

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 23, 2024
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, January 23, 2024, 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 Gambrell
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 7:05 p.m.

PUBLIC COMMENT

1. Denny Wilson addressed the Board regarding consultant spending and homelessness.
2. Alicia Adams addressed the Board regarding equality and spending.
3. Christine Rozman addressed the Board regarding MSPLOST, consultants and DEI.
4. Donald Barth addressed the Board regarding Home Rule and SPLOST.
5. Sabrina Mao addressed the Board regarding a Board of Elections member refused to stand for the Pledge.

Clerk's Note: Commissioner Birrell and Commissioner Gambrell 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.

In addition, I do support the Order on Cross Motions for Summary Judgment (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024 which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.

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).

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 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.

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

1. **To authorize the acceptance of grant funds from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force.**

To **authorize** the acceptance of additional grant funds from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force, in the amount of \$25,605.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	270-170-F060-4467 (CJCC)	\$25,605.00
Increase Expenditure	270-170-F060-6012 (Salaries)	\$25,000.00
	270-170-F060-6532 (Rental Equipment)	\$ 605.00

Superior Court Administration

2. **To authorize the application for grant funds from the Criminal Justice Coordinating Council for the Drug Treatment Court.**

To **authorize** the application for grant funds from the Criminal Justice Coordinating Council for the Drug Treatment Court; and **further authorize** the Chairwoman and Superior Court Administrator to execute the necessary documents.

3. **To authorize the application for grant funds from the Criminal Justice Coordinating Council for the Mental Health Court.**

To **authorize** the application for grant funds from the Criminal Justice Coordinating Council for the Mental Health Court; and **further authorize** the Chairwoman and Superior Court Administrator to execute the necessary documents.

Transportation

4. To authorize the creation of two new Street Light Districts.

To **authorize** the creation of two new Street Light Districts for Hillside Manor and Mableton Station.

Available in the Street Light District Fund approved FY24 Operating Budget, as follows:

Available: 235-050-SLD1-4712/6472 Street Light Energy Revenue/Electricity

5. To adopt a resolution to approve the transit-related 2024 Title VI Program Update for CobbLinc.

To **adopt** a resolution to approve the transit-related 2024 Title VI Program Update for CobbLinc; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

6. To approve a multi-year contract with Via Mobility, LLC to provide paratransit scheduling software and technical support services for CobbLinc, CCDOT Contract No. 002249.

To **approve** a five-year contract with Via Mobility, LLC, in an amount not to exceed \$728,280.00, to provide paratransit scheduling software and technical support services for CobbLinc, CCDOT Contract No. 002249; **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-T087-8005	Preliminary Estimate	\$728,280.00
Transfer to:	203-050-T087-6491	Annual Maintenance & Support Contracts	\$728,280.00

7. To approve the recommended ranking of the three most qualified firms for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge, State P.I. No. 0019885, Cobb County Project No. TR535.

To **approve** the recommended ranking of the three most qualified firms for preliminary engineering design of Cobb Parkway (SR 3/US 41) Pedestrian Bridge, State P.I. No. 0019885, Cobb County Project No. TR535; and **authorize** negotiations for final scope of services and fees beginning with the top-ranked firm, AECOM Technical Services, Inc.

8. **To approve the Exchange Agreement of 2024 and the Cross Easement Agreement and Dedication of Right-of-Way between Cobb County and Venture Communities, LLC to allow for a proposed Department of Transportation satellite facility off of Leland Drive, and authorize the advertising of the exchange and subsequent closing.**

To **approve** the Exchange Agreement of 2024 and the Cross Easement Agreement and Dedication of Right-of-Way between Cobb County and Venture Communities, LLC to allow for a proposed Department of Transportation satellite facility off of Leland Drive; **authorize** the advertising of the exchange and subsequent closing; **authorize** any necessary corresponding budget transactions; and **authorize** the Chairwoman to execute the Exchange Agreement of 2024 and the Cross Easement Agreement and Dedication of Right-of-Way, in a substantially similar format to that presented, and any additional necessary documents to effectuate the purpose.

