

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 28, 2023
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, February 28, 2023 at 7:00 p.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, 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 7:03 p.m.

PRESENTATIONS

1. **To present Certificates of Appreciation to members of the Transit Advisory Board and Accessibility Advisory Committee for their dedicated support to the Department of Transportation and CobbLinc.**

Commissioner Birrell presented Certificates of Appreciation to members of the Transit Advisory Board and the Accessibility Advisory Committee for their invaluable contributions and dedication to the improvement of transit services throughout Cobb County.

2. **To present Certificates of Achievement to members of Boy Scout Pack 2319 who have attained the rank of Eagle Scout.**

Commissioner Birrell presented Certificates of Achievement to members of Boy Scout Pack 2319 who have attained the rank of Eagle Scout.

3. **To present a Certificate of Achievement to Leonardo Gonzalez for completing all his merit badges and achieving Eagle Scout rank.**

Commissioner Gambrell and Commissioner Sheffield presented a Certificate of Achievement to Leonardo Gonzalez for achieving Eagle Scout rank with the Boy Scouts of America.

PUBLIC COMMENT

1. Christine Rozman addressed the Board regarding outside consultants.
2. Jan Barton addressed the Board regarding various matters.
3. Patrick McClain addressed the Board regarding the Covid vaccine.
4. Lance Lamberton addressed the Board regarding outside consultants and transit tax.
5. John McGann addressed the Board regarding Home Rule.
6. Leroy Emkin addressed the Board regarding free speech.

Chairwoman Cupid called for a brief recess at 7:51 p.m.; the meeting reconvened at 7:56 p.m.

MOTION TO ADD NON-AGENDA ITEM

Motion by Cupid, second by Richardson, to **approve** the addition of the following non-agenda items to the Consent Agenda.

- To authorize a temporary revocable license agreement with Wade Ford, Inc., for use of a portion of County property located between 1792 and 1890 County Services Parkway, Marietta, Ga. 30008.

VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

Motion by Cupid, second by Richardson, to **approve** the addition of the following non-agenda items to the Consent Agenda.

- To adopt a resolution regarding House Bill 517 and Senate Bill 188

VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

Commissioner Birrell read the following statement and requested each vote reflect the statement. A copy of the statement is attached and made a part of these minutes:

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Board of Elections on November 15, 2022.

Commissioner Gambrill stated her statement is on file with the County Clerk's office. (See statement below) Each vote will reflect the statement. A copy of the statement is attached and made a part of these minutes:

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

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In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).

In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, "you should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to the a comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

In a letter dated October 3, 2022 Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

Just last month, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

Quotes by DaShanne Stokes, "Leadership by deception isn't leadership. It's fraud. Truth is hard, propaganda is cheap."

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

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.

District Attorney

4. **To authorize the acceptance of a 2022 Violence Against Women Continuation Grant from the Criminal Justice Coordinating Council for support of the District Attorney's Victim Witness Unit.**

To **authorize** the acceptance of a 2022 Violence Against Women Continuation Grant from the Criminal Justice Coordinating Council in the amount of \$50,000.00; **authorize** the transfer of personnel from Unit F067 to F076 in the grant fund; **authorize** the District Attorney's Office and Finance Department to sign programmatic and finance reports for the Cobb District Attorney Victim Witness Unit; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available

Increase Revenue:	270-170-F076-4811	Criminal Justice Coordinating Council	\$50,000.00
Increase Expenditure:	270-170-F076-6012, etc..	Salary and Fringe	\$50,000.00

State Court Administration

5. **To authorize the application for grant funding from the Criminal Justice Coordinating Council for the Cobb County DUI Court Program.**

To **authorize** the application for grant funding from the Criminal Justice Coordinating Council for the Cobb County DUI Court Program.

Water System

6. **To authorize the Chairwoman to execute an easement agreement with the Municipal Gas Authority of Georgia.**

To **authorize** the Chairwoman to execute an easement with the Municipal Gas Authority of Georgia is granting to Cobb County.

7. **To authorize advertisement for and conduct of a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 for Glenleigh Park Detention Pond Dam Foundation Failure Repair Design, Program No. SW1994.**

To **authorize** the advertisement for and conduct of a public hearing prior to the employment of a consultant or consulting firm where contract fees will likely exceed \$100,000.00 for professional services for Glenleigh Park Detention Pond Wall Foundation Failure Repair Design, Program No. SW1994.

8. **To authorize the acceptance by quitclaim deed of two detention pond lots in McGinnis Farm Subdivision located in Land Lots 124 and 125 of the 17th District to clear the titles for the parcels.**

To **authorize** the acceptance by quitclaim deed of two detention pond lots in McGinnis Farm Subdivision located in Land Lots 124 and 125 of the 17th District to clear the titles for the parcels.

9. **To approve final funding for Cobb County Water System utility improvement work associated with the City of Kennesaw Old 41 Highway Widening at Cobb Parkway, Program No. W2379.**

To **approve** the final funding for Cobb County Water System utility improvement work, a savings to the project in the amount of \$60,141.51, associated with the City of Kennesaw Old 41 Highway Widening at Cobb Parkway, Program No. W2379; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is required for the Water System's Old 41 Highway Widening at Cobb Parkway, Program No. W2379.

