

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 14, 2025
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held at 9:00 a.m., Tuesday, January 14, 2025, 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

Clerk's Note: *Prior to calling the meeting to order, Chairwoman Cupid requested Bill Rowling, County Attorney, provide a statement regarding the status of District 2 and District 4. The County Attorney's Statement is included below. Each of the commissioners were given an opportunity to provide a statement (See statements starting on Page 3 of these minutes).*

County Attorney's statement

Regarding the District 2 seat, the Board of Commissioners served a Notice of Vacancy on the District 2 commissioner in September 2024. The commissioner filed an appeal with Superior Court. On December 31, 2024, the Superior Court issued an Order upholding the Board's Notice of Vacancy as to District 2 and affirming the seat as Vacant. Subsequently, the District 2 commissioner filed an Application for Discretionary Appeal of the vacancy determination with the Georgia Court of Appeals. The district commissioner's application to appeal serves as a supersedes and allows the District 2 commissioner to continue serve at this time.

As to both the District 2 and 4 seats, in July 2024, a Cobb Superior Court Judge, during litigation involving the Board of Elections and Registration, issued an Order vacating the district maps and elections for Districts 2 and 4. Consequently, no elections were held for these two districts in November 2024. The term for those offices ended on December 31, 2024. A Special election was called by the Cobb Board of Elections and Registration. Qualifying for the special election occurred in December 2024, the primary is February 11, and the General election is April 29th.

The most recent Act creating the Cobb Commissioner Districts, Georgia Act 562, Part II, Section 2-24(a) states; '[m]embers of the board 'shall serve for the terms of office specified therefore in this subsection AND until their respective successors are elected and qualified.'

A sitting commissioner may cite to this language to support her decision to holdover and continue to serve as a commissioner until the Special election is final or a successful challenge is brought. While the vacancy-notice, the holdover process, and any other potential judicial determination plays out, the acts of the "office holder" (here, the District 2 and 4 commissioners) "are recognized as valid [under Georgia law] on grounds of public policy, and for the protection of those having official business to transact." Gates v. Taylor County Sch Dist., 346 Ga. App. 248, 250, 816 S.E.2d 117 (2018).

"The general rule established by the officer de facto doctrine: 'It is well settled in Georgia that, although a person may be absolutely ineligible to hold any civil office whatever in this state, yet his official acts, while holding a commission as a public officer, are valid as the acts of an officer de facto.'" Id., 250.

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 9:34 a.m.

PUBLIC HEARING

1. **To conduct a public hearing prior to expending \$100,000.00 or more for engineering design services for King Springs Road Sidewalk, Project No. B2745.**

Drew Raessler, Transportation Agency Director, requested a public hearing prior to expending \$100,000.00 or more for engineering design services for King Springs Road Sidewalk, Project No. B2745.

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

PUBLIC COMMENT

1. Donald Barth addressed the Board regarding Cobb County.
2. Leroy Emkin addressed the Board regarding Home Rule and court rulings.
3. Christine Rozman addressed the Board regarding Home Rule and UDC.
4. Timothy Reis addressed the Board regarding property tax increases.
5. Denny Wilson addressed the Board regarding DOT and Police assistance in recent storm.
6. Craig Harfoot addressed the Board regarding UDC.
7. Tracy Stevenson addressed the Board regarding Home Rule.

Clerks note: Commissioners Birrell, Gambrill, Richardson, and Sheffield requested the following statements that are on file in the County Clerk's Office be attached to each vote and made a part of these minutes.

Commissioner Birrell's statement

Good morning and Happy New Year. It's a new year and a new day in Cobb ... or is it?

For me the composition of this board is the same as it was two years ago at our first meeting of the year, and as you recall Commissioner Gambrill and I who were just duly re-elected in 2022 were removed from the meeting because we disagreed with the validity of this board.

For two years the majority of this board decided to challenge the state legislative map and operated under the Home Rule Map. After several lawsuits and two court orders where the home rule map was deemed unconstitutional, the board finally in September 2024 implemented the state map and followed the law to give District 2 Commissioner her notice to vacate her seat because she didn't live in the district she represents.

Now we all said all along that it wasn't fair that she was drawn out of her district in the middle of her term and state law would have allowed her to remain, but our own local enabling legislation did not and the legislature has to amend our local enabling legislation related to redistricting.

A notice of appeal was filed by the District 2 Commissioner and a court order on Dec. 31st from Judge Ann Harris stated that (and I quote) "The sole issue before the Court is whether, under the map promulgated by Act 562, Richardson remains eligible to represent District 2. After consideration of the parties' briefs and argument, the amicus brief (filed by the AG), and the law, the Court finds that, as a result of Act 562, Richardson is no longer eligible to continue serving District 2 and the seat is vacant."

This order is crystal clear. However, because of due process which I understand everyone has a right to, the appellant has filed an application for Discretionary appeal with the State of Georgia Court of Appeals. My question is when will this stop? Enough is enough. Taxpayers should be furious at the time spent and costs involved by the county on these actions.

After all the argument was she was drawn out of her district in the middle of her term and this will set a precedent for future maps. December 31st was the last day of the 4 year term for both Districts 2 and 4.

So actually Richardson did serve her full four year term and because she filed her application to appeal and she gets to stay past her term until the court decides even though she isn't eligible and doesn't qualify since she doesn't live in the district she represents.

As far as the argument that this will set a precedent the bottom line is when it comes to redistricting, we (the County) do not have home rule powers. I have said all along this should have never been done without unanimous consent from the board. I have opposed this from the very beginning, and I don't agree with what is happening again but I do understand the Majority Rules and in this case even in unconstitutional issues. This may be a legal method but to me it's not right. It's gone on long enough and it's time to put an end to ignoring the constitution and the laws of the State and County and get back to the real business of the county at hand. I as all of my colleagues took an oath to uphold the constitution and laws of the US, State of Georgia and Cobb County.

And I intend to continue to follow the law.

Commissioner Gambrell's statement

Welcome to Cobb County's J6!

Considering laws in totality means analyzing and interpreting a set of laws as a whole, taking into account how different laws interact and affect each other, rather than looking at them individually; it essentially involves evaluating the cumulative impact of all relevant legal provisions on a particular situation or issue.

With no vote of the Board or judicial determination, the County Attorney's office has taken the position that one commissioner is now considered "de-facto" and can continue to serve until their successor is elected – if they so choose to do so. There are no Georgia laws that govern de-facto status but has only been awarded by judges based on legal challenges. While the county attorney's office contends there is case law to support a commissioner continuing to serve until a successor is elected, they continue to violate the equitable estoppel doctrine which prevents one from asserting a claim or right that contradicts what one has said or done before, or what has been legally established as true.

The Home Rule Resolution precipitated an illegal action through the act of three Commissioners and has been ruled Unconstitutional multiple times. Two former commissioners, with good intentions, are seated here today, even though their terms have expired and the State of Georgia no longer recognizes them as qualified, elected officials.

The Home Rule Resolution, enabled the Board to avoid violating our State Enabling Legislation and allow a commissioner to serve while not residing within the district. This set off two years of legal challenges and ended with the primary election being invalidated due to an unconstitutional map used for qualifying and voting – yet the very commissioner this Resolution was set in place to protect, did not re-qualify to serve in this position, claiming higher aspirations. In a recent hearing, which is now being appealed, it was argued that the Georgia Legislature violated a constitutional procedure - then why was a legal challenge not taken against the State and Georgia General Assembly? Why did the county have to expend an unknown amount of taxpayer dollars to placate a novel concept that just removed an unqualified commissioner later than anticipated – all thanks to the county attorney's office fight to defend an individual commissioner – not an office. OCGA 16-10-4 addresses this.

OCGA 1-3-11 "No office to which a person has been elected shall be abolished nor the term of the office shortened or lengthened by local or special act during the term for which such person was elected...." Because of the unconstitutional Home Rule Resolution, the Chair of the Board of Commissioners is now extending the term of commissioners, compensating them with taxpayer dollars which could be considered a gratuities violation as the Board of Commissioners has not voted to approve such members to serve, and the State does not recognize them as qualified, elected officials to serve in this capacity.

The Chair is refusing to enact Sec. 2-31 Voting when vacancy exists in two or more posts. And while the county did seek the opinion of an outside attorney as to carry over, this opinion is currently being challenged in Federal Court, and last year, the Georgia Legislature modified the term of the Public Service Commissioners to coincide with the newly ordered election. Maybe this is because OCGA 45-2-1 Eligibility and Qualifications for Office, (8) All persons who are constitutionally disqualified for any cause. No legislative action has been taken to enable these commissioners to extend their terms beyond the legislated four years.

On January 10, 2023 I was wrongfully removed from this Dias for not saying a word, only abstaining from voting as the Board was acting in an unconstitutional manner – to which the courts have now concurred. Interesting enough, the County Attorney stated to the Chair I had to be removed from the meeting, however, the law states from just that agenda item. Here we sit today, the county attorney refusing to provide direction that is not in conflict and a Chair who is allowing this to continue. While I am being expected to participate in a potentially illegal meeting as if nothing unconstitutional occurred, now with individuals serving beyond their legal power or authority, also known as ultra vires, I would like the clerk to record this statement with each and every vote going forward starting January 13, 2025, so as not to be in violation of OCGA 45-11-10.

OCGA 16-10-4 (b) Any officer or employee of a political subdivision who asks for or receives anything of value to which he or she is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the legislative body of the political subdivision of which he or she is an officer or employee shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

Amended by 2010 Ga. Laws 680, § 24, eff. 1/10/2011.

OCGA 1-3-11 No office to which a person has been elected shall be abolished nor the term of the office shortened or lengthened by local or special Act during the term for which such person was elected unless the same shall be approved by the people of the jurisdiction affected in a referendum on the question.