Appropriate receipt of revenue from Venture Communities, LLC to the Public Facility Projects Fund, as follows:

Increase Revenue:	380-050-4835-4835-4918-TR540-A Developer Contributions	\$325,795.00
Increase Expenditure:	380-050-4835-4835-8005-TR540-A Preliminary Estimate	\$325,795.00

Public Services Agency

Library System

9. **To authorize the application for and acceptance of the FY24 Lib Tech Grant from the Board of Regents, Georgia Public Library Service.**

To **authorize** the application for and acceptance of the Lib Tech Grant Fund from the Board of Regents, Georgia Public Library Service in the amount of \$139,760.94; **authorize** the corresponding budget transactions; and **further authorize** the Chair or Library Director to execute the necessary documents.

Increase Revenue:	270-080-S141-4455	(Board of Regents)	\$139,760.94
Increase Expenditure:	270-080-S141-6258	(Accountable Equipment)	\$139,760.94

10. **To authorize application for and acceptance of the Sandra Deal Supplemental Reading Grant from the Board of Regents, Georgia Public Library Service.**

To **authorize** the application for and acceptance of the Sandra Deal Summer Reading Mini Grant in the amount of \$1,500.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Library Director to execute the necessary documents.

Increase Revenue:	270-080-L139-L139-4455	(Georgia Public Library Service)	\$1,500.00
Increase Expenditure:	270-080-L139-L139-6204	(Other Supplies)	\$1,500.00

11. **To authorize the application for and acceptance of The Barbara Bush Foundation for Family Literacy Digital Engagement Grant.**

To **authorize** the acceptance of The Barbara Bush Foundation Digital Literacy Engagement Grant in the amount of \$1,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chair or Library Director to execute the necessary documents.

Increase Revenue:	270-080-Lxxx-Lxxx-xxxx	(Other Local Revenue)	\$1,000.00
Increase Expenditure:	270-080-Lxxx-Lxxx-6204	(Other Supplies)	\$1,000.00

Senior Services

12. **To approve the appropriation of FY2024 District 3 Capital Contingency funds to the Senior Services operating budget in support of capital improvements at the Tim D. Lee Senior Center.**

To **approve** the appropriation of FY2024 District 3 Capital Contingency funds to the Senior Services operating budget in support of capital improvements at the Tim D. Lee Senior Center; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transaction:

Decrease Expenditure:	010-001-0123-8820 District 3 Undesignated Contingency	\$35,000.00
Increase Expenditure:	010-300-0075-6258 Accountable Equipment	\$35,000.00

13. **To authorize the acceptance of a grant from Thanks Mom & Dad Fund®.**

To **authorize** the acceptance of a grant from Thanks Mom & Dad Fund® 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-G722-4508	Local Grants	\$2,000.00
Increase Expenditure	270-300-G722-6204	Other Supplies	\$ 500.00
Increase Expenditure	270-300-G722-6326	Professional Services	\$1,500.00

Support Services Agency

Information Technology Services

14. **To authorize the Director of Procurement to purchase software volume licensing greater than \$100,000.00, under provisions of Georgia Department of Administrative Services (DOAS) Contract 99999-SPD-SPD0000060-0006 with Dell Marketing LP, for a Microsoft Enterprise Agreement.**

To **authorize** the Director of Procurement to purchase software volume licensing in a Microsoft Enterprise Agreement, in an amount not to exceed \$1,862,089.18, under provisions of Georgia Department of Administrative Services Contract 99999-SPD-SPD0000060-0006 with Dell Marketing LP; **authorize** the corresponding budget transactions; and **further authorize** the Director of Procurement to execute the necessary documents.

Funding is available as follows:

General Fund (Information Technology Services)	010-035-0400-6491	\$262,621.00
Fire Fund	230-130-1000-6491	\$25,441.00
Water Fund	500-500-5100-6491	\$31,094.00
E911 Fund	260-130-0200-6491	\$5,654.00
Capital Projects Fund (PC Replacements)	380-035-4580-6491	<u>\$1,537,279.18</u>
Total		\$1,862,089.18

Public Safety Agency

Fire and Emergency Services

15. **To approve an Agreement of Mutual and Automatic Aid between the City of Marietta Fire Department and Cobb County for fire, emergency, rescue, and support services.**

To **approve** an Agreement of Mutual and Automatic Aid between the City of Marietta Fire Department and Cobb County for fire, emergency, rescue, and support services, and **further authorize** the Chairwoman to execute any necessary documents.

