

**MINUTES OF BOC WORK SESSION
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 25, 2022
1:30 PM**

The Work Session of the Cobb County Board of Commissioners was held on Tuesday, January 25, 2022 at 1:30 p.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 Gambrell
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 1:30 p.m.

PRESENTATIONS

1. To present information regarding public outreach findings for potential Mobility Special Purpose Local Option Sales Tax referenda.

Drew Raessler, Transportation Agency Director, presented information regarding public outreach findings for potential Mobility Special Purpose Local Option Sales Tax referenda.

2. To present information regarding recommended amendments to the Cobb County Code.

Jessica Guinn, Community Development Agency Director, presented an overview of the Code Amendment process and the following staff presented information regarding the recommended changes to the Cobb County Code:

- Kevin Ashbaugh, Police Sergeant - Chapter 6 (Alcoholic Beverages)
- Jessica Guinn, Community Development Agency Director - Chapter 18 (Building Regulations)
- Drew Raessler, Transportation Agency Director, - Chapter 50 (Environment), Article III
- Vance Deupree, Police Lieutenant - Chapter 50 (Environment), Article VII
- Nick Dawe, Fire Marshall - Chapter 54 (Fire Prevention and Protection)
- Jessica Guinn, Community Development Agency Director - Chapter 78 (Licenses, Permits and Businesses), Section 1 & 43
- Kevin Ashbaugh, Police Sergeant - Chapter 78 (Licenses, Permits and Businesses), Article III (Health Spas)
- Jessica Guinn, Community Development Agency Director - Chapter 78 (Licenses, Permits and Businesses), Article III (Short-term Rentals)
- Michael Brantley, PARKS Director - Chapter 90 (Parks and Recreation)
- Drew Raessler, Transportation Agency Director - Chapter 106 (Streets, Sidewalks and Other Public Places), Chapter 110 (Subdivisions), and Chapter 118 (Traffic and Vehicles)
- Jessica Guinn, Community Development Agency Director - Chapter 134 (Zoning)

A copy of the information presented is attached and made a part of these minutes.

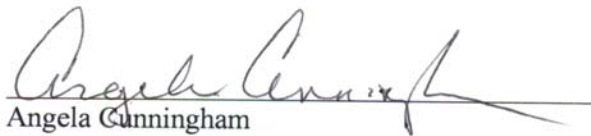
No official action was taken by the Board.

3. To present departmental and agency presentations for the FY2023-2024 Biennial Budget cycle.

Chairwoman Cupid announced Juvenile Court will present their budget presentation at the next Work Session.

ADJOURNMENT

The meeting was adjourned at 4:21 p.m.



Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

MSPLOST Work Session

January 25, 2022



1

Agenda

- MSPLOST Options
- Scenarios Considered
- Public Outreach and Results

2



Definitions

- CTP: Comprehensive Transportation Plan
- ATL: Atlanta-Region Transit Link Authority
- ARTP: ATL Regional Transit Plan
- SSTP: Statewide Strategic Transportation Plan
- IGA: Intergovernmental Agreement
- MSPLOST: Mobility SPLOST (next slide)

3

Cobb County Options

Transit (HB930):

Revenue

- Up to 1% sales tax (.05% increments)
- 30-year maximum timeline
- City involvement, but no IGA requirement
- Six items exempt from taxation

Purposes

- Transit Capital *and* Operating
- ATL must approve project list as consistent with ARTP

Surface Transportation (HB106/170):

Revenue

- Up to 1% sales tax (.05% increments)
- 5-year maximum timeline
- To be in excess of 0.75%, IGAs needed
- Six items exempt from taxation

Purposes

- Transportation Capital
- Roads, bridges, public transit, rails, airports, buses
- 30% of revenue allocated to Statewide Strategic Transportation Plan (SSTP)

