

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 22, 2023
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, August 22, 2023 at 7:00 p.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 7:04 p.m.

PRESENTATIONS

1. **To present Certificates of Appreciation to the first responders who assisted in the emergency care of K9 Officer Chase and accept a donation from MetroAtlanta Ambulance Service for the purchase of a new K-9 for the Cobb Police K-9 Unit.**

The Board of Commissioners presented Certificates of Appreciation to the first responders who assisted in the emergency care of K9 Officer Chase and accepted a donation of \$15,500.00 from MetroAtlanta Ambulance Service for the purchase of a new K-9 for the Cobb Police K-9 Unit.

2. **To present Certificate of Achievement to the Mount Paran Christian boys tennis team for winning the 2023 Class AA state championship.**

Commissioner Gambrell presented Certificates of Achievement to the Mount Paran Christian boys tennis team for winning the 2023 Class AA state championship.

3. **To present a donation for the Cobb County Senior Services' Meals on Wheels program as part of the Battle of the Paddles fundraiser.**

Commissioner Gambrell presented a donation check to Cobb County Senior Services' Meals on Wheels program as part of the Battle of the Paddles fundraiser.

4. **To present a 2023 Legislative Service Award to State Representative Teri Anulewicz in conjunction with ACCG.**

Commissioner Sheffield and Gabriel Carter, ACCG Government Affairs Associate, presented the 2023 Legislative Service Award to State Representative Teri Anulewicz.

PUBLIC COMMENT

1. Jim Jess addressed the Board regarding the proposed transit referendum.
2. Michael Garza addressed the Board regarding DEI.
3. Christine Rozman addressed the Board regarding DEI.
4. John McLean addressed the Board regarding the proposed transit referendum.
5. Pam Reardon addressed the Board regarding the proposed transit referendum.
6. Denny Wilson addressed the Board regarding various matters.

Clerk's Note: *Commissioner Birrell and Commissioner Gambrill 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 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."

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 22, 2023
7:00 PM**

Page | 3

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.

MOTION TO ADD NON-AGENDA ITEM

Motion by Richardson, second by Birrell, to **approve** the addition of the following non-agenda Item to be added to the consent agenda (See item 32 of these minutes):

- *To review the summary of the appeal hearing conducted by the License Review Board on August 17, 2023 regarding The Kroger Company d/b/a Kroger #730*

VOTE: ADOPTED 5-0 *(Statements of 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, *as revised*; and **authorize** execution of the necessary documents by the appropriate County personnel.

District Attorney

5. **To authorize the creation of a State Paid Victim Advocate Position, Pay Grade 107, for the District Attorney's Office Victim Witness Unit.**

To **authorize** the creation of a State Paid Victim Advocate Position, Pay Grade 107, for the District Attorney's Office Victim Witness Unit, effective September 1, 2023 and **authorize** the corresponding personnel and budget transactions.

Water System

6. **To ratify previous action by the County Manager authorizing emergency work and payment to Chatfield Contracting, Inc. for 5343 Saint Martins Court, Program No. SW2265.**

To **ratify** previous action by the County Manager authorizing the emergency work and payment to Chatfield Contracting, Inc., in the amount of \$203,381.07, for 5343 Saint Martins Court, Program No. SW2265; **ratify** the corresponding budget transaction; and **further authorize** the Clerk to record evidence of such ratification in the Official Minutes.

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	\$203,381.07

Transfer to:

5343 Saint Martins Court			
Drainage Contract R&M Service	510-500-5758-6496	SW2265-C	\$203,381.07

7. **To approve a construction contract with K. M. Davis Contracting Co., Inc. for FY23 Miscellaneous Sewer Replacements, Program No. S1142.**

To **approve** a construction contract with K. M. Davis Contracting Co., Inc., in the amount of \$994,635.00, for FY23 Miscellaneous Sewer Replacements, Program No. S1142; **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 Sewer Lines

Preliminary Estimates	510-500-5755-8005	S2503-Z	\$1,028,045.00
-----------------------	-------------------	---------	----------------

Transfer to:

FY23 Miscellaneous Sewer Replacements

Construction	510-500-5755-8260	S1142-C	\$ 994,635.00
Interest Expense on Retainage	510-500-5755-6613	S1142-A	\$ 2,490.00
Easements & Right-of-Way	510-500-5755-8020	S1142-R	\$ 10,000.00
Materials & Supplies	510-500-5755-8265	S1142-M	\$ 1,000.00
Contingency	510-500-5755-8810	S1142-T	\$ 19,920.00
Total			\$1,028,045.00

