

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 24, 2023
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, October 24, 2023 at 7:00 p.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.

PRESENTATIONS

1. **Withdrawal of request to present a proclamation recognizing Indigenous Peoples' Day in Cobb County.**

This item was withdrawn from the agenda.

2. **To present a proclamation declaring October as *Filipino American History Month* in Cobb County.**

Chairwoman Cupid presented a proclamation declaring October as *Filipino American History Month* in Cobb County.

3. **To present a Certificate of Appreciation to Cobb County HS student Angelice Wood in recognition of her efforts in addressing Anti-Bullying.**

Chairwomen Cupid presented a Certificate of Appreciation to South Cobb High School student Angelice Wood in recognition of her efforts in addressing Anti-Bullying.

4. **To present a Certificate of Achievement to the Cobb Police Athletic League (PAL) Track and Field Team.**

Commissioner Gambrill presented Certificates of Achievement to the Cobb Police Athletic League (PAL) Track and Field Team, who won two National Titles (first place), two All American honors (top 8), and seven top 24 finishes.

5. **To present a proclamation designating Cobb County as a Green Light for Veterans County.**

Commissioner Birrell presented a proclamation designating November 6 - 12, 2023 as *Green Light for Veterans Week* in Cobb County.

6. **To present a proclamation declaring October as Substance Abuse Prevention Awareness Month in Cobb County.**

Commissioner Sheffield presented a proclamation declaring October as *Substance Abuse Prevention Awareness Month* in Cobb County.

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 Gambrill'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).

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 24, 2023
7:00 PM**

Page | 3

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.

MOTION TO ADD NON-AGENDA ITEM

Motion by Cupid, second by Richardson, to **approve** the addition of the following Regular Item to be heard following the County Managers Tab (See Item 39 of these minutes).

- *To approve a Memorandum of Understanding between Cobb County, The Center for Family Resources, and Cobb County Magistrate Court for an eviction diversion program*

VOTE: ADOPTED 5-0

Clerk's Note: Chairwoman Cupid announced the PARKS Regular Item 45 would be moved forward in the agenda and heard following Public Comment. (See item 9 of these minutes).

PUBLIC HEARING

7. **To conduct the second public hearing and approve the proposed amendments to Part I, Chapter 10 (Animals), Chapter 50 (Environment), 78 (Licenses, Permits and Businesses), 134 (Zoning), and Part II Chapter 2 (Administration).**

Jessica Guinn, Community Development Agency Director, presented information regarding the recommended changes to the proposed amendments to Part I, Chapter 10 (Animals), Chapter 50 (Environment), Chapter 78 (Licenses, Permits and Businesses), Chapter 134 (Zoning), and Part II Chapter 2 (Administration). A copy of the approved code amendments are attached and made a part of these minutes.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak to come forward to address the Board. Following six speakers, the Public Hearing was closed.

Chapter 10 - Animals

Motion by Cupid, second by Birrell, to **approve** the proposed amendments to *Chapter 10 - Animals, as revised and presented in draft amendment package version II, distributed October 18, 2023.*

VOTE: **ADOPTED 5-0**

Chapter 50 – Environment

Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Chapter 50 - Article III - Land disturbing activities, as revised and presented in draft amendment package version II, distributed October 18, 2023.*

VOTE: **ADOPTED 5-0**

Chapter 50 – Environment

Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Chapter 50 - Article VII - Noise, as revised and presented in draft amendment package version II, distributed October 18, 2023, and with the following additional amendments:*

- ***Chapter 50-258-8(8)- revised to read...*** Construction or repair of ~~buildings~~ **structures**. The erection (including excavation), demolition, alteration, or repair of any ~~building~~ **structures**, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, electric saws, drills, or any other equipment attended by loud noise, other than between the hours of 7:00 a.m. and 8:59 p.m., Monday through Saturday. ~~and for general maintenance and projects of dwellings and/or accessories on residentially zoned parcels which are not otherwise prohibited between 9:00 am and 6:59 pm on Sunday.~~
- ***Chapter 50-258-8 (16) Generators - revised to read.*** The ~~unnecessary running or~~ operation of generators, excluding portable and those ~~except those~~ specifically utilized in medical emergencies, during power outages, or those being tested or maintained for ongoing general upkeep, and those not in conflict with paragraph (6) of this section.