4

Summary Maps: 5-Year Scenario

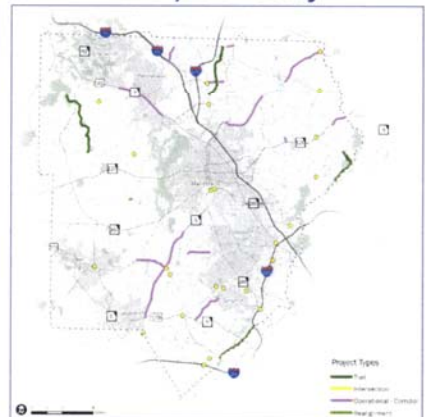
1-Penny



1/2-Penny

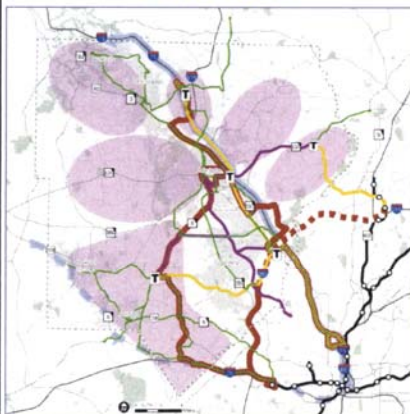


1/4-Penny

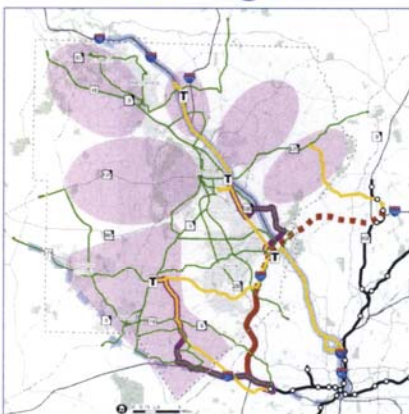


Summary Maps (30-years, 1%)

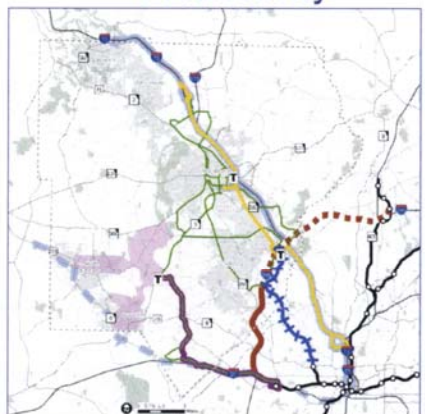
Balanced



Coverage



Productivity



Outreach Efforts

- Townhall Meetings:
 - District 1 (November 4th) at North Cobb Reginal Library ~30 attendees
 - District 2 (November 30th) at Fullers Park Recreational Center ~75 attendees
 - District 3 (November 9th) at Switzer Library~45 attendees
 - District 4 (November 10th) at Public Safety Police Academy~50 attendees
- Advertisements for Survey and Townhall Meetings:
 - Social media posts
 - District newsletters
 - Emails
 - Electronic message boards at each townhall meeting location
- Webpage (CobbMSplost.org):
 - Information about scenarios
 - FAQs
 - Link to Survey
 - Video Recording of November 9th townhall
 - Copy of presentation
- Stakeholder Meetings
- City and CID Meetings