Sec. 2-31. - Voting when vacancy exists in two or more posts. *Notwithstanding any other provisions of law to the contrary, in the event of a vacancy in two or more of the commissioner posts, a majority vote of the members present at the meeting shall be sufficient for the commission to take official action, provided that the chairman or the acting chairman has declared that an emergency exists or that there exist exigent circumstances requiring emergency action by the remaining members. (1992 Ga. Laws (Act No. 694), page 5180, § 1)*

OCGA 45-2-1 The following persons are ineligible to hold any civil office; and the existence of any of the following facts shall be a sufficient reason for vacating any office held by such person; but the acts of such person, while holding a commission, shall be valid as the acts of an officer de facto, namely: (8) All persons who are constitutionally disqualified for any cause. All officers are eligible for reelection and reappointment and to hold other offices, unless expressly declared to the contrary by the Constitution or laws of Georgia.

OCGA 45-11-10 - Coercion of other officer or employee to give anything of value for political purposes(a) It shall be unlawful for any officer or employee of this state to coerce or attempt to coerce or command directly or indirectly any other state officer or employee to pay, lend, or contribute any part of his salary or to kick back any sum of money or anything else of value to any party, committee, organization, agency, or person for political purposes.(b) It shall be unlawful for any officer or employee of any county, municipal corporation, school district, or other political subdivision to coerce or attempt to coerce or command directly or indirectly any other officer or employee of such political subdivision to pay, lend, or contribute any part of his salary or to kick back any sum of money or anything else of value to any party, committee, organization, agency, or person for political purposes.(c) Any person who violates any provision of this Code section shall be guilty of a misdemeanor. OCGA § 45-11-10.

Commissioner Richardson's statement

Four years ago, an election occurred resulting in the majority of these Board positions having new faces. New positions. New faces. Every census year which this coincided with, the legislature is to craft electoral maps and because there is 159 counties the legislature is to go through local delegations, put forward local law and then get their local laws on the local calendar which is like our version of the consent agenda. This process protects the relationship that exists between the state legislators and those locally elected so that state representatives who represent the areas actually speak for the area they represent. This process however is only a gentleman's rule and after the 2020 election the state legislature bypassed this process and legally filed a general bill jumping over the state representatives that represent Cobb County.

According to the Constitution, the map is only required to be approved by the reapportionment office to be valid by which it can then be passed by the General Assembly. That year two apportionment offices were filed by members of the General Assembly 1154 and 1257. Only one was selected for a hearing by the reapportionment committee. Chaos ensued during this hearing as appropriate legal questions were surfaced by members of the local delegation and members of the Cobb County Commission. There was legal concern that the map would force this position out of office.

The state legislature's legal counsel indicated the novelty of the situation. And a chorus was developed with legislators and members of the community saying to just move since this seat elected was specifically impacted. It was at this moment that I turned to County staff and asked is there not a way for the County to protect itself because wouldn't this affect every County elected official and the response was we are looking into it. A while later after research and conversations with ACCG and legislators who were present at the creation of the latest version of the Constitution, the use of home rule was pursued by which the County contended that a map was a material and not a procedure.

The Apportionment Office's approved map was then used under the home rule amendment clause. Please keep in mind that this contention has yet to truly be adjudicated as the court case holding the question was thrown out.

Later due to an unrelated case a ruling using knowledge based on the thrown out case called for the cancellation of the election last year for districts 2 and 4 specifically by which the County voluntarily adopted the General Assembly's map. This created the vacancy by law which I filed a challenge against that was heard and decided on New Year's Eve at 3:00 p.m. Between then and yesterday at 1:00 p.m. all District 2 constituents had their emails forwarded and calls went to the front desk. During the snowstorm there was no elected official in place. When the ruling came down, I learned that an appeal to a higher Court was available as a route and after much consideration I filed that appeal.

While that appeal is in place, a stay is in effect and the current Acts Act 562 and other laws have me continue to sit as a De Facto Commissioner. Some will say that it is unacceptable that I am sitting on this dais. I would say that not having 200,000 people represented for nearly half a year is unacceptable. I would say that the right for the General Assembly to remove elected officials at any point in their term is unacceptable. I would say that overturning elections is unacceptable.

Just as some members of this Board have sued the County for reasons, they believe were important, so I also have the right to defend not just my constituents but constituents all across this state and fighting the precedence that has been set. This fight was never about me but protecting American values, checks and balances, the process of the courts, the importance of elections, the voice of the voter and even the election that is underway to determine my successor. Protecting American values is something we all claim to want. The courts will decide whether they hear this appeal and if I only have 10 days to serve or 90, I will continue to show up for my constituents and serve them with excellence until I am no longer able to.

Commissioner Sheffield's statement

There have been claims, narratives, and beliefs suggesting that I am unlawfully occupying my seat. However, these assertions fail to recognize the explicit provisions set forth in the Georgia Constitution and Act 562 of Cobb's local enabling legislation.

Both Act 562 and the County's enabling legislation contain language indicating that Commission members will serve "for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified," meaning that commission members serve until their successor is elected and qualified. This provision was specifically designed to prevent any interruptions in representation of our residents, ensuring that the work of the Board of Commissioners continues without disruption, even amidst political division and discord.

In the coming months, you may hear an attempt to draw similarities between Act 562 (holdover) and OCGA Section 1-3-11 (local legislation on abolishing, shortening or lengthening term). There are considerable distinctions between the two.

Act 562. To reiterate, refers to an official remaining in their position after their term has expired AND until a successor is elected and qualified. A holdover period typically cannot alter the length of the official's term, as the role is temporary and tied to the delay of the proper transition, the delay in this case is a special election.

OCGA Section 1-3-11. The law reads that no office to which a person has been elected shall be abolished nor the term of the office shortened or lengthened by local or special Act during the term for which such person was elected unless the same shall be approved by the people affected in a referendum on the question.

Regarding impact on terms, HOLDOVER does not extend the official term, it temporarily extends the time an individual serves in the role to bridge gaps. OCGA 1-3-11 protects the integrity of the office and the TERM for which the official was elected. It directly prohibits lengthening or shortening terms by legislative action, ensuring that terms remain as originally decided by voters unless a referendum says otherwise.

As a holdover commissioner as described in Act 562, I will retain full authority and responsibilities of the office until the successor assumes the role. The residents of District 4 elected me in 2020 and overwhelmingly re-elected me in 2024 to continue to serve in this capacity.

In an era of increasing polarization, it's important to remember that my role is not defined by partisan differences but by my commitment to serve the people of District 4. I will fulfill my duty to my community, as the law has clearly outlined, and work towards bridging divides, ensuring consistent and effective representation for all Cobb Countians.

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.

Tax Commissioner

2. **To authorize the Tax Commissioner to accept checks, money orders, and credit cards as forms of payment for ad valorem taxes.**

To **authorize** the Tax Commissioner to accept checks, money orders, and credit cards as forms of payments for ad valorem taxes and **further authorize** the Chairwoman to execute the Resolution and any other necessary documents. A copy of said resolution is attached and made a part of these minutes.

3. **To approve the delegation of authority to the Cobb County Tax Commissioner to make the final determinations as to which properties and taxpayers are entitled to waivers of penalty and interest in accordance with the provisions of O.C.G.A. § 48-5-242(a) for the term of January 1, 2025, through December 31, 2028.**

To **approve** the delegation of authority to the Cobb County Tax Commissioner to make the final determinations as to which properties and taxpayers are entitled to the waivers in accordance with the provisions of O.C.G.A. § 48-5-242(a) for the term of January 1, 2025, through December 31, 2028, and **authorize** the Chairwoman to execute the Resolution approving the Waiver of Penalties and Interest by the Cobb County Tax Commissioner and any other necessary documents. A copy of said resolution is attached and made a part of these minutes.

4. **To authorize the Tax Commissioner to conduct judicial in rem tax foreclosures.**

To **authorize** the Tax Commissioner to enforce tax liens via judicial in rem tax foreclosure proceedings and **further authorize** the Chairwoman to execute any necessary documents. A copy of said resolution is attached and made a part of these minutes.

5. **To authorize the correction of obvious errors, including clerical errors, made in the property tax assessment system in accordance with the provisions of O.C.G.A. § 48-5-380 for the term of January 1, 2025, through December 31, 2028.**

To **authorize** the correction of obvious errors, including clerical errors, made in the property tax assessment system in accordance with the provisions of O.C.G.A. § 48-5-380(e) for the term of January 1, 2025, through December 31, 2028, and **further authorize** the Chairwoman to execute any necessary documents. A copy of said resolution is attached and made a part of these minutes.

District Attorney

6. **To authorize the continuation application to the Criminal Justice Coordinating Council, FY2024 Violence Against Women Grant Program by the District Attorney.**

To **authorize** the continuation application for grant funding from the Criminal Justice Coordinating Council for the District Attorney.

Water System

7. **To approve an agreement with Ardurra Group, Inc. for consulting services for FY26 Ultraviolet Disinfection Systems Rehabilitation, Program No. T5009.**

To **approve** an agreement with Ardurra Group, Inc., in the amount of \$928,888.22, for consulting services for FY26 Ultraviolet Disinfection Systems Rehabilitation, Program No. T5009; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

RL Sutton Water Reclamation Facility Miscellaneous Improvements			
Preliminary Estimates	510-500-5753-8005	T2501-Z	\$309,629.40

Northwest Cobb Water Reclamation Facility Miscellaneous Improvements

Preliminary Estimates	510-500-5753-8005	T4501-Z	\$309,629.41
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Noonday Creek Water Reclamation Facility Miscellaneous Improvements

Preliminary Estimates	510-500-5753-8005	T1503-Z	<u>\$309,629.41</u>
Total			\$928,888.22

Transfer to:

FY26 Ultraviolet Disinfection Systems Rehabilitation

Engineering-Basic Fees	510-500-5753-8225	T5009-E	\$928,888.22
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8. **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 South Cobb Water Reclamation Facility Biosolids Thickening System Replacement, Program No. T3027.**

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 South Cobb Water Reclamation Facility Biosolids Thickening System Replacement, Program No. T3027.

