

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

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, May 9, 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 - *arrived at 9:03 a.m.*  
Commissioner Monique Sheffield

**CALL TO ORDER**

Chairwoman Cupid called the meeting to order at 9:02 a.m.

**MOTION TO ADD NON-AGENDA ITEM**

Motion by Cupid, second by Birrell, to **approve** the addition of the following non-agenda item to the Presentations tab.

- *To present Certificates of Achievement to Kell Longhorn boys' and girls' basketball teams for winning the state championship.*

VOTE: **ADOPTED 4-0**, Commissioner Richardson not present (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

1. **To present certificates of achievement to members of the Kell Longhorn boys' and girls' basketball teams for winning the state championship.**

Commissioner Birrell presented Certificates of Achievement to the Kell Longhorn boys' and girls' basketball teams in recognition of winning the state championship.

**PRESENTATIONS**

2. **To present a proclamation designating May 14-20, 2023 as *National Police Week* in Cobb County.**

Commissioner Sheffield presented a proclamation designating May 14-20, 2023 as *National Police Week* in Cobb County.

3. **To present a proclamation designating May 12, 2023 as *National Provider Appreciation Day* in Cobb County.**

Commissioner Sheffield presented a proclamation recognizing May 12, 2023 as *National Provider Appreciation Day*, also known as National Child Care Provider Day.

4. To present a proclamation to Unique Clay for 26 years educating young students.

Commissioner Sheffield presented a proclamation recognizing Unique Clay for promoting high quality early childhood care and for providing a foundation of learning for children.

5. To present a proclamation designating May 8 - 12, 2023, as *Economic Development Week* in Cobb County.

Chairwoman Cupid presented a proclamation designating May 8 - 12, 2023, as *Economic Development Week* in Cobb County.

Truist Park Update

6. To present an annual update on Truist Park and The Battery.

Bill Volckmann, Chief Financial Officer, and Mike Plant, President and CEO of Development, Atlanta Braves Inc., who presented an annual update regarding Truist Park and The Battery. A copy of the information presented is attached and made a part of these minutes.

PUBLIC HEARING

7. To conduct a public hearing and approve the Chattahoochee Corridor Plan Certificate of Compliance for construction of a single-family residence at 101 Sherwood Lane.

Phillip Westbrook, Community Development Senior Planner, requested a public hearing regarding a Chattahoochee Corridor Certificate of Compliance for construction of a single-family residence at 101 Sherwood Lane.

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.

Motion by Richardson, second by Gambrill, to **approve** the Chattahoochee Corridor Certificate of Compliance for construction of a single-family residence at 101 Sherwood Lane, in Land Lot 74 & 75, of the 1<sup>st</sup> District, Cobb County, GA; subject to the rules and guidelines of the Metropolitan River Protection Act and all applicable Cobb County development standards and regulations.

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

8. **To conduct a public hearing on the proposed Cobb County Strategic Plan.**

Jimmy Gisi, Deputy County Manager, requested a public hearing regarding the proposed Cobb County Strategic Plan.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak to come forward to address the Board. Following four speakers, the public hearing was closed. A second Public Hearing will be held on May 23, 2023.

No official action was taken by the Board.

**PUBLIC COMMENT**

1. Kristie Miner addressed the Board regarding sudden deaths.
2. Kevin Redman addressed the Board regarding PARKS and community gardens.
3. Christine Rozman addressed the Board regarding the Chairwoman's State of the County address.
4. Pamela Reardon addressed the Board regarding the Prayer Breakfast Benediction.
5. Debbie Fisher addressed the Board regarding the Home Rule resolution.
6. Leroy Emkin read an article regarding the State of the County address.

**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.

**Clerk's Note:** Commissioner Birrell and Commissioner Gambrell requested the following statements 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 Gambrell'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's 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.*

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*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.*

**Water System**

**9. To approve a Restatement and Amendment to the agreement with Engineering Strategies, Inc. for consulting services for the South Cobb Water Reclamation Facility Headworks Improvements, Program No. T3017.**

To **approve** a Restatement and Amendment to the agreement with Engineering Strategies, Inc., in an amount not to exceed \$934,655.00, for South Cobb Water Reclamation Facility Headworks Improvements, Program No. T3017; **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 510052317601                                                 | 510-500-5753-8225 | T3017-E | \$934,655.00 |
| Transfer from:                                                   |                   |         |              |
| South Cobb Water Reclamation Facility Miscellaneous Improvements |                   |         |              |
| Preliminary Estimates                                            | 510-500-5753-8005 | T3701-Z | \$934,655.00 |
| Transfer to:                                                     |                   |         |              |
| South Cobb Water Reclamation Facility Headworks Improvements     |                   |         |              |
| Engineering-Basic Fees                                           | 510-500-5753-8225 | T3017-E | \$934,655.00 |

10. **To approve a construction contract with D & H Construction Company for Old Concord Road Phase 1 Water Main Replacement, Program No. W2420.**

To **approve** a construction contract with D & H Construction Company, in the amount of \$537,320.50, for Old Concord Road Phase 1 Water Main Replacement, Program No. W2420; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Unidentified New/Replacement Water Mains

|                       |                   |         |              |
|-----------------------|-------------------|---------|--------------|
| Preliminary Estimates | 510-500-5754-8005 | W1503-Z | \$559,470.50 |
|-----------------------|-------------------|---------|--------------|

Transfer to:

Old Concord Road Phase 1 Water Main Replacement

|                               |                   |         |              |
|-------------------------------|-------------------|---------|--------------|
| Construction                  | 510-500-5754-8260 | W2420-C | \$537,320.50 |
| Interest Expense on Retainage | 510-500-5754-6613 | W2420-A | \$ 1,350.00  |
| Materials & Supplies          | 510-500-5754-8265 | W2420-M | \$ 10,000.00 |
| Contingency                   | 510-500-5754-8810 | W2420-T | \$ 10,800.00 |
| Total                         |                   |         | \$559,470.50 |

11. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting Inc. for 3762 Water Lily Way, Program No. SW2249.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc., in the amount of \$82,863.50, for 3762 Water Lily Way, Program No. SW2249; **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 | \$82,863.50 |
|-------------------------------|-------------------|----------|-------------|

Transfer to:

3762 Water Lily Way

|                               |                   |          |             |
|-------------------------------|-------------------|----------|-------------|
| Drainage Contract R&M Service | 510-500-5758-6496 | SW2249-C | \$82,863.50 |
|-------------------------------|-------------------|----------|-------------|

12. **To approve an addition to the List of Prequalified Contractors for Water and Sewer Line Construction.**

To **approve** the addition of F.S. Scarborough, LLC, to the List of Prequalified Contractors for Water and Sewer Line Construction.