7

Survey Results



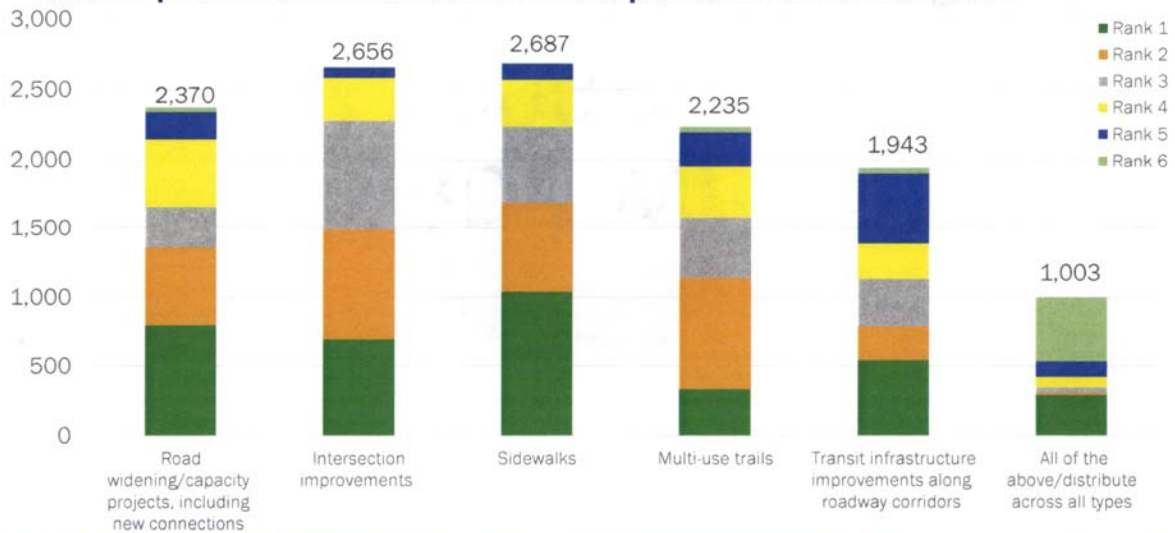
8

Overall Survey Information

- 629 responses (51% of website views completed survey)
- 15 submissions removed due to duplicate IP addresses and answers or e-mail addresses



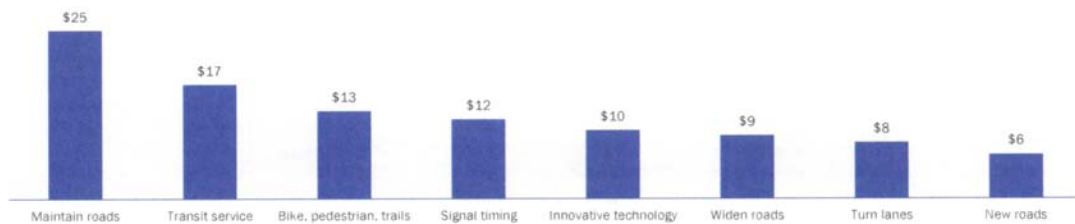
Rank the following types of improvements based on how the County should prioritize investments in transportation infrastructure.



Transportation Funding Priorities

- Respondents were asked to allocate \$100 of funding between the eight categories below. On average:
 - Maintaining current roads is the top priority. Respondents indicate about one quarter of the money should be spent there.
 - Transit service is the second most funded category, followed by trails and signal timing.
 - Turn lanes and new roads receive the least money on average.

If you had \$100 to spend on transportation improvements, what would your funding priorities be? On the line next to each category, type in the number of dollars that you would spend on each category to total \$100.
(Values shown are the average value for ea

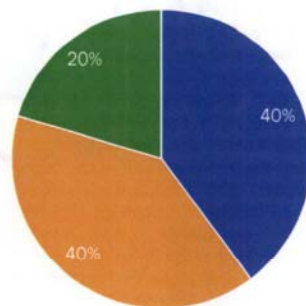


Base: 4,355 respondents/4,354 weighted responses

CobbFORWARD
Comprehensive Transportation Plan

11

Should surface transportation funding be distributed equally throughout the County districts or should funding investments be concentrated in areas where there is the greatest need based on usage?



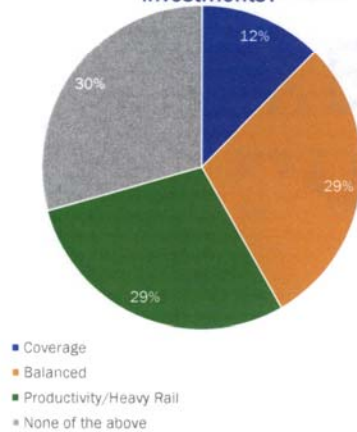
- Concentrate investments where need is greatest
- Both - balance when feasible based on need and distribution
- Distribute equally across four County commission districts

COBB COUNTY
Mobility SPLOST

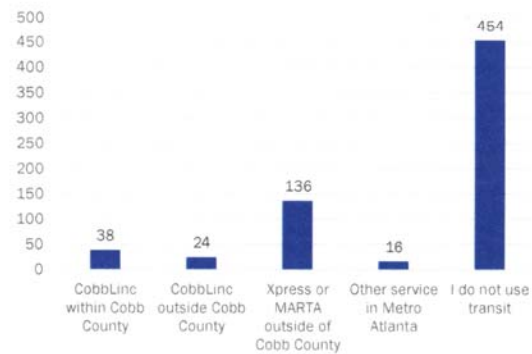
12

Transit Expansion Referendum (HB 930)

Of the three scenarios and considering limited resources, how should the County focus transit investments?