9. **To approve contracts for FY25-FY26 Stormwater Management Unit Price Contract, Program No. SWM2025.**

To **approve** contracts for the FY25-FY26 Stormwater Management Unit Price Contract, Program No. SWM2025, with responsive and responsible firms; and **authorize** the Chairwoman to execute the necessary documents.

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

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

10. **To approve contracts for FY25-FY26 Comprehensive Water and Sewer Unit Price Contract, Program No. C0174.**

To **approve** unit price contracts for FY25-FY26 Comprehensive Water and Sewer Unit Price Contract, Program No. C0174, with responsive and responsible firms; and **authorize** the Chairwoman to execute the necessary documents.

Funding for Water and Sewer Line Repair and Maintenance, and Manhole & Valve Box Adjustments 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 – Comprehensive Water and Sewer Adopted Budget FY25, Fund 510, Department 500, Unit 5752, Object 8005, Program C0174.

11. **To approve a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Chatfield Contracting, Inc. for Mud Creek at Ripplewater Drive Streambank Stabilization, Program No. SW2327.**

To **approve** a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Chatfield Contracting, Inc., in the amount of \$143,056.67, for Mud Creek at Ripplewater Drive Streambank Stabilization, Program No. SW2327; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year
Budget

Preliminary Estimates	510-500-5758-6496	SW9999-Z	\$143,056.67
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Transfer to:

Mud Creek at Ripplewater Drive Streambank
Stabilization

Construction	510-500-5758-6496	SW2327-C	\$143,056.67
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Transportation

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

To **authorize** the creation of one new Street Light District for Clackum Road.

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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13. **To approve a one-year Contract for Security Guard Services at CobbLinc Transfer Stations with Tarian Group, LLC, Cobb DOT Contract No. 002407.**

To **approve** a one-year Contract for Security Guard Services at CobbLinc Transfer Stations with Tarian Group, LLC, in an amount not to exceed \$300,000.00, with two additional one-year renewal options, Cobb DOT Contract No. 002407; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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	\$300,000.00
Transfer to:	203-050-T089-6326	Professional Services	\$300,000.00

Public Services Agency

PARKS

14. **To authorize expenditures with W.E. Contracting, Inc. through the Cobb County Master Contract Agreement, for concrete pedestrian and maintenance access sidewalk additions at Al Bishop Park, a capital improvement project.**

To **authorize** expenditures with W.E. Contracting, through the Cobb County Master Contract Agreement, for concrete pedestrian and maintenance access sidewalk additions at Al Bishop Park, in an amount not to exceed \$63,220.00; **authorize** the corresponding budget transactions; and **further authorize** the Director of Procurement to execute the necessary documents.

Funding is available in the FY2025 PARKS Operating Budget, as follows:

010-105-3200-8024	Land Improvements or Development	\$63,220.00
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15. **To approve a purchase order with Yancy Bros. Co. to provide equipment for the construction and maintenance of equestrian trails at Violet F. Stout Park, under the provisions of the Violet Fowler Stout Park Trust.**

To **approve** a purchase order with Yancy Bros. Co. to provide a Caterpillar 239D3 standard flow compact track loader and industrial rake grapppler for Violet F. Stout Park, in an amount not to exceed \$81,679.00, under provision of the Violet F. Stout Trust, **authorize** the corresponding budget transactions, and **further authorize** the Director of Procurement Services to execute the necessary documents.

Decrease Expenditure: 010-105-3304-8852 (Standard Restricted Reserve Contingency)	\$81,679.00
Increase Expenditure: 010-105-3304-8415 (Construction Equipment)	\$62,908.00
Increase Expenditure: 010-105-3304-6258 (Accountable Items)	\$18,771.00

Library System

16. **To authorize the acceptance of the 2025 Library Services and Technology Act (LSTA) Grant from the Board of Regents of the University System of Georgia, Georgia Public Library Service.**

To **authorize** the application for and acceptance of the 2025 Library Services and Technology Act (LSTA) Grant for Prime Time Family Reading Time in the amount of \$6,525.00 from the Board of Regents, Georgia Public Library Services; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	270-080-LI43-4455	(Board of Regents)	\$6,525.00
Increase Expenditure:	270-080-LI43-6154	(Library Materials)	\$6,525.00

Elections

17. **To adopt a resolution setting the qualifying fee for county surveyor to be filled in 2025 and to authorize the Director of Elections to publish such fees in the legal organ prior to February 1, 2025.**

To **adopt** a resolution setting the qualifying fee for county surveyor to be filled in 2025; and **authorize** the Director of Elections to publish such fees in the legal organ prior to February 1, 2025. A copy of said resolution is attached and made a part of these minutes.

Support Services Agency

Support Services Administration

18. **To approve a contract for the sale of 2.78 acres improved with a 20,829 square foot structure located at 6133 Love Street Austell, Georgia 30168, to Highland Rivers Community Service Board d/b/a Highland Rivers Behavioral Health.**

To **declare** as surplus and approve a contract for the sale of 2.78 acres improved with a 20,829 square foot structure located at 6133 Love Street Austell, Georgia 30168, to Highland Rivers Community Service Board d/b/a Highland Rivers Behavioral Health, in the amount of \$1,650,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents and take all other actions necessary or appropriate to accomplish the foregoing purposes.

Funding will be appropriated as follows:

Increase Revenue:	010-125-0665-4944	Sale of Salvage Property	\$1,650,00.00
Increase Expenditure:	010-125-0655-6594	Interfund Transfer Expense	\$460,757.80
Increase Expenditure:	010-125-0655-8820	Undesignated Contingency	\$1,189,242.20
Increase Revenue:	348-110-B091-4960-B0910-A	Interfund Transfer Revenue	\$460,757.80
Increase Expenditure:	348-110-B091-8005-B0910-A	Preliminary Estimates	\$460,757.80

Use of proceeds, net of SPLOST reimbursement, are restricted to “public purposes”, per the Deed of Gift, dated November 23, 1982, and recorded December 30, 1982. As such, any portion of these funds not utilized for such purposes, within the current fiscal year, will be carried forward as a restricted reserve item into the following fiscal period, each year until exhausted.

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

Property Management Projects is an eligible improvement project/program under the 2022 SPLOST and is an approved project of the Support Services Facilities Improvements (Cobb County 2022 SPLOST, p. 42).

SPLOST Project Summary as of December 2, 2024, Property Management B091:

Current Budget:	\$13,082,709.00
Actual Expenditures:	\$ 2,367,695,.85
Encumbrances:	\$ 674,118.46
Pre-Encumbrances:	\$ 91,225.00
Amount Remaining in the Project:	\$ 9,949,669.69

Public Safety Agency

Police Department

19. To authorize the acceptance of a Highway Enforcement of Aggressive Traffic grant from the Governor’s Office of Highway Safety for the DUI Task Force.

To **authorize** the acceptance and appropriation of a Highway Enforcement of Aggressive Traffic (H.E.A.T.) grant, in an amount to not exceed \$384,999.99, from the Governor’s Office of Highway Safety; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	270-130-GR74-4476	Office of Highway Safety	\$384,999.99
Increase Expenditure:	270-130-GR74-6594	Interfund Transfer Expense	\$175,149.60
	270-130-GR74-8605	Autos and Trucks	\$173,796.39
	270-130-GR74-6258	Accountable Items	\$ 22,554.00
	270-130-GR74-6168	Fuel	\$ 9,000.00
	270-130-GR74-6400	Travel/Training	\$ 4,500.00
Increase Revenue:	010-130-2100-4960	Interfund Transfer Revenue	\$175,149.60
Increase Expenditure:	010-130-2100-6012	Salaries	\$175,149.60

20. **To authorize the acceptance of a Department of Homeland Security grant passed through the Emergency Management Agency for the retention of supplies and equipment for the K9 Unit.**

To **authorize** the acceptance of FY24 Homeland Security grant funds in an amount not to exceed \$3,000.00, from the Georgia Emergency Management Agency K9 equipment, supplies, and veterinarian supplies; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

The following budget appropriations will account for the receipt and expenditure of the grant funds:

Increase revenue:	270-130-GR75-4493	(GEMA)	\$3,000.00
Increase expenditure:	270-130-GR75-6144	(Animal Supplies)	\$1,500.00
	270-130-GR75-6324	(Veterinary Services)	\$1,500.00

21. **To approve a Wellness and Peer Support Platform agreement between Mindbase, LLC and the Cobb County Police Department.**

To **approve** a Wellness and Peer Support Platform agreement between Mindbase, LLC and the Cobb County Police Department, in an amount not to exceed \$26,956.00 annually, for a three year agreement to expire January 31, 2028; **authorize** the corresponding budget transactions; and **further authorize** the Procurement Director to execute the necessary documents.

Funding for year one is available in the Federal Equitable Sharing Fund, Department of Treasury Unit:

Available:	288-130-PD0T-6262	(Software- Non-Capital)	\$26,956.00
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22. **To authorize the application for a grant through OUR Rescue for the acquisition of forensic software.**

To **authorize** the application for a grant through OUR Rescue for the acquisition of forensic software.

23. **To approve an agreement with the Georgia Association of Chiefs of Police for the State of Georgia Law Enforcement Certification Program.**

To **approve** an agreement with Georgia Association of Chiefs of Police for the State of Georgia Law Enforcement Certification Program; and **authorize** the Chairwoman to execute the necessary documents.