**Transportation**

13. **To approve amendments to the Cobb County International Airport – McCollum Field Airport Advisory Board Bylaws to revise existing language and add criteria regarding remote attendance.**

To **approve** amendments to the *Cobb County International Airport – McCollum Field Airport Advisory Board Bylaws* to revise existing language and add criteria regarding remote attendance. A copy of the revised Bylaws is attached and made a part of these minutes.

14. **To approve a Memorandum of Understanding with the Atlanta-Region Transit Link Authority for implementation of Breeze Mobile Regional Mobile Ticketing System on the CobbLinc transit bus fleet.**

To **approve** a multi-year Memorandum of Understanding with the Atlanta-Region Transit Link Authority for implementation of Breeze Mobile Regional Mobile Ticketing System on the CobbLinc transit bus fleet, effective July 1, 2023, through June 30, 2026; and **authorize** the Chairwoman to execute the necessary documents.

Available in the approved FY23 Transit Operating Budget, as follows:

|                              |                                        |             |
|------------------------------|----------------------------------------|-------------|
| Available: 200-050-4802-6328 | Installation Services                  | \$ 4,400.00 |
| 200-050-4802-6491            | Annual Maintenance & Support Contracts | \$12,000.00 |

**Public Services Agency**

**PARKS**

15. **To authorize the purchase of replacement maintenance equipment for the upkeep of County parks and tennis court resurfacing from collected cell tower ground lease revenues.**

To **authorize** the purchase of capital equipment replacement and tennis/pickleball resurfacing and reconstruction from collected cellular tower revenue in an amount not to exceed \$260,803.61; **authorize** the corresponding budget transactions; and **further authorize** the Purchasing Director to execute the necessary documents.

Funding is available with the following budget transactions:

|                       |                   |                               |              |
|-----------------------|-------------------|-------------------------------|--------------|
| Decrease Expenditure: | 010-105-3200-8852 | Fund Balance - Reserve        | \$260,803.61 |
| Increase Expenditure: | 010-105-3200-6258 | Accountable Equipment         | \$ 7,999.00  |
| Increase Expenditure: | 010-105-3200-8024 | Land Improvements/Development | \$ 62,935.65 |
| Increase Expenditure: | 010-105-3200-8405 | Building & Grounds Equipment  | \$178,128.96 |
| Increase Expenditure: | 010-105-3200-8615 | Trailers                      | \$ 11,740.00 |

16. **To apply for and accept funding from GRPA (Georgia Recreation Parks Association), in partnership with the Atlanta Hawks.**

To **authorize** application for and acceptance of funding through GRPA; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Michael Brantley, PARKS Director, to execute the necessary documents.

|                       |                   |                          |            |
|-----------------------|-------------------|--------------------------|------------|
| Increase Revenue:     | 270-105-G294-4508 | (Local Grants)           | \$2,380.00 |
| Increase Expenditure: | 270-105-G294-6193 | (Recreation Programming) | \$2,380.00 |

**Support Services Agency**

**Information Services**

17. **To authorize the Purchasing Director to purchase technology greater than \$100,000.00 under provisions of an Omnia Partners contract with Mythics, Inc. for Oracle Software Update License and Support for the Sheriff's Office.**

To **authorize** the Purchasing Director to purchase Oracle Software Update License & Support for the Sheriff's Office, in an amount not to exceed \$173,972.88, under Omnia Partners Region 4/National IPA contract number R190801 with Mythics, Inc.; and **further authorize** the corresponding budget transactions.

Available in Information Services operating budget as follows:

|                   |              |
|-------------------|--------------|
| 010-035-0400-6491 | \$173,972.88 |
|-------------------|--------------|

**Property Management**

18. **To approve Supplemental Agreement No. 1 to the contract with Albion General Contractors, Inc., to establish the Guaranteed Maximum Price, for the renovation of 700 South Cobb Drive.**

To **approve** Supplemental Agreement No.1, in the amount of \$3,570,462.00, to the contract with Albion General Contractors, Inc., to establish the Guaranteed Maximum Price, in the amount of \$4,212,971.00, for the Stormwater Management renovation, located at 700 South Cobb Drive; **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:

**Clerk's Note:** *The Increase Encumbrance line reflected a scrivener's error in the agenda item and has been corrected in these minutes.*

|                                                      |                   |         |                       |
|------------------------------------------------------|-------------------|---------|-----------------------|
| Increase Encumbrance GAE 51006142232                 |                   |         |                       |
|                                                      | 510-500-5752-8260 | C0168-C | <b>\$3,570,462.00</b> |
| <b>Building Improvements</b>                         |                   |         |                       |
| Transfer From:                                       | 510-500-5752-8005 | C0116-Z | \$3,570,462.00        |
| <b>700 South Cobb Drive Renovations Construction</b> |                   |         |                       |
| Transfer to:                                         | 510-500-5752-8260 | C0168-C | \$3,570,462.00        |

**Public Safety Agency**

**Police Department**

19. **To approve a Sub-Grant Agreement with the Atlanta Regional Commission for a Video Integration Center.**

To **approve** a Sub-Grant Agreement with the Atlanta Regional Commission for a Video Integration Center, in an amount not to exceed \$300,000.00; **authorize** the corresponding transactions, and **further authorize** the Chairwoman to execute all necessary documents.

Funding will be available as follows:

|                       |                   |                                 |              |
|-----------------------|-------------------|---------------------------------|--------------|
| Increase revenue:     | 270-130-GR73-4487 | Atlanta Regional Commission     | \$300,000.00 |
| Increase expenditure: | 270-130-GR73-8120 | Professional Services/Buildings | \$ 50,000.00 |
| Increase expenditure: | 270-130-GR73-8470 | Photo/Microfilm Equipment       | \$140,000.00 |
| Increase expenditure: | 270-130-GR73-8676 | Professional Services           | \$110,000.00 |

**Emergency Management**

**20. To authorize the acceptance of funds from the Emergency Management Performance Grant, known as the Performance Partnership Agreement Grant in Georgia, from the Georgia Emergency Management Agency.**

