

**MINUTES OF REGULAR MEETING  
COBB COUNTY BOARD OF COMMISSIONERS  
DECEMBER 12, 2023  
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, December 12, 2023 at 9:00 a.m., in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

**CALL TO ORDER**

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

**MSPLOST**

**1. To present information regarding the proposed project list for a Mobility Special Purpose Local Option Sales Tax ballot referendum in November 2024.**

Drew Raessler, Transportation Agency Director, presented information regarding the proposed project list for a Mobility Special Purpose Local Option Sales Tax ballot referendum in November 2024. The presented information is attached and made a part of these minutes.

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

**Commissioner Birrell's statement**

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

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

**Commissioner Gambrill's statement**

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

*While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety. In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).*

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

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

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

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

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

2. **To adopt a resolution accepting the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) - Proposed Program of Projects, authorizing staff to proceed with development of a MSPLOST ballot referendum for November 2024, and authorizing submission of proposed CobbLinc transit projects to the Atlanta-Region Transit Link Authority (ATL) for consideration as an amendment to the ATL Regional Transit Plan (ARTP) and inclusion in the ARTP update.**

Motion by Cupid, second by Richardson, to **adopt** a resolution accepting the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) – Proposed Program of Projects, authorizing staff to proceed with development of a MSPLOST ballot referendum for November 2024, and authorizing submission of proposed CobbLinc transit projects to the Atlanta-Region Transit Link Authority (ATL) for consideration as an amendment to the ATL Regional Transit Plan (ARTP) and inclusion in the ARTP update.

VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrill opposed (Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes).



3. To approve a Memorandum of Agreement with Cumberland Community Improvement District for financial support related to 2024 Mobility Special Purpose Local Option Sales Tax public education, and approve a Memorandum of Agreement with Town Center Community Improvement District for financial support of the same.

Motion by Cupid, second by Richardson, to **approve** a Memorandum of Agreement with Cumberland Community Improvement District for financial support related to 2024 Mobility Special Purpose Local Option Sales Tax public education; **approve** a Memorandum of Agreement with Town Center Community Improvement District for financial support of the same; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Appropriate receipt of revenue from the Cumberland Community Improvement District to the Public Facility Projects Fund, as follows:

|                       |                           |                       |             |
|-----------------------|---------------------------|-----------------------|-------------|
| Increase Revenue:     | 380-050-4727-4505-TR523-E | CID Revenue           | \$50,000.00 |
| Increase Expenditure: | 380-050-4727-6326-TR523-E | Professional Services | \$50,000.00 |

Appropriate receipt of revenue from the Town Center Community Improvement District to the Public Facility Projects Fund, as follows:

|                       |                           |                       |             |
|-----------------------|---------------------------|-----------------------|-------------|
| Increase Revenue:     | 380-050-4727-4505-TR523-E | CID Revenue           | \$50,000.00 |
| Increase Expenditure: | 380-050-4727-6326-TR523-E | Professional Services | \$50,000.00 |

Available in the Public Facility Projects Fund, with the following interfund transfer:

|                       |                   |                              |              |
|-----------------------|-------------------|------------------------------|--------------|
| Increase Revenue:     | 010-050-0715-4980 | Fund Balance Appropriation   | \$187,132.00 |
| Increase Expenditure: | 010-050-0715-6594 | Interfund Transfer - Expense | \$187,132.00 |

|                       |                           |                              |              |
|-----------------------|---------------------------|------------------------------|--------------|
| Increase Revenue:     | 380-050-4727-4960-TR523-E | Interfund Transfer - Revenue | \$187,132.00 |
| Increase Expenditure: | 380-050-4727-6326-TR523-E | Professional Services        | \$187,132.00 |

VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrill opposed (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).

**PUBLIC HEARING**

4. **To conduct a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 for South Cobb Water Reclamation Facility Expansion and Upgrade, Program No. T3025.**

Judy Jones, Water System Agency Director, requested a public hearing prior to the employment of a consultant or consulting firm where contract fees will likely exceed \$100,000.00 for professional services for South Cobb Water Reclamation Facility Expansion and Upgrade, Program No. T3025.

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

No official action was taken by the Board.

*Chairwoman Cupid called for a brief recess at 10:18 a.m. through 10:23 a.m.*

**PUBLIC COMMENT**

1. Pat Burns addressed the Board regarding the Historic District bench project.
2. Matt Stigall addressed the Board regarding Transit.
3. Alicia Adams addressed the Board regarding the Unified Development Code.
4. Christine Rozman addressed the Board regarding Transit.
5. Samuel Foster addressed the Board regarding Transit.
6. Gabriel Sanchez addressed the Board regarding Transit.



**CONSENT AGENDA**

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

**Superior Court Administration**

**5. To authorize the receipt of ARPA grant funding from the Judicial Council of Georgia for the Cobb County Judicial Circuit.**

To **authorize** the receipt of grant funds from the Judicial Council of Georgia for the Cobb Judicial Circuit; the creation or continuation of the following positions: Superior Court: Grants Administrator, (Grade 114) - 1 position, Judicial Staff Attorney, (Grade 113) - 1 position, and Court Support Supervisor, (Grade 112) - 1 position, District Attorney: Assistant District Attorney, (Legislative) - 4 positions, Investigator, (DA) - 1 position, and Victim Witness Advocate, (Grade 107) - 1 position, beginning January 1, 2024, through October 31, 2024; **authorize** the elimination of the following positions Sheriff: Deputy Sheriff II, (Grade PO2) - 4 positions, and Deputy Sheriff, Supervisor, (Grade PO3) - 1 position, beginning January 1, 2024; the receipt of funding for per diem court reporters and transcriptions; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman and Superior Court Administrator to execute the necessary documents.

|                       |                   |                |               |
|-----------------------|-------------------|----------------|---------------|
| Increase Revenue:     | 270-225-S098-4496 | (State Grants) | \$ 775,138.00 |
| Increase Expenditure: | 270-225-S098-6012 | (Salaries)     | \$ 775,138.00 |

**Juvenile Court**

**6. To authorize the application for the "Enhanced Juvenile Justice Guidelines Demonstration Sites" technical assistance opportunity, provided by the National Council of Juvenile and Family Court Judges, to assist Cobb County Juvenile Court with further enhancement of its existing best practices in juvenile justice operations.**

To **authorize** the application for the Enhanced Juvenile Justice Guidelines Demonstration Sites offered by the National Council of Juvenile and Family Court Judges.

**Water System**

**7. To authorize advertisement for and conduct of a public hearing to establish indefinite delivery contracts for engineering services in three engineering categories.**

To **authorize** the advertisement for and conduct of a public hearing prior to establishing indefinite delivery contracts for engineering services in three engineering categories: Water and Sewer Main Design Services, Water Reclamation Facility and Pump Station Design Services, and Hydraulic Modeling Services.

8. **To approve a construction contract with Smith Pipeline, Inc. for Lindsey Drive Water Main Replacement, Program No. W2410.**

To **approve** a construction contract with Smith Pipeline, Inc., in the amount of \$399,769.50, for Lindsey Drive Water Main Replacement, Program No. W2410; **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 | \$415,269.50 |
|-----------------------|-------------------|---------|--------------|

Transfer to:

Lindsey Drive Water Main Replacement

|              |                   |         |              |
|--------------|-------------------|---------|--------------|
| Construction | 510-500-5754-8260 | W2410-C | \$399,769.50 |
|--------------|-------------------|---------|--------------|

|                      |                   |         |             |
|----------------------|-------------------|---------|-------------|
| Materials & Supplies | 510-500-5754-8265 | W2410-M | \$ 7,500.00 |
|----------------------|-------------------|---------|-------------|

|             |                   |         |             |
|-------------|-------------------|---------|-------------|
| Contingency | 510-500-5754-8810 | W2410-T | \$ 8,000.00 |
|-------------|-------------------|---------|-------------|

|       |  |  |              |
|-------|--|--|--------------|
| Total |  |  | \$415,269.50 |
|-------|--|--|--------------|

**Public Services Agency**

**PARKS**

9. **To approve the Sixth Amendment to the Cobblestone Golf Course Management Agreement with Affiniti Golf Partners, LLC to allow additional time to facilitate negotiations for a new management agreement, and to obtain the required consent of the U.S. Army Corps of Engineers.**

To **approve** the Sixth Amendment to Cobblestone Golf Course Management Agreement with Affiniti Golf Partners, LLC. for a term as set forth in the Amendment, but in no event later than May 3, 2024, unless otherwise earlier terminated or further amended as provided in the Amendment; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

10. **To approve an agreement with MTB Atlanta, d.b.a Southern Off-Road Bicycle Association (SORBA) for the construction of an outdoor pump track at Pitner Road Park and accept the in-kind donation of services in an amount not to exceed \$308,967.00 for construction of the pump track.**

To **approve** an agreement with MTB Atlanta, d.b.a. Southern Off-Road Bicycle Association (SORBA) for the construction of an outdoor pump track at Pitner Road Park; **authorize** the acceptance of in-kind donation of services in an amount not to exceed \$308,967.00 for construction of the pump track; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.



Support Services Agency

Information Technology Services

11. **To approve a lease with Dell Financial Services LLC (DFS) from an existing Master Lease Agreement (MLA), to replace up to 431 computers in the second quarter of FY 24 for Phase 10 Lease 061-062 of the PC Replacement Project.**

To **approve** a lease with Dell Financial Services LLC from an existing Master Lease Agreement, in an amount not to exceed \$720,300.00 (49 months of lease payments in FY 24 - FY 28) to finance the replacement of up to 431 computers in the second quarter of FY 24; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for the FY 24 lease payments is available in the Capital Replacement Fund 380, PC Replacements Project, Unit 4580, as follows:

|                   |                   |             |
|-------------------|-------------------|-------------|
| 380-035-4580-6532 | (Equipment Lease) | \$88,200.00 |
|-------------------|-------------------|-------------|

Procurement Services

12. **To approve the award of a contract with Club Car, LLC for golf and related utility and transportation vehicles, and related equipment, parts, and services.**

To **approve** the award of a contract with Club Car, LLC for golf and related utility and transportation vehicles, and related equipment, parts, and services that will be available to Cobb County Government but also, on a national level, to all state and local governmental entities, public and private primary, secondary and higher education entities, non-profit entities, and agencies for the public benefit under the auspices of the GOVMVMT Purchasing Cooperative, and **authorize** the Chairwoman and the Procurement Director to execute the necessary documents and any subsequent amendments such as renewals, price changes, etc.

**Public Safety Agency**

**Fire and Emergency Services**

**13. To approve the appointment of members to the Fire Prevention and Protection Safety Ordinance Appeals Board of Appeals ("Fire Code Appeals Board").**

To **approve** the following appointments to the Fire Prevention and Protection Safety Ordinance Appeals Board of Appeals; Post 1 - Doug Fisher, PE, LEED AP BD+C, Principal at Fisher Engineering, Inc. for a one-year term to expire December 31, 2024; Post 2 - The Fire Marshal, City of Marietta Fire Department for a one-year term to expire December 31, 2024; Post 3 - Nolan McCarthy, P.E. Principal & Director of Engineering Design & Construction Administration for a two-year term to expire December 31, 2025; Post 4 - The Fire Marshal, City of Austell Fire Department for a two-year term to expire December 31, 2025; Post 5 - The Deputy Fire Chief/Fire Marshal, City of Smyrna Fire Department for a three-year term to expire December 31, 2026; **authorize** any budget transactions; and **further authorize** the Chairwoman to execute any necessary documents.

Funding is available in the FY2024 Fire Department operating budget:

|                   |            |            |
|-------------------|------------|------------|
| 230-130-1000-6362 | Other Fees | \$2,000.00 |
|-------------------|------------|------------|

**Emergency Management**

**14. To approve the Subgrant Agreement with the Atlanta Regional Commission for the procurement of a Compact Rapid Deployment Unit.**

To **approve** the Subgrant Agreement with the Atlanta Regional Commission for the procurement of a Compact Rapid Deployment Unit under Atlanta Regional Commission Contract UA2317 in the amount of \$80,000.00 to grant the funding request for Bandwidth Service Plan, Training, Maintenance and Support in the amount of \$10,888.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute any necessary documents.