16. **To approve an annual subscription with Lexipol subscription service for policy management, training, and wellness platforms.**

To **approve** a sole source Agreement with Lexipol subscription service, in an amount not to exceed \$81,239.18, for policy management, training, and wellness platforms; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute any necessary documents.

Funding is available within the FY24 Fire Budget.

230-130-1000-6491 Annual Maintenance & Support Contracts \$81,239.18

Community Development

17. **To approve annexation notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of a tract of land that totals 4.332 acres located at the Southeast side of Powder Springs Road, West of Sanders Road.**

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of 4.332 acres located in Land Lot 866, 19th District, 2nd Section, at the Southeast side of Powder Springs Road, West of Sanders Road into the City of Powder Springs. A copy of the Notice of Non-Objection is attached and made a part of these minutes.

18. **To authorize the submittal of an application to the National Trust for Historic Preservation for the 2024 African American Cultural Heritage Action Fund Grant.**

To **authorize** submittal of an application to the National Trust for Historic Preservation for the 2024 African American Cultural Heritage Action Fund Grant; and **further authorize** the Chairwoman to execute the necessary documents.

The anticipated budget for the grant request is between \$50,000.00 and \$75,000.00. No match is required and there will be no additional monetary requirements for operations or staffing associated with this grant request. There will be no cost to the County for this request.

Risk Management

19. To approve all interfund transfers for claims and safety equipment purchases to allow the Risk and Safety Department to reimburse the appropriate departments.

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

<u>DOT - Property Damage - 23 01155</u>			
Decrease Expenditure:	710-055-8011-6605	Property Loss	\$1,930.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$1,930.00
Increase Revenue:	010-050-0750-0751-4960	Interfund Revenue	\$1,930.00
Increase Expenditure:	010-050-0781-0781-4930	Guidance Sign	\$1,930.00

<u>DOT - Property Damage - 24 00223</u>			
Decrease Expenditure:	710-055-8011-6605	Property Loss	\$9,730.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$9,730.00
Increase Revenue:	010-050-0750-0751-4960	Interfund Revenue	\$9,730.00
Increase Expenditure:	010-050-0781-0781-6494	Property Loss	\$9,730.00

<u>Police - Total Loss - 23 01421 - Vehicle 10316</u>			
Decrease Expenditure:	710-055-8011-8605	Auto, Van, Trucks	\$17,401.42
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$17,401.42
Increase Revenue:	010-130-2100-4960	Interfund Revenue	\$17,401.42
Increase Expenditure:	010-130-2100-8605	Auto, Van, Trucks	\$17,401.42

<u>Police - Total Loss - 23 01351 - Vehicle 9601</u>			
Decrease Expenditure:	710-055-8011-8605	Auto, Van, Trucks	\$25,000.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$25,000.00
Increase Revenue:	010-130-2100-4960	Interfund Revenue	\$25,000.00
Increase Expenditure:	010-130-2100-8605	Auto, Vans, Trucks	\$25,000.00

<u>Police - Total Loss - 24 00026 - Vehicle 7618</u>			
Decrease Expenditure:	710-055-8011-8605	Auto, Vans, Truck	\$11,263.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$11,263.00
Increase Revenue:	010-130-2100-4960	Interfund Revenue	\$11,263.00
Increase Expenditure:	010-130-2100-8605	Auto, Vans, Trucks	\$11,263.00

<u>Sheriff - Total Loss - 23 00255 - Vehicle 7728</u>			
Decrease Expenditure:	710-055-8011-8605	Auto, Vans, Trucks	\$21,643.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$21,643.00
Increase Revenue:	010-210-9220-4960	Interfund Revenue	\$21,643.00
Increase Expenditure:	010-210-9220-8605	Auto, Vans, Trucks	\$21,643.00

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Sheriff - Total Loss - 23 00194 - Vehicle 10195

Decrease Expenditure:	710-055-8011-8605	Auto, Vans, Trucks	\$29,250.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense:	\$29,250.00
Increase Revenue:	010-210-9220-4960	Interfund Revenue	\$29,250.00
Increase Expenditure:	010-210-9220-8605	Auto, Vans, Trucks	\$29,250.00

