

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 26, 2023
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, September 25, 2023 at 9:00 a.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairwoman Lisa Cupid
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 7:03 p.m.

NON-AGENDA

Motion by Sheffield, second by Richardson, to add the following Non-Agenda item to be added to the Presentations tab:

- *To present a Certificate of Recognition to the Austell Community Task Force for initiating the construction of a bridge connecting the Drennon Avenue neighborhood to the Silver Comet Trail (See item 5 of these minutes).*

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

Motion by Sheffield, second by Birrell, to add the following Non-Agenda item to be added to the Presentations tab:

- *To present a Certificate of Recognition to the Austell Community Task Force for helping create the Riverside Neighborhood Community Garden (See Item 6 of these minutes).*

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

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

Commissioner Birrell's statement

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

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

Commissioner Gambrell's statement

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

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

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

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).

In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

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

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

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

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

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

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

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

PRESENTATIONS

1. **To present a proclamation designating September 28, 2023 as Georgia Highlands College Day in honor of President Hobbs' Inauguration and Investiture.**

Commissioner Birrell presented a proclamation designating September 28, 2023 as Georgia Highlands College Day in Cobb County in honor of President Hobbs' Inauguration and Investiture.

2. **To present a proclamation designating September as National Recovery Month.**

Commissioner Gambrill presented a proclamation designating September as National Recovery Month in Cobb County.

3. **To recognize the Kennesaw Public Safety Foundation for their donation to the Cobb Family Advocacy Center.**

Commissioner Gambrill recognized the Kennesaw Public Safety Foundation for their donation to the Cobb Family Advocacy Center.

4. **To present Certificates of Recognition to We Thrive on Riverside Renters Association and volunteers for their service in the National Night Out event in their community.**

Commissioner Sheffield presented Certificates of Recognition to We Thrive on Riverside Renters Association and volunteers for their service in the National Night Out event in their community.

5. **To present a Certificate of Recognition to the Austell Community Task Force for initiating the construction of a bridge connecting the Drennon Avenue neighborhood to the Silver Comet Trail.**

Commissioner Sheffield presented a Certificate of Recognition to the Austell Community Task Force for initiating the construction of a bridge connecting the Drennon Avenue neighborhood to the Silver Comet Trail.

6. **To present a Certificate of Recognition to the Austell Community Task Force for helping create the Riverside Neighborhood Community Garden.**

Commissioner Sheffield presented a Certificate of Recognition to the Austell Community Task Force for helping create the Riverside Neighborhood Community Garden.

PUBLIC COMMENT

1. Virginia Choate addressed the Board regarding transit taxes.
2. Denny Wilson addressed the Board regarding community matters.
3. Catherine Jones addressed the Board regarding affordable housing.
4. Charlene Gayle addressed the Board regarding Amana Academy Modular request.
5. Donald Barth addressed the Board regarding various matters.
6. Craig Harfoot addressed the Board regarding various matters.

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.

District Attorney

7. **To authorize the acceptance of a donation from the Kennesaw Public Safety Foundation to the Cobb Family Advocacy Center.**

To **authorize** the acceptance of a donation from the Kennesaw Public Safety Foundation to the Cobb Family Advocacy Center, **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	010-170-8780-4920	Gifts and Donations	\$5,000.00
Increase Expenditure:	010-170-8780-6116	General Office Supplies	\$5,000.00

8. **To authorize the acceptance of grant funds from the Georgia Power Foundation, Inc. for the Family Advocacy Center.**

To **authorize** the acceptance of grant funds from the Georgia Power Foundation, Inc. in the amount of \$33,000.00 for the Family Advocacy Center; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	270-170-G342-4508	Local Grants	\$33,000.00
Increase Expenditure:	270-170-G342-6258	Accountable Equipment	\$33,000.00

9. **To authorize a time extension of the grant term from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force**

To **authorize** the extension of the grant term from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force through 9/30/2024.

10. **To authorize the acceptance of grant funds from the Criminal Justice Coordinating Council's FY2024 Victims of Crime Act grant to support the District Attorney's Victim Witness Unit.**

To **authorize** the acceptance of grant funds from the Criminal Justice Coordinating Council's FY2024 Victims of Crime Act grant to support the District Attorney's Victim Witness Unit through the Prosecuting Attorney's Council of Georgia in the amount of \$130,349.00; **authorize** the corresponding budget and personnel transactions; **authorize** the transfer of all authorized personnel from Unit G338 to Unit G341 in the grant fund; **authorize** the District Attorney's Office and Finance Department to sign programmatic and finance reports for the Cobb District Attorney Victim Witness Unit; and **further authorize** the Chairwoman to execute the necessary documents.

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

Increase Revenue:	270-170-G341-4467	CJCC	\$130,349.00
Increase Expenditure:	270-170-G341-6012 etc	appropriate personnel services, pay and fringe	\$130,349.00

Water System

11. To approve a construction contract with Heavy Constructors, Inc. for South Cobb Water Reclamation Facility Headworks Improvements, Program No. T3017.

To **approve** a construction contract with Heavy Constructors, Inc., in the amount of \$11,884,500.00, for South Cobb Water Reclamation Facility Headworks Improvements, Program No. T3017; **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:

South Cobb Water Reclamation Facility Miscellaneous Improvements		
Preliminary Estimates	510-500-5753-8005	T3701-Z \$12,181,500.00

Transfer to:

South Cobb Water Reclamation Facility Headworks Improvements		
Construction	510-500-5753-8260	T3017-C \$11,884,500.00
Interest Expense on Retainage	510-500-5753-6613	T3017-A \$ 59,400.00
Contingency	510-500-5753-8810	T3017-T \$ 237,600.00
Total		\$12,181,500.00

12. To approve an agreement with Engineering Strategies, Inc. for consulting services for South Cobb Water Reclamation Facility Primary Clarifier Rehabilitation and Biosolids Thickening, Program No. T3022.