Decrease Encumbrance:			
GAE 51008271912	510-500-5754-8260	W2379-C	\$60,141.51

Transfer from:			
Old 41 Highway Widening at Cobb Parkway			
Construction	510-500-5754-8260	W2379-C	\$60,141.51
Contingency	510-500-5754-8810	W2379-T	<u>\$ 6,565.32</u>
Total			\$66,706.83

Transfer to:			
Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	\$66,706.83

10. **To approve final funding for the work order under the Unit Price Contract for Water, Sewer, and Miscellaneous Services with K. M. Davis Contracting Co., Inc. for Shiloh Station Sewer Reroute, Program No. S2084.**

To **approve** final funding for the work order under the Unit Price Contract for Water, Sewer, and Miscellaneous Services with K. M. Davis Contracting Co., Inc., a savings to the work order in the amount of \$28,008.00 for Shiloh Station Sewer Reroute, Program No. S2084; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is required for the Water System's Shiloh Station Sewer Reroute, Program No. S2084.

Decrease Encumbrance:

GAE 51009282108	510-500-5755-8260	S2084-C	\$28,008.00
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Transfer from:

Shiloh Station Sewer Reroute

Construction	510-500-5755-8260	S2084-C	\$28,008.00
Easements & Right-of-Way	510-500-5755-8020	S2084-R	\$ 1,000.00
Materials & Supplies	510-500-5755-8265	S2084-M	\$ 1,000.00
Contingency	510-500-5755-8810	S2084-T	\$ 3,590.00
Total			\$33,598.00

Transfer to:

Unidentified New/Replacement Sewer Lines

Preliminary Estimates	510-500-5755-8005	S2503-Z	\$33,598.00
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Transportation

11. **To approve the Federal Transit Administration Annual Certifications and Assurances required for Cobb County to receive federal financial assistance during Federal Fiscal Year 2023.**

To **approve** the Federal Transit Administration Annual Certifications and Assurances required for Cobb County to receive federal financial assistance during Federal Fiscal Year 2023; **authorize** Laraine Vance to execute FTA Annual Certifications and Assurances, submit FTA grant applications, and execute FTA grant awards on behalf of Cobb County, as needed; and **further authorize** the Chairwoman to execute the necessary documents.

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Public Services Agency

Library System

12. To authorize the claim application for and acceptance of beneficiary funds from New York Life Insurance Company, AARP Life Insurance Program, on behalf of the estate of Raphael Graves.

To **authorize** the claim application for and acceptance of life insurance beneficiary funds from New York Life Insurance Company, AARP Life Insurance Program, in the amount of \$1,500.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Helen Poyer, Library Director, to execute the necessary documents.

Increase Revenue:	010-080-1800-4920	(Gifts and Donations)	\$1,500.00
Increase Expenditure:	010-080-1800-8818	(Restricted Reserve)	\$1,500.00

13. To authorize the application for and acceptance of the Atlanta Science Festival Grant for the Atlanta Science Festival CCPLS Family Tech Time – 10 Ways to Help the Planet (2023).

To **authorize** the application for and acceptance of the Atlanta Science Festival Grant in the amount of \$300.00 for the Atlanta Science Festival CCPLS Family Tech Time – 10 Ways to Help the Planet (2023); **authorize** the corresponding budget transactions; and **further authorize** the Chairwomen or Helen Poyer, Library Director, to execute the necessary documents.

Increase Revenue:	270-080-L100-L107-4508	(Local Grants)	\$300.00
Increase Expenditure:	270-080-L100-L107-6204	(Other Supplies)	\$300.00

Senior Services

14. To approve the 2023 First Amendment Contract AG2305.1 with the Atlanta Regional Commission for Title III-B, Title III-C-1, Title III-C-2, Title III-E, CBS-HCBS State (Home and Community Based Services), CBS Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP Federal (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's Program State and CBS Alzheimer's State funding for July 1, 2022 through June 30, 2023.

To **approve** the 2023 First Amendment Contract AG2305.1 with the Atlanta Regional Commission for Title III-B, Title III-C-1, Title III-C-2, Title III-E, CBS-HCBS State (Home and Community Based Services), CBS Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP Federal (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's Program State and CBS Alzheimer's State funding for July 1, 2022 through June 30, 2023; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget appropriations:

Increase Revenue:			
277-300-F072-4495	CBS-HCBS State		\$36,399.20
277-300-F072-4499	CBS-Respite Care State		\$35,000.00
	Total		\$71,399.20
Increase Expenditures:			
277-300-F072-6326	Professional Services		\$36,399.20
277-300-F072-6334	Respite In-home		\$35,000.00
	Total		\$71,399.20

15. To authorize the acceptance of the 2023 Community Garden Improvement Grant.

To **authorize** the acceptance of the 2023 Community Garden Improvement Grant in the amount of \$1,500.00; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	270-300-G720-4508	Local Grants	\$1,500.00
Increase Expenditure	270-300-G720-6178	Landscape Materials	\$1,500.00

Support Services Agency

Information Services

16. To approve Extension-1 to Agreement with Astro Integrated Systems of Georgia (AIS) for the maintenance of the Cobb County Judicial Circuit Security Electronics System.

To **approve** Extension-1 to Agreement with Astro Integrated Systems of Georgia, in an amount not to exceed \$648,000.00, for the maintenance of the Cobb County Judicial Circuit Security Electronics System; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Capital Projects Fund 380, IS Surveillance and Access Control System Update, Unit 4736, with the following budget transfer:

Decrease Expenditure:	380-035-4736-8005	(Preliminary Estimates)	\$117,000.00
	010-035-0400-6497	(IS Hardware Maintenance)	\$ 99,000.00
Increase Expenditure:	010-035-0400-6594	(Interfund Transfer Exp)	\$ 99,000.00
Increase Revenue:	380-035-4736-4960	(Interfund Transfer Rev)	\$ 99,000.00
Increase Expenditure:	380-035-4736-6326	(Professional Services)	\$216,000.00

Public Safety Agency

Police Department

17. To approve a restated and amended contract with Utility Associates, Inc. for In-Car/Body Worn Cameras and Video Evidence Management System.