Sheriff - Total Loss - 23 01386 - Vehicle 10412

Decrease Expenditure:	710-055-8011-8605	Auto, Vans, Trucks	\$35,584.92
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$35,584.92
Increase Revenue:	010-210-9220-4960	Interfund Revenue	\$35,584.92
Increase Expenditure:	010-210-9220-8605	Auto, Vans, Trucks	\$35,584.92

Police - Property Damage - 23 00935

Decrease Expenditure:	710-055-8011-6605	Property Loss	\$1,300.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$1,300.00
Increase Revenue:	010-130-2100-4960	Interfund Revenue	\$1,300.00
Increase Expenditure:	010-130-2100-6500	Property Losses	\$1,300.00

Finance

20. 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.

21. To adopt a Resolution to levy an ad valorem tax to repay the Cobb County School District Short-Term Construction Notes, Series 2024.

To **adopt** a resolution to levy an ad valorem tax to repay the Cobb County School District Short-Term Construction Notes, Series 2024 in the event that the special educational sales tax proceeds and other funds of the Cobb County School District are not sufficient to repay such notes, and **authorize** the Chairwoman and/or the Vice Chairwoman, each respectively, to execute the resolution and any other necessary or appropriate documents. A copy of said resolution is attached and made a part of these minutes.

CobbWorks

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

To **adopt** the Adult Worker Program grant award in the amount of \$440,054.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide training and employment services for the Adult Worker Program; **authorize** 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:

11-23-24-03-004	(Federal Grant Revenue)	\$440,054.00
276-120-24AA-WF24AA-A-4430/vary	(Admin)	\$ 44,005.00
276-120-24AP-WF24AP-P-4430/vary	(Program)	\$396,049.00

County Clerk

23. **To approve minutes.**

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

- January 8, 2024 - Agenda Work Session
- January 9, 2024 - BOC Regular Meeting

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

Transportation

24. **To approve Supplemental Agreement No. 1 to Project No. B2541-TO#1 to the 2022 Master Task Order Contract with Atlas Technical Consultants, LLC for additional transportation planning and engineering services for Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment, CCDOT Contract No. 002020.**

Motion by Gambrill, second by Birrell, to **approve** Supplemental Agreement No. 1 to Project No. B2541-TO#1 to the 2022 Master Task Order Contract with Atlas Technical Consultants, LLC, in an amount not to exceed \$248,221.90, for additional transportation planning and engineering services for Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment, CCDOT Contract No. 002020; **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-B2540-A	Preliminary Estimate	\$248,221.90
Transfer to:	348-050-B250-B250-6322-B2541-E	Planning Services	\$248,221.90

Increase Encumbrance

GAE 34811082231:	348-050-B250-B250-6322-B2541-E	Planning Services	\$248,221.90
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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 funding to address, inter alia, Traffic Management, Transportation Technology and Planning.

Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment is an eligible project/program under the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (Cobb County 2022 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 operations of the traffic system, improve the county's transportation technology systems, and develop long and short-term planning strategies.

SPLOST Project Summary as of January 2, 2024: Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment

Budget:	\$485,327.50	Expended:	\$468,052.86
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$733,549.40
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VOTE: ADOPTED 5-0

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

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

VOTE: **ADOPTED 5-0**

26. **To approve a Consultant Services Agreement with AECOM Technical Services Inc., for preliminary engineering design of Traffic Management Center Upgrade, State P.I. No. 0019687, Cobb County Project No. B2583, CCDOT Contract No. 002239.**

Motion by Cupid, second by Richardson, to **approve** a Consultant Services Agreement with AECOM Technical Services Inc., in an amount not to exceed \$999,455.90, for preliminary engineering design of Traffic Management Center Upgrade, State P.I. No. 0019687, Cobb County Project No. B2583, CCDOT Contract No. 002239; **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-B250-8721-B2583-E	Preliminary Estimate	\$999,455.90
Transfer to:	348-050-B250-B250-8722-B2583-E	Engineering	\$999,455.90

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.