Fire and Emergency Services

24. To authorize the Procurement Services Director to purchase structural firefighting garments or turnout gear from Sourcewell LION First Responder Firefighter, in an amount greater than \$100,000.00, under provisions of Sourcewell PPE# 010424-LIO.

To **authorize** the Procurement Services Director to purchase structural firefighting garments or turnout gear from NAFECO, in an amount not to exceed \$524,450.00, under provisions of Sourcewell LION First Responder Firefighting PPE# 010424-LIO, and **further authorize** the corresponding budget transactions.

Funding is available within the approved FY2025 CCFES Budget:

230-130-1000-6256	Personal Protective Equipment	\$524,450.00
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25. To authorize the donation of an ambulance back to MetroAtlanta Ambulance Service from the Cobb County Safety Village.

To **authorize** the donation of the Cobb County Safety Village's Ambulance back to MetroAtlanta Ambulance Service.

26. To authorize the application for grant funding through FEMA Assistance to Firefighters Grant Program.

To **authorize** the application for grant funding through the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program, in an amount not to exceed \$52,000.00; and **further authorize** the Chairwoman to execute any necessary documents.

27. To authorize the purchase of five replacement apparatus from Ten-8 for fire and emergency response.

To **authorize** the purchase of three replacement apparatus and one new aerial ladder, in the amount of \$7,295,819.00, from Ten-8 for fire and emergency response; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the Ten-8 contract, substantially in the form as attached, and any other necessary documents.

Funding is available within the approved FY2025 CCFES Budget :

230-130-1000-8610	Specially-Equipped Vehicles	\$7,295,819.00
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28. **To accept a donation from the Cobb County Safety Village Foundation, Inc. for the purpose of maintenance cost reimbursement at the Cobb County Safety Village.**

To **authorize** the acceptance of a donation, in the amount of \$2,173.00, from the Cobb County Safety Village Foundation, Inc. for the purpose of maintenance cost reimbursements at the Cobb County Safety Village; and **further authorize** any corresponding budget transaction.

Funding is available with the following appropriation:

Increase revenue:	230-130-1090-4920	Gifts and Donations	\$2,173.00
Increase expenditure:	230-130-1090-6148	Building and Structural Materials	\$2,173.00

29. **To approve an annual agreement to allow Cobb County Fire & Emergency Services to purchase blood components from LifeSouth Community Blood Centers, Inc.**

To **approve** this annual agreement to allow Cobb County Fire & Emergency Services to purchase blood components from LifeSouth Community Blood Centers, Inc. in a form substantially similar to the agreement presented; and **authorize** the Chairwoman to execute the necessary documents.

Funding is available in the FY2025 Fire Fund Budget.

230-130-1000-6160	Drugs, Medicine, & First Aid
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911 Emergency Communications

30. **To authorize the purchase of Smart Connect Licenses from Motorola Solutions Inc using funds from the U.S Department of Justice, Office of Community Oriented Policing Services' FY2024 COPS Technology and Equipment Program.**

To **authorize** the purchase of the Smart Connect Licenses from Motorola Solutions Inc. through Sourcewell Contract 36273-SOURCEWELL-04021-MOT; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following transactions:

Decrease Expenditure:	270-210-F092-6258	Accountable Equipment	\$258,912.00
Increase Expenditure:	270-210-F092-6386	Data Communications	\$258,912.00

Community Development

31. 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 0.21 acres located at the eastside of Dixie Avenue, south of Hillside Avenue into the City of Smyrna.

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of .21 acres, Land Lot 491 of the 19th District, Cobb County, Georgia, Parcel Number 17049700410, into the City of Smyrna. A copy of the Notice of Non-Objection is attached and made a part of these minutes.

32. 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 1.131 acres located at the westside of Benson Poole Road, north of Windy Hill Road into the City of Smyrna.

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of 1.131 acres, Land Lot 302 of the 17th District, Cobb County, Georgia, Parcel Number 17030200230, into the City of Smyrna. A copy of the Notice of Non-Objection is attached and made a part of these minutes.

Risk and Safety

33. **To authorize all interfund transfers and payments for claims and safety equipment purchases to allow the Risk and Safety Department to reimburse the appropriate departments.**

To **authorize** all interfund transfers for claims and safety equipment purchases; and **further authorize** the Risk and Safety Department to reimburse the appropriate department.

Police - Total Loss - 25 00252 - Vehicle 9956

Decrease Expenditure: 710-023-8018-8605	Autos, Vans, Trucks, & Motorcycles	\$22,500.00
Increase Expenditure: 710-023-8018-6594	Interfund Expense	\$22,500.00
Increase Revenue: 010-130-2100-4960	Interfund Revenue	\$22,500.00
Increase Expenditure: 010-130-2100-8605	Autos, Vans, Trucks, & Motorcycles	\$22,500.00

Police - Total Loss - 24 01546 - Vehicle 10165

Decrease Expenditure: 710-023-8018-8605	Autos, Vans, Trucks, & Motorcycles	\$20,850.00
Increase Expenditure: 710-023-8018-6594	Interfund Expense	\$20,850.00
Increase Revenue: 010-130-2100-4960	Interfund Revenue	\$20,850.00
Increase Expenditure: 010-130-2100-8605	Autos, Vans, Trucks, & Motorcycles	\$20,850.00

Property Management - Communications - 24 01183

Decrease Expenditure: 710-023-8011-6605	Property Loss	\$246,324.70
Increase Expenditure: 710-023-8011-6594	Interfund Expense	\$246,324.70
Increase Revenue: 010-021-0262-4960	Interfund Revenue	\$246,324.70
Increase Expenditure: 010-021-0262-6192	Radio, TV, Comm. Equipment. Supplies	\$246,324.70

Finance

34. **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.

35. To authorize the increase of fund balances and/or retained earnings in FY2025 budgets by amounts equal to prior-year expenditures that rolled forward into FY2025 but have not yet been processed for payment. This is an administrative task necessary to ensure FY2025 budgets are increased by an amount equal to existing encumbrances from FY2024.

To **authorize** the increase of fund balances and/or retained earnings in FY2024 budgets by amounts equal to prior-year expenditures that rolled forward into FY2024 but have not yet been processed for payment; **authorize** the decrease of both revenue and expenditure budgets in FY2024 by any of these amounts later accrued back to FY2023; and **further authorize** the Chairwoman to execute the necessary documents.

Fund Balance/Retained Earnings Revenue Budgets in FY2024 will be increased as follows:

General Fund (010)	010-014-0140-4980	\$11,986,537.15
Transit Fund (200)	200-050-4802-4992	\$ 275,562.81
Fire Fund (230)	230-130-1000-4980	\$16,168,368.86
Street Light District Fund (235)	235-050-SLD1-4980	\$ 87,539.92
E-911 Fund (260)	260-130-0200-4980	\$ 263,715.12
Water Fund (500)	500-500-5100-4992	\$ 9,809,824.26
SW&B Fund (600)	600-700-4900-4992	\$ 423,355.49
Golf Course Fund (650)	650-105-0027-4992	\$ 19,905.00
Risk Management Fund (710)	710-055-8011-4980	\$ 32,223.78

Decrease the FY2024 modified budgets to remove both the revenue and expenditure budgets for any items that rolled into FY2024 and that were subsequently accrued back to FY2023.

CobbWorks

36. To approve the Cobb County Local Workforce Plan 2024 on behalf of CobbWorks.

To **approve** the Cobb County Local Workforce Plan 2024 on behalf of CobbWorks; and **authorize** the Chairwoman to execute the necessary documents.

37. **To authorize the Dislocated Worker Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide additional funding for education, training, and employment services for Dislocated Worker Program.**

To **authorize** the Dislocated Worker Program grant award in the amount of \$800,000.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide training and employment services Dislocated Worker Program; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	
276-120-23FA-WF23FA-A-4430	\$80,000.00
276-120-23FP-WF23FP-P-4430	\$720,000.00
Total Grant Revenue	\$800,000.00

Increase Expenditure	
276-120-23FA-WF23FA-A-vary	\$80,000.00
276-120-23FP-WF23FP-P-vary	\$720,000.00
Total Grant Expenditure	\$800,000.00

38. **To authorize the Dislocated Worker Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide additional funding for education, training, and employment services for Dislocated Worker Program.**

To **authorize** the Dislocated Worker Program grant award in the amount of \$200,000.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide training and employment services Dislocated Worker Program; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	
276-120-23QA-WF23QA-A-4430	\$20,000.00
276-120-23QP-WF23QP-P-4430	\$180,000.00
Total Grant Revenue	\$200,000.00

Increase Expenditure	
276-120-23QA-WF23QA-A-vary	\$20,000.00
276-120-23QP-WF23QP-P-vary	\$180,000.00
Total Grant Expenditure	\$200,000.00

39. **To authorize the Adult Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide funding for education, training, and employment services for the Adult Program.**

To **authorize** the Adult Program grant award in the amount of \$59,000.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide the training and employment services Adult Program; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue

276-120-23AF-WF23AF-A-4430	\$ 5,900.00
276-120-23PF-WF23PF-P-4430	\$53,100.00
Total Grant Revenue	\$59,000.00

Increase Expenditure

276-120-23AF-WF23AF-A-vary	\$ 5,900.00
276-120-23PF-WF23PF-P-vary	\$53,100.00
Total Grant Expenditure	\$59,000.00

40. **To authorize the Adult Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide funding for education, training, and employment services for the Adult Program.**

To **authorize** the Adult Program grant award in the amount of \$6,000.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide the training and employment services Adult Program; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue

276-120-23RA-WF23RA-A-4430	\$ 600.00
276-120-23RP-WF23RP-P-4430	\$5,400.00
Total Grant Revenue	\$6,000.00

Increase Expenditure

276-120-23RA-WF23RA-A- vary	\$ 600.00
276-120-23RP-WF23RP-P-vary	\$5,400.00
Total Grant Expenditure	\$6,000.00

County Clerk

41. To approve minutes.

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

- December 9, 2024 - Agenda Work Session
- December 10, 2024 - BOC Regular Meeting
- December 17, 2024 - BOC Zoning Hearing
- December 18, 2024 - House Bill 581 Meeting

CONSENT VOTE: 5-0, *Statements of Commissioners Birrell, Gambrill, Richardson and Sheffield are attached and made a part of these minutes.*

REGULAR AGENDA

Transportation

42. To approve a Preliminary Engineering Agreement with Georgia Northeastern Railroad Company, LLC for preliminary engineering review services of Canton Road at Lake Drive/Old Noonday School House Road, Project No. B2311.