To **authorize** the acceptance of the Emergency Management Performance Grant (EMPG), considered the Performance Partnership Agreement Grant in Georgia, from the Georgia Emergency Management Agency (GEMA), in the amount of \$45,000.00 for the purchase of personnel services, training, equipment and supplies; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in the Grant Fund with the following appropriations:

|                       |                   |                                   |             |
|-----------------------|-------------------|-----------------------------------|-------------|
| Increase Revenue:     | 270-130-F077-4493 | (GEMA)                            | \$45,000.00 |
| Increase Expenditure: | 270-130-F077-8820 | (Undesignated Cont.)              | \$ 4,182.00 |
| Increase Expenditure: | 270-130-F077-6400 | (Training)                        | \$ 705.00   |
| Increase Expenditure: | 270-130-F077-6394 | (Registration Fee)                | \$ 350.00   |
| Increase Expenditure: | 270-130-F077-6326 | (Professional Services)           | \$ 6,000.00 |
| Increase Expenditure: | 270-130-F077-6258 | (Accountable Equipment)           | \$32,839.94 |
| Increase Expenditure: | 270-130-F077-6204 | (Other Supplies)                  | \$ 413.12   |
| Increase Expenditure: | 270-130-F077-6192 | (Radio, TV & Communication Equip) | \$ 509.94   |

**Community Development**

**21. To review a summary of the appeal hearing conducted by the License Review Board on April 27, 2023, for ASCB East Cobb, LLC d/b/a Cleaver & Cork.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of April 27, 2023, to **approve** the application for a beer and wine package license ASCB East Cobb, LLC d/b/a Cleaver & Cork, 1062 Johnson Ferry Rd., Ste. 162D, Marietta, GA 30068, Audrey Stine, licensee.

**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.

**23. To approve the Memorandum of Understanding with Cobb Travel & Tourism, Inc.**

To **approve** the Memorandum of Understanding with Cobb Travel & Tourism, Inc., and **authorize** the Chairwoman to execute the necessary documents.

Funds will be made available in the FY24 Adopted Budget.

**24. To authorize the transfer of funds from the General Obligation Parks Bond Sinking Fund (the “Debt Service Fund”) to the General Fund.**

To **authorize** the transfer of funds from the General Obligation Parks Bond Sinking Fund (the “Debt Service Fund”) to the General Fund; **authorize** the corresponding budget transactions; and **further authorize** the execution of any necessary documents.

Funding for the transfer of funds from the Debt Service Fund to the General Fund will be accomplished with the following budget transaction:

|                   |                   |                                   |              |
|-------------------|-------------------|-----------------------------------|--------------|
| Increase Revenue: | 400-055-0040-4980 | (Debt Service Fund Balance)       | \$935,000.00 |
| Increase          | 400-055-0040-6594 | (Debt Service Fund Transfer -Out) | \$935,000.00 |
| Expenditure:      |                   |                                   |              |
| Increase Revenue: | 010-014-0140-4960 | (General Fund Transfer-In)        | \$935,000.00 |
| Increase          | 010-014-0140-8820 | (General Fund Undesignated        | \$935,000.00 |
| Expenditure:      |                   | Contingency)                      |              |

The Finance Office seeks additional approval to enact similar transactions from time to time as outstanding prior year taxes are received. This will allow continued compliance with Section 3.4 of the Bond Resolution.

**County Manager**

**25. To approve the top three ranked firms to provide consolidated state and federal legislative consulting services.**

To **approve** the top ranked firms to provide consolidated state and federal legislative consulting services.

1. Dentons US LLP
2. Holland & Knight
3. Squire Patton Boggs

**County Clerk**

**26. To approve minutes.**

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

- April 24, 2023 - Agenda Work Session
- April 25, 2023 - BOC Work Session
- April 25, 2023 - BOC Regular Meeting

VOTE: **ADOPTED 5-0**, with exception to Consent Item 13 and Consent Item 22 (See Items 14 and 23 of these minutes) **ADOPTED 4-1**, Commissioner Gambrill opposed (Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.

**REGULAR AGENDA**

**Transportation**

27. **To approve a contract with Advanced Sports Construction, LLC for drainage system repairs on Stoney Creek Overlook, Project No. B2228, CCDOT Contract No. 001813.**

Motion by Sheffield, second by Birrell, to **approve** a contract with Advanced Sports Construction, LLC, in an amount not to exceed \$430,851.00, for drainage system repairs on Stoney Creek Overlook, Project No. B2228, CCDOT Contract No. 001813; **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 | \$430,851.00 |
| Transfer to:   | 348-050-B220-B220-8762-B2228-C | Turnkey Construction | \$430,851.00 |

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.

Stoney Creek Overlook 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 April 5, 2023: Drainage System

|         |                 |                      |                |
|---------|-----------------|----------------------|----------------|
| Budget: | \$10,086,879.47 | Encumbered/Expended: | \$5,743,621.66 |
|---------|-----------------|----------------------|----------------|

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

28. **To approve a contract with C. W. Matthews Contracting Company, Inc., for improvements on Silver Comet Trail Connector, Project No. X2415, and Atlanta Road Bridge over CSX Railroad, Project No. B2112, CCDOT Contract No. 001949.**

Motion by Richardson, second by Gambrell, to **approve** a contract with C. W. Matthews Contracting Company, Inc., in an amount not to exceed \$7,799,277.90, for improvements on Silver Comet Trail Connector, Project No. X2415, and Atlanta Road Bridge over CSX Railroad, Project No. B2112, CCDOT Contract No. 001949; **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 transfer:

|                |                                |                                   |                |
|----------------|--------------------------------|-----------------------------------|----------------|
| Transfer from: | 347-050-X240-X240-8005-X2415-A | RAP Allocation - Prelim. Estimate | \$3,021,757.75 |
| Transfer to:   | 347-050-X240-X240-8762-X2415-C | Turnkey Construction              | \$3,021,757.75 |

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

Silver Comet Trail Connector is an eligible project/program under the Congestion Relief and Mobility Improvements – Thoroughfare and Mobility Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 21). SPLOST funding for Thoroughfare and Mobility Improvements will fund activities to reduce congestion and commute times and improve safety.

SPLOST Project Summary as of April 5, 2023:

|         |                |           |             |
|---------|----------------|-----------|-------------|
| Budget: | \$5,050,000.00 | Expended: | \$21,766.90 |
|---------|----------------|-----------|-------------|

**To approve a contract with C. W. Matthews Contracting Company, Inc., for improvements on Silver Comet Trail Connector, Project No. X2415, and Atlanta Road Bridge over CSX Railroad, Project No. B2112, CCDOT Contract No. 001949 (CONT).**

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

|                |                                |                      |                |
|----------------|--------------------------------|----------------------|----------------|
| Transfer from: | 348-050-B210-B210-8005-B2112-A | Preliminary Estimate | \$1,982,000.00 |
|                | 348-050-B250-B250-8005-B2570-A | Preliminary Estimate | \$ 633,918.29  |
|                | 348-050-B290-B290-8005-B2950-A | Preliminary Estimate | \$2,042,949.93 |
| Transfer to:   | 348-050-B210-B210-8762-B2112-C | Turnkey Construction | \$4,658,868.22 |

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, Bridges and Culverts.