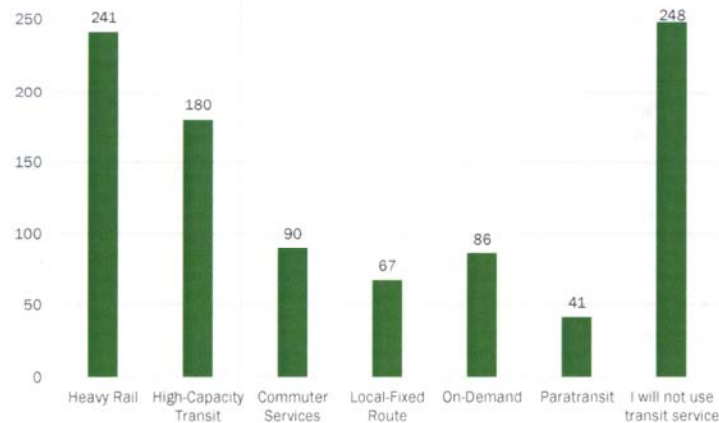
Do you currently use transit service?



13

Transit Expansion Referendum (HB 930)

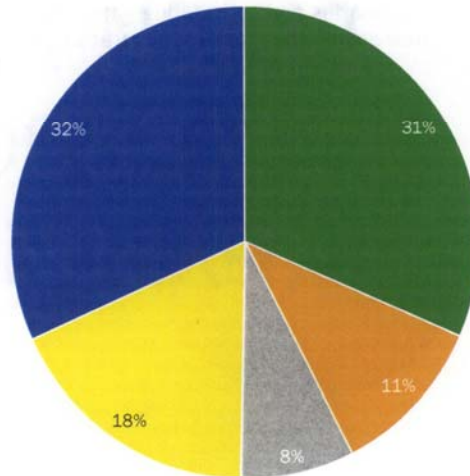
What type of transit service are you most likely to use if available?



14

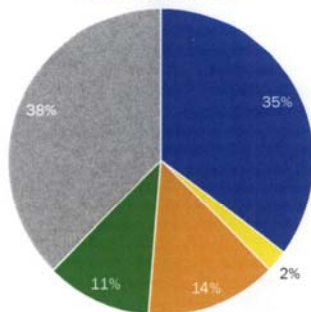
Based on the information provided above, should the County propose a referendum to the voters?

- Yes; for both options (HB 170 and HB 930)
- Yes; Transportation infrastructure-focused referendum only (HB 170)
- Yes; Transit-focused referendum only (HB 930)
- Not sure - I need more details to decide if I can support one or both
- No, there should be no new sales tax



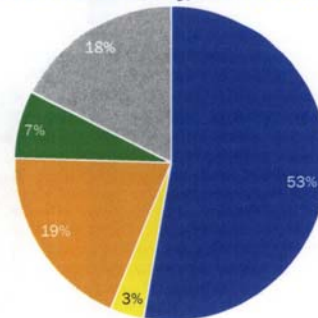
Transportation Infrastructure Referendum (HB 170)

If you support the transportation infrastructure referendum, how much sales tax should be collected?
(all responses)



- One percent, the maximum allowed by law (1% increase)
- Three-quarter percent (0.75% increase)
- One-half percent (0.5% increase)
- One-quarter percent (0.25% increase)
- Don't know / not sure / don't support

If you support the transportation infrastructure referendum, how much sales tax should be collected?
(responses: Yes for HB 170 only, Yes for Both, Not Sure)*

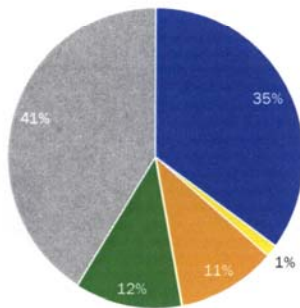


- One percent, the maximum allowed by law (1% increase)
- Three-quarter percent (0.75% increase)
- One-half percent (0.5% increase)
- One-quarter percent (0.25% increase)
- Don't know / not sure

*Out of 614 responses, 371 (60%) said Yes for HB 170 only, Yes for Both, or Not Sure.