Motion by Birrell, second by Gambrill, to **approve** a Preliminary Engineering Agreement with Georgia Northeastern Railroad Company, LLC, in the estimated amount of \$15,000.00, for preliminary engineering review services of Canton Road at Lake Drive/Old Noonday School House Road, Project No. B2311; **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-B2311-E	Preliminary Estimate	\$15,000.00
Transfer to:	348-050-B230-B230-8722-B2311-E	Engineering	\$15,000.00

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

Canton Road at Lake Drive/Old Noonday School House Road 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 December 2, 2024: Canton Road at Lake Drive/Old Noonday School House Road

Budget:	\$1,250,000.00	Expended:	\$6,161.00
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VOTE: ADOPTED 5-0, *Statements of Commissioners Birrell, Gambrill, Richardson and Sheffield are attached and made a part of these minutes.*

43. To adopt a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project.

Motion by Gambrell, second by Birrell, to **adopt** a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project; designate Drew Raessler and Laraine Vance as the authorized Department representatives for all matters associated with the RAISE grant application; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

VOTE: **ADOPTED 5-0**, *Statements of Commissioners Birrell, Gambrell, Richardson and Sheffield are attached and made a part of these minutes.*

44. To approve a contract with Excellere Construction, LLC for drainage system repairs on Riverside Parkway, Project No. B2221, Cobb DOT Contract No. 001873.

Motion by Sheffield, second by Cupid, to **approve** a contract with Excellere Construction, LLC, in an amount not to exceed \$322,400.00, for drainage system repairs on Riverside Parkway, Project No. B2221, Cobb DOT Contract No. 001873; **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	\$297,400.00
Transfer to:	348-050-B220-B220-8762-B2221-C	Turnkey Construction	\$297,400.00

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.

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

SPLOST Component Summary as of December 2, 2024: Drainage System

Budget: \$22,753,789.35 Encumbered/Expended: \$16,574,535.07
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		\$28,000.00
Transfer to: CCDOT Riverside Parkway Drainage Improv.			
510-500-5756-6496-W5114-C	Drainage Contract R&M Svc.		\$25,000.00
510-500-5756-8265-W5114-M	Materials and Supplies		\$ 2,500.00
510-500-5756-8810-W5114-T	Contingency		\$ 500.00
	Total:		\$28,000.00

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed, *Statements of Commissioners Birrell, Gambrill, Richardson and Sheffield are attached and made a part of these minutes.*

Public Services Agency

PARKS

45. To approve a contract with Crown Retail Services, Inc. to provide construction services for the construction of a new pavilion at Hyde Farm under the 2016 PARKS SPLOST Program.

Motion by Birrell, second by Gambrill, to **approve** a contract with Crown Retail Services, Inc. in an amount not to exceed \$226,550.00 for the construction services of a new pavilion at Hyde Farm under the 2016 SPLOST Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 PARKS SPLOST funds as follows:

347-105-X061-X0612-C-8125 (Hyde Farm)	\$226,550.00
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SPLOST Project Summary as of December 2, 2024:

Hyde Farm Budget: \$1,000,000	Expended to Date: \$547,943.92
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The 2016 SPLOST, adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Improvements at Hyde Farm, including the design and construction of a pavilion, is an eligible project under the 2016 SPLOST (Cobb County 2016 SPLOST, Page 30). The new pavilion is an essential element to support the recreational and educational activities that will take place at the working farm.

VOTE: **ADOPTED 5-0**, *Statements of Commissioners Birrell, Gambrill, Richardson and Sheffield are attached and made a part of these minutes.*

APPOINTMENTS

46. To announce the reappointment of Chip Kacynski to the Airport Advisory Board.

Commissioner Birrell **announced** the reappointment of Chip Kacynski to the Airport Advisory Board for a two-year term to expire on December 31, 2026.

47. To announce the appointment of Shirley Murphy to the Keep Cobb Beautiful, Inc.

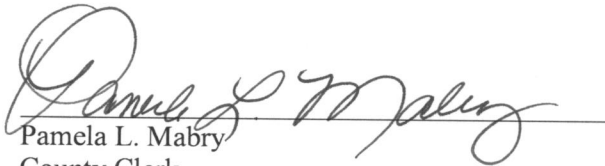
Commissioner Gambrill **announced** the appointment of Shirley Murphy to the Keep Cobb Beautiful, Inc. for a term balance to expire on December 31, 2026. This appointment replaces Dora Locklear.

48. To announce the reappointment of Trey Spivey to the Property Advisory Commission.

Chairwoman Cupid **announced** the reappointment of Trey Spivey to the Property Advisory Commission for a four term to expire on December 31, 2028.

ADJOURNMENT

The meeting was adjourned at 10:30 a.m.


Pamela L. Mabry
County Clerk
Cobb County Board of Commissioners

Commissioner Sheffield's Statement on Holdover

Board of Commissioners' Meeting – January 14, 2025

There have been claims, narratives, and beliefs suggesting that I am unlawfully occupying my seat. However, these assertions fail to recognize the explicit provisions set forth in the Georgia Constitution and Act 562 of Cobb's local enabling legislation.

Both Act 562 and the County's enabling legislation contain language indicating that Commission members will serve "for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified," meaning that commission members serve until their successor is elected and qualified. This provision was specifically designed to prevent any interruptions in representation of our residents, ensuring that the work of the Board of Commissioners continues without disruption, even amidst political division and discord.

In the coming months, you may hear an attempt to draw similarities between Act 562 (holdover) and OCGA Section 1-3-11 (local legislation on abolishing, shortening or lengthening term). There are considerable distinctions between the two.

Act 562. To reiterate, refers to an official remaining in their position after their term has expired **AND** until a successor is elected and qualified. A holdover period typically cannot alter the length of the official's term, as the role is temporary and tied to the delay of the proper transition, the delay in this case is a special election.

OCGA Section 1-3-11. The law reads that no office to which a person has been elected shall be abolished nor the term of the office shortened or lengthened by local or special Act during the term for which such person was elected unless the same shall be approved by the people affected in a referendum on the question.

Regarding impact on terms, **HOLDOVER** does not extend the official term, it temporarily extends the time an individual serves in the role to bridge gaps. **OCGA 1-3-11** protects the integrity of the office and the **TERM** for which the official was elected. It directly prohibits lengthening or shortening terms by legislative action, ensuring that terms remain as originally decided by voters unless a referendum says otherwise.

As a holdover commissioner as described in Act 562, I will retain full authority and responsibilities of the office until the successor assumes the role. The residents of this district elected me in 2020 and overwhelmingly re-elected me in 2024 to continue to serve in this capacity.

In an era of increasing polarization, it's important to remember that my role is not defined by partisan differences but by my commitment to serve the people of District 4. I will fulfill my duty to my community, as the law has clearly outlined, and work towards bridging divides, ensuring consistent and effective representation for all Cobb Countians.

Good morning and Happy New Year. It's a new year and a new day in Cobb ... or is it?

For me the composition of this board is the same as it was two years ago at our first meeting of the year, and as you recall Commissioner Gambrill and I who were just duly re-elected in 2022 were removed from the meeting because we disagreed with the validity of this board.

For two years the majority of this board decided to challenge the state legislative map and operated under the Home Rule Map. After several lawsuits and two court orders where the home rule map was deemed unconstitutional, the board finally in September 2024 implemented the state map and followed the law to give District 2 Commissioner her notice to vacate her seat because she didn't live in the district she represents.

Now we all said all along that it wasn't fair that she was drawn out of her district in the middle of her term and state law would have allowed her to remain but our own local enabling legislation did not and the legislature has to amend our local enabling legislation related to redistricting.

A notice of appeal was filed by the District 2 Commissioner and a court order on Dec. 31st from Judge Ann Harris stated that (and I quote) "The sole issue before the Court is whether, under the map promulgated by Act 562, Richardson remains eligible to represent District 2. After consideration of the parties' briefs and argument, the amicus brief (filed by the AG), and the law, the Court finds that, as a result of Act 562, Richardson is no longer eligible to continue serving District 2 and the seat is vacant."

This order is crystal clear. However, because of due process which I understand everyone has a right to, the appellant has filed an application for Discretionary appeal with the State of Georgia Court of Appeals. My question is when will this stop? Enough is enough. Taxpayer's should be furious at the time spent and costs involved by the county on these actions.

After all the argument was she was drawn out of her district in the middle of her term and this will set a precedent for future maps. December 31st was the last day of the 4 year term for both Districts 2 and 4.

So actually Richardson did serve her full four year term and because she filed her application to appeal and she gets to stay past her term until the court decides even though she isn't eligible and doesn't qualify since she doesn't live in the district she represents.

