

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 8, 2024
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held at 9:00 a.m., Tuesday, October 8, 2024, at the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia in the second-floor public meeting room. 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 9:04 a.m.

PRESENTATIONS

1. **To recognize Procurement Services for receiving the 2024 Achievement of Excellence in Procurement Award.**

Dr. Jackie McMorris, County Manager, recognized the Procurement Services Department for receiving the 2024 Achievement in Excellence in Procurement Award.

2. **To present a proclamation recognizing the Cobb County Police Department's 100th year anniversary.**

Chairwoman Cupid presented a proclamation recognizing 100 years of dedicated service by the Cobb County Police Department.

3. **To present a proclamation designating October 13 -19, 2024 as *National Veterinary Technician Week* in Cobb County.**

Commissioner Gambrill present a proclamation designating October 13 -19, 2024 as *National Veterinary Technician Week* in Cobb County.

4. **To present a proclamation recognizing the 64th anniversary of Cobb County International Airport - McCollum Field.**

Commissioner Birrell presented a proclamation to the Cobb County International Airport– McCollum Field recognizing 64 years of growth and success and celebrate this significant anniversary.

5. **To present a proclamation designating October as *Breast Cancer Awareness Month* in Cobb County.**

Commissioner Sheffield presented a proclamation designating October as *Breast Cancer Awareness Month* in Cobb County.

PUBLIC HEARING

6. **To conduct a public hearing prior to expending \$100,000.00 or more for engineering design services for 2022 SPLOST Transportation Improvements Program projects.**

Drew Raessler, Transportation Agency Director, presented information regarding engineering design services for the 2022 SPLOST Transportation Improvements Program projects.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward. Following one speaker, the public hearing was closed.

No official action was taken by the Board.

PUBLIC COMMENT

1. Samuel Foster addressed the Board regarding mobility support.
2. Christine Rozman addressed the Board regarding hurricane preparedness and GEMA/FEMA.
3. Tracey Stevenson addressed the Board regarding MSPLOST.
4. Craig Harfoot addressed the Board regarding various concerns.
5. Monica Delancy addressed the Board regarding the Renters' Rights Summit.

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

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.

Clerk's Note: Commissioner Gambrill read the following revised statement to be attached to each vote and made a part of these minutes.

While the County responded on October 3, 2024 to many allegations made in the recent legal challenge filed in Superior Court on September 18, 2024 – no mention was made that these allegations were irrelevant to the action taken by the Board to provide notice that a Commissioner did not meet the qualifications per Sec. 2-23(b) of our local Enabling Legislation.

The Agenda Item #46 for August 25 and September 10, 2024 were only to deem the office vacant and were not included in the County's response. Yet the complaint states the Board voted to fill the vacancy. This is a false statement, as the Agenda's Recommendations clearly stated: "The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Sec. 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to OCGA 45-5-1 and any other necessary documents for said purpose."

Upon careful review of 45-5-1 it is two pronged. (a) addresses vacated offices and (b) state the decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court. The Board of Commissioners did not approve to fill the vacancy nor did we call for an election. Therefore, the complaint should be dismissed.

The county provided no equitable estoppel argument advanced as a result of the actions by the Board of Commissioners in moving forward with an ultra vires passage of the Home Rule Map.

The Home Rule Board action was precipitated by an illegal action through the act of three Commissioners to confect and move forward with a scheme which was illegal in inception and act which Commissioners now claim their term should extend beyond December 31, 2024.

This response coupled with the County Attorney's Office unwillingness to rescind the Home Rule Resolution votes of Oct. 11th and 25th, 2022 raises continued questions as the representation and advice provided to me as your commissioner and representative in matters pertaining to Home Rule.

The County regularly uses outside counsel to represent the interest of the County in matters as simple as motor vehicle accidents. I respectfully request that the Cobb County Attorney's Office be removed from this legal action and outside counsel represent the County in all matters pertaining to Home Rule going forward.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised; with the exception of Item 18 which was withdrawn from the agenda*, and **authorize** execution of the necessary documents by the appropriate County personnel.