To **approve** an agreement with Engineering Strategies, Inc., in the amount of \$135,015.00, for consulting services for South Cobb Water Reclamation Facility Primary Clarifier Rehabilitation and Biosolids Thickening, Program No. T3022; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

South Cobb Water Reclamation Facility Miscellaneous Improvements		
Preliminary Estimates	510-500-5753-8005	T3701-Z \$135,015.00

Transfer to:

South Cobb Water Reclamation Facility Primary Clarifier Rehabilitation and Biosolids Thickening		
Engineering-Basic Fees	510-500-5753-8225	T3022-E \$135,015.00

13. **To approve a construction contract with Reeves Young, LLC for the R. L. Sutton Water Reclamation Facility Effluent Filter Rehab, Program No. T2028.**

To **approve** a construction contract with Reeves Young, LLC, in the amount of \$5,560,000.00, for the R. L. Sutton Water Reclamation Facility Effluent Filter Rehab, Program No. T2028; **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:

R. L. Sutton Water Reclamation Facility Miscellaneous Improvements			
Preliminary Estimates	510-500-5753-8005	T2501-Z	\$5,699,000.00

Transfer to:

R. L. Sutton Water Reclamation Facility Effluent Filter Rehab			
Construction	510-500-5753-8260	T2028-C	\$5,560,000.00
Interest Expense on Retainage	510-500-5753-6613	T2028-A	\$ 27,800.00
Contingency	510-500-5753-8810	T2028-T	\$ 111,200.00
Total			\$5,699,000.00

14. **To approve a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Chatfield Contracting, Inc. for Tributary to Allatoona Creek Streambank Stabilization, Program No. SW2271.**

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 \$206,041.34, for Tributary to Allatoona Creek Streambank Stabilization, Program No. SW2271; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year			
Budget			
Drainage Contract R&M	510-500-5758-6496	SW9999-Z	\$206,041.34
Service			

Transfer to:

Tributary to Allatoona Creek Streambank Stabilization			
Drainage Contract R&M	510-500-5758-6496	SW2271-C	\$206,041.34
Service			

15. **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 R. L. Sutton Water Reclamation Facility Sludge Holding Tank Cover Replacement, Program No. T2029.**

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 R. L. Sutton Water Reclamation Facility Sludge Holding Tank Cover Replacement, Program No. T2029.

16. **To approve additions to the List of Prequalified Contractors for Water and Sewer Line Construction.**

To **approve** the additions to the List of Prequalified Contractors for Water and Sewer Line Construction.

17. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc. for 2340 Pinetree Lane, Program No. SW2274.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Chatfield Contracting, Inc., in the amount of \$132,670.00, for 2340 Pinetree Lane, Program No. SW2274; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$132,670.00

Transfer to:

2340 Pinetree Lane			
Drainage Contract R&M Service	510-500-5758-6496	SW2274-C	\$132,670.00

Transportation

18. **To authorize FY24 procurement of capital items exceeding \$100,000.00 utilizing available State Contracts and cooperative purchasing programs.**

To **authorize** FY24 procurement of capital items exceeding \$100,000.00 utilizing available State Contracts and cooperative purchasing programs.

Available in the Department's adopted FY24 Capital Budget, as follows:

Available:	010-050-0735-8605	Autos, Vans, Trucks, & Motorcycles	\$ 260,000.00
	010-050-0781-8005	Preliminary Estimate	\$1,174,155.00

19. **To authorize installation of dynamic speed display signs on Pebblebrook Road, between Buckner Road and Veterans Memorial Highway/SR 8.**

To **authorize** installation of two dynamic speed display signs on Pebblebrook Road, between Buckner Road and Veterans Memorial Highway/SR 8.

20. **To authorize installation of signage on Hyde Road to convert the intersection of Hyde Road and Aven Road/Beau Reve Park to an all-way stop-controlled intersection.**

To **authorize** installation of signage on Hyde Road to convert the intersection of Hyde Road and Aven Road/Beau Reve Park to an all-way stop-controlled intersection.

Available in the Department's approved FY23 General Fund Operating Budget, as follows:

Available:	010-050-0781-6197	Signage Supplies	\$750.00
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21. **To approve an Intergovernmental Agreement with the City of Smyrna for installation of a Red Light Running Photo Enforcement System.**

To **approve** an Intergovernmental Agreement with the City of Smyrna for the installation of a Red Light Running Photo Enforcement System; and **authorize** the Chairwoman to execute the necessary documents.

22. **To approve the 2023 annual update to the Cobb County Department of Transportation Title VI Plan.**

To **approve** the 2023 annual update to the Cobb County Department of Transportation Title VI Plan. A copy of the approved plan is attached and made a part of these minutes.

23. To approve Supplemental Agreement No. 1 to Work Order No. F12 to the Master Contract with Michael Baker International, Inc., for planning services related to the Taxiway B rehabilitation and relocation projects at Cobb County International Airport – McCollum Field, CCDOT Contract No. 001781.

To **approve** Supplemental Agreement No. 1 to Work Order No. F12 to the Master Contract with Michael Baker International, Inc., in the amount not exceed \$40,626.00, for planning services related to the Taxiway B rehabilitation and relocation projects at Cobb County International Airport – McCollum Field, CCDOT Contract No. 001781; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Grant Fund, with the following interfund transfer from the Airport Division's FY23 Fund Balance Reserves account:

Decrease Expenditure:	010-050-0720-8852	Airport Fund Balance Reserves	\$40,626.00
Increase Expenditure:	010-050-0720-6594	Interfund Transfer - Expenditure	\$40,626.00
Increase Revenue:	270-050-A107-4960	Interfund Transfer - Revenue	\$40,626.00
Increase Expenditure:	270-050-A107-6312	Consultant Services	\$40,626.00
Increase Encumbrance			
GAE 27001252209:	270-050-A107-6312	Consultant Services	\$40,626.00

24. To approve a multi-year Breeze System Participation Agreement with Metropolitan Atlanta Rapid Transit Authority for the utilization of the Breeze Mobile Fare Collection System for CobbLinc transit services.