As far as the argument that this will set a precedent the bottom line is when it comes to redistricting we (the County) do not have home rule powers. I have said all along this should have never been done without unanimous consent from the board. I have opposed this from the very beginning and I don't agree with what is happening again but I do understand the Majority Rules and in this case even in unconstitutional issues. This may be a legal method but to me it's not right. It's gone on long enough and it's time to put an end to ignoring the constitution and the laws of the State and County and get back to the real business of the county at hand. I as all of my colleagues took an oath to uphold the constitution and laws of the US, State of Georgia and Cobb County.

And I intend to continue to follow the law.

January 14, 2025

Welcome to Cobb County's J6!

Considering laws in totality means analyzing and interpreting a set of laws as a whole, taking into account how different laws interact and affect each other, rather than looking at them **individually**; it essentially involves evaluating the cumulative impact of all relevant legal provisions on a particular situation or issue.

With no vote of the Board or judicial determination, the County Attorney's office has taken the position that one commissioner is now considered "de-facto" and can continue to serve until their successor is elected – if they so choose to do so. There are no Georgia laws that govern de-facto status but has only been awarded by judges based on legal challenges. While the county attorney's office contends there is case law to support a commissioner continuing to serve until a successor is elected, they continue to violate the equitable estoppel doctrine which prevents one from asserting a claim or right that contradicts what one has said or done before, or what has been legally established as true.

The Home Rule Resolution precipitated an illegal action through the act of three Commissioners and has been ruled Unconstitutional multiple times. Two former commissioners, with good intentions, are seated here today, even though their terms have expired and the State of Georgia no longer recognizes them as qualified, elected officials.

The Home Rule Resolution, enabled the Board to avoid violating our State Enabling Legislation and allow a commissioner to serve while not residing within the district. This set off two years of legal challenges and ended with the primary election being invalidated due to an unconstitutional map used for qualifying and voting – yet the very

commissioner this Resolution was set in place to protect, did not re-qualify to serve in this position, claiming higher aspirations. In a recent hearing, which is now being appealed, it was argued that the Georgia Legislature violated a constitutional procedure - then why was a legal challenge not taken against the State and Georgia General Assembly? Why did the county have to expend an unknown amount of taxpayer dollars to placate a novel concept that just removed an unqualified commissioner later than anticipated – all thanks to the county attorney's office fight to defend an individual commissioner – not an office. OCGA 16-10-4 addresses this.

OCGA 1-3-11 "No office to which a person has been elected shall be abolished nor the term of the office shortened or lengthened by local or special act during the term for which such person was elected...." Because of the unconstitutional Home Rule Resolution, the Chair of the Board of Commissioners is now extending the term of commissioners, compensating them with taxpayer dollars which could be considered a gratuities violation as the Board of Commissioners has not voted to approve such members to serve, and the State does not recognize them as qualified, elected officials to serve in this capacity.

The Chair is refusing to enact Sec. 2-31 Voting when vacancy exists in two or more posts.

And while the county did seek the opinion of an outside attorney as to carry over, this opinion is currently being challenged in Federal Court, and last year, the Georgia Legislature modified the term of the Public Service Commissioners to coincide with the newly ordered election. Maybe this is because OCGA 45-2-1 Eligibility and Qualifications for Office, (8) All persons who are constitutionally disqualified for any cause. No legislative action has been taken to

enable these commissioners to extend their terms beyond the legislated four years.

On January 10, 2023 I was wrongfully removed from this Dias for not saying a word, only abstaining from voting as the Board was acting in an unconstitutional manner – to which the courts have now concurred. Interesting enough, the County Attorney stated to the Chair I had to be removed from the meeting, however, the law states from just that agenda item. Here we sit today, the county attorney refusing to provide direction that is not in conflict and a Chair who is allowing this to continue. While I am being expected to participate in a potentially illegal meeting as if nothing unconstitutional occurred, now with individuals serving beyond their legal power or authority, also known as ultra vires, I would like the clerk to record this statement with each and every vote going forward starting January 13, 2025, so as not to be in violation of OCGA 45-11-10.

- OCGA 16-10-4 (b) Any officer or employee of a political subdivision who asks for or receives anything of value to which he or she is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the legislative body of the political subdivision of which he or she is an officer or employee shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

Amended by 2010 Ga. Laws 680, § 24, eff. 1/10/2011.

- OCGA 1-3-11 No office to which a person has been elected shall be abolished nor the term of the office shortened or lengthened by local or special Act during the term for which such person was elected unless the same shall be approved by the people of the jurisdiction affected in a referendum on the question.
- Sec. 2-31. - Voting when vacancy exists in two or more posts. Notwithstanding any other provisions of law to the contrary, in the event of a vacancy in two or more of the commissioner posts, a majority vote of the members present at the meeting shall be sufficient for the commission to take official action, provided that the chairman or the acting chairman has declared that an emergency exists or that there exist exigent circumstances requiring emergency action by the remaining members. (1992 Ga. Laws (Act No. 694), page 5180, § 1)
- OCGA 45-2-1 The following persons are ineligible to hold any civil office; and the existence of any of the following facts shall be a sufficient reason for vacating any office held by such person; but the acts of such person, while holding a commission, shall be valid as the acts of an officer de facto, namely: (8) All persons who are constitutionally disqualified for any cause. All officers are eligible for reelection and reappointment and to hold other offices, unless expressly declared to the contrary by the Constitution or laws of Georgia.

OCGA 45-11-10 - Coercion of other officer or employee to give anything of value for political purposes(a) It shall be unlawful for any officer or employee of this state to coerce or attempt to coerce or command directly or indirectly any other state officer or employee to pay, lend, or contribute any part of his salary or to kick back any sum of money or anything else of value to any party, committee, organization, agency, or person for political purposes.(b) It shall be unlawful for any officer or employee of any county, municipal corporation, school district, or other political subdivision to coerce or attempt to coerce or command directly or indirectly any other officer or employee of such political subdivision to pay, lend, or contribute any part of his salary or to kick back any sum of money or anything else of value to any party, committee, organization, agency, or person for political purposes.(c) Any person who violates any provision of this Code section shall be guilty of a misdemeanor.

OCGA § 45-11-10

Keli Gambrill

District 1 Commissioner

100 Cherokee Street

Marietta GA 30090

770-528-3313

<https://www.cobbcounty.org/gambrill>



Cobb County...Expect the Best!

Four years ago, an election occurred resulting in the majority of these Board positions having new faces. New positions. New faces. Every census year which this coincided with, the legislature is to craft electoral maps and because there is 159 counties the legislature is to go through local delegations, put forward local law and then get their local laws on the local calendar which is like our version of the consent agenda. This process protects the relationship that exists between the state legislators and those locally elected so that state representatives who represent the areas actually speak for the area they represent. This process however is only a gentleman's rule and after the 2020 election the state legislature bypassed this process and legally filed a general bill jumping over the state representatives that represent Cobb County. According to the Constitution, the map is only required to be approved by the reapportionment office to be valid by which it can then be passed by the General Assembly. That year two apportionment offices were filed by members of the General Assembly 1154 and 1257. Only one was selected for a hearing by the reapportionment committee. Chaos ensued during this hearing as appropriate legal questions were surfaced by members of the local delegation and members of the Cobb County Commission. There was legal concern that the map would force this position out of office. The state legislature's legal counsel indicated the novelty of the situation. And a chorus was developed with legislators and members of the community saying to just move since this seat elected was specifically impacted. It was at this moment that I turned to County staff and asked is there not a way for the County to protect itself because wouldn't this affect every County elected official and the response was we are looking into it. A while later after research and conversations with ACCG and legislators who were present at the creation of the latest version of the Constitution, the use of home rule was pursued by which the County contended that a map was a material and not a procedure. The Apportionment Office's approved map was then used under the home rule amendment clause. Please keep in mind that this contention has yet to truly be adjudicated as the court case holding the question was thrown out. Later due to an

unrelated case a ruling using knowledge based on the thrown out case called for the cancellation of the election last year for districts 2 and 4 specifically by which the County voluntarily adopted the General Assembly's map. This created the vacancy by law which I filed a challenge against that was heard and decided on New Year's Eve at 3:00 p.m. Between then and yesterday at 1:00 p.m. all District 2 constituents had their emails forwarded and calls went to the front desk. During the snowstorm there was no elected official in place. And when the ruling came down, I learned that an appeal to a higher Court was available as a route and after much consideration I filed that appeal. While that appeal is in place, a stay is in effect and the current Acts Act 562 and other laws have me continue to sit as a De Facto Commissioner. Some will say that it is unacceptable that I am sitting on this dais. I would say that not having 200,000 people represented for nearly half a year is unacceptable. I would say that the right for the General Assembly to remove elected officials at any point in their term is unacceptable. I would say that overturning elections is unacceptable. Just as some members of this Board have sued the County for reasons they believe were important, so I also have the right to defend not just my constituents but constituents all across this state and fighting the precedence that has been set. This fight was never about me but protecting American values, checks and balances, the process of the courts, the importance of elections, the voice of the voter and even the election that is underway to determine my successor. Protecting American values is something we all claim to want. The courts will decide whether they hear this appeal and if I only have 10 days to serve or 90, I will continue to show up for my constituents and serve them with excellence until I am no longer able to.

District Commissioner Status

Regarding the District 2 seat, the Board of Commissioners served a Notice of Vacancy on the District 2 commissioner in September, 2024. The commissioner filed an appeal with Superior Court. On December 31, 2024, the Superior Court issued an Order upholding the Board's Notice of Vacancy as to District 2 and affirming the seat as Vacant. Subsequently, the District 2 commissioner filed an Application for Discretionary Appeal of the vacancy determination with the Georgia Court of Appeals. The district commissioner's application to appeal serves as a supersedes, and allows the District 2 commissioner to continue serve at this time.