VOTE: **ADOPTED 5-0**

Chapter 78 – Licenses, Permits and Businesses

Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Chapter 78 - Article III. Division 9. – Precious Metals Dealers*, as revised and presented in draft amendment package version II, distributed October 18, 2023.

VOTE: **ADOPTED 5-0**

Chapter 78 – Licenses, Permits and Businesses

Motion by Cupid, second by Sheffield, to **approve** the proposed amendments to *Chapter 78 - Article III. Division 11.-Short-term rentals*, as revised and presented in draft amendment package version II, distributed October 18, 2023, and with the following additional amendments:

- Chapter 78, Section 78-407(e)(2)(d) **remove the following language** and any applicable ~~homeowners association or property owners' association~~

VOTE: **ADOPTED 5-0**

Chapter 134 - Zoning

Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Chapter 134 - Zoning*, and as revised and presented in draft amendment package version II, distributed October 18, 2023.

VOTE: **ADOPTED 5-0**

**Part II – State Enabling Legislation
Chapter 2 – Administration**

Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Part II Chapter 2 - Administration*, as revised and presented in draft amendment package version II, distributed October 18, 2023.

VOTE: **ADOPTED 5-0**

PUBLIC COMMENT

1. Imam Bashir Mundi addressed the Board in opposition to Item # 8 - proposed resolution.
2. Rev. Fahed AbuAled addressed the Board in opposition to Item #8 - proposed resolution.
3. Ibrahim Awad, Esq addressed the Board in opposition to Item # 8 - proposed resolution.
4. Sarah Quraishi addressed the Board in opposition to Item #8 - proposed resolution.
5. Ghata Elnajjar addressed the Board in opposition to Item #8 - proposed resolution.
6. Swalma El Shawa addressed the Board in opposition to Item #8 - proposed resolution.

Clerk's Note: By consensus of the Board, Consent Item 8 was moved forward for discussion as a regular agenda item.

BOC (District 3)

8. To approve a resolution declaring unwavering American support for Israel and the Jewish community.

Motion by Cupid to **hold** this item for additional discussions among the Board.

Revised Motion by Cupid to **hold** this item for additional discussions among the Board with the desire to hold a public forum on this topic and bring it back on the November 14, 2023 Regular Meeting.

Commissioner Gambrill made the following Substitute Motion.

Substitute Motion by Gambrill, second by Cupid, to **deny** Item 8 with the understanding that the Board of Commissioners will have meetings with members of the community to further discuss and bring it back at a later date.

VOTE: ADOPTED 5-0

Chairwoman Cupid called for a brief recess from 9:25 p.m. - 9:35 p.m.

Public Services Agency

PARKS

9. To authorize the allocation and transfer of approved FY2024 District 3 Capital Contingency to the 2022 SPLOST Program in support of the Cobb Veterans Memorial Project.

Motion by Birrell, second by Richardson, to **authorize** the allocation and transfer of approved FY2024 District 3 Capital Contingency to the 2022 SPLOST Program, in support of the Cobb Veterans Memorial Project; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	010-001-0123-8820	(District 3 Contingency)	\$1,000,000.00
Increase Expenditure:	010-001-0123-6594	(Interfund Expense)	\$1,000,000.00
Increase in Revenue:	348-105-B063-4960-B0632-C	(Interfund Revenue)	\$1,000,000.00
Increase Expenditure:	348-105-B063-8005-B0632-C	(Preliminary Estimates)	\$1,000,000.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for Public Services Community Impact Projects, and anticipated corresponding budget funding to address, inter alia, Veterans Memorial.

The construction of a county Veterans Memorial is a component of the 2022 SPLOST Program Fund (2022 Cobb SPLOST Renewal, pp. 7, 38).

SPLOST Project Summary as of September 1, 2023: Veterans Memorial

Budget:	\$1,000,000.00	Expended:	\$0.00
---------	----------------	-----------	--------

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed

CONSENT AGENDA

MOTION: Motion by Cupid, second by Sheffield, to **approve** the following items on the Consent Agenda, *as revised*; with exception to Consent Item 8, which was heard as a regular item (See item 8 of these minutes); and **authorize** execution of the necessary documents by the appropriate County personnel.

District Attorney

10. To authorize the application to the Criminal Justice Coordinating Council, FY2023 Violence Against Women Grant Program.

To **authorize** the electronic application to the Criminal Justice Coordinating Council, FY2023 Violence Against Women Grant Program by the District Attorney.

Should this grant be awarded, the District Attorney will submit an additional request to accept the funds with the necessary funding information.

Superior Court Administration

11. To authorize the application for American Rescue Plan Act (“ARPA”) grant funds from the Judicial Council of Georgia for the Cobb County Superior Court for CY 2024-2025.

To **authorize** the grant application for American Rescue Plan Act (“ARPA”) grant funds from the Judicial Council of Georgia for the Cobb County Superior Court; and **further authorize** the Chairwoman or the Superior Court Administrator to execute the necessary documents.

12. To authorize the transfer of funds from Juvenile Court to the Alternative Dispute Resolution Fund.

To **authorize** the transfer of funds in the amount of \$24,000.00 from the Juvenile Court 010-190-8950-8852 to the Alternative Dispute Resolution Fund 010-225-9540-8818; and **further authorize** the necessary budget transactions.

Decrease	010-190-8950-8852	\$24,000.00
Increase	010-225-9540-8852	\$24,000.00

Juvenile Court

13. To authorize the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council (CJCC) under the Victims of Crime Act (VOCA) Grant Program to support the Juvenile Court of Cobb County, Court Appointed Special Advocate (CASA) Program.

To **authorize** the acceptance and appropriation of funding from the Victims of Crime Act Grant Program for the period October 1, 2023 through September 30, 2024; authorize the transfer of all employees from Unit F073 to F080 in the grant fund; **authorize** the corresponding budget transactions; **authorize** Court Administrator Adolphus Graves to sign quarterly reimbursements on behalf of the County; and **further authorize** the Chairwoman to execute the necessary documents.

Increase revenue	270-190-F080-4467	(CJCC)	\$111,189.00
Increase expenditure	270-190-F080-6012	(Salaries)	\$ 53,580.00
	270-190-F080-6034	(FICA)	\$ 4,099.00
	270-190-F080-6052	(Workers Comp)	\$ 703.00
	270-190-F080-6044	(Retirement)	\$ 15,083.00
	270-190-F080-6036	(Medical Insurance)	\$ 26,218.00
	270-190-F080-6032	(Disability)	\$ 193.00
	270-190-F080-6038	(Life Insurance)	\$ 214.00
	270-190-F080-6054	(Dental)	\$ 431.00
	270-190-F080-6400	(Training)	\$ 3000.00
	270-190-F080-6326	(Professional Services)	\$ 4000.00
	270-190-F080-6258	(Accountable Equipment)	\$ 668.00
	270-190-F080-6394	(Registration Fee)	\$ 3000.00
		TOTAL	\$ 111,189.00

Water System

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

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Wade Coots Company, Inc., in the amount of \$111,176.00, for 3374 Emory Drive, Program No. SW2269; **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	\$111,176.00
-------------------------------	-------------------	----------	--------------

Transfer to:

3374 Emory Drive

Drainage Contract R&M Service	510-500-5758-6496	SW2269-C	\$111,176.00
-------------------------------	-------------------	----------	--------------

15. **To approve additional funding for Cobb County Water System utility improvement work associated with the City of Acworth Dallas Street Rehabilitation Water Main Replacement, Program No. W2414.**

To **approve** additional funding, in the amount of \$4,174.85, for Cobb County Water System utility improvement work associated with the City of Acworth Dallas Street Rehabilitation Water Main Replacement, Program No. W2414; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Increase Encumbrance:

GAE 51009142107	510-500-5754-8260	W2414-C	\$4,174.85
-----------------	-------------------	---------	------------

Transfer from:

Unidentified New/Replacement Water Mains

Preliminary Estimates	510-500-5754-8005	W1503-Z	\$4,174.85
-----------------------	-------------------	---------	------------

Transfer to:

City of Acworth Dallas Street Rehabilitation Water Main Replacement

Construction	510-500-5754-8260	W2414-C	\$4,174.85
--------------	-------------------	---------	------------

16. **To amend the Board of Commissioners previous action to approve Supplemental Agreement No. 2 to the agreement with Wiss, Janney, Elstner Associates, Inc. for South Cobb WRF Influent Lift Station Recovery Forensic Engineering Services, Program No. T5004.**

To **amend** the previous action to approve Supplemental Agreement No. 2 with Wiss, Janney, Elstner Associates, Inc., by approving a Restatement and Supplemental Agreement No. 2 for South Cobb WRF Influent Lift Station Recovery Forensic Engineering Services, Program No. T5004; and **authorize** the Chairwoman to execute the necessary documents.

Transportation

17. To approve a Construction Agreement with the Georgia Department of Transportation for Bob Callan Trunk Trail, Phase 2, Segment B, State P.I. No. 0012808, Cobb County Project No. TR475, CCDOT Contract No. 001981.

To **approve** a Construction Agreement with the Georgia Department of Transportation for Bob Callan Trunk Trail, Phase 2, Segment B, State P.I. No. 0012808, Cobb County Project No. TR475, CCDOT Contract No. 001981; **authorize** payment of a construction oversight fee to the Georgia Department of Transportation, in the amount of \$2,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	380-050-4638-4638-8761-TR475-C	Preliminary Estimate	\$2,000.00
Transfer to:	380-050-4638-4638-8762-TR475-C	Turnkey Construction	\$2,000.00

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

Increase Revenue:	380-050-4638-4638-4466-TR475-C	GDOT Revenue	\$3,649,600.80
	380-050-4638-4638-4466-TR475-A	GDOT Revenue	\$ 284,184.13
	380-050-4638-4638-4466-TR475-U	GDOT Revenue	\$ 105,312.80
Increase Expenditure:	380-050-4638-4638-8761-TR475-C	Preliminary Estimate	\$3,649,600.80
	380-050-4638-4638-6312-TR475-A	Consultant Services	\$ 284,184.13
	380-050-4638-4638-8781-TR475-U	Preliminary Estimate	\$ 105,312.80

18. To approve a contract with Excellere Construction, LLC for Bob Callan Trunk Trail, Phase 2, Segment B, State P.I. No. 0012808, Cobb County Project No. TR475, CCDOT Contract No. 001981.

To **approve** a contract with Excellere Construction, LLC, in an amount not to exceed \$4,562,001.00, for Bob Callan Trunk Trail, Phase 2, Segment B, State P.I. No. 0012808, Cobb County Project No. TR475, CCDOT Contract No. 001981; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	380-050-4638-4638-8761-TR475-C	Preliminary Estimate	\$4,404,809.36
Transfer to:	380-050-4638-4638-8762-TR475-C	Turnkey Construction	\$4,404,809.36

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	\$163,391.64
Transfer to:	Bob Callan Trunk Trail, Phase 2, Segment B		
	510-500-5756-8260-W4451-C	Construction	\$157,191.64
	510-500-5756-8265-W4451-M	Materials and Supplies	\$ 3,000.00
	510-500-5756-8810-W4451-T	Contingency	<u>\$ 3,200.00</u>
		Total:	\$163,391.64

19. To approve the Airport Capital Improvement Plan annual update for Cobb County International Airport - McCollum Field.

To **approve** the Airport Capital Improvement Plan annual update for Cobb County International Airport - McCollum Field; **authorize** submission of required grant applications to the State of Georgia for FY24/25/26 projects; and **further authorize** the Airport Division Manager to submit the required FY24/25/26 grant applications on behalf of the Chairwoman.

20. To approve Amendment No. 2 to the Amended, Restated, and Consolidated Lease and Operating Agreement with Hawthorne Global Aviation Services, LLC regarding the required improvement plan for hangar construction at Cobb County International Airport – McCollum Field.

To **approve** Amendment No. 2 to the Amended, Restated, and Consolidated Lease and Operating Agreement with Hawthorne Global Aviation Services, LLC regarding the required improvement plan for hangar construction at Cobb County International Airport – McCollum Field; and **authorize** the Chairwoman to execute the necessary documents.

21. **To approve a contract with Tidwell Traffic Solutions, Inc., for 2023 Countywide Pavement Marking Contract - North, Project No. TR537, CCDOT Contract No. 002140.**

To **approve** a contract with Tidwell Traffic Solutions, Inc., in an amount not to exceed \$853,274.50, for 2023 Countywide Pavement Marking Contract - North, Project No. TR537, CCDOT Contract No. 002140; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	380-050-4605-4605-8005-TR532-O	Preliminary Estimate	\$853,274.50
Transfer to:	380-050-4605-4605-6512-TR537-O	Contracted Services	\$853,274.50

22. **To approve a contract with Tidwell Traffic Solutions, Inc., for 2023 Countywide Pavement Marking Contract - South, Project No. TR538, CCDOT Contract No. 002142.**

To **approve** a contract with Tidwell Traffic Solutions, Inc., in an amount not to exceed \$528,708.35, for 2023 Countywide Pavement Marking Contract - South, Project No. TR538, CCDOT Contract No. 002142; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	380-050-4605-4605-8005-TR532-O	Preliminary Estimate	\$113,065.35
	380-050-4605-4605-8005-TR533-O	Preliminary Estimate	\$ 69,437.40
	380-050-4605-4605-8005-TR501-O	Preliminary Estimate	\$346,205.60
Transfer to:	380-050-4605-4605-6512-TR538-O	Contracted Services	\$528,708.35

Public Services Agency

PARKS

23. **To approve a contract with Five Seasons Mechanical, LLC for purchase and installation of three commercial Air Handler Units at the Jennie T. Anderson Theatre, a capital improvement project.**

To **approve** a contract with Five Seasons Mechanical, LLC for purchase and installation of three commercial Air Handler Units at the Jennie T. Anderson Theatre in an amount not to exceed \$173,050.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following budget transactions:

Decrease Expenditure:	010-105-3200-8005	(Preliminary Estimates)	\$173,050.00
Increase Expenditure:	010-105-3200-8435	(Heating, Ventilation, & Air)	\$173,050.00

Senior Services

24. **To authorize the acceptance of a grant from the North Cobb Rotary Club.**

To **authorize** the acceptance of a grant from the North Cobb Rotary Club in the amount of \$2,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	270-300-G721-4508	Local Grants	\$2,000.00
Increase Expenditure	270-300-G721-6258	Accountable Equipment	\$2,000.00

Support Services Agency

Property Management

25. **To authorize lease negotiations with Cobb Electric Membership Corporation for a grid-connected solar energy land lease.**

To **authorize** lease negotiations with Cobb Electric Membership Corporation for a grid-connected solar energy land lease, and **further authorize** the Chairwoman to execute necessary documents.

Public Safety Agency

Fire and Emergency Services

26. To authorize the purchase of one transport capable rescue chassis from Frazer for emergency response.

To **authorize** the purchase of one transport capable rescue chassis, in the amount of \$358,581.00, from Frazer for emergency response; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the Transport Capable Rescue Vehicle contract, substantially in the form as presented, and any other necessary documents.

Funding is available within the approved FY24 Fire Budget:

230-130-1000-8610	Specially Equipped Vehicles	\$358,581.00
-------------------	-----------------------------	--------------

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

To **authorize** the purchase of four replacement apparatus, in the amount of \$4,551,031.00, 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 presented, and any other necessary documents.

Funding is available within the approved FY24 Fire Budget:

230-130-1000-8610	(Specially-Equipped Vehicles)	\$4,551,031.00
-------------------	-------------------------------	----------------

28. To authorize the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted Pricing Agreements, for the procurement of replacement vehicles per the Fire Department's Vehicle Replacement Schedule.

To **approve** the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted Pricing Agreements, for the procurement of replacement vehicles per the Fire Department's Vehicle Replacement Schedule, in an amount not to exceed \$608,766.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the Sourcewell contract, substantially in a form as presented, and any other necessary documents.

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

230-130-1000-8605	Autos, Vans, Trucks, Motorcycles	\$608,766.00
-------------------	----------------------------------	--------------

29. **To approve a Memorandum of Understanding with the Cobb & Douglas Public Health.**

To **approve** a Memorandum of Understanding with Cobb & Douglas Public Health, and **authorize** the Chairwoman to execute any necessary documents.

30. **To approve a Memorandum of Understanding with the Highland Rivers Community Services Board.**

To **approve** a Memorandum of Understanding with the Highland Rivers Community Services Board d/b/a Highland Rivers Behavioral Health, and **authorize** the Chairwoman to execute any necessary documents.

31. **To authorize the acceptance of a donation from Mr. John Millkey of WSG Foundation, Inc.**

To **authorize** the acceptance and appropriation of a donation for Fire Station 4, in the amount of \$5,000.00, for equipment; and **further authorize** the corresponding budget transactions.

The donation will be appropriated with the monthly standard reserves contingency funding:

Increase Revenue:	230-130-1000-4920 Gifts and Donations	\$5,000.00
Increase Expenditure:	230-130-1000-8818 Standard Restricted Reserve Contingency	\$5,000.00

Economic Development

32. **To authorize advertisement for and conduct a public hearing for the employment of consultant services where contract fees will likely exceed \$100,000.00 for the development of an Economic Development Strategic Plan.**

To **authorize** the advertisement for and conduct a public hearing prior to the employment of a consulting firm where fees are likely to exceed \$100,000.00 to develop an economic development strategic plan.

Human Resources

33. To approve a contract with Sun Life Assurance Company for the Self-funded Medical Plan Stop Loss Insurance Policy for the 2024 plan year.

To **approve** a contract in a form as approved by the County Attorney's Office with Sun Life Assurance Company for the Self-funded Medical Plan Stop Loss insurance for January 1, 2024 through December 31, 2024 for the Anthem PPO, Open Access POS, and the HMO medical plans; and **authorize** the Chairwoman to execute the necessary documents.

Annual funding for these services is available in the Medical Fund.

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 approve the carry forward of previously approved and appropriated funding from prior year budgets into the FY2024 budget in order to avoid a delay in service.

To **approve** the carry forward of previously approved and appropriated funding from the FY2023 budget into the FY2024 budget in order to avoid a delay in service, and **authorize** the corresponding budget transactions. A copy of carry forward funding is attached and made a part of these minutes.

County Clerk

36. To approve minutes.

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

- October 9, 2023 - Agenda Work Session
- October 10, 2023 - BOC Regular Minutes
- October 17, 2023 - BOC Zoning Hearing Minutes - Submitted Under Separate Cover.

CONSENT VOTE: **ADOPTED 5-0**, with Commissioner Birrell and Commissioner Gambrill in opposition to Consent Item 31 (*See item 32 of these minutes*) (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

REGULAR AGENDA

ARPA

37. To approve ARPA beneficiary grants to qualified state certified childcare and early childhood education businesses in Cobb County, Georgia for employee retention support.

Motion by Cupid, second by Richardson, to **approve** ARPA beneficiary grants to qualified state certified childcare and early childhood education businesses in Cobb County, Georgia for employee retention support; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute any necessary documents for said purpose. A copy of the approved ARPA beneficiary grant recipients is attached and made a part of these minutes.

Funding is available in the ARPA Program Fund as follows:

279-030-ED05-6574 Contributions

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

County Manager

38. To approve the 2024 Legislative Agenda.

Motion by Cupid, second by Richardson, to **approve** the 2024 Legislative Agenda. A copy of the approved Legislative Agenda is attached and made a part of these minutes.

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

County Attorney

39. To approve a Memorandum of Understanding between Cobb County, The Center for Family Resources, and Cobb County Magistrate Court for an eviction diversion program which provides opportunities for eligible families to avoid eviction through active participation in scheduled activities designed to improve their overall financial stability.

Motion by Cupid, second by Richardson, to **approve** a Memorandum of Understanding between Cobb County, The Center for Family Resources, and Cobb County Magistrate Court for an eviction diversion program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the Memorandum of Understanding Between Cobb County, The Center for Family Resources, and Cobb County Magistrate Court and any other necessary documents to implement said purpose.

Decrease Expenditure	278-055-ERA0-8820	ERA2 Contingency	\$750,000.00
Increase Expenditure	278-425-ER28-6326	Professional Services	\$750,000.00

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

Transportation

40. To approve Supplemental Agreement No. 1 to Project No. B2601-TO#2 to the 2020 Master Task Order Contract with CDM Smith, Inc., for preliminary engineering design of Ewing Road Sidewalk, CCDOT Contract No. 001940.

Motion by Sheffield, second by Birrell, to **approve** Supplemental Agreement No. 1 to Project No. B2601-TO#2 to the 2020 Master Task Order Contract with CDM Smith, Inc., in an amount not to exceed \$33,192.00, for preliminary engineering design of Ewing Road Sidewalk, CCDOT Contract No. 001940; **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-B260-B260-8005-B2601-A	Preliminary Estimate	\$33,192.00
Transfer to:	348-050-B260-B260-8722-B2601-E	Engineering	\$33,192.00

Increase Encumbrance

GAE 34806142265:	348-050-B260-B260-8722-B2601-E	Engineering	\$33,192.00
------------------	--------------------------------	-------------	-------------

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, DOT Community Impact Projects.

Ewing Road Sidewalk is an eligible project/program under the DOT Community Impact Projects Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 25). SPLOST funds will be used for construction of sidewalks along Ewing Road in District 4. This project will begin at Syble Drive and terminate at Flint Hill Road.

SPLOST Project Summary as of October 2, 2023: Ewing Road Sidewalk

Budget:	\$680,000.00	Expended:	\$121,105.46
---------	--------------	-----------	--------------

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

41. **To approve Change Order No. 1 (final) to Project No. B2229 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC for emergency drainage repairs on Lake Colony Drive and Colony Drive, CCDOT Contract No. 001815.**

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to Project No. B2229 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC, a savings to the project in the amount of \$66,028.00, for emergency drainage repairs on Lake Colony Drive and Colony Drive, CCDOT Contract No. 001815; **authorize** the corresponding budget transaction; 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 34802142338: 348-050-B220-B220-8762-B2229-C Turnkey Construction \$66,028.00

Transfer from: 348-050-B220-B220-8762-B2229-C Turnkey Construction \$66,028.00

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$66,028.00

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 Colony Drive and Colony 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 October 2, 2023: Drainage System

Budget:	\$10,053,789.35	Encumbered/Expended:	\$6,670,391.08
---------	-----------------	----------------------	----------------

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

42. **To approve Change Order No. 1 (final) to the contract with Advanced Sports Construction, LLC for drainage system repairs on Brookside Court and Brookside Drive, Project No. B2257, CCDOT Contract No. 002014.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 (final) to the contract with Advanced Sports Construction, LLC, a savings to the project in the amount of \$71,787.48, for drainage system repairs on Brookside Court and Brookside Drive, Project No. B2257, CCDOT Contract No. 002014; **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 34803142330:
348-050-B220-B220-8762-B2257-C Turnkey Construction \$36,787.48

Transfer from: 348-050-B220-B220-8762-B2257-C Turnkey Construction \$36,787.48
Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$36,787.48

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.

Brookside Court and Brookside 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 October 2, 2023: Drainage System

Budget: \$10,053,789.35 Encumbered/Expended: \$6,670,391.08

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

Decrease Encumbrance GAE 51003142330:
510-500-5756-6496-W5074-C Drainage Contract R&M Svc. \$35,000.00

Transfer from: Brookside Court/Brookside Allow.
Drive -
510-500-5756-6496-W5074-C Drainage Contract R&M Svc. \$35,000.00
510-500-5756-8265-W5074-M Materials and Supplies \$ 1,500.00
510-500-5756-8810-W5074-T Contingency \$ 700.00
Total: \$37,200.00

Transfer to: DOT Projects - Relocate Lines
510-500-5756-8005-W4069-Z Preliminary Estimate \$37,200.00

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

43. **To adopt a resolution authorizing the submission of a Local Maintenance and Improvement Grant Program application for FY24 to the Georgia Department of Transportation for the resurfacing of County-maintained roads, Project No. B2913.**

Motion by Cupid, second by Birrell, to **adopt** a resolution authorizing the submission of a Local Maintenance and Improvement Grant Program application for FY24 to the Georgia Department of Transportation for the resurfacing of County-maintained roads, Project No. B2913; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of revenue to the 2022 SPLOST Transportation Improvements Program Fund from the GDOT LMIG Program, as follows:

Increase Revenue:	348-050-B290-B290-4466-B2913-C	GDOT Revenue	\$6,441,927.29
Increase Expenditure:	348-050-B290-B290-8761-B2913-C	Preliminary Estimate	\$6,441,927.29

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

Resurfacing Contract 2024-4 Countywide Major Thoroughfares (LMIG) is an eligible project/program under the Transportation – Roadway Resurfacing Component of the 2022 SPLOST Transportation Improvements (Cobb County 2022 SPLOST Renewal, pp. 1, 12). SPLOST funds will be used for resurfacing activities including milling, patching, leveling and resurfacing of various roadways throughout the County.