Traffic Management Center Upgrade is an eligible project/program under the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (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 January 2, 2024: Transportation Management Center Upgrade

Budget:	\$1,005,000.00	Expended:	\$120.00
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VOTE: **ADOPTED 5-0**

27. **To approve Change Order No. 1 (final) to the contract with Butch Thompson Enterprises, Inc., for contractor closeout of Hillcrest Drive Sidewalk, Project No. X2764, CCDOT Contract No. 001435; approve a Takeover Agreement with Great Midwest Insurance Company for completion of Hillcrest Drive Sidewalk, Project No. X2764, CCDOT Contract No. 002226; and authorize assignment of the remaining balance of Contract No. 001435 to Great Midwest Insurance Company, Contract No. 002226.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 (final) to the contract with Butch Thompson Enterprises, Inc., for contractor closeout of Hillcrest Drive Sidewalk, Project No. X2764, CCDOT Contract No. 001435; **approve** a Takeover Agreement with Great Midwest Insurance Company for completion of Hillcrest Drive Sidewalk, Project No. X2764, CCDOT Contract No. 002226; **authorize** assignment of the remaining balance on Contract No. 001435, in the amount of \$2,571,314.23, to Great Midwest Insurance Company, Contract No. 002226; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute any necessary documents.

Close the contract with Butch Thompson Enterprises, Inc., for non-performance, as follows:

Decrease Encumbrance:

GAE 34703082230: 347-050-X270-X270-8762-X2764-C	Turnkey Construction	\$2,043,232.10
GAE 51003082230: 510-500-5756-5756-8260-W4443-C	Construction	\$ 456,353.00

Release Retainage to: 347-050-X270-X270-8762-X2764-C	Turnkey Construction	\$ 65,813.03
510-500-5756-5756-8260-W4443-C	Construction	\$ 5,916.10

Assign available funding from the closed contract to Great Midwest Insurance Company for completion of the project, as follows:

Available: 347-050-X270-X270-8762-X2764-C	Turnkey Construction	\$2,109,045.13
510-500-5756-5756-8260-W4443-C	Construction	\$ 462,269.10

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, Sidewalks.

Hillcrest Drive Sidewalk is an eligible project/program under the Pedestrian Improvements - Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 14). Pedestrian Improvements within Commission District 4 include construction of sidewalks and other pedestrian improvements along roadways in the vicinity of schools, activity centers, multi-modal facilities (transit stops/shelters, etc.), and other congested areas, to include pedestrian bridges where needed.

SPLOST Project Summary as of January 2, 2024: Hillcrest Drive Sidewalk

Budget:	\$4,205,067.15	Expended:	\$1,616,345.89
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VOTE: **ADOPTED 5-0**

28. **To determine that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et. seq., on one parcel on Old Floyd Road at Veterans Memorial Highway, Project No. X2329.**

Motion by Sheffield, second by Birrell, to **determine** that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et. seq.; **authorize** the commencement of condemnation proceedings on one parcel on Old Floyd Road at Veterans Memorial Highway, Project No. X2329; **adopt** a Resolution and an Order in form substantially similar to that presented and as approved by the County Attorney's Office; and **further authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 5-0**

29. **To approve a Utility Relocation Agreement with Georgia Power Company for preliminary engineering and relocation of facilities on Mableton Parkway Pedestrian Improvements, Phase 2, State P.I. No. 0016036, Cobb County Project No. X2770, CCDOT Contract No. 002281.**

Motion by Sheffield, second by Birrell, to **approve** a Utility Relocation Agreement with Georgia Power Company in an amount not to exceed \$279,532.00, for Mableton Parkway Pedestrian Improvements, Phase 2, State P.I. No. 0016036, Cobb County Project No. X2770, CCDOT Contract No. 002281; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	347-050-X270-X270-8005-X2770-C	Preliminary Estimate	\$279,532.00
Transfer to:	347-050-X270-X270-8786-X2770-U	Utility Relocation	\$279,532.00

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, Sidewalks.

Mableton Parkway Pedestrian Improvements is an eligible project/program under the Pedestrian Improvements – Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 14). Pedestrian Improvements within Commission District 4 include construction of sidewalks and other pedestrian improvements along roadways in the vicinity of schools, activity centers, multi-modal facilities (transit stops/shelters, etc.), and other congested areas, to include pedestrian bridges where needed.