Atlanta Road Bridge over CSX Railroad is an eligible project/program under the Bridges and Culverts Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for bridges and culverts will fund activities to repair, rehabilitate, and replace bridges and culvert structures.

SPLOST Project Summary as of April 5, 2023:

|         |                |           |        |
|---------|----------------|-----------|--------|
| Budget: | \$1,982,365.84 | Expended: | \$0.00 |
|---------|----------------|-----------|--------|

Adjusted SPLOST Project Summary, following requested budget transfer:

|                  |                |
|------------------|----------------|
| Adjusted Budget: | \$4,659,234.06 |
|------------------|----------------|

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   | \$124,051.93       |
| Transfer to:   | Silver Comet Trail Connector - Utility Allowance |                        |                    |
|                | 510-500-5756-8260-W5039-C                        | Construction           | \$118,651.93       |
|                | 510-500-5756-8265-W5039-M                        | Materials and Supplies | \$ 3,000.00        |
|                | 510-500-5756-8810-W5039-T                        | Contingency            | <u>\$ 2,400.00</u> |
|                |                                                  | Total:                 | \$124,051.93       |

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

29. **To approve Supplemental Agreement No. 1 to the Consultant Services Agreement with BCC Engineering, LLC, d/b/a Heath & Lineback Engineers, Inc., for additional engineering services of Kennesaw Mountain Pedestrian Improvements, Project No. X2404, CCDOT Contract No. 002057.**

Motion by Gambrill, second by Richardson, to **approve** Supplemental Agreement No. 1 to the Consultant Services Agreement with BCC Engineering, LLC, d/b/a Heath & Lineback Engineers, Inc., in an amount not to exceed \$13,707.00, for additional engineering services of Kennesaw Mountain Pedestrian Improvements, Project No. X2404, CCDOT Contract No. 002057; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

|                |                                |                      |             |
|----------------|--------------------------------|----------------------|-------------|
| Transfer from: | 347-050-X240-X240-8761-X2404-C | Preliminary Estimate | \$13,707.00 |
| Transfer to:   | 347-050-X240-X240-8722-X2404-E | Engineering          | \$13,707.00 |

|                      |                                |             |             |
|----------------------|--------------------------------|-------------|-------------|
| Increase Encumbrance |                                |             |             |
| GAE 3470627178061:   | 347-050-X240-X240-8722-X2404-E | Engineering | \$13,707.00 |

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, Thoroughfare and Mobility Improvements.

Kennesaw Mountain Pedestrian Improvements is an eligible project/program under the Congestion Relief and Mobility Improvements – Thoroughfare and Mobility Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 21, 24). Local Match for Future Federal/State/Other Funding includes required local match for the Cheatham Hill Multi-Use Trail (Kennesaw Mountain National Battlefield Park Connector) project, to be funded by the Georgia Department of Transportation. Improvements include the addition of a multi-use trail along Cheatham Hill Road, providing access to Cheatham Hill and Kolb Farm battle sites, interpretive facilities and trailheads.

SPLOST Project Summary as of April 5, 2023:

|         |                 |           |                 |
|---------|-----------------|-----------|-----------------|
| Budget: | \$ 9,214,927.37 | Expended: | \$ 7,260,762.63 |
|---------|-----------------|-----------|-----------------|

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

30. **To authorize advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for engineering design services for 2022 SPLOST Transportation Improvements Program sidewalk projects, and authorize issuance of Task Orders to secure required services.**

Motion by Richardson, second by Gambrill, to **authorize** advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for engineering design services for 2022 SPLOST Transportation Improvements Program sidewalk projects; and **authorize** issuance of Task Orders to secure required services.

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

**Public Services Agency**

**PARKS**

31. **To approve a contract with Pond & Company for Professional Services for the Design, Cost Estimating, Bidding Assistance and Construction Administration Services for improvements at Ebenezer Downs Park, located at 4055 Ebenezer Road, Marietta, under the 2022 PARKS SPLOST Program.**

Motion by Birrell, second by Sheffield, to **approve** a contract with Pond & Company in an amount not to exceed \$238,450.00, for Professional Services for Design, Cost Estimating, Bidding Assistance and Construction Administration Services for Ebenezer Downs Park, under the 2022 PARKS SPLOST Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2022 PARKS SPLOST fund as follows:

|                                            |              |
|--------------------------------------------|--------------|
| 348-105-B063-B0631-E-8033 (Ebenezer Downs) | \$238,450.00 |
|--------------------------------------------|--------------|

The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Ebenezer Downs is an eligible project under the 2022 PARKS SPLOST Program (Cobb County 2022 SPLOST, Page 38). Improvements to the park will enhance this passive recreation space for the citizens of Cobb County to enjoy.

SPLOST Project Summary as of April 5, 2023:

|         |                |                   |              |
|---------|----------------|-------------------|--------------|
| Budget: | \$3,000,000.00 | Expended to Date: | \$544,828.35 |
|---------|----------------|-------------------|--------------|

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

32. **To approve a contract with Daikin Applied Americas, Inc. for installation of Seresco Dehumidification Units at Mountain View, South Cobb, and West Cobb Aquatic Centers, under the 2022 PARKS SPLOST program.**

Motion by Birrell, second by Sheffield, to **approve** a contract with Daikin Applied Americas, Inc., using their Annual Maintenance Contract, in an amount not to exceed \$816,118.59 for installation of the dehumidification units at Mountain View, South Cobb and West Cobb Aquatic Centers, under the 2022 PARKS SPLOST program; **authorize** the corresponding budget transactions; and **further authorize** the Purchasing Director to execute the necessary documents (Purchase Order).

Funding is available in the 2022 PARKS SPLOST Program as follows:

|                                                           |              |
|-----------------------------------------------------------|--------------|
| 348-105-B065-B0654-C-8110 (Mechanical System Replacement) | \$816,118.59 |
|-----------------------------------------------------------|--------------|

The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Parks Mechanical System Replacement (Mountain View, South Cobb, and West Cobb Aquatic Centers) is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 30). This improvement will provide proper efficiencies essential to the operation of these heavily used facilities with respect to the comfort of the users and the longevity of the buildings themselves.