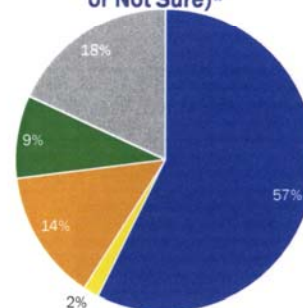
Transit Expansion Referendum (HB 930)

If you support a transit-focused referendum, how much sales tax should be collected?
(all responses)



- One percent, the maximum allowed by law (1% increase)
- Three-quarter percent (0.75% increase)
- One-half percent (0.5% increase)
- One-quarter percent (0.25% increase)
- Don't know / not sure / don't support

If you support a transit-focused referendum, how much sales tax should be collected?
(responses: Yes for HB 930 only, Yes for Both, or Not Sure)*



- One percent, the maximum allowed by law (1% increase)
- Three-quarter percent (0.75% increase)
- One-half percent (0.5% increase)
- One-quarter percent (0.25% increase)
- Don't know / not sure

*Out of 614 responses, 352 (57%) said Yes for HB 930 only, Yes for Both, or Not Sure



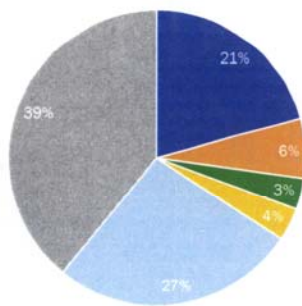
COBB COUNTY
Mobility SPLOST

17

17

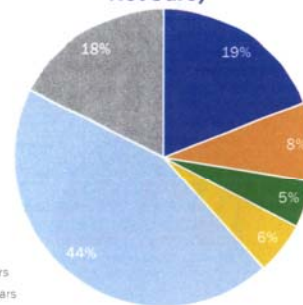
Transit Expansion Referendum (HB 930)

If you support a transit-focused referendum, for how long should the sales tax be collected?
(all responses)



- 5 years
- 10 years
- 15 years
- 20 years
- 30 years (maximum allowed by law)
- Don't know / not sure / don't support

If you support a transit-focused referendum, for how long should the sales tax be collected?
(responses: Yes for HB 930 only, Yes for Both, or Not Sure)*



- 5 years
- 10 years
- 15 years
- 20 years
- 30 years (maximum allowed by law)
- Don't know / not sure

*Out of 614 responses, 352 (57%) said Yes for HB 930 only, Yes for Both, or Not Sure



COBB COUNTY
Mobility SPLOST

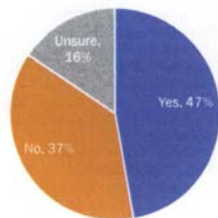
18

18

Maximum Tax Increase for Surface Transportation

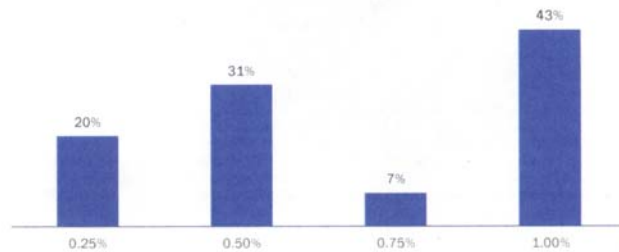
- Overall, just under half of respondents would support a sales tax increase to support new surface transportation.
 - Another 16% are unsure if they would be open to this increase.
- Of those who are or might be open to an increase, half report they would accept an increase of no more than 0.50%.
 - However, almost as many (43%) would accept the maximum increase of 1%.

Would you support a new surface transportation sales tax increase (roadway, bicycle, trail) of up to 1%?



Base: 4,355 respondents/4,354 weighted responses

What is the maximum sales tax increase you would consider for funding surface transportation projects (roadway, bicycle, pedestrian, trail)?



Base: 2,838 respondents/2,735 weighted responses who answer "yes" or "unsure"

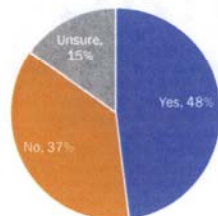
CobbFORWARD
Comprehensive Transportation Plan

19

Maximum Tax Increase for Transit

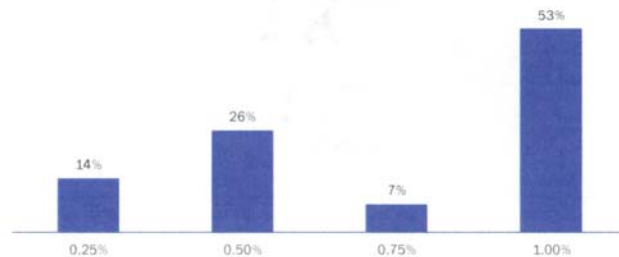
- About half of respondents would support a sales tax increase to new transit options.
 - Additionally, 15% are unsure and might be open to this increase.
- Of those who are or might be open to an increase, just over half would accept the full 1% increase.
 - In contrast, about 40% would limit the increase to only 0.50% or less.

Would you support a new transit sales tax increase of up to 1%?



Base: 4,355 respondents/4,354 weighted responses

What is the maximum sales tax increase you would consider for funding transit projects?



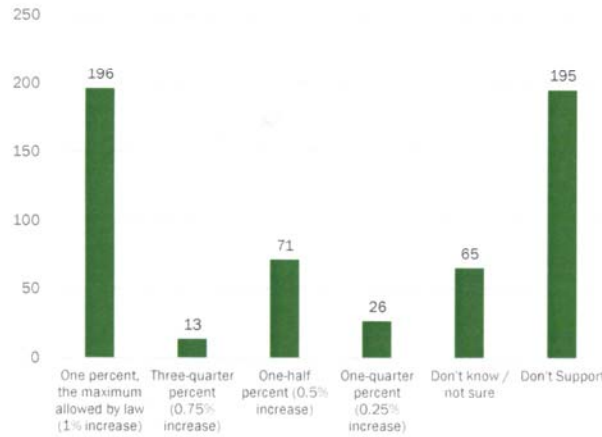
Base: 2,581 respondents/2,757 weighted responses who answer "yes" or "unsure"

CobbFORWARD
Comprehensive Transportation Plan

20

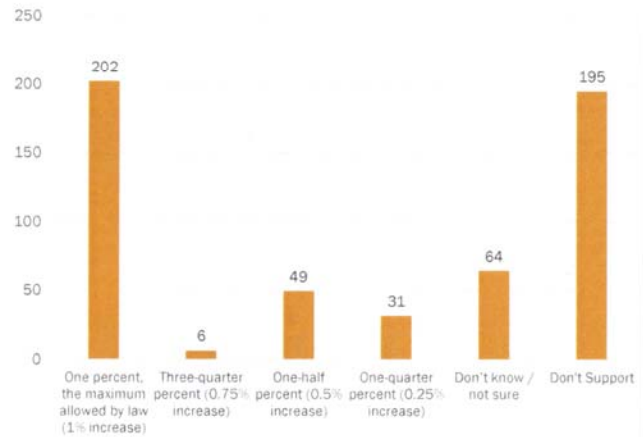
Summary

Transportation Infrastructure Referendum (HB 170)*



*Responses exclude support of transit-only referendum (HB 930).

Transit-Focused Referendum (HB 930)



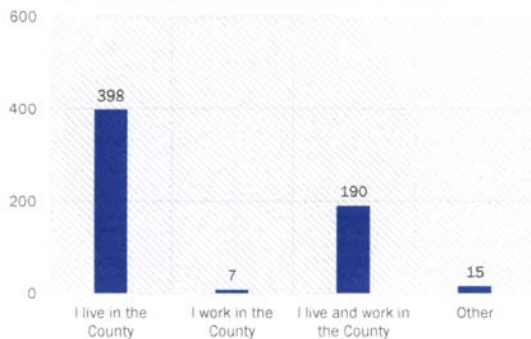
*Responses exclude support of transportation infrastructure-only referendum (HB 170).



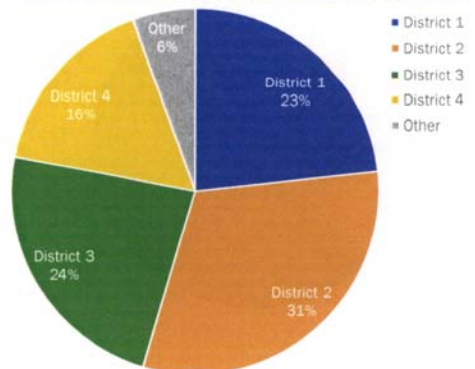
21

About You

What is your relation to Cobb County?

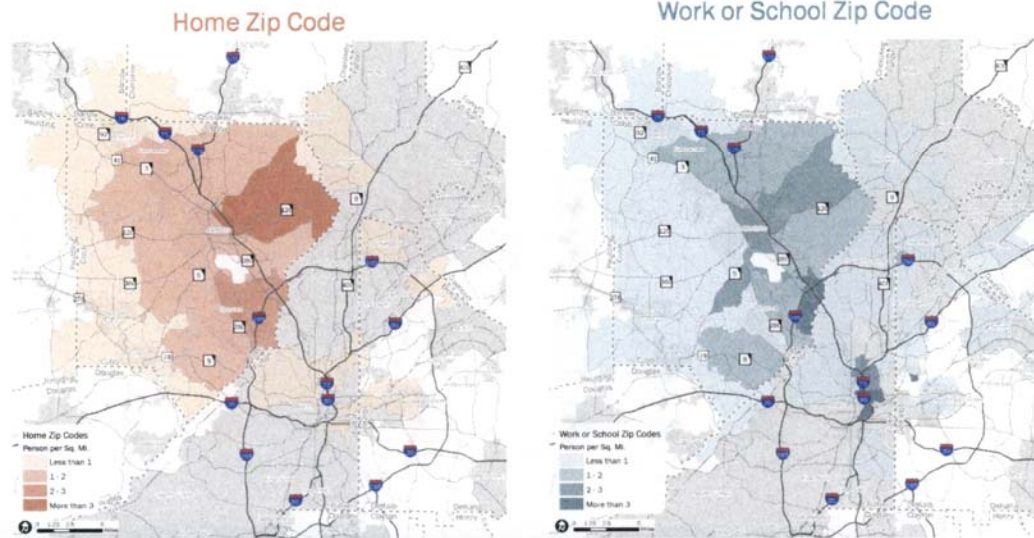


Which Commission District do you reside in?

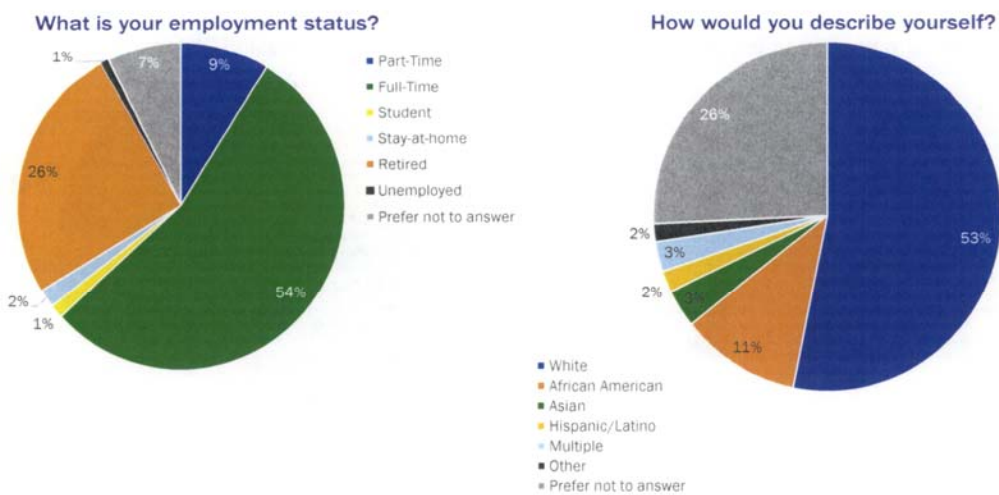


22

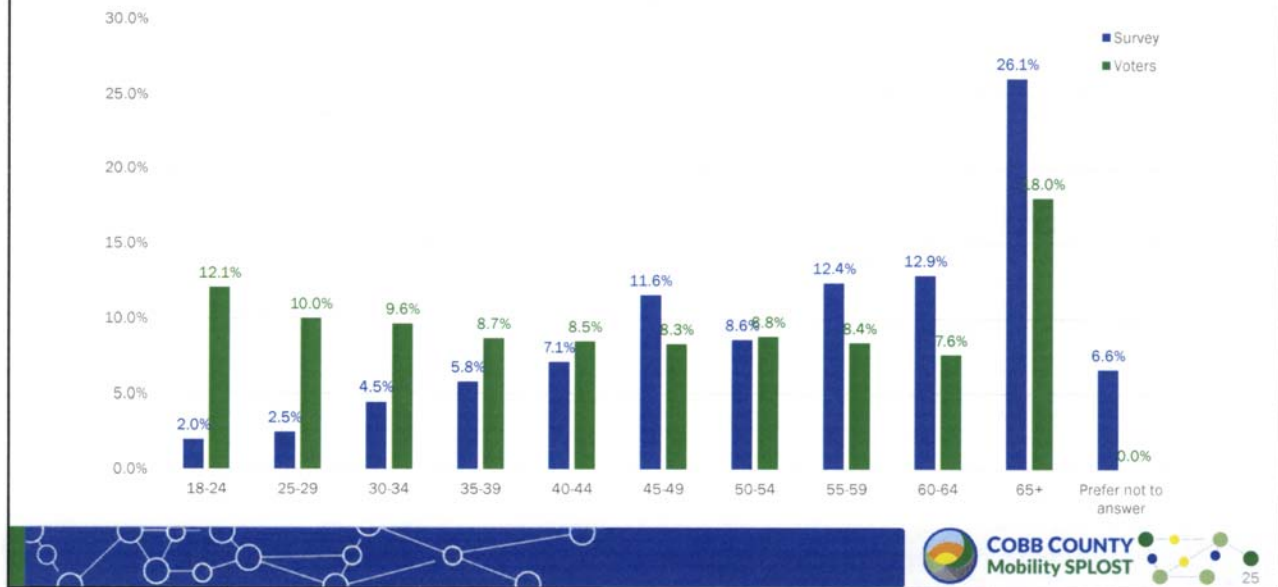
About You



About You

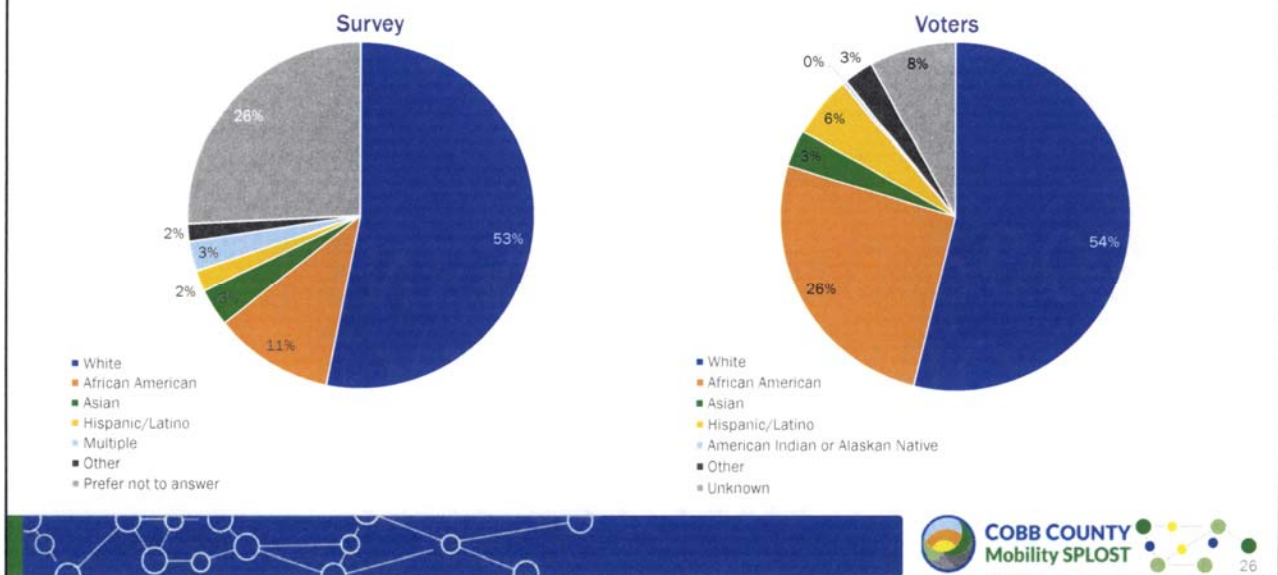


Voters Statistics - Age



25

Voters Statistics - Race



26

Questions?

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.

17

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 § 11, 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

18

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 State Fire Marshal.

19

Article V. –FIRE PROTECTION CONTRACTORS

Section 54.81

Definitions

The followings words, terms and phrases, when used in this article shall have the meanings 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.

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.

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.

25

Chapter 78

LICENSES, PERMITS AND BUSINESSES

26

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. Cobbestone 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.~~

49

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.~~

50

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