8. **To ratify previous action by the County Manager authorizing emergency work and payment to Wade Coots Company, Inc. for Sewell Mill Creek Sewer Interceptor Replacement, Program No. S3044.**

To **ratify** previous action by the County Manager authorizing the emergency work and payment to Wade Coots Company, Inc., in an amount not to exceed \$448,592.00 for the Sewell Mill Creek Sewer Interceptor Replacement, Program No. S3044; **ratify** the corresponding budget transaction; and **further authorize** the Clerk to record evidence of such ratification in the Official Minutes.

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

Transfer from:

Unidentified New/Replacement Sewer Lines

Preliminary Estimates	510-500-5755-8005	S2503-Z	\$448,592.00
-----------------------	-------------------	---------	--------------

Transfer to:

Sewell Mill Creek Sewer Interceptor Replacement

Construction	510-500-5755-8260	S3044-C	\$448,592.00
--------------	-------------------	---------	--------------

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 22, 2023
7:00 PM**

Page | 6

9. To approve a construction contract with IHC Construction Companies, LLC for the FY23 Noonday Creek Water Reclamation Facility Improvements, Program No. T1030.

To **approve** a construction contract with IHC Construction Companies, LLC in the amount of \$3,488,000.00 for the FY23 Noonday Creek Water Reclamation Facility Improvements, Program No. T1030; **authorize** the corresponding budget transfers; and **further authorize** the Chairwoman to execute the necessary documents

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

Transfer from:

Noonday Creek Water Reclamation Facility Miscellaneous Improvements

Preliminary Estimates	510-500-5753-8005	T1503-Z	\$3,571,480.00
-----------------------	-------------------	---------	----------------

Transfer to:

FY23 Noonday Creek Water Reclamation Facility Improvements

Construction	510-500-5753-8260	T1030-C	\$3,488,000.00
Interest Expense on Retainage	510-500-5753-6613	T1030-A	\$ 8,720.00
Materials & Supplies	510-500-5753-8265	T1030-M	\$ 5,000.00
Contingency	510-500-5753-8810	T1030-T	\$ 69,760.00
Total			\$3,571,480.00

10. To approve Change Order No. 5 to the construction contract with Reeves Young, LLC and Supplemental Agreement No. 3 to the agreement with Arcadis U.S., Inc. for construction management services for South Cobb Water Reclamation Facility Influent Lift Station Recovery, Program No. T5004.

To **approve** Change Order No. 5 to the construction contract with Reeves Young, LLC, in an amount not to exceed \$774,454.00 and a time extension of 213 calendar days, and Supplemental Agreement No. 3 to the agreement with Arcadis U.S., Inc. for construction management services, in an amount not to exceed \$69,525.43 and an extension through March 31, 2024, for South Cobb Water Reclamation Facility Influent Lift Station Recovery, Program No. T5004; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available as follows:

Increase Revenue	500-500-5100-4992	(Water System Reserves)	\$843,979.43
Increase Expenses	500-500-5100-6594	(Interfund-Out)	\$843,979.43
Increase Revenue	510-500-5750-4960	A5750-A	\$843,979.43

Increase Expenditures:

South Cobb Water Reclamation Facility Influent Lift Station Recovery

Construction	510-500-5753-8260	T5004-C	\$774,454.00
Construction Management Services	510-500-5753-8230	T5004-E	\$ 69,525.43
Total			\$843,979.43

Increase Encumbrance

GAE 51010081909	510-500-5753-8260	T5004-C	\$774,454.00
Increase Encumbrance	510-500-5753-8230	T5004-E	\$ 69,525.43
GAE 510100819091			

11. **To approve Supplemental Agreement No. 2 to the agreement with Wiss, Janney, Elstner Associates, Inc. for South Cobb Water Reclamation Facility Influent Lift Station Recovery Forensic Engineering Services, Program No. T5004.**

To **approve** Supplemental Agreement No. 2 with Wiss, Janney, Elstner Associates, Inc., in an amount not to exceed \$413,200.00 with a 24-month time extension, for South Cobb Water Reclamation Facility Influent Lift Station Recovery Forensic Engineering Services, Program No. T5004; **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 Revenue:	500-500-5100-4992	(Water System Reserves)	\$413,200.00
Increase Expenses:	500-500-5100-6594	(Interfund Out)	\$413,200.00
Increase Revenue:	510-500-5750-4960	A5750-A	\$413,200.00