2022 SPLOST Component Summary as of October 2, 2023: Roadway Resurfacing

Budget:	\$215,811,790.35	Encumbered/Expended:	\$108,676,048.50
---------	------------------	----------------------	------------------

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

44. **To approve an Intergovernmental Agreement with Cobb County School District for pedestrian improvements on Pine Road adjacent to Bill Murdock Road at Walton High School, Project No. B2802.**

Motion by Richardson, second by Gambrill, to **approve** an Intergovernmental Agreement with Cobb County School District, in an amount not to exceed \$55,368.79, for pedestrian improvements on Pine Road adjacent to Bill Murdock Road at Walton High School, Project No. B2802; **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-B280-B280-8005-B2801-A	Preliminary Estimate	\$55,368.79
Transfer to:	348-050-B280-B280-8762-B2802-C	Turnkey Construction	\$55,368.79

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, School Zone Improvements.

Bill Murdock Road at Walton High School is an eligible project/program under the School Zone Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 19). SPLOST funding for School Zone Improvements will be used for off-campus projects to improve the safety and operational movements of vehicular and pedestrian traffic in and near school zones.

SPLOST Project Summary as of October 2, 2023: Bill Murdock Road at Walton High School

Budget:	\$384,762.75	Expended:	\$309,563.50
---------	--------------	-----------	--------------

Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$440,131.54
------------------	--------------

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

45. **To approve Change Order No. 1 (final) to the Agreement for Construction Services with Strack, Inc., for Leland Drive Remediation Plan, Project No. X22115, CCDOT Contract No. 001783.**

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to the Agreement for Construction Services with Strack, Inc., a savings to the Agreement in the amount of \$60,458.20, for Leland Drive Remediation Plan, Project No. X22115, CCDOT Contract No. 001783; **authorize** the corresponding budget transactions; 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 34701112242:

347-050-X220-X220-8762-X22115-C Turnkey Construction \$60,458.20

Transfer from: 347-050-X220-X220-8762-X22115-C Turnkey Construction \$60,458.20

Transfer to: 347-050-X220-X220-8761-X22115-C Preliminary Estimate \$60,458.20

Decrease appropriation of revenue from 2016 SPLOST Transportation Improvements Program fund, as follows:

Decrease Revenue: 347-050-X220-X220-4858-X22115-C Other Revenue \$71,744.76

Decrease Expenditure: 347-050-X220-X220-8761-X22115-C Turnkey Construction \$71,744.76

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, Drainage System Improvements.

Leland Drive Remediation Plan (Old Leland Stormwater Remediation) is an eligible project/program under the Infrastructure Preservation – Drainage System Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 12).

SPLOST Component Summary as of October 2, 2023: Drainage System Improvements

Budget: \$17,565,773.07 Encumbered/Expended: \$16,829,284.65

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

46. To authorize advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for transportation planning services for: Factory Shoals Pedestrian Bridge over I-20 Scoping Study, Project No. B2543; Allatoona Creek Greenway Trail Scoping Study, Project No. B2544; Town Center Busbee Park-n-Ride Transit Oriented Development Study, Project No. B2545; and East-West Connector Corridor Improvements Scoping Study, Project No. B2546, and authorize the issuance of Requests for Proposals or Task Orders to secure required services.

Motion by Richardson, second by Sheffield, to **authorize** the advertisement for and conduct of a public hearing prior to expending \$100,000.00 or more for transportation planning services for: Factory Shoals Pedestrian Bridge over I-20 Scoping Study, Project No. B2543; Allatoona Creek Greenway Trail Scoping Study, Project No. B2544; Town Center Busbee Park-n-Ride Transit Oriented Development Study, Project No. B2545; and East-West Connector Corridor Improvements Scoping Study, Project No. B2546; and **further authorize** the issuance of Requests for Proposals or Task Orders to secure required services.

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

PUBLIC COMMENT

1. Nakia Khanzada addressed the Board in opposition to Item #8 - proposed resolution.
2. M. Deva Jebb-Albaba addressed the Board in opposition to Item #8 - proposed resolution.
3. Zakir Syed addressed the Board in opposition to Item #8 - proposed resolution.
7. Altaf Lal addressed the Board in opposition to Item #8 - proposed resolution.
8. Satya Valti addressed the Board in opposition to Item #8 - proposed resolution.

ADJOURNMENT

The meeting was adjourned at 10:54 p.m.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners