

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 24, 2024
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, September 24, 2024, at 7:00 p.m. in the second-floor public meeting room at 100 Cherokee Street, David Hankerson 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 7:02 p.m.

PRESENTATIONS

1. To present a proclamation designating September as *Ovarian Cancer Awareness Month* in Cobb County.

Commissioner Gambrill presented a proclamation designating September as *Ovarian Cancer Awareness Month* in Cobb County.

2. To present a proclamation designating September 25, 2024 as *National Homicide Awareness Day* in Cobb County.

Commissioner Sheffield presented a proclamation designating September 25, 2024 as *National Homicide Awareness Day* in Cobb County.

3. To present a proclamation designating September 15, 2024 - October 15, 2024 as *Hispanic Heritage Month* in Cobb County.

Chairwoman Cupid presented a proclamation designating September 15, 2024 - October 15, 2024, as *Hispanic Heritage Month* in Cobb County.

PUBLIC COMMENT

1. Lance Lamberton addressed the Board regarding MSPLOST.
2. Craig Harfoot addressed the Board regarding MSPLOST and Home Rule.
3. Denny Wilson addressed the Board regarding water service fees.
4. Carter Wertz addressed the Board regarding MSPLOST.
5. Samuel Foster addressed the Board regarding MSPLOST.
6. Jon Gargis addressed the Board regarding MSPLOST.
7. Lynn Walston addressed the Board regarding MSPLOST.
8. Donald Barth addressed the Board with various comments.
9. Donna Court addressed the Board regarding Elections.
10. Tracy Stevenson addressed the Board with various comments.

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

Commissioner Birrell's Statement

Considering the Supreme Court's ruling in January regarding standing on the Home Rule issue, my position regarding the home rule challenge still stands.

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, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb Board of Elections on November 15, 2022.

In addition, I do support the Order on Cross Motions for Summary Judgment (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024, which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.

Commissioner Gambrill's Statement

While the Board has taken steps to return to the legislative maps approved by Governor Kemp, as a formality, I believe the Board still needs to take the proper steps to appeal the Home Rule Resolution approved on October 25, 2022. As the letter sent to the Secretary of State on September 9, 2024, made no reference to the Home Rule Resolution submitted to their office on October 26, 2022.

There has been much discussion on Home Rule Authority and reapportionment as a result of the Republicans in the General Assembly bypassing the traditional role of the County delegation in the process.

The county delegation is comprised of members of the Georgia House and Georgia Senate who represent any part of Cobb County, and collectively have no legal authority per the Official Code of Georgia.

The General Assembly does not adjudicate disputes within and does not poll the members of the local delegation for their opinions. Similarly, the Chair of the Cobb delegation has no official authority to violate the "one man, one vote" which is the underlying principle of redistricting.

To support these statements, a Federal Judge in the 2003 case Smith v Cobb County Board of Elections:

"The underlying assumption of local courtesy is that the bill affects only a certain city or county, and, therefore, representatives and senators of other districts should defer to that local delegation's judgment. Local courtesy is a custom, however, and is not provided for in either the House or Senate rules. Should a member of the House or Senate choose to challenge local legislation on the floor, local courtesy is not enforced."

The County Attorney's Office is taking the brunt of this – and while deserved – they can point their finger back at the majority of the Board, because, after all, they followed directions. Yet now we are near the end of this novel concept, and our enabling legislation will more than likely allow the affected Commissioner to finish their term.

CONSENT AGENDA

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

Superior Court Administration

4. **To authorize the continuation of ARPA grant funding from the Judicial Council of Georgia for the Cobb Judicial Circuit through December 31, 2024.**

To **authorize** the continuation of state-funded ARPA activities until December 31, 2024; **authorize** the continuation of the Superior Court Grants Administrator, Grade 114-1 position, and Staff Attorney, Grade 113-1 position, until December 31, 2024.

No change in funding amount.

State Court Administration

5. **To authorize the application for supplemental grant funding from the Georgia Accountability Court Funding Committee.**

To **authorize** the application for supplemental grant funds from the Georgia Accountability Court Funding Committee.

Water System

6. **To accept maintenance responsibility of existing storm drainage pipes at 550 and 565 Weatherfield Terrace.**

To **authorize** the acceptance of maintenance responsibility for the existing stormwater drainage pipes at 550 and 565 Weatherfield Terrace once the property owners dedicate drainage easements for the pipes.

7. **To convey by quitclaim deed to the underlying property owner any County rights associated with a sanitary sewer easement for an abandoned sanitary sewer located in Land Lot 682 of the 18th District.**

To **convey** by quitclaim deed to the underlying property owner, White Road LLC, any County rights associated with a sanitary sewer easement for an abandoned sanitary sewer located in Land Lot 682 of the 18th District; and **authorize** the Chairwoman to execute the necessary documents.

8. **To approve additional funding for the work order under the FY23 Stormwater Management Unit Price Contract with Wade Coots Company, Inc. for 3374 Emory Drive, Program No. SW2269.**

To **approve** additional funding for the work order under the FY23 Stormwater Management Unit Price Contract with Wade Coots Company, Inc., in the amount of \$28,236.00, for 3374 Emory Drive, Program No. SW2269; **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 51010242313	510-500-5758-6496	SW9999-Z	\$28,236.00
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Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$28,236.00
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Transfer to:

3374 Emory Drive

Drainage Contract R&M Service	510-500-5758-6496	SW2269-C	\$28,236.00
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9. **To approve Supplemental Agreement No. 2 to extend the current unit price contracts for FY23 Manhole and Valve Box Adjustments, Program No. C0170, through January 31, 2025.**

To **approve** Supplemental Agreement No. 2 to extend current unit price contracts for FY23 Manhole and Valve Box Adjustments, Program No. C0170, through January 31, 2025; and **authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's Adopted FY25 Operating Budget, Fund 500, Department 500, Unit 5400, Objects 6516 and 6520.

10. **To approve Supplemental Agreement No. 2 to extend the current unit price contracts for FY23 Water, Sewer, and Miscellaneous Services, Program No. C0171, through January 31, 2025.**

To **approve** Supplemental Agreement No. 2 to extend current unit price contracts for FY23 Water, Sewer, and Miscellaneous Services, Program No. C0171, through January 31, 2025; and **authorize** the Chairwoman to execute the necessary documents.

Funding for Water and Sewer Line Repair and Maintenance is available in the Water System's, Adopted FY25 Operating Budget, Fund 500, Department 500, Units 5400, 5220, 5230, 5240, 5250, Objects 6516 and 6520.

Funding for new and replacement water and sewer lines and related appurtenances is available in the Water System's Unit Price Contracts-Water, Sewer and Miscellaneous Services Adopted FY25 CIP Budget, Fund 510, Department 500, Unit 5752, Object 8005, Program No. C0171.