SPLOST Project Summary as of January 2, 2024: Mableton Parkway Pedestrian Improvements, Phase 2

Budget:	\$4,901,492.99	Expended:	\$953,362.85
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VOTE: **ADOPTED 5-0**

30. **To approve an Exchange Agreement with Riverstone Investments Atlanta, LLC authorizing the exchange of property located on Circle 75 Parkway at Windy Hill Road, Project No. X2328.**

Motion by Richardson, second by Gambrill, to **approve** an Exchange Agreement with Riverstone Investments Atlanta, LLC authorizing the exchange of 8,400 square feet (0.19 acre) of County property on Circle 75 Parkway at Windy Hill Road, Project No. X2328, for 2,531 square feet (0.06 acre) of Riverstone Investments Atlanta, LLC property on Circle 75 Parkway, located in Land Lot 851 of the 17th District, 2nd Section, Cobb County, Georgia; **authorize** advertisement of the proposed property exchange; and **further authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 5-0**

31. **To approve an Easement Instrument with Cobb County–Marietta Water Authority to convey a permanent easement on County property at Acworth Due West and Mars Hill Church Road.**

Motion by Gambrill, second by Richardson, to **approve** an Easement Instrument with Cobb County-Marietta Water Authority to convey a permanent easement on County property at Acworth Due West Road and Mars Hill Church Road, located in Land Lot 160, the 20th District, 2nd Section, Cobb County, Georgia; and **authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 5-0**

32. **To approve Change Order No. 1 (final) to the contract with Chatfield Contracting, Inc., for drainage system repairs on Shadowlake Lane, Project No. B2208, CCDOT Contract No. 001851.**

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to the contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$59,525.43, for drainage system repairs on Shadowlake Lane, Project No, B2208, CCDOT Contract No. 001851; **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 34806132342: 348-050-B220-B220-8762-B2208-C Turnkey Construction \$40,089.43

Transfer from: 348-050-B220-B220-8762-B2208-C Turnkey Construction \$40,089.43

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$40,089.43

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.

Shadowlake Lane 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 January 2, 2024: Drainage System

Budget: \$10,053,789.35 Encumbered/Expended: \$8,848,634.06

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

Decrease Encumbrance

GAE 51006132342: 510-500-5756-6496-W5077-C Drainage Contract R&M Svc. \$19,436.00

Transfer from: Shadowlake Lane Drainage - Utility Allow.

510-500-5756-6496-W5077-C Drainage Contract R&M Svc. \$19,436.00

510-500-5756-8265-W5077- Materials and Supplies \$ 1,500.00
M

510-500-5756-8810-W5077-T Contingency \$ 500.00

Total: \$21,436.00

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z Preliminary Estimate \$21,436.00

VOTE: **ADOPTED 5-0**

33. To approve Change Order No. 1 (final) to Project No. B2297 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for emergency drainage repairs on Muscadine Trail, CCDOT Contract No. 002214.

Motion by Gambrill, second by Richardson, to **approve** Change Order No. 1 (final) to Project No. B2297 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$46,323.94, for emergency drainage repairs on Muscadine Trail, CCDOT Contract No. 002214; **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 34809122346: 348-050-B220-B220-8762-B2297-C Turnkey Construction \$20,323.94

Transfer from: 348-050-B220-B220-8762-B2297-C Turnkey Construction \$20,323.94

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$20,323.94

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.

Muscadine Trail 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 January 2, 2024: Drainage System

Budget:	\$10,053,789.35	Encumbered/Expended:	\$8,848,634.06
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A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51009122346: 510-500-5756-6496-W5084-C Drainage Contract R&M Svc. \$26,000.00

Transfer from: 3348 Muscadine Trail Emerg. - Util. Allow.

510-500-5756-6496-W5084-C Drainage Contract R&M Svc. \$26,000.00

510-500-5756-8265-W5084-M Materials and Supplies \$ 2,500.00

510-500-5756-8810-W5084-T Contingency \$ 500.00

Total: \$29,000.00

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z Preliminary Estimate \$29,000.00

VOTE: ADOPTED 5-0

34. **To approve Amendment No. 1 to the Intergovernmental Agreement with Paulding County for improvements on Burnt Hickory Road and Stout Parkway/Brownsville Extension, State P. I. No. 0016122, Cobb County Project No. X2416.**

Motion by Sheffield, second by Birrell, to **approve** Amendment No. 1 to the Intergovernmental Agreement with Paulding County for improvements on Burnt Hickory Road and Stout Parkway/Brownsville Extension, State P. I. No. 0016122, Cobb County Project No. X2416; **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	347-050-X240-X240-8761-X2415-C	Preliminary Estimate	\$20,176.51
Transfer to:	347-050-X240-X240-8762-X2416-C	Turnkey Construction	\$20,176.51

Burnt Hickory Road and Stout Parkway/Brownsville Extension (joint project with Paulding County) is an eligible project/program under the Congestion Relief and Mobility Improvements – Thoroughfare and Mobility Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 21). Local Match for Future Federal/State/Other Funding includes required local match for Burnt Hickory Road and Stout Parkway/Brownsville Extension, to be funded by the Georgia Department of Transportation and Paulding County. Improvements include intersection improvements.

SPLOST Project Summary as of January 2, 2024: Stout Parkway/Brownsville Extension and Burnt Hickory Road

Budget:	\$500,000.00	Expended:	\$137,550.14
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$520,176.51
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VOTE: ADOPTED 5-0

35. To approve Project No. B2512-TO#1 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., for Intelligent Transportation Systems Communications Design, Phases 3B and 3C, CCDOT Contract No. 002282.

Motion by Gambrill, second by Richardson, to **approve** Project No. B2512-TO#1 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$283,476.00, for Intelligent Transportation Systems Communications Design, Phases 3B and 3C, CCDOT Contract No. 002282; **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-B2510-A	Preliminary Estimate	\$283,476.00
Transfer to:	348-050-B250-B250-8722-B2512-E	Engineering	\$283,476.00

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.

Intelligent Transportation Systems Communications Design, Phases 3B and 3C is an approved project/program under the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (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 January 2, 2024: ITS Communications Design, Phases 3B and 3C (new project as of 01/23/24)

Budget:	\$0.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$283,476.00
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VOTE: ADOPTED 5-0

36. **To approve a contract with Excellere Construction, LLC for Bob Callan Trail Bridge Boardwalk Repair, Phase 1, Project No. B2114, CCDOT Contract No. 002209.**

Motion by Richardson, second by Gambrill, to **approve** a contract with Excellere Construction, LLC, in an amount not to exceed \$106,500.00, for Bob Callan Trail Bridge Boardwalk Repair, Phase 1, Project No. B2114, CCDOT Contract No. 002209; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B210-B210-8005-B2114-A	Preliminary Estimate	\$106,500.00
Transfer to:	348-050-B210-B210-8762-B2114-C	Turnkey Construction	\$106,500.00

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, Bridges and Culverts.

Bob Callan Trail Bridge Boardwalk Repair, Phase 1, is an eligible project/program under the Bridges and Culverts Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for bridges and culverts will fund activities to repair, rehabilitate, and replace bridges and culvert structures.

SPLOST Project Summary as of January 2, 2024: Bob Callan Trail Bridge Boardwalk Repair

Budget:	\$210,000.00	Expended:	\$1,912.50
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VOTE: **ADOPTED 5-0**

37. To approve Supplemental Agreement No. 1 to the Construction Agreement with the Georgia Department of Transportation for South Barrett Reliever, Phase 3, State P.I. No. 0013239, Cobb County Project No. X2407, CCDOT Contract No. 001209.

Motion by Birrell, second by Sheffield, to **approve** Supplemental Agreement No. 1 to the Construction Agreement with the Georgia Department of Transportation, in an amount not to exceed \$7,437,700.00, for South Barrett Reliever, Phase 3, State P.I. No. 0013239, Cobb County Project No. X2407, CCDOT Contract No. 001209; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Appropriate receipt of revenue from the Georgia Department of Transportation to the 2016 SPLOST Transportation Improvements Program Fund and restore original funding sources utilized, as follows:

Increase Revenue:	347-050-X240-X240-4466-X2407-C	GDOT Revenue	\$7,437,700.00
Increase Expenditure:	347-050-X240-X240-8761-X2407-C	Preliminary Estimate	\$2,437,700.00
	347-050-X200-X200-8005-X2000-A	Preliminary Estimate	\$5,000,000.00

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, Thoroughfare and Mobility Improvements.