District Attorney

7. **To authorize the acceptance of grant funds from the Criminal Justice Coordinating Council's FY2025 Victims of Crime Act continuation grant to support the District Attorney's Victim Witness Unit.**

To **authorize** the acceptance of grant funds from the Criminal Justice Coordinating Council's (CJCC) FY2025 Victims of Crime Act grant to support the District Attorney's Victim Witness Unit through the Prosecuting Attorney's Council of Georgia (PAC) in the amount of \$130,349.00; **authorize** the corresponding budget and personnel transactions; **authorize** the transfer of all authorized positions from Unit G341 to G346 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; 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-G346-4467	CJCC	\$130,349.00
Increase Expenditure:	270-170-G346-6012, etc.	Appropriate Salaries and fringe	\$130,349.00

Juvenile Court

8. **To authorize the application for grant funds from the Criminal Justice Coordinating Council for the Byrne State Crisis Intervention Program (SCIP) FY2022-2023, Behavioral Health Deflection.**

To **authorize** the application for grant funds from the Criminal Justice Coordinating Council for the Byrne State Crisis Intervention Program (SCIP) FY2022-2023, Behavioral Health Deflection grant; and **further authorize** the Chairwoman to execute any necessary documents.

9. **To authorize the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council under the Victims of Crime Act Grant Program to support the Juvenile Court of Cobb County, Court Appointed Special Advocate Program.**

To **authorize** the acceptance and appropriation of funding from the Criminal Justice Coordinating Council (CJCC) under the Victims of Crime Act (VOCA) Grant Program for the period October 1, 2024, through September 30, 2025; **authorize** the transfer of Juvenile Court Volunteer Coordinator personnel (position #2111002) from Unit G484 to F090 in the grant fund; **authorize** the corresponding budget transactions; **authorize** Court Administrator Adolphus Graves to sign quarterly reimbursements on behalf of the County; and **further authorize** the Chairwoman to execute the necessary documents.

Increase revenue	270-190-F090-4467	(CJCC)	\$111,189.00
Increase expenditure	270-190-F090-6012	(Salaries)	\$102,000.00
	270-190-F090-6394	(Registration fees)	\$ 2,400.00
	270-190-F090-6400	(Training/Travel)	\$ 6,789.00
	270-190-F090-6326	(Professional Services)	\$ 0.00
	270-190-F090-6258	(Accountable Equipment)	\$ 0.00
		TOTAL	\$ 111,189.00

10. **To authorize the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council for the FY2025 Juvenile Prevention and Intervention Grant Program.**

To **authorize** the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council (CJCC) in the amount of \$93,813.00 as part of the FY2025 Juvenile Justice Prevention and Intervention Grant Program; **authorize** corresponding budget transactions; **authorize** Court Administrator, Adolphus Graves to sign quarterly reimbursements on behalf of the county; and **further authorize** the Chairwoman to execute all necessary documents.

Increase revenue	270-190-G486-4467	(CJCC)	\$93,813.00
Increase expenditure	270-190-G486-6116	(Supplies)	\$ 1,025.00
	270-190-G486-6326	(Professional Services)	\$78,788.00
	270-190-G483-6392	(In-House Training)	\$14,000.00
		TOTAL	\$93,813.00

11. **To authorize the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council for the FY2025 Delinquency Prevention Grant.**

To **authorize** the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council (CJCC), in the amount of \$13,220.00 as part of the FY25 Delinquency Prevention Grant Program; **authorize** corresponding budget transactions; **authorize** Court Administrator, Adolphus Graves to sign quarterly reimbursements on behalf of the county; and **further authorize** the Chairwoman to execute all necessary documents.

Increase revenue	270-190-G485-4467	(CJCC)	\$13,220.00
Increase expenditure	270-190-G485-6116	(Supplies)	\$ 2,340.00
	270-190-G485-6326	(Professional Services)	\$10,880.00
		TOTAL	\$13,220.00

Water System

12. **To authorize advertisement for and conduct of a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 for FY26 Ultraviolet Disinfection Systems Rehabilitation, Program No. T5009.**

To **authorize** the advertisement for and conduct of a public hearing prior to the employment of a consultant or consulting firm where contract fees will likely exceed \$100,000.00 for professional services for FY26 Ultraviolet Disinfection Systems Rehabilitation, Program No. T5009.

13. **To authorize the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted or Cooperative Pricing Agreements for the procurement of new and replacement vehicles and equipment for the Water System.**

To **authorize** the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted or Cooperative Pricing Agreements for the procurement of new and replacement vehicles and equipment for the Water System in an amount not to exceed \$1,874,500.00; and **further authorize** the Procurement Services Director to execute the necessary documents.

Funding is available in the Water System's FY2025 Operating Budget.

Transportation

14. **To authorize the creation of one new Street Light District.**

To **authorize** the creation of one new Street Light District for Sweetlake Grove.

Available in the Street Light District Fund approved FY25 Operating Budget, as follows:

Available:	235-050-SLD1-4712/6472	Street Light Energy Revenue/Electricity
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15. **To amend a previously approved action regarding the approval of a multi-year Breeze System Participation Agreement with Metropolitan Atlanta Rapid Transit Authority.**

To **amend** a previously approved action regarding the approval of a multi-year Breeze System Participation Agreement with Metropolitan Atlanta Rapid Transit Authority; and **further authorize** the corresponding budget transaction.

Federal and local match funding is available in the Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T089-8005	Preliminary Estimate	\$21,600.00
Transfer to:	203-050-T089-6570	Credit Card Fees	\$21,600.00

Public Services Agency

Library System

16. **To approve the allocation of District 2 Commissioner Capital Contingency Funding within the FY2025 budget, for the renovation of Vinings Library.**

To **approve** the allocation of District 2 Commissioner Capital Contingency funding within the FY2025 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 Expenditure: 010-001-0122-8820 District 2 Commissioner Capital Cont.	\$300,000.00
Increase Expenditure 010-080-1800-8110 Vinings Library Renovation	\$300,000.00

Support Services Agency

Property Management

17. **To approve a Fourth Amendment with LAZ Parking for management and operation of the parking decks located at 115 Waddell Street and 191 Lawrence Street in order to complete negotiation of a new management agreement using the RFP process.**

To **approve** a Fourth Amendment with LAZ Parking for management and operation of the parking decks located at 115 Waddell Street and 191 Lawrence Street, Marietta; and **authorize** the Chairwoman to execute the necessary documents.

Funding for this continuing agreement is available in the Property Management FY25 operating budget.

18. **Withdrawal of request to authorize the appropriation of General Fund - Fund Balance for the repair, refurbishment, or replacement of the Cobb Overdose Prevention Effort (COPE) House Opioid Education trailer.**

This item was withdrawn from the agenda.

Public Safety Agency

Fire and Emergency Services

19. **To revise details related to Change Order No. 1 of the contract with ImageTrend, Inc., for the Fire and Emergency Medical Records Management System, Contract No. 252300.**

To **authorize** a revision to a previously approved amendment to Change Order No. 1 to the contract with ImageTrend, Inc., for the Fire and Emergency Medical Records Management System, Contract No. 252300; and **further authorize** the Chairwoman to execute the necessary documents.

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

230-130-1000-8676

Professional Services

Community Development

20. **To adopt a resolution imposing a temporary moratorium regarding the acceptance of special land use permit applications for new purpose-built student housing.**

To **adopt** a resolution imposing a temporary moratorium to suspend the acceptance of all applications for special land use permit applications for purpose-built student housing for 180 days while staff reviews and makes proposed amendments to the purpose-built student housing ordinance, unless such amendments are submitted and approved by the Board of Commissioners prior to that date. A copy of said resolution is attached and made a part of these minutes.

Finance

21. **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

22. To approve minutes.

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

- September 23, 2024 - Agenda Work Session
- September 24, 2024 - BOC Work Session
- September 24, 2024 - BOC Regular Meeting

CONSENT VOTE: **ADOPTED 5-0**, Commissioner Gambrell in opposition to Item 15 (*Statements of Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*).

REGULAR AGENDA

County Manager

23. To approve the Cobb County Opioid Abatement Strategy as presented by the Opioid Abatement Advisory Council to assist in addressing the opioid crisis within our community and effectively manage the distribution of funds allocated to Cobb County.

Motion by Cupid, second by Richardson, to **approve** the recommendation of the COSC's Opioid Strategic Priorities which reflect a comprehensive, community-driven approach to addressing the opioid crisis by focusing on evidence-based treatment, prevention, recovery, and harm reduction strategies, allowing Cobb County to combat the opioid epidemic and restore the health and well-being of its residents. A copy of the approved COSC's Opioid Strategic Priorities is attached and made a part of these minutes.

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

Transportation

24. To determine that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et. seq., on two parcels on Old Stilesboro Road at County Line Road, Project No. B2301.

Motion by Gambrell, second by Richardson, to **determine** that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et. seq.; **authorize** the commencement of condemnation proceedings on two parcels on Old Stilesboro Road at County Line Road, Project No. B2301; **adopt** Resolutions and Orders in form substantially similar to that presented and as approved by the County Attorney's Office; and **further authorize** the Chairwoman to execute the necessary documents. A copy of Attachment A is attached and made a part of these minutes.

VOTE: **ADOPTED 4-1**, Commissioner Birrell opposed (*Statements of Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*).

25. To approve a contract with D & H Construction Company, Inc., for drainage system repairs on Oakdale Road, Project No. B22113, Cobb DOT Contract No. 002307.

Motion by Richardson, second by Gambrill, to **approve** a contract with D & H Construction Company, Inc., in an amount not to exceed \$236,981.75, for drainage system repairs on Oakdale Road, Project No. B22113, Cobb DOT Contract No. 002307; **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	\$216,981.75
Transfer to:	348-050-B220-B220-8762-B22113-C	Turnkey Construction	\$216,981.75

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.

Oakdale 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	\$22,500.00
Transfer to:	CC Oakdale Road Drainage		
	510-500-5756-6496-W4492-C	Drainage Contract R&M Svc.	\$20,000.00
	510-500-5756-8265-W4492-M	Materials and Supplies	\$ 2,000.00
	510-500-5756-8810-W4492-T	Contingency	\$ 500.00
		Total:	\$22,500.00

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

26. **To approve a contract with Advanced Road Construction, LLC for drainage system repairs on Lake Somerset Crest, Project No. B22137, Cobb DOT Contract No. 002384.**

Motion by Gambrill, second by Richardson, to **approve** a contract with Advanced Road Construction, LLC, in an amount not to exceed \$199,205.00, for drainage system repairs on Lake Somerset Crest, Project No. B22137, Cobb DOT Contract No. 002384; **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	\$179,205.00
Transfer to:	348-050-B220-B220-8762-B22137-C	Turnkey Construction	\$179,205.00

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.

Lake Somerset Crest 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	\$22,500.00
Transfer to:	CC Lake Somerset Crest Drainage - Utility Allow.		
	510-500-5756-6496-W5107-C	Drainage Contract R&M Svc.	\$20,000.00
	510-500-5756-8265-W5107-M	Materials and Supplies	\$ 2,000.00
	510-500-5756-8810-W5107-T	Contingency	\$ 500.00
		Total:	\$22,500.00

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

27. **To approve Change Order No. 1 to the contract with C.W. Matthews Contracting Company, Inc., for South Barrett Reliever, Phase 3, State P.I. No. 0013239, Cobb County Project No. X2407, Cobb DOT Contract No. 001209.**

Motion by Gambrill, second by Richardson, to **approve** Change Order No. 1 to the contract with C.W. Matthews Contracting Company, Inc., a no-cost time extension revising the contract completion date from October 15, 2024, to November 13, 2025, for South Barrett Reliever, Phase 3, State P.I. No. 0013239, Cobb County Project No. X2407, Cobb DOT Contract No. 001209; and **further authorize** the Chairwoman to execute the necessary documents.

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

Public Services Agency

PARKS

28. **To authorize the allocation and transfer of approved FY2024/FY2025 Chair Capital Contingency to the 2022 SPLOST PARKS Program, in support of the District 4 Indoor Track, Program B0640, and the Veterans Memorial Project, Program B0632.**

Motion by Richardson, second by Cupid, to **authorize** the allocation and transfer of approved FY2024/FY2025 Chair Capital Contingency funding to the 2022 SPLOST Program, in support of the District 4 Indoor Track, Program B0640 and the Veterans Memorial, Program B0632; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in the 2022 SPLOST Parks Fund with the following transactions:

Decrease Expenditure: 010-001-0120-8820	Capital Contingency - Chair	\$1,500,000.00
Increase Expenditure: 010-001-0120-6594	Interfund Expense	\$1,500,000.00
Increase Revenue: 348-105-B063-4960-B0632-C	Interfund Revenue	\$ 500,000.00
Increase Expenditure: 348-105-B0632-8005-B0632-C	Preliminary Estimates	\$ 500,000.00
Increase Revenue: 348-105-B064-4960-B0640-A	Interfund Revenue	\$1,000,000.00
Increase Expenditure: 348-105-B064-8005-B0640-A	Preliminary Estimates	\$1,000,000.00

To authorize the allocation and transfer of approved FY2024/FY2025 Chair Capital Contingency to the 2022 SPLOST PARKS Program, in support of the District 4 Indoor Track, Program B0640, and the Veterans Memorial Project, Program B0632. (Cont.)

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for Public Services Community Impact Projects, and anticipated corresponding budget funding to address, inter alia, Veterans Memorial (6.12.15) and Indoor Track (6.12.16). The construction of an indoor space for competitive track and field events is a component of the 2022 SPLOST Program Fund (2022 Cobb SPLOST Renewal, pp. 7, 38) and the construction of a Veterans Memorial is a component of the 2022 SPLOST Program Fund (2022 Cobb SPLOST Renewal, pp. 7, 37).

SPLOST Project Summary as of September 1, 2024:

Current Budget: Indoor Track	\$2,111,223.58	Current Expenditures:	\$0.00
Current Budget: Veterans Memorial	\$2,000,000.00	Current Expenditures:	\$0.00

VOTE: **ADOPTED 4-1**, Commissioner Gambrell opposed (*Statements of Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*).

29. **To approve the Change Order No. 1 - Final to the contract with Signal Signs of GA, Inc. for the Entry Signage Replacement at Various Parks project under the 2022 PARKS SPLOST Program.**

Motion by Gambrell, second by Cupid, to **approve** Change Order No. 1 - Final to the contract with Signal Signs of GA Inc. for construction of the Replacement of Entry Signs at Various Parks under the 2022 PARKS SPLOST Program; representing a reduction in the contract amount of \$2,450.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

This reflects a savings to PARKS funds as follows:

Decrease Encumbrance:

GAE 34801092445	(Parks/Facility Signage) 348-105-B065-B0659-C-8024	\$2,450.00
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The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2022, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Park & Facility Signage is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 33). The new signs are already helping citizens find their way to our parks and freshening up the entrances to make the parks warmer and more inviting to the public.

SPLOST Project Summary as of September 3, 2024 (Park & Facility Signage)

Budget:	\$920,000	Expended to Date:	\$167,334.28
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*).

MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 8, 2024
9:00 AM

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Support Services Agency

Property Management

30. To approve a Supplemental Agreement No. 1 with John W. Spratlin and Son, LLC to establish the Guaranteed Maximum Price for Design Build services for the replacement of Fire Station 12, a 2022 SPLOST Program, B1040.

Motion by Birrell, second by Cupid, to **approve** Supplemental Agreement No.1, in the amount of \$10,804,605.00, with John W. Spratlin and Son, LLC, to establish the final GMP of \$11,657,605.00, for the replacement Fire Station 12, located at 853 Chastain Corner, Marietta; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

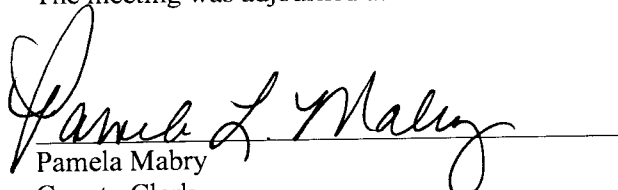
Funding will be available with the following budget transactions:

Decrease Expenditure: 230-130-1000-4980	(Undesignated Contingency)	\$6,289,075.00
Increase Expenditure: 230-130-1000-6594	(Interfund Transfer Expense)	\$6,289,075.00
Increase Revenue: 348-130-B104-4960	(Interfund Transfer Revenue)	\$6,289,075.00
Decrease Expenditure: 348-130-B104-8005-B1040-C (Preliminary Estimates)		\$5,065,530.00
Increase Expenditure: 348-130-B104-8125-B1040-C (Construction - New Bldg.)		\$11,354,605.00

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

ADJOURNMENT

The meeting was adjourned at 10:32 a.m.


Pamela Mabry
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 as of October 8, 2024 Statement

While the County responded on October 3, 2024 to many allegations made in the recent legal challenge filed in Superior Court on September 18, 2024 – no mention was made that these allegations were irrelevant to the action taken by the Board to provide notice that a Commissioner did not meet the qualifications per Sec. 2-23(b) of our local Enabling Legislation.

The Agenda Item #46 for August 25 and September 10, 2024 were only to deem the office vacant and were not included in the County's response. Yet the complaint states the Board voted to fill the vacancy. This is a false statement, as the Agenda's Recommendations clearly stated: "The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Sec. 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to OCGA 45-5-1 and any other necessary documents for said purpose."

Upon careful review of 45-5-1 it is two pronged. (a) addresses vacated offices and (b) state the decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court. The Board of Commissioners did not approve to fill the vacancy nor did we call for an election. Therefore, the complaint should be dismissed.

The county provided no equitable estoppel argument advanced as a result of the actions by the Board of Commissioners in moving forward with an ultra vires passage of the Home Rule Map.

The Home Rule Board action was precipitated by an illegal action through the act of three Commissioners to confect and move forward with a scheme which was illegal in inception and act which Commissioners now claim their term should extend beyond December 31, 2024.

This response coupled with the County Attorney's Office unwillingness to rescind the Home Rule Resolution votes of Oct. 11th and 25th, 2022 raises continued questions as the representation and advice provided to me as your commissioner and representative in matters pertaining to Home Rule.

The County regularly uses outside counsel to represent the interest of the County in matters as simple as motor vehicle accidents. I respectfully request that the Cobb County Attorney's Office be removed from this legal action and outside counsel represent the County in all matters pertaining to Home Rule going forward.

STATE OF GEORGIA

COBB COUNTY

October 8, 2024

**RESOLUTION INSTITUTING A TEMPORARY MORATORIUM
ON THE ACCEPTANCE OF SPECIAL LAND USE PERMIT APPLICATIONS FOR
NEW PURPOSE-BUILT STUDENT HOUSING IN COBB COUNTY AND FOR OTHER
PURPOSES**

WHEREAS, Cobb County is a political subdivision of the State of Georgia; and

WHEREAS, the Board of Commissioners is the county governing authority; and

WHEREAS, the Board of Commissioners finds that public and private universities in Cobb County provide residents with education opportunity and businesses with a qualified workforce; and

WHEREAS, the Board of Commissioners finds that public and private universities in Cobb County impacts the needs for resources including housing, and

WHEREAS, the Board of Commissioners finds that purpose-built student housing impacts the surrounding community; and

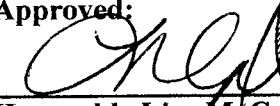
WHEREAS, the Board of Commissioners amended Section 134-37 of the Official Code of Cobb County, Georgia in 2019 to require a special land use permit for new purpose-built student housing developments and to provide appropriate standards for such developments, and

WHEREAS, the Board of Commissioners has determined it to be in the immediate interest of the citizens of Cobb County and of immediate concern to the health, safety and welfare of the public to maintain the status quo until Cobb County can amend the Official Code of Cobb County, Georgia to review and amend the regulations for purpose-built student housing within unincorporated Cobb County in order to serve its public:

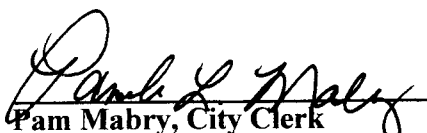
NOW, THEREFORE, BE IT RESOLVED by the Cobb County Board of Commissioners that in order to accomplish the foregoing, a temporary moratorium, be hereby adopted on the acceptance of special land use permit applications for new purpose-built student housing developments in order for Cobb County to review and amend its current ordinances and regulations. This moratorium shall be for 180 days or until Cobb County has properly amended its ordinances regarding purpose-built student housing.

The above Resolution was read and approved by the Cobb County Board of Commissioners, Georgia on the 8th day of October, 2024.

Approved:


Honorable Lisa M. Cupo, Chairwoman
Cobb County Board of Commissioners




Pam Mabry, City Clerk
(SEAL)

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

10/8/24

Resolution

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS SET
FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 8th of October 2024

ATTACHMENT 1

PROJECT NAME:	Old Stilesboro Road at County Line Road Intersection Improvements
PROJECT NUMBER:	B2301
PARCEL NUMBER:	4
PROPERTY OWNER:	James Edward Russell, Jr. 5560 Old Stilesboro Road Acworth, GA 30101
TAX PARCEL I.D. NUMBER:	20015500010
ACQUISITION:	
Fee Simple Right-of-Way:	8,006.62 square feet (0.234% of total tract)
Temporary Construction Easement:	5,070.76 square feet (0.014% of total tract)
Temporary Driveway Easement:	500 square feet
APPROXIMATE REMAINING PROPERTY:	8.4 acres
LOCATION OF STRUCTURE:	More than 35 feet
ACQUISITION AGENT:	Janis Killian
ZONING:	Residential
HIGHEST & BEST USE:	Residential
MISCELLANEOUS:	Negotiations to acquire the required right-of-way and easements from the property owner are underway. In order to meet project deadlines, condemnation authority is requested. Ongoing negotiations are continuing.

October 8, 2024

Reference No.

24

ATTACHMENT 1

PROJECT NAME:	Old Stilesboro Road at County Line Road Intersection Improvements
PROJECT NUMBER:	B2301
PARCEL NUMBER:	6
PROPERTY OWNER:	James Edward Russell, Jr. 5560 Old Stilesboro Road Acworth, Ga 30101
TAX PARCEL I.D. NUMBER:	20015000010
ACQUISITION: Fee Simple Right-of-Way: Temporary Construction Easement: Temporary Driveway Easement:	 35,912.45 square feet (0.114% of total tract) 3,250.63 square feet (0.010 % of total tract) 1,263.24 square feet (0.004% of total tract)
APPROXIMATE REMAINING PROPERTY:	6.38 acres
LOCATION OF STRUCTURE:	More than 35 feet
ACQUISITION AGENT:	Janis Killian
ZONING: HIGHEST & BEST USE:	Residential Residential
MISCELLANEOUS:	Negotiations to acquire the required right-of-way and easements from the property owner are underway. In order to meet project deadlines, condemnation authority is requested. Ongoing negotiations are continuing.

October 8, 2024