To **approve** a restated and amended contract with Utility Associates, Inc. for In-Car/Body Worn Cameras and Video Evidence Management System for an amount to not exceed \$1,300,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for the FY23 payment will be available in the FY23 Police Department Budget with the following budget transactions:

Decrease Expenditure	010-130-2100-8005	Preliminary Estimate	\$1,300,000.00
Increase Expenditure	010-130-2100-6491	Annual Maintenance Contracts	\$1,300,000.00

Fire Department

18. **To authorize the acceptance of a donation from the Georgia Firefighter's Burn Foundation, Inc. for Fire and Life Safety Education and Prevention programs and supplies.**

To **authorize** the acceptance of a donation from the Georgia Firefighter's Burn Foundation, Inc., in the amount of \$3,308.41, for Fire and Life Safety Education and Prevention programs and supplies, and **further authorize** the corresponding budget transactions.

Increase Revenue:	270-130-G264-4506	(Other Local Revenue)	\$3,308.41
Increase Expenditure:	270-130-G264-6155	(Educational Material & Supplies)	\$3,308.41

Community Development

19. **To approve an annexation notice of Non-Objection with Stipulations per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of a tract of land that total 2.20 acres located at 1650 North Cobb Parkway into the City of Kennesaw.**

To **approve** an annexation Notice of Non-Objection with Stipulations per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of Land Lot 208 of the 20th District, Cobb County, Georgia, Parcel number 20020801300, into the City of Kennesaw. A copy of the Notice of Non-Objection is attached and made a part of these minutes.

20. **To review a summary of the appeal hearing conducted by the License Review Board on February 2, 2023 for Metropizza, LLC d/b/a E Ke Pizza.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of February 2, 2023 to approve the application for a beer, wine and Sunday sales pouring license for Metropizza, LLC d/b/a E Ke Pizza, 2810 Paces Ferry Rd. Ste. 120, Atlanta, GA 30339, Costanzo Astarita, licensee.

21. **To adopt a resolution regarding House Bill 517 and Senate Bill 188**

To **adopt** a resolution regarding House Bill 517 and Senate Bill 188; and **authorize** the Chairwoman to execute any necessary documents to effectuate the intent of this item. A copy of said resolution is attached and made a part of these minutes.

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Finance

22. 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.

County Clerk

23. To approve minutes.

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

- February 13, 2023 - Agenda Work Session
- February 14, 2023 - BOC Regular Meeting
- February 21, 2023 - BOC Zoning Hearing

PARKS

24. To authorize a temporary revocable license agreement with Wade Ford, Inc., for use of a portion of County property located between 1792 and 1890 County Services Parkway, Marietta, Ga. 30008.

To **authorize** a temporary revocable license agreement with Wade Ford, Inc., for use of a portion of County property located between 1792 and 1890 County Services Parkway, Marietta Ga., for a fee of \$1,000.00 per month and upon the terms and conditions set forth in the License Agreement attached; and **further authorize** the Chairwoman to execute all necessary documents and take all other action necessary or appropriate to accomplish the foregoing purposes.

Revenue will be appropriated as follows:

Increase Revenue:	010-105-3050-4870	(Rental of Real Estate)
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CONSENT VOTE: **ADOPTED 5-0**, (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

REGULAR AGENDA

District Attorney

25. To authorize the creation of and funding for the Cobb Family Advocacy Center.

Flynn Broady, District Attorney, presented information regarding the need for a Family Advocacy Center. Bill Volckmann presented information regarding the budget impact regarding this item.

Motion by Cupid, second by Sheffield, to **authorize** the creation of new unit 8780, within the District Attorney's Office for Cobb's Family Advocacy Center *with the removal of BOC contingency funding*; **authorize** the revised corresponding budget and personnel transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	010-170-8780-4980	Fund Balance	\$458,300.00
		Appropriation	
	010-170-8780-6116	General Office	\$ 6,000.00
		Supplies	
	010-170-8780- 6166	Food Services	\$ 1,800.00
	010-170-8780-6197	Signage	\$25,000.00
	010-170-8780-6200	Uniforms	\$ 1,000.00
	010-170-8780-6258	Accountable	\$35,000.00
		Equipment	
	010-170-8780-6385	Car/Portable phones	\$ 3,000.00
	010-170-8780-6394	Registration	\$ 3,750.00
	010-170-8780-6400	Travel/Training	\$ 7,500.00
	010-170-8780-6438	General Printing	\$ 5,000.00
	010-170-8780-6470	Public Utility	\$33,750.00
	010-170-8780-6491	Annual Main Contracts	\$10,000.00
	010-170-8780-6578	Janitorial	\$10,500.00
	010-170-8780-6584	Memberships	\$ 1,000.00
	010-170-8780-8130	Materials & Supplies	\$150,000.00
	010-170-8780-8481	Security Equipment	\$130,000.00
	010-170-8780-8605	Auto	\$35,000.00

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

Transportation

Drew Raessler, Transportation Agency Director, presented information regarding the 2024 Mobility Special Purpose Local Options Sales Tax referenced in the following three items.

26. **To approve Project No. TR523-TO#1 to the 2022 Master Task Order Contract with WSP USA, Inc., for planning services related to the development of a project list for a 2024 Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002101.**

Motion by Cupid, second by Richardson, to **approve** Project No. TR523-TO#1 to the 2022 Master Task Order Contract with WSP USA, Inc., in an amount not to exceed \$207,205.00, for planning services related to the development of a project list for a 2024 Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002101; and **authorize** the Chairwoman to execute the necessary documents.

Available in the Public Facility Projects Fund, as follows:

Available:	380-050-4727-6326-TR523-E	Professional Services	\$207,205.00
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VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrill opposed
(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)

27. **To approve Project No. TR523-TO#1 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., for planning services related to the development of a project list for a 2024 Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002100.**

Motion by Cupid, second by Richardson, to **approve** Project No. TR523-TO#1 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$192,795.00, for planning services related to the development of a project list for a 2024 Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002100; and **authorize** the Chairwoman to execute the necessary documents.

Available in the Public Facility Projects Fund, as follows:

Available:	380-050-4727-6326-TR523-E	Professional Services	\$192,795.00
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VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrill opposed
(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)

28. To approve Project No. TR523-TO#2 to the 2022 Master Task Order Contract with CDM Smith, Inc., for planning services related to the development of a project list for a 2024 Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002102.

Motion by Cupid, second by Richardson, to **approve** Project No. TR523-TO#2 to the 2022 Master Task Order Contract with CDM Smith, Inc., in an amount not to exceed \$129,839.00, for planning services related to the development of a project list for a 2024 Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002102; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Public Facility Projects Fund, with the following budget transactions:

Decrease Expenditure:	380-050-4655-8005	Preliminary Estimate	\$129,839.00
Increase Expenditure:	380-050-4727-6326-TR523-E	Professional Services	\$129,839.00

VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrell opposed
(Statements read by Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes)

29. To approve Project No. B2732-TO#1 to the 2022 Master Task Order Contract with RS&H, Inc., for engineering design of Pete Shaw Road Sidewalk, CCDOT Contract No. 002052.

Motion by Birrell, second by Cupid, to **approve** Project No. B2732-TO#1 to the 2022 Master Task Order Contract with RS&H, Inc., in an amount not to exceed \$383,049.00, for engineering design of Pete Shaw Road Sidewalk, CCDOT Contract No. 002052; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B270-B270-8005-B2730-A	Preliminary Estimate	\$383,049.00
Transfer to:	348-050-B270-B270-8722-B2732-E	Engineering	\$383,049.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Sidewalk Improvements.

Pete Shaw Road Sidewalk is an eligible project/program under the Sidewalk Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 16). SPLOST funding for sidewalk improvements will provide construction of sidewalks and other pedestrian improvements, including pedestrian bridges, along roadways in the vicinity of schools, activity centers, multimodal facilities, and other congested areas.

SPLOST Project Summary as of February 1, 2023: Pete Shaw Road Sidewalk (new project as of 02/28/23)

Budget:	\$0.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$383,049.00
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VOTE: ADOPTED 5-0 (*Statements read by Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*)

30. To ratify previous action by the County Manager authorizing emergency drainage repairs on Fairgreen Drive, and approve Project No. B2278 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for said repairs, CCDOT Contract No. 002099.

Motion by Richardson, second by Gambrill, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Fairgreen Drive, in response to a sinkhole and voids; **approve** Project No. B2278 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., in an amount not to exceed \$198,104.75, for said repairs, CCDOT Contract No. 002099; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$148,870.75
Transfer to:	348-050-B220-B220-8762-B2278-C	Turnkey Construction	\$148,870.75

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Fairgreen Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for drainage system improvements will provide for the repair and replacement of existing drainage facilities within the county right-of-way.

SPLOST Component Summary as of February 1, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$4,380,644.37
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Available in the Water System DOT Projects – Relocate Lines Adopted CIP Budget and the Water System Stormwater Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$20,000.00
	Stormwater Multi-Year Budget		
	510-500-5758-6496-SW9999-Z	Drainage Contract R&M Svc.	<u>\$29,234.00</u>
		Total:	\$49,234.00
Transfer to:	4111 Fairgreen Drive Drainage	Emrg.-Utility Allow.	
	510-500-5756-6496-W5073-C	Drainage Contract R&M Svc.	\$49,234.00

VOTE: **ADOPTED 5-0** (Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)

31. To approve a contract with Excellere Construction, LLC for drainage system repairs on Owl Creek Drive, Project No. B2273, CCDOT Contract No. 002090.

Motion by Gambrill, second by Richardson, to **approve** a contract with Excellere Construction, LLC, in an amount not to exceed \$97,100.00, for drainage system repairs on Owl Creek Drive, Project No. B2273, CCDOT Contract No. 002090; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$97,100.00
Transfer to:	348-050-B220-B220-8762-B2273-C	Turnkey Construction	\$97,100.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Owl Creek Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for drainage system improvements will provide for the repair and replacement of existing drainage facilities within the county right-of-way.

SPLOST Component Summary as of February 1, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$4,380,644.37
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VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

32. **To approve Change Order No. 1 (final) to the contract with Glosson Enterprises, LLC for safety and operational improvements on Campus Loop Road at Big Shanty Road, Project No. X2303, CCDOT Contract No. 001182.**

Motion by Birrell, second by Cupid, to **approve** Change Order No. 1 (final) to the contract with Glosson Enterprises, LLC, a savings to the project in the amount of \$147,612.11, for safety and operational improvements on Campus Loop Road at Big Shanty Road, Project No. X2303, CCDOT Contract No. 001182; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34704262226: 347-050-X230-X230-8762-X2303-C Turnkey Construction \$100,589.11

Transfer from: 347-050-X230-X230-8762-X2303-C Turnkey Construction \$100,589.11

Transfer to: 347-050-X230-X230-8761-X2303-C Preliminary Estimate \$100,589.11

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, Intersection Improvements.

