

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 14, 2023
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, March 14, 2023 at 9:00 a.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 Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 9:30 a.m.

PRESENTATIONS

1. **To present the 2022 Silver Eagle Award on behalf of the Cobb County Management Team.**

Ross Cavitt, Communications Director presented the 2022 Silver Eagle Award to Kimberly Lemley, Information Services Director.

The Silver Eagle is presented annually on behalf of the Cobb County Management Team to the individual who has demonstrated teamwork and exhibited outstanding leadership among the Department Management Team during the 2022 calendar year.

PUBLIC HEARING

2. **To conduct a public hearing to establish a contract with a consulting firm to provide consolidated state and federal legislative consulting services for Cobb County.**

Jimmy Gisi, Deputy County Manager, requested a public hearing be held prior to the establishment of a contract where the contract fees will likely exceed \$100,000.00 for consolidated state and federal legislative consulting services.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward to address the Board. Following two speakers, the public hearing was closed.

No official action was taken by the Board.

3. **To conduct a public hearing recognizing the Atlanta Regional Commission Regional Review Finding, which approves the Chattahoochee River Corridor certification of compliance for construction of Chattahoochee River Trail Pedestrian Improvements, Phase 1, CCDOT Project No. X2780.**

Drew Raessler, Transportation Agency Director, requested a public hearing regarding the Chattahoochee River Corridor certification of compliance for construction of Chattahoochee River Trail Pedestrian Improvements, Phase 1, CCDOT Project No. X2780.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward to address the Board. Following one speaker, the public hearing was closed and the following motion was made:

Motion by Sheffield, second by Cupid, to **recognize** the Atlanta Regional Commission Regional Review Finding, which approves the Chattahoochee River Corridor certification of compliance for construction of Chattahoochee River Trail Pedestrian Improvements, Phase 1, CCDOT Project No. X2780.

Clerk's Note: *Prior to the vote Commissioner Birrell and Commissioner Gambrill requested the following statements that is on file in the County Clerk's office be attached to each vote and made a part of these minutes:*

Commissioner Birrell's statement

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's statement

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 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.

In January, 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.

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

PUBLIC COMMENT

1. Christine Rozman addressed the Board regarding consultants and DEI.
2. Craig Harfoot addressed the Board regarding consultants.
3. Mindy Segar addressed the Board regarding the Be SMART program.

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 the correction of a scrivener's error in the October 18, 2022 Board of Commissioners' Zoning Hearing Minutes for O.B. 41.
- To authorize the settlement of Trina Lomax v. Cobb County, Georgia and Travis Dale Herink, Civil Action File No. 22-1-03327, in the Superior Court of Cobb County, Georgia
- To authorize settlement of a workers' compensation claim on behalf of Brenda Owenby.
- To authorize settlement of workers' compensation claims on behalf of Mark E. Taylor.
- To authorize settlement of workers' compensation claim on behalf of Lester Maddox III.

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

CONSENT AGENDA

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

- Consent Item 21, DPS – To approve a resolution regarding personnel fees, *withdrawn from this agenda*
- Consent Item 23, Economic Development – To adopt a resolution regarding Meredith Park, *withdrawn from this agenda*

District Attorney

4. **To authorize the application for a Bureau of Justice Assistance FY 2023 Smart Prosecution - Innovative Prosecution Solutions Competitive Grant.**

To **authorize** the application for a Bureau of Justice Assistance FY 2023 Smart Prosecution - Innovative Prosecution Solutions Competitive Grant and submit the application electronically as required.

Juvenile Court

5. To authorize the application for grant funds from the Criminal Justice Coordinating Council for the Juvenile Justice Incentive Grant Programs grant.

To **authorize** the grant application to the Criminal Justice Coordinating Council for the Juvenile Justice Incentive Grant.

Water System

6. To approve final funding for the emergency work order under the Unit Price Contract for Water, Sewer, and Miscellaneous Services with K. M. Davis Contracting Co., Inc. for Mill Bridge Drive Sewer Emergency Repairs, Program No. S3035.

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 \$248,752.10, for Mill Bridge Drive Sewer Emergency Repairs, Program No. S3035; **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 Mill Bridge Drive Sewer Emergency Repairs, Program No. S3035.