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

|                       |                   |                                  |             |
|-----------------------|-------------------|----------------------------------|-------------|
| Increase Revenue:     | 270-130-F083-4493 | GEMA                             | \$80,000.00 |
| Increase Expenditure: | 270-130-F083-8410 | Radio, TV & Communication Equip. | \$80,000.00 |

Funding is requested in the General Fund with the following appropriations:

|                       |                   |                                       |             |
|-----------------------|-------------------|---------------------------------------|-------------|
| Increase Revenue:     | 010-130-0260-4980 | Fund Balance                          | \$10,888.00 |
| Increase Expenditure: | 010-130-0260-6385 | Wireless & Portable Telephone Service | \$2,388.00  |
| Increase Expenditure: | 010-130-0260-6392 | In-House Training                     | \$4,500.00  |
| Increase Expenditure: | 010-130-0260-6491 | Annual Maintenance & Support Contract | \$4,000.00  |



Community Development

Economic Development

15. To approve a Business Investment Grant for *Hardcore Storage Solutions LLC* from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a grant award, in the amount of \$5,000.00 from the Entrepreneurship and Innovation Incentive Program to *Hardcore Storage Solutions LLC*; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

2070-030-L014-6574 (Contributions, Donations, Grants)

16. To approve a Business Investment Grant for *Refreshment Xpress Vending LLC* from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a grant award in the amount of \$7,000.00 from the Entrepreneurship and Innovation Incentive Program to Refreshment Xpress Vending LLC; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

270-030-L016-6601 (Contributions, Donations, Grants)

17. To approve a Business Investment Grant for *Empire Ink LLC* from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a grant award, in the amount of \$4,000.00 from the Entrepreneurship and Innovation Incentive Program to Empire Ink LLC; **authorize** the corresponding budget transactions; and further authorize the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

270-030-L016-6601 (Contributions, Donations, Grants)

18. **To approve a Business Investment Grant for *The Party Cart LLC* from the Cobb County Entrepreneurship and Innovation Incentive Program.**

To **approve** a grant award, in the amount of \$4,000.00 from the Entrepreneurship and Innovation Incentive Program to The Party Cart LLC; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

270-030-L016-6601 (Contributions, Donations, Grants)

19. **To approve an Intergovernmental Agreement with the Development Authority of Cobb County for the Entrepreneurship & Innovation Incentive Program.**

To **approve** an Intergovernmental Agreement with the Development Authority of Cobb County for the Entrepreneurship & Innovation Incentive Program; and **authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transaction:

|                       |                   |                 |             |
|-----------------------|-------------------|-----------------|-------------|
| Increase Revenue:     | 270-030-L017-4508 | (Local Grants)  | \$50,000.00 |
| Increase Expenditure: | 270-030-L017-6574 | (Contributions) | \$50,000.00 |

**Human Resources**

20. **To renew the Firefighters' Cancer Benefit Program required by the State of Georgia.**

To **approve** the renewal of the coverage for the Firefighters' Cancer Benefit required by the State of Georgia with CHUBB Insurance for the 2024 plan year and **authorize** the Chairwoman to execute any necessary documents.

Funding for this benefit was included in the FY24 Fire Fund budget.

21. **To approve renewal of the Administrative Services Agreement with Mission Square Retirement (formerly ICMA-RC).**

To **approve** the recommendation of the Cobb County Government Employees' Pension Plan Board of Trustees to renew the Administrative Services Agreement with Mission Square Retirement effective January 1, 2024, through December 31, 2028; and **further authorize** the Chairwoman to execute the necessary documents.



22. **To adopt the Eleventh Amendment to the Cobb County Government Employees' Pension Plan.**

To **approve** the Eleventh Amendment to the Cobb County Government Employees' Pension Plan, restated January 1, 2010, to reduce the vesting schedule for certain "Hybrid Participants" from ten (10) to seven (7) years; and **authorize** the Chairwoman to execute the necessary documents.

Funding for this benefit was included in the FY24 Adopted Budget.

**Finance**

23. **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.

24. **To adopt a Resolution authorizing and approving the waiver of certain requirements under the 2023 Amended and Restated Galleria Operating Agreement (New Agreement) with respect to one Unique City (as defined in the New Agreement) and the delegation of authority to the County Review Team (as defined in the New Agreement) to approve or deny on behalf of the County extensions of time on a month-to-month basis until no later than March 31, 2024 within which the Cobb-Marietta Coliseum and Exhibit Hall Authority (Authority) must satisfy certain requirements of the New Agreement prior to issuing new bonds payable from Hotel/Motel Tax revenues and a portion of Liquor-by-the-Drink Tax revenues to finance the Authority's proposed projects.**

To **adopt** a Resolution authorizing and approving the waiver of certain requirements under the 2023 Amended and Restated Galleria Operating Agreement (New Agreement) with respect to one Unique City (as defined in the New Agreement) and the delegation of authority to the County Review Team (as defined in the New Agreement) to approve or deny on behalf of the County extensions of time on a month-to-month basis until no later than March 31, 2024 within which the Cobb-Marietta Coliseum and Exhibit Hall Authority (Authority) must satisfy certain requirements of the New Agreement prior to issuing new bonds payable from Hotel/Motel Tax revenues and a portion of Liquor-by-the-Drink Tax revenues to finance the Authority's proposed projects. A copy of said resolution is attached and made a part of these minutes.

County Attorney

**25. To authorize a settlement of pending litigation and create a new unit in the Public Facilities Project Fund for the management of this program.**

To **authorize** the settlement of *Amana Academy v. Cobb County*, Civil Action File Number: 2310671; **authorize** the creation of new unit 4834, within the Public Facilities Project Fund; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in the Department of Transportation's Public Facilities Project Fund as follows:

380-050-4834-8762 Construction

County Clerk

**26. To adopt resolutions establishing the dates, times, and place of the Regular Meetings and Zoning Hearings of the Board of Commissioners for the calendar year 2024.**

To **adopt** resolutions establishing the dates, times and place of the regular meetings and zoning hearings for the calendar year 2024; **authorize** the Chairwoman to postpone or cancel any meeting as she deems necessary; and **further authorize** the County Clerk to advertise said resolutions as required by the Official Code of Cobb County. A copy of said resolutions are attached and made a part of these minutes.

**27. To approve minutes.**

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

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

CONSENT VOTE: **ADOPTED 5-0**, with Commissioner Birrell in opposition to Consent Item 25 (See item 25 of these minutes) (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).



**REGULAR AGENDA**

**Probate Court**

**28. To authorize the creation of three new positions in the Cobb Probate Court.**

Motion by Cupid, second by Birrell, to **authorize** the creation of a new Hearing Officer position (pay grade A), the creation of a Court Support Supervisor position (pay grade 112), and the creation of a Deputy Clerk IV (pay grade 105), **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

|                       |                   |                               |               |
|-----------------------|-------------------|-------------------------------|---------------|
| Increase Revenue:     | 010-014-0140-4980 | Fund Balance<br>Appropriation | \$ 315,631.91 |
| Increase Expenditure: | 010-205-9156-6012 | Salaries                      | \$ 163,204.20 |
| Increase Expenditure: | 010-205-9156-6032 | Disability                    | \$ 587.54     |
| Increase Expenditure: | 010-205-9156-6034 | FICA                          | \$ 12,485.12  |
| Increase Expenditure: | 010-205-9156-6036 | Medical                       | \$ 60,877.75  |
| Increase Expenditure: | 010-205-9156-6038 | Life Insurance                | \$ 1,089.09   |
| Increase Expenditure: | 010-205-9156-6044 | Retirement                    | \$ 45,028.04  |
| Increase Expenditure: | 010-205-9156-6045 | Defined Contribution          | \$ 6,528.17   |
| Increase Expenditure: | 010-205-9156-6052 | Worker's Comp                 | \$ 2,141.24   |
| Increase Expenditure: | 010-205-9156-6054 | Dental                        | \$ 945.63     |
|                       |                   | Total Personnel               | \$ 292,886.78 |
| Increase Expenditure: | 010-205-9156-6116 | Office Supplies               | \$ 729.00     |
| Increase Expenditure: | 010-205-9156-6258 | Accountable Items             | \$ 19,515.13  |
| Increase Expenditure: | 010-205-9156-6394 | Registration Fees             | \$ 415.00     |
| Increase Expenditure: | 010-205-9156-6400 | Travel-Training               | \$ 1,500.00   |
| Increase Expenditure: | 010-205-9156-6584 | Memberships                   | \$ 586.00     |
|                       |                   | Total Operating               | \$ 22,745.13  |

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).

**Transportation**

**29. To authorize procurement of equipment for Traffic Signal System Preservation – Conflict Monitors and Monitor Key Programmers, Project No. B2590.**

Motion by Cupid, second by Richardson, to **authorize** procurement of equipment, in an amount not to exceed \$553,843.00 utilizing available State Contracts, for Traffic Signal System Preservation – Conflict Monitors and Monitor Key Programmers, Project No. B2590; and **further authorize** the corresponding budget transactions.

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

|                |                                |                           |              |
|----------------|--------------------------------|---------------------------|--------------|
| Transfer from: | 348-050-B250-B250-8005-B2550-A | Preliminary Estimate      | \$553,843.00 |
| Transfer to:   | 348-050-B250-B250-8486-B2590-P | Traffic Control Equipment | \$551,328.00 |
|                | 348-050-B250-B250-8420-B2590-P | Computer Equipment        | \$ 2,515.00  |

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, Traffic Management, Transportation Technology, and Planning.

Traffic Signal System Preservation – Conflict Monitors and Monitor Key Programmers is an approved project/program under the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (Cobb County 2022 Cobb SPLOST Renewal, pp. 1, 18). SPLOST funding for Traffic Management, Transportation Technology, and Planning will be used to replace and upgrade the county's traffic signal infrastructure, install traffic signals at locations that satisfy traffic signal warrant(s) as established in the current version of the Manual on Uniform Traffic Control Devices, optimize the operation of the traffic system, improve the county's transportation technology systems, and develop long/short-term planning studies.

SPLOST Project Summary as of December 1, 2023: Traffic Signal System Preservation – Conflict Monitors and Monitor Key Programmers (new project as of 12/12/23)

|         |        |           |        |
|---------|--------|-----------|--------|
| Budget: | \$0.00 | Expended: | \$0.00 |
|---------|--------|-----------|--------|

Adjusted SPLOST Project Summary, following requested budget transfer:

|                  |              |
|------------------|--------------|
| Adjusted Budget: | \$553,843.00 |
|------------------|--------------|

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



Public Services Agency

PARKS

30. To approve an amendment of Work Authorization II to the Program Management Agreement with Atlas Technical Consultants, LLC for the 2022 Cobb PARKS SPLOST Program, and the continuation of the 2016 and 2011 Cobb PARKS SPLOST Program.

Motion by Cupid, second by Richardson, to **approve** an amendment of Work Authorization II to the agreement with Atlas Technical Consultants, LLC for the 2022 PARKS SPLOST Program and the continuation of the 2011 and 2016 PARKS SPLOST Program in an amount not to exceed \$2,840,020.00 for program management services; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the PARKS SPLOST Funds approved budgets as follows:

|                                                  |                 |
|--------------------------------------------------|-----------------|
| 348-105-B066-6312-B0660-O                        | \$ 1,967,831.38 |
| (2022 PARKS Project Management & Administration) |                 |
| 348-105-B066-6312-B0661-O                        | \$ 9,630.00     |
| (2011 SPLOST Project Management)                 |                 |
| 348-105-B066-6312-B0662-O                        | \$ 862,558.62   |
| (2016 SPLOST Project Management)                 |                 |

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

PUBLIC COMMENT

1. Kevin Cutliffe addressed the Board regarding Transit.
2. Tracy Stephenson addressed the Board regarding Transit.

APPOINTMENTS

31. To approve the reappointment of Mary Lou Pagano to the Region 1 Behavioral Health and Developmental Disabilities Planning Board.

Motion by Cupid, second by Richardson, to **approve** the reappointment of Mary Lou Pagano to the Region 1 Behavioral Health and Developmental Disabilities Planning Board for a three-year term to expire 8/31/2026.

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

32. **To announce the reappointment of Daneea Badio-McCray to the Workforce Development Board.**

Chairwoman Cupid **announced** the reappointment of Daneea Badio- McCray to the Workforce Development Board for a three-year term to expire June 30, 2026.

33. **To approve the reappointment of Samuel Culbreath to the South Cobb Redevelopment Authority.**

Motion by Sheffield, second by Birrell, to **approve** the reappointment of Samuel Culbreath to the South Cobb Redevelopment Authority for a four year term to expire on December 31, 2027.

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

34. **To approve the reappointment of Jason Gaines to the South Cobb Redevelopment Authority**

Motion by Sheffield, second by Birrell, to **approve** the reappointment of Jason Gaines to the South Cobb Redevelopment Authority for a four-year term to expire on December 31, 2027.

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

35. **To approve the reappointment of Edrick Harris to the South Cobb Redevelopment Authority.**

Motion by Sheffield, second by Birrell, to **approve** the reappointment of Edrick Harris to the South Cobb Redevelopment Authority for a four-year term to expire on December 31, 2027.

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

36. **Withdrawal of request to approve the appointment of David Zellner to the South Cobb Redevelopment Authority.**

This item was withdrawn from the agenda.



MINUTES OF REGULAR MEETING  
COBB COUNTY BOARD OF COMMISSIONERS  
DECEMBER 12, 2023  
9:00 AM

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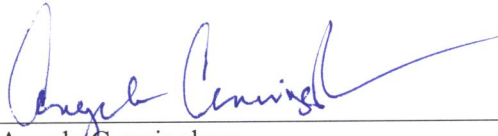
37. To approve the reappointment of Olye Davis to the Public Library Board of Trustees.

Motion by Sheffield, second by Birrell, to **approve** the reappointment of Olye Davis to the Public Library Board of Trustees for a three-year term to expire on December 31, 2026.

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

ADJOURNMENT

The meeting was adjourned at 11:29 a.m.

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

Angela Cunningham  
Deputy County Clerk  
Cobb County Board of Commissioners





# **MOBILITY SPLOST COBB DEPARTMENT OF TRANSPORTATION PROGRAM OF PROJECTS**

**December 12, 2023**

**Drew Raessler, P.E.**

**Director, Cobb DOT**

**Cobb County** | Department of Transportation





# Presentation Overview

- Vision
- Goals
- Key Connections
- Background and Outreach
- Program of Projects
- Additional Considerations
- Next Steps



# Cobb County Mobility SPLOST

## Vision

*Building connectivity to promote a  
thriving community for all*





# Goals

- *Enhanced mobility options*
- *Connectivity to jobs and housing choices*
- *Lower transportation costs for households*
- *Innovative solutions for safe and efficient travel*
- *Support a thriving future for Cobb County*



# Key Connections

- Three MARTA Stations (Dunwoody, Arts Center, HE Holmes);
- Countywide microtransit zones
- All seven cities within Cobb County
- All Community Improvement Districts
- Centralized employment and healthcare centers
- Battery Atlanta
- KSU's campuses
- Higher education institutions
- Bicycle and pedestrian accessibility
- Hartsfield-Jackson International Airport





# Resource: Cobb County Strategic Plan

## Enhanced Mobility and Connectivity

- Countywide Connectivity
- Multimodal network<sup>1</sup>

## Enhanced Transportation Infrastructure

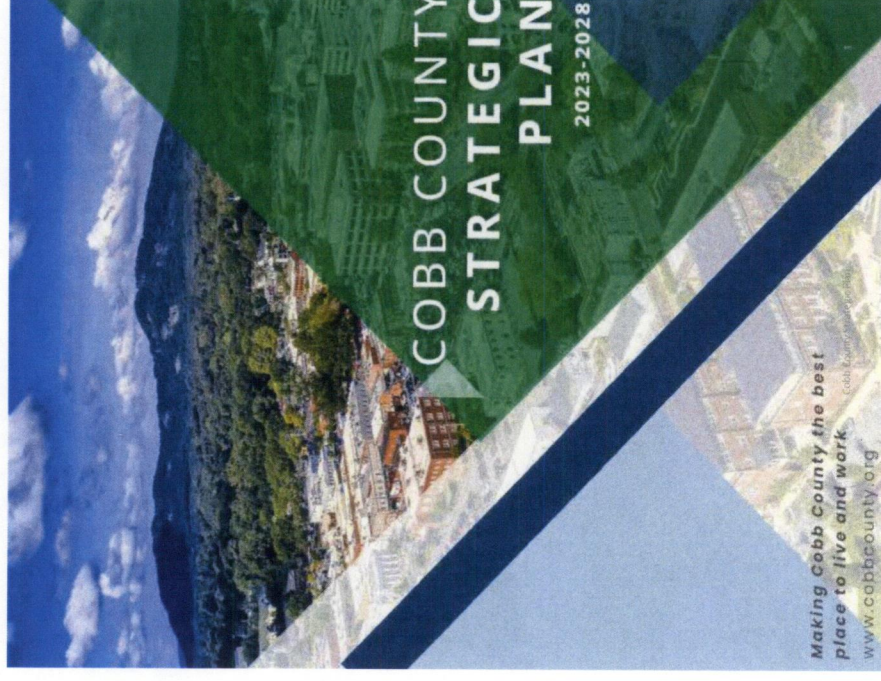
- Leverage Federal funding
- Optimized transit system
- Equitable distribution

## Reduced Travel Delays

- Reduce single-occupancy trip

<sup>1</sup> Multimodal includes all forms of transportation: walking, biking, driving, transit, freight, etc.

**Cobb County** | Department of Transportation





# Resource: CobbForward Comprehensive Transportation Plan



## Improve Health & Safety

Provide a transportation system that is safe and supports healthy living for all users.



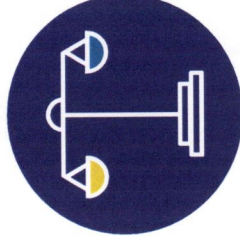
## Be Cost Effective

Prioritize investments that maintain reliable transportation infrastructure and maximize return on investment.



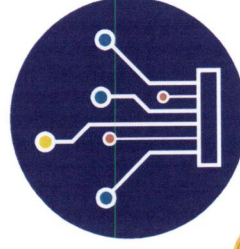
## Enhance Mobility

Improve travel times for all users with multimodal solutions.



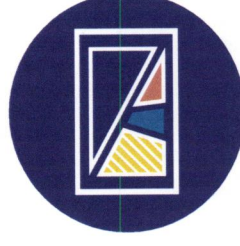
## Support Equitable Access

Provide mobility choices that are accessible and equitable for all communities and users.



## Use Innovative Tech

Use innovative transportation technologies and access to information to enhance the efficiency of the transportation network.



## Integrate Land Use/Design

Support land use and urban design that enhances accessibility and connectivity between land uses for all users.



# Resource: MSPLOST Public Outreach

- Staff held eight Open Houses
- 394 Survey Responses, all age ranges
  - 56% live in Cobb County
  - 33% lived and worked within Cobb
  - 85.1% used a personal car for commute
  - 30% reported walking
  - 25% used transit
  - 11% used a bike/scooter
- Top three priorities:
  - Transportation alternatives to traffic (65%)
  - Improving mobility options for people who can't drive or choose not to (56%)
  - Access to jobs (48%)



**COBB COUNTY**  
**Mobility SPLOST**

**HELP SHAPE TRANSPORTATION  
IN COBB COUNTY**

**GET INVOLVED TODAY**

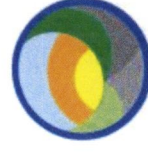
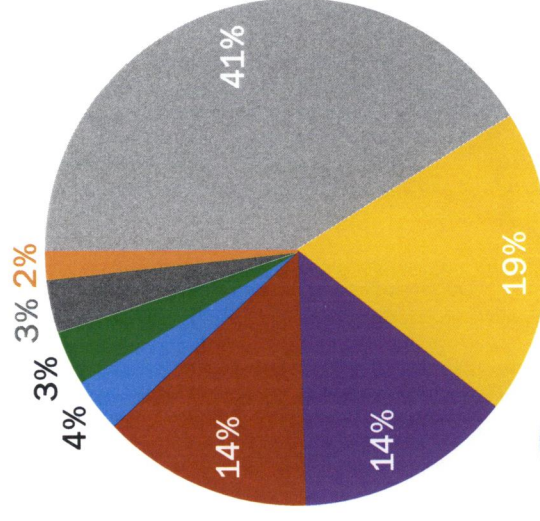
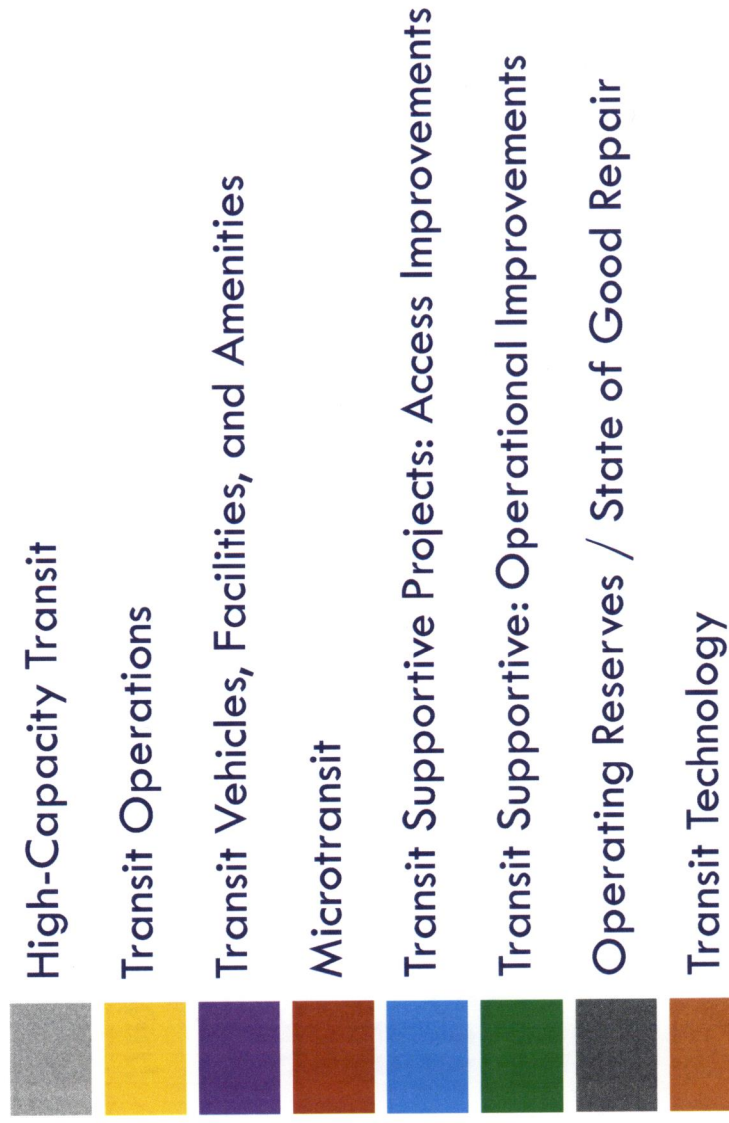
- Check out our story map
- Complete the survey
- Visit an open house
- Use this web link to stay engaged

[www.cobbcounty.org/msplost](http://www.cobbcounty.org/msplost)





# Program of Projects



**COBB COUNTY**  
Mobility SPLOST

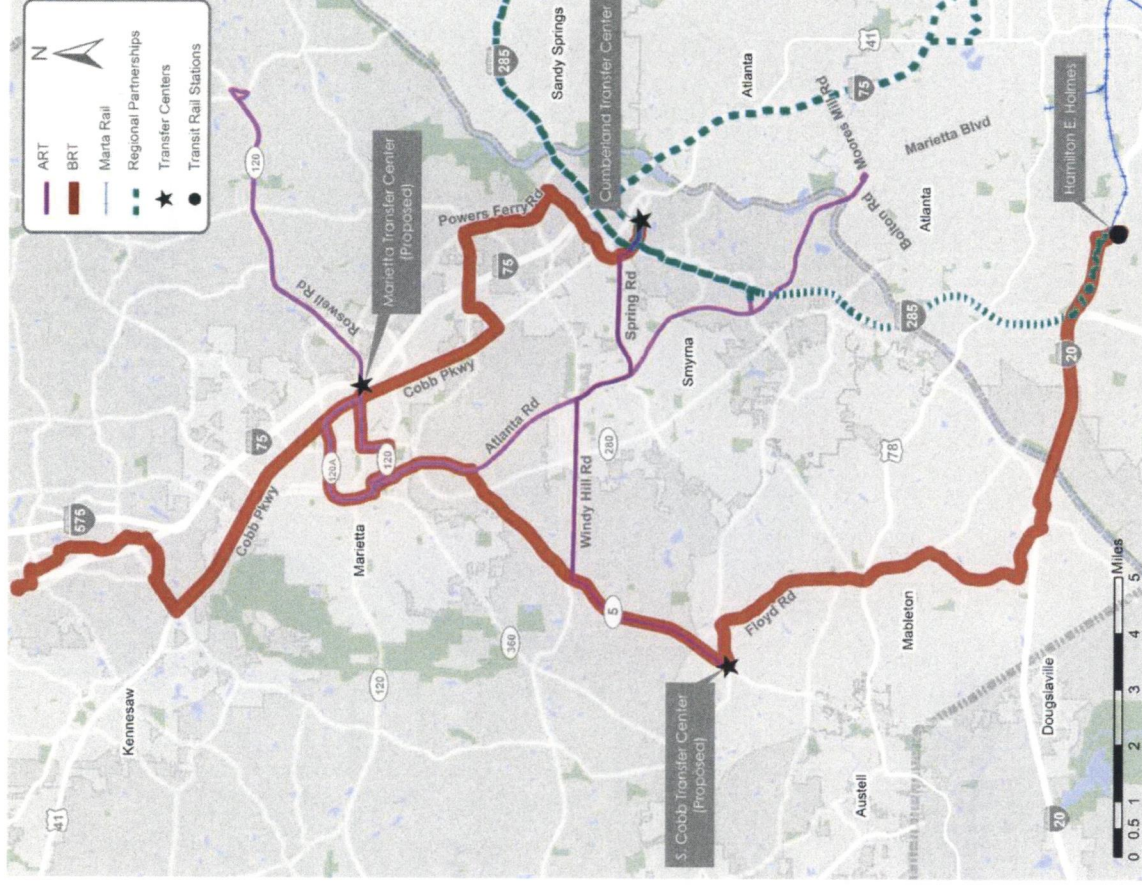


# High-Capacity Transit

- Rail-like Operations
- High Frequency Service  
(15 to 20-minute frequency)
- Fast and Competitive Trip Times
- Increased Reliability and Accessibility
- Dedicated Transit Lanes
- Innovative and Specialized Vehicles
- Off-board Fare Collection
- Intelligent Transportation Systems



**Cobb County** | Department of Transportation



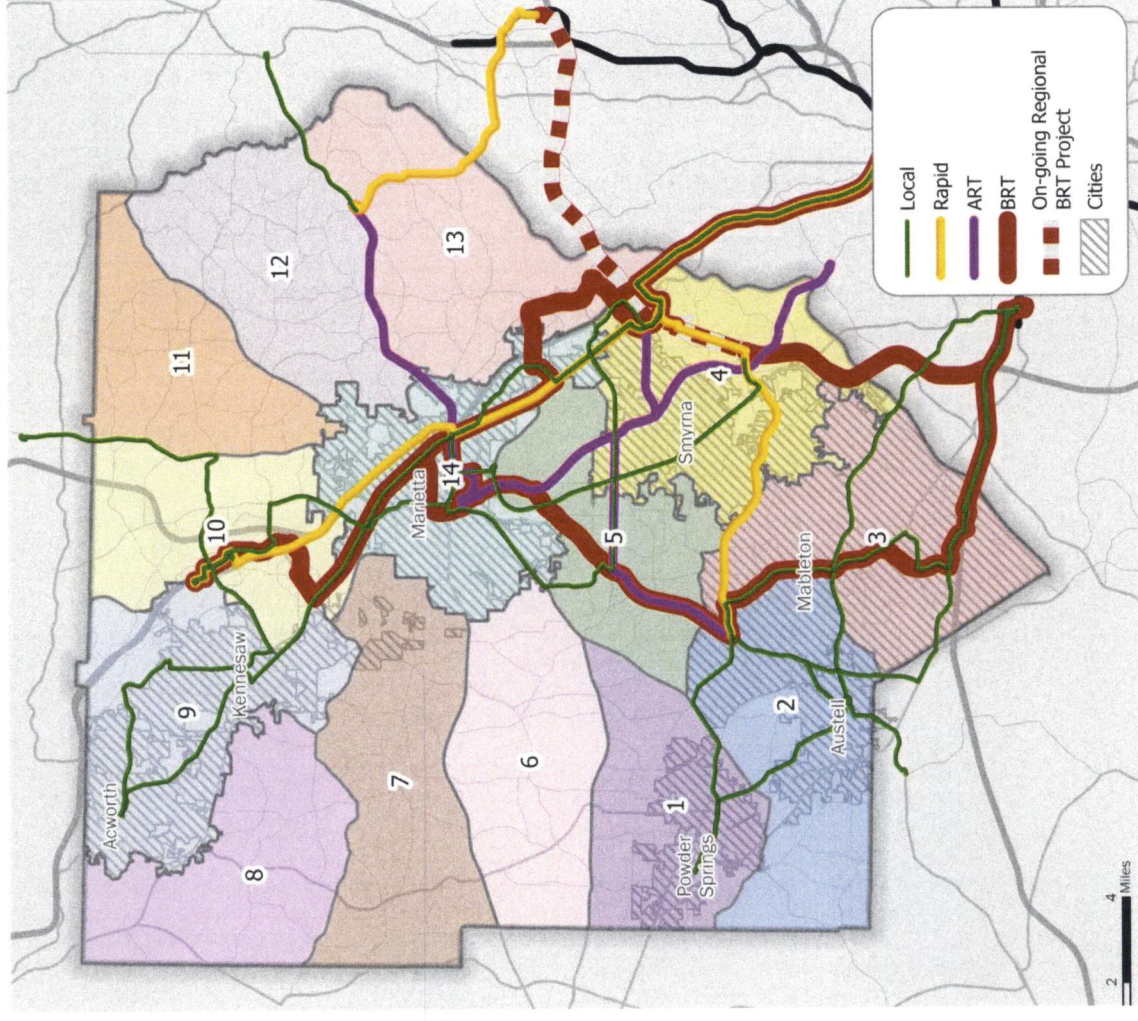


# Microtransit Service

- Countywide Coverage
- On-demand scheduling
- Curb-to-curb shared service within service area
- Connections to community resources and transit network
- Connections outside service area through fixed routes
- Response times less than 30-minutes

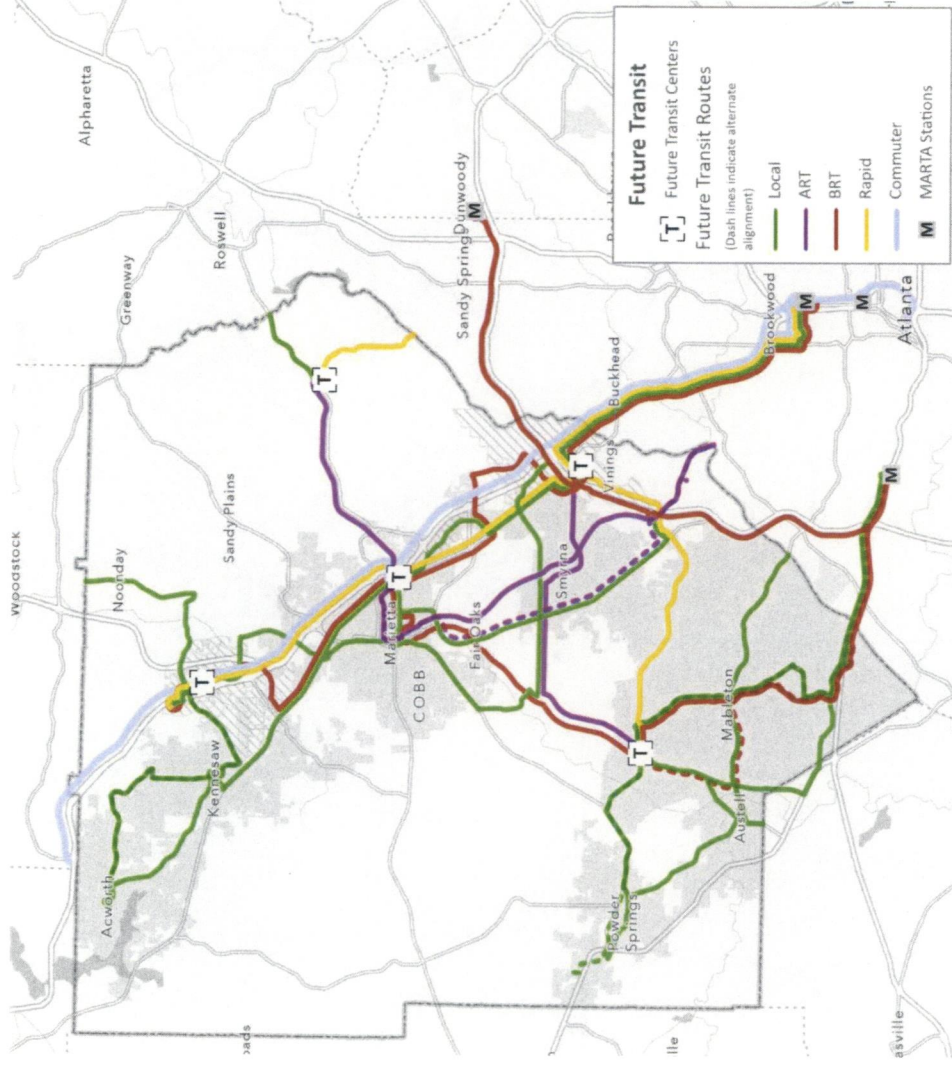


**Cobb County** | Department of Transportation



# Transit Operations

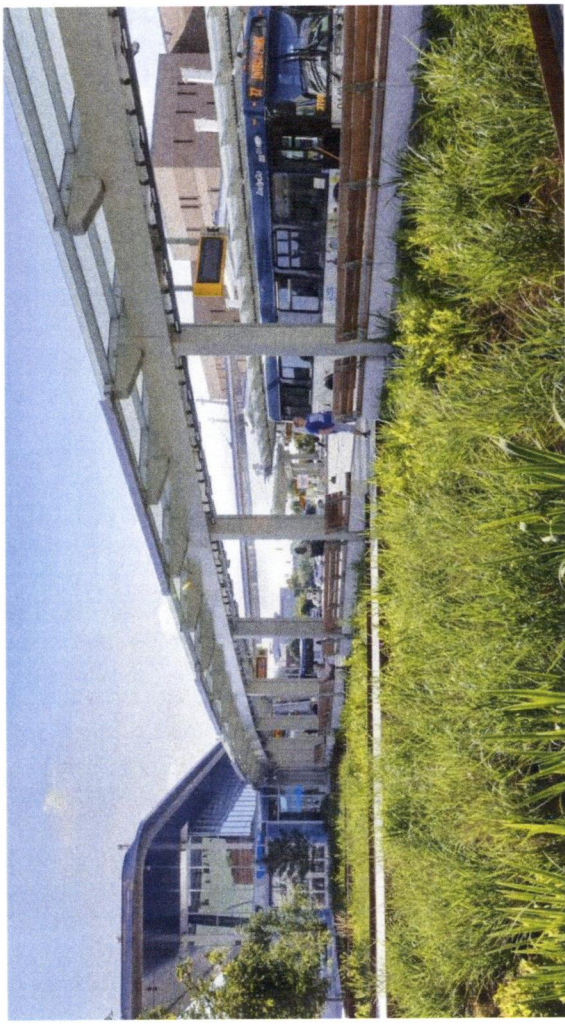
- Expanded operating area
- Higher frequency service (15 to 30-minute frequency)
- Expanded paratransit service
- Streamlined fare collection
- Daily service
  - 7-days per week
  - Expanded operating hours





# Vehicles, Facilities, and Amenities

- Technology enhancements
- Landscaping and hardscaping
- Upgraded transit facilities
- Walkable and bikeable access
- Integrated smartphone apps
- Wi-Fi availability
- Alternative fuel vehicles
- Bus shelter and lighting upgrades
- Security enhancements





# Transit Technology

- *Traffic signal coordination*
- *Automated vehicle connectivity*
- *Autonomous mobility*
- *Smartphone integrations*
- *Passenger and vehicle safety features*
- *Passenger information systems*
- *Departure and arrival times*
- *Fare collection enhancements*



**Cobb County** | Department of Transportation





Sidewalks, multiuse paths, and complete streets  
*Improves access to transit and rider safety*



## Additional Considerations

- 100% transit coverage to access jobs in Cobb County
- 100% coverage of vulnerable populations (disabled, poverty, zero-vehicle and 65+)
- Reduce demand for parking in business districts
- Provides alternative to traffic congestion
- Provides opportunity to leverage federal infrastructure investments
- MSPLOST would transfer transit funding from property tax (residents) to sales tax (residents and visitors)





# Next Steps

## December 12, 2023

- Request to authorize submission of projects to ATL for inclusion in ARTP
- Request to approve funding for educational support materials

## Future Tasks

- Meeting with qualified municipalities
- Coordination with ATL
- Authorization to hold referendum
- Public education







**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.*