Campus Loop Road at Big Shanty Road is an eligible project/program under the Safety and Operational Improvements - Intersection Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 16).

SPLOST Project Summary as of February 1, 2023: Campus Loop Road/Big Shanty Road/Chastain Road

Budget:	\$746,319.86	Expended:	\$623,067.11
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A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51004262226:	510-500-5756-8260-W4432-C	Construction	\$47,023.00
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Transfer from:	Campus Loop at Big Shanty Road		
	510-500-5756-8260-W4432-C	Construction	\$47,023.00
	510-500-5756-8265-W4432-M	Materials and Supplies	\$ 7,500.00
	510-500-5756-8810-W4432-T	Contingency	\$ 2,910.00
		Total:	\$57,433.00

Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$57,433.00

VOTE: ADOPTED 5-0 (Statements read by Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes)

33. To approve Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., for drainage system repairs on Gramercy Drive, Project No. B2241, CCDOT Contract No. 001951.

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., a savings to the project in the amount of \$1,216.56, for drainage system repairs on Gramercy Drive, Project No. B2241, CCDOT Contract No. 001951; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34809132244: 348-050-B220-B220-8762-B2241-C Turnkey Construction \$1,216.56

Transfer from: 348-050-B220-B220-8762-B2241-C Turnkey Construction \$1,216.56

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$1,216.56

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Gramercy Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of February 1, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$4,380,644.37
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VOTE: **ADOPTED 5-0** (Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)

34. To approve Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., for drainage system repairs on Shallow Ridge Road, Project No. B2239, CCDOT Contract No. 001958.

Motion by Birrell, second by Cupid, to **approve** Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., a savings to the project in the amount of \$65,308.97, for drainage system repairs on Shallow Ridge Road, Project No. B2239, CCDOT Contract No. 001958; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34808232235:	348-050-B220-B220-8762-B2239-C	Turnkey Construction	\$50,308.97
Transfer from:	348-050-B220-B220-8762-B2239-C	Turnkey Construction	\$50,308.97
Transfer to:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$50,308.97

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Shallow Ridge Road is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of February 1, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$4,380,644.37
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A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51008232235:	510-500-5756-6496-W5063-C	Drainage Contract R&M Svc.	\$15,000.00
Transfer from:	Shallow Ridge Road -	Utility Allowance	
	510-500-5756-6496-W5063-C	Drainage Contract R&M Svc.	\$15,000.00
	510-500-5756-8265-W5063-M	Materials and Supplies	\$ 1,500.00
	510-500-5756-8810-W5063-T	Contingency	\$ 300.00
		Total:	\$16,800.00
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$16,800.00

VOTE: ADOPTED 5-0 (Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)

MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 28, 2023
7:00 PM

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Support Services Agency

Information Services

35. To authorize the Purchasing Director to purchase networking equipment and deployment services greater than \$100,000.00 under provisions of State of Georgia Department of Administrative Services (DOAS) contracts from Prosys Information Systems, Inc (Prosys) and M.C. Dean, Inc., for the wireless network replacement project. This is partially funded by 2022 SPLOST projects B0010 and B0020.

Motion by Cupid, second by Richardson, to **authorize** the Purchasing Director to purchase wireless network equipment and deployment services from Prosys Information Systems, Inc., under provisions of State of Georgia Department of Administrative Services (DOAS) Networking Equipment and IT Infrastructure Products contract #99999-SPD-T20120501-0006, in an amount not to exceed \$1,540,091.97; **authorize** wiring and installation services from M.C. Dean, Inc., under provisions of DOAS Integrated Security contract # 99999-SPD000172, in an amount not to exceed \$20,972.50, 2022 SPLOST projects B0010 and B0020; and **further authorize** the corresponding budget transactions.

Funding will be available in the 2022 SPLOST Technology Improvement Program Budget with the following transactions:

General Fund (Capital Projects)

Decrease Expenditure:	010-035-0400-8005	Preliminary Estimates	\$ 500,000.00
Increase Expenditure:	010-035-0400-6594	Interfund Transfer Exp	\$ 500,000.00

Public Facilities Fund (Cyber Security)

Decrease Expenditure:	380-035-4538-8005	Preliminary Estimates	\$ 561,064.47
Increase Expenditure:	380-035-4538-6594	Interfund Transfer Exp	\$ 561,064.47

2022 SPLOST Fund (Projects B0010, B0020)

Increase Revenue:	348-035-B002-4960-B0020-M	Interfund Transfer Rev	\$1,061,064.47
Decrease Expenditure:	348-035-B001-8005-B0010-A	Preliminary Estimates	\$ 500,000.00
Increase Expenditure:	348-035-B002-8420-B0020-M	Computer Equipment	\$1,540,091.97
Increase Expenditure:	348-035-B002-6328-B0020-M	Installation Services	\$ 20,972.50

To authorize the Purchasing Director to purchase networking equipment and deployment services greater than \$100,000.00 under provisions of State of Georgia Department of Administrative Services (DOAS) contracts from Prosys Information Systems, Inc (Prosys) and M.C. Dean, Inc., for the wireless network replacement project. This is partially funded by 2022 SPLOST projects B0010 and B0020 (CONT).

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, Countywide Improvements and Support Services/Information Services.

Wireless Network Upgrades are an eligible project/program under the Countywide Improvements/ Improvements to Judicial Technology and Support Services, Information Services/ Technology Infrastructure Upgrades component of the 2022 SPLOST (2022 Cobb SPLOST, pg. 5, 41).

