

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 9, 2024
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, January 9, 2024 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 9:14 a.m.

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.

Motion to Add a Non-Agenda Item

Motion by Cupid, second by Sheffield, to **approve** the addition of the following agenda item.

- *To approve the naming of the Police K9 Kennel as the JoAnn K. Birrell Police K9 Annex*

VOTE: **ADOPTED 5-0**

BOARD OF COMMISSIONERS

1. **To approve the naming of the Police K9 Kennel located at Animal Services at 1060 Al Bishop Drive, Marietta.**

Motion by Cupid, second by Gambrell, to **approve** the naming of the Police K9 Kennel as the JoAnn K. Birrell Police K9 Annex to be located at Animal Services at 1060 Al Bishop Drive, Marietta

VOTE: **ADOPTED 5-0**

PUBLIC HEARING

2. To conduct a public hearing for the transit-related 2024 Title VI Program Update for CobbLinc.

Drew Raessler, Transportation Agency Director, presented information and requested a public hearing regarding the transit-related 2024 Title VI Program Update for CobbLinc, effective April 1, 2024, through March 31, 2027.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak on this issue to come forward. There being no speakers, the public hearing was closed.

No official action was taken by the Board.

3. To conduct a public hearing prior to expending \$100,000.00 or more for transportation planning services for: Factory Shoals Pedestrian Bridge over I-20 Scoping Study, Project No. B2543; Allatoona Creek Greenway Trail Scoping Study, Project No. B2544; Town Center Busbee Park-n-Ride Transit Oriented Development Study, Project No. B2545; and East-West Connector Corridor Improvements Scoping Study, Project No. B2546.

Drew Raessler, Transportation Agency Director, presented information and requested a public hearing prior to expending \$100,000.00 or more for transportation planning services for: Factory Shoals Pedestrian Bridge over I-20 Scoping Study, Project No. B2543; Allatoona Creek Greenway Trail Scoping Study, Project No. B2544; Town Center Busbee Park-n-Ride Transit Oriented Development Study, Project No. B2545; and East-West Connector Corridor Improvements Scoping Study, Project No. B2546.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak on this issue come forward. Following one speaker, the Public Hearing was closed.

No official action was taken by the Board.

4. To conduct a public hearing to establish indefinite delivery contracts for engineering services in three design and engineering categories.

Judy Jones, Water System Agency Director, resented information and requested a public hearing regarding establishment of indefinite delivery contracts where contract fees will likely exceed \$100,000.00 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.

Chairwoman Cupid opened the Public Hearing and asked if there was anyone that wished to speak on this issue. There being no speakers, the public hearing was closed.

No official action was taken by the Board.

PUBLIC COMMENT

1. Kristie Miner addressed the Board regarding death and disability numbers.
2. Mindy Seger addressed the Board regarding Martin Luther King Day.
3. Christine Rozman addressed the Board regarding various concerns.

CONSENT AGENDA

Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; with exception to Finance Item 26, *which was moved to the Regular Agenda (See item 30 of these minutes)*; and **authorize** execution of the necessary documents by the appropriate County personnel.

District Attorney

5. To authorize the acceptance of an FY2023 Violence Against Women Grant for the District Attorney's Victim Witness Unit.

To **authorize** the acceptance of an FY2023 Violence Against Women Grant for the District Attorney's Victim Witness Unit in the amount of \$96,628.00; **authorize** the transfer of all authorized personnel from Unit F076 to Unit F084 in the grant fund; **authorize** the District Attorney's Office and Finance Department to sign programmatic and finance reports for the Cobb District Attorney Victim Witness Unit; **authorize** the corresponding budget and personnel transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in the grant fund with the following budget appropriations:

Increase Revenue:	270-170-F084-4467	CJCC	\$96,628.00
Increase	270-170-F084-6012	Appropriate personal services and fringe	\$92,926.00
Expenditure:	270-170-F084-6116	Supplies	\$ 500.00
	270-170-F084-6394	Registration	\$ 575.00
	270-170-F084-6400	Training	\$ 2,627.00

Water System

6. **To approve Supplemental Agreement No. 2 with ADS, LLC (d/b/a ADS Environmental Services) for FY21 Collection System Flow Monitoring Services, Program No. C0161.**

To **approve** Supplemental Agreement No. 2 with ADS, LLC (d/b/a ADS Environmental Services), in the amount of \$98,610.62, for FY21 Collection System Flow Monitoring Services, Program No. C0161; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Increase Encumbrance:

GAE 51012152015	510-500-5752-8225	C0161-E	\$98,610.62
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Transfer from:

Countywide Flow Monitoring

Preliminary Estimates	510-500-5752-8005	C0161-Z	\$98,610.62
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Transfer to:

FY21 Collection System Flow Monitoring Services

Engineering-Basic Fees	510-500-5752-8225	C0161-E	\$98,610.62
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7. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc. for 725 Denards Mill, Program No. SW2278.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc., in the amount of \$288,744.87, for 725 Denards Mill, Program No. SW2278; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$288,744.87
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Transfer to:

725 Denards Mill

Drainage Contract R&M Service	510-500-5758-6496	SW2278-C	\$288,744.87
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8. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc. for 2502 Oakrill Road, Program No. SW2266.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc., in the amount of \$54,929.75, for 2502 Oakrill Road, Program No. SW2266; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$54,929.75
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Transfer to:

2502 Oakrill Road

Drainage Contract R&M Service	510-500-5758-6496	SW2266-C	\$54,929.75
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9. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc. for 984 Ashebrooke Way, Program No. SW2272**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc., in the amount of \$156,149.40, for 984 Ashebrooke Way, Program No. SW2272; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer From:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$156,149.40
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Transfer to:

984 Ashebrooke Way

Drainage Contract R&M Service	510-500-5758-6496	SW2272-C	\$156,149.40
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10. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with Ray Campbell Contracting for 2419 Chestnut Springs Trail, Program No. SW1983.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with Ray Campbell Contracting, in the amount of \$171,622.00, for 2419 Chestnut Springs Trail, Program No. SW1983; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$171,622.00

Transfer to:

2419 Chestnut Springs Trail			
Drainage Contract R&M Service	510-500-5758-6496	SW1983-C	\$171,622.00

11. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc. for 6307 Braidwood Overlook, Program No. SW2270.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc., in the amount of \$87,724.30, for 6307 Braidwood Overlook, Program No. SW2270; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$87,724.30

Transfer to:

6307 Braidwood Overlook			
Drainage Contract R&M Service	510-500-5758-6496	SW2270-C	\$87,724.30

12. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with Wade Coots Company, Inc. for 1701 Ashebark Lane, Program No. SW2279.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with Wade Coots Company, Inc., in the amount of \$179,124.00, for 1701 Ashebark Lane, Program No. SW2279; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$179,124.00
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Transfer to:

1701 Ashebark Lane

Drainage Contract R&M Service	510-500-5758-6496	SW2279-C	\$179,124.00
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Transportation

13. **To approve an update to the Department of Transportation's Prequalified List of Engineering and Associated Specialty Firms available for the procurement of professional services for the 2022-2023 prequalification period.**

To **approve** an update to the Department of Transportation's Prequalified List of Engineering and Associated Specialty Firms available for the procurement of professional services for the 2022-2023 prequalification period expiring on May 11, 2024.

Public Services Agency

PARKS

14. **To authorize the application for the Building Opportunities for Out-of-School Time Grant through the Georgia Recreation & Park Association.**

To **authorize** the application for the Building Opportunities for Out-of-School Time (BOOST) Grant (2024) through the Georgia Recreation & Park Association; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or PARKS Director to execute the necessary documents.

15. To approve the allocation of District 1 Capital Contingency funding within the FY2024 budget and approve the Stormwater Facility Maintenance Agreement with the City of Kennesaw.

To **approve** the allocation of District 1 Capital Contingency funding within the FY2024 budget and the Stormwater Facility Maintenance Agreement; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following transactions in General Fund and the 2022 SPLOST PARKS Program Fund:

General Fund (010)

Decrease Expenditure: 010-001-0121-8820	Undesignated Dist. 1 Cont.	\$500,000.00
Increase Expenditure: 010-001-0121-6594	Interfund Transfer Expense	\$450,000.00
Increase Expenditure: 010-105-3200-8005	Preliminary Estimates	\$ 50,000.00

2022 SPLOST Fund (348)

Increase Revenue: 348-105-B061-4960-B0614-C	Interfund Transfer Rev.	\$298,692.44
Increase Expenditure: 348-105-B064-8005-B0614-C	Preliminary Estimates	\$298,692.44

Increase Revenue: 348-105-B065-4960-B0658-C	Interfund Transfer Rev.	\$151,307.56
Increase Expenditure: 348-105-B065-8005-B0658-C	Preliminary Estimates	\$151,307.56

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

Parking lots are an eligible project under the 2022 PARKS SPLOST Program (Cobb County 2022 SPLOST, Page 31).

B061-B0614 Big Shanty -- SPLOST Project Summary as of December 1, 2023:

Current Budget:	\$258,517.17
Encumbered:	\$ 10,200.00
Current Expenditures:	\$ 42,006.00
Remaining in Program:	\$206,311.17

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, Parks Subsurface Infrastructure.

Sewer replacements are an eligible project under the 2022 PARKS SPLOST Program (Cobb County 2022 SPLOST, Page 32-33).

B065-B0658 Subsurface Infrastructure -- SPLOST Project Summary as of December 1, 2023:

Current Budget:	\$1,292,585.87
Encumbered:	\$ 23,267.88
Current Expenditures:	\$ 436,055.94
Remaining in Program:	\$ 833,262.05

Elections

16. **To adopt a resolution setting the qualifying fees for each county office to be filled in 2024 and to authorize the Director of Elections to publish such fees in the legal organ prior to February 1, 2024.**

To **adopt** a resolution setting the qualifying fees for each county office to be filled in 2024; and **authorize** the Director of Elections to publish such fees in the legal organ prior to February 1, 2024. A copy of said resolution is attached and made a part of these minutes.

Funding for advertising the qualifying fees is included in the Elections budget.

17. **To authorize changes to precinct designations to reflect the boundary changes made necessary by the establishment of the City of Mableton to the following precincts: Bryant 01 to Mableton 1A, Bryant 02 to Mableton 1B, Harmony-Leland 02 to Mableton 2A, Riverside 01 to Mableton 2B, Pebblebrook 01 to Mableton 3A, Harmony-Leland 01 to Mableton 3B, Lindley 01 to Mableton 3C, Mableton 04 to Mableton 4A, Mableton 01 to Mableton 4B, Mableton 03 to Mableton 4C, Cooper 01 to Mableton 5A, Mableton 02 to Mableton 5B, Sweetwater 02 to Mableton 6A, and Birney 02 to Mableton 6B to be in effect January 15, 2024.**

To **authorize** changes to precinct designations to reflect the boundary changes made necessary by the establishment of the City of Mableton to the following precincts: Bryant 01 to Mableton 1A, Bryant 02 to Mableton 1B, Harmony-Leland 02 to Mableton 2A, Riverside 01 to Mableton 2B, Pebblebrook 01 to Mableton 3A, Harmony-Leland 01 to Mableton 3B, Lindley 01 to Mableton 3C, Mableton 04 to Mableton 4A, Mableton 01 to Mableton 4B, Mableton 03 to Mableton 4C, Cooper 01 to Mableton 5A, Mableton 02 to Mableton 5B, Sweetwater 02 to Mableton 6A, and Birney 02 to Mableton 6B to be in effect January 15, 2024.

Support Services Agency

Information Technology Services

18. **To authorize the Procurement Director to purchase technology greater than \$100,000.00 under provisions of Omnia Partners contract with Mythics, Inc. for Oracle Software Update License and Support for the Cobb County Water System.**

To **authorize** the Procurement Director to purchase Oracle Software Update License & Support for the Water Department, in an amount not to exceed \$100,650.06, under provisions of Omnia Partners Region 4/National IPA contract number R190801 with Mythics, Inc.; and **further authorize** the corresponding budget transactions.

Available in the Water System operating budget as follows:

500-500-5100-6491	(Annual Maintenance Contracts)	\$100,650.06
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19. **To amend authorization to pursue contract negotiations with Astro Integrated Systems (AIS) for a video call box/intercom system for Superior Court Judges and their staff, to replace the AIS solution with Cisco video phones, and to authorize the remaining funds be utilized to purchase additional Judicial security solutions.**

To **amend** authorization to pursue contract negotiations with Astro Integrated Systems (AIS) for a video call box/intercom system for Superior Court Judges and their staff; replace the AIS solution with Cisco video phones in the amount of \$17,902.00; **authorize** the remaining funds in the amount of \$282,098.00 for additional Judicial security solutions; and **further authorize** the corresponding budget transactions.

Funding is available in the ITS Surveillance and Access Control System Update 380 Program Fund:

Decrease Expenditure:	380-035-4736-6326	Professional Services	\$17,902.00
Increase Expenditure:	380-035-4736-6258	Accountable Equipment	\$17,902.00

Public Safety Agency

Police Department

20. **To authorize the acceptance of donations from the Braves Development Company, LLC.**

To **authorize** the acceptance of donations from Braves Development Company, LLC for the reimbursement of 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	\$10,500.00
Increase Expenditure:	010-130-2100-8818	Standard Reserves-K-9	\$10,500.00

Fire and Emergency Services

21. **To approve a Memorandum of Understanding with the Public Safety Cadets.**

To **approve** a Memorandum of Understanding with Public Safety Cadets, and **further authorize** the Chairwoman to execute any necessary documents.

Funding is available in the FY2024 Fire Fund's operating budget:

230-130-1000-6584	Memberships	\$1,000.00
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22. To approve an Agreement of Mutual Aid with the Dobbins Air Reserve Base Fire Department for fire, emergency, rescue, and support services.

To **approve** an Agreement of Mutual Aid with the Dobbins Air Reserve Base Fire Department for fire, emergency, rescue, and support services in a form substantially similar to that presented; and **authorize** the Chairwoman to execute any necessary documents.

911 Emergency Communications

23. To approve an agreement with Carbyne for the APEX Platform call handling system.

To **approve** an agreement with Carbyne for the APEX Platform; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for the remainder of FY24 will be made available through an appropriation of E911 Fund Balance with the following transaction:

Increase Revenue:	260-130-0200-4980	(E911 Fund Balance Appropriation)	\$576,706.00
Increase Expenditures	260-130-0200-6384	(Telephone Landline Services)	\$460,906.00
	260-130-0200-8005	(Preliminary Estimate)	\$115,800.00

Community Development

24. To review a summary of the appeal hearing conducted by the License Review Board on November 30, 2023, for Seven Sports Bar, LLC. d/b/a Seven Sports Bar.

To **affirm** the decision of the November 30, 2023, License Review Board's recommendation to approval of the liquor, beer, wine and Sunday sales pouring license for Seven Sports Bar, LLC. d/b/a Seven Sports Bar 1025 East West Connector, Ste. 100, Austell, GA 30106. Ernest Earvin, Licensee.

25. To approve an annexation notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of a tract of land that total 15.0305 acres located at the Northwesterly side of Sandy Plains Road at the Terminus of Ross Road.

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of 15.0305 acres located in Land Lots 776, 777, 736, 737, 16th District, 2nd Section, at the Northwesterly side of Sandy Plains Road at the Terminus of Ross Road into the City of Marietta. A copy of the Notice of Non-Objection is attached and made a part of these minutes.

Medical Examiner

26. To approve an amendment to the existing Mutual Aid Agreement between the Cobb County Medical Examiner's Office and the Georgia Department of Public Health.

To **approve** the amended Mutual Aid Agreement between the Cobb County Medical Examiner's Office and the Georgia Department of Public Health, and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	010-150-8390-4494	(Other State Revenue)	\$24,970.00
Increase Expenditure:	010-150-8390-6326	(Professional Services)	\$24,970.00

Finance

27. To approve the allocation of District 2 Capital Contingency funding within the FY2024 budget.

To **approve** the allocation of District 2 Capital Contingency funding within the FY2024 budget; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following transactions:

Decrease Exp:	010-001-0122-8820	Undesignated District 2 Contingency	\$750,000.00
Increase Exp:	010-030-0310-8005	Preliminary Estimates	\$170,000.00
Increase Exp:	010-105-3200-8005	Preliminary Estimates	\$215,000.00
Increase Exp:	010-050-0781-8005	Preliminary Estimates	\$215,000.00
Increase Exp:	010-001-0122-6594	Interfund Expense	\$150,000.00
Increase Rev:	600-700-4900-4960	Interfund Revenue	\$150,000.00
Increase Exp:	600-700-4900-8005	Preliminary Estimates	\$150,000.00

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

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

County Clerk

29. To approve minutes.

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

- December 11, 2023 - Agenda Work Session
- December 12, 2023 - BOC Regular Meeting
- December 19, 2023 - BOC Zoning Hearing

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

Finance

30. To approve the reallocation of funding within the Chairwoman's FY2024 Budget from Contingency to Operating.

Motion by Cupid, second by Richardson, to **approve** the allocation of District 2 Capital Contingency funding within the FY2024 budget; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Prior to the vote, the following substitute motion was made:

Substitute Motion by Cupid, second by Richardson, to **hold** item until January 23, 2024 and bring back with a detailed allocation of funds.

VOTE: **ADOPTED 5-0**

ARPA

31. To authorize the re-allocation of a portion of the American Rescue Plan Act funding previously returned to Contingency, and allocate earned interest in the ARPA Fund, based on Investment Strategy guidance received from Deloitte Consultants, LLP.

Motion by Cupid, second by Richardson, to **authorize** the re-allocation of \$17,919,623.15 of American Rescue Plan Act funding previously returned to Contingency, and allocated earned interest in the ARPA Fund, based on Investment Strategy guidance received from Deloitte Consultants, LLP.; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	279-055-ARCT-8820	Undesignated Contingency	\$17,919,623.15
Increase Expenditure:	279-050-AR15-8761	Construction Estimates Powers Ferry Rd and Interstate North Pkwy Bridges over Chattahoochee	\$ 4,050,000.00
Increase Expenditure:	279-050-AR16-8721	Engineering Estimates Factory Shoals Pedestrian Bridge over I-20 Scoping Study	\$ 500,000.00
Increase Expenditure:	279-050-AR17-8721	Engineering Estimates Allatoona Creek Greenway Trail Scoping Study	\$ 625,000.00
Increase Expenditure:	279-050-AR18-8721	Engineering Estimates Town Center Busbee Park-n-Ride Transit Oriented Development	\$ 500,000.00
Increase Expenditure:	279-050-AR19-8721	Engineering Estimates East-West Connector Corridor Improvements Scoping Study	\$ 825,000.00
Increase Expenditure:	279-050-AR20-8721	Engineering Estimates Cumberland Transfer Center	\$ 1,000,000.00
Increase Expenditure:	279-265-AR21-6574	Contributions Select projects from organizations to be funded based on initial- phase subcommittee scoring/feasibility	\$ 2,480,000.00
Increase Expenditure:	279-055-ARCT-6594	Interfund Expense Transfer to Public Facility Project Fund Capital Contingency	\$ 7,939,623.15
Increase Revenue:	380-055-CPCT-4960	Interfund Revenue Interest Revenue from ARPA Fund	\$ 7,939,623.15
Increase Expenditure:	380-055-CPCT-8820	County Capital Contingency Public Facility Project Fund Capital Contingency	\$ 7,939,623.15

VOTE: ADOPTED 4-1, Commissioner Birrell opposed

32. To approve an appropriation of funds, in the amount of \$20,000.00, to purchase fresh produce food boxes for distribution by existing non-profit partners.

Motion by Cupid, second by Richardson, to **approve** an appropriation of funds, in the amount of \$20,000.00, to purchase fresh produce food boxes for distribution by non-profit partners; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute any necessary contracts or documents to implement said purpose.

Decrease Expenditure:	279-055-ARCT-8820	Undesignated Contingency	\$20,000.00
Increase Expenditure:	279-265-AR22-6574	Contributions	\$20,000.00

VOTE: **ADOPTED 5-0**

Transportation

33. To approve Project No. TR523-TO#2 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., for planning services related to public outreach for a Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002270.

Motion by Cupid, second by Richardson, to **approve** Project No. TR523-TO#2 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$287,132.00, for planning services related to public outreach for a Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, CCDOT Contract No. 002270.

Available in the Public Facility Projects Fund, as follows:

Available:	380-050-4727-6326-TR523-E	Professional Services	\$287,132.00
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VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrell opposed

34. To adopt a resolution authorizing submission of a Georgia Transportation Infrastructure Bank grant application to the State Road and Tollway Authority to assist with construction of Bells Ferry Road over Noonday Creek, Project No. B2101.

Motion by Birrell, second by Sheffield, to **adopt** a resolution authorizing submission of a Georgia Transportation Infrastructure Bank grant application to the State Road and Tollway Authority to assist with construction of Bells Ferry Road over Noonday Creek, Project No. B2101; **authorize** payment of a grant application fee to the State Road and Tollway Authority, in the amount of \$250.00; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

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

Transfer from:	348-050-B210-B210-6312-B2101-A	Consultant Services	\$250.00
Transfer to:	348-050-B210-B210-6362-B2101-A	Other Fees	\$250.00

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, Bridges and Culverts.

Bells Ferry Road over Noonday Creek is an eligible project/program under the Bridges and Culverts Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 13). SPLOST funding for bridges and culverts will fund activities to repair, rehabilitate, and replace bridges and culvert structures.

SPLOST Project Summary as of December 1, 2023: Bells Ferry Road over Noonday Creek

Budget:	\$2,380,000.00	Expended:	\$60,240.35
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VOTE: **ADOPTED 5-0**

35. To approve Project No. X2549-TO#1 to the 2022 Master Task Order Contract with Gresham Smith for Noonday Creek Trail Extension Supplemental Study, CCDOT Contract No. 001986.

Motion by Birrell, second by Sheffield, to **approve** Project No. X2549-TO#1 to the 2022 Master Task Order Contract with Gresham Smith, in an amount not to exceed \$82,515.30 for Noonday Creek Trail Extension Supplemental Study, CCDOT Contract No. 001986; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	347-050-X250-X250-8721-X2549-E	Preliminary Estimate	\$82,515.30
Transfer to:	347-050-X250-X250-6322-X2549-E	Planning Services	\$82,515.30

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 funding to address, inter alia, Traffic Management, Traffic Signals, and Planning.

Noonday Creek Trail Extension Supplemental Study is an eligible project/program under the Congestion Relief and Mobility Improvements – Traffic Management, Traffic Signals, and Planning Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 23). Planning Studies include long and short-term multimodal transportation studies.

SPLOST Project Summary as of December 1, 2023: Noonday Creek Trail Extension Supplemental Study (new project as of 01/09/24)

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

Adjusted Budget:	\$82,515.30
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VOTE: **ADOPTED 5-0**

36. **To approve Change Order No. 2 to Resurfacing Contract 2022-3 Local Roads (District 3) with Bartow Paving Company, Inc., for resurfacing of County-maintained streets, Project No. B2903, CCDOT Contract No. 001792.**

Motion by Birrell, second by Sheffield, to **approve** Change Order No. 2 to Resurfacing Contract 2022-3 Local Roads (District 3) with Bartow Paving Company, Inc., in an amount not to exceed \$125,965.00, for resurfacing of County-maintained streets, Project No. B2903, CCDOT Contract No. 001792; and **authorize** the Chairwoman to execute the necessary documents.

Available in the Water System's FY24 Adopted Operating Budget, as follows:

Available: 500-500-5400-5416-6516-W4455-C Sewer Line R&M Serv. \$125,965.00

Increase Encumbrance

GAE 500041222491: 500-500-5400-5416-6516-W4455-C Sewer Line R&M Serv. \$125,965.00

VOTE: **ADOPTED 5-0**

37. **To approve a contract with Excellere Construction, LLC for drainage system repairs on Cooper Lake Road, Project No. B2250, CCDOT Contract No. 001994.**

Motion by Richardson, second by Gambrill, to **approve** a contract with Excellere Construction, LLC, in an amount not to exceed \$165,000.00, for drainage system repairs on Cooper Lake Road, Project No. B2250, CCDOT Contract No. 001994; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 5-0**

38. To approve a contract with Chatfield Contracting, Inc., for drainage system repairs on Mikandy Drive, Project No. B2210, CCDOT Contract No. 001843.

Motion by Birrell, second by Sheffield, to **approve** a contract with Chatfield Contracting, Inc., in an amount not to exceed \$136,475.70, for drainage system repairs on Mikandy Drive, Project No. B2210, CCDOT Contract No. 001843; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$136,475.70
Transfer to:	348-050-B220-B220-8762-B2210-C	Turnkey Construction	\$136,475.70

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

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

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

Budget:	\$10,053,789.35	Encumbered/Expended:	\$8,635,185.02
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VOTE: **ADOPTED 5-0**

39. To ratify previous action by the County Manager authorizing emergency drainage repairs on Forest Peak Circle and approve Project No. B22109 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC for said repairs, CCDOT Contract No. 002278.

Motion by Birrell, second by Sheffield, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Forest Peak Circle, in response to voids; **approve** Project No. B22109 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC, in an amount not to exceed \$218,895.00, for said repairs, CCDOT Contract No. 002278; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$208,895.00
Transfer to:	348-050-B220-B220-8762-B22109-C	Turnkey Construction	\$208,895.00

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

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

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

Budget:	\$10,053,789.35	Encumbered/Expended:	\$8,635,185.02
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Available in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$10,700.00
Transfer to:	Forest Peak Circle Drainage - Utility Allow.		
	510-500-5756-6496-W5091-C	Drainage Contract R&M Svc.	\$10,000.00
	510-500-5756-8265-W5091-M	Materials and Supplies	\$ 500.00
	510-500-5756-8810-W5091-T	Contingency	\$ 200.00
		Total:	\$10,700.00

VOTE: **ADOPTED 5-0**

40. **To approve an Indemnification and Hold Harmless Agreement with the Georgia Department of Transportation required to obtain an Encroachment Permit for Old Floyd Road at Veterans Memorial Highway, Project No. X2329.**

Motion by Sheffield, second by Cupid, to **approve** an Indemnification and Hold Harmless Agreement with the Georgia Department of Transportation required to obtain an Encroachment Permit for Old Floyd Road at Veterans Memorial Highway, Project No. X2329; and **authorize** the Chairwoman to execute the necessary documents.

VOTE: ADOPTED 5-0

41. **To authorize advertisement to hold a public hearing prior to expending \$100,000.00 or more for engineering design services for Powers Ferry Road Bridge and Interstate North Parkway Bridge over Chattahoochee River, State P.I. No. M006531, Cobb County Project No. B2115.**

Motion by Richardson, second by Cupid, to **authorize** advertisement to hold a public hearing prior to expending \$100,000.00 or more for engineering design services for Powers Ferry Road Bridge and Interstate North Parkway Bridge over Chattahoochee River, State P.I. No. M006531, Cobb County Project No. B2115.

VOTE: ADOPTED 5-0

42. To approve Project No. B2102-TO#1 to the 2022 Master Task Order Contract with BCC Engineering, LLC, d/b/a Heath & Lineback Engineers, Inc., for preliminary engineering design of Collins Road over Little Allatoona Creek, CCDOT Contract No. 002046.

Motion by Gambrill, second by Richardson, to **approve** Project No. B2102-TO#1 to the 2022 Master Task Order Contract with BCC Engineering, LLC, d/b/a Heath & Lineback Engineers, Inc., in an amount not to exceed \$446,548.18, for preliminary engineering design of Collins Road over Little Allatoona Creek, CCDOT Contract No. 002046; **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-B210-B210-8005-B2102-A	Preliminary Estimate	\$446,548.18
Transfer to:	348-050-B210-B210-8722-B2102-E	Engineering	\$446,548.18

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

Collins Road over Little Allatoona Creek is an eligible project/program under the Bridges and Culverts Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 13). SPLOST funding for bridges and culverts will fund activities to repair, rehabilitate, and replace bridges and culvert structures.

SPLOST Project Summary as of December 1, 2023: Collins Road over Little Allatoona Creek

Budget:	\$2,380,000.00	Expended:	\$0.00
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VOTE: **ADOPTED 5-0**

43. **To approve the revised budget and current schedule for the 2016 Transportation Improvements Program, funded primarily by the 2016 Special Purpose Local Option Sales Tax.**

Motion by Cupid, second by Richardson, to **approve** the revised budget and current schedule for the 2016 Transportation Improvements Program, funded primarily by the 2016 Special Purpose Local Option Sales Tax (SPLOST); and **authorize** the corresponding budget transactions, per the 2016 SPLOST Transportation Improvements Program Budget and Schedule..

Available in the 2016 SPLOST Transportation Improvements Program Fund, per adjustments shown in the 2016 SPLOST Transportation Improvements Program Budget and Schedule.

VOTE: **ADOPTED 5-0**

44. **To approve the revised budget and current schedule for the 2022 Transportation Improvements Program, funded primarily by the 2022 Special Purpose Local Option Sales Tax.**

Motion by Cupid, second by Richardson, to **approve** the revised budget and current schedule for the 2022 Transportation Improvements Program, funded primarily by the 2022 Special Purpose Local Option Sales Tax; and **authorize** the corresponding budget transactions, per the 2022 SPLOST Transportation Improvements Program Budget.

Available in the 2022 SPLOST Transportation Improvements Program Fund, per adjustments shown in the 2022 SPLOST Transportation Improvements Program Budget.

VOTE: **ADOPTED 5-0**

Public Services Agency

PARKS

45. To approve a contract with Integrated Construction and Nobility, Inc. to provide construction services for Hurt Road Park - Additional Parking under the 2022 PARKS SPLOST Program.

Motion by Sheffield, second by Cupid, to **approve** a contract with Integrated Construction and Nobility, LLC in an amount not to exceed \$228,049.71 for the construction of additional parking at Hurt Road Park; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

348-105-B065-B0655-C-8024 (Paving)	\$228,049.71
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SPLOST Project Summary as of December 1, 2023:

Parks Paving Budget:	\$1,000,000.00	Expended to Date:	\$539,102.34
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The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Parks Paving (Hurt Road Park) is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 31). Additional parking capacity will provide safer access for the many patrons who utilize the basketball court.

VOTE: **ADOPTED 5-0**

46. To approve a contract with Signal Signs of Georgia, Inc. to provide construction services for Entry Signage Replacement at Various Parks under the 2022 PARKS SPLOST Program.

Motion by Cupid, second by Birrell, to **approve** a contract with Signal Signs of GA, Inc., in an amount not to exceed \$103,762.00 for the replacement of entry signage at various parks and the addition of interpretive signage at Green Meadows Preserve, **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

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

348-105-B065-B0659-C-8024 (Park & Facility Signage)	\$103,762.00
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SPLOST Project Summary as of December 1, 2023:

Park & Facility Signage Budget:	\$920,000.00	Expended to Date:	\$147,622.08
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The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Park & Facility Signage (Countywide) is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 33). New signage in the various parks will provide park visitors with coordinated signage to locate entrances while replacing outdated and obsolete existing signage.

VOTE: **ADOPTED 5-0**

Support Services Agency

Property Management

47. To approve a Design/Build contract with John W. Spratlin and Son LLC, with the initial phase to include only the design, project fee, and general conditions costs, for the replacement of Fire Station 12, 2022 SPLOST Program B1040.

Motion by Birrell, second by Cupid, to **approve** a two-part design/build contract with John W. Spratlin and Son LLC, with the initial phase contract amount of \$853,000.00, to include only the design, project fee, and general conditions costs, for the replacement Fire Station 12, located at 3586 Canton Road, Marietta; 2022 SPLOST project B1040; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2022 SPLOST Project budget as follows:

Decrease	348-130-B104-8005-B1040-C (Preliminary Estimates)	\$853,000.00
Expenditure:		
Increase	348-130-B104-8125-B1040-C (Construction Exp-New Bldgs)	\$853,000.00
Expenditure:		

Create GAE in the amount of \$853,000.00

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, Support Services improvements.

The replacement of Fire Station 12 is an eligible capital improvement project/program under the 2022 SPLOST and is an approved project of the Public Safety Improvements (Cobb County 2022 SPLOST, p. 11) which provides for improvements to facilities and equipment.

SPLOST Project Summary as of December 1, 2023: Fire Facilities (Fire Station 12 Replacement), Project No. B1040.

Current Budget:	\$6,000,000.00
Actual Expenditures:	\$ 81,470.00
Amount Remaining in the Project:	\$5,918,530.00
This agenda:	\$ 853,000.00

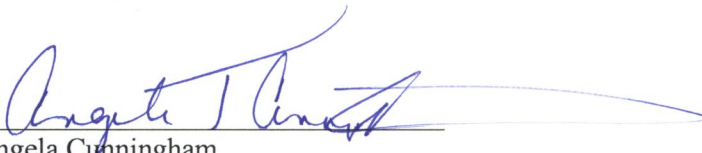
VOTE: **ADOPTED 5-0**

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 9, 2024
9:00 AM**

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ADJOURNMENT

The meeting was adjourned at 11:00 a.m.



Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement

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

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

Commissioner Gambrill's statement

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

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

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

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002). In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

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

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

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

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

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

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

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

**RESOLUTION
TO FIX AND PUBLISH A QUALIFYING FEE
FOR EACH COUNTY OFFICE TO BE FILLED
IN THE UPCOMING PRIMARY OR ELECTION
(PER O.C.G.A. 21-2-131)**

WHEREAS, the Official Code of Georgia, Annotated, Section 21-2-131, does require the governing authority of Cobb County, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, to fix and publish a qualifying fee for each County office to be filled in the upcoming primary or election;

THEREFORE, BE IT RESOLVED that the Board of Commissioners, as the governing authority of Cobb County, does hereby fix a qualifying fee for the County offices to be filled in the upcoming primary or election. Said qualifying fees shall be determined as set forth in O.C.G.A. 21-2-131 based on the salary amounts provided by Cobb County Human Resources and the Cobb County School District:

<u>Office</u>	<u>Salary</u>	<u>3% Qualifying Fee</u>
State Court Judge Division (Posts 1, 2, 3, 4, 6 & 7)	\$200,752.77	\$6022.58
State Court Judge, Division II (Posts 2, 3)	\$178,252.77	\$5347.58
Commission Chairperson	\$129,877.45	\$3896.32
Clerk of State Court	\$126,623.11	\$3798.69
Sheriff	\$136,011.72	\$4080.35
Clerk of Superior Court	\$130,496.72	\$3914.90
Tax Commissioner	\$130,496.72	\$3914.90
Judge of Probate Court	\$130,496.72	\$3914.90
Chief Magistrate Judge	\$133,106.73	\$3993.20
County Commissioner, District 4	\$ 42,582.59	\$1277.48
County Commissioner, District 2	\$ 42,582.59	\$1277.48
County School Board (Posts 1, 3, 5 & 7)	\$ 19,000.00	\$ 570.00
Surveyor	no salary	\$ 15.00

BE IT FURTHER RESOLVED that the Board of Commissioners does hereby direct the Director of Elections to publish a notice of said qualifying fees in the official organ of the County prior to February 1, 2024.

So adopted this 9th day of January, 2024.

Pamela L. Mabry
Pamela L. Mabry, Clerk
Cobb County Board of Commissioners



APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

1/9/24



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 4295

December 19, 2023

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

Re: Petition for Annexation— Land Lots 776, 777, 736, 737, 16th District, Parcels listed on Exhibit “A” 2nd Section, Northwestern side of Sandy Plains Road at the Terminus of Ross 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 Villages at Sandy Plains Subdivision. The subject property is currently zoned RA-6 and is within an area identified as MDR (Medium Density Residential) according to the Cobb County Future Land Use Map.

The City of Marietta has petitioned to annex 15.0305 acres by the 100% method. The subject tract 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. This property is currently under development for a single-family subdivision for 90 lots. This tract of land is currently controlled by 2 zoning cases (Z-90 of 2015 and Z-71 of 2020) approving 90 detached single-family lots along with other conditions and stipulations. Cobb County and the applicant are currently engaged in litigation regarding certain stipulations regarding architectural elements that were proposed at approval. The proposed City of Marietta zoning of PRD-SF is acceptable according to Appendix A of the HB 489 Intergovernmental Agreement. Based on our HB 489 Intergovernmental Agreement and O.C.G.A. §36-36-113, this is a non-objectionable request.

In order for an objection pursuant to O.C.G.A. §36-36-113 to be valid, the proposed annexation must:

(1) Result in:

(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

Equal Opportunity Employer

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www.cobbcounty.org

Reference No. 25

(B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in O.C.G.A. § 48-8-110, which is furnished by the county to the area to be annexed; and

(2) Authorize or result in a land use that differs substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Cobb County respectfully requests the City Council to consider the subdivision entrance fence or wall along the right of way not to exceed eight (8) feet in height complying with the City of Marietta Zoning Ordinance Supplementary District Regulation 710.04 regarding fences and walls.

Based on a strict interpretation of O.C.G.A. §36-36-113 and Appendix A of our HB 489 Intergovernmental Agreement, 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.

Exhibit "A"

16077601040	16077601180
16077601120	16077601220
16077600900	16077601100
16077601160	16077601110
16077601230	16077600890
16077601170	16077601270
16077601150	16077601000
16077600990	16077601240
16077601050	16073700850
16077601260	16077601280
16077601210	16077600970
16077601200	16077601070
16077601030	16077601080
16077600910	16077601020
16077601250	16077601290
16077600930	16077600920
16077600980	16077600960
16077601090	16077601060
16077601140	16077601010
16073600050	16073600030
16077601190	16077700090
16077601130	16077600950
16077600940	

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

[signature page continued]

Sincerely,

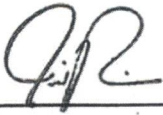
Keli A. Gambrell

Keli Gambrell, 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,

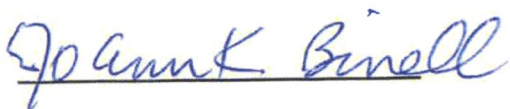


Jerica Richardson, District 2 Commissioner

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,

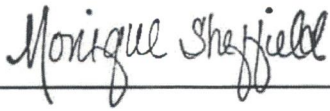


JoAnn K. Birrell, District 3 Commissioner

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,



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

Villages at Sandy Plains City of Marietta

Water System- Tim Davidson

Water service for the proposed annexed properties is provided by the existing CCWS water main in Sandy Plains.

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

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

Planning- Historic Preservation-Mandy Elliott

No Comments.

Cobb County Fire Marshal's Office-Rock Toler

The Fire Department has no objection to this annexation request.

GIS- Brad Gordon

No objections from a GIS or addressing perspective.

Stormwater Management- Andrew Heath

This site has a recorded Stormwater Maintenance Agreement which, in part, grants an access & maintenance easement to Cobb County which could be used if the private HOA is unable to maintain the onsite Stormwater system. A new Agreement would need to be created between the developer and the City of Marietta and recorded and the existing agreement voided with the County.

County Staff Comments and Recommendations

Villages at Sandy Plains
City of Marietta

Cobb DOT-James Washington

No comments.

Code Enforcement- Brent Farrell

We have an active case in State Court regarding the lots in this development. There is a pending arraignment in State Court scheduled for 1/30/2024 at 9:30 am. Each lot received 2 sets of citations on 2 different violation dates for the wall being over 6 feet and not having the final plat approved by the District Commissioner. 56 total citations are pending.

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 9th of January 2024

RESOLUTION

Resolution authorizing the submission of a Georgia Transportation Infrastructure Bank grant application to the State Road and Tollway Authority for Bells Ferry Road over Noonday Creek, Project No. B2101.

WHEREAS, on November 1, 2023, the State Road and Tollway Authority (SRTA) issued a call for funding proposals under the Georgia Transportation Infrastructure Bank (GTIB) program; and

WHEREAS, applications are due by January 25, 2024, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, the County desires to submit a GTIB application to SRTA for state funding assistance in the amount of \$2,000,000.00 for construction of the proposed project, Bells Ferry Road over Noonday Creek, Project No. B2101, which includes a bridge replacement, on Bells Ferry Road between Rockbridge Road and Lloyd Drive at the entrance of the Noonday Creek Trailhead; and

WHEREAS, SRTA's 2024 GTIB solicitation application requires that applicants provide local government body authorization of its application submittal; and

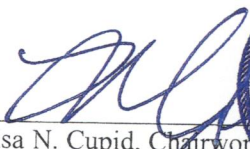
WHEREAS, the grant agreement for GTIB funding assistance, if awarded, will impose certain obligations upon the County, and will require the County to provide all necessary certifications and assurances to SRTA as required for the project.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a GTIB grant application to SRTA for the aforementioned project.

CERTIFICATION

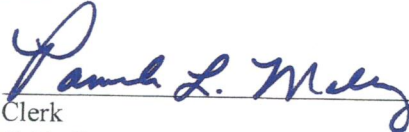
The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 9, 2024.

This 12th day of Jan., 2024


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:


Pamela L. Miley
Clerk
Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

1/9/24