Decrease Encumbrance:

GAE 51011172002	510-500-5755-8260	S3035-C	\$248,752.10
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Transfer from:

Mill Bridge Drive Sewer Emergency Repairs

Construction	510-500-5755-8260	S3035-C	\$248,752.10
Interest Expense on Retainage	510-500-5755-6613	S3035-A	\$ 3,623.51
Easements & Right-of-Way	510-500-5755-8020	S3035-R	\$ 15,000.00
Materials & Supplies	510-500-5755-8265	S3035-M	\$ 1,000.00
Contingency	510-500-5755-8810	S3035-T	\$ 29,000.00
Total			\$297,375.61

Transfer to:

Unidentified New/Replacement Sewer Lines

Preliminary Estimates	510-500-5755-8005	S2503-Z	\$297,375.61
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7. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc. for 3616 Nessa Court, Program No. SW2195.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc., in the amount of \$141,591.48, for 3616 Nessa Court, Program No. SW2195; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$141,591.48
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Transfer to:

3616 Nessa Court

Drainage Contract R&M Service	510-500-5758-6496	SW2195-C	\$141,591.48
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8. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with K.M. Davis Contracting Co., Inc. for 5834 Brookstone Overlook, Program No. SW2227.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with K.M. Davis Contracting Co., Inc., in the amount of \$123,059.00, for 5834 Brookstone Overlook, Program No. SW2227; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$123,059.00
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Transfer to:

5834 Brookstone Overlook

Drainage Contract R&M Service	510-500-5758-6496	SW2227-C	\$123,059.00
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9. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co., Inc. for 4656 Newell Drive, Program No. SW2237.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co., Inc., in the amount of \$143,420.00, for 4656 Newell Drive, Program No. SW2237; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$143,420.00
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Transfer to:

4656 Newell Drive

Drainage Contract R&M Service	510-500-5758-6496	SW2237-C	\$143,420.00
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10. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc. for 2911 Shillingford Court, Program No. SW2236.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc., in the amount of \$84,013.00, for 2911 Shillingford Court, Program No. SW2236; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$84,013.00
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Transfer to:

2911 Shillingford Court

Drainage Contract R&M Service	510-500-5758-6496	SW2236-C	\$84,013.00
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11. **To authorize the First Amendment to the Intergovernmental Agreement Regarding Wastewater Service between Cobb County and Douglasville-Douglas County Water and Sewer Authority and authorize the Chairwoman to execute associated easement documents and encroachment agreement.**

To **authorize** the First Amendment to Intergovernmental Agreement Regarding Wastewater Service with Douglasville-Douglas County Water and Sewer Authority; **authorize** the Chairwoman to execute associated easement documents and encroachment agreement; and **further authorize** the Chairwoman to execute other necessary documents.

12. **To approve an agreement with Itineris NA, Inc. (Itineris) for a new Water Billing Software, Program No. C0173.**

To **approve** an agreement with Itineris NA, Inc., in an amount not to exceed \$2,747,760.00, for Water Billing Software, Program No. C0173; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Billing System Upgrades

Preliminary Estimates	510-500-5752-8005	C0115-Z	\$2,964,036.96
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Transfer to:

Water Billing Software

Computer Software	510-500-5752-8675	C0173-P	\$2,747,760.00
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Professional Services

(MS Dynamics-Implementation)	510-500-5752-8676	C0173-A	\$ 146,276.96
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Accountable Items

(32 Tablets)	510-500-5752-8676	C0173-P	\$ 70,000.00
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Total			\$2,964,036.96
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13. **To approve additional funding for the work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc. for 2167 Tully Wren, Program No. SW2230.**

To **approve** additional funding for the work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc., in the amount of \$178,480.00, for 2167 Tully Wren, Program No. SW2230; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Increase Encumbrance:

GAE 51001242313	510-500-5758-6496	SW2230-C	\$178,480.00
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Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$178,480.00
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Transfer to:

2167 Tully Wren

Drainage Contract R&M Service	510-500-5758-6496	SW2230-C	\$178,480.00
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Public Services Agency

PARKS

14. **To authorize the submittal of the National Register of Historic Places nomination for the Power-Hyde Historic District to the Georgia Department of Community Affairs, Historic Preservation Division for review and consideration.**

To **authorize** the submittal of the National Register of Historic Places nomination for the Power-Hyde Historic District to the Georgia Department of Community Affairs, Historic Preservation Division for review and consideration; and **further authorize** the Chairwoman to execute the necessary documents.

15. **To authorize acceptance of a donation from the North Georgia State Fair (NGSF) Board for improvements at Jim R. Miller Park.**

To **authorize** acceptance of the donation in the amount of \$300,000.00 from the North Georgia State Fair for improvements at Jim R. Miller Park; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	010-105-3200-4920	(Gifts & Donations)	\$300,000.00
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Support Services Agency

Support Services Administration

16. **To authorize the application for and acceptance of grant funds from the Department of Energy, Energy Efficiency and Conservation Block Grant Program.**

To **authorize** the application for and acceptance of grant funds from the Department of Energy, Energy Efficiency and Conservation Block Grant Program; **authorize** the corresponding budget transactions; and **authorize** the Chairwoman to execute the necessary documents; and **further authorize** the Support Services Agency, Public Services Agency and Finance Department to sign programmatic and finance reports for submission.