2022 SPLOST Project Summary as of February 1, 2023:

IS-Judicial Technology Improvements, B0010	
Current Budget:	\$18,000,000.00
Encumbrances:	\$ 26,500.00
Actual Expenditures:	\$ 17,708.10
Remaining in Program:	\$17,955,791.90

IS-Technology Infrastructure Upgrades, B0020	
Current Budget:	\$6,000,000.00
Encumbrances	\$ 0.00
Actual Expenditures:	\$ 0.00
Remaining in Program:	\$6,000,000.00

VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

PUBLIC COMMENT

1. Kevin Redman addressed the Board regarding Home Rule.
2. Craig Harfoot addressed the Board regarding various matters.
3. William Parker addressed the Board regarding transit.
4. Denny Wilson addressed the Board regarding the future plans for Magnolia Crossing.
5. Pamela Reardon addressed the Board regarding redistricting and transportation.
6. Ginny Choate addressed the Board regarding transit tax.

MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 28, 2023
7:00 PM

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APPOINTMENTS

36. **To approve the appointment of Jason Shepherd to the Development Authority of Cobb County.**

Motion by Gambrill, second by Richardson, to **approve** the appointment of Jason Shepard to the Development Authority of Cobb County for a four-year term to expire on March 13, 2027. This appointment will replace J.C. Bradberry.

VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

37. **To announce the reappointment of Forrest Shealy to the Transit System Advisory Board.**

Commissioner Gambrill **announced** the reappointment of Forrest Shealy to the Transit System Advisory Board for a two-year term to expire on February 13, 2025.

38. **To approve the appointment of Jerry Cooper to the Board of Tax Assessors.**

Motion by Birrell, second by Cupid, to **approve** the appointment of Jerry Cooper to the Board of Tax Assessors for a four-year term to expire on December 31, 2026. This appointment will replace Jack Demarest.

VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

39. **To announce the reappointment of Cherie Newton to the Transit System Advisory Board.**

Commissioner Birrell **announced** the reappointment of Cherie Newton to the Transit System Advisory Board for a two-year term to expire on February 13, 2025.

ADJOURNMENT

The meeting was adjourned at 9:51 p.m.


Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

For the record, please add to each vote taken:

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map 3 times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Board of Elections on November 15, 2022.

From: Commissioner Keli Gambrill

To: Cobb County Clerk

Statement to be attached to all agenda items considered.

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

In addition, the Georgia Supreme Court has ruled, that the GA Constitution Limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General Assembly by general law has preempted, like the redistricting map here in Cobb Co. *Commissioners of Wayne Co. v. Smith* 240 Ga. 540 (1978); *Brophy v. McCranie* 264 Ga. 187 (1994).

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. *Bodker v. Taylor*, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).

In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, "You should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to be a comment on whether the Amendment is allowable under state law or a proper exercise of authority by the Cobb County Commission, nor should you rely on it to attempt to establish the validity of the Amendment." "In fact," he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply with Georgia Law or the state Constitution."

With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

In a letter dated October 3, 2022 Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

Just last month, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

Quotes by DaShanne Stokes, "Leadership by deception isn't leadership. It's fraud. Truth is hard, propaganda is cheap."

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

Resolution

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS SET
FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 28th of February 2023

Reference No.

21



COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

P.O. Box 649
Marietta, GA 30061-0649
Phone (770) 528-2128 Fax: (770) 528-2126
jessica.guinn@cobbcounty.org

Jessica Guinn, AICP
Director

CERTIFIED MAIL
7020 0090 0000 6545 4257

February 7, 2023

The Honorable Derek Easterling
Mayor
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144

Re: Petition for Annexation – Land Lots 208, 20th District, Parcel 20020801300; 1650 N. Cobb Parkway, Cobb County, Georgia; Notice of Non-Objection.

Dear Mayor Easterling:

We are in receipt of the above-referenced annexation request. Please accept this response to the annexation proposal for 1650 N. Cobb Parkway. The subject property is currently zoned MHP (Mobile Home Park) and is within areas identified as MDR (Medium Density Residential) and CAC (Community Activity Center) according to the Cobb County Future Land Use Map. The subject property has the required contiguity for annexation and annexing would not create an unincorporated island. The CAC (Community Activity Center) category is shown to be most of the property. The MDR (Medium Density Residential) area according to the Cobb County Future Land Use Map appears to have been left over from the mobile home park. This tract of land is located within the traffic pattern zone for McCollum International Airport.

Based on our HB 489 Intergovernmental Agreement, this is an objectionable request. However, due to the unique circumstances of this property and the surrounding uses, Cobb County does not object to the pending request with the following stipulations in accordance with the Intergovernmental Agreement and O.C.G.A. § 36-36-112:

1. The applicant provides a 40-foot landscape buffer adjacent to the south property line.

In summary, please accept this letter as the County's formal **notice of non-objection with stipulations** to the proposed annexation. Please see the attached comments from the Cobb County departments below. Should you have any questions or need any additional information, please contact Donald Wells, Intergovernmental Coordinator, at (770) 528-2199 or donald.wells@cobbcounty.org.

Reference No.

-19

Re: Petition for Annexation – Land Lots 208, 20th District, Parcel 20020801300; 1650 N. Cobb Parkway, Cobb County, Georgia; Notice of Non-Objection.