11. **To approve Supplemental Agreement No. 2 to extend the current unit price contracts for FY23 Stormwater Management Unit Price Contract, Program No. SWM2023, through January 31, 2025.**

To **approve** Supplemental Agreement No. 2 to extend current unit price contracts for FY23 Stormwater Management, Unit Price Contract, Program No. SWM2023, through January 31, 2025; and **authorize** the Chairwoman to execute the necessary documents.

Funding for Drainage Contract Repair & Maintenance Service is available in the Water System's Adopted FY25 Operating Budget, Fund 500, Department 500, Unit 5600, Object 6496.

Funding for new and replacement stormwater infrastructure is available in the Water System's Stormwater Capital Projects Adopted FY25 CIP Budget, Fund 510, Department 500, Unit 5758, Object 6496, Program Number SW9999.

12. **To convey by quitclaim deed to the underlying property owner any County rights associated with two drainage and detention pond easement agreements located in Land Lots 224 and 225 of the 20th District.**

To **convey** by quitclaim deed to the underlying property owner, Chick-Fil-A, Inc., any County rights associated with two drainage and detention pond easement agreements located in Land Lots 224 and 225 of the 20th District; and **further authorize** the Chairwoman to execute the necessary documents.

13. **To approve Change Order No. 1 to the contract with Woolpert, Inc. for FY21 Sanitary Sewer Condition Assessment, Program No. S3039.**

To **approve** Change Order No. 1 to the contract with Woolpert, Inc., with a time extension to December 31, 2026, for FY21 Sanitary Sewer Conditions Assessment, Program No. S3039; and **authorize** the Chairwoman to execute the necessary documents.

No additional funding is required.

14. **To approve final funding for the work under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc. for 984 Ashebrooke Way, Program No. SW2272.**

To **approve** final funding for the work order under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$30,625.07, for 984 Ashebrooke Way, Program No. SW2272; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is required for the Water System's 984 Ashebrooke Way, Program No. SW2272.

Decrease Encumbrance:

GAE 51001092408	510-500-5758-6496	SW2272-C	\$30,625.07
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Transfer from:

984 Ashebrooke Way			
Drainage Contract R&M Service	510-500-5758-6496	SW2272-C	\$30,625.07

Transfer to:

Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-50-5758-6496	SW9999-Z	\$30,625.07

Transportation

15. **To authorize procurement of approved FY25 capital items exceeding \$100,000.00, utilizing available State Contracts and cooperative purchasing programs.**

To **authorize** procurement of approved FY25 capital items exceeding \$100,000.00, utilizing available State Contracts and cooperative purchasing programs; and **further authorize** the Procurement Services Director to sign the necessary documents.

Available in the Road Maintenance Division approved FY25 Capital Budget, as follows:

Available: 010-050-0781-8405 Building & Grounds Equipment \$1,068,000.00

Available in the Utilities Permitting Division approved FY25 Capital Budget, with the following budget transfer:

Transfer from: 010-050-0730-8852 Fund Balance - Reserve Appropriation \$125,000.00

Transfer to: 010-050-0730-8605 Autos, Vans, Trucks, & Motorcycles \$125,000.00

Public Services Agency

PARKS

16. **To authorize the issuance of a License Agreement to Dustin Farthing, for the installation of a sanitary sewer line located in Land Lot 154 of the 20th District, 2nd Section of Cobb County, Georgia; otherwise known as Pitner Road Park.**

To **approve** a License Agreement with Dustin Farthing for the installation of a sanitary sewer line across and within County-owned property located in Land Lot 154 of the 20th District; 2nd Section of Cobb County, Georgia, otherwise known as Pitner Road Park; and **further authorize** the Chairwoman to execute the necessary documents.

17. **To authorize the allocation of District Four FY2024 Capital Contingency funds, in support of exterior and interior improvements at South Cobb Recreation Center.**

To **approve** the allocation of District Four FY2024 Commissioner Contingency funds in support of improvements at South Cobb Recreation Center in the amount of \$100,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure: 010-001-0124-8820 (Dist. 4 Commissioner Contingency) \$100,000.00

Increase Expenditure: 010-105-3200-8005 (Preliminary Estimates) \$100,000.00

Senior Services

18. **To authorize the appropriation of FY2024 District Four Capital Contingency funds to the Senior Services operating budget in support of capital improvements at the Austell Senior Center.**

To **authorize** the appropriation of FY2024 District Four Capital Contingency funds to the Senior Services operating budget in support of capital improvements at the Austell Senior Center; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transaction:

Decrease Expenditure:	010-001-0124-8820	District 4 Capital Contingency	\$75,000.00
Increase Expenditure:	010-300-0060-6258	Accountable Equipment	\$75,000.00

19. **To authorize the submission of a grant application to the Bennett Thrasher Foundation to supplement Cobb County Senior Services Meals on Wheels Program.**

To **authorize** the submission of a grant application to the Bennett Thrasher Foundation to supplement Cobb County Senior Services Meals on Wheels Program.

Public Safety Agency

20. **To authorize the allocation of District Three Contingency funds for the purchase of fitness equipment for Precinct 6.**

To **approve** the allocation of District Three Contingency funds in the amount of \$50,000.00 for the purchase of fitness equipment for Precinct 6, and **authorize** the corresponding budget transactions.

Police Department

21. **To authorize the Cobb County Police Department, Chief of Police to execute a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives as it relates to the ATF/Cobb County Police Violent Crime Task Force.**

To **authorize** the Cobb County Police Department, Chief of Police to execute the Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and **further authorize** the Chief of Police to execute any necessary documents including subsequent Memorandums of Understanding which update ATF or CCPD leadership or add other interested parties, in substantially similar form as reviewed by the County Attorney.

Fire and Emergency Services

22. **To approve the renewal of a professional service agreement for Dr. Marvin Eric Nix as the continuing Medical Director for Cobb County Fire and Emergency Services (CCFES).**

To **approve** the renewal of a professional service agreement with Dr. Marvin Eric Nix as the continuing Medical Director for Cobb County Fire and Emergency Services, in the amount of \$4,875.00 a month; and **authorize** the Chairwoman to execute any necessary documents.

Funding is available in the Fire Department's FY2025 operating budget as follows:

230-130-1000-6312	Consultant Services	\$58,500.00
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23. **To approve an amendment to Change Order No. 001 to the contract with ImageTrend, Inc., for the Fire and Emergency Medical Records Management System, Contract No. 252300.**

To **approve** an amendment to change order No. 001 to the contract with ImageTrend, Inc., for the Fire and Emergency Medical Records Management System, Contract No. 252300, aligning the contract's annual renewal and billing cycle, ensuring both have the same date and are coterminous with the Original Contract.; and **authorize** the Chairwoman to execute any necessary documents.

911 Emergency Communications

24. **To approve the Emergency Services IP Network (ESINet) Agreement with AT&T.**

To **approve** the five-year agreement with AT&T for ESINet; **authorize** the corresponding budget transfers; and **further authorize** the Chairwoman to execute the necessary documents.

Partial funding is available in the FY2025 E911 budget. Additional funding is available in the Information Technology Services budget as follows:

Decrease Expenditure:	010-030-0400-8005	Preliminary Estimates	\$226,880.56
Increase Expenditure:	010-030-0400-6594	Interfund Transfer – Expense	\$226,880.56
Increase Revenue:	260-130-0200-4960	Interfund Transfer – Revenue	\$226,880.56
Increase Expenditure:	260-130-0200-6384	Telephone Landline Services	\$226,880.56

Animal Services

25. **To approve creation of a deceased animal pickup incentive program within the Animal Services Department including the development of a policy and procedures regarding same and to authorize the allocation of District 1 FY2024 Contingency funds.**

To **approve** creation of a deceased animal pickup incentive program within the Animal Services' Department including the development of a policy and procedures regarding same; **authorize** the allocation of District 1 FY2024 Contingency funds in support of the deceased animal pickup incentive program; **authorize** the corresponding budget transactions; and **further authorize** Chairwoman to execute the necessary documents.

Funding for the deceased animal pickup incentive program will be available with the following budget appropriation:

Decrease Expenditure:	010-001-0121-8820	District 1 Commissioner Contingency	\$100,000.00
Increase Expenditure:	010-130-3800-6601	Other Misc. Expenses	\$100,000.00

26. **To authorize the allocation of District 1 FY2024 Contingency funds, in support of spay and neutering services within Cobb County.**

To **approve** the allocation of District 1 FY2024 Contingency funds in support of the spay and neutering services within Cobb County in the amount of \$50,000.00, and **authorize** the corresponding budget transactions.

Funding will be available with the following budget appropriation:

Decrease Expenditure:	010-001-0121-8820	District 1 Commissioner Contingency	\$50,000.00
Increase Expenditure:	010-130-3800-6325	Spay & Neuter Services	\$50,000.00

Community Development

27. **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 totals 6.8 acres located east of Davis Cir, north of Mobile Ln.**

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of Land Lots 213, 214 of the 17th District, Cobb County, Georgia, Parcel numbers 17021400320, 17021400350, 17021400360, 17021300010, into the City of Marietta.

Economic Development

28. To approve a Business Investment Grant for Crystal's Salon Service, LLC from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a grant award, in the amount of \$3,500.00, from the Entrepreneurship and Innovation Incentive Program to Crystal's Salon Service, 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-L017-6601	(Other Miscellaneous Expenses)	\$3500.00
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29. To approve a Business Investment Grant for A Better Today Bookstore, 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 A Better Today Bookstore, 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-L017-6601	(Other Miscellaneous Expenses)	\$5000.00
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30. To approve a Business Investment Grant for Eryn AI, Corp from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a grant award, in the amount of \$10,000.00, from the Entrepreneurship and Innovation Incentive Program to Eryn AI, Corp; **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-L017-6601	(Other Miscellaneous Expenses)	\$10,000.00
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Human Resources

31. **To approve a three-month contract extension with PMA Management Corporation to provide third party workers' compensation claims administration for Cobb County's employees from October 1, 2024, through December 31, 2024.**

To **approve** a three-month contract extension with PMA Management Corporation to provide third party workers' compensation administration for Cobb County's employees from October 1, 2024, through December 31, 2024; and **authorize** the Chairwoman to execute the contract amendment and Finance to make any budget transfers necessary.

Annual funding for these services is included in the FY24-25 budget.

Risk and Safety

32. **To authorize the Risk and Safety Department to bind insurance coverage for Property Insurance including Boiler Machinery, General Liability, Excess Casualty, Crime Insurance, Fiduciary Liability, Cyber Liability, Excess Cyber Liability, Aviation Liability, Terrorism Insurance, and Mable House Historic Property Insurance coverage effective October 1, 2024.**

To **authorize** the Risk and Safety Department to bind insurance coverage for Property Insurance including Boiler Machinery, General Liability, Excess Casualty, Crime Insurance, Fiduciary Liability, Cyber Liability, Excess Cyber Liability, Aviation Liability, Terrorism Insurance, and Mable House Historic Property Insurance coverage effective October 1, 2024, and **authorize** the Chairwoman to execute all documents necessary.

Funding will be available in the FY25 proposed budget under 710-023-8011

Finance

33. **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.

34. To adopt a resolution authorizing and approving the delegation of authority to the County Review Team (as defined in the New Operating Agreement) to approve or deny on behalf of the County extensions of time on a month-to-month basis until no later than December 31, 2024 within which extended time period the Cobb-Marietta Coliseum and Exhibit Hall Authority (the "Authority") must satisfy certain requirements of the New Agreements (defined hereinafter) prior to issuing 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 delegation of authority to the County Review Team (defined herein) to approve or deny on behalf of the County extensions of time on a month-to-month basis until no later than December 31, 2024 within which extended time period the Cobb-Marietta Coliseum and Exhibit Hall Authority (Authority) must satisfy certain requirements of the New Agreements (defined herein) prior to issuing bonds payable from Hotel/Motel Pledged Tax Revenues and Liquor-by-the-Drink Pledged Tax Revenues to finance the Authority's proposed projects. A copy of said resolution is attached and made a part of these minutes.

County Clerk

35. To approve minutes.

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

- September 9, 2024 - Agenda Work Session
- September 10, 2024 - BOC Regular Meeting
- September 17, 2024 - BOC Zoning Hearing

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

REGULAR AGENDA

Transportation

36. To approve Supplemental Agreement No. 1 to Project No. B2305-TO#1 to the 2022 Master Task Order Contract with Gresham Smith for engineering design of Church Road/Plant Atkinson Road and North Church Lane, Cobb DOT Contract No. 002030.

Motion by Richardson, second by Gambrill, to **approve** Supplemental Agreement No. 1 to Project No. B2305-TO#1 to the 2022 Master Task Order Contract with Gresham Smith, in an amount not to exceed \$498,713.22, for engineering design of Church Road/Plant Atkinson Road and North Church Lane, Cobb DOT Contract No. 002030; **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-B230-B230-8005-B2305-C	Preliminary Estimate	\$498,713.22
Transfer to:	348-050-B230-B230-8722-B2305-E	Engineering	\$498,713.22

Increase Encumbrance			
GAE 34805232332:	348-050-B230-B230-8722-B2305-E	Engineering	\$498,713.22

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

Church Road/Plant Atkinson Road at North Church Lane is an eligible project/program under the Operational & Safety Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 15). SPLOST funds will be used to make operational and safety improvements at intersections and corridors throughout the county.

SPLOST Project Summary as of September 3, 2024: Church Road/Plant Atkinson Road at North Church Lane

Budget:	\$2,248,250.00	Expended:	\$92,465.00
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VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

37. To approve a contract with North Georgia Concrete, Inc., for various project locations for 2024 Countywide Bridge Repair/Rehabilitation, Project No. B2104, Cobb DOT Contract No. 002325.

Motion by Cupid, second by Richardson, to **approve** a contract with North Georgia Concrete, Inc., in an amount not to exceed \$1,534,723.33, for various project locations for 2024 Countywide Bridge Repair/Rehabilitation, Project No. B2104, Cobb DOT Contract No. 002325; **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 transfers:

Transfer from:	348-050-B210-B210-8005-B2104-A	Preliminary Estimate	\$843,168.87
	348-050-B210-B210-8005-B2105-A	Preliminary Estimate	\$ 84,160.84
	348-050-B210-B210-8005-B2107-A	Preliminary Estimate	\$184,620.35
	348-050-B210-B210-8005-B2108-A	Preliminary Estimate	\$ 70,533.60
	348-050-B210-B210-8005-B2109-A	Preliminary Estimate	\$135,728.10
	348-050-B210-B210-8005-B2110-A	Preliminary Estimate	\$148,975.87
	348-050-B210-B210-8005-B2111-A	Preliminary Estimate	\$ 67,535.70
Transfer to:	348-050-B210-B210-8762-B2104-C	Turnkey Construction	\$843,168.87
	348-050-B210-B210-8762-B2105-C	Turnkey Construction	\$ 84,160.84
	348-050-B210-B210-8762-B2107-C	Turnkey Construction	\$184,620.35
	348-050-B210-B210-8762-B2108-C	Turnkey Construction	\$ 70,533.60
	348-050-B210-B210-8762-B2109-C	Turnkey Construction	\$135,728.10
	348-050-B210-B210-8762-B2110-C	Turnkey Construction	\$148,975.87
	348-050-B210-B210-8762-B2111-C	Turnkey Construction	\$ 67,535.70

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, Bridges and Culverts.

The seven project locations included in 2024 Countywide Bridge Repair/Rehabilitation are eligible projects/programs in the Bridges and Culverts Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 13, 14). SPLOST funding for bridges and culverts will fund activities to repair, rehabilitate, and replace bridges and culvert structures.

SPLOST Project Summary as of September 3, 2024:

<u>Project No.</u>	<u>Project Name</u>	<u>Budget</u>	<u>Expended</u>
B2104	Ernest Barrett Parkway over Noses Creek/Ward Creek	\$1,020,000.00	\$19,580.00
B2105	Bells Ferry Road over Tate Creek	\$ 220,000.00	\$ 9,505.00
B2107	Maxham Road over Buttermilk Creek	\$ 220,000.00	\$ 8,130.00
B2108	McDuffie Road over Olley Creek Tributary	\$ 220,000.00	\$ 4,335.00
B2109	Murdock Road over Sewell Mill Creek	\$ 220,000.00	\$ 0.00
B2110	North Elizabeth Lane over Gilmore Creek	\$ 220,000.00	\$ 3,550.00
B2111	Stillhouse Road over Camp Bert Adams Creek	\$ 220,000.00	\$ 2,860.00

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

38. To approve a contract with Glosson Enterprises, LLC for 2025 Resurfacing - Americans with Disabilities Act Ramp Upgrades (East), Project No. B2920, Cobb DOT Contract No. 002373.

Motion by Birrell, second by Sheffield, to **approve** a contract with Glosson Enterprises, LLC, in an amount not to exceed \$304,585.00, for 2025 Resurfacing - Americans with Disabilities Act Ramp Upgrades (East), Project No. B2920, Cobb DOT Contract No. 002373; **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-B290-B290-8005-B2920-A	Preliminary Estimate	\$299,585.00
Transfer to:	348-050-B290-B290-8762-B2920-C	Turnkey Construction	\$299,585.00

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, Roadway Resurfacing.

2025 Resurfacing - ADA Ramp Upgrades (East) is an eligible project/program under the Roadway Resurfacing Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 12). SPLOST funds will be used for resurfacing activities, including milling, patching, leveling, and resurfacing of various roadways throughout the county.

SPLOST Component Summary as of September 3, 2024: Roadway Resurfacing

Budget:	\$211,692,391.15	Encumbered/Expended:	\$143,230,143.54
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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	\$5,600.00
Transfer to:	CC Resurfacing Countywide ADA Ramp Upgrades (East)		
	510-500-5756-8260-W5108-C	Construction	\$5,000.00
	510-500-5756-8265-W5108-M	Materials and Supplies	\$ 500.00
	510-500-5756-8810-W5108-T	Contingency	<u>\$ 100.00</u>
		Total:	\$5,600.00

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

39. **To approve a contract with Advanced Sports Construction, LLC for 2025 Resurfacing - Americans with Disabilities Act Ramp Upgrades (West), Project No. B2921, Cobb DOT Contract No. 002372.**

Motion by Gambrill, second by Richardson, to **approve** a contract with Advanced Sports Construction, LLC, in an amount not to exceed \$295,667.65, for 2025 Resurfacing - Americans with Disabilities Act Ramp Upgrades (West), Project No. B2921, Cobb DOT Contract No. 002372; **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-B290-B290-8005-B2921-A	Preliminary Estimate	\$290,667.65
Transfer to:	348-050-B290-B290-8762-B2921-C	Turnkey Construction	\$290,667.65

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, Roadway Resurfacing.

2025 Resurfacing - ADA Ramp Upgrades (West) is an eligible project/program under the Roadway Resurfacing Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 12). SPLOST funds will be used for resurfacing activities, including milling, patching, leveling, and resurfacing of various roadways throughout the county.

SPLOST Component Summary as of September 3, 2024: Roadway Resurfacing

Budget:	\$211,692,391.15	Encumbered/Expended:	\$143,230,143.54
---------	------------------	----------------------	------------------

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	\$5,600.00
Transfer to:	CC Resurfacing Countywide ADA Ramp Upgrades (West)		
	510-500-5756-8260-W5109-C	Construction	\$5,000.00
	510-500-5756-8265-W5109-M	Materials and Supplies	\$ 500.00
	510-500-5756-8810-W5109-T	Contingency	<u>\$ 100.00</u>
		Total:	\$5,600.00

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

40. **To approve a contract with Advanced Sports Construction, LLC for drainage system repairs on Davis Road, Project No. B22115, Cobb DOT Contract No. 002387.**

Motion by Birrell, second by Sheffield, to **approve** a contract with Advanced Sports Construction, LLC, in an amount not to exceed \$440,189.00, for drainage system repairs on Davis Road, Project No. B22115, Cobb DOT Contract No. 002387; **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	\$400,189.00
Transfer to:	348-050-B220-B220-8762-B22115-C	Turnkey Construction	\$400,189.00

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.

Davis Road 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 September 3, 2024: Drainage System

Budget:	\$22,753,789.35	Encumbered/Expended:	\$13,762,186.84
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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	\$45,000.00
Transfer to:	CC Davis Road Drainage		
	510-500-5756-6496-W5111-C	Drainage Contract R&M Svc.	\$40,000.00
	510-500-5756-8265-W5111-M	Materials and Supplies	\$ 4,000.00
	510-500-5756-8810-W5111-T	Contingency	<u>\$ 1,000.00</u>
		Total:	\$45,000.00

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

41. **To approve a Project Framework Agreement with the Georgia Department of Transportation for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535.**

Motion by Richardson, second by Gambrill, to **approve** a Project Framework Agreement with the Georgia Department of Transportation for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Appropriate receipt of revenue from the Georgia Department of Transportation to the Public Facility Projects Fund, as follows:

Increase Revenue:	380-050-4638-4638-4466-TR535-E	GDOT Revenue	\$964,000.00
Increase Expenditure:	380-050-4638-4638-8721-TR535-E	Preliminary Estimate	\$964,000.00

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

42. **To approve a Cobb Framework Agreement with the Cumberland Community Improvement District for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535.**

Motion by Richardson, second by Gambrill, to **approve** a Cobb Framework Agreement with the Cumberland Community Improvement District for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535; **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:	380-050-4638-4638-4505-TR535-E	CID Revenue	\$1,250,000.00
Increase Expenditure:	380-050-4638-4638-8721-TR535-E	Preliminary Estimate	\$1,250,000.00

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

43. **To approve a Memorandum of Agreement with the Georgia Department of Transportation for preliminary engineering oversight of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535.**

Motion by Richardson, second by Gambrill, to **approve** a Memorandum of Agreement with the Georgia Department of Transportation for preliminary engineering oversight of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535; **authorize** payment of a preliminary engineering oversight fee to the Georgia Department of Transportation, in the amount of \$9,000.00; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	380-050-4638-4638-8721-TR535-E	Preliminary Estimate	\$9,000.00
Transfer to:	380-050-4638-4638-8722-TR535-E	Engineering	\$9,000.00

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

44. **To approve a Consultant Services Agreement with AECOM Technical Services, Inc., for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535, Cobb DOT Contract No. 002151.**

Motion by Richardson, second by Gambrill, to **approve** a Consultant Services Agreement with AECOM Technical Services, Inc., in an amount not to exceed \$914,304.74, for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge - North, State P.I. No. 0019885, Cobb County Project No. TR535, Cobb DOT Contract No. 002151; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	380-050-4638-4638-8721-TR535-E	Preliminary Estimate	\$914,304.74
Transfer to:	380-050-4638-4638-8722-TR535-E	Engineering	\$914,304.74

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

45. **To approve a Cobb Framework Agreement with the City of Smyrna for 2022 Special Purpose Local Option Sales Tax Joint City Projects.**

Motion by Cupid, second by Richardson, to **approve** a Cobb Framework Agreement with the City of Smyrna, in an amount not to exceed \$3,000,000.00, for 2022 Special Purpose Local Option Sales Tax Joint City Projects; and **authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Renewal Program Fund, as follows:

Available:	348-055-B135-B135-6574-B1305-A	Contributions	\$3,000,000.00
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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, Joint City Projects.

City of Smyrna Joint Projects with the County are eligible projects/programs under the Joint City Projects Component/Appendix A of the 2022 SPLOST Renewal Program (2022 Cobb SPLOST Renewal, pp. 1, 45, 48). SPLOST funding for Joint City Projects/Smyrna will provide for capital improvement projects selected by each municipality for specific benefit to the community, as identified in Appendix A.

SPLOST Component Summary as of September 3, 2024: Smyrna

Budget:	\$55,745,237.26	Encumbered/Expended:	\$38,299,662.44
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VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

Public Safety Agency

911 Emergency Communications

46. To authorize the additional purchase of replacement portable radio parts with EarPhone Connection using funds from the 2022 SPLOST program, Radio Equipment Replacement, Program B1020.

Motion by Cupid, second by Richardson, to **authorize** the purchase of replacement portable radio parts with EarPhone Connection, in an amount not to exceed \$20,200.00 using funds from the 2022 SPLOST program, Radio Equipment Replacement, Program B1020; **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 Expenditure:	348-130-B102-8005-B102-B1020-A	Preliminary Estimates	\$20,200.00
Increase Expenditure:	348-130-B102-8005-B102-B1020-P	Radio Equipment	\$20,200.00

Create GAE in the amount of \$20,200.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on November 3, 2022, provides for capital improvements and equipment for Public Safety improvements.

The purchase of replacement radios and hardware is an eligible capital improvement project under the 2022 SPLOST and is an approved project of the Public Safety Improvements Tier 1, 4.4 Radio Equipment Replacement (Cobb County 2022 SPLOST, p. 10).

Current Budget:	\$16,000,000.00
Encumbrances:	\$ 6,310,879.92
Actual Expenditures:	\$ 9,543,936.93
Remaining in Project:	\$ 145,183.15

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

APPOINTMENTS

47. To announce the reappointment of Joan Bloom to the Neighborhood Safety Commission.

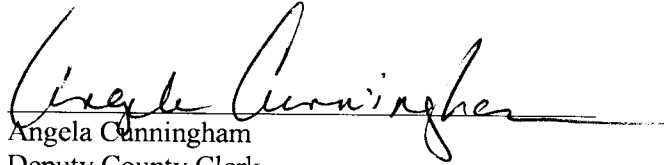
Commissioner Birrell **announced** the reappointment of Joan Bloom to the Neighborhood Safety Commission for a three-year term to expire on September 30, 2027.

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 24, 2024
7:00 PM**

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ADJOURNMENT

The meeting was adjourned at 8:03 p.m.

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

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement

Considering the Supreme Court's ruling in January regarding Standing on the Home Rule issue, my position regarding the home rule challenge still stands.

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, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb Board of Elections on November 15, 2022.

In addition, I do support the Order on Cross Motions for Summary Judgement (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024, which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.

Gambrill Statement

While the Board has taken steps to return to the legislative maps approved by Governor Kemp, as a formality, I believe the Board still needs to take the proper steps to appeal the Home Rule Resolution approved on October 25, 2022. As the letter sent to the Secretary of State on September 9, 2024 made no reference to the Home Rule Resolution submitted to their office on October 26, 2022.

There has been much discussion on Home Rule Authority and reapportionment as a result of the Republicans in the General Assembly bypassing the traditional role of the County delegation in the process.

The county delegation is comprised of members of the Georgia House and Georgia Senate who represent any part of Cobb County, and collectively have no legal authority per the Official Code of Georgia.

The General Assembly does not adjudicate disputes within and does not poll the members of the local delegation for their opinions. Similarly, the Chair of the Cobb delegation has no official authority to violate the "one man, one vote" which is the underlying principle of redistricting.

To support these statements, a Federal Judge in the 2003 case Smith v Cobb County Board of Elections:

"The underlying assumption of local courtesy is that the bill affects only a certain city or county, and, therefore, representatives and senators of other districts should defer to that local delegation's judgement. Local courtesy is a custom, however, and is not provided for in either the House or Senate rules. Should a member of the House or Senate choose to challenge local legislation on the floor, local courtesy is not enforced."

The County Attorney's Office is taking the brunt of this – and while deserved – they can point their finger back at the majority of the Board, because, after all, they followed directions. Yet now we are near the end of this novel concept, and our enabling legislation will more than likely allow the affected commissioner to finish their term.

9/24/24



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 0640 0002 0800 0975

August 28, 2024

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

Re: Petition for Annexation- The Tierra Company, Inc. - Land Lots 213 & 214, District 17, Parcels 0320, 0350, 0360, and 0010, Davis Circle, 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 681, 106, and unaddressed property on Davis Circle. The subject property is currently zoned LI and R-20, and is within an area identified as CAC (Community Activity Center) and HDR (High Density Residential) according to the Cobb County Future Land Use Map. The subject parcel has the required contiguity with the existing Marietta boundary for annexation. No unincorporated islands would be created or extended with the proposed annexation. The applicant is proposing 40 townhouses on 6.8 acres, yielding 5.8 units per acre.

The proposed City of Marietta zoning district of PRD-SF is acceptable within both Future Land Use Categories according to Exhibit A of the HB 489 Intergovernmental Agreement. This tract of land is also located within city Transition Area 1 per our IGA. In this area, city zoning classifications identified in the CAC (Community Activity Center) category per Exhibit A are appropriate and would be unobjectionable in most circumstances under certain conditions. Most applicable Transition Area conditions can be met with adequate buffering adjacent to contiguous residential property added to the proposed plan.

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

Petition for Annexation- The Tierra Company, Inc. - Land Lots 213 & 214, District 17, Parcels 0320, 0350, 0360, and 0010, Davis Circle, Cobb County, Georgia; Notice of Non-Objection

[signature page continued]

Sincerely,

Keli A. Gambrill

Keli Gambrill, District 1 Commissioner

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

Petition for Annexation- The Tierra Company, Inc. - Land Lots 213 & 214, District 17, Parcels 0320, 0350, 0360, and 0010, Davis Circle, Cobb County, Georgia; Notice of Non-Objection

[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

County Staff Comments and Recommendations

ANN-11-2024 Davis Cir
City of Marietta

Water System- Wilson Collins

Water service for the proposed annexed properties is provided by Marietta Water

Sewer service for the proposed annexed properties is provided by Marietta Water

Because Marietta Water 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 the annexation.

GIS- Brad Gordon

No objections from a GIS or addressing perspective.

Code Enforcement- Brent Farrell

No comments or active cases.

Cobb DOT-Ligia Florim

Cobb DOT has no major comments. Only thing to note is that internal roads should remain private.

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 24th of September 2024

RESOLUTION OF COBB COUNTY, GEORGIA, IN CONNECTION WITH THAT CERTAIN AMENDED AND RESTATED GALLERIA OPERATING AGREEMENT BETWEEN THE COUNTY AND THE COBB-MARIETTA COLISEUM AND EXHIBIT HALL AUTHORITY, AUTHORIZING AND DELEGATING TO CERTAIN OFFICIALS AND REPRESENTATIVES OF THE COUNTY THE AUTHORITY TO APPROVE OR DENY ON BEHALF OF THE COUNTY CERTAIN MONTH-TO-MONTH EXTENSIONS OF A DEADLINE UNDER THE AFORESAID AGREEMENT, AND APPROVING OTHER MATTERS RELATED THERETO

WHEREAS, Cobb County, Georgia (the "County"), a political subdivision of the State of Georgia (the "State"), is permitted by Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, as amended (the "Georgia Constitution"), to contract with any public corporation or public authority of the State for any period not exceeding fifty years for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided such contracts deal with activities, services or facilities the contracting parties are authorized by law to undertake or provide; throughout this Resolution, all capitalized terms used herein, but not defined herein, shall have the meanings ascribed thereto under the hereinafter defined New Agreements;

WHEREAS, the Cobb-Marietta Coliseum and Exhibit Hall Authority (the "Authority") is a public corporation and public authority duly created and existing under the laws of the State, and particularly pursuant to the provisions of an Act of the General Assembly of the State approved on March 26, 1980 (Ga. Laws 1980, p. 4091, et seq.), as heretofore amended (as heretofore amended, the "Authority Act") having the purposes and powers granted by the Authority's Act and generally described in that certain authorizing resolution adopted by the County's Board of Commissioners (the "Board of Commissioners") on December 13, 2022 (the "Initial Authorizing Resolution"), authorizing and approving, without limitation, the finalization, execution and delivery of the hereinafter defined New Agreements;

WHEREAS, the County and the Cities of Acworth, Austell, Kennesaw, Marietta, Powder Springs and Smyrna, municipal corporations created under the laws of the State and located within the County (collectively, the "Cities"), each prior to December 1991 adopted an ordinance or resolution imposing an excise tax upon the furnishing for value of public accommodations at the rate of 8 percent of the charges to the public for such accommodations (the "Hotel/Motel Tax") in accordance with the Hotel/Motel Tax Law and each currently is levying and collecting the Hotel/Motel Tax; and the County prior to December 1991 adopted an ordinance and resolution imposing an excise tax on the sale of distilled spirits by the drink at the rate of 3 percent (the "Liquor-by-the-Drink Tax") and is currently levying and collecting the Liquor-by-the-Drink Tax;

WHEREAS, the Authority and the County heretofore entered into that certain Convention Funding Agreement, dated as of December 1, 1991, as amended by an Amendment No. One to Convention Funding Agreement, dated as of October 1, 1996 (as so amended, the "1991 Funding Agreement" or the "County 1991 Funding Agreement"), pursuant to the terms of which the Authority agreed, among other matters, to construct and operate a multi-use coliseum and civic center facility suitable for, among other things, the housing of exhibits for trade fairs, expositions and exhibitions, together with related buildings and facilities useful or desirable in connection therewith, which facility is located in the County and is owned and operated by the Authority as a public and governmental facility for the use and benefit of the citizens of the County (as so constructed, equipped, improved and expanded, the "Galleria Project"), and the County agreed to levy and pay the Authority 100% of the Hotel/Motel Tax that the County collects pursuant to the Hotel/Motel Tax Law and 50% of the Liquor-by-the-Drink Tax that the County collects pursuant to the Liquor-by-the-Drink Tax Law (as applicable, the "County Hotel/Motel Tax Payments" and the "County Liquor-by-the-Drink Tax Payments" and collectively, the "County Tax Payments"), and, so long as any revenue bonds issued by the Authority to finance or refinance the Galleria Project remain outstanding, the County agreed not to cease to

levy, or reduce the rate of, the Hotel/Motel Tax or Liquor-by-the-Drink Tax in any manner that would impair the rights of the holders of such bonds;

WHEREAS, the Authority and the County heretofore entered into that certain Operating Agreement, dated as of December 1, 1991, as amended by an Amendment No. One to Operating Agreement, dated as of October 1, 1996 (as so amended, the "1991 Operating Agreement" or the "County 1991 Operating Agreement" and, together with the 1991 Funding Agreement, collectively, the "1991 Agreements" or the "1991 County Agreements"), pursuant to the terms of which the Authority agreed, among other things, to construct and operate the Galleria Project, to return to the County each month 37.5% of its Hotel/Motel Tax Payments, to pay to the County each month a Collection Fee for costs incurred by the County in connection with levying, collecting and administering the Hotel/Motel Tax and the Liquor-by-the-Drink Tax, and to return to the County certain additional excess County Tax Payments subject to certain limitations, and the County agreed to certain matters set forth therein;

WHEREAS, the Authority and each of the Cities heretofore entered into separate but generally similar (with certain exceptions with respect to Marietta) Convention Funding Agreements, dated as of December 1, 1991, each as amended by an Amendment No. One to Convention Funding Agreement, dated as of October 1, 1996 (collectively, as so amended, the "City 1991 Funding Agreements"), pursuant to the terms of which the Authority agreed, among other things, to construct and operate the Galleria Project and the Cities agreed to pay the Authority the percentages of the Hotel/Motel Tax which the Cities collect pursuant to the Hotel/Motel Tax Law that are specified in the respective City Funding Agreement, and, the Cities agreed so long as any applicable revenue bonds remain outstanding not to cease to levy, or reduce the rate of the Hotel/Motel Tax or the Liquor-by-the-Drink Tax in any manner that would impair the rights of the holders of the bonds; the Hotel/Motel Tax payments made by the County and the Cities and the Liquor-by-the-Drink Tax payments made by the County to or on behalf of the Authority pursuant to the County 1991 Funding Agreement and the City 1991 Funding Agreements are referred to herein collectively as the "County/Cities Tax Payments";

WHEREAS, the Authority and each of the Cities heretofore entered into separate but generally similar Operating Agreements, dated as of December 1, 1991, each as amended by an Amendment No. One to Operating Agreement, dated as of October 1, 1996 (collectively, as so amended, the "City 1991 Operating Agreements"), pursuant to the terms of which the Authority and each respective City agreed to matters generally similar to the County 1991 Operating Agreement;

WHEREAS, as contemplated by the County 1991 Funding Agreement and the City 1991 Funding Agreements, the Authority issued revenue bonds in 1991, 1993, 1996, 1999, 2005 and 2009 (including such revenue bonds that remaining outstanding on the date hereof, the "Existing Bonds"), the proceeds of which were used to finance or refinance the cost of acquiring, constructing, equipping, improving and expanding, as applicable, the Galleria Project, and, as applicable, establish a reserve fund, pay a portion of interest accruing during construction and pay the costs of issuance of the respective bond issue; the final maturity date of the Existing Bonds is October 1, 2026;

WHEREAS, the County 1991 Funding Agreement, the County 1991 Operating Agreement, the City 1991 Funding Agreements and the City 1991 Operating Agreements in accordance with their respective terms would have terminated or will terminate on or before October 2, 2028 (or on the first date on which the Existing Bonds issued by the Authority for the Galleria Project and secured by the pledge of the County/Cities Tax Payments no longer remain outstanding);

WHEREAS, in 2018, the State General Assembly extended the provisions in the Hotel/Motel Tax Law governing the County's and the Cities' Hotel/Motel Taxes until December 31, 2053;

WHEREAS, the Authority previously determined and notified the County that upgrades, expansions and renovations of the Galleria Project are needed in order for it to be financially viable and requested that the County extend the term of the 1991 County Agreements to 2053 to allow for the issuance of future bonds to finance the cost of the needed upgrades, expansions and renovations of the Galleria Project;

WHEREAS, given a number of changed circumstances since 1991, including, without limitation, the County's growing tourism related needs and opportunities throughout the County since 1991, as well as the increase since 1991 in the County's Hotel/Motel Tax collections and the Liquor-by-the-Drink Tax collections, among other considerations, the County determined that as a condition of its agreement to extend the terms of the 1991 County Agreements, the new extended agreements must provide that under certain conditions additional County Tax Payments not required to pay debt service on the Existing Bonds or future bonds or other financing vehicles payable from or secured by the County Tax Payments (as more fully defined in the New Agreements, "Bonds" or "Additional Bonds") or replenish debt service reserve funds for the Existing Bonds or future Additional Bonds will be returned to the County in the future, must provide additional limitations on the Authority's expenditure of County Tax Payments, and must provide certain requirements that future Additional Bonds payable from such County Tax Payments must satisfy in order to safeguard the return of the specified portion of the County Tax Payments to the County, among other matters set forth in the hereinafter defined New Agreements;

WHEREAS, pursuant to the Initial Authorizing Resolution adopted by the Board of Commissioners on December 13, 2022, the County entered into the Amended and Restated Galleria Convention Funding Agreement, dated as of September 1, 2023, with the Authority (the "New Funding Agreement") and the Amended and Restated Galleria Operating Agreement, dated as of September 1, 2023, with the Authority (the "New Operating Agreement" and, together with the New Funding Agreement, the "New Agreements"), in order to accomplish, without limitation, the aforesaid objectives;

WHEREAS, in addition to other conditions precedent to undertaking the issuance of Additional Bonds in the future, Section 3.1(a) of the New Operating Agreement requires (among other requirements) that the Authority enter into Conforming City Agreements with each City prior to October 31, 2023, as such deadline may be extended in accordance with Section 3.1(a)(ii) initially (x) by the County Review Team on a month-to-month basis until December 31, 2023, and thereafter (y) by the County Board of Commissioners by a duly adopted County Board Resolution to a date after December 31, 2023;

WHEREAS, pursuant to Section 3.1(a)(ii) and Section 2.1(ix)(c)(1) of the New Operating Agreement, the County Review Team granted two monthly extensions of the aforesaid deadline to November 30, 2023 and to December 31, 2023, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) of the New Operating Agreement, on December 12, 2023, the County Board of Commissioners adopted a Resolution (the "December 2023 Delegation Resolution") that authorized and approved, among other matters, (i) the waiver of certain requirements under the New Operating Agreement with respect to one Unique City (as defined in the New Operating Agreement) and (ii) the delegation of authority to the County Review Team to grant or deny on behalf of the County monthly extensions of the aforesaid deadline after December 31, 2023 to no later than March 31, 2024, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) and Section 2.1(ix)(c)(1) of the New Operating Agreement and the December 2023 Delegation Resolution, the County Review Team granted three extensions of the aforesaid deadline to January 31, 2024, to February 29, 2024 and to March 31, 2024, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) of the New Operating Agreement, on March 12, 2024, and also on June 25, 2024, respectively, the County Board of Commissioners adopted a Resolution (the "March 2024 Delegation Resolution" and the "June 2024 Delegation Resolution", respectively, and together with the December 2023 Delegation Resolution, each respectively, a "Delegation Resolution" and all collectively, the "Delegation Resolutions") each of which, among other matters, delegated to the County Review Team the authority to grant or deny on behalf of the County monthly extensions of the aforesaid deadline to no later than June 30, 2024, and September 30, 2024, respectively, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) and Section 2.1(ix)(c)(1) of the New Operating Agreement and the respective Delegation Resolution, the County Review Team granted monthly extensions of the aforesaid deadline to the last day of each month to and including September 30, 2024, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, the Authority has notified the County that some, but not all, Cities have entered into Conforming City Agreements with the Authority and that it is continuing to work with the remaining Cities (except the Unique City, as waived by the December 2023 Delegation Resolution), and the Authority has requested one or more extensions of the aforesaid deadline to December 31, 2024; and

WHEREAS, the Board of Commissioners has determined to continue the procedure of the County Review Team having the authority delegated thereto to grant or deny on behalf of the County month-to-month extensions of the aforesaid deadline as provided hereinafter.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners on behalf of the County, and it is hereby resolved by authority of the same, as follows:

Section 1. Incorporation of Resolution Premises. The Board of Commissioners on behalf of the County hereby resolves and determines that the premises and foregoing paragraphs of this Resolution shall be and are a substantive and operative part of this Resolution and are hereby incorporated herein.

Section 2. Delegation of Authority to Grant or Deny Extensions Under Section 3.1(a)(ii) of the New Operating Agreement. The Board of Commissioners on behalf of the County hereby authorizes and approves the delegation to the County Review Team of the authority to grant or deny on behalf of the County month-to-month extensions of the deadline under Section 3.1(a)(ii) of the New Operating Agreement following receipt from the Authority in each case of the satisfactory update report required under Section 2.1(ix)(c)(1) of the New Operating Agreement to an extended deadline no later than December 31, 2024.

Section 3. Authorization of Related Documents and Delegation of Approval Thereof. The Board of Commissioners on behalf of the County hereby authorizes and approves (a) the negotiation and approval on behalf of the County of any and all documents necessary or appropriate in connection with this Resolution or matters contemplated hereby, including without limitation, those necessary or appropriate in connection with the aforesaid delegation of authority to the County Review Team to grant or deny a month-to-month extension of the aforesaid deadline, in connection with the County's performance of its rights and obligations under the New Operating Agreement and the New Funding Agreement (collectively, the "Related Documents") by the County's Chief Financial Officer and the County Attorney (or designee of each, or the successor titles to such official positions at the County), in each case after consultation if appropriate with the County's bond counsel, and (b) following approval of a Related Document on behalf of the County as aforesaid, the execution, delivery and performance of such Related Document on behalf of the County by any one or more of the members of the County Review Team, the County Manager, the Chief Financial

Officer, the Chairwoman and the Vice Chair, and (if appropriate or if otherwise required, provided that no such attestation is required by this Resolution unless otherwise required by law) the attestation thereof by the Clerk, Ex-Officio Clerk, Deputy Clerk or Assistant Clerk of the Board of Commissioners and affixing the seal of the County thereto. Each Related Document shall be in the form approved as aforesaid, and the execution thereof by any aforesaid representative, officer or official of the County as hereby authorized shall be conclusive evidence of such approval on behalf of the County.

Section 4. Reaffirmation of the Approvals, Authorizations and Delegations of Authority set forth in the Board of Commissioners' Initial Authorizing Resolution and each Respective Delegation Resolution. The Board of Commissioners on behalf of the County hereby reaffirms the approvals, authorizations and delegations of authority set forth in its Initial Authorizing Resolution and each of its Delegation Resolutions.

Section 5. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the New Funding Agreement, the New Operating Agreement, any extension document, any Additional Bond Document, any Related Document, or any document contemplated by or related to any of the foregoing will be deemed to be a stipulation, obligation or agreement of any officer, official, employee, counsel, agent or representative of the County in his or her individual capacity and no officer, official, employee, counsel, agent or representative of the County in his or her individual capacity shall be held liable in connection therewith.

Section 6. Further Actions Approved and Confirmed. All acts and doings of the Commissioners, officers, officials, counsel, employees, representatives and agents of the County in conformity with the purposes and intent of this Resolution and are in all respects hereby ratified, approved and confirmed.

Section 7. Multiple Counterparts. This Resolution may be executed in multiple counterparts, each and all of which shall constitute one and the same Resolution.

Section 8. Correction of Scrivener's Errors. In the event any scrivener's errors shall be discovered in this Resolution after the adoption hereof, the County hereby authorizes and directs that each such scrivener's errors shall be corrected in all multiple counterparts of this Resolution.

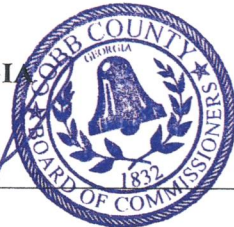
Section 9. Resolution Effective Upon Adoption. This Resolution shall take effect immediately upon its adoption on this 24th day of September, 2024.

[COUNTY SEAL]

Attest: *Pamela L. Mabry*
Pamela L. Mabry
Clerk, Board of Commissioners
Cobb County, Georgia

COBB COUNTY, GEORGIA

By: *Lisa N. Cupid*
Lisa N. Cupid
Chairwoman, Board of Commissioners
Cobb County, Georgia



Approved As To Form:

May Culp
COBB COUNTY ATTORNEY'S OFFICE

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

9/24/24

CLERK'S CERTIFICATE

COBB COUNTY, GEORGIA

I, Pamela L. Mabry, Clerk of the Board of Commissioners of Cobb County, Georgia, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of the Resolution adopted by the Board of Commissioners at an open public meeting duly called and lawfully assembled at 7:00 P.M., on the 24th day of September, 2024, pertaining to the approval and authorization of certain matters related to that certain Amended and Restated Galleria Convention Funding Agreement and that certain Amended and Restated Galleria Operating Agreement, both dated as of September 1, 2023, both with the Cobb-Marietta Coliseum and Exhibit Hall Authority, and matters related thereto (the "Resolution"), the original of the Resolution being duly recorded in the Minute Book of the Board of Commissioners, which Minute Book is in my custody and control, and that the Resolution has not been amended or rescinded and is in full force and effect as of the date hereof.

I do hereby certify as follows:

(a) That the following members of the Board of Commissioners were present at said meeting:

Chairwoman Lisa N. Cupid

Commissioner Keli Gambrill

Commissioner Jerica Richardson

Commissioner JoAnn K. Birrell

Commissioner Monique Sheffield

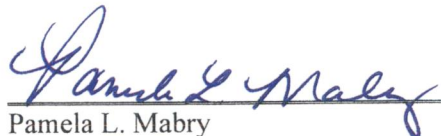
(b) That the following member was absent: _____

(c) That the Resolution was duly adopted by a vote of:

Aye 5 Nay 0

WITNESS my hand and the official seal of Cobb County, Georgia, to be effective as of the 24th day of September, 2024.

[COUNTY SEAL]



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