As to both the District 2 and 4 seats, in July 2024, a Cobb Superior Court Judge, during litigation involving the Board of Elections and Registration, issued an Order vacating the district maps and elections for Districts 2 and 4. Consequently, no elections were held for these two districts in November 2024. The term for those offices ended on December 31, 2024. A Special election was called by the Cobb Board of Elections and Registration. Qualifying for the special election occurred in December 2024, the primary is February 11, and the General election is April 29th.

The most recent Act creating the Cobb Commissioner Districts, Georgia Act 562, Part II, Section 2-24(a) states; '[m]embers of the board 'shall serve for the terms of office specified therefore in this subsection AND until their respective successors are elected and qualified.'

A sitting commissioner may cite to this language to support her decision to holdover and continue to serve as a commissioner until the Special election is final or a successful challenge is brought.

While the vacancy-notice, the holdover process, and any other potential judicial determination plays out, the acts of the "office holder" (here, the District 2 and 4 commissioners) "are recognized as valid [under Georgia law] on grounds of public policy, and for the protection of those having official business to transact." *Gates v. Taylor County Sch Dist.*, 346 Ga. App. 248, 250, 816 S.E.2d 117 (2018).

"The general rule established by the **officer de facto doctrine**: 'It is well settled in Georgia that, although a person may be absolutely ineligible to hold any civil office whatever in this state, yet his official acts, while holding a commission as a public officer, are valid as the acts of an **officer de facto**.'" *Id.*, 250.

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

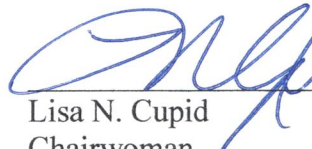
WHEREAS, the Official Code of Georgia, Annotated, Section 21-2-131, does require the governing authority of Cobb County, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, to fix and publish a qualifying fee for each County office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

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

OFFICE	SALARY	QUALIFYING FEE
Surveyor	(no salary)	\$15.00

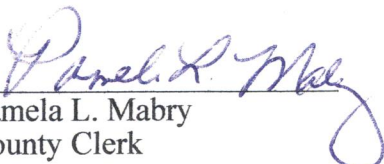
BE IT FURTHER RESOLVED that the Board of Commissioners does hereby direct the Director of Elections to publish a notice of said qualifying fees in the official organ of the County prior to February 1, 2025.

So adopted this 14th day of January, 2025.


Lisa N. Cupid
Chairwoman



ATTEST:


Pamela L. Mabry
County Clerk

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

1/14/25



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

DELIVERED

Via Certified Mail

7020 0090 0000 6545 4370

December 6, 2024

The Honorable Derek Norton
Mayor
City of Smyrna
3180 Atlanta Road
Smyrna Georgia 303380

Re: Petition for Annexation– Land Lot 491 of the 17th District, Parcel 17049100410 2nd Section, 0 Dixie Avenue, Cobb County, Georgia; Notice of Non-Objection.

Dear Mayor Norton:

We are in receipt of the above-referenced rezoning and annexation request. Please accept this response to the proposal for 0 Dixie Avenue (17049100410). The subject tract of land is currently zoned HI (Heavy Industrial), and is within an area identified as IC (Industrial Compatible) according to the Cobb County Future Land Use Map. The subject property has the required contiguity with the existing City of Smyrna boundary for annexation. An unincorporated island would be eliminated with this proposed annexation. There are no county buildings or facilities on the property. This property is currently vacant and owned by the Cobb County Board of Commissioners. Based on our HB 489 Intergovernmental Agreement, this is not an objectionable request.

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. Should you have any questions or need any additional information, please contact Donald Wells, Intergovernmental Coordinator, at (770) 528-2199 or donald.wells@cobbcounty.org.

Re: Petition for Annexation– Land Lot 491 of the 17th District, Parcel 17049100410 2nd Section, 0 Dixie Avenue, Cobb County, Georgia; Notice of Non-Objection.

Sincerely,

Lisa Cupid, Chair

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Phillip Westbrook, Senior Planner – VIA E-mail
Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

Re: Petition for Annexation– Land Lot 491 of the 17th District, Parcel 17049100410 2nd Section, 0 Dixie Avenue, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,

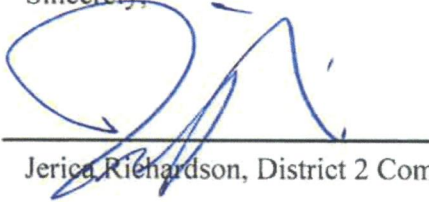
Keli Gambrill, District 1 Commissioner

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Re: Petition for Annexation– Land Lot 491 of the 17th District, Parcel 17049100410 2nd Section, 0 Dixie Avenue, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,

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

Jerica Richardson, District 2 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
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[signature page continued]

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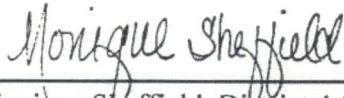


JoAnn K. Birrell, District 3 Commissioner

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
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Phillip Westbrook, Senior Planner – VIA E-mail
Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

[signature page continued]

Sincerely,



Monique Sheffield, District 4 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
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Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

County Staff Comments and Recommendations

0 Dixie Avenue
City of Smyrna

Water System- Wilson Collins

Water service for the proposed annexed properties will be provided by the existing CCWS water mains in Hillside Ave.

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

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

Planning- Historic Preservation-Mandy Elliot

No comments

Cobb County Fire Marshal's Office-Rock Toler

The Fire Department does not object to the annexation.

GIS- Brad Gordon

No objections from a GIS or addressing perspective.

Site Plan Review- Dave Griffin

No Comments

Cemetery Preservation Committee- Helga Hong

No comment.

**Z24-016 City of Smyrna
1101 Windy Hill Road
Traffic Study and Signal Warrant Study**

On November 15, 2024, the City of Smyrna and Cobb County DOT held a discussion concerning the city rezoning case Z24-016. The proposed development is a proposed residential development and fitness center located at 1101 Windy Hill Road, near the intersection of Windy Hill Road and Davis Road Extension. The City of Smyrna staff then sent the associated traffic impact study and signal warrant study (both dated October 7, 2024) to Cobb County staff on November 19, 2024, to facilitate the County's review of the potential impacts of the case. Comments below are based on the information received in the two October 7th studies and in the November 15th meeting.

Hillside Drive Comments

1. As discussed during the November 15th meeting, Cobb County would recommend the following zoning recommendation for Hillside Drive:
 - *Hillside Drive is a substandard street. Recommend applicant improve Hillside Drive along the property frontage to comply with Cobb County Standards and Specifications for a non-residential local roadway.*
2. Based on the review of the October 7th traffic study, no additional zoning recommendations are needed for Hillside Drive.

Windy Hill Road at Davis Road Extension Signalization Comments

3. As discussed during the November 15th meeting, the proposed signal would not meet Cobb County spacing criteria from adjacent signalized intersection. However, Cobb County acknowledges that the traffic signal is under the City of Smyrna jurisdiction, including the approval of allowed signal spacing.
4. Based on the review of the October 7th signal study, the signal head placements should have sufficient visibility to drivers despite the adjacent structures. Cobb staff recommends field verification after installation before bringing the signal into full operation.



De/Annexation Location Map

November 2024

17th District
Landlot: 0491
Parcel: 17049100410

Acreage: $\approx$ 0.21

Legend

-  De/Annexations
-  Acworth
-  Austell
-  Kennesaw
-  Mableton
-  Marietta
-  Powder Springs
-  Smyrna
-  Unincorporated
-  Parcels





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

DELIVERED

Via Certified Mail

7020 0090 0000 6545 4387

December 3, 2024

The Honorable Derek Norton
Mayor
City of Smyrna
3180 Atlanta Road
Smyrna Georgia 303380

Re: Petition for Annexation– Land Lot 302 of the 17th District, Parcel 17030200230 2nd Section, 2338 Benson Poole Road, Cobb County, Georgia; Notice of Non-Objection.

Dear Mayor Norton:

We are in receipt of the above-referenced rezoning and annexation request. Please accept this response to the proposal for 2338 Benson Poole Rd (17030200230). The subject tract of land is currently zoned NRC (Neighborhood Retail Commercial), and is within an area identified as NAC (Neighborhood Activity Center) according to the Cobb County Future Land Use Map. The subject property has the required contiguity with the existing City of Smyrna boundary for annexation. There are no county buildings or facilities on the property. This property currently has an active land disturbance permit (SPR-2023-00428) that was issued in July 2024 to construct a convenience store with fuel sales. Based on our HB 489 Intergovernmental Agreement, this is an objectionable request. However, Cobb County does not object to the pending request due to the similar nature of the proposed plan and the rezoning plan approved by the Board of Commissioners in 2022 (Z-48 of 2022).

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. Should you have any questions or need any additional information, please contact Donald Wells, Intergovernmental Coordinator, at (770) 528-2199 or donald.wells@cobbcounty.org.

Re: Petition for Annexation– Land Lot 302 of the 17th District, Parcel 17030200230 2nd Section, 2338 Benson Poole Road, Cobb County, Georgia; Notice of Non-Objection.

Sincerely,

Lisa Cupid, Chair

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
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Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

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[signature page continued]

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Jerica Richardson, District 2 Commissioner

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[signature page continued]

Sincerely,

Keli A. Gambrell

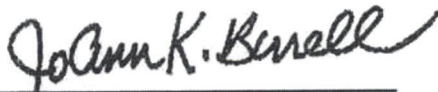
Keli Gambrell, District 1 Commissioner

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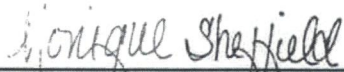
JoAnn K. Birrell, District 3 Commissioner

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[signature page continued]

Sincerely,



Monique Sheffield, District 4 Commissioner

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Joey Staubes, City of Smyrna, Planner II- VIA E-mail

County Staff Comments and Recommendations

2338 Benson Poole Road
City of Smyrna

Water System- Wilson Collins

Water service for the proposed annexed properties is provided by the existing CCWS water mains in BENSON POOLE RD.

