

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 11, 2022
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, January 11, 2022 at 9:00 a.m. via WebEx, at 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairwoman Lisa Cupid
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

Chairwoman Cupid called the meeting to order at 9:03 a.m.

Bill Rowling, County Attorney, read the following language regarding the Board conducting the meeting virtually.

Georgia's Open Meeting law allows virtual meetings when a local government is under a declaration of a local emergency, as Cobb is currently. The Cobb Board of Commissioners' meetings are broadcast by the Communications Department for public viewing. During a local emergency Cobb's Information Services can offer virtual participation for components of the Board of Commissioners' Meeting by an Amendment to the Meeting Rules.

While the BOC meeting will be live today at 100 Cherokee Street, only a few county staff are in attendance, with social distancing, the public may view and participate virtually, however, no public attendees are allowed.

To that end, I suggest, by way of a Motion made by the Board, that because of the circumstances of the COVID Pandemic, that Board of Commissioners Meeting Rules be temporarily revised for this January meeting and any subsequent meeting while Cobb is under a Declaration of Emergency as follows:

- 1. Staff and citizens be allowed to virtually participate in the meeting;*
- 2. BOC members can vote by voice or by hand-signal;*
- 3. Persons wishing to participate in Public Hearings and or Public Comment portions of the meeting may do so virtually via a Registration and participation portal established for such purpose; and,*
- 4. Persons who wish to speak virtually will identify themselves accordingly to IS technical staff for participation during the Public hearing or Public Comment portion of the meeting.*

Otherwise, the BOC Meeting Rules will apply except as modified during the normal course of the meeting pursuant to the Rules.

Motion by Cupid, second by Richardson, to **approve** the temporary revised Board of Commissioners' Meeting Rules for this January meeting and any subsequent meeting while Cobb is under a Declaration of Emergency.

VOTE: ADOPTED 5-0

COVID UPDATE

1. **To receive an update regarding COVID 19 (Coronavirus) from Cobb/Douglas Public Health.**

Dr. Janet Memark, Cobb/Douglas Public Health Director, and Lisa Crossman, Cobb/Douglas Public Health Deputy Director, presented an update regarding COVID 19 (Coronavirus) from Cobb/Douglas Public Health.

PUBLIC HEARING

2. **To conduct a public hearing for the proposed closure and abandonment of a portion of Leland Drive, located in Land Lot 875 of the 17th District, 2nd Section, Cobb County, Georgia.**

Drew Raessler, Transportation Agency Director, requested a public hearing be conducted prior to the closure and abandonment of a portion of Leland Drive, located in Land Lot 875 of the 17th District, 2nd Section, Cobb County, Georgia.

Chairwoman Cupid opened the Public Hearing and asked if there was anyone that wished to speak on this issue. Following one speaker, the Public Hearing was closed and the following motion was made:

Motion by Cupid, second by Richardson, to **determine** that said right-of-way serves no substantial public purpose; and **authorize** the disposition of same by Quitclaim Deed to the adjoining owner, Saints Partners, LLC.

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed

3. **To conduct a public hearing prior to expending \$100,000.00 or more for the program management, planning, design/engineering, and construction management of capital improvement projects at Cobb County International Airport – McCollum Field.**

Drew Raessler, Transportation Agency Director, requested a public hearing be conducted prior to expending \$100,000.00 or more for the program management, planning, design/engineering, and construction management of capital improvement projects at Cobb County International Airport – McCollum Field.

Chairwoman Cupid opened the Public Hearing and asked if there was anyone that wished to speak on this issue. Following no speakers, the Public Hearing was closed.

No official action was taken by the Board.

4. **To conduct a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 for South Cobb Water Reclamation Facility Headworks Improvements, Program No. T3017.**

Judy Jones, Water System Agency Director, requested a public hearing be conducted prior to the employment of a consultant or consulting firm where contract fees will likely exceed \$100,000.00 for construction management services for South Cobb Water Reclamation Facility Headworks Improvements, Program No. T3017.

Chairwoman Cupid opened the Public Hearing and asked if there was anyone that wished to speak on this issue. Following no speakers, the Public Hearing was closed.

No official action was taken by the Board.

5. **To conduct a public hearing prior to expending \$100,000.00 or more for professional services to reconfigure, customize and provide support for a Customer Relationship Management System (CRM).**

Kimberly Lemley, Chief Information Officer, requested a public hearing be conducted prior to expending \$100,000.00 or more for professional services to reconfigure, customize and provide support for a Customer Relationship Management System (CRM).

Chairwoman Cupid opened the Public Hearing and asked if there was anyone that wished to speak on this issue. Following no speakers, the Public Hearing was closed.

No official action was taken by the Board.

Clerk's Note: Kimberly Lemley provided information regarding the public speaker sign up procedure for virtual meetings.

PUBLIC COMMENT

1. Monica Delancy addressed the Board regarding rental assistance and evictions.
2. Rohesia Leggins addressed the Board regarding rental assistance.
3. Hill Wright addressed the Board regarding stormwater.
4. Veronica Bass addressed the Board regarding rental assistance.
5. Avery Moss addressed the Board regarding family lifestyle and value system.
6. Pamela Reardon addressed the Board regarding the Emergency Declaration and MSPLOST.

NON- AGENDA

Motion by Cupid, second by Birrell, to **approve** the addition of non-agenda items 39,40,41,and 42 to the end of the Consent agenda.

Pam Mabry, County Clerk, provided clarification that item 39 was a Board announcement for Commissioner Richardson, therefore, the following revised motion was made:

Revised Motion by Cupid, second by Birrell, to **approve** the addition of the following non-agenda items to the end of the Consent agenda:

- To approve settlement of a workers’ compensation claim on behalf of Omar Patterson (See item 31 of these minutes).
- To approve the resolution of a dispute with Saints Partners, LLC and Clipper Petroleum, Inc. regarding the remediation to a stormwater line situated in the vicinity of 2779 Windy Hill Road, Marietta, Georgia (See item 32 of these minutes).
- To determine that Strack, Inc. is the only local source for the construction services required for the Leland Drive Remediation Plan project and to approve an Agreement for Construction Services with Strack, Inc. for necessary remediation to a stormwater line situated in the vicinity of 2779 Windy Hill Road, Marietta, Georgia (See item 33 of these minutes).

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; and **authorize** execution of the necessary documents by the appropriate County personnel.

Sheriff

6. **To authorize acceptance of awarded funds from the Criminal Justice Coordinating Council, under the FY2020 Naloxone Statewide Initiative.**

To **authorize** acceptance of awarded funds from the Criminal Justice Coordinating Council, under the FY2020 Naloxone Statewide Initiative, in the amount of \$16,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be appropriated in the Grant Fund with the following budget transactions:

Increase Revenue:	270-210-G716-4467 (CJCC)	\$16,000.00
Increase Expenditure:	270-210-G716-6160 (Drugs, Meds & First Aid)	\$16,000.00

7. **To authorize acceptance of awarded funds from the Criminal Justice Coordinating Council, under the FY2022 Law Enforcement Training Program.**

To **authorize** acceptance of awarded funds from the Criminal Justice Coordinating Council, under the FY2022 Law Enforcement Training Program, in the amount of \$23,864.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be appropriated in the Grant Fund with the following budget transactions:

Increase Revenue:	270-210-G717-4467	(CJCC)	\$23,864.00
Increase Expenditure:	270-210-G717-6258	(Accountable Equipment)	\$13,423.00
Increase Expenditure:	270-210-G717-6012	(Salaries)	\$10,441.00

8. **To authorize the Purchasing Director to purchase ammunition over \$100,000.00 for the Cobb County Sheriff's Office under provisions of Georgia Department of Administrative Services (DOAS) Contract SWC#99999-001-SPD0000157-0004 with Gulf States Distributors**

To **authorize** the Purchasing Director to purchase ammunition for the Sheriff's Office in an amount not to exceed \$259,198.50, under the provisions of Georgia Department of Administrative Services (DOAS) contract SWC#99999-001-SPD0000157-0004 with Gulf States Distributors; and **authorize** the corresponding budget transactions.

010-210-9220-6142	(Ammunition & Explosives)	\$259,198.50
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Tax Commissioner

9. **To authorize the correction of obvious errors, including clerical errors, made in the property tax assessment system in accordance with the provisions of O.C.G.A. § 48-5-380 for the term of January 1, 2022, through December 31, 2024.**

To **authorize** the correction of obvious errors, including clerical errors, made in the property tax assessment system in accordance with the provisions of O.C.G.A. § 48-5-380(e) for the term of January 1, 2022, through December 31, 2024, and **authorize** the Chairwoman to execute the Resolution Authorizing the Correction of Clerical Errors by the Cobb County Tax Commissioner and any other necessary documents. A copy of said resolution is attached and made a part of these minutes.

10. **To approve the delegation of authority to the Cobb County Tax Commissioner to make the final determinations as to which properties and taxpayers are entitled to**

the waivers in accordance with the provisions of O.C.G.A. § 48-5-380(e) for the term of January 1, 2022, through December 31, 2024.

To **approve** the delegation of authority to the Cobb County Tax Commissioner to make the final determinations as to which properties and taxpayers are entitled to the waivers in accordance with the provisions of O.C.G.A. § 48-5-242 for the term of January 1, 2022, through December 31, 2024, and **authorize** the Chairwoman to execute the Resolution Approving the Waiver of Penalties and Interest by the Cobb County Tax Commissioner and any other necessary documents. A copy of said resolution is attached and made a part of these minutes.

District Attorney

11. To authorize the acceptance of grant funds from the Georgia Power Foundation, Inc. in the amount of \$100,000.00 for Cobb's Family Advocacy Center.

To **authorize** the acceptance of grant funds from the Georgia Power Foundation, Inc. in the amount of \$100,000.00 for Cobb's Family Advocacy Center, **authorize** the corresponding budget transactions; **authorize** the District Attorney's Office and Finance Department to sign and submit programmatic and finance reports for the Family Advocacy Center, Unit G337; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following budget transfers:

Increase Revenue:	270-170-G337-TBD	Georgia Power Foundation, Inc.	\$100,000.00
Increase Expenditure:	270-170-G337-6116	General Supplies	\$ 15,500.00
	270-170-G337-6166	Food Supplies	\$ 500.00
	270-170-G337-6258	Accountable	\$ 35,500.00
	270-170-G337-6326	Professional Services	\$ 5,000.00
	270-170-G337-6394	Registration	\$ 10,000.00
	270-170-G337-6400	Travel	\$ 33,500.00

12. **To authorize the acceptance of funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY21 Prosecuting Cold Cases Using DNA.**

To **authorize** the acceptance of funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY21 Prosecuting Cold Cases Using DNA in the amount of \$470,000.00; **authorize** the corresponding budget and personnel transactions for Unit F068; **authorize** the creation of a DA part-time investigator position, pay grade S101P; **authorize** the District Attorney's Office and Finance Department to sign the programmatic and finance reports for this grant; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transactions:

Increase Revenue:	270-170-F068-TBD	US DOJ, BJA	\$470,000.00
Increase Expenditure:	270-170-F068- 6012, etc.	appropriate pay and fringe	\$158,370.00
	270-170-F068- 6116	general supplies	\$ 5,620.00
	270-170-F068- 6326	professional services	\$225,000.00
	270-170-F068- 6394	registration	\$ 9,200.00
	270-170-F068- 6400	travel	\$ 70,760.00
	270-170-F068- 6584	membership	\$ 1,050.00

13. **To authorize the acceptance of grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 21 Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program.**

To **authorize** the acceptance of grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 21 Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program in the amount of \$1,200,000.00; **authorize** the corresponding budget and personnel transactions from Unit F037 to Unit F069 at the appropriate time; **authorize** the District Attorney's Office and Finance Department to sign the programmatic and finance reports for this grant; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transactions:

Increase Revenue:	270-170-F069: TBD	US DOJ BJA, COAP	\$1,200,000.00
Increase Expenditure:	270-170-F069-6012, etc	appropriate pay and fringe	\$ 827,551.00
	270-170-F069-6116	general supplies	\$ 71,692.00
	270-170-F069-6326	professional services	\$ 127,000.00
	270-170-F069-6400	travel and training	\$ 173,757.00

Superior Court Administration

14. To authorize the application for grant funds from the Judicial Council of Georgia for the Cobb Judicial Circuit.

To **authorize** the application for grant funds from the Judicial Council of Georgia for the Cobb Judicial Circuit; and **further authorize** the Chairwoman or the Superior Court Administrator to execute the necessary documents.

Water System

15. To approve a construction contract with D & H Construction Company for Laceola Woods Water Main Replacement, Program No. W2409.

To **approve** a construction contract with D & H Construction Company, in the amount of \$794,090.50, for Laceola Woods Water Main Replacement, Program No. W2409; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System’s CIP Budget as follows:

Transfer from:		Unidentified New/ Replacement Water Mains	
Preliminary Estimates	510-500-5754-8005	W1503-Z	\$ 820,000.50
Transfer to:		Laceola Woods Water Main Replacement	
Construction	510-500-5754-8260	W2409-C	\$794,090.50
Interest Expense on Retainage	510-500-5754-6613	W2409-A	\$ 1,990.00
Materials & Supplies	510-500-5754-8265	W2409-M	\$ 8,000.00
Contingency	510-500-5754-8810	W2409-T	<u>\$ 15,920.00</u>
Total			\$820,000.50

Transportation

16. **To authorize advertisement for and conduct of a public hearing prior to expending funds of \$100,000.00 or more to employ independent consulting firms for Master Task Order Contracts for Professional Services and authorize issuance of a Request for Proposals to secure these services.**

To **authorize** an advertisement for and conduct of a public hearing prior to expending funds of \$100,000.00 or more to employ independent consulting firms for Master Task Order Contracts for Professional Services; and **further authorize** issuance of a Request for Proposals to secure these services.

17. **To authorize advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for engineering design services for Noonday Creek Trail Crossing, State P.I. No. 0017989, Cobb County Project No. TR525, and authorize issuance of a Request for Qualifications to secure these services.**

To **authorize** an advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for engineering design services for Noonday Creek Trail Crossing, State P.I. No. 0017989, Cobb County Project No. TR525; and **further authorize** issuance of a Request for Qualifications to secure these services.

18. **To authorize the advertisement for and conduct of a public hearing for the proposed closure and abandonment of a portion of Head Drive, located in Land Lot 268 of the 17th District, 2nd Section, Cobb County, Georgia.**

To **authorize** the advertisement for and conduct of a public hearing for the proposed closure and abandonment of a portion of Head Drive, located in Land Lot 268 of the 17th District, 2nd Section, Cobb County, Georgia.

19. **To approve Change Order No. 1 to Project No. T065-TO#3 to the 2020 Master Task Order Contract with WSP USA, Inc., for CobbLinc Facility Condition Assessment, CCDOT Contract No. 001741.**

To **approve** Change Order No. 1 to Project No. T065-TO#3 to the 2020 Master Task Order Contract with WSP USA, Inc., a no-cost time extension through April 30, 2022, for CobbLinc Facility Condition Assessment, CCDOT Contract No. 001741; and **authorize** the Chairwoman to execute the necessary documents.

20. **To approve Change Order No. 1 to Project No. T081-TO#1 to the 2020 Master Task Order Contract with Kimley-Horn and Associates, Inc., to perform a feasibility study and develop recommendations for provision of a proposed new form of CobbLinc transit service, CCDOT Contract No. 001564.**

To **approve** Change Order No. 1 to Project No. T081-TO#1 to the 2020 Master Task Order Contract with Kimley-Horn and Associates, Inc., a no-cost time extension through March 31, 2022, to perform a feasibility study and develop recommendations for provision of a proposed new form of CobbLinc transit service, CCDOT Contract No. 001564; and **authorize** the Chairwoman to execute the necessary documents.

21. **To authorize acceptance of State of Georgia Department of Transportation Contract No. AP022-90AR-40(067) from the Federal Aviation Administration under the American Rescue Plan Act for airport operating assistance at Cobb County International Airport – McCollum Field.**

To **authorize** acceptance of State of Georgia Department of Transportation Contract No. AP022-90AR-40(067), in an amount not to exceed \$148,000.00, from the Federal Aviation Administration under the American Rescue Plan Act for airport operating assistance at Cobb County International Airport – McCollum Field; and **further authorize** the Chairwoman to execute the necessary documents, including electronic signature via DocuSign.

ARPA funding from GDOT Contract No. AP022-90AR-40(067) will be deposited to the Airport Division's Operating account, as follows:

Deposit to:	010-050-0720-4421	FAA Revenue	\$148,000.00
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Support Services Agency

Information Services

22. **To authorize advertisement for and conduct of a public hearing prior to expending more than \$100,000.00 for professional services to incorporate marketing and social media engagement configuration into the County's 311/Customer Relationship Management (CRM) platform.**

To **authorize** the advertisement for and conduct of a public hearing prior to expending more than \$100,000.00 for professional services to incorporate marketing and social media engagement configuration into the County's 311/Customer Relationship Management (CRM) platform.

Property Management

23. To approve a contract with John F. Pennebaker Co., Inc. for purchase and installation of the HVAC system at the Elections and Voter Registration Department.

To **approve** a contract with John F. Pennebaker Co., Inc., in the amount of \$353,974.00, for purchase and installation of the HVAC system at the Elections and Voter Registration Department, located at 995 Roswell Street, Marietta; **authorize** a 10% contingency, in the amount of \$35,397.40; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Property Management budget with the following transfers:

Transfer from:	380-110-4722-8110	(Renovation of Bldgs)	\$389,371.40
Transfer to:	380-110-4722-8435	(HVAC Installations)	\$353,974.00
	380-110-4722-8110	(Contingency)	\$ 35,397.40
Create GAE in the amount of			\$353,974.00

24. To authorize use of capital maintenance contingency funds for purchase of elevator door operators at Cobb & Douglas Public Health Annex.

To **authorize** use of capital maintenance contingency funds, in the amount of \$82,613.50, for purchase and installation of elevator door operators at Cobb & Douglas Public Health Annex, located at 1738 County Services Parkway, Marietta; **establish** a contingency, in the amount of \$8,261.00; **approve** a purchase order with Otis Elevator Company; and **further authorize** the corresponding budget transactions.

Funding is available in the Property Management FY22 budget as follows:

Decrease Expenditure:	010-110-113-3640-8810	(Designated Contingency)	\$90,874.50
Increase Expenditure:	010-110-111-3640-8135	(Capital Expenditures)	\$90,874.50

25. To authorize use of capital maintenance contingency funds for elevator modernization at Cobb & Douglas Public Health Headquarters.

To **authorize** use of capital maintenance contingency funds, in the amount of \$142,128.00, for elevator modernization at Cobb & Douglas Public Health Headquarters, located at 1650 County Services Parkway, Marietta; **establish** a contingency, in the amount of \$14,212.80; **approve** a purchase order with ThyssenKrupp Elevator, Inc.; and **authorize** the corresponding budget transactions.

Funding is available in the Property Management FY22 budget as follows:

Decrease Expenditure:	010-110-113-3640-8810	(Designated Contingency)	\$156,340.80
Increase Expenditure:	010-110-111-3640-8135	(Capital Expenditures)	\$156,340.80

Public Services Agency

Elections and Registration

26. To adopt a resolution to set the qualifying fees for each county office to be filled in 2022 and to authorize the Director of Elections to publish such fees in the legal organ prior to February 1, 2022.

To **adopt** a resolution to set the qualifying fees for each county office to be filled in 2022; and **authorize** the Director of Elections to publish such fees in the legal organ prior to February 1, 2022. A copy of said resolution is attached and made a part of these minutes.

Public Safety Agency

Emergency Management

27. To approve a Memorandum of Understanding between Cobb County and the Atlanta Regional Commission for the acceptance of equipment to prevent, respond to and recover from threat or acts of terrorism.

To **approve** the Memorandum of Understanding between Cobb County and the Atlanta Regional Commission for the acceptance of equipment with a total value of \$185,089.00, and **authorize** the Chairwoman to execute the necessary documents.

Finance

28. To adopt a resolution adopting all budget amendments set forth in agenda items on this date.

To **adopt** a resolution adopting all budget amendments set forth in agenda items on this date. A copy of said resolution is attached and made a part of these minutes.

CobbWorks

29. **To approve an amendment to the current Memorandum of Understanding between Cobb County, WorkSource Cobb, and its workforce development partner, Chattahoochee Technical College.**

To **approve** the current Memorandum of Understanding between Cobb County, WorkSource Cobb, and its workforce development partner, Chattahoochee Technical College; and **authorize** the Chairwoman to execute the necessary documents.

County Clerk

30. **To approve minutes.**

To **approve** the minutes from the following meetings;

- December 13, 2021 - Agenda Work Session
- December 14, 2021 - BOC Regular Meeting
- December 14, 2021 - BOC Work Session
- December 21, 2021 - BOC Zoning Minutes

Human Resources

31. **To approve settlement of a workers' compensation claim on behalf of Omar Patterson.**

To **approve** a settlement of the Workers' Compensation claim SBWC W003524680 on behalf of Omar Patterson; and **authorize** the Human Resources Director and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims Fund.

County Attorney

32. **To approve the resolution of a dispute with Saints Partners, LLC and Clipper Petroleum, Inc. regarding the remediation to a stormwater line situated in the vicinity of 2779 Windy Hill Road, Marietta, Georgia.**

To **approve** the resolution of a dispute with Saints Partners, LLC and Clipper Petroleum, Inc. regarding the remediation to a stormwater line situated in the vicinity of 2779 Windy Hill Road, Marietta, Georgia and further authorize the Chairwoman to execute the Cost-Share Agreement, Temporary Construction Site Easement, Temporary Construction Stormwater Line Easement with Covenants to Maintain; and any other necessary documents.

Funding will be available as follows:

Increase Revenue	347-050-X220-4858-X22115-C	Other Revenue	\$1,068,560.70
Increase Expenditure	347-050-X220-8762-X22115-C	Turnkey Construction	\$1,068,560.70

33. To determine that Strack, Inc. is the only local source for the construction services required for the Leland Drive Remediation Plan project and to approve an Agreement for Construction Services with Strack, Inc. for necessary remediation to a stormwater line situated in the vicinity of 2779 Windy Hill Road, Marietta, Georgia.

To **determine** that Strack, Inc. is the only local source for the construction services required for the Leland Drive Remediation Plan project; **approve** an Agreement for Construction Services with Strack, Inc., in an amount not to exceed \$3,205,682.10, for necessary remediation to a stormwater line situated in the vicinity of 2779 Windy Hill Road, Marietta, Georgia, Project No. C22115; **authorize** the necessary budget and accounting transactions; and **further authorize** the Chairwoman to execute an Agreement for Construction Services for Leland Drive Remediation Plan in substantial conformance with that presented and any other necessary documents.

Funding is available in the 2016 SPLOST Transportation Improvements Program Fund, with the following interfund transfer from the Water System’s CIP Budget:

Decrease Expenditure	510-500-5758-6496-SW9999-Z	Drainage Contract R&M Service	\$2,137,121.40
Increase Expenditure	510-500-5858-6496-SW2184-C	Drainage Contract R&M Service	\$2,137,121.40
Increase Revenue	347-050-X220-4960-X22115-C	Interfund Transfer - Revenue	\$2,137,121.40
Increase Expenditure	347-050-X220-8762-X22115-C	Turnkey Construction	\$2,137,121.40

CONSENT VOTE: ADOPTED 5-0, with the exception to Items 22, 41 and 42, (See items 22, 32 and 33 of these minutes) **ADOPTED 4-1**, Commissioner Gambrell opposed.

REGULAR AGENDA

Transportation

34. **To approve a Consultant Services Agreement with Heath & Lineback Engineers, Inc., for transportation planning and engineering services for Austell-Powder Springs Trail Scoping Study, Project No. X2543, CCDOT Contract No. 001778.**

Motion by Sheffield, second by Cupid, to **approve** a Consultant Services Agreement with Heath & Lineback Engineers, Inc., in an amount not to exceed \$300,000.00, for transportation planning and engineering services for Austell-Powder Springs Trail Scoping Study, Project No. X2543, CCDOT Contract No. 001778; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	347-050-X250-X250-8721-X2543-E	Preliminary Estimate	\$300,000.00
Transfer to:	347-050-X250-X250-6322-X2543-E	Planning Services	\$300,000.00

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding funding to address, inter alia, Traffic Management, Traffic Signals, and Planning.

Austell-Powder Springs Trail is an eligible project/program under the Congestion Relief and Mobility Improvements – Traffic Management, Traffic Signals, and Planning Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 23). Planning Studies include long and short-term multimodal transportation studies.

SPLOST Project Summary as of December 1, 2021: Austell-Powder Springs Trail Scoping Study

Budget:	\$301,000.00	Expended:	\$355.00
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VOTE: **ADOPTED 5-0**

35. **To approve Supplemental Agreement No. 4 to the Consultant Services Agreement with HNTB Corporation for engineering services on Windy Hill Road/Terrell Mill Road Connector, Project No. X2401, CCDOT Contract No. 000955.**

Motion by Richardson, second by Cupid, to **approve** Supplemental Agreement No. 4 to the Consultant Services Agreement with HNTB Corporation, in an amount not to exceed \$20,000.00, for engineering services on Windy Hill Road/Terrell Mill Road Connector, Project No. X2401, CCDOT Contract No. 000955; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from: 347-050-X240-X240-8741-X2401-R	Preliminary Estimate	\$20,000.00
Transfer to: 347-050-X240-X240-8722-X2401-E	Engineering	\$20,000.00

Increase GAE: 347041216603

347-050-X240-X240-8722-X2401-E	Engineering	\$20,000.00
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The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Thoroughfare and Mobility Improvements.

Windy Hill Road/Terrell Mill Road Connector is an eligible project/program under the Congestion Relief and Mobility Improvements - Thoroughfare and Mobility Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 21). Windy Hill Road/Terrell Mill Road Connector improvements include a new four lane roadway.

SPLOST Project Summary as of December 1, 2021: Windy Hill Road/Terrell Mill Road Connector

Budget:	\$45,664,729.04	Expended:	\$36,837,353.31
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VOTE: **ADOPTED 5-0**

36. **To approve a Consultant Services Agreement with Kimley-Horn and Associates, Inc. for engineering design of Cumberland Multimodal Segment C, State P.I. No. 0017806, Cobb County Project No. TR519, CCDOT Contract No. 001779.**

Motion by Richardson, second by Sheffield, to **approve** a Consultant Services Agreement with Kimley-Horn and Associates, Inc., in an amount not to exceed \$1,050,000.00, for engineering design of Cumberland Multimodal Segment C, State P.I. No. 0017806, Cobb County Project No. TR519, CCDOT Contract No. 001779; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Capital Projects Fund, with the following budget transfer:

Transfer from:	380-050-4638-4638-8721-TR519-E	Preliminary Estimate	\$1,050,000.00
Transfer to:	380-050-4638-4638-8722-TR519-E	Engineering	\$1,050,000.00

VOTE: **ADOPTED 5-0**

37. **To ratify previous action by the County Manager authorizing emergency drainage repairs on Old Sewell Road, and approve Project No. D2873 to the 2021 Countywide Unit Price Contract with D&H Construction Company, Inc., for said repairs, CCDOT Contract No. 001776.**

Motion by Richardson, second by Cupid, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Old Sewell Road, in response to a sinkhole and voids; **approve** Project No. D2873 to the 2021 Countywide Unit Price Contract with D&H Construction Company, Inc., in an amount not to exceed \$203,064.00, for said repairs, CCDOT Contract No. 001776; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2005 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	340-050-7502-D287-8761-D2873-C	Preliminary Estimate	\$203,064.00
Transfer to:	340-050-7502-D287-8762-D2873-C	Turnkey Construction	\$203,064.00

The 2005 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on June 14, 2005, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System Improvements.

Old Sewell Road is an eligible project/program under the Infrastructure Preservation – Drainage System Improvements Component of the 2005 SPLOST Transportation Improvements (Cobb County 2005 SPLOST, pp. 3, 23). Drainage System Improvements include the maintenance and repair of existing drainage facilities and to construct new improvements within the roadway right-of-way to enhance roadway drainage.

SPLOST Project Summary as of December 1, 2021: Old Sewell Road Drainage (new project as of 01/11/22)

Budget:	\$0.00	Expended:	\$0.00
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VOTE: **ADOPTED 5-0**

Public Safety Agency

Emergency Management

38. To ratify previous action by the Cobb Emergency Management Agency (CEMA) Director, under the current Declaration of Emergency, authorizing the purchase of At-Home Covid-19 screening kits, in an amount that exceeds \$100,000.00.

Motion by Cupid, second by Sheffield, to **ratify** previous action by the CEMA Director, authorizing the emergency purchase of At-Home Covid-19 screening kits, in the amount of \$816,480.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following transactions:

Decrease Expenditure:	010-130-2100-8820	Undesignated Contingency	\$413,630.00
Decrease Expenditure:	010-210-9220-8820	Undesignated Contingency	\$402,850.00
Increase Expenditure:	010-130-0260-6207	Safety Supplies	\$816,480.00

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed

Human Resources

39. To ratify the decision of the County Manager to extend the time period for the Emergency Paid Administrative Leave Policy through February 28, 2022.

Motion by Cupid, second by Sheffield, to **ratify** the decision of the County Manager to extend the time period for the Emergency Paid Administrative Leave Policy through February 28, 2022.

No new funding is necessary as the approved lump sum was previously allocated as part of the September 14, 2021 approval.

Decrease Expenditure:	279-055-ARCT-8820	ARP Contingency	\$750,000.00
Increase Expenditure:	279-055-AR11-6594	Transfer Out	\$750,000.00
Increase Revenue:	-4960	Transfer In	\$TBD
Increase Expenditure:	-6012	Salaries	\$TBD

Actual transaction amounts will be determined based on eligible expenses, as incurred. County personnel may be budgeted in any County Fund and will be eligible for such reimbursement within those respective funds. For that reason, the Fund, Department, and Unit numbers as well as the reimbursement amounts are not known at this time. Eligibility will be confirmed prior to any reimbursements being processed from the ARP Fund. A copy of the approved Emergency Paid Administrative Leave Policy is attached and made a part of these minutes.

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed

Finance

40. **To adopt a Policy Statement for Cobb County, Georgia – Fund Balance, to provide direction to the Cobb County Chief Financial Officer.**

Motion by Cupid, second by Richardson, to **adopt** a Policy Statement for Cobb County, Georgia – Fund Balance, to provide direction to the Cobb County Chief Financial Officer; and **authorize** the Chairwoman to execute the necessary documents. A copy of the adopted Policy Statement is attached and made a part of these minutes.

VOTE: **ADOPTED 5-0**

Clerk's note: Commissioner Gambrill requested that due to the informal policies of the past, that it be noted it was the previous administrations' goal for the general fund balance to be at 35 percent.

PUBLIC COMMENT

- Dave McFarland addressed the Board regarding HUD and Zoning rights.

APPOINTMENTS

41. **To approve the reappointment of Peggy Holbrook to the Public Library Board of Trustees for a three-year term to expire on December 31, 2024.**

Motion by Gambrill, second by Richardson, to **approve** the reappointment of Peggy Holbrook to the Public Library Board of Trustees for a three-year term to expire on December 31, 2024.

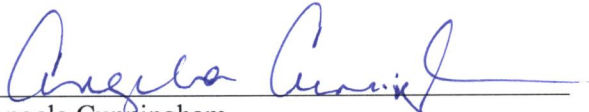
VOTE: **ADOPTED 5-0**

42. **To announce the appointment of Kim Swanson to the Board of Zoning Appeals.**

Commissioner Richardson **announced** the appointment of Kim Swanson to the Board of Zoning Appeals (BZA) for a term-balance to expire December 31, 2024. This appointment will replace Bryant McDaniel.

ADJOURNMENT

The meeting was adjourned at 10:58 p.m.


Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

2022 Code Amendments

BOARD OF COMMISSIONERS

PUBLIC HEARING #1

JANUARY 25, 2022

1

Chapter 6

ALCOHOLIC BEVERAGES

2

Section 6-1. Definitions

- To clarify county ordinances related to alcohol sales, this section has been updated with additional terminology commonly used by the alcohol industry, and to define *approved container* regarding to-go sales of alcoholic beverages now allowed under state law.
- These changes also define terms such as *approved container*, *mixed drink*, and *package* as used in Section 6 but not previously defined in county ordinance.

3

Article III. - Licenses

- Sections 6-87 through 6-147
- These sections have been updated to allow enforcement of this part against unlicensed businesses. The existing ordinance only applied to businesses with an alcohol privilege license.
- Sec. 6-104 is repealed relating to the requirement to display alcohol license information on the front window of the business.
- Sec. 6-147 updated to add the use of an applicant as a guise or dummy to obtain an alcohol privilege license for someone who is not eligible as *due cause* for suspension or revocation of the license.

4

Article IV. – Operating Regulations for Licensed Establishments

- Division 1. - Generally
 - Sec. 6-176 has been updated to reflect changes in state law regarding to-go sales of alcoholic beverages and stipulate restrictions on such sales.
 - Sec. 6-179 is updated to more clearly define areas where alcoholic beverages may be sold and requirements for sales at amusement parks licensed under this chapter.
- Division 3. – Employees
 - Sec. 6-206 is changed to more clearly define certain disqualifiers related to citizenship status and persons on parole, probation, or convicted of sexual related offenses.
 - Sec. 6-207 adds an exemption from the work permit requirement for peace officers working secondary employment as security at businesses licensed under this part.

5

Article IV. – Operating Regulations for Licensed Establishments

- Sec. 6-207 (continued)
 - Language changed to require that licensees provide training to employees within 10 days of employment and provide annual training thereafter. Previously required only that “information” be provided to employees and did not specify when the information must be provided.
 - Adds requirement for licensees to make training records available to the police department upon request.
 - Amends subsection (e) to specify physical characteristics and minimum information requirements for work permits and provides for the issuance of temporary work permits by the police department in certain circumstances.
- Sec. 6-209 amended to require licensees to furnish lists of employees required to be permitted under this part to the police department within 72 hours of any change.

6

Article V. – Operating Regulations for Licensed Establishments

- Sec. 6-236. – Pricing of alcoholic drinks
- Amends subsection (c) (2) to allow the sale of more than 2 drinks at one time when sold as a *flight* and specify limits to the maximum number and serving size of drinks sold as a flight.
- *Flights* are frequently sold as a way for customers to sample several different types of an alcoholic beverage, commonly beer or whiskey, and typically includes 5-6 small samples.
- Sec. 6-236 (c) (10) adds O.C.G.A. 3-3-11 to exceptions allowing for the removal of alcoholic beverages from a licensed premises when sold as a sealed “to-go” drink.

7

Chapter 18

BUILDING REGULATIONS

8

Section 18-27. Permits required

- Removes 18-27 (e) pertaining to teardown and rebuild of single family homes
- Language was intended to require oversight of grading and drainage of infill lots. Now stormwater management reviews this
- Language currently only requires documentation of the first floor elevation, but does not actually restrict floor elevation

9

Chapter 50

ENVIRONMENT

10

Article III

Land Disturbing Activities

Section 50-76. – Application; plan requirements; permit process. (c)(3)

- n. Any application for a land disturbance permit involving a development expected to generate more than 3,000 vehicle trip ends during a single day and/or more than 250 vehicle trip ends during a single hour shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resulting from the project. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.

The applicant shall prepare an assumptions technical memorandum for approval by the _____ county department of transportation before proceeding with the traffic study.

11

Article VII.

Noise

Sections 50-256 through 50-258

- Section 50-256:
- The Noise Ordinance is enforced by Cobb County Police.
 - The current noise ordinance is enforced by a measure of distance whether a violation exists.
 - Currently that distance is 100 feet to be determined by a Cobb County Police Officer.
- Proposed changes would alter determined of a violation from a distance standard to a decibel metric.
 - Decibels (dBA) are measured using the "A" weighting which closely resemble the loudness perceived by human ear.
 - Times of violations would reflect violations based on dBA in hours based from 7am to 11pm and then from 11pm to 7am.
 - Quieter dBA requirements would be enforced during night hours.

Decibel Readers (hand held) would be required to be utilized by Cobb Police for enforcement.

12

Article VII.

Noise

Sections 50-256 through 50-258

- Section 50-257:
 - Deletes distance requirements to be compatible with Section 50-256 requirements and removes additional time requirements for violations.
 - Landscape Equipment language would remain the same as adopted last year by this BOC; this is a specific activity which is expressly prohibited from 9pm to 7am daily.
- Section 50-258:
Exception to enforcement sought to preserve licensed activity under existing ordinances, but the term "previously" was added to address potential uncertainty if zoning ordinances were amended.

13

Chapter 54

FIRE PREVENTION AND PROTECTION

14

Article III. –FIRE SAFETY STANDARDS

Section 54-51.1

Expiration of approval; Inactivity; Renewal; Inspections

(1) Any approvals issued by the Cobb County Fire Marshal shall expire if work is not commenced within 180 days of such issuance or approval, or if a permit is not issued by the respective building official within 90 days of Fire Marshal's approval.

(2) If approval expires or is not issued as described in (1), applicant will be required to reapply for said project under the most current applicable state laws and county ordinances. The project must meet current and locally adopted codes and standards at the time of the reapplication.

(3) Inactivity-The Fire Marshal approval shall be voided if inspections are not requested within 180 days of the issuance of the building permit. Occupancy of the construction area is prohibited until the commissioning is completed.

(4) Voided approvals – Appeals for voided approvals shall be made in accordance with Article IX of Chapter 54.

(5) Work Progress Inspection or Review – Meeting with the Cobb County Fire Marshal's office for a work progress inspection or review before dates listed **above** is required to avoid expiration of permits or approvals.

15

Section 54-51.2

Pre-Construction Meetings

- Prior to approval of certain project plans, mandatory pre-construction meetings may be required by the Fire Marshal due to the project's complexity, size, scope, and/or uniqueness.

16

Section 54-54.2

Operational Permits

- (a) Any exposition, special event or parade shall be permitted in accordance with adopted codes and standards.
- (b) Carnivals and fairs shall be permitted in accordance with adopted codes and standards.
- (c) Outdoor social gatherings with projected crowds exceeding one thousand persons shall require a permit from the Fire Marshal's Office. Such permit may require, including but not limited to, EMS services, hydration stations, fire watch, crowd management techniques, or messaging upon consideration of fire and life safety factors in accordance with Section 54-62.

Section 54-55

Enforcement; establishment and duties of bureau of fire prevention; authority of Fire Marshal ~~appeals and decisions~~

- (a) The state minimum fire safety standards shall be enforced by the fire marshal in the fire department of the county which is hereby established and which shall be operated under the supervision of the chief of the fire department. The fire marshal shall have the duties of the chief of the bureau of fire prevention.
- (b) The chief of the fire department may detail such members of the fire department, or other county employees, as shall from time to time be necessary.
- (c) A report of the bureau of fire prevention shall be made annually and transmitted to the chairman of the board of commissioners. Such report shall contain all proceedings under the adopted codes, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the fire prevention code which, in his judgments, shall be desirable.
- (d) The county fire marshal is hereby authorized to enforce the state minimum fire safety standards of the cities of Acworth, Kennesaw, and Powder Springs, being municipalities within this county, and to conduct fire inspections in accordance therewith; provided however, that citations for violations of such municipal codes shall be returnable to the appropriate courts of such municipalities; provided further, that the county fire marshal shall not enforce such municipal codes unless they are and remain substantially similar to the county's state minimum fire safety standards, as amended; and provided further, that the county fire marshal shall not enforce such codes in any of such municipalities unless and until the governing authority of such municipality shall have entered into a written contract with the county pursuant to GA Const. art. IX § II, permitting the county fire marshal to enforce such municipal codes and to construct fire inspections within such municipality; and to this end, the chairman of the board of commissioners is hereby authorized to affix his signature and seal to any such contract, and to do any and all acts necessary to carry out the intent of this subsection.
- (e) Deleted

Section 54-56

Definitions in fire prevention code

The following definitions shall apply to the International Fire Code adopted in this article:

- (1) Wherever the word "municipality" is used in the International Fire Code, it shall be held to mean the unincorporated areas of the county and the cities of Acworth, Kennesaw, and Powder Springs.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the attorney for the county.
- (3) Wherever the words "chief of the bureau of fire prevention" are used in the International Fire Code, they shall be held to mean the county fire marshal.
- (4) "Fire Code official" shall mean county fire marshal.
- (5) "Authority having jurisdiction" shall mean county fire marshal.
- (6) "Private fire main" shall include all piping and appurtenances on the customer side of the master meter.
- (7) The term "Fire Code" means the most recent published edition or the edition referenced by State Fire Marshal, NFPA 1 The Fire Code or the International Fire Code. Both shall be adopted and if an administrative challenge or code conflict exists, the conflict shall be resolved by the Fire Fire Marshal.

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Article V. –FIRE PROTECTION CONTRACTORS

Section 54.81

Definitions

The followings words, terms and phrases, when used in this article shall have the meanings a ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Certificate or certificate of competency* means the document issued by the commissioner to a certificate holder which authorizes a fire protection sprinkler contractor to engage in the business of installation, repair, alteration, addition, maintenance or inspection of fire protection sprinkler systems or water-spray systems.
- *Certificate holder* means an individual who has satisfactorily met the requirements to obtain a certificate from the commissioner, or from the county, and who is the owner, partner or officer of the company or corporation or such employee who performs or supervises the installation, repair, alteration, addition, maintenance or inspection of a fire protection sprinkler system or water-spray system.
- *Commissioner* means the state safety fire commissioner.
- *County modified system* means any system not required by any other code, which does not comply with NFPA 13, but is approved for use in buildings not required to be sprinklered under the Life Safety Code or the International Building Code.
- *Fire marshal* means the county fire marshal.

20

Article V. –FIRE PROTECTION CONTRACTORS

Section 54.81

Definitions Continued..

- Fire protection contractor means an individual, partnership, corporation, association, limited liability company, limited liability partnership, joint venture, or other business entity that supervises, performs, or supervises and performs the installation, repair, alteration, addition, maintenance, or inspection of fire protection systems. Such term does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacities.
- Fire protection sprinkler contractor means an individual, partnership, corporation, association, joint venture or other entity operated for profit that supervises or performs the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or water-spray systems as per NFPA 13, NFPA 13R, NFPA 13D, NFPA 15, NFPA 25, and county modified systems, and who has a valid certificate from the commissioner.
- Fire protection sprinkler system or water-spray system means an NFPA 13, NFPA 13R, NFPA 13D, or the county modified sprinkler system standard.
- NFPA means the National Fire Protection Association.

21

Section 54-84

Certificate of fitness and demonstration of competency

(a) All Fire Protection Contractors shall be in accordance with NFPA 1 and obtain an operations permit issued by the Cobb County Fire Marshal at no charge. The minimum information to obtain such certificate shall be:

- i. Proof of business and insurance;
- ii. Provide training records showing competency for services offered; and
- iii. Cobb County Acknowledge waiver
- iv. Contractor List will be maintained and displayed by the Cobb County Fire Marshal

(b) Prior to obtaining a sprinkler permit, the applicant shall demonstrate his competence and knowledge of fire protection sprinkler systems or water-spray systems by providing proof of certificate of competency issued by the commissioner.

(c) No fire protection sprinkler contractor shall permit any person under his employ or control to install, repair, alter, maintain or inspect any fire protection sprinkler system or water-spray system unless such person is under the direct supervision of the fire protection sprinkler contractor.

22

Article IX. –FIRE PREVENTION AND PROTECTION SAFETY ORDINANCE

BOARD OF APPEALS

Section 54-119

Created; membership, terms, appointments and voting

(a) In accordance with Section 109, Appendix A (Section A101) of the 2021 International Fire Code, as amended and adopted from time to time, there is hereby created the Fire Prevention and Protection Safety Ordinance Board of Appeals ("fire code appeals board"), which shall be composed of five (5) voting members. The board of commissioners shall appoint five members to the fire code appeals board with the full board of commissioners approving the appointments. The membership of the fire code appeals board shall be comprised of persons who are qualified by experience and training to pass on matters pertaining hazards of fire, explosions, hazardous conditions or fire protection systems and shall not be employees of the local jurisdiction. Of the members appointed to create the initial fire code appeals board, two (2) members shall be appointed for an initial term of only one (1) year, another two (2) members shall be appointed for an initial term of only two (2) years, and the final member shall be appointed for an initial term of only three (3) years. Thereafter, each member appointed shall be appointed for a term of four (4) years.

(b) Any vacancies on the fire code appeals board shall be filled for the unexpired term in the manner in which original appointments are made. No board member shall be eligible for reappointment earlier than one year following the end of such member's previous term, with the exception of appointments immediately following any initial appointment under this section.

(c) The fire code appeals board shall annually select one of its members to serve as chairperson. Such selection shall be made by a majority vote of the members of the entire board.

(d) Members shall be removed from the fire code appeals board prior to the end of their terms. Continued or unreasonable absences of any member from regular meetings of the fire code appeals board shall, upon the discretion of the board of commissioners, render any such member liable to immediate removal from the fire code appeals board.

(e) The presence of any three members of the fire code appeals board shall constitute a quorum; and all decisions of the board shall require affirmative votes of a majority, but not less than three members shall be required.

(f) Compensation of members of the fire code appeals board shall be determined by the board of commissioners.

(g) A member shall not participate on an appeal in which that member has a personal, professional, or financial interest. Such conflict of interest shall be declared by the member who shall refrain from participating in discussions, deliberations, and voting on such appeal. The secretary shall note and record such conflict.

23

Section 54-120

Records and Procedures

(a) The fire marshal or his or her designee shall be an ex officio member and shall serve as secretary of the fire code appeals board, but shall not vote on any matter before the board. The secretary shall maintain a detailed record of all its proceedings, which sets forth reasons for the fire code appeals board decisions, the votes of each member participating therein, the absences of members, and any failure of a member to cast a vote, and other matters, as necessary.

(b) The fire code appeals board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code, and shall meet at least quarterly or from time to time as needed and at such times as may best serve the needs of the business of the county fire department. In case of a dispute or conflict as to times of meetings, the decision of the chairman of the fire code appeals board shall be final.

(c) The fire code appeals board shall meet upon notice from the chairperson, within ten (10) days of the filing of an appeal or at regularly scheduled meeting. Said appeals must be filed with the County Clerk received at least ten days prior to the next scheduled meeting date of the fire code appeals board otherwise said appeal shall be heard at a specially called meeting as set by the chairperson of the fire code appeals board.

(d) All hearings before the fire code appeals board shall be open to the public. The appellant, appellant's representative, the fire marshal or his or her designee and any person whose interests are affected shall be given an opportunity to be heard.

24

Section 54-121

Jurisdiction and appeals

- (a) The fire code appeals board shall have the jurisdiction to hear and decide appeals of orders, decisions or determinations made by the fire marshal relative to the application and interpretation of the Page 28 international fire code as adopted in this chapter (the "fire code"). The fire code appeals board shall be authorized to hear evidence from appellants and the office of the fire marshal pertaining to the application and intent of the fire code for the purpose of issuing orders pursuant to these provisions.
- (b) The fire code appeals board shall have the authority to affirm, modify, or reverse the decision of the fire marshal arising from his or her interpretation of the fire code when a disagreement arises between the fire marshal and an applicant.
- (c) Decisions by the fire code appeals board shall be provided in writing to the office of the fire marshal within three (3) days of the hearing and shall be open to the public for inspection. A certified copy of the decision shall be furnished to the appellant or the appellant's representative and to the fire marshal.
- (d) The fire marshal must take immediate action in accordance with the decision of the fire codes appeals board.
- (e) All decisions of the fire code appeals board are final, and may only be reviewed by certiorari to the superior court of the county. Any person, whether or not a previous party to the appeal may seek review of the decision of the fire code appeals board.

Chapter 78

LICENSES, PERMITS AND BUSINESSES

Section 78-1. Definitions

- Removes exemption for first \$25,000.00 annual gross receipts from rental of real property
- Receipts from rental of single-family residential real property will still be exempt

27

Section 78-43. Change of location or ownership of business

- Change of ownership will be new application
- Process will be the same as a new business, rather than change of ownership process

28

Human Trafficking and Massage Parlors

ARTICLE III. –SPECIAL LICENSES AND REGULATORY FEES

DIVISION 7. – HEALTH SPAS

29

There is a well-established link between sex-trafficking and massage parlors.

- Human trafficking includes the trafficking of persons for labor and sex. According to the U.S. State Department an estimated 24.9 million people worldwide are enslaved in forced labor, with 4.8 million of these in forced sexual exploitation. According to a 2021 Forbes article, illicit massage activity in America accounts for an estimated \$4.5 billion annually out of the \$16 billion dollar a year massage industry.
- Human trafficking is at an alarming level in metro-Atlanta and Cobb County.
- Human traffickers are known to frequently move victims between business locations making it hard to track and locate them. They also are known to take victim's identification and immigration documents making it difficult for authorities to positively identify the victims when encountered and discouraging victims from coming forward for fear of deportation or reprisal.

30

Gaps in Current Regulations Enable Human Trafficking.

- While the State of Georgia regulates and licenses Massage Therapists, many employees in health spas and massage parlors are not required to be licensed, such as front desk personnel, cleaning staff, and even those who only perform foot massages. This creates an enormous opportunity for human trafficking, to which massage parlors have been linked time and again.
- Under current county ordinance a background check is required for these unlicensed employees, but no work permit is required making enforcement difficult. Further, the failure of these businesses to provide employee information as required by existing ordinance also hinders enforcement.
- This section has been updated to fill regulatory gaps and provide the police department and business license division with additional tools to address human trafficking in massage parlors and deter conduct harmful to the interests of Cobb County's citizens.

31

Summary of Changes to this Part

- Changes to existing sections of Chapter 78.
- Sec. 78-273 amended to provide improved mechanism requiring licensees to provide employee lists to the county and ensure background checks are conducted on all employees and contractors.
- Sec. 78-275 - Prohibition added to prevent employees from remaining on the premises between midnight and 5:00 am.
- Sec. 78-292 amended to provide the enumeration of due cause for the suspension or revocation of licenses.
- Sec. 78-293 amended to require certain signage at health spas and prohibit the use of locks on any interior doors to treatment areas and the presence of any person in possession of, or under the influence of alcohol or drugs.

32

Summary of Changes to this Part

- Sections 78-298 through 78-301 are added to this chapter.
- Sec. 78-298 Prohibits the employment of persons with certain criminal convictions within the last 5 years and persons convicted of sexual crimes or required to register as a sex offender.
- Allow for persons denied a work permit due to disqualifying convictions to appeal the denial to the License Review Board to hear appeals.
- Sec. 78-299 Requires that all employees and contractors not licensed as message therapists by the state obtain a work permit from the police department in conjunction with the previously required background check.
- Establishes the term of the permit as 12 months and requires employees to have work permits available for inspection at all times while working.
- Sec. 78-300 establishes penalties for violations of chapter.
- Sec. 78-301 provides for the conduct of hearings and appeals.

33

Justification for Changes

- These changes will allow for improved regulation of these high-risk businesses and make the conduct of illicit massage activity much more difficult in Cobb County.
- The current ordinance is ineffective at regulating these businesses due to the lack of sanctions for violations and tools to enable effective oversight.

34

Short-Term Rentals

ARTICLE III. –SPECIAL LICENSES AND REGULATORY FEES

DIVISION 11. SHORT-TERM RENTALS

35

Section 78-407. Short-term rentals

- Short-term rentals: rentals not to exceed 30 consecutive days
- Short-term rental certificate: certificate issued for operation of short-term rental
 - Issued by business license division
 - Separate certificate required for each short-term rental
 - Application requires number and location of parking spaces

36

Section 78-407. Short-term rentals

- Short-term rental agent: designated by owner and listed on application
 - Owner may serve as agent or designate person/agency
 - Available to handle problems that may arise
 - Name and contact information is readily available in short-term rental unit
 - Receives and accepts service of notice of violation related to use of short-term rental
 - Agent acknowledges understanding of short-term rental requirements
 - Change in short-term rental agent to be submitted in writing within five business days

37

Section 78-407. Short-term rentals

- Standard conditions
 - Permitted in all Residential (R) zoning districts
 - Valid certificate of occupancy required
 - Must meet all requirements pertaining to single-family residences
 - Parking
 - Occupancy limited to one adult per 390 s.f.
 - Adhere to all building, fire, and health and sanitation regulations
 - Advertising must include maximum occupancy, maximum number of vehicles, and noise regulations. Must also be posted within the unit.

38

Section 78-407. Short-term rentals

■ Enforcement

- Complaints submitted to Code Enforcement. Code Enforcement to notify agent and owner. Agent responsible for contacting occupant to address.
- Violation results in written notice of violation to owner and/or short-term rental agent
- Cobb Police also has authority to enforce this section and issue citations

■ Penalties

- First violation within 12 month period: \$500
- Second violation within 12 months: \$750
- Third violation within 12 months: existing certificate and any pending certificates revoked. Any new applications for the property within 12 months will be rejected

39

Section 78-407. Short-term rentals

■ Taxation

- Hotel/motel taxes
- Tourism fees
- Other state and local fees/taxes related to lodging of individuals
- Owner responsible for collecting payment and submitting to state and county as prescribe by state law and county code

40

Chapter 90

PARKS AND RECREATION

41

Section 90-63. Restricted or prohibited uses of park facilities

(b) ~~Reserved~~ Smoking in county owned or maintained parks. Smoking or vaping shall be prohibited within the boundaries of any park, sports complex, recreation area or facility owned, leased, or operated by Cobb County, including any open area within such park sports complex, recreation area or facility. Cobblestone Golf Course and Legacy Links Golf Course are exempt from section (b) of this Section 90-63.

42

Chapter 106

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

43

Section 106-91 Definitions

Local street means a street or road whose primary function is to provide access to abutting land while also providing for local traffic circulation. Local streets include any public street or road not classified as a freeway, arterial, or collector in the county's thoroughfare plan. ~~Local streets within residential subdivisions are further classified into functional subcategories, residential collectors and residential subdivision streets.~~

~~*Residential collector* means one or more principal streets in a subdivision whose function is to provide access to abutting land, while also conducting traffic to and from the subdivision's local streets to a higher classification street in the county's major street system, and having an average daily traffic count in excess of 1,000 trips per day.~~

~~*Residential subdivision street* means a street in a subdivision whose function is to provide access to abutting land and carry traffic to a residential collector.~~

44

Section 106-98

Alternative compliance

106-98.1- Cobb County ~~sidewalk development fund developer contributions.~~ (b)

This article may also refer to other roadway improvements required from developers as a result of new development that must be coordinated with the county. These roadway improvements include but are not limited to: traffic signal installation and upgrades, reconstructing roadways to county design standards, constructing auxiliary turn lanes, installation of curb and gutter, and installation of traffic calming measures.

Developer contributions for other roadway improvements are to be based upon a site-specific project cost estimation approved by the county department of transportation.

45

Article IV

Curb and Gutter

106-136.- Definitions.

Raised curb and gutter means a concrete structure 24 inches or 30 inches wide from edge of pavement to back of curb. Curbs are the vertical element of a monolithic curb and gutter section; and all curbs shall not be separate from the gutter, i.e., curbstones placed adjacent to edge of pavement.

Raised curb means a vertical face structure which can be either classified as barrier or mountable.

- 1) *Barrier curbs/vertical face curbs* shall be used when determined appropriate by the department.
- 2) *Roll-back curb* is not permitted by Cobb County DOT. Exceptions may be made on a case by case basis for small-lot residential developments that have frequent driveways breaking the curb line on a very low-volume road or for roadways designated as requiring rollback curb by the Cobb County Fire Marshal Office. Any resulting drainage concerns must be addressed as part of this design exception.

46

Chapter 110

SUBDIVISIONS

47

Article III

Subdivision Design Standards and Required Improvements

110-59.- Lots. (3):

Corner lots. All corner lots, regardless of zoning, shall have no less than 100 feet of road frontage on each street and shall meet the requirements in the county zoning regulations. The street side yard shall not be less than 25 feet as measured from the street right-of-way. ~~No driveway shall be located within 80 feet of the street intersection.~~ Driveways shall be located according to county development standards.

110-79.- Curves. (b)

Horizontal curves. See standard engineering (AASHTO) design specifications for horizontal curves. ~~Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced.~~

~~(1) On streets with a right of way of 60 feet or more in width, the centerline radius of curvature shall be no less than 300 feet, and on other streets shall be no less than 100 feet.~~

~~(2) A tangent of 100 feet shall be introduced between curves.~~

Vertical curves. ~~See standard design specifications for vertical curves.~~

48

Article III

Subdivision Design Standards and Required Improvements

110-82.- Intersections.

- (c) Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corners shall ~~include a miter be round or otherwise set back sufficiently~~ to permit such construction.
- (d) Sight distance at intersections shall meet the requirements of standard Cobb DOT design specifications for the number of lanes and posted speed limit of the roadway ~~the county major thoroughfare plan, and the zoning regulations.~~
- (e) Islands at intersections shall be subject to standard Cobb DOT design specifications and approval by the county department of transportation ~~individual approval by the traffic engineer of the county. In no case shall anything extend more than three feet above the back of the curb within the right-of-way of the intersecting street.~~
- (f) Adjoining street intersections shall meet or exceed a minimum spacing per standard county design specifications for the classification of the roadway ~~be spaced at least 250 feet apart measured from edge of right-of-way to edge of opposing right-of-way.~~

Article III

Subdivision Design Standards and Required Improvements

110-83.- Jogs.

Street jogs shall have centerline offsets as detailed in standard county development specifications of a minimum of 125 feet.

110-89.- Minimum pavement widths.

The minimum width of right-of-way, as measured from the lot line, shall be as shown on the major thoroughfare plan, and/or as described for the roadway classification within the county development standards ~~if not as shown on such plan, shall be no less than as follows:~~

110-90.- Curbs and gutters.

Developers of subdivisions abutting and located on existing county streets and roads shall be required to provide curbing and guttering along the public road frontage of the property at points of ingress and egress to and from the subdivision to the existing public street or road for a distance of 150 feet in each direction from the point of ingress or egress; provided, that the rear of the structure erected on the lots face the existing street or road and that there are no points of egress or ingress other than as provided for in this section. Further provided that no other portions of the existing street or road have existing curb and gutter to which to coordinate with.

Chapter 118

TRAFFIC AND VEHICLES

51

Division 3 Fire Lanes

Sec. 118-231. (b) (6) and Sec. 118-231. (c) (1)

Red curbing or lineage will be permitted on private property only and will not be approved on roadways maintained by the county department of transportation.

52

Chapter 134

ZONING

53

Section 134-1. Definitions

- Added definition of automobile broker
- Clarified vehicle weight for business vehicle
- Added automobile broker office to definition of other consumer goods and services
- Added semi-permanent cosmetic make-up practitioner to definition of community retail uses and neighborhood retail use
- Added definition of semi-permanent cosmetic make-up practitioner
- Planning Commission recommended approval

54

Section 134-7. Poultry

- Removed language due to conflict with Section 134-290. Backyard chickens for properties under 80,000 square feet.
- Code amendment made in 2020, but Section 134-290 has language that is both duplicative and in conflict with 134-7
- Removed definition of poultry from 134-1.
- Planning Commission recommended approval

55

Section 134-121. Generally

- Clarifies when traffic impact study will be required for rezoning and SLUP applications
- Cobb DOT Director to determine scope of the traffic impact study
- Requires traffic impact study to be completed at least 30 days prior to PC hearing. Zoning Manager to continue cases not meeting deadline
- Planning Commission held to 2/1/22 hearing pending clarification of language

56

Section 134-127. Appeal of rezoning decisions

- Removes language in line with current process
- Planning Commission recommended approval

57

Section 134-162. General description of zoning districts

- Allows for acceptance of application for RA-6 zoning district
- Planning Commission recommended approval

58

Section 134-203.2. RSL non-supportive residential units

- Allows for RSL non-supportive project on a collector road with a minimum of ten acres and maximum density of four units per acre
- Planning Commission recommended approval

59

Section 134-221.2. Redevelopment overlay district (ROD)

- Removes ROD from code
- 2021 amendment provides that no new applications for ROD to be accepted after 3/1/21
- Planning Commission recommended approval with recommendation to consult with County Attorney to ensure continued applicability of ROD to property previously zoned ROD

60

Section 134-230. LI light industrial district

- Adds freestanding climate-controlled self-service storage facilities and/or self-service storage facilities to permitted uses
- Provides standards for max building height, floor area ratio, access, architecture, landscape plan, screening of loading areas, screening of dumpster and detention areas, hours of operation set by BOC
- Prohibits outside overnight storage, long-term storage of heavy equipment, parking of construction vehicles and equipment
- Prohibits storage of recreational vehicles and boats without screening
- Prohibits storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals
- SLUP required
- Language removed from 134-279.
- Planning Commission held to 2/1/22 pending clarification of language

61

Section 134-231. HI heavy industrial district

- Adds freestanding climate-controlled self-service storage facilities and/or self-service storage facilities to permitted uses
- Provides standards for max building height, floor area ratio, access, architecture, landscape plan, screening of loading areas, screening of dumpster and detention areas, hours of operation set by BOC
- Prohibits outside overnight storage, long-term storage of heavy equipment, parking of construction vehicles and equipment
- Prohibits storage of recreational vehicles and boats without screening
- Prohibits storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals
- SLUP required
- Language removed from 134-279
- Planning Commission held to 2/1/22 pending clarification of language

62

Section 134-272. Traffic and parking

- Clarifies curb cut requirements for districts other than R districts
- Clarifies process for approval of entrances and exits on state highways
- Prohibits perpendicular parking on public road, allows for approval of parallel parking by DOT
- Allows for parking on non-hardened surface in R districts for lots larger than 5 acres. No vehicles to be parked within 50 feet of ROW other than treated and hardened surface. New access to public road requires 25-foot paved or asphalt apron at the public road.
- Planning Commission recommended approval

63

Section 134-275.1. Military airport hazard district

- Removes provision for board of commissioners to take existing adjoining uses, historical uses and height, as well as other factors on a case-by-case basis into consideration in accident potential zone.
- Planning Commission recommended approval and also recommended a change to 134-275.1(4)5 to place the burden on the Applicant to acknowledge the applicability of APZ I, APZ II, or a Clear Zone at the time of application

64

Section 134-290. Backyard chickens under 80,000 square feet

- Clarifies lot size as two acres
- Section title to change to Backyard chickens under two acres
- Planning Commission recommended approval

65

Article VI. Signs

- Section 134-315: adds one permanent sign per entrance and exit not to exceed three square feet and three feet in height within three feet of commercially zoned property, nonresidential use on residential property, or apartment.
- 134-323:
 - adds nonresidential uses on residential properties, apartments
 - Prohibits searchlights and inflatables on nonresidential uses on residential properties and apartments
 - Inflatable advertising devices only on 4+lane roadway in CAC/RAC, requires permit
- Planning Commission recommended approval

66

Next Steps

- Public Hearing #1: 7:00 p.m., January 25
- Planning Commission review of held items: 9:00 a.m., February 1
- Publication of revised draft: Published in February 8 BOC agenda
- Public Hearing #2: 9:00 a.m., February 8