Sincerely,

Lisa Cupid, Chairwoman

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Angela Cunningham- Deputy Clerk- Via Email
Leila Washington- Deputy Clerk- Via Email
Darryl Simmons, Planning & Zoning Administrator, City of Kennesaw— Via Email
Dr. Jeff Drobney, City Manager, City of Kennesaw- Via Email
Albert Treviño, Assistant Zoning Administrator & Planner, City of Kennesaw- Via Email
Taney Aviles, Zoning Clerk, City of Kennesaw- Via Email

Best!

*Equal Opportunity Employer
www.cobbcounty.org*

Cobb County..Expect the

Re: Petition for Annexation – Land Lots 208, 20th District, Parcel 20020801300; 1650 N. Cobb Parkway, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,

Keli A. Gambrill

Keli Gambrill, District 1 Commissioner

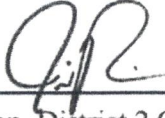
cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Angela Cunningham- Deputy Clerk- Via Email
Leila Washington- Deputy Clerk- Via Email
Darryl Simmons, Planning & Zoning Administrator, City of Kennesaw— Via Email
Dr. Jeff Drobney, City Manager, City of Kennesaw- Via Email
Albert Treviño, Assistant Zoning Administrator & Planner, City of Kennesaw- Via Email
Taney Aviles, Zoning Clerk, City of Kennesaw- Via Email

Cobb County...Expect the

Re: Petition for Annexation – Land Lots 208, 20th District, Parcel 20020801300; 1650 N. Cobb Parkway, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,



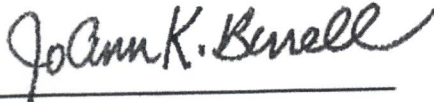
Jerica Richardson, District 2 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Angela Cunningham- Deputy Clerk- Via Email
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Darryl Simmons, Planning & Zoning Administrator, City of Kennesaw— Via Email
Dr. Jeff Drobney, City Manager, City of Kennesaw- Via Email
Albert Treviño, Assistant Zoning Administrator & Planner, City of Kennesaw- Via Email
Taney Aviles, Zoning Clerk, City of Kennesaw- Via Email

Re: Petition for Annexation – Land Lots 208, 20th District, Parcel 20020801300; 1650 N. Cobb Parkway, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,



JoAnn K. Birrell, District 3 Commissioner

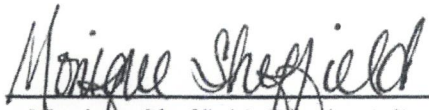
cc: Jackie McMorris, County Manager – Via Email
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Albert Treviño, Assistant Zoning Administrator & Planner, City of Kennesaw- Via Email
Taney Aviles, Zoning Clerk, City of Kennesaw- Via Email

Cobb County...Expect the

Re: Petition for Annexation – Land Lots 208, 20th District, Parcel 20020801300; 1650 N. Cobb Parkway, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,


Monique Sheffield, District 4 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Angela Cunningham- Deputy Clerk- Via Email
Leila Washington- Deputy Clerk- Via Email
Darryl Simmons, Planning & Zoning Administrator, City of Kennesaw— Via Email
Dr. Jeff Drobney, City Manager, City of Kennesaw- Via Email
Albert Treviño, Assistant Zoning Administrator & Planner, City of Kennesaw- Via Email
Taney Aviles, Zoning Clerk, City of Kennesaw- Via Email

County Staff Comments and Recommendations

1650 North Cobb Parkway
City of Kennesaw

Water System- Tim Davidson

Water service for 1650 N Cobb Parkway is provided by the existing CCWS water main in Ernest Barrett Parkway.

Wastewater for the parcel is treated at the Noonday WRF where there currently is sufficient capacity. Permit issuances are subject to continued WRF compliance with EPD discharge requirements.

Because CCWS will continue to own and maintain water and sewer facilities in public rights-of-way and public easements, there would be no infrastructure loss.

Planning- Historic Preservation-Mandy Elliott

No comment

Cobb County Fire Marshal's Office-Rock Toler

No objection to the annexation proposal.

GIS- Brad Gordon

No objections from a GIS or addressing perspective.

Stormwater Management- Carl Carver

Stormwater Management has no issues with annexation. The design of the site will need to accommodate an existing detention pond serving the adjacent property located at 1881 North Cobb Parkway.

County Staff Comments and Recommendations

1650 North Cobb Parkway
City of Kennesaw

Cobb DOT-James Washington

Recommend developer install a deceleration lane along Barrett Parkway at proposed driveway.

Developer shall establish sidewalk connection from proposed building or parking lot area to existing sidewalk along Barrett Parkway.

Developer shall replace any broken curb, gutter, or sidewalk along Barrett Parkway.

Developer shall submit to Steven Spencer to determine if FAA studies are required for the proposed development.

Developer shall submit to Cobb Community Development for plan review for approval of proposed driveway.

Right-of-way donation along Barrett Parkway may be required for this development. To be determined during plan review.

Cobb Parkway is maintained by Georgia Department of Transportation. A GDOT permit is required for any encroachments into GDOT right-of-way. Developer shall contact GDOT for any necessary permit approvals.

Code Enforcement- Brent Farrell

No active cases at this location.

Cemetery Preservation Committee- Helga Hong

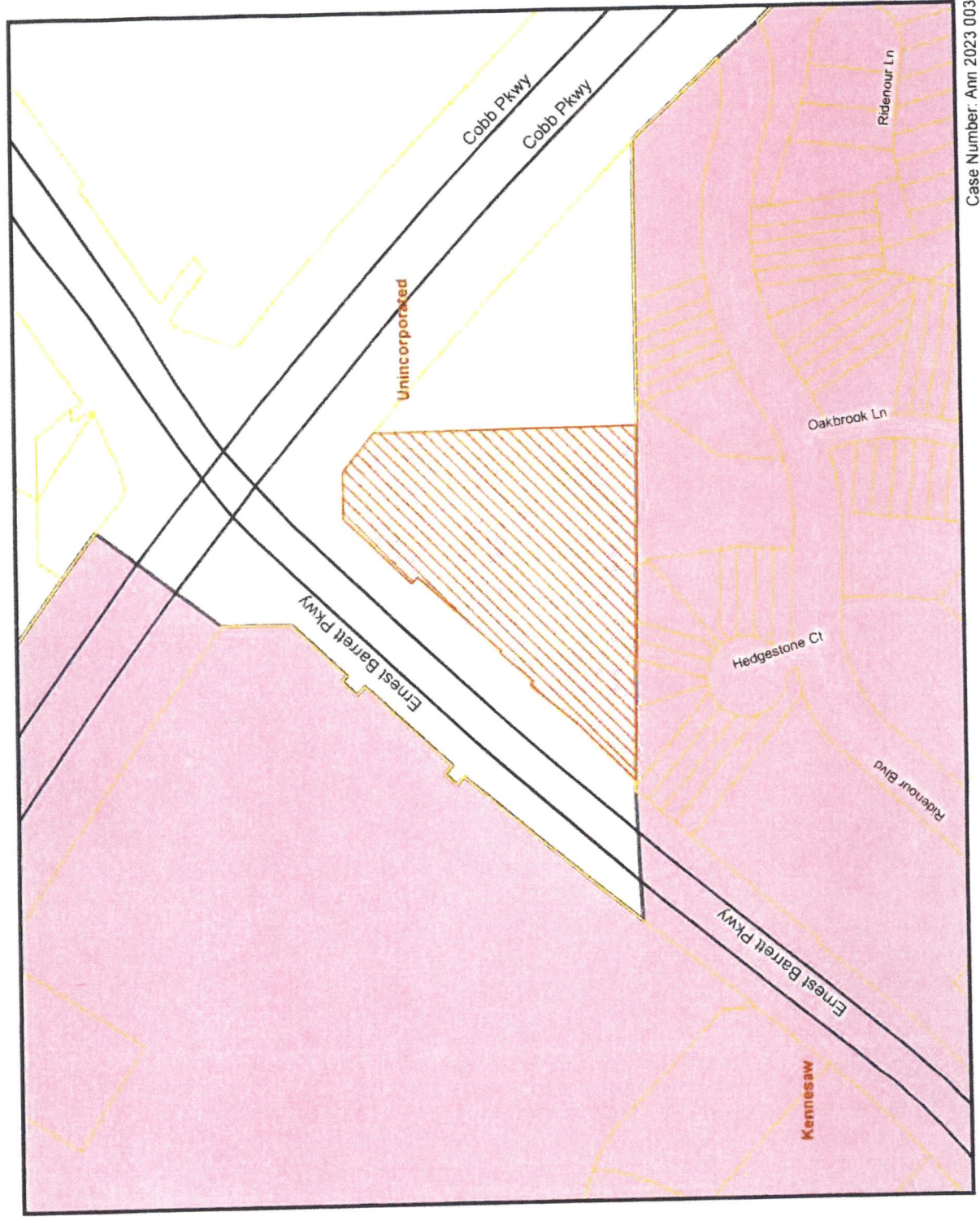
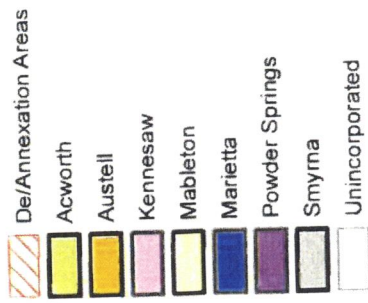
No comments

De/Annexation Location Map

February 2023

20th District
Landlot: 0208
Parcel: 130

Legend





Cobb County Community Development Agency
Planning Division
Annexation Analysis

Report Prepared by: Donald Wells, Intergovernmental Coordinator
Deadline for Response to City: 2/8/2023

BOC Commissioner District: 3 (Birrell)
BOC Agenda Deadline: 2/17/2023
City of Annexation: City of Kennesaw
Applicant: Marcos Ergas
Property Location: 1650 North Cobb Parkway
Land Lot/District: Land Lot 208/ 20th District
PID(s): 20020801300
Acreage: 2.20
Road Access: Ernest Barrett Parkway
Current County Zoning: MHP (Mobile Home Park)
Proposed City Zoning: GC (General Commercial)
Proposed Use: Climate Controlled Self Storage Facility
Proposed Density: N/A
Future Land Use Designation: CAC / MDR
Consistent with HB 489 LUA: No

Comments: The City of Kennesaw has petitioned to annex 2.20 acres by the 100% method. The subject property has the required contiguity with the existing Kennesaw boundary for annexation. No unincorporated islands would be created or extended with the proposed annexation. There are no county buildings or facilities on the property. This property is currently undeveloped and wooded and appears to be remnants of the mobile home park property. The Cobb County Future Land Use Plan designates this area as Medium Density Residential and a Community Activity Center. Approximately 68 percent of the property is in the CAC land use category. The applicant is proposing a 4-story 122,940 square-foot climate-controlled self-storage facility.



Cobb County Community Development Agency
Planning Division
Annexation Analysis

Recommendation: Non-Objection with Stipulations

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Legend

- De/Annexation Areas
- Acworth
- Austell
- Kennesaw
- Mableton
- Marietta
- Powder Springs
- Smyma
- Unincorporated