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

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

Planning- Historic Preservation-Mandy Elliot

No comments

Cobb County Fire Marshal's Office-Rock Toler

The Fire Department does not object to the annexation.

GIS- Brad Gordon

No objections from a GIS or addressing perspective.

Code Enforcement- Brent Farrell

There is no case history at this location. There are no active cases on either adjacent parcels at 2300 or 2348 Benson Poole Rd

County Staff Comments and Recommendations

2338 Benson Poole Road
City of Smyrna

Development and Inspections- Donald Wells

An active Land Disturbance Permit was approved and issued in June 2024 (SPR-2023-00428).

All building and development permits for this property will be voided upon annexation. For information regarding past inspections, please contact Cobb County Development and Inspections at 770-528-1074.

Cemetery Preservation Committee- Helga Hong

No comments

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Benson Poole Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Benson Poole Road	N/A	N/A	N/A

Comments and observations

Benson Poole Road is classified as a minor collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Site plan comments and observations

The site plan with the stipulated letter dated September 2, 2022 addresses Cobb DOT Recommendations 3 through 10. Recommendations 1, 2 and 11 will be resolved during the Plan Review process.

Recommendations

1. As necessitated by this development, a left turn lane is recommended at the entrance-only driveway on Benson Poole Road. Due to extenuating circumstances of the site and location, a left turn waiver may be submitted during plan review subject to Cobb DOT approval. The waiver should be submitted in a memorandum and outline the reasons behind the left turn lane variance including but not limited to: the design and construction feasibility, any possible hardships, as well as all constraints of the site and adjacent road network. As part of the waiver review during the Plan Review process Cobb DOT will retain the right to prohibit left-in movements at the development driveway if a needed left turn lane cannot be installed .
2. Recommend applicant verify that minimum intersection sight distance is available for the Benson Poole Road access points, and if it is not, implement remedial measures, subject to Cobb DOT approval, to achieve the minimum requirement of 390'.
3. Recommend extending the uninterrupted access for the northern exit-only driveway on Benson Poole Road to a minimum of 50' from the edge of right-of-way per Development Standard 402.08. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.

(continued)

4. Recommend applicant submit an internal traffic circulation plan showing viable travel paths for tractor trailers using standard turning templates. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
5. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Benson Poole Road, a minimum of 30' from the roadway centerline. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
6. Recommend replacing disturbed sidewalk, as well as adding curb and gutter along the Benson Poole Road frontage. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
7. Recommend northern driveway on Benson Poole Road be restricted to an exit-only access. This driveway is recommended to be a maximum of 18' in width per section 402.08 of the Cobb County Development Standards and provide as much separation as possible from the adjacent driveway for the Centerview Park apartment development to the north. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
8. Recommend southern driveway on Benson Poole Road be restricted to an entrance-only access. This driveway is recommended to be a maximum of 18' in width per section 402.08 of the Cobb County Development Standards and provide as much separation as possible from the adjacent driveway for the Benson Manor apartment development to the south. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.

(continued)

9. As necessitated by this development, recommend the southern entrance-only access include a deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
10. Recommend extending the uninterrupted access for the southern entrance-only driveway on Benson Poole Road to a minimum of 50' from the edge of right-of-way per Development Standard 402.08. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
11. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

De/Annexation Location Map

November 2024

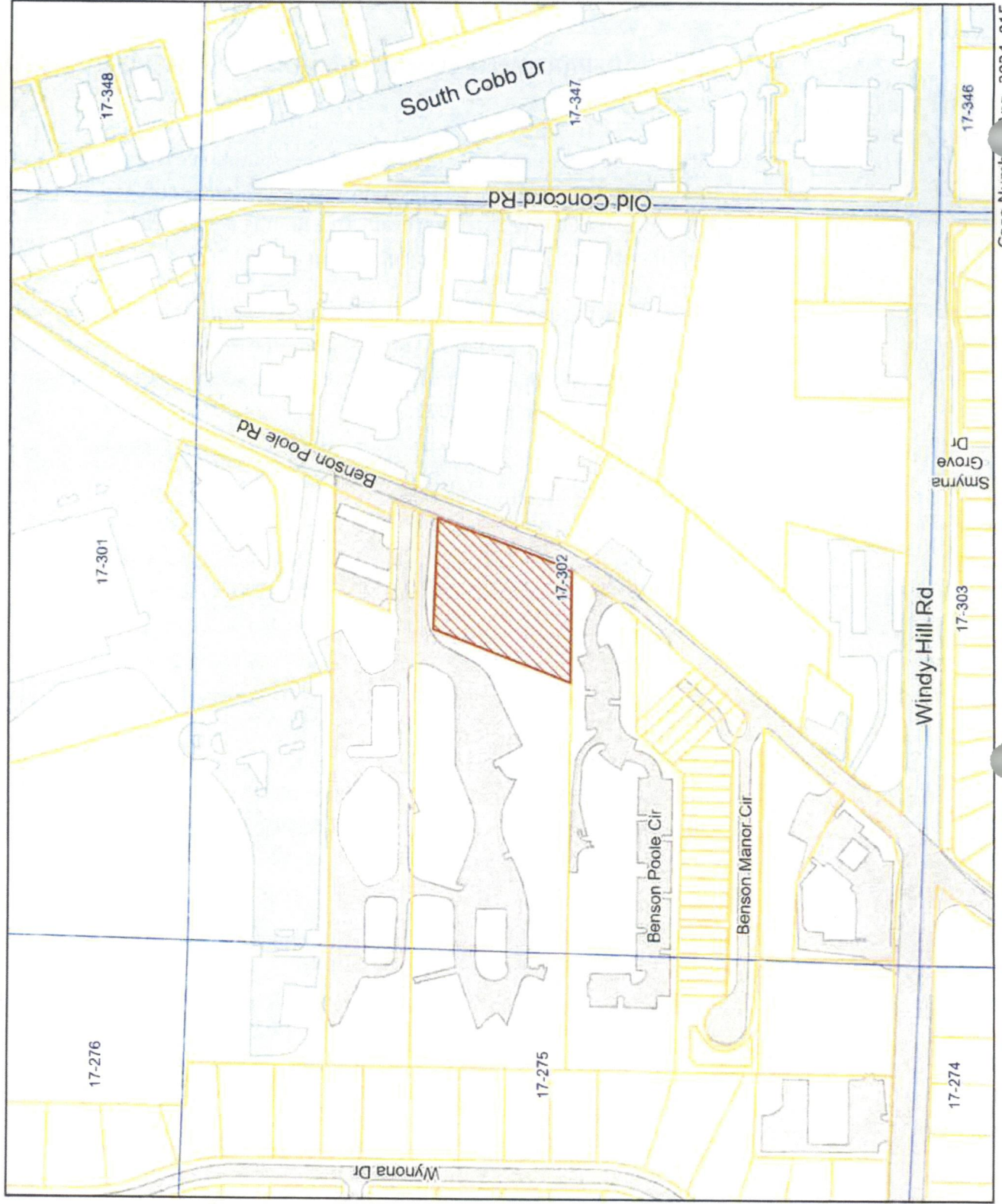


17th District
Landlot: 0302
Parcel: 17030200230

Acreage: $\approx$ 1.16

Legend

- De/Annexations
- Acworth
- Austell
- Kennesaw
- Mableton
- Marietta
- Powder Springs
- Smyrna
- Unincorporated
- Parcels



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 14th of January 2025

RESOLUTION

Resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application to the U.S. Department of Transportation for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project.

WHEREAS, the U.S. Department of Transportation (USDOT) is holding a solicitation for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program project funding proposals; and

WHEREAS, on November 1, 2024, the USDOT announced a Fiscal Year 2025 call for projects; and

WHEREAS, applications are due by January 30, 2025, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, the County is an eligible applicant and desires to submit an application for financial assistance with planning studies and preliminary engineering to advance, develop and design the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project, a comprehensive study and design to improve connectivity, access, traffic operations, safety, and mobility for various transportation modes through the area, and to enhance opportunities for an economic development gateway into Downtown Kennesaw; and

WHEREAS, the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project is included in the CobbForward Comprehensive Transportation Plan 2050, as adopted by the Board of Commissioners on February 8, 2022, which includes recommendations for transportation and transit system improvements resulting from robust public participation and technical analysis related to funding future transportation investments within the County to meet the changing needs of the County's residents, businesses, and visitors; and

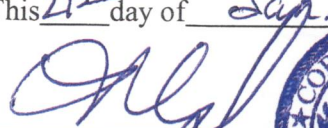
WHEREAS, the total requested for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project for a planning/design RAISE grant is \$6,250,000.00, which includes federal funds in the amount of \$5,000,000.00, and local match funds in the amount of \$1,250,000.00, should the RAISE grant funds be awarded.

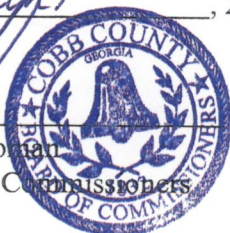
NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a RAISE grant application to the USDOT for the aforementioned project.

CERTIFICATION

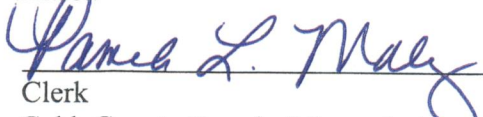
The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 14, 2025.

This 21ST day of Jan., 2025


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:


Clerk
Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS