goldstein is a member of the Marietta Square Branding Project. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.*

*Council Member Goldstein discloses that he is a lifetime member of the Cobb County NAACP. Council Member Goldstein discloses that Marietta Theatre Company is believed to be a subtenant of Raul Emiliano Thomas, Jr. A space leased by Raul Emiliano Thomas, Jr. is owned by a member of Council Member Goldstein's family.*

*Council Member Goldstein discloses that the Alley Stage Foundation is located in space leased by Colt Chambers and such space is owned by Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.*

*Council Member Goldstein Abstaining*

\* **20260176 FY2026 Welcome Center Tourism Funding Agreement**

Motion to amend the FY2026 Welcome Center Tourism Funding Agreement to add Part Z for Old Zion Heritage Museum in the amount of \$25,000.

*Council Member Kent disclosed that he is a member of the NAACP and member of Zion Baptist Church which owns the Zion Museum.*

*Council Member Goldstein discloses that The Earl and Rachel Smith Strand Theatre is located in space rented by THE FRIENDS OF THE STRAND, INC and rents such space is owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.*

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*Council Member Goldstein Abstaining*

**5. Personnel/Insurance: Cheryl Richardson, Chairperson****\* 20260166 Municipal Court Judge Compensation and Contract**

Motion to approve an ordinance fixing compensation and contract for Chief Judge Lawrence E. Burke retroactive to January 1, 2026.

**\* 20260167 Municipal Court Associate Judges Compensation**

Motion to approve an ordinance fixing compensation for the Associate Judges of City of Marietta Municipal Court.

**\* 20260168 Municipal Court Prosecuting Attorney Compensation and Contract**

Motion to approve an ordinance fixing compensation and contract for Prosecuting Attorney Benjamin F Smith retroactive to January 1, 2026.

**20260169 Municipal Court Chief Assistant Prosecuting Attorney Compensation and Contract**

Motion to approve an ordinance fixing compensation and contract for Chief Assistant Prosecuting Attorney Courtney Brubaker.

**\* 20260170 Municipal Court Assistant Prosecuting Attorneys Compensation**

Motion to approve an ordinance fixing compensation for the Assistant Prosecuting Attorneys of City of Marietta Municipal Court.

**\* 20260171 City Manager Compensation and Contract**

Motion to approve compensation and employment contract for William F. Bruton Jr., retroactive to January 1, 2026.



\*      **20260172      Board of Lights & Water General Manager Compensation**

Motion approving Board of Lights and Water General Manager Ronald J. Mull's compensation retroactive to January 1, 2026.

\*      **20260173      Administrative Assistant to the Mayor Compensation and Contract**

Motion to approve compensation and employment contract for Elizabeth S. Kelley retroactive to January 1, 2026.

\*      **20260174      City Clerk Compensation and Contract**

Motion to approve compensation and employment contract for Stephanie E. Guy retroactive to January 1, 2026.

**6. Public Safety Committee: Byron "Tee" Anderson, Chairperson**

**7. Public Works Committee: Daniel Gaddis, Chairperson**

\*      **20260114      Chicopee Drive Utilities**

Motion authorizing a variance from the underground utilities ordinance by Comcast Communications for allowing for the installation of fiber optic cable to be over-lashed on existing fiber optic cable and requiring the removal of all duplicate utility poles where Comcast Communications is "next to transfer" along Chicopee Drive from the utility pole at 620 Cherokee Street to the utility pole at 620 Etowah Drive. This motion does not grant a perpetual variance. Comcast Communications must relocate underground at its expense if other utilities at the location are moved underground. Ward 4B

\*      **20260115      South Marietta Parkway Utilities**

Motion authorizing a variance from the underground utilities ordinance by Comcast Communications for allowing for the installation of fiber optic cable to be over-lashed on existing fiber optic cable and requiring the removal of all duplicate utility poles where Comcast Communications is "next to transfer" along South Marietta Parkway from the utility pole at 191 South Marietta Parkway to the utility pole at 277 South Marietta Parkway. This motion does not grant a perpetual variance. Comcast Communications must relocate underground at its expense if other utilities at the location are moved underground. Ward 5A

\*      **20260116      199 South Marietta Parkway Utilities**

Motion authorizing a variance from the underground utilities ordinance by Comcast Communications for allowing for the installation of new fiber optic cable to be over-lashed on existing fiber optic cable and requiring the removal of all duplicate utility poles where Comcast Communications is “next to transfer” along South Marietta Parkway at the utility pole located at 199 South Marietta Parkway to the utility service at 199 South Marietta Parkway. This motion does not grant a perpetual variance. Comcast Communications must relocate underground at its expense if other utilities at the location are moved underground. Ward 5A

\*      **20260117      Durham Street Speed Study**

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

**20260118      Banberry Road Traffic Calming**

Motion authorizing the Public Works to install three (3) speed tables on Banberry Road with an estimated cost of \$4,500.00. Ward 7A

*Public Hearing Required*

**OTHER BUSINESS:**

**20260036      V2026-04 [VARIANCE] LAMAR ADVERTISING OF ATLANTA (TLC PROPERTIES, INC)**

**V2026-04 [VARIANCE] LAMAR ADVERTISING OF ATLANTA (TLC PROPERTIES, INC)** are requesting variances for property zoned CRC (Community Retail Commercial) and located in Land Lot 787, 17th District, Parcel 110 of the 2nd Section, Cobb County, Georgia, and being known as 1155 Powers Ferry Place. Ward 7A.

1. Variance for a digital billboard to be placed within 500 feet of a residential zoning district. [§714.04 (G.13.b.4.ii.)]

*Public Hearing Required*

**20260110 V2026-05 [VARIANCE] VIRGINIA HEMMER CUNNINGHAM**  
**V2026-05 [VARIANCE] VIRGINIA HEMMER CUNNINGHAM** is requesting variances for property zoned CRC (Community Retail Commercial) and located in Land Lot 214, 17th District, Parcel 0040 of the 2nd Section, Cobb County, Georgia, and being known as 675 Powder Springs Street. Ward 3B.

- 1.Variance to allow a commercial landscaper operate within 200' of residentially zoned property. [§708.16 (B.22.b.)]
- 2.Variance to waive compliance with the Commercial Corridor Design Overlay - Tier B requirements. [§712.09 (G.1.b.xiii.)]
- 3.Variance to reduce building setbacks for an existing building. [§708.16 (H.)]
- 4.Variance to eliminate the required 40' buffer adjacent to residentially zoned property. [§708.16 (I.)]
- 5.Variance to allow outdoor storage within 50' of residential property and across more than 25% of the parcel. [§708.16 (G.1.c.)]; [§708.16 (G.1.d.)]
- 6.Variance to allow parking on an unpaved surface. [§716.08 (A.)]; [§716.08 (B.)]

*Public Hearing Required*

**20260175 Certificate of Appropriateness: 245 Forest Avenue - Demolition**

Consideration of a certificate of appropriateness for the demolition of 245 Forest Avenue.

*Public Hearing Required*

\* **20260102 BLW Actions of February 9, 2026**

Review and approval of the February 9, 2026 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes,  
for a combined total of 30 minutes.**

**ADJOURNMENT:**