To **approve** a multi-year Breeze System Participation Agreement with Metropolitan Atlanta Rapid Transit Authority, in an amount not to exceed \$118,467.00 for the initial three-year term, for utilization of the Breeze Mobile Fare Collection System for CobbLinc transit services, effective October 1, 2023, through September 30, 2026; **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-T086-8005	Preliminary Estimate	\$118,467.00
Transfer to:	203-050-T086-6491	Annual Maintenance & Support Contracts	\$118,467.00

25. **To approve Change Order No. 1 (final) to the contract with Hi-Lite Airfield Services, LLC for Airfield Maintenance at Cobb County International Airport – McCollum Field, CCDOT Contract No. 001927.**

To **approve** Change Order No. 1 (final) to the contract with Hi-Lite Airfield Services, LLC, a savings to the project in the amount of \$25,506.41, for Airfield Maintenance at Cobb County International Airport – McCollum Field, CCDOT Contract No. 001927; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the Grant Fund, with the following budget transfer:

Decrease Encumbrance			
GAE 27006142219:	270-050-A106-8762	Turnkey Construction	\$25,506.41
Transfer from:	270-050-A106-8762	Turnkey Construction	\$25,506.41
Transfer to:	270-050-A106-8005	Preliminary Estimate	\$25,506.41

Support Services Agency

Fleet Management

26. **To authorize the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted or Cooperative Pricing Agreements, for the procurement of replacement vehicles, trailers, and equipment per Fleet Management’s prioritized Vehicle Replacement Schedule throughout FY2024.**

To **authorize** the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted or Cooperative Pricing Agreements, for the procurement of replacement vehicles, trailers, and equipment in FY2024 per Fleet Management’s prioritized Vehicle Replacement Schedule, in an amount not to exceed \$6,000,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the FY2024 Fleet Management Capital and Accountable Equipment Budget and is not related to SPLOST funding.

010-060-1650-084-8605	Autos, Vans, Trucks, & Motorcycles	\$6,000,000.00
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Public Safety Agency

Police Department

27. **To approve a Restated and Renewed Memorandum of Agreement with the Georgia Department of Driver Services to provide space for motorcycle safety training.**

To **approve** a Restated and Renewed Memorandum of Agreement with the Georgia Department of Driver Services to provide space for motorcycle safety training; **authorize** the continued appropriation of revenue generated by the rental agreement, and **further authorize** the Chairwoman to execute the necessary documents.

Revenues associated with this agreement are appropriated as a standard restricted reserve item within the Training Center's annual budget.

Increase revenue:	010-130-3900-4870	Rental of Real Estate
Increase expenditure:	010-130-3900-8818	Standard Restricted Reserve Contingency

28. **To approve a First Amendment of Sub-Grant Agreement with the Atlanta Regional Commission for a Video Integration Center.**

To **approve** a First Amendment of Sub-Grant Agreement with the Atlanta Regional Commission for a Video Integration Center, and **further authorize** the Chairwoman to execute all necessary documents.

Fire and Emergency Services

29. **To authorize the appointment of Jake Lonas, Vice President of Operations for Puckett EMS, to serve the remaining term of Pete Quinones from September 26, 2023, to June 30, 2024, and Deputy Fire Marshall Jason Garner to serve the remaining term of Thomas Bates from September 26, 2023, to June 30, 2025, to the Georgia Region III EMS Council.**

To **authorize** the following appointments to the Georgia Region III EMS Council; Jake Lonas, Vice President of Operations for Puckett EMS, for a term-balance to expire on June 30, 2024. This appointment will replace Pete Quinones; Deputy Fire Marshall Jason Garner for a term-balance to expire June 30, 2025. This appointment will replace Thomas Bates; and **further authorize** the Chairwoman to execute any necessary documents.

911 Emergency Communications

30. **To approve a hardware upgrade and extend the previous five-year Maintenance and Support Agreement for the Motorola Solutions PremierOne Computer Aided Dispatch System for the Cobb County Department of Emergency Communications.**

To **approve** a hardware upgrade and six-year Maintenance and Lifecycle agreement for the Motorola Solutions PremierOne Computer Aided Dispatch (CAD) System for the Cobb County Department of Emergency Communications; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to sign the necessary documents.

Funding is available in the FY2024 budget as follows:

260-130-0200-6491	(Annual Contracts and Maintenance Agreements)	\$362,623.27
010-035-0400-6491	(Annual Contracts and Maintenance Agreements)	\$122,576.88
230-130-1000-6491	(Annual Contracts and Maintenance Agreements)	\$ 25,536.85

Community Development

31. **To review, in accordance with Section 6-207 of the Alcoholic Beverage Ordinance, a summary of the show cause hearing conducted on September 7, 2023, by the Cobb County License Review Board for Christian Quinteros.**

To **review** the summary of the Show Cause Hearing of September 7, 2023, for Christian Quinteros, and **affirm** the decision of the License Review Board to revoke his alcohol permit.

32. **To review, in accordance with Section 6-207 of the Alcoholic Beverage Ordinance, a summary of the show cause hearing conducted on September 7, 2023, by the Cobb County License Review Board for Rina Ahmed.**

To **review** the summary of the Show Cause Hearing of September 7, 2023, for Ms. Ahmed, and **affirm** the decision of the License Review Board to suspend Rina Ahmed's alcohol permit for three days.

33. **To review, in accordance with Section 6-207 of the Alcoholic Beverage Ordinance, a summary of the show cause hearing conducted on September 7, 2023, by the Cobb County License Review Board for Akalewoled Bonesa.**

To **review** the summary of the Show Cause Hearing of September 7, 2023, for Mr. Bonesa, and **affirm** the decision of the License Review Board to suspend Akalewoled Bonesa's alcohol permit for 10 days.

34. **To review, in accordance with Section 6-207 of the Alcoholic Beverage Ordinance, a summary of the show cause hearing conducted on September 7, 2023, by the Cobb County License Review Board for Angel Busch.**

To **review** the summary of the Show Cause Hearing of September 7, 2023, for Mr. Busch, and **affirm** the decision of the License Review Board to suspend Angel Busch's alcohol permit for five days.

35. **To review, in accordance with Section 6-207 of the Alcoholic Beverage Ordinance, a summary of the show cause hearing conducted on September 7, 2023, by the Cobb County License Review Board for Bhupendra Gurung.**

To **review** the summary of the Show Cause Hearing of September 7, 2023, for Mr. Gurung, and **affirm** the decision of the License Review Board to suspend Bhupendra Gurung alcohol permit for three days.

Economic Development

36. **To adopt a resolution authorizing the Cobb County Kennestone Hospital Authority to issue its Revenue Anticipation Certificates in one or more series for the benefit of Wellstar Health System, Inc., a Georgia nonprofit corporation, or one or more of its tax-exempt nonprofit affiliates.**

To **approve** a resolution authorizing Cobb County Kennestone Hospital Authority to issue its Revenue Anticipation Certificates in one or more series and in one or more years in an amount not to exceed \$48,000,000.00 in aggregate principal amount for the purposes described above; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Risk Management

37. **To authorize the Risk and Safety Department to bind insurance coverage for Property Insurance including Boiler Machinery, Excess Casualty, Crime Insurance, Fiduciary Liability, Cyber Liability, Excess Cyber Liability, Aviation Liability, Marine Liability, Terrorism Insurance, and Mable House Historic Property Insurance coverage effective October 1, 2023.**

To **authorize** the Risk and Safety Department to bind insurance coverage for Property Insurance including Boiler Machinery, Excess Casualty, Crime Insurance, Fiduciary Liability, Cyber Liability, Aviation Liability, Marine Liability, Terrorism Insurance, and Mable House Historic Property Insurance coverage effective October 1, 2023, and **authorize** the Chairwoman to execute all document necessary.

Funding is available in the FY24 adopted budget.

38. To approve all interfund transfers for claims and safety equipment purchases to allow Risk Management to reimburse the appropriate departments.

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

Water - Safety Equipment

Decrease Expenditure	710-055-8011-6207	Safety Supplies	\$ 3,587.66
Increase Expenditure	710-055-8011-6594	Interfund Expense	\$ 3,587.66
Increase Revenue	500-500-5205-4960	Interfund Revenue	\$ 3,587.66
Increase Expenditure	500-500-5205-6207	Safety Supplies	\$ 3,555.66
Increase Expenditure	500-500-5205-6577	Freight & Shipping	\$ 32.00

Finance - Claim 23-01364

Decrease Expenditure	710-055-8011-6608	Casualty & Liability	\$134,726.01
Increase Expenditure	710-055-8011-6594	Interfund Expense	\$134,726.01
Increase Revenue	010-014-0140-4960	Interfund Revenue	\$134,726.01
Increase Expenditure	010-014-0140-6571	Bad Debt Expense	\$134,726.01

Elections - MoveSafe - Occupational Safety

Decrease Expenditure	710-055-8011-6207	Safety Supplies	\$ 1,150.00
Increase Expenditure	710-055-8011-6594	Interfund Expense	\$ 1,150.00
Increase Revenue	010-235-9716-841-4960	Interfund Revenue	\$ 1,150.00
Increase Expenditure	010-235-9716-841-6326	Professional Services	\$ 1,150.00

Finance

39. 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.

40. **To authorize all budget transactions necessary for the final close-out of the FY2023 budgets of the General Fund and other Operating Funds.**

To **authorize** all budget transactions necessary for the final close-out of the FY2023 budgets of the General Fund and other operating funds, and **direct** the County Manager to review and bring these transactions before the Board of Commissioners for final approval at a later date.

As necessary for the FY2023 year-end close-out of the General Fund and other operating funds:

Increase/Decrease Revenue Appropriations to match actual receipts
Increase/Decrease Expenditure Appropriations to match actual expenditures
Increase Fund Balance/Retained Earnings Appropriations to prevent deficits

41. **To approve the Acknowledgment of Termination of Intergovernmental Contract to be made and entered into by and between Cobb County (the “County”) and the Cobb Marietta Coliseum and Exhibit Hall Authority (the “Authority”) related to the payment in full of the Authority's Series 2009 Junior Lien Bonds and the termination of the 2009 Junior Lien Funding Agreement.**

To **approve** the Acknowledgment of Termination of Intergovernmental Contract to be made and entered into by and between Cobb County (the “County”) and the Cobb Marietta Coliseum and Exhibit Hall Authority (the “Authority”) related to payment in full of the Series 2009 Junior Lien Bonds and the termination of the 2009 Junior Lien Funding Agreement; and **further authorize** the Chairwoman to execute the necessary documents.

CDBG

42. **To amend Program Years 2019, 2020, 2021, 2022 and 2023 Annual Action Plans for the reallocation of unexpended Community Development Block Grant program and Home Investment Partnerships program funds.**

To **authorize** the amendment to Program Years 2019, 2020, 2021, 2022, and 2023 Annual Action Plans for the reallocation of unexpended Community Development Block program and Home Investment Partnerships program funds; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

The budget appropriation shown in Attachment A & B account for the transfer of unexpended CDBG and HOME programs to other eligible activities. A copy of attachments A & B are attached and made a part of these minutes.

CobbWorks

43. To approve an Adult Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide additional funding for education, training, and employment services for Adult Programs. .

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

Funding for this Workforce Innovation and Opportunity Act grant will be appropriated in the WIOA Fund as follows: Grant #: AFR1-11-21-21-03-004 (PY 2021 Adult Program)

Increase Revenue:	276-120-21AA- WP21AA-A-4430	Other Federal Revenue	\$15,000.00
Increase Expenditure:	276-120-21AA-WP21AA-A-various	Admin	\$15,000.00
Increase Revenue:	276-120-21AP-WP21AP-P-4430	Other Federal Revenue	\$135,000.00
Increase Expenditure:	276-120-21AP-WP21AP-P-various	Program	\$135,000.00

44. To approve a 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 the Dislocated Worker Program.

To **approve** a Dislocated Worker Program grant award, in the amount of \$300,000.00, 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** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for this Workforce Innovation and Opportunity Act grant will be appropriated in the WIOA Fund as follows: Grant #: AFR1-31-21-22-03-004 (FY 2022 Dislocated Worker Program)

Increase Revenue:	276-120-22DA-WF22DA-A-4430	Other Federal Revenue	\$ 30,000.00
Increase Expenditure:	276-120-22DA-WF22DA-A-various	Admin	\$ 30,000.00
Increase Revenue:	276-120-22DP-WF22DP-P-4430	Other Federal Revenue	\$270,000.00
Increase Expenditure:	276-120-22DP-WF22DP-P-various	Program	\$270,000.00

County Clerk

45. To approve minutes.

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

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

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

REGULAR AGENDA

County Manager

46. To approve Change Order Number 4 with Deloitte Consulting LLP to secure the third year option for 2021 American Rescue Plan Act Consulting Services.

Motion by Cupid, second by Richardson, to **approve** Change Order Number 4 with Deloitte Consulting LLP in an amount not to exceed \$2,600,000.00 to secure the third year option for 2021 American Rescue Plan Act Consulting Services; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	279-055-ARAD-8820	ARPA Contingency	\$2,600,000.00
Increase Expenditure:	279-020-AR13-6312	Consulting Services	\$2,600,000.00

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

47. To approve the Cobb County Strategic Plan - 2023-2028.

Motion by Cupid, second by Sheffield, to **approve** the Cobb County Strategic Plan - 2023-2028. A copy of the approved Strategic Plan - 2023-2028 is on file in the office of the County Clerk.

VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrill opposed (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

Transportation

48. To approve a contract with Chatfield Contracting, Inc., for drainage system repairs on French's Point, Project No. B2260, CCDOT Contract No. 002040.

Motion by Gambrill, second by Richardson, to **approve** a contract with Chatfield Contracting, Inc., in an amount not to exceed \$161,567.88, for drainage system repairs on French's Point, Project No. B2260, CCDOT Contract No. 002040; **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	\$151,567.88
Transfer to:	348-050-B220-B220-8762-B2260-C	Turnkey Construction	\$151,567.88

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.

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

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

Budget:	\$10,053,789.35	Encumbered/Expended:	\$6,127,704.41
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Available in the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$12,000.00
Transfer to:	French's Point Drainage - Utility Allow.		
	510-500-5756-6496-W5082-C	Drainage Contract R&M Svc.	\$10,000.00
	510-500-5756-8265-W5082-M	Materials and Supplies	\$ 1,500.00
	510-500-5756-8810-W5082-T	Contingency	\$ 500.00
		Total:	\$12,000.00

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

49. **To approve Amendment - Work Authorization II to the Program Management Agreement with Atkins North America, Inc., for program management services for the 2022 SPLOST Transportation Improvement Program and for continuation of the 2011 and 2016 SPLOST Transportation Improvement Programs, CCDOT Contract No. 001762.**

Motion by Cupid, second by Richardson, to **approve** an Amendment - Work Authorization II to the Program Management Agreement with Atkins North America, Inc., in an amount not to exceed \$27,582,950.90, for program management services for the 2022 SPLOST Transportation Improvements Program and for continuation of the 2011 and 2016 SPLOST Transportation Improvements Programs, to include limited general engineering services and services for individual major infrastructure projects, transit programs, and airport programs, effective January 1, 2024, through December 31, 2025, CCDOT Contract No. 001762; and **authorize** the Chairwoman to execute the necessary documents.

Available in the respective SPLOST Transportation Improvements Program Fund and Public Facility Projects Fund approved budgets, as follows:

Available: 345-050-Various Units/Subunits/Projects	2011 SPLOST TIP Fund	\$ 2,000,000.00
347-050-Various Units/Subunits/Projects	2016 SPLOST TIP Fund	\$ 4,500,000.00
348-050-Various Units/Subunits/Projects	2022 SPLOST TIP Fund	\$20,081,475.90
380-050-4655-4655-8721-TR539-E	Public Facility Projects Fund	\$ 1,001,475.00

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

50. **To adopt a resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application to the U.S. Department of Transportation for the Cumberland Community Improvement District Autonomous Vehicle Pilot Program.**

Motion by Richardson, second by Birrell, to **adopt** a resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application to the U.S. Department of Transportation for the Cumberland Community Improvement District's Autonomous Vehicle Pilot Program; **designate** Drew Raessler and Mark Lambert as the authorized Department representatives for all matters associated with the SMART 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 4-1**, Commissioner Gambrill opposed (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

51. **To ratify previous action by the County Manager authorizing emergency drainage repairs on Lake Somerset Drive and approve Project No. B22100 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC for said repairs, CCDOT Contract No. 002224.**

Motion by Gambrill, second by Richardson, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Lake Somerset Drive, in response to a sinkhole; **approve** Project No. B22100 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC, in an amount not to exceed \$215,599.00, for said repairs, CCDOT Contract No. 002224; **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	\$190,599.00
Transfer to:	348-050-B220-B220-8762-B22100-C	Turnkey Construction	\$190,599.00

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

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

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

Budget:	\$10,053,789.35	Encumbered/Expended:	\$6,127,704.41
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Available in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$28,000.00
Transfer to:	253 Lake Somerset Drive Emrg. -	Util. Allow.	
	510-500-5756-6496-W5085-C	Drainage Contract R&M Svc.	\$25,000.00
	510-500-5756-8265-W5085-M	Materials and Supplies	\$ 2,500.00
	510-500-5756-8810-W5085-T	Contingency	<u>\$ 500.00</u>
		Total:	\$28,000.00

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

52. **To approve Change Order No. 1 (final) to Project No. B2278 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for emergency drainage repairs on Fairgreen Drive, CCDOT Contract No. 002099.**

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to Project No. B2278 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$56,627.99, for emergency drainage repairs on Fairgreen Drive, CCDOT Contract No. 002099; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34802282328: 348-050-B220-B220-8762-B2278-C Turnkey Construction \$41,420.85

Transfer from: 348-050-B220-B220-8762-B2278-C Turnkey Construction \$41,420.85

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$41,420.85

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.

Fairgreen Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

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

Budget:	\$10,053,789.35	Encumbered/Expended:	\$6,127,704.41
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A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget and the Water System Stormwater Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51002282328: 510-500-5756-6496-W5073-C Drainage Contract R&M Svc. \$15,207.14

Transfer from: 4111 Fairgreen Drive Emrg. - Util. Allow.
510-500-5756-6496-W5073-C Drainage Contract R&M Svc. \$15,207.14

Transfer to: DOT Projects - Relocate Lines
510-500-5756-8005-W4069-Z Preliminary Estimate \$ 8,000.00
Stormwater Multi-Year Budget
510-500-5758-6496-SW9999-Z Drainage Contract R&M Svc. \$ 7,207.14
Total: \$15,207.14

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

53. **To approve Change Order No. 1 (final) to Project No. B2283 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for emergency drainage repairs on Chimney Swift Circle, CCDOT Contract No. 001632.**

Motion by Birrell, second by Sheffield, to **approve** Change Order No. 1 (final) to Project No. B2283 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$42,991.16, for emergency drainage repairs on Chimney Swift Circle, CCDOT Contract No. 001632; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34804112329: 348-050-B220-B220-8762-B2283-C Turnkey Construction \$42,178.45

Transfer from: 348-050-B220-B220-8762-B2283-C Turnkey Construction \$42,178.45

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$42,178.45

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.

Chimney Swift Circle is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

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

Budget: \$10,053,789.35 Encumbered/Expended: \$6,127,704.41

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51004112329: 510-500-5756-6496-W5075-C Drainage Contract R&M Svc. \$ 812.71

Transfer from: Chimney Swift Circle - Utility Allow.

510-500-5756-6496-W5075-C Drainage Contract R&M Svc. \$ 812.71

510-500-5756-8265-W5075-M Materials and Supplies \$1,500.00

510-500-5756-8810-W5075-T Contingency \$ 500.00

Total: \$2,812.71

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z Preliminary Estimate \$2,812.71

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

54. **To approve Change Order No. 1 (final) to the contract with Tidwell Construction Company for Mars Hill Road over Allatoona Creek, Project No. X2115, CCDOT Contract No. 001539.**

Motion by Gambrill, second by Richardson, to **approve** Change Order No. 1 (final) to the contract with Tidwell Construction Company, a savings to the contract in the amount of \$5.90, for Mars Hill Road over Allatoona Creek, Project No. X2115, CCDOT Contract No. 001539; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvement Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34701242337:	347-050-X210-X210-8762-X2115-C	Turnkey Construction	\$5.90
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Transfer from:	347-050-X210-X210-8762-X2115-C	Turnkey Construction	\$5.90
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Transfer to:	347-050-X210-X210-8761-X2115-C	Preliminary Estimate	\$5.90
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The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Bridges and Culverts.

Mars Hill Road over Allatoona Creek is an eligible project/program under the Infrastructure Preservation – Bridges and Culverts Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 12).

SPLOST Project Summary as of September 1, 2023: Mars Hill Road over Allatoona Creek

Budget:	\$1,011,458.11	Expended:	\$987,042.39
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VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

55. **To approve Change Order No. 1 (final) to the contract with Traffic Calming USA, LLC for Resurfacing – 2022 Countywide High Friction Surface Treatment, Project No. X2920, CCDOT Contract No. 001967.**

Motion by Cupid, second by Richardson, to **approve** Change Order No. 1 (final) to the contract with Traffic Calming USA, LLC, a savings to the project in the amount of \$67,173.65, for Resurfacing – 2022 Countywide High Friction Surface Treatment, Project No. X2920, CCDOT Contract No. 001967; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34711172224: 347-050-X290-X290-8762-X2920-C Turnkey Construction \$67,173.65

Transfer from: 347-050-X290-X290-8762-X2920-C Turnkey Construction \$67,173.65

Transfer to: 347-050-X290-X290-8005-X2900-A Preliminary Estimate \$67,173.65

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Resurfacing.

Resurfacing – 2022 Countywide High Friction Surface Treatment is an eligible project/program under the Infrastructure Preservation – Resurfacing Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 8).

SPLOST Component Summary as of September 1, 2023: Resurfacing

Budget:	\$98,004,568.00	Encumbered/Expended:	\$95,786,828.96
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

56. To approve a contract with Lumin8 Transportation Technologies, LLC for the installation of closed-circuit television cameras for Incident Management – CCTV Cameras, Project No. B2521, CCDOT Contract No. 002232.

Motion by Cupid, second by Richardson, to **approve** a contract with Lumin8 Transportation Technologies, LLC, in an amount not to exceed \$88,190.00, for the installation of closed-circuit television cameras for Incident Management – CCTV Cameras, Project No. B2521, CCDOT Contract No. 002232; **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-B250-B250-8005-B2520-A	Preliminary Estimate	\$88,190.00
Transfer to:	348-050-B250-B250-8762-B2521-C	Turnkey Construction	\$88,190.00

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, Traffic Management, Transportation Technology, and Planning.

Incident Management is an approved project/program under the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (Cobb County 2022 Cobb SPLOST Renewal, pp. 1, 18). SPLOST funding for Traffic Management, Transportation Technology, and Planning will be used to replace and upgrade the county's traffic signal infrastructure, install traffic signals at locations that satisfy traffic signal warrant(s) as established in the current version of the Manual on Uniform Traffic Control Devices, optimize the operation of the traffic system, improve the county's transportation technology systems, and develop long/short-term planning strategies.

SPLOST Project Summary as of September 1, 2023: Incident Management - CCTV Cameras

Budget:	\$197,473.35	Expended:	\$197,473.35
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$285,663.35
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VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

57. **To approve an Intergovernmental Agreement with Cobb County Board of Education for the donation of temporary construction and driveway easements for Old Alabama Road Sidewalk, Project No. X2769.**

Motion by Sheffield, second by Birrell, to **approve** an Intergovernmental Agreement with Cobb County Board of Education for the donation of temporary construction and driveway easements needed on a tract of land identified as Parcel No. 43, Tax Parcel No. 18015300030, 18th District, Second Section of Cobb County, Georgia, for Old Alabama Road Sidewalk, Project No. X2769; **authorize** acceptance of the donation of required easements for said project; and **further authorize** the Chairwoman to execute the necessary documents.

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

Public Services Agency

PARKS

58. **To approve a contract with United Pool Construction, LLC to provide construction services for Improvements to Aquatic Centers under the 2022 PARKS SPLOST Program.**

Motion by Gambrill, second by Birrell, to **approve** a contract with United Pool Construction, LLC in an amount not to exceed \$1,315,000.00 for Parks Building Renovations and Improvements – Central, Mountain View, South Cobb and West Cobb Aquatic Centers, **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman of the Board of Commissioners to execute the necessary documents.

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

348-105-B065-B0653-C-8110	Building Renovations and Improvements	\$1,315,000.00
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SPLOST Project Summary as of September 1, 2023:

Building Renovations and Imp.

Budget:	\$4,500,000.00	Expended to Date:	\$ 836,893.89
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

59. **To approve a purchase order with Johnson, Laschober & Associates, PC for Professional Design Services for Stormwater Pond Repair at Lost Mountain Park, located at 4845 Dallas Highway, Powder Springs, under the 2022 PARKS SPLOST Program.**

Motion by Gambrill, second by Richardson, to **approve** a purchase order with Johnson, Laschober & Associates, PC in an amount not to exceed \$53,650.00, for Professional Services for Design of Stormwater Pond Repair for Lost Mountain Park, under the 2022 PARKS SPLOST Program, **authorize** the corresponding budget transactions, and **further authorize** the Director of Purchasing to execute the necessary documents.

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

348-105-B065-B0657-E-8033 (Parks Site, Erosion, Lake/Dam Improvements) \$53,650.00

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

Improvements to the dam at Lost Mountain Park is an eligible project under the 2022 PARKS SPLOST Program (Cobb County 2022 SPLOST, Page 32). Improvements will ensure the stormwater management function of the lake as well as provide excellent recreation opportunities for fishing and other activities.

SPLOST Project September 1, 2023

Budget:	\$500,000.00	Expended to Date:	\$127,927.54
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

PUBLIC COMMENT

1. Magaglie Awosika addressed the Board regarding Amana Academy Modular request.
2. Nour Eddme Ouazzi addressed the Board regarding Amana Academy Modular request.
3. Monica Delancy addressed the Board regarding the Riverside Community.

APPOINTMENTS

60. **To announce the reappointment of Susan Hampton to the Neighborhood Safety Commission.**

Commissioner Birrell **announced** the reappointment of Susan Hampton to the Neighborhood Safety Commission for the term balance to expire on September 30, 2026.

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 26, 2023
7:00 PM**

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ADJOURNMENT

The meeting was adjourned at 8:54 p.m.



Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement

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

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

Commissioner Gambrell's statement

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

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

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

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

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

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

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

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

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

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

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

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 26th of September 2023

Attachment A: CDBG Program Reallocations

Transfer Type	Budget Line	Organization/Project Description	Amount
Transfer from:	285-390-CD21-C21FH-P-6574	Fair Housing Education	\$ 29,303.01
Transfer to:	285-390-CD21-C21ZK-F-6574	Zion Keepers Inc Public Facility Acquisition/ Renovation	\$ 29,303.01
Transfer from:	285-390-CD22-C22FH-P-6574	Fair Housing Education	\$ 15,000.00
Transfer to:	285-390-CD22-C22ZK-F-6574	Zion Keepers Inc Public Facility Acquisition/ Renovation	\$ 15,000.00
Transfer from:	285-390-CD22-C22CS-S-6574	Cobb County Rehabilitation Grants	\$ 55,696.99
Transfer to:	285-390-CD22-C22ZK-F-6574	Zion Keepers Inc Public Facility Acquisition/ Renovation	\$ 55,696.99
		Total	\$ 100,000.00

Attachment B: HOV... Program Reallocations

Transfer Type	Budget Line	Organization/Project Description	Amount
Transfer from:	28/ 390 HM19 H19HA R 6618	Traveler's Aid of Metropolitan Atlanta, Inc. - Tenant Based Rental Assistance	\$ 49,972.38
Transfer to:	28/ 390 HM19 H19/K R 6618	Zion Keepers - Tenant Based Rental Assistance	\$ 49,972.38
2019 Subtotal			\$ 49,972.38
Transfer from:	28/ 390 HM20 H20HA R 6618	Traveler's Aid of Metropolitan Atlanta, Inc. - Tenant Based Rental Assistance	\$ 25,000.00
Transfer to:	28/ 390 HM20 H20/K R 6618	Zion Keepers - Tenant Based Rental Assistance	\$ 25,000.00
Transfer from:	28/ 390 HM20 H20HA R 6618	Traveler's Aid of Metropolitan Atlanta, Inc. - Tenant Based Rental Assistance	\$ 25,000.00
Transfer to:	28/ 390 HM20 H20/CY R 6618	LiveSAFE Resources - Tenant Based Rental Assistance	\$ 25,000.00
2020 Subtotal			\$50,000.00
Transfer from:	28/ 390 HM21 H21RM C 6617	City of Roswell CHDO Activities (15%)	\$ 13,784.62
Transfer to:	28/ 390 HM21 H21CI C 6617	Cobb CHDO Reserves (15%) CHDO Activities	\$ 13,784.62
Transfer from:	28/ 390 HM21 H21WM O 6617	City of Roswell CHDO Operating (5%)	\$ 4,594.87
Transfer to:	28/ 390 HM21 H21BI O 6617	Cobb CHDO Operating (5%) CHDO Operating	\$ 4,594.87
Transfer from:	28/ 390 HM21 H21R9 U 6619	City of Roswell Affordable Housing Activities	\$ 64,325.21
Transfer to:	28/ 390 HM21 H21CI C 6618	Cole Street Development Corporation Acquisition & Rehabilitation Rental	\$ 64,325.21
Transfer from:	28/ 390 HM21 H21RA A 6619	City of Roswell Program Administration	\$ 4,594.87
Transfer to:	28/ 390 HM21 H21CA A 6619	Cobb County Program Administration	\$ 4,594.87
2021 Subtotal			\$ 87,299.57
Transfer from:	28/ 390 HM22 H22RM C 6617	City of Roswell CHDO Activities (15%)	\$ 17,561.41
Transfer to:	28/ 390 HM22 H22CI C 6617	Cobb CHDO Reserves (15%) CHDO Activities	\$ 17,561.41
Transfer from:	28/ 390 HM22 H22WM O 6617	City of Roswell CHDO Operating (5%)	\$ 5,853.80
Transfer to:	28/ 390 HM22 H22BI O 6617	Cobb CHDO Operating (5%) CHDO Operating	\$ 5,853.80
Transfer from:	28/ 390 HM22 H22R9 U 6619	City of Roswell Affordable Housing Activities	\$ 81,953.23
Transfer to:	28/ 390 HM22 H22CI C 6618	Cole Street Development Corporation Acquisition & Rehabilitation Rental	\$ 81,953.23
Transfer from:	28/ 390 HM22 H22RA A 6619	City of Roswell Program Administration	\$ 5,853.80
Transfer to:	28/ 390 HM22 H22CA A 6619	Cobb County Program Administration	\$ 5,853.80
2022 Subtotal			\$ 111,222.24
Transfer from:	28/ 390 HM23 H23RM C 6617	City of Roswell CHDO Activities (15%)	\$ 16,853.42
Transfer to:	28/ 390 HM23 H23CI C 6617	Cobb CHDO Reserves (15%) CHDO Activities	\$ 16,853.42
Transfer from:	28/ 390 HM23 H23WM O 6617	City of Roswell CHDO Operating (5%)	\$ 5,617.81
Transfer to:	28/ 390 HM23 H23BI O 6617	Cobb CHDO Operating (5%) CHDO Operating	\$ 5,617.81
Transfer from:	28/ 390 HM23 H23R9 U 6619	City of Roswell Affordable Housing Activities	\$ 78,649.31
Transfer to:	28/ 390 HM23 H23CI C 6618	Cole Street Development Corporation Acquisition & Rehabilitation Rental	\$ 78,649.31
Transfer from:	28/ 390 HM23 H23RA A 6619	City of Roswell Program Administration	\$ 5,617.81
Transfer to:	28/ 390 HM23 H23CA A 6619	Cobb County Program Administration	\$ 5,617.81
2023 Subtotal			\$ 106,738.35

RESOLUTION

Resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application to the U.S. Department of Transportation for the Cumberland Community Improvement District Autonomous Vehicle Pilot Program.