Property Management

17. **To approve a Design/Build contract with John W. Spratlin and Son LLC with the initial phase to include only the design, project fee, and general conditions costs, for the replacement of Fire Station 2.**

To **approve** a two-part design/build contract with John W. Spratlin and Son LLC, with the initial phase contract amount of \$940,970.00, to include only the design, project fee, and general conditions costs, for the replacement Fire Station 2, located at 208 Barber Rd, Marietta; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Fire Fund as follows:

230-130-1000-8125	(Construction Expenditures-New Bldgs)	\$940,970.00
Create GAE in the amount of \$940,970.00		

Purchasing

18. **To approve the award of a contract with Carahsoft Technology Corp., CDW Government LLC, Insight Public Sector Inc., Iron Bow Technologies LLC, and Presidio Networked Solutions LLC for technology product solutions and related services.**

To **approve** the award of a contract with Carahsoft Technology Corp., CDW Government LLC, Insight Public Sector Inc., Iron Bow Technologies LLC, and Presidio Networked Solutions LLC for technology product solutions and related services that will be available to Cobb County Government but also, on a national level, to all state and local governmental entities, public and private primary, secondary and higher education entities, non-profit entities, and agencies for the public benefit under the auspices of the OMNIA Partners, Public Sector cooperative purchasing program; and **authorize** the Chairwoman and the Purchasing Director to execute the necessary documents and any subsequent amendments such as renewals, price changes, etc.

Public Safety Agency

19. To create a full-time Administrative Specialist II position, Grade 102, within the Internal Affairs unit of the Police Department, and delete two vacant, part-time positions, Grade 102P.

To **authorize** the creation of a full-time Administrative Specialist II (1006) position, Grade 102, in FY2023 Police Department, Unit 2100, delete two part-time Administrative Specialist II (8115008, 8115009) positions, Grade 102P; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the FY2023 personnel budgets as follows:

010-130-2100-6012	Police - Salaries	\$18,665.50
010-130-2100-6032	Police - Disability	\$ 67.00
010-130-2100-6034	Police - FICA	\$ 1,428.50
010-130-2100-6036	Police - Medical	\$10,944.00
010-130-2100-6038	Police - Life	\$ 130.50
010-130-2100-6044	Police - Retirement	\$ 746.50
010-130-2100-6045	Police - Defined Contribution	\$ 5,226.50
010-130-2100-6052	Police - Worker's Compensation	\$ 245.00
010-130-2100-6054	Police - Dental	\$ 201.50
230-130-1000-6012	Fire - Salaries	\$18,665.50
230-130-1000-6032	Fire - Disability	\$ 67.00
230-130-1000-6034	Fire - FICA	\$ 1,428.50
230-130-1000-6036	Fire - Medical	\$10,944.00
230-130-1000-6038	Fire - Life	\$ 130.50
230-130-1000-6044	Fire - Retirement	\$ 746.50
230-130-1000-6045	Fire - Defined Contribution	\$ 5,226.50
230-130-1000-6052	Fire - Worker's Compensation	\$ 245.00
230-130-1000-6054	Fire - Dental	\$ 201.50

Fire Department

20. **To authorize the acceptance of a sponsorship for two firefighting personnel to attend industrial petroleum fire training from the Colonial Pipeline Company.**

To **authorize** the acceptance of a donation, in the amount up to \$8,000.00 for the sponsorship of two firefighting personnel to attend industrial petroleum fire training from the Colonial Pipeline Company, and **further authorize** the corresponding budget transactions.

Funding is available with the following budget appropriation:

Increase Revenue:	230-130-1000-4920	(Gifts & Donations)	\$8,000.00
Increase Expenditure:	230-130-1000-6394	(Registration Fees)	\$4,500.00
Increase Expenditure:	230-130-1000-6400	(Travel Expense - Training)	\$3,500.00

21. **Withdrawal of request to approve a resolution adopting a personnel fee schedule for special fire services prepared and presented by the Fire Chief.**

This item was withdrawn from this agenda.

Emergency Management

22. **To approve a Memorandum of Understanding between Cobb County and the Atlanta Regional Commission for the acceptance of equipment and supplies.**

To **approve** the Memorandum of Understanding between Cobb County and the Atlanta Regional Commission for the acceptance of equipment and supplies with a total value of \$65,950.00 and **authorize** the Chairwoman to execute the necessary documents.

Economic Development

23. **Withdrawal of request to adopt a resolution approving the issuance by the Development Authority of Cobb County of its Revenue Bonds for the purpose of assisting Meredith Park Senior I, LP, a Georgia limited partnership.**

This item was withdrawn from the agenda.

Finance

24. **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.