Increase Expenses:

South Cobb Water Reclamation Facility Influent Lift Station Recovery Forensic Engineering Services

Professional Services	510-500-5753-6326	T5004-A	\$413,200.00
-----------------------	-------------------	---------	--------------

Transportation

12. **To approve the Second Amendment to Lease Agreement with Vulcan Construction Materials, LLC at Cobb County International Airport – McCollum Field.**

To **approve** the Second Amendment to Lease Agreement with Vulcan Construction Materials, LLC at Cobb County International Airport – McCollum Field; and **authorize** the Chairwoman to execute the necessary documents.

Public Services Agency

Senior Services

13. **To authorize the purchase of a Starcraft Allstar bus for Cobb County Senior Services Transportation, under provisions of State Contract 99999-SPD-SPD0000212-0005, with Model 1 Commercial Vehicles.**

To **authorize** the purchase of a Starcraft Allstar bus in an amount not to exceed \$124,080.75 for Cobb County Senior Services Transportation, under provisions of State Contract 99999-SPD-SPD0000212-0005, with Model 1 Commercial Vehicles; **authorize** the corresponding budget transactions; and **further authorize** the Purchasing Director to execute the necessary documents.

Senior Services has savings, within the capital appropriation, from the acquisition of a capital refrigeration unit purchased in FY2023. We would like to repurpose this savings to apply to the purchase of the replacement bus.

Decrease Expenditure:	010-300-0060-8440	Kitchen Equipment	\$ 74,080.75
Increase Expenditure:	010-300-0060-8605	Autos, Vans, Trucks	\$ 74,080.75
Available in FY23:	010-300-0060-8605	Autos, Vans, Trucks	\$ 50,000.00
		Total Cost	\$124,080.75

14. **To approve the 2024 First Amendment Contract AG2334.1 with the Atlanta Regional Commission, the designated Area Agency on Aging, for American Rescue Plan Act (ARPA) funded services to provide additional support to older adults in Cobb County for Case Management, Assistive Technology, Home Delivered Meals, and Transportation for the period of June 29, 2023 to June 29, 2024.**

To **approve** the 2024 First Amendment Contract AG2334.1 with the Atlanta Regional Commission, the designated Area Agency on Aging, for American Rescue Plan Act (ARPA) funded services to provide additional support to older adults in Cobb County for Case Management, Assistive Technology, Home Delivered Meals, and Transportation for the period of June 29, 2023 to June 29, 2024; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

15. **To authorize the submission of a grant application to the North Cobb Rotary Club to provide funding for proper storage, maintenance, and display of items in our Assistive Technology Lab.**

To **authorize** the submission of a grant application to the North Cobb Rotary Club to provide funding for proper storage, maintenance, and display of items in our Assistive Technology Lab.

Elections

16. **To authorize the combination of the Acworth 1A , Acworth 1B and Acworth 1C precincts to form the Acworth 01 precinct for the November 7, 2023 Municipal General/Special Election and any runoff.**

To **authorize** a precinct boundary change to combine the Acworth 1A precinct with the Acworth 1B and Acworth 1C precincts to create the Acworth 01 precinct at Acworth Community Center, 4361 Cherokee St., Acworth, GA 30101 for the November 7, 2023 Municipal General/Special Election and any runoff.

17. **To authorize the combination of the Austell 1A precinct with the Austell 1B precinct to form the Austell 01 precinct for the November 7, 2023 Municipal General/Special Election and any runoff.**

To **authorize** a precinct boundary change to combine the Austell 1A precinct with the Austell 1B precinct to form the Austell 01 precinct at Collar Park Community Center, 2625 Joe Jerkins Blvd., Austell, GA 30106 for the November 7, 2023 Municipal General/Special Election and any runoff.

18. **To authorize the combination of the Smyrna 3A precinct with the Smyrna 3B precinct to form the Smyrna 3A precinct for the November 7, 2023 Municipal General/Special Election and any runoff.**

To **authorize** a precinct boundary change to combine the Smyrna 3A precinct with the Smyrna 3B precinct to form the Smyrna 3A precinct at Smyrna Community Center, 200 Village Green Cir., Smyrna, GA 30080 for the November 7, 2023 Municipal General/Special Election and any runoff.

19. **To authorize precinct boundaries changes due to redistricting and annexations to the following precincts: Acworth 1A, Acworth 1C, Austell 1A, Austell 1B, Kennesaw 3A, Powder Springs 1A, Powder Springs 2A, Powder Springs 3A, Smyrna 1A, Smyrna 2A, Smyrna 3A, Smyrna 3B, Smyrna 4A, Smyrna 5A, Smyrna 6A and Smyrna 7A, to be in effect August 23, 2023.**

To **authorize** the changes to existing precinct boundary lines, due to redistricting and annexations in the following precincts: Acworth 1A, Acworth 1C, Austell 1A, Austell 1B, Kennesaw 3A, Powder Springs 1A, Powder Springs 2A, Powder Springs 3A, Smyrna 1A, Smyrna 2A, Smyrna 3A, Smyrna 3B, Smyrna 4A, Smyrna 5A, Smyrna 6A and Smyrna 7A, to be in effect August 23, 2023.

Support Services Agency

Information Services

20. **To authorize emergency procurement of a service contract with Securitas Technology Corporation (STC) for the maintenance of the Cobb County Judicial Circuit Security Electronics System.**

To **authorize** emergency procurement of a service contract with Securitas Technology Corporation, in an amount not to exceed \$390,000.00, for maintenance of the Cobb County Judicial Circuit Security Electronics System; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents as approved by the County Attorney's Office.

FY 23 Funding is available in the Capital Projects Fund 380, IS Surveillance and Access Control System Update, Unit 4736, as follows:

380-035-4736-6326	(Professional Services)	\$195,000.00
-------------------	-------------------------	--------------

Public Safety Agency

Police Department

21. To authorize the acceptance of donations from the Stanton Foundation and Metro Atlanta Ambulance Service.

To **authorize** the acceptance of donations from the Stanton Foundation and Metro Atlanta Ambulance Service for the replacement of police K9s; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	010-130-2100-4920	Gifts & Donations	\$30,500.00
Increase Expenditure	010-130-2100-8852	Fund Balance-False Alarm	\$30,500.00

Fire and Emergency Services

22. To approve an agreement with Front Line Mobile Health, under sealed bid # 23-6717, to conduct NFPA 1582 compliant medical examinations for sworn fire personnel.

To **approve** an agreement with Front Line Mobile Health, under sealed bid # 23-6717, to conduct NFPA 1582 compliant medical examinations for sworn fire personnel, and **further authorize** the Chairwoman to execute any necessary documents.

Funding is available and approved in the CCFES FY2023 budget as follows:

230-130-1000-6320	(Medical and Dental Services)
-------------------	-------------------------------

Community Development

23. To review a summary of the appeal hearing conducted by the License Review Board on August 3, 2023, for The Indian Verandah, LLC d/b/a The Indian Verandah.

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of August 3, 2023, to **approve** the application for a beer, wine and Sunday sales pouring license for The Indian Verandah, LLC d/b/a The Indian Verandah, 3101 Roswell Rd., Ste. 100, Marietta, GA 30062, Prabhakar Yelamanchila, licensee.

24. To approve annexation notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of a tract of land, totaling 3.528 acres, located at 2349 Windy Hill Road into the City of Marietta.

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of Land Lot 781 of the 17th District, Cobb County, Georgia, Parcel number 17078100120, into the City of Marietta. A copy of the annexation Notice of Non-Objection is attached and made a part of these minutes.

Human Resources

25. To approve an Agreement with Delta Dental to administer Dental Benefits for Cobb County Government Employees.

To **approve** an Agreement with Delta Dental for January 1, 2024 through December 31, 2026 with an option for two (2) one-year renewals for Cobb County's self-funded dental administration; and **authorize** the Chairwoman to execute any necessary documents.

Annual funding for these services is included in the FY24 proposed budget.

26. To approve an Agreement with Metropolitan Life Insurance Company (MetLife) for Group Term Life/AD&D and Group Long Term Disability (LTD) Insurance for Cobb County Government employees.

To **approve** an Agreement with MetLife for January 1, 2024 through December 31, 2026 with an option for two (2) one-year renewals for Cobb County's Group Life/AD&D and LTD insurance; and **authorize** the Chairwoman to execute any necessary documents.

Annual funding for these services is included in the FY24 proposed budget.

27. To approve agreements for the Medical and Prescription Drug plans for Cobb County Government employees and eligible retirees.

To **approve** an Agreement with Anthem BlueCross BlueShield for January 1, 2024 through December 31, 2026 with an option for two (2) one-year renewals for the Cobb County's self-funded health and prescription drug administration; **approve** an Agreement with Kaiser Permanente for fully insured coverage for the 2024 plan year beginning January 1, 2024 through December 31, 2024; and **authorize** the Chairwoman to execute any necessary documents.

Annual funding for these services is included in the FY24 proposed budget.

Risk Management

28. To authorize the settlement of a bodily injury liability claim with Juliette Henderson and authorize the corresponding budget transactions.

To **authorize** the settlement of Juliette Henderson's claim, as discussed in Executive Session on July 10, 2023; and **authorize** the corresponding budget transactions.

Funding is available in account: 710-055-8011-6608

Finance

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

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

County Attorney

30. To authorize settlement of the *Natasha Irvin Ante Litem Notice*, pursuant to the direction discussed in Executive Session on August 7, 2023

To **authorize** settlement of the *Natasha Irvin Ante Litem Notice*, pursuant to the direction discussed in Executive Session on August 7, 2023; **authorize** counsel to prepare and execute any necessary documents for the purposes of settling ongoing litigation; and **further authorize** the corresponding budget transactions.

Funding is available in account: 71005580116608.

County Clerk

31. To approve minutes.

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

- August 7, 2023 - Agenda Work Session
- August 8, 2023 - BOC Regular Meeting
- August 15, 2023 - BOC Zoning Hearing

Community Development

32. To review a summary of the appeal hearing conducted by the License Review Board on August 17, 2023, for The Kroger Company d/b/a Kroger #730.

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of August 17, 2023, to **approve** the application for a beer, wine, and Sunday sales package license for The Kroger Company d/b/a Kroger #730, 3101 Roswell Rd., Ste. 100, Marietta, GA 30062, Michael Burkett, licensee.

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

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 22, 2023
7:00 PM**

Page | 13

REGULAR AGENDA

Transportation

33. To approve a contract with Glosson Enterprises, LLC for Lost Mountain Road Sidewalk, Project No. X2708, CCDOT Contract No. 001803.

Motion by Gambrill, second by Richardson, to **approve** a contract with Glosson Enterprises, LLC, in an amount not to exceed \$786,559.65, for Lost Mountain Road Sidewalk, Project No. X2708, CCDOT Contract No. 001803; **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-X2708-C	Preliminary Estimate	\$246,500.00
	347-050-X270-X270-8005-X2701-A	Preliminary Estimate	\$ 70,517.00
Transfer to:	347-050-X270-X270-8762-X2708-C	Turnkey Construction	\$317,017.00

Appropriate revenue for Commission District 1 Sidewalk Development previously received in the Public Facility Projects Fund and transfer funding to the 2016 SPLOST Transportation Improvements Program Fund, with the following interfund transactions:

Increase Revenue:	380-050-4668-4668-4918-TR381-C	Developer Contribution	\$447,142.65
Increase Expenditure:	380-050-4668-4668-6594-TR381-C	Interfund Transfer - Exp.	\$447,142.65
Increase Revenue:	347-050-X270-X270-4960-X2708-C	Interfund Transfer-Rev.	\$447,142.65
Increase Expenditure:	347-050-X270-X270-8762-X2708-C	Turnkey Construction	\$447,142.65

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.

Lost Mountain Road 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 1 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 August 2, 2023: Lost Mountain Road Sidewalk

Budget:	\$300,000.00	Expended:	\$41,753.41
---------	--------------	-----------	-------------

Adjusted SPLOST Project Summary, following requested budget transfers:

Adjusted Budget:	\$817,659.65
------------------	--------------

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	\$24,900.00
Transfer to:	Lost Mountain Road Sidewalk		
	510-500-5756-8260-W4472-C	Construction	\$22,400.00
	510-500-5756-8265-W4472-M	Material and Supplies	\$ 2,000.00
	510-500-5756-8810-W4472-T	Contingency	<u>\$ 500.00</u>
		Total:	\$24,900.00

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 Glosson Enterprises, LLC for Sewell Mill Road Sidewalk, Project No. X2731, CCDOT Contract No. 001928.

Motion by Richardson, second by Gambrill, to **approve** a contract with Glosson Enterprises, LLC, in an amount not to exceed \$1,464,235.44, for Sewell Mill Road Sidewalk, Project No. X2731, CCDOT Contract No. 001928; **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-X2731-C	Preliminary Estimate	\$517,700.00
	347-050-X270-X270-8761-X2732-C	Preliminary Estimate	\$443,054.00
Transfer to:	347-050-X270-X270-8762-X2731-C	Turnkey Construction	\$960,754.00

Appropriate revenue for Commission District 2 Sidewalk Development previously received in the Public Facility Projects Fund and transfer funding to the 2016 SPLOST Transportation Improvements Program Fund, with the following interfund transactions:

Increase Revenue:	380-050-4668-4668-4918-TR382-C	Developer Contribution	\$281,096.44
Increase Expenditure:	380-050-4668-4668-6594-TR382-C	Interfund Transfer - Exp.	\$281,096.44

Increase Revenue:	347-050-X270-X270-4960-X2731-C	Interfund Transfer - Rev.	\$281,096.44
Increase Expenditure:	347-050-X270-X270-8762-X2731-C	Turnkey Construction	\$281,096.44

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.

Sewell Mill Road 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 August 2, 2023: Sewell Mill Road Sidewalk

Budget:	\$555,000.00	Expended:	\$17,626.60
---------	--------------	-----------	-------------

Adjusted SPLOST Project Summary, following requested budget transfers:

Adjusted Budget:	\$1,279,150.44
------------------	----------------

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	\$231,835.00
Transfer to:	Sewell Mill Road Sidewalk		
	510-500-5756-8260-W4471-C	Construction	\$222,385.00
	510-500-5756-8265-W4471-M	Material and Supplies	\$ 5,000.00
	510-500-5756-8810-W4471-T	Contingency	<u>\$ 4,450.00</u>
		Total:	\$231,835.00

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 Traffic Calming USA, LLC for Resurfacing - 2023 Countywide High Friction Surface Treatment, Project No. X2922, CCDOT Contract No. 002111.

Motion by Gambrill, second by Sheffield, to **approve** a contract with Traffic Calming USA, LLC, in an amount not to exceed \$497,849.00, for Resurfacing - 2023 Countywide High Friction Surface Treatment, Project No. X2922, CCDOT Contract No. 002111; **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-X290-X290-8761-X2900-C	Preliminary Estimate	\$497,849.00
Transfer to:	347-050-X290-X290-8762-X2922-C	Turnkey Construction	\$497,849.00

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, Resurfacing.

Resurfacing – 2023 Countywide High Friction Surface Treatment is an eligible project/program under the Infrastructure Preservation – Resurfacing Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 8). Resurfacing includes milling, patching, leveling and resurfacing of various roadways throughout the County.

SPLOST Component Summary as of August 2, 2023: Resurfacing

Budget:	\$98,004,568.00	Encumbered/Expended:	\$93,927,098.76
---------	-----------------	----------------------	-----------------

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

36. To approve the First Amendment to the Georgia Transportation Infrastructure Bank Agreement with the State Road and Tollway Authority for Old 41 Highway Realignment, Project No. X2609.

Motion by Birrell, second by Gambrill, to **approve** the First Amendment to the Georgia Transportation Infrastructure Bank Agreement with the State Road and Tollway Authority for Old 41 Highway Realignment, Project No. X2609; and **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*).

37. **To approve a Consultant Services Agreement with Gresham Smith, for engineering design of Big Shanty Road Widening, State P.I. No. 0019616, Cobb County Project No. B2431, CCDOT Contract No. 002053.**

Motion by Birrell, second by Sheffield, to **approve** a Consultant Services Agreement with Gresham Smith, in an amount not to exceed \$661,956.78, for engineering design of Big Shanty Road Widening, State P.I. No. 0019616, Cobb County Project No. B2431, CCDOT Contract No. 002053; **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-B240-B240-8721-B2431-E	Preliminary Estimate	\$661,956.78
Transfer to:	348-050-B240-B240-8722-B2431-E	Engineering	\$661,956.78

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, Federal/State/Local Match Improvements.

Big Shanty Road Widening is an eligible project/program under the Federal/State/Local Match Improvements Component of the 2022 SPLOST Transportation Improvements, pending sufficient Federal, State, or other grant assistance becoming available (2022 Cobb SPLOST Renewal, pp. 1, 21, 22). SPLOST funding for the Federal/State/Local Match Improvements will be used to leverage available matching funds to deliver key operational and safety improvements to the county's transportation system.

SPLOST Project Summary as of August 2, 2023: Big Shanty Road Widening

Budget:	\$2,510,000.00	Expended:	\$120.00
---------	----------------	-----------	----------

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

38. **To approve the multi-year 2023 Transit Operations and Maintenance Contract with Transdev Services, Inc., to provide complete operations, maintenance, and administrative support services for CobbLinc, CCDOT Contract No. 002205.**

Motion by Cupid, second by Richardson, to **approve** the three-year 2023 Transit Operations and Maintenance Contract with Transdev Services, Inc., to include two one-year renewal options, in an amount not to exceed \$29,800,000.00 for year one, to provide complete operations, maintenance, and administrative support services for CobbLinc, CCDOT Contract No. 002205; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the approved FY24 Transit Operating Budget, as follows:

Available:	200-050-4802-6327	Operator Service Fees	\$23,317,591.00
------------	-------------------	-----------------------	-----------------

Additional federal and local match funding required in the FY24 Transit Operating Budget is available in the Transit Grant Fund, as follows, to be transferred as needed:

Available for Transfer			
203-050-Various Units	Federal Transit Admin. Grants/Local Match		\$6,482,409.00

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 COMMENT

1. Mindy Segar addressed the Board regarding antisemitic propaganda.
2. Kevin Redmon addressed the Board regarding diversity and unity.
3. Donald Barth addressed the Board regarding various matters.
4. Kristie Miner addressed the Board regarding the Board of Health contact information.
5. Kevin Cutliffe addressed the Board regarding transit.
6. John Adwari addressed the Board regarding taxes.

APPOINTMENTS

39. **To announce the appointment of Zachary Hiatt to the Neighborhood Safety Commission.**

Chairwoman Cupid **announced** the appointment of Zachary Hiatt to the Neighborhood Safety Commission for a three-year term to expire on September 30, 2025. This appointment will replace Juan Violantes.

40. To announce the appointment of Deidra R. Willis to the One Percent Special Purpose Local Option Sales Tax Citizens' Oversight Committee.

Commissioner Sheffield **announced** the appointment of Deidra R. Willis to the One Percent Special Purpose Local Option Sales Tax Citizens' Oversight Committee for a Term Balance to expire on December 31, 2024. This appointment will replace Tania Robinson.

ADJOURNMENT

The meeting was adjourned at 9:05 p.m.



Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

38. **To approve the multi-year 2023 Transit Operations and Maintenance Contract with Transdev Services, Inc., to provide complete operations, maintenance, and administrative support services for CobbLinc, CCDOT Contract No. 002205.**

Motion by Cupid, second by Richardson, to **approve** the three-year 2023 Transit Operations and Maintenance Contract with Transdev Services, Inc., to include two one-year renewal options, in an amount not to exceed \$29,800,000.00 for year one, to provide complete operations, maintenance, and administrative support services for CobbLinc, CCDOT Contract No. 002205; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the approved FY24 Transit Operating Budget, as follows:

Available:	200-050-4802-6327	Operator Service Fees	\$23,317,591.00
------------	-------------------	-----------------------	-----------------

Additional federal and local match funding required in the FY24 Transit Operating Budget is available in the Transit Grant Fund, as follows, to be transferred as needed:

Available for Transfer			
203-050-Various Units	Federal Transit Admin. Grants/Local Match		\$6,482,409.00

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 COMMENT

1. Mindy Segar addressed the Board regarding antisemitic propaganda.
2. Kevin Redmon addressed the Board regarding diversity and unity.
3. Donald Barth addressed the Board regarding various matters.
4. Kristie Miner addressed the Board regarding the Board of Health contact information.
5. Kevin Cutliffe addressed the Board regarding transit.
6. John Adwari addressed the Board regarding taxes.

APPOINTMENTS

39. **To announce the appointment of Zachary Hiatt to the Neighborhood Safety Commission.**

Chairwoman Cupid **announced** the appointment of Zachary Hiatt to the Neighborhood Safety Commission for a three-year term to expire on September 30, 2025. This appointment will replace Juan Violantes.

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.

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.



COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

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

Jessica Guinn, AICP
Director

CERTIFIED MAIL
7020 0090 0000 6545 4271

August 3, 2023

The Honorable R. Steve Tumlin, Jr
Mayor
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Re: Petition for Annexation— Land Lot 781, 17th District, Parcel 17078100120 2nd Section, 2349 Windy Hill Road, Cobb County, Georgia; Notice of Non-Objection.

Dear Mayor Tumlin:

We are in receipt of the above-referenced annexation and rezoning request. Please accept this response to the annexation proposal for 2349 Windy Hill Road. The subject property is currently zoned GC, and is within an area identified as RAC (Regional Activity Center) according to the Cobb County Future Land Use Map.

This property is in an Accident Potential Zone I (APZ I) in the military airport hazard district (Sec.134-275.1). This is an airport impact zone area extending outward from the clear zone an additional 5,000 feet by 3,000 feet (the runway centerline is the midpoint for the width) presenting a risk of an aircraft accident less than the clear zone but greater than APZ II; therefore, extra protection is required. The subject parcel has the required contiguity with the existing Marietta boundary for annexation. No unincorporated islands would be created or extended with the proposed annexation. There are no county buildings or facilities on the property. Based on our HB 489 Intergovernmental Agreement, this is a non-objectionable request.

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

Equal Opportunity Employer

Cobb County...Expect the Best!
www.cobbcounty.org

Reference No.

24

Sincerely,

Lisa Cupid, Chair

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

Equal Opportunity Employer

Cobb County...Expect the Best!
www.cobbcounty.org

Reference No.

[signature page continued]

Sincerely,

Keli A. Gambrill

Keli Gambrill, District 1 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

[signature page continued]

Sincerely,

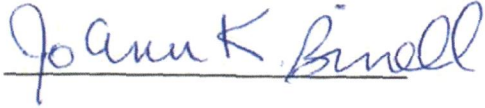


Jerica Richardson, District 2 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

[signature page continued]

Sincerely,

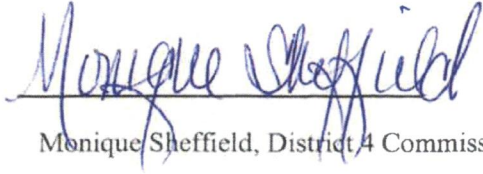


JoAnn K. Birrell, District 3 Commissioner

cc: Jackie McMorris, County Manager - VIA E-mail
James Gisi, Deputy County Manager - VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director - VIA E-mail
Pamela Mabry, County Clerk - Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta- Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta- Via E-Mail

[signature page continued]

Sincerely,

A handwritten signature in blue ink, reading "Monique Sheffield". The signature is written in a cursive, flowing style. Below the signature is a horizontal line, and underneath that line is the printed name and title.

Monique Sheffield, District 4 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

County Staff Comments and Recommendations

2349 Windy Hill Road
City of Marietta

Water System- Tim Davidson

Water service for 2349 Windy Hill Rd is provided by the existing CCWS water main in Windy Hill Road.

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

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

Planning- Historic Preservation-Mandy Elliott

No comments.

Cobb County Fire Marshal's Office-Rock Toler

The Fire Department has no rebuttal against the annexation. See the list below of tenants currently shown at this address.

Occ. Name	Suite	Comm/Res/Both/Other	Building Shell?	Vacant?	Occ. Sq ft
Click IT of Marietta	152	commercial	N	N	1862
Crossings at Windy Hill Shopping Center		commercial	Y	N	32000
Dixie Tavern	130	commercial	N	N	3250
FedEx Office	110	commercial	N	N	2900
Madras Restaurant	120	commercial	N	N	4975
Remax Platinum	148	commercial	N	N	3000
Ruby Massage	144	commercial	N	Y	1233
Southnet Telecommunications	160	commercial	N	N	2700
Styles of Atlanta	140	commercial	N	N	1500
X-3 Sports Training Gym	170	commercial	N	N	8097

GIS- Brad Gordon

I have no objections from a GIS/Addressing perspective.

County Staff Comments and Recommendations

2349 Windy Hill Road
City of Marietta

Stormwater Management- Carl Carver

Stormwater Management has No objection as requested.

The property does contain private stormwater infrastructure including detention. The City of Marietta needs to make sure these facilities will be updated to current State regulations with any future re-development

Cobb DOT-James Washington

No comments on the annexation.

Code Enforcement- Brent Farrell

No comments.

Cemetery Preservation Committee- Helga Hong

No comments.

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 22nd of August 2023