WHEREAS, the U.S. Department of Transportation (USDOT) is holding a solicitation for Strengthening Mobility and Revolutionizing Transportation (SMART) discretionary grant program project funding proposals; and

WHEREAS, on August 8, 2023, the USDOT announced a Fiscal Year 2023 call for projects; and

WHEREAS, applications are due by October 10, 2023, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, the County is an eligible applicant and agrees to submit an application for financial assistance with preliminary engineering and further planning to advance, develop, and design the Autonomous Vehicle (AV) Pilot Program, a consolidated initiative to enhance various transportation modes and explore innovative transit solutions and technology; and

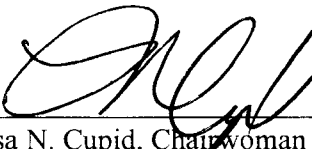
WHEREAS, the total requested for the continuation of the AV Pilot Program SMART grant is \$2,000,000.00 of federal funds, which does not require a local match.

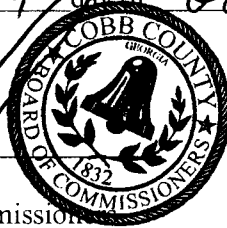
NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a SMART grant application to the USDOT for the aforementioned project on behalf of the Cumberland Community Improvement District.

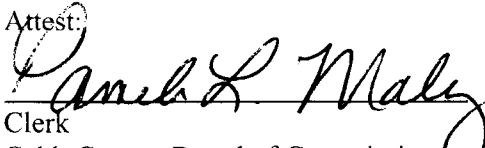
CERTIFICATION

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 September 26, 2023.

This 4 day of October, 2023


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

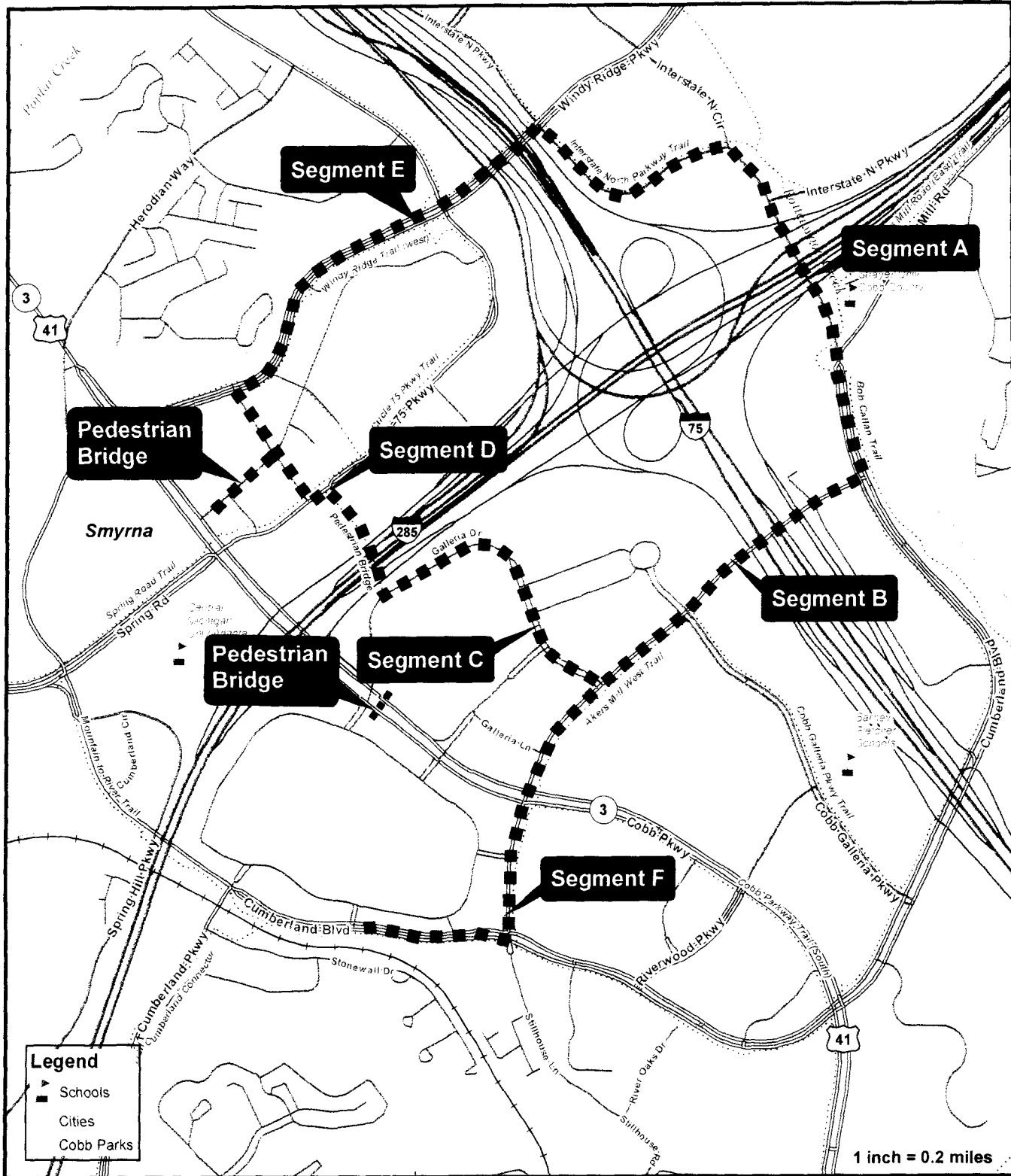


Attest:

Pamela L. Maly
Clerk
Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

9/26/23

LOCATION MAP



Department of Transportation

PROJECT:
Cumberland Community Improvement District
Autonomous Vehicle Pilot Program

DATE: September 26, 2023



Notes: Commission District 2