

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 21, 2024
6:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held at 6:00 p.m., Thursday, November 21, 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:

Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson - Vice Chair
Commissioner Monique Sheffield

Chairwoman Lisa Cupid - not present

CALL TO ORDER

Vice Chair Richardson called the meeting to order at 6:05 p.m.

PRESENTATIONS

1. **Withdrawal of request to present a check in recognition of *Crystal's Salon Service, LLC*; a recipient of the Entrepreneurship and Innovation Grant.**

This item was withdrawn from the agenda.

2. **To present a check in recognition of Eryn AI, Corp.; a recipient of the Entrepreneurship and Innovation Grant.**

Commissioner Richardson and Sabrina Wright, Economic Development Director, presented a check to Eryn AI, Corp, a recipient of the Entrepreneurship and Innovation Grant.

3. **To present a donation to SafePath as part of *Gambrill's Great Pumpkin Contest*.**

Commissioner Gambrill presented a check to SafePath as part of Gambrill's Great Pumpkin Contest.

4. **To present a proclamation to The Music Studio Atlanta for being named *2024 School of the Year*.**

This Item was presented following the adoption of the proposed code amendments. (See Item 6 of these minutes)

PUBLIC HEARING

5. **To conduct the second public hearing and approve the proposed amendments to Part I, Chapter 2 (Administration), Chapter 6 (Alcoholic Beverages), Chapter 18 (Buildings), Chapter 50 (Environment), Chapter 78 (Licenses, Permits and Businesses), Chapter 110 (Subdivisions), Chapter 122 (Utilities), Chapter 134 (Zoning), and Part II Chapter 2 (Administration).**

Jessica Guinn, Community Development Agency Director, requested the second public hearing to solicit comments on the proposed amendments to Part I, Chapter 2 (Administration), Chapter 6 (Alcoholic Beverages), Chapter 18 (Buildings), Chapter 50 (Environment), Chapter 78 (Licenses, Permits and Businesses), Chapter 110 (Subdivisions), Chapter 122 (Utilities), Chapter 134 (Zoning), and Part II Chapter 2 (Administration).

Vice Chair Richardson opened the public hearing and asked those wishing to speak to come forward to address the Board. Following 12 speakers, the public hearing was closed.

Motion by Richardson, second by Sheffield, to **approve** the proposed amendments to Part I, Chapter 2 (Administration), Chapter 6 (Alcoholic Beverages), Chapter 18 (Buildings), Chapter 50 (Environment), Chapter 78 (Licenses, Permits and Businesses), Chapter 110 (Subdivisions), Chapter 122 (Utilities), Chapter 134 (Zoning), and Part II Chapter 2 (Administration), *as revised and presented in draft amendment package version II, distributed November 13, 2024.*

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.*)

Clerks note: *Commissioner Birrell and Commissioner Gambrill requested the following statement that are on file in the County Clerk's Office be attached to each vote and made a part of these minutes.*

Commissioner Birrell's statement

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 Gambrell's 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.

6. **To present a proclamation to The Music Studio Atlanta for being named 2024 School of the Year.**

Commissioner Birrell presented a proclamation to The Music Studio Atlanta for being named 2024 School of the Year.

PUBLIC COMMENT

1. Amy Barnes addressed the Board regarding Chapter 78 of the proposed code amendments.
2. Jim Jess addressed the Board regarding MSPLOST.
3. Matt Stigall addressed the Board regarding the proposed Legislative Agenda.
4. Leslie Davis addressed the Board regarding various matters.
5. Kathryn Stewart addressed the Board regarding quality of life for seniors.
6. Monica Delancy addressed the Board regarding evictions.
7. Hill Wright addressed the Board regarding the proposed code amendments.

MOTION TO ADD NON-AGENDA ITEM

Motion by Richardson, second by Gambrill, to **approve** the addition of the following agenda item to be added to the end of Consent:

- *To authorize settlement of workers' compensation claim on behalf of Kenneth Stantz.*

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

CONSENT AGENDA

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

Water System

7. **To approve a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Wade Coots Company, Inc. for Hyde Road Manhole Replacement, Program No. S3047.**

To **approve** a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Wade Coots Company, Inc., in the amount of \$254,696.25, for Hyde Road Manhole Replacement, Program No. S3047; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Unidentified New/Replacement Sewer Lines

Preliminary Estimates	510-500-5755-8005	S2503-Z	\$ 254,696.25
-----------------------	-------------------	---------	---------------

Transfer to:

Hyde Road Manhole

Replacement

Construction	510-500-5755-8260	S3047-C	\$ 254,696.25
--------------	-------------------	---------	---------------

8. **To convey by quitclaim deed to the underlying property owner any County rights associated with two sanitary sewer easements for abandoned sanitary sewers located in Land Lot 106 of the 20th District.**

To **convey** by quitclaim deed to the underlying property owner, North Cobb Christian School, Inc. any County rights associated with two sanitary sewer easements for abandoned sanitary sewers located in Land Lot 106 of the 20thth District; and **authorize** the Chairwoman to execute the necessary documents.

9. **To approve an Assignment and Assumption of License Agreement from Maxham Farm Atlanta, LLC to KFH Maxham Farms, LLC for the installation of two sanitary sewer lines across County-owned property located in Land Lots 87, 88, and 145 of the 18th District.**

To **approve** an Assignment and Assumption of License Agreement with KFH Maxham Farms, LLC for the installation of two sanitary sewer lines across County-owned property located in Land Lots 87, 88 and 145 of the 18th District and **further authorize** the Chairwoman to execute the necessary documents.

Transportation

10. **To authorize advertisement to hold a public hearing prior to expending \$100,000.00 or more to employ consulting firms for Master Task Order Contracts for Professional Services, and authorize the issuance of a Request for Proposals to secure these services.**

To **authorize** advertisement to hold a public hearing prior to expending \$100,000.00 or more to employ consulting firms for Master Task Order Contracts for Professional Services; and **further authorize** the issuance of a Request for Proposals to secure these services.

Public Services Agency

Senior Services

11. **To approve the allocation of FY2025, District 3 Contingency funds, to the Senior Services capital budget in support of capital improvements at the Tim D. Lee Senior Center.**

To **approve** the allocation of FY2025 District 3 adopted contingency funds to the Senior Services capital budget in support of capital improvements at the Tim D. Lee 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:

010-001-0123-8820	District 3 Undesignated Contingency	\$105,000.00
-------------------	-------------------------------------	--------------

Increase Expenditure:

010-300-0075-8110	Renovation of Buildings & Structures	\$105,000.00
-------------------	--------------------------------------	--------------

Support Services Agency

Support Services Administration

12. **To approve two temporary construction easements, a permanent easement, and a revocation of an existing landscape and fencing license agreement with Cobb County-Marietta Water Authority (a non-County entity) on Cobb County property in connection with the construction of a new chemical building at the Quarles Water Treatment Plant.**

To **approve** two temporary construction easements, a permanent easement, and a revocation of an existing license agreement, in the forms substantially similar to that presented, with Cobb County-Marietta Water Authority on Cobb County property in connection with the construction of a new chemical building at the Quarles Water Treatment Plant; and **authorize** the Chairwoman to execute the necessary documents and take all other actions necessary or appropriate to accomplish the foregoing purposes.

Public Safety Agency

Fire and Emergency Services

13. **To approve the reappointment of Jake Lonas, Vice President of Operations for Puckett EMS, to the Georgia Region III EMS Council.**

To **approve** the reappointment of Jake Lonas, Vice President of Operations for Puckett EMS, to the Georgia Region III EMS Council for a four-year term to expire June 30, 2028; and **authorize** the Chairwoman to execute any necessary documents.

Human Resources

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

To **approve** renewal of the coverage for the Firefighters' Cancer Benefit required by the State of Georgia with CHUBB Insurance for the 2025 plan year; and **authorize** Chairwoman to execute any necessary documents.

Funding for this benefit was included in the FY25 Fire Fund budget.

Finance

15. **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.

16. **To ratify previous Board actions that authorized the collection and appropriation of various County standard reserves for FY2025 and authorize the carry forward of all unspent FY2024 standard, state mandated, and designated reserve funds into FY2025.**

To **ratify** previous actions that authorize the collection and appropriation of various County standard reserves for FY2025; **authorize** the carry forward of all unspent FY2024 standard reserve funds into FY2025; and **further authorize** all corresponding budget transactions.

Designated revenue for current year funds will be appropriated as received.

Designated and unspent revenue in the prior fiscal year budget will be appropriated in the new fiscal year, including any potential subsequent final year-end close-out adjustments.

County Clerk

17. **To approve minutes**

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

- November 8, 2024 - Agenda Work Session
- November 12, 2024 - BOC Regular Meeting
- November 19, 2024 - BOC Zoning Hearing

18. **To authorize settlement of workers' compensation claim on behalf of Kenneth Stantz.**

To **authorize** the settlement of the Workers' Compensation claim W003588762 for Kenneth Stantz in the amount of \$50,000.00, pursuant to the direction and within the terms discussed in Executive Session on November 20, 2024; and **further authorize** the Chief Human Resources Officer and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims Fund.

CONSENT VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

REGULAR AGENDA

BOC Chair

19. To recommend the appointment of the Library Director.

Motion by Richardson, second by Sheffield, to **approve** the appointment of Keith Schuermann as the Library Director effective December 2, 2024.

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

MOTION FOR NON-AGENDA ITEM

Motion by Richardson, second by Sheffield, to **approve** the addition of the following agenda item to be added to the County Manager's Regular tab: (See item 20 of these minutes)

- *To approve the renaming of the Cobb Library Bookmobile to The Helen Poyer Cobb Library Bookmobile.*

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

County Manager

20. To recommend the renaming of the Cobb Library Bookmobile to The Helen Poyer Cobb Library Bookmobile in recognition of her dedicated service to the library patrons and citizens of Cobb County during her distinguished career with the County.

Motion by Richardson, second by Sheffield, to **approve** the renaming of the Cobb Library Bookmobile to The Helen Poyer Cobb Library Bookmobile in recognition and appreciation for her dedicated and impactful service to Cobb Public Library Service, its staff, patrons and constituents.

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

21. To approve the 2025 Legislative Agenda.

Motion by Gambrill, second by Ricardson, to **approve** the 2025 Legislative Agenda with the addition of HB 581 for consideration in our discussion on December 5, 2024. A copy of the approved Legislative Agenda is attached and made a part of these minutes.

VOTE: **ADOPTED 4-0**, Commissioner Birrell opposed to the Landlord/Inspection section of the agenda, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

Transportation

22. To approve Project No. B2743-TO#2 to the 2022 Master Task Order Contract with Barge Design Solutions, Inc., for engineering design of East Callaway Road Sidewalk, Cobb DOT Contract No. 002370.

Motion by Sheffield, second by Birrell, to **approve** Project No. B2743-TO#2 to the 2022 Master Task Order Contract with Barge Design Solutions, Inc., in an amount not to exceed \$139,332.00, for engineering design of East Callaway Road Sidewalk, Cobb DOT Contract No. 002370; **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-B270-B270-8005-B2743-E	Preliminary Estimate	\$ 75,000.00
	348-050-B270-B270-8005-B2743-C	Preliminary Estimate	\$ 64,332.00
Transfer to:	348-050-B270-B270-8722-B2743-E	Engineering	\$139,332.00

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, Sidewalk Improvements.

East Callaway Road Sidewalk is an eligible project/program under the Sidewalk Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 16). SPLOST funding for sidewalk improvements will provide construction of sidewalks and other pedestrian improvements, including pedestrian bridges, along roadways in the vicinity of schools, activity centers, multimodal facilities, and other congested areas.

SPLOST Project Summary as of November 1, 2024: East Callaway Road Sidewalk

Budget:	\$800,000.00	Expended:	\$0.00
---------	--------------	-----------	--------

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

23. To approve an Indemnification and Hold Harmless Agreement with the Georgia Department of Transportation required to obtain an Encroachment Permit for renovation of Cobb Parkway Pedestrian Bridge, Project No. B2443.

Motion by Richardson, second by Gambrill, to **approve** an Indemnification and Hold Harmless Agreement with the Georgia Department of Transportation required to obtain an Encroachment Permit for renovation of Cobb Parkway Pedestrian Bridge, Project No. B2443; and **authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

24. To approve a contract with Excellere Construction, LLC for construction of Terrell Mill Road Deceleration Lane, Phase 1, Project No. TR540, Cobb DOT Contract No. 001531.

Motion by Richardson, second by Birrell, to **approve** a contract with Excellere Construction, LLC, in an amount not to exceed \$267,500.00, for construction of Terrell Mill Road Deceleration Lane, Phase 1, Project No. TR540, Cobb DOT Contract No. 001531; **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:	380-050-4835-4835-8005-TR540-A	Preliminary Estimate	\$267,500.00
Transfer to:	380-050-4835-4835-8762-TR540-C	Turnkey Construction	\$267,500.00

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

25. To approve Supplemental Agreement No. 1 to the Consultant Services Agreement with Pond & Company for engineering design of Bells Ferry Road over Noonday Creek, State P.I. No. 0020067, Cobb County Project No. B2101, Cobb DOT Contract No. 002062.

Motion by Richardson, second by Birrell, to **approve** Supplemental Agreement No. 1 to the Consultant Services Agreement with Pond & Company, in an amount not to exceed \$1,226,803.53, for engineering design of Bells Ferry Road over Noonday Creek, State P.I. No. 0020067, Cobb County Project No. B2101, Cobb DOT Contract No. 002062; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B210-B210-8005-B2101-A Preliminary Estimate	\$1,226,803.53
Transfer to:	348-050-B210-B210-8722-B2101-E Engineering	\$1,226,803.53

Increase Encumbrance

GAE 34801102324:	348-050-B210-B210-8722-B2101-E Engineering	\$1,226,803.53
------------------	--	----------------

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

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

SPLOST Project Summary as of November 1, 2024: Bells Ferry Road over Noonday Creek

Budget:	\$2,605,504.00	Expended:	\$313,115.43
---------	----------------	-----------	--------------

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

Public Services Agency

PARKS

26. To approve a Purchase Agreement with Crown Retail Services, Inc. to furnish and install the new picnic shelter/pavilion at Wild Horse Creek Park under the 2022 PARKS SPLOST Program.

Motion by Sheffield, second by Birrell, to **approve** a Purchase Agreement with Crown Retail Services Inc. in an amount not to exceed \$62,159.99 for the construction of a new picnic shelter at Wild Horse Creek Park; **authorize** the corresponding budget transactions; and **further authorize** the Director of Procurement Services to execute the necessary documents.

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

348-105-B065-B0653-C-8125	(Building Renovations & Improvements)	\$	62,159.99
---------------------------	---------------------------------------	----	-----------

SPLOST Project Summary as of October 1, 2024:

Budget	\$4,500,000.00	Expended to Date:	\$2,717,241.41
--------	----------------	-------------------	----------------

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

Parks Building Renovations & Improvements (Picnic Shelter at Wild Horse Creek Park) is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 28). Construction of a new picnic shelter at the fields at Wild Horse Creek Park will provide patrons the opportunity to find shade during the hot summer months, shelter during rain events, and a place to picnic year-round.

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

27. **To approve a contract with Bartow Paving Company, Inc. for materials and labor to construct a new access road and parking improvements at Green Meadows Preserve, a PARKS capital improvement project.**

Motion by Gambrill, second by Richardson, to **approve** a contract with Bartow Paving Company Inc. for materials and labor to construct a new access road and parking improvements at Green Meadows Preserve, a PARKS capital improvement project; in an amount not to exceed \$705,400.43; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following budget transactions:

Decrease Expenditure:	380-105-4737-8005	(Preliminary Estimates)	\$705,400.43
Increase Expenditure:	380-105-4737-8024	(Land Improvements or Development)	\$705,400.43

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

28. **To approve a two-part design/build contract with The MAPP Group, LLC. for the design and construction of improvements at Fair Oaks Park and Booth Road property, under State and Local Fiscal Recovery Funds (SLRF) as a component of the American Rescue Plan Act of 2021.**

Motion by Richardson, second by Gambrill, to **approve** a two -part contract with the MAPP Group; LLC. for the design and construction of improvements at Fair Oaks Park and Booth Road property under State and Local Fiscal Recovery Funds (SLRF) as a component of the American Rescue Plan Act of 2021; in an amount not to exceed \$604,306.00 for the initial phase of the contract; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following budget transaction:

Decrease Expenditure:	270-105-G167-8005	(Preliminary Estimate)	\$604,306.00
Increase Expenditure:	270-105-G167-8033	(Site Planning & Design)	\$604,306.00

Please create a GAE in the amount of \$604,306.00.

VOTE: **ADOPTED** 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

APPOINTMENTS

29. To approve the reappointment of Carolyn Turner to the Board of Tax Assessors.

Motion by Sheffield, second by Birrell, to **approve** the reappointment of Carolyn Turner to the Board of Tax Assessors for a concurrent term to expire on December 31, 2028.

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

30. To approve the reappointment of Roger Phelps to the Board of Tax Assessors.

Motion by Richardson, second by Gambrill, to **approve** the reappointment of Roger Phelps to the Board of Tax Assessors for a concurrent term to expire on December 31, 2028.

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

ADJOURNMENT

The meeting was adjourned at 8:47 p.m.


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.

Commissioner Gambrill 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.

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 21st of November 2024



COBB COUNTY GOVERNMENT 2025 LEGISLATIVE AGENDA

Cobb County's Mission Statement: To make Cobb County the best place to live and work through an efficient, effective, and responsive government that delivers quality services.

To further this mission, we propose the following Legislative Agenda for the 2025 Session.

TRANSPORTATION

Local Maintenance and Improvement Grant (LMIG) Cobb County opposes any changes to the LMIG program that reduce current county funds or reduce counties' proportionate share of such grants. Cobb County requests the minimum percentage of funding generated from motor fuel sales appropriated for LMIG be increased from 10% to 15% and encourages GDOT to allow for the use of LMIG funds for the purchase/lease of transportation equipment.

GENERAL GOVERNMENT

Creation of New Cities - The creation of new cities duplicates local administrative structures and can disrupt long term planning, create service delivery challenges and inefficiencies, and impose greater costs on taxpayers both within and outside the new city.

To that end, any legislation to create new cities should only be introduced following a signed petition of at least 10 percent of the registered voters in the proposed city's jurisdiction. It should be introduced in the first year of the General Assembly's biennial session and voted upon in the second year, with no changes in boundaries of the proposed municipality in the second year. Cobb County urges the General Assembly to place these additional measures in statute to provide more certainty, transparency and equity in the process.

Home Rule: Design Standards, Short-Term Rentals, and Build-to-Rent Subdivisions - In recent years, numerous bills have been introduced which would substantially prohibit or preempt Georgia's cities and counties from responding to their constituents' demands through establishing appropriate local oversight of residential design standards, short-term rentals and build-to-rent subdivisions within their jurisdictions. Cobb County opposes these state preemption efforts believing that county elected officials, working with and accountable to their community, are in the best position to determine the oversight of these practices at the local level. One size certainly doesn't fit all of Georgia's counties in these efforts threaten to usurp Constitutional home rule authority.

Annexation - Annexation should solely be allowed to provide public services not otherwise available from the county or to incorporate an unincorporated island. Additionally, annexations should:

- require that the economic and fiscal impacts be assessed and reported;
- require that annexing cities reimburse counties to the extent of any negative fiscal impacts resulting, including the cost of any stranded infrastructure, infrastructure improvements, and long-range planning activities;
- ensure the county's land use planning process is not undermined;
- bar the effective date of annexation until such time that an annexing city provides the same level of service to areas proposed for annexation as it does within the balance of the city;
- strengthen the signature verification process in those annexation methods that require signatures;
- require sufficient notification to the county prior to annexation of any unincorporated islands;
- prohibit cities from using public property to meet contiguity requirements when property proposed for annexation does not otherwise touch the city boundary;
- require that affected counties be given advance notice of any annexation or boundary adjustments proposed by local legislation; and
- assist the DCA in better complying with its statutory obligations in administering Georgia's annexation arbitration process, such as allowing city/county managers and administrators to serve as panelists.

Deannexation - The General Assembly should protect property rights by authorizing property owners to deannex themselves from a municipality under the same conditions and safeguards as annexation, particularly if the city has not provided the property owner with the services that were promised within a given time frame. Any such procedure should allow for a property owner to deannex without obtaining the approval of the municipality or General Assembly as current law requires.

Evictions Process - Cobb County supports revisions to the evictions process that equally preserves landlord and tenant rights. Legislation should be passed to increase coordination of efforts between landlords and tenants prior to the tenant's possessions being placed on the street.

Landlords/Inspections - Cobb County supports legislation that requires rental properties be inspected periodically to ensure tenant safety.

Housing Affordability and Accessibility – Cobb County continues to work to develop meaningful solutions to address Georgia's critical shortage of market-rate workforce housing. While Cobb opposes preempting local government zoning and land use regulations, we support state-authorized flexibility and incentives to encourage the development of more housing that someone making 120% or less of the median income of the area can afford. Examples include, but are not limited to:

- Allowing counties to create workforce housing zones employ fast-track permit approvals and more flexibility in design standards to receive state financial assistance and lower-interest loans for infrastructure.
- Providing expedited review for DRI's, and EPD septic tank permitting in targeted areas, and allowing qualified third parties to approve septic system installations.
- Authorizing local governments to implement rental registries to help with inspecting and remediating housing code violations.

Public Works Bidding – Georgia law requires local governments to bid out public works projects that have an estimated value of \$100,000 or more. Despite inflation and increased material costs, this amount has not changed in more than two decades, and many vendors elect not to go through the time and effort to submit bids for small projects. Cobb County asks the General Assembly to raise this bid threshold to \$250,000. This will save counties time, money, and increase competition among vendors.

Continued Support for Dobbins Air Reserve Base -Cobb County encourages the Governor, state leaders, and the Georgia Joint Defense Commission to continue providing necessary support for Dobbins Air Force Base.

School Growth – Increase coordination between County, City and School Boards with joint public hearings and collaboration in planning for school growth and facility siting and funding of infrastructure to support expansion. ESPLOST and other funds should be available to help pay for road, sidewalk, signage and other safety costs directly related to newly constructed or renovated schools not school infrastructure alone.

House Bill 581 – Hold further discussion with our Cobb delegation and cities regarding options and impacts related to House Bill 581.

MENTAL HEALTH

Mental Health Reform - Cobb County encourages the General Assembly to address mental health reform through the expansion of crisis centers, co-responder programs, accountability courts, jail diversion initiatives, and supportive housing.

Support for First Responders – Cobb County encourages the General Assembly to continue to support programs for first responders, including: peace officers, correctional officers, emergency health workers, firefighters, highway emergency response operators, jail officers, juvenile correctional officers, probation officers, emergency services dispatchers, and coroners.

LOCAL LEGISLATION

Public Hearing Requirement – Per local legislation enacted by the General Assembly, Cobb County is the only county required to hold a public hearing before the Commission expends county funds of \$100,000.00 or more to employ an independent consultant/consulting firm or to conduct an independent study or survey, The County requests the General Assembly delete this requirement.

Term of Commissioners – The County requests the General Assembly through local legislation, amend Sec. 2-23 of the County's State Enabling Legislation regarding "Election and term of members" by adding language at the end of subsection (b), substantially similar to the following: "However, in the event a sitting district commissioner is drawn out of their district by the Georgia General Assembly through the reapportionment process, the sitting district commissioner will be allowed to serve the remainder of their duly elected term of office."



BOARD OF COMMISSIONERS

LISA N. CUPID, CHAIRWOMAN

KELI GAMBRILL, DISTRICT 1

JERICA RICHARDSON, DISTRICT 2

JOANN K. BIRRELL, DISTRICT 3

MONIQUE SHEFFIELD, DISTRICT 4

DR. JACKIE MCMORRIS, COUNTY MANAGER