SPLOST Project Summary as of April 5, 2023 (Mechanical System Replacement)

|         |                |                   |                |
|---------|----------------|-------------------|----------------|
| Budget: | \$3,420,000.00 | Expended to Date: | \$2,055,296.22 |
|---------|----------------|-------------------|----------------|

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

**Support Services Agency**

**Purchasing**

33. **To approve the recommended ranking of the top three qualified firms to conduct a disparity study of the County's procurement practices.**

Motion by Cupid, second by Richardson, to **approve** the recommended ranking of the top three qualified firms to conduct a disparity study of the County's procurement practices and **further authorize** negotiations for final scope and fee beginning with the top-ranked firm, Griffin & Strong, P.C.

1. Griffin & Strong, P.C.
2. Keen Independent Research LLC
3. Browne, Bortz & Coddington, Inc. DBA BBC Research & Consulting

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

**Public Safety Agency**

**Fire and Emergency Services**

34. **To approve Supplemental Agreement No. 1 with John W. Spratlin and Son LLC, to establish the Guaranteed Maximum Price for the renovation of the Fire Training Grounds, located at 2109 Valor Drive SW, a 2022 SPLOST project, Program XB 104.**

Motion by Cupid, second by Richardson, to **approve** Supplemental Agreement No. 1, in the amount of \$16,136,550.00, with John W. Spratlin and Son LLC, to establish the Guaranteed Maximum Price of \$17,836,550.00, for Construction of the new Fire Training Grounds, located at 2109 Valor Drive, Marietta, 2022 SPLOST Program XB104; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2022 SPLOST Program Fund with the following budget transactions:

|                       |                                |             |                 |
|-----------------------|--------------------------------|-------------|-----------------|
| Decrease Expenditure  | 348-130-B104-8005-B104-B1040-A | Estimates   | \$ 2,000,000.00 |
| Increase Expenditure: | 348-130-B104-8005-B104-B1041-A | Estimates   | \$ 2,000,000.00 |
| Decrease Expenditure  | 348-130-B104-8005-B104-B1041-A | Estimates   | \$17,836,550.00 |
| Increase Expenditure: | 348-130-B104-8110-B104-B1041-A | Renovations | \$17,836,550.00 |

**To approve Supplemental Agreement No.1 with John W. Spratlin and Son LLC, to establish the Guaranteed Maximum Price for the renovation of the Fire Training Grounds, located at 2109 Valor Drive SW, a 2022 SPLOST project, Program XB 104 (CONT).**

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for renovations, equipment, and technology, and anticipated corresponding budget funding to address, inter alia, Fire Facility Replacements & Renovations.

The Fire Training Renovation Project is an eligible project/program under the Public Safety, Fire Facility Replacements/Renovations Component of the 2022 SPLOST (pg. 11).

SPLOST Budget Summary as of April 5, 2023:

**B1040 Fire Station 12**

|               |                 |
|---------------|-----------------|
| Budget:       | \$ 8,000,000.00 |
| Encumbrances: | \$ 0.00         |
| Expenditures: | \$ 81,470.00    |
| Remaining:    | \$ 7,918,530.00 |

**B1041 Fire Training**

|               |                 |
|---------------|-----------------|
| Budget:       | \$16,000,000.00 |
| Encumbrances: | \$ 1,148,500.00 |
| Expenditures: | \$ 551,500.00   |
| Remaining:    | \$14,300,000.00 |

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 *Teacher Appreciation Week* and evictions.
2. Matt Stigall addressed the Board regarding Breeze Mobile Ticketing system.
3. David Fadool addressed the Board regarding Cobb Douglas Public Health's Event on April 8<sup>th</sup> regarding Youth HIV/AIDS.
4. Craig Harfoot addressed the Board regarding the Strategic Plan.

**APPOINTMENTS**

**35. To approve the reappointment of Rachel Gray to the Public Library Board.**

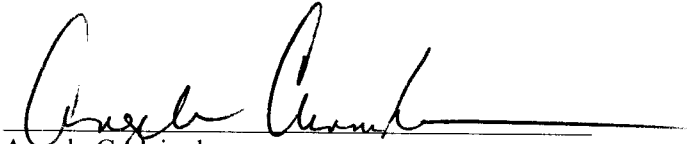
Motion by Sheffield, second by Birrell, to **approve** the reappointment of Rachel Gray to the Public Library Board for a three-year term to expire on December 31, 2025.

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

**Clerk's Note:** Following Commissioner Gambrill's commissioner comment she left the meeting at 11:25 a.m.

**ADJOURNMENT**

The meeting was adjourned at 11:44 a.m.

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

Angela Cunningham  
Deputy County Clerk  
Cobb County Board of Commissioners

**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's 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.*



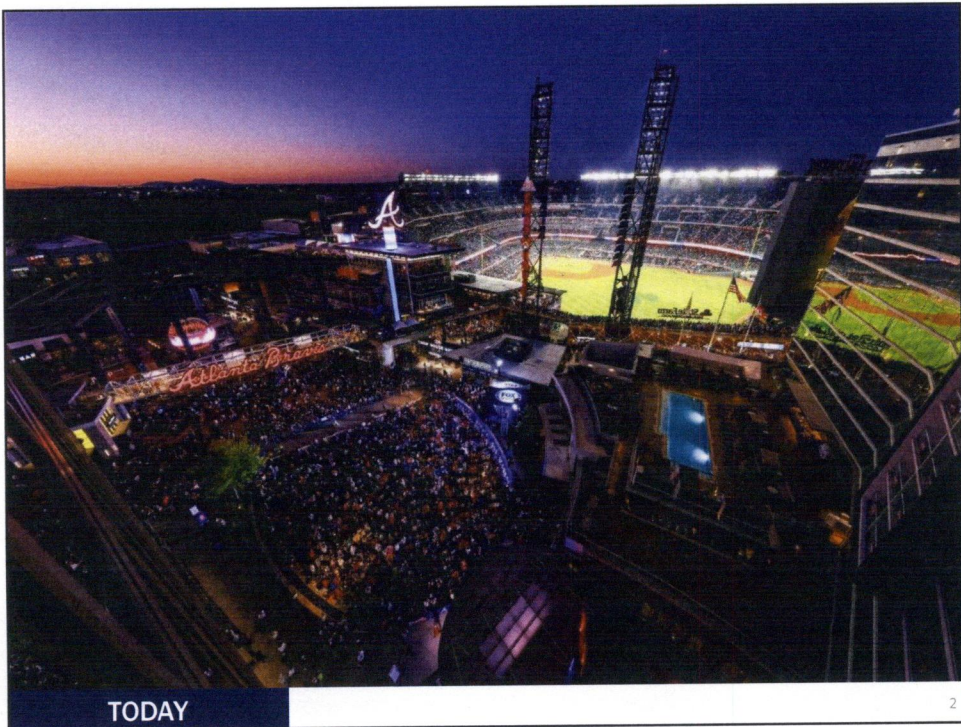
TRUIST  
PARK

# 2023 YEAR IN REVIEW



THE  
BATTERY  
ATLANTA

1



2

## 2022 Braves & Battery Highlights

- 10 million visitors to The Battery Atlanta & Truist Park in 2022 with an average dwell time of 234 minutes.
- Hosted 492 on-site events in 2022 including:
  - 132 Coca-Cola Roxy Events (84 Concerts)
  - 95 Truist Park Events (83 Braves Games)
- Opened 52,827 square feet of new office and retail space including Mac McGee Irish Pub, Savi Provisions, Yoga 6, Code 42, DCO Flooring and Southwire.
- Announced 295,888 square feet of new concepts including Polestar, Cultivate Food & Coffee, Battle & Brew, and Truist Securities.

3

3

## Atlanta Braves Foundation 2022

- Invested \$145,743 in 16 non-profit organizations based in or serving Cobb County to meet needs of local communities through the **Braves Community Grants Program**
- Honored Cobb County and Marietta City School teachers by sponsoring **Cobb Chamber's Give our Schools a Hand** at \$5,000
- Supported Cobb County educators with more than \$6,000 in classroom supplies and donations via **Most Valuable Teachers** program
- Supported families of two fallen Cobb County Sheriff's Office deputies with a donation of \$4,000 to cover travel and accommodation expenses through the **Cobb Sherriff's Foundation**
- Served 1,150 military veterans through support of the **Home Base at The Warrior Alliance in The Battery Atlanta**
- Hosted more than 300 local fire fighters, first responders, and fans for a **9/11 Memorial Stair Climb** at Truist Park
- Partnered with Cobb County Parks Department and the Food Well Alliance to plant 100 fruit trees at Hyde Farm as the first of our **Pitch In for the Planet** community orchard projects

4

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## Coming in 2023

- Top out the Truist Securities office tower, parking deck and trading floor buildings
- Opening of Cultivate Food & Coffee, Battle & Brew, Polestar and a new VR concept
- Exceed the 2022 record of 3.1 million fans attending games at Truist Park
- Coordinate construction of The Henry project with GoldenRod including a new public ped bridge.

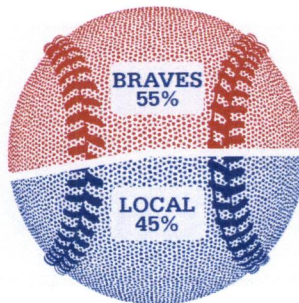
5

5

## Original Ball Park Projections

### OVERALL INVESTMENT

ATLANTA BRAVES: \$372 MILLION  
LOCAL CONTRIBUTION: \$300 MILLION



**\$672 MILLION  
TOTAL**

(PERCENTAGES BASED ON NET PRESENT VALUE)

6

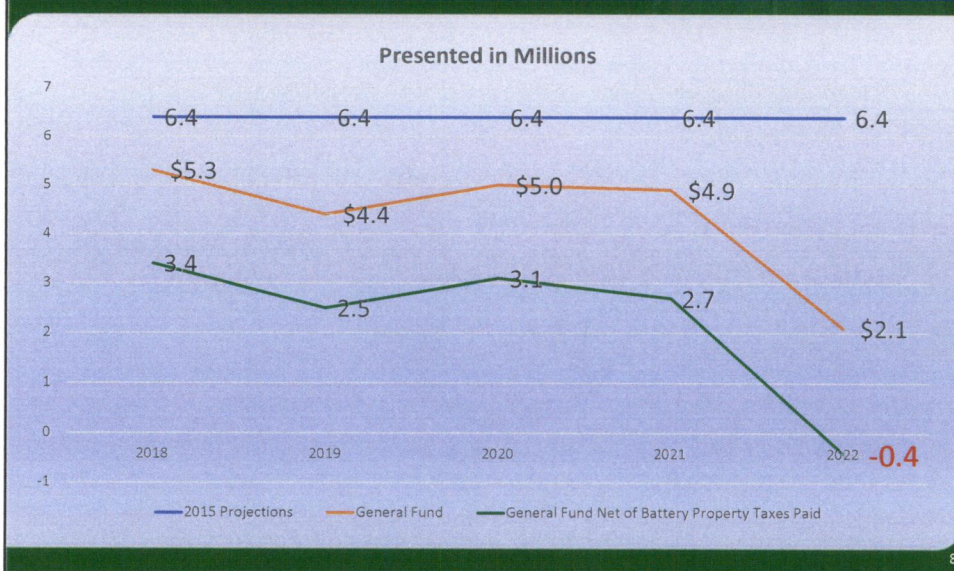
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## Funding of Annual Debt Service 2015 Projections /Actuals

| Description                                            | 2015 Projections | 2018       | 2019       | 2020       | 2021       | 2022       |
|--------------------------------------------------------|------------------|------------|------------|------------|------------|------------|
| Annual Debt Service                                    | 22,500,000       | 22,484,130 | 22,485,537 | 22,484,078 | 22,484,158 | 22,486,658 |
| <b>Funding Breakdown</b>                               |                  |            |            |            |            |            |
| Hotel Motel Tax                                        | 1,510,000        | 2,742,242  | 3,027,943  | 419,036    | 865,894    | 3,451,298  |
| Property Tax - General Fund                            | 6,400,000        | 5,301,155  | 4,416,875  | 5,039,473  | 4,862,519  | 2,129,472  |
| Property Tax - CSSDII                                  | 5,150,000        | 5,150,000  | 6,470,000  | 9,293,021  | 8,200,000  | 8,500,000  |
| \$3.00 Per Room Night Fee - CSSDI                      | 2,740,000        | 2,534,130  | 1,600,000  | 1,025,000  | 1,800,000  | 1,500,000  |
| Rental Car Tax                                         | 600,000          | 656,603    | 870,719    | 607,548    | 655,745    | 805,888    |
| Total County                                           | 16,400,000       | 16,384,130 | 16,385,537 | 16,384,078 | 16,384,158 | 16,386,658 |
| Annual Braves Rent Requirement                         | 6,100,000        | 6,100,000  | 6,100,000  | 6,100,000  | 6,100,000  | 6,100,000  |
| General Fund Property Tax - Paid by Battery Properties | 50,724           | 1,881,802  | 1,868,937  | 1,972,895  | 2,119,549  | 2,509,272  |

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## General Fund Component of Annual Debt Service 2015 Projections /Actuals



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## 2023 Battery Property Value

- Property values have risen at The Battery from **\$5 million** in 2014 to **\$736 million** in 2022 (100% From Braves Development)
- The Battery property values have increased by **\$115 million** from 2021 to 2022
- Property taxes paid by Battery / Braves to the County since 2015 **\$18.4 million**
- Property taxes paid by Battery / Braves to the Board of Education since 2015 **\$25.1 million**
- Property taxes paid by Battery / Braves to the Cumberland CID since 2015 **\$6.7 million**
- **Total property taxes paid to the County and CID since 2015 \$50.2 million**

9

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## Historical Revenue Collections

| Revenue Sources           | 2015 Estimates | 2015      | 2016       | 2017       | 2018       | 2019       | 2020       | 2021       | 2022       | Total      |
|---------------------------|----------------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|
| CSSD I \$ 3.00 Room Night | 2,740,000      | 2,492,792 | 3,582,417  | 3,626,810  | 3,740,545  | 3,757,878  | 2,584,929  | 2,885,120  | 3,564,325  | 26,234,816 |
| CSSD II Property Tax      | 5,150,000      | 5,197,529 | 5,327,647  | 5,539,794  | 6,569,269  | 6,810,519  | 7,461,300  | 8,362,323  | 7,135,628  | 52,404,009 |
| Rental Car Tax            | 600,000        | 379,020   | 573,846    | 514,908    | 656,603    | 870,719    | 607,548    | 655,745    | 805,888    | 5,064,277  |
| Hotel Motel Tax           | 1,510,000      | 1,582,525 | 1,794,922  | 2,098,525  | 2,742,242  | 3,027,943  | 419,036    | 865,894    | 3,451,298  | 15,982,385 |
| Total                     | 10,000,000     | 9,651,866 | 11,278,832 | 11,780,037 | 13,708,659 | 14,467,059 | 11,072,813 | 12,769,082 | 14,957,139 | 99,685,487 |

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## Atlanta Braves & Battery Sales Tax Revenues

| Location                                     | Tax/Fee Type |           |                |                                                 | Tax Receipts by Government Entity |                                |                      |                                    |
|----------------------------------------------|--------------|-----------|----------------|-------------------------------------------------|-----------------------------------|--------------------------------|----------------------|------------------------------------|
|                                              | Sales & Use  | Liquor    | Occupation Tax | Hotel Motel Tax & Travel Tourism (Aloft & Omni) | Cobb Portion of Tax               | Cobb County Board of Education | State Portion of Tax | Total Taxes/Fees (State and Local) |
| <b>Atlanta Braves &amp; The Battery ATL:</b> |              |           |                |                                                 |                                   |                                |                      |                                    |
| 2022 Collections                             | 23,061,204   | 945,398   | 318,618        | 2,131,890                                       | 6,766,741                         | 3,843,534                      | 15,846,835           | 26,457,110                         |
| 2021 Collections                             | 22,781,380   | 567,959   | 125,842        | 1,386,959                                       | 5,593,677                         | 3,796,897                      | 15,471,566           | 24,862,140                         |
| 2020 Collections                             | 3,304,554    | 389,250   | 179,589        | 691,359                                         | 1,810,957                         | 550,759                        | 2,203,036            | 4,564,752                          |
| 2019 Collections                             | 16,460,779   | 734,700   | 205,950        | 1,512,640                                       | 4,338,717                         | 2,743,463                      | 11,831,889           | 18,914,069                         |
| 2018 Collections                             | 14,895,300   | 680,106   | 134,671        | 869,334                                         | 3,845,604                         | 2,482,551                      | 10,251,456           | 16,579,611                         |
| Five Year Total                              | 80,503,217   | 3,317,413 | 964,670        | 6,592,382                                       | 22,355,696                        | 13,417,204                     | 55,604,782           | 91,377,682                         |

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## 2023 Total Tax Revenue Generated By Truist Park & The Battery

### COBB COUNTY TAX REVENUE - DIRECTLY FROM TRUIST PARK & THE BATTERY

|                                                               |                      |
|---------------------------------------------------------------|----------------------|
| County Property Tax                                           | \$ 4,122,799         |
| Hotel Motel & Tourism Fee                                     | \$ 2,131,890         |
| Occupation Tax                                                | \$318,618            |
| Liquor by the Drink Tax                                       | \$945,398            |
| Cobb County Sales Tax - SPLOST                                | \$ 3,843,534         |
| <b>Total Additional Revenue to the Cobb County Government</b> | <b>\$ 11,362,239</b> |

### COBB COUNTY BOARD OF EDUCATION - DIRECTLY FROM TRUIST PARK & THE BATTERY

|                                                                       |                     |
|-----------------------------------------------------------------------|---------------------|
| Property Tax Revenue from the Battery                                 | \$ 5,605,821        |
| Board of Education Sales Tax - SPLOST                                 | \$ 3,843,534        |
| <b>Total Additional Revenue to the Cobb County Board of Education</b> | <b>\$ 9,449,355</b> |

### CUMBERLAND COMMUNITY IMPROVEMENT DISTRICT (CID)

|                                       |              |
|---------------------------------------|--------------|
| Property Tax Revenue from the Battery | \$ 1,483,021 |
|---------------------------------------|--------------|

### STATE OF GEORGIA - DIRECTLY FROM TRUIST PARK & THE BATTERY

|                                                             |               |
|-------------------------------------------------------------|---------------|
| State of Georgia Tax Collections from the Stadium / Battery | \$ 15,846,835 |
|-------------------------------------------------------------|---------------|

### COMBINED TOTAL TRUIST PARK & BATTERY TAX REVENUE

|                            |               |
|----------------------------|---------------|
|                            | \$ 38,141,450 |
| Annual Braves Rent Revenue | \$ 6,100,000  |

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**Cobb County International Airport -  
McCollum Field Airport Advisory  
Board  
BYLAWS**

**ARTICLE I - ORGANIZATION**

**A. PURPOSE**

1. The Airport ~~Advisory~~ Advisory Board's (the "AAB") purpose is to assist Cobb County and the Cobb County Board of Commissioners ("BOC") with the future development and use of the Airport by providing vision and suggestions within the responsibilities defined by the BOC.
2. The ~~board~~ Board shall hereinafter be referred to in this article as the "AAB" ~~and also known as the "Airport Strategic Planning Board"~~.

**B. MEMBERSHIP/OFFICERS**

1. This Board shall at all times consist of ~~nine~~ eleven ~~members~~ Members serving without compensation.
2. The AAB shall elect from its ~~members~~ Members a Chair, Vice-Chair and a Secretary.
3. Officers shall be elected by the AAB for a tenure of the current calendar year by a quorum of the AAB at the first regularly scheduled meeting of a calendar year, or as soon thereafter as practical, and shall serve until their successors are elected. In the event of the Chair's death, removal, resignation, or for any other reason the Chair is unable to serve as Chair, the ~~Vice-Chairman~~ Chair shall assume the duties of the Chair for the remainder of the term until a successor is elected. Newly elected officers shall assume office immediately following the election. ~~The initial officers shall serve through calendar year 2009 and until their successors are elected.~~
4. Officers shall rotate positions on an annual basis as follows: ~~Chairman~~ Chair to Member, ~~Vice-Chairman~~ Chair to ~~Chairman~~ Chair; Secretary to ~~Vice-Chairman~~ Chair, and nominations accepted for the position of secretary. There shall be no restriction precluding a Member from being immediately nominated for an Officer position upon completing a term as an Officer.

**C. QUORUM**

1. A quorum shall consist of ~~five~~ six ~~members~~ Members.

2. No meeting may take place, no action may be taken, and no motion can be passed unless a quorum is present at any Regular or Special Meeting, unless otherwise stated herein.
3. Except as otherwise provided by state law, up to two times per calendar year, an individual Member may participate in a meeting remotely for health reasons or absence from Cobb County, so long as there is a quorum physically present for the meeting. An individual Member may only use this exception twice per calendar year unless the Member has a written opinion of a health professional.

#### D. VOTING RIGHTS

Each ~~member~~ **Member** shall be entitled to one (1) vote and shall cast that vote on each item submitted. Proxy votes and absentee ballots shall not be permitted. ~~Phone-in votes are permitted if the Member is able to readily participate in the meeting at which the vote is taken.~~ Remote participation and the voting at a meeting held in accordance with O.C.G.A. § 50-14-1(g) shall be considered the same as if that person was attending in person. ~~A Member~~ **Members** shall only abstain from votes when he or she has a valid conflict of interest related to an item to be addressed.

### ARTICLE II - OFFICERS AND DUTIES

#### A. CHAIR

1. The Chair shall appoint chairs of all committees, including standing and special.
2. It is the Chair's responsibility to call meetings which shall be held at least quarterly.
3. The Chair shall provide all AAB's suggestions and recommendations within the AAB's scope of responsibilities in writing to the Airport Manager.
4. In the event of a vacancy on the AAB either by resignation, death, change of residence, removal, or for any reason, the ~~AAB Chair~~ **Airport Manager**, within thirty (30) days after such vacancy, shall notify the entity that made the appointment or nomination and request a new appointment or nomination be made. All vacancies shall be filled in the same manner as the original appointments.

#### B. VICE-CHAIR

The Vice-Chair shall perform the duties of the Chair in the absence of the Chair or other duties as prescribed by the Chair.

#### C. SECRETARY

1. The Secretary shall prepare and distribute the minutes of all meetings within one

week of the meeting and keep the records of the AAB.

2. The Secretary shall perform the duties of the Chair in the absence of the Chair and the Vice-Chair.

#### D. REMOVAL

Any officer may be removed from office by an affirmative vote of a majority of ~~the~~ all Members of the AAB (~~five~~ six Members) whenever, in its judgment, the best interests of the AAB will be served. The ex-officer shall remain on the AAB as a ~~member~~ Member.

### ARTICLE III -AIRPORT ADVISORY BOARD OPERATIONS

- A. **Authority.** The AAB shall have no authority other than as stipulated by the Cobb County Policy for Cobb County International Airport - McCollum Field Airport Advisory Board. (~~originally approved on June 24, 2008~~)
- B. **Regular Meetings.** The AAB shall at a minimum meet quarterly with meeting dates, times, and locations established at the beginning of each calendar year.
- C. **Special Meetings.** Special meetings of the AAB shall be held at such time and place as shall be designated in the notice of such meetings, and may be called by the Chair at any time, and also shall be called by the Chair at the request of any ~~five~~ six ~~members~~ Members. Members shall be given official notice at least 72 hours in advance. Public notice shall be the responsibility of the Cobb County Department of Transportation, Airport Division.
- D. **Open Meetings.** All meetings will be open to the public. For advertising purposes, the AAB will provide to the Airport Manager a schedule of its meetings for posting at the Airport's ~~FBO terminals~~ Webpage and the Airport Manager will ensure agendas and minutes are available to the public in accordance with applicable laws.
- E. **Parliamentary Procedure.** All meetings shall be conducted in accordance with Robert's Rules of Order.
- F. **Recommendations.** All suggestions within the scope of the AAB's responsibilities shall be delivered to the Airport Manager in writing and signed by the Chair. The Airport Manager will have the responsibility to deliver the suggestions to the County Manager and the BOC.
- G. **Remote Meetings During State of Emergency. Except as otherwise provided by state law, the Board may meet remotely during a state of emergency declared by the President, Governor or BOC Chair, so long as proper notice and simultaneous public access is provided.**

#### ARTICLE IV - STAFF SERVICES

- A. The Airport Manager shall act as the liaison for the AAB with the BOC. The Airport Manager will provide staff services to the AAB. Staff services will include:
1. providing the schedule of meetings to the County Clerk's Office and AAB ~~members~~ **Members**; arranging meeting locations; preparing and distributing appropriate information related to the meeting agendas; and preparing and distributing draft minutes of meetings.
  2. informing the AAB of events, activities, policies, programs, etc. occurring within the scope of the AAB's functions.
  3. ensuring information provided by the AAB for the BOC is presented to the BOC and the County Manager.
- B. A formal, standard orientation program will be provided by County staff to all new ~~members~~ **Members**. The program will address, but not be limited to, the ~~bylaws~~ **Bylaws**, conflict of interest, the Georgia Sunshine Law, ethics violations, and legal obligations and responsibilities. Staff will ensure responses are provided to any questions new ~~members~~ **Members** may have regarding the duties and responsibilities of the AAB and its ~~members~~ **Members**.

#### ARTICLE V - MISCELLANEOUS

- A. **Amendments.** These Bylaws may only be amended by an affirmative vote of a majority of all ~~members~~ **Members** of the AAB (~~five six members~~ **Members**) at any regular or special called meeting of the AAB, provided that written notice of the changes to be acted upon is given ten (10) business days prior to the meeting at which the vote is to be taken and by final approval by the BOC.
- B. **Conflicts/Preference.** Should any term or condition of these Bylaws conflict with any term or condition of any general law, local act, ordinance, resolution, or policy, the latter shall prevail over these Bylaws.

#### ARTICLE VI - ADOPTION

- A. **Adoption and Effective Date.** These Bylaws ~~are~~ were originally adopted and ~~become~~ effective February 2, 2009. The first amendment shall become effective on May 9, 2023.

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Lisa N. Cupid, Chairwoman

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 9<sup>th</sup> of May 2023