Internal Audit

25. **To authorize the advertisement for and conduct of a public hearing for the employment of a consultant to provide supplemental internal auditing services, for a contract amount not to exceed \$150,000.00.**

To **authorize** the advertisement for and conduct of a public hearing for the employment of a consultant to provide supplemental internal auditing services, for a contract amount not to exceed \$150,000.00.

County Clerk

26. **To approve minutes.**

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

- February 27, 2023 - Agenda Work Session
- February 28, 2023 - BOC Regular Meeting

27. **To authorize the correction of a scrivener's error in the October 18, 2022 Board of Commissioners' Zoning Hearing Minutes for O.B. 41.**

To **authorize** the correction of a scrivener's error in the October 18, 2022 Board of Commissioners' Zoning Hearing Minutes for O.B. 41 to include the adopted vote count as follows:

- VOTE: ADOPTED 5-0

County Attorney

28. **To authorize the settlement of *Trina Lomax v. Cobb County, Georgia and Travis Dale Herink*, Civil Action File No. 22-1-03327, in the Superior Court of Cobb County, Georgia, and authorize the corresponding budget transactions.**

To **authorize** the settlement of *Trina Lomax v. Cobb County, Georgia and Travis Dale Herink*, Civil Action File No. 22-1-03327, in the Superior Court of Cobb County, Georgia, as discussed in Executive Session on March 13, 2023; and **authorize** the corresponding budget transactions.

Funding is available in account: 710 055 8011 6608

Human Resources

29. To authorize settlement of a workers' compensation claim on behalf of Brenda Owenby.

To **authorize** settlement of the Workers' Compensation claim SBWC 2022-072678 for Brenda Owenby, pursuant to the direction and within the terms discussed in Executive Session on March 13, 2023; and **further authorize** the Human Resources Director and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims Fund.

30. To authorize settlement of workers' compensation claims on behalf of Mark E. Taylor.

To **authorize** settlement of the Workers' Compensation claims SBWC 2022-055947, 2021-118973, and 2022-055948 for Mark E. Taylor, pursuant to the direction and within the terms discussed in Executive Session on March 13, 2023; and **further authorize** the Human Resources Director and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims Fund.

31. To authorize settlement of workers' compensation claim on behalf of Lester Maddox III.

To **authorize** settlement of the Workers' Compensation claim SBWC 2022-030188 for Lester Maddox III, pursuant to the direction and within the terms discussed in Executive Session on March 13, 2023; and **further authorize** the Human Resources Director and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims Fund.

CONSENT VOTE: **ADOPTED 5-0**, *Consent Items 21 and 23, withdrawn from this agenda (Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)*

REGULAR AGENDA

Transportation

32. **To approve a Consultant Services Agreement with Kimley-Horn and Associates, Inc., for transit planning, engineering, and environmental services for Marietta Transit Center Site Selection Study, Project No. E10C05, CCDOT Contract No. 002103.**

Motion by Birrell, second by Sheffield, to **approve** a Consultant Services Agreement with Kimley-Horn and Associates, Inc., in an amount not to exceed \$426,164.00, for transit planning, engineering, and environmental services for Marietta Transit Center Site Selection Study, Project No. E10C05, CCDOT Contract No. 002103; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2011 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	345-050-E010-E10C-8721-E10C0-E	Preliminary Estimate	\$426,164.00
Transfer to:	345-050-E010-E10C-6322-E10C05-E	Planning Services	\$426,164.00

The 2011 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on December 14, 2010, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Transit.

Marietta Transit Center Site Selection Study is an eligible project/program under the Transit Component of the 2011 SPLOST Transportation Improvements (Cobb County 2011 SPLOST, pp. 10, 18). Cobb Parkway (US 41) Corridor improvements include park and ride lots for express bus and future corridor transit enhancements.

SPLOST Project Summary as of March 1, 2023: Marietta Transit Center Site Selection Study:

Budget:	\$5,000.00	Expended:	\$120.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$431,164.00
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VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

33. **To approve a Consultant Services Agreement with Kimley-Horn and Associates, Inc., for transit planning, engineering, and environmental services for South Cobb Transit Center Site Selection Study, Project No. X2417, CCDOT Contract No. 002104.**

Motion by Sheffield, second by Birrell, to **approve** a Consultant Services Agreement with Kimley-Horn and Associates, Inc., in an amount not to exceed \$395,956.00, for transit planning, engineering, and environmental services for South Cobb Transit Center Site Selection Study, Project No. X2417, CCDOT Contract No. 002104; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

34. **To approve a contract with Excellere Construction, LLC for Chestnut Lake Drive Sidewalk, Project No. X2730, CCDOT Contract No. 001923.**

Motion by Richardson, second by Gambrill, to **approve** a contract with Excellere Construction, LLC, in an amount not to exceed \$271,450.00, for Chestnut Lake Drive Sidewalk, Project No. X2730, CCDOT Contract No. 001923; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	347-050-X270-X270-8761-X2730-C	Preliminary Estimate	\$150,000.00
	347-050-X270-X270-8761-X2732-C	Preliminary Estimate	\$121,450.00
Transfer to:	347-050-X270-X270-8762-X2730-C	Turnkey Construction	\$271,450.00

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

Chestnut Lake Drive Sidewalk is an eligible project/program under the Pedestrian Improvements – Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 14). Pedestrian Improvements within Commission District 2 include construction of sidewalks and other pedestrian improvements along roadways in the vicinity of schools, activity centers, multi-modal facilities (transit stops/shelters, etc.), and other congested areas, to include pedestrian bridges where needed.

SPLOST Project Summary as of March 1, 2023: Chestnut Lake Drive Sidewalk

Budget:	\$179,940.50	Expended:	\$3,393.45
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$301,390.50
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

35. To approve a contract with Advanced Sports Construction, LLC for drainage system repairs on Brookside Court and Brookside Drive, Project No. B2257, CCDOT Contract No. 002014.

Motion by Sheffield, second by Birrell, to **approve** a contract with Advanced Sports Construction, LLC, in an amount not to exceed \$162,371.00, for drainage system repairs on Brookside Court and Brookside Drive, Project No. B2257, CCDOT Contract No. 002014; **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	\$127,371.00
Transfer to:	348-050-B220-B220-8762-B2257-C	Turnkey Construction	\$127,371.00

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.

Brookside Court and Brookside 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 March 1, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$5,297,397.15
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Available in the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$37,200.00
Transfer to:	Brookside Court/Brookside Drive-	Utility Allow.	
	510-500-5756-6496-W5074-C	Drainage Contract R&M Svc.	\$35,000.00
	510-500-5756-8265-W5074-M	Materials and Supplies	\$ 1,500.00
	510-500-5756-8810-W5074-T	Contingency	<u>\$ 700.00</u>
		Total:	\$37,200.00

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

36. **To approve Change Order No. 1 (final) to the contract with Excellere Construction, LLC for drainage system repairs on Wentworth Drive, Project No. D2841, CCDOT Contract No. 001743.**

Motion by Birrell, second by Sheffield, to **approve** Change Order No. 1 (final) to the contract with Excellere Construction, LLC, a savings to the project in the amount of \$21,566.84, for drainage system repairs on Wentworth Drive, Project No. D2841, CCDOT Contract No. 001743; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2005 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34008092227: 340-050-7502-D284-8762-D2841-C Turnkey Construction \$16,566.84

Transfer from: 340-050-7502-D284-8762-D2841-C Turnkey Construction \$16,566.84

Transfer to: 340-050-7502-D283-8761-D2831-C Preliminary Estimate \$16,566.84

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

Wentworth Drive is an eligible project/program under the Infrastructure Preservation – Drainage System Improvements Component of the 2005 SPLOST Transportation Improvements (Cobb County 2005 SPLOST, pp. 3, 23).

SPLOST Component Summary as of March 1, 2023: Drainage System Improvements

Budget: \$14,857,863.16 Encumbered/Expended: \$14,832,320.25

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51008092227: 510-500-5756-6496-W5054-C Drainage Contract R&M Svc. \$5,000.00

Transfer from: Wentworth Drive Utility Allowance

510-500-5756-6496-W5054-C Drainage Contract R&M Svc. \$5,000.00

510-500-5756-8265-W5054-M Materials and Supplies \$ 500.00

510-500-5756-8810-W5054-T Contingency \$ 100.00

Total: \$5,600.00

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z Preliminary Estimate \$5,600.00

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

37. **To approve Change Order No. 1 (final) to the contract with C.W. Matthews Contracting Company, Inc., for emergency drainage repairs on Twin Branches Circle, Project No. D2875, CCDOT Contract No. 001794.**

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to the contract with C.W. Matthews Contracting Company, Inc., a savings to the project in the amount of \$27,263.49, for emergency drainage repairs on Twin Branches Circle, Project No. D2875, CCDOT Contract No. 001794; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2005 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34003222244: 340-050-7502-D287-8762-D2875-C Turnkey Construction \$20,120.49

Transfer from: 340-050-7502-D287-8762-D2875-C Turnkey Construction \$20,120.49

Transfer to: 340-050-7502-D287-8761-D2875-C Preliminary Estimate \$20,120.49

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

Twin Branches Circle is an eligible project/program under the Infrastructure Preservation – Drainage System Improvements Component of the 2005 SPLOST Transportation Improvements (Cobb County 2005 SPLOST, pp. 3, 23).

SPLOST Component Summary as of March 1, 2023: Drainage System Improvements

Budget: \$14,857,863.16 Encumbered/Expended: \$14,832,320.25

A savings to the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51003222244: 510-500-5756-6496-W5053-C Drainage Contract R&M Svc. \$7,143.00

Transfer from: Twin Branches Circle Drainage- Utility Allowance

510-500-5756-6496-W5053-C Drainage Contract R&M Svc. \$7,143.00

510-500-5756-8265-W5053-M Materials & Supplies \$1,000.00

510-500-5756-8810-W5053-T Contingency \$ 600.00

Total: \$8,743.00

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z Preliminary Estimate \$8,743.00

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

38. To authorize advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for engineering design services for: South Cobb Drive (SR 280) Traffic Safety Improvements, Project No. B2435; Cobb Parkway (SR 3/US 41) at Black Acre Trail/Third Army Road Intersection Realignment, Project No. B2436; Johnson Ferry Road at Shallowford Road Intersection Improvements, Project No. B2437; Cobb Parkway (SR 3/US 41) Pedestrian Bridge, Project No. TR535; and Swift-Cantrell Park Traffic Signal Installation, Project No. TR536, and authorize issuance of Requests for Qualifications to secure required services.

Motion by Gambrell, second by Richardson, to **authorize** advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for engineering design services for: South Cobb Drive (SR 280) Traffic Safety Improvements, Project No. B2435; Cobb Parkway (SR 3/US 41) at Black Acre Trail/Third Army Road Intersection Realignment, Project No. B2436; Johnson Ferry Road at Shallowford Road Intersection Improvements, Project No. B2437; Cobb Parkway (SR 3/US 41) Pedestrian Bridge, Project No. TR535; and Swift-Cantrell Park Traffic Signal Installation, Project No. TR536; and **authorize** issuance of Requests for Qualifications to secure required services.

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

Public Services Agency

PARKS

39. To approve a contract with Integrated Construction and Nobility, Inc. to provide construction services for the Community Center in Old Clarkdale Park under the 2016 PARKS SPLOST Program.

Motion by Sheffield, second by Birrell, to **approve** a contract with Integrated Construction and Nobility, Inc, in an amount not to exceed \$851,987.31 for the construction of the Community Center at Old Clarkdale Park; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 PARKS SPLOST funds as follows:

347-105-X063-X0634-C-8125	(Old Clarkdale Park)	\$828,733.08
347-105-X065-X0650-A-8125	(PARKS SPLOST Program Wide Contracts)	\$ 23,254.23

SPLOST Project Summary as of February 1, 2023:

Old Clarkdale Park

Budget:	\$2,300,000.00	Expended to Date:	\$1,471,266.92
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SPLOST Program Wide Contracts

Budget:	\$6,487,195.46	Expended to Date:	\$6,269,732.19
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To approve a contract with Integrated Construction and Nobility, Inc. to provide construction services for the Community Center in Old Clarkdale Park under the 2016 PARKS SPLOST Program (CONT).

The 2016 SPLOST, adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Park Improvements for Old Clarkdale Park is an eligible project under the 2016 SPLOST (Cobb County 2016 SPLOST, Page 31). The new Community Center will provide a gathering place for the neighborhood and surrounding community to enjoy.

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

Support Services Agency

Information Services

40. **To approve a sole source contract with Motorola Solutions, Inc. to upgrade and expand the Distributed Antenna System (DAS) within the judicial complex facilities. This is a 2022 SPLOST project, Countywide Improvements to Judicial Technology, Program B0010.**

Motion by Birrell, second by Sheffield, to **approve** a sole source contract with Motorola Solutions, Inc. to upgrade and expand the Distributed Antenna System (DAS) within the judicial complex facilities in an amount not to exceed \$383,750.00; **authorize** a ten percent (10%) contingency fund in the amount of \$38,375.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2022 SPLOST Countywide Improvements to Judicial Technology Program:

Decrease Expenditure:	348-035-B001-8005-B0010-A	Preliminary Est.	\$422,125.00
Increase Expenditure:	348-035-B001-8410-B0010-A	Comm. Equip.	\$383,750.00
Increase Expenditure:	348-035-B001-8005-B0010-A	Contingency	\$ 38,375.00

To approve a sole source contract with Motorola Solutions, Inc. to upgrade and expand the Distributed Antenna System (DAS) within the judicial complex facilities. This is a 2022 SPLOST project, Countywide Improvements to Judicial Technology, Program B0010 (CONT).

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020 and approved by the voters of Cobb County on November 3, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, County Wide Improvements.

The judicial complex DAS Upgrade/Expansion Project is an eligible project/program under the 2022 SPLOST and is an approved project of the Countywide Improvements to Judicial Technology Work Program (Cobb County 2022 SPLOST, p.5) It provides for technology improvements within the judicial offices.

2022 SPLOST Project Summary as of March 1, 2023:

IS-Judicial Technology Improvements, B0010

Current Budget:	\$18,000,000.00
Encumbrances:	\$ 26,500.00
Actual expenditures:	\$ 18,783.10
Remaining in Program:	\$17,954,716.90

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

Property Management

41. To approve Supplemental Agreement No. 1 to the contract with Batson-Cook Company, to establish the Guaranteed Maximum Price, for the rebuild of Gritters Library and Northeast Cobb Community Center, 2016 SPLOST Program, X0530, and 2022 SPLOST Program, B0630.

Motion by Birrell, second by Sheffield, to **approve** Supplemental Agreement No.1, in the amount of \$9,147,500.00, to the contract with Batson-Cook Company, to establish the Guaranteed Maximum Price, in the amount of \$9,839,550.00, for the rebuild of Gritters Library and Northeast Cobb Community Center, located at 880 Shaw Park Road, Marietta, 2016 SPLOST Program, X0530, and 2022 SPLOST Program B0630; **authorize** fund balance appropriation, in the amount of \$112,976.02; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following budget transfers:

2011 SPLOST

Decrease Expenditure	345-110-E070-8005-E0707-C	2011 SPLOST Interfund	\$ 6,813.04
Increase Expenditure:	345-110-E070-6594-E0707-C	2011 SPLOST Interfund	\$ 6,813.04
Decrease Expenditure:	345-110-E072-8005-E0734-C	2011 SPLOST Estimates	\$ 21,137.00
Increase Expenditure:	345-110-E072-6594-E0734-C	2011 SPLOST Interfund	\$ 21,137.00
Decrease Expenditure:	345-110-E072-8005-E0742-C	2011 SPLOST Estimates	\$ 34,646.00
Increase Expenditure:	345-110-E072-6594-E0742-C	2011 SPLOST Interfund	\$ 34,646.00
Decrease Expenditure:	345-110-E076-8005-E0771-C	2011 SPLOST Estimates	\$ 28.51
Increase Expenditure:	345-110-E076-6594-E0771-C	2011 SPLOST Interfund	\$ 28.51
Decrease Expenditure:	345-110-E080-8005-E0812-C	2011 SPLOST Estimates	\$ 34.39
Increase Expenditure:	345-110-E080-6594-E0812-C	2011 SPLOST Interfund	\$ 34.39
Decrease Expenditure:	345-110-E083-8005-E0834-C	2011 SPLOST Estimates	\$ 2,571.21
Increase Expenditure:	345-110-E083-6594-E0834-C	2011 SPLOST Interfund	\$ 2,571.21
Decrease Expenditure:	345-110-E83B-8005-E0846-A	2011 SPLOST Estimates	\$212,734.35
Increase Expenditure:	345-110-E83B-6594-E0846-A	2011 SPLOST Interfund	\$212,734.35

2022 SPLOST

Decrease Expenditure:	348-105-B063-8005-B0630-A	2022 Shaw Park/ NE Cobb Est	\$1,260,000.00
Increase Expenditure:	348-105-B063-6594-B0630-A	2022 Shaw Park/ NE Cobb Interfund	\$1,260,000.00

General Fund

Decrease Expenditure:	010-080-1800-8110	2023 Library Capital Renovations	\$201,656.50
Increase Expenditure:	010-080-1800-6594	2023 Library Interfund	\$201,656.50
Decrease Expenditure:	010-080-1800-8435	2023 Library Capital HVAC	\$240,970.41
Increase Expenditure:	010-080-1800-6594	2023 Library Interfund	\$240,970.41

Increase Revenue:	010-080-1800-4980	Fund Balance Appropriation	\$112,976.02
Increase Expenditure:	010-080-1800-6594	2023 Library Interfund	\$112,976.02

2016 SPLOST

Decrease Expenditure:	347-080-X053-8005-X0530-A	2016 Gritters Library Estimates	\$4,845,982.57
Decrease Expenditure:	347-080-X053-8110-X0530-C	2016 Gritters Library Renovations	\$1,207,950.00
Increase Expenditure:	347-080-X053-8125-X0530-C	2016 Gritters Library Construction	\$6,053,932.57

Increase Revenue:	347-080-X053-4920-X0530-C	Contribution from ARPA	\$1,000,000.00
Increase Revenue:	347-080-X053-4960-X0530-C	Interfund Transfer Revenue	\$2,093,567.43

Increase Expenditure:	347-080-X053-8125-X0530-C	2016 Gritters Library Construction	\$2,093,567.43
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ARPA Fund

Funding Available:	279-030-ED03-6574	ARPA Contributions - Workforce Cobb	\$1,000,000.00
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Increase GAE 34711183136	347-080-X053-8125-X0530-C (Gritters Library)		\$9,147,500.00
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VOTE: ADOPTED 5-0 *(Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)*

PUBLIC COMMENT

1. Monica Delancy addressed the Board regarding the Riverside Community.

APPOINTMENTS

42. To approve the reappointment of Smith Peck to the Development Authority of Cobb County.

Motion by Birrell, second by Cupid, to **approve** the reappointment of Smith Peck to the Development Authority of Cobb County for a four-year term to expire on March 13, 2027.

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

43. To announce the reappointment of Allison Bickers to the Transit System Advisory Board.

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

Chairwoman Cupid called for a recess at 11:06 a.m. until 11:21 a.m.

Clerk's Note: *At the call of the appeal hearing for El Barco Marisqueria, the applicant was not present. By general consensus of the Board, the appeal hearing for Braves, Spirits, LLC was moved forward to allow staff time to contact the applicant for El Barco Marisqueria.*

44. To conduct an appeal hearing, pursuant to the appeal filed by the opposition, regarding Braves Spirits, LLC d/b/a Giant Wine & Spirits, 1172 Milford Church Rd, SW, Marietta, GA 30060, Bikramjit Bajwa, licensee, regarding the License Review Board's decision approving the liquor, beer, wine and Sunday sale package licenses for Giant Wine & Spirits.

Bill Rowling, County Attorney, opened the appeal hearing, pursuant to the appeal filed by the opposition, regarding the License Review Board's approval of the liquor, beer, wine and Sunday sales package licenses for Braves Spirits, LLC d/b/a Giant Wine & Spirits, 1172 Milford Church Rd, SW, Marietta, GA 30060, Bikramjit Bajwa, licensee.

Chairwoman Cupid requested a count of those in favor and those opposed to this application; 36 attendees were in favor and 19 attendees were opposed.

Jamie Wingler, attorney for the Business License Division, presented an overview and opening remarks.

Lisa Morchower, attorney for the applicant, presented opening remarks and stated an objection to the appeal process regarding Cobb County Code Section 6-90, 6-96, 6-106.

Mr. Wingler called Ms. Ellisia Webb, Business License Division Manager, to testify; Ms. Morchower questioned Ms. Webb. *Ms. Webb testified that the denial letter on record was an error and actually should have been titled deferral letter.* The Board questioned Ms. Webb.

Ms. Morchower presented information regarding the establishment.

Mr. Wingler requested that only the two speakers from the License Review Board hearing be allowed to speak in this hearing. By general consensus of the Board, those wishing to speak in opposition and in favor of the application were allowed to speak.

Five speakers spoke in opposition and seven speakers spoke in favor of the application. *The document provided by Billy Bohannon is on file in the County Clerk's Office.*

Ms. Morchower tendered the documents that were presented via flash drive, a certified copy of The Official Code of Cobb County Chapter 6 (*Alcoholic Beverages*), a copy of the agenda item as printed in the agenda, and a copy of 750 supporters' petitions. *Items submitted are on file in the office of the County Clerk.*

Motion by Sheffield, second by Birrell, to **uphold** the January 5, 2023 License Review Board's approval of the liquor, beer, wine and Sunday sales package licenses for Braves Spirits, LLC d/b/a Giant Wine & Spirits, 1172 Milford Church Rd, SW, Marietta, GA 30060, Bikramjit Bajwa, licensee.

VOTE: **ADOPTED 4-1**, Chairwoman Cupid opposed

45. To conduct an appeal hearing, pursuant to the appeal filed by the opposition, regarding El Atoron Corporation d/b/a El Barco Marisqueria, Yureli Juarez Diaz, licensee, 2200 Powder Springs Road, Ste. 100, Marietta, GA 30064, regarding the License Review Board's decision recommending approval of the beer and Sunday sale pouring licenses for El Barco Marisqueria.

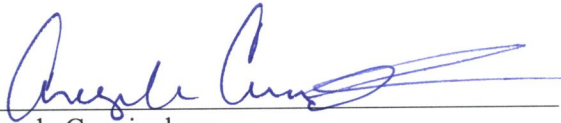
Ellisia Webb, Business License Division Manager, addressed the Board and stated the applicant was not present. The Business License office reached out to the applicant and the applicant stated she had not received the mailed notice of this hearing. Ms. Webb clarified that a notice was posted at the establishment and the following motion was made:

Motion by Sheffield, second by Birrell, to **continue** the appeal hearing regarding the Cobb County beer, and Sunday Sales pouring license application for El Atoron Corporation d/b/a El Barco Marisqueria, 2200 Powder Springs Road, Ste. 100, Marietta, GA 30064, Yureli Juarez Diaz, licensee to the April 11, 2023 Regular Meeting of the Board.

VOTE: **ADOPTED 5-0**

ADJOURNMENT

The meeting was adjourned at 1:14 p.m.

A handwritten signature in blue ink, appearing to read 'Angela Cunningham', is written over a horizontal line.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

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 14th of March 2023