South Barrett Reliever, Phase 3, is an eligible project under the Congestion Relief and Mobility Improvements - Thoroughfare and Mobility Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 21, 26). Local Match for Future Federal/State/Other Funding includes required local match for the South Barrett Reliever, Phase 3 project, to be funded by the Georgia Department of Transportation. Improvements include a new connector road over I-75.

SPLOST Project Summary as of January 2, 2024: South Barrett Reliever, Phase 3

Budget:	\$43,155,252.00	Expended:	\$19,796,236.14
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VOTE: **ADOPTED 5-0**

APPOINTMENTS

38. To announce the Vice Chair for 2024 and the liaison for Cobb Travel and Tourism.

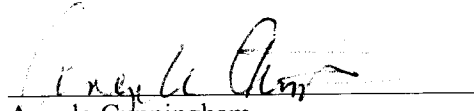
Chairwoman Cupid announced the appointment of Commissioner Jerica Richardson as Vice Chair and the appointment of Commissioner Monique Sheffield to serve as Board liaison for Cobb Travel and Tourism for the 2024 calendar year.

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 23, 2024
7:00 PM**

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ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

A handwritten signature in dark ink, appearing to read "Angela Cunningham", is written over a horizontal line.

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.

In addition, I do support the Order on Cross Motions for Summary Judgment (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024 which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.

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).

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.

RESOLUTION

Resolution authorizing the approval and submission of Title VI Program to Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by Title 49 U.S.C. chapter 53, 42 U.S.C. § 2000d et seq., 49 C.F.R. Part 21 and other Federal statutes administered by the Federal Transit Administration.

WHEREAS, The Federal Transit Administration (FTA) requires that all direct and primary recipients document their compliance with the United States Department of Transportation's Title VI regulations by submitting a Title VI Program Update to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA; and

WHEREAS, the Title VI Program Update must be approved by the recipient's Board of Directors, or appropriate governing entity or official(s) responsible for policy decisions, prior to submission to the FTA; and

WHEREAS, Cobb County has provided or will provide a Title VI Program and all Annual Certifications and Assurances to the FTA.

NOW, THEREFORE, BE IT RESOLVED by the Cobb County Board of Commissioners that:

1. The Chairwoman of the Cobb County Board of Commissioners declares that the County is in compliance with the Federal Title VI regulations.
2. The Chairwoman of the Cobb County Board of Commissioners approves the Title VI Program Update.
3. The Chairwoman of the Cobb County Board of Commissioners confirms that the County has or will provide a Title VI Program and all Annual Certifications and Assurances to the Federal Transit Administration.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 23, 2024.

This 30th day of Jan.

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:

[Signature]
For Clerk
Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

1/23/24



COBB COUNTY
BOARD OF COMMISSIONERS

100 Cherokee Street, Suite 300
Marietta, Georgia 30090-7000
770.528.3305 • fax: 770.528.2606

Lisa Cupid
Chairwoman

CERTIFIED MAIL
7020 6040 0002 0800 0890

January 9, 2024

The Honorable Al Thurman
Mayor
City of Powder Springs
P.O. Box 46
Powder Springs Georgia 30127

Re: Petition for Annexation-- Land Lot 866, 19th District, Parcel 19086600040 2nd Section, Southeast side of Powder Springs Road, West of Sanders Road, Cobb County, Georgia; Notice of Non-Objection.

Dear Mayor Thurman:

We are in receipt of the above-referenced rezoning and annexation request. Please accept this response to the annexation proposal for the tract of land located on the southeast side of Powder Springs Road, West of Sanders Road. The subject property is currently zoned GC (General Commercial) and is within an area identified as NAC (Neighborhood Activity Center) according to the Cobb County Future Land Use Map. The subject property has the required contiguity with the existing Powder Springs boundary for annexation. No unincorporated islands would be created or extended with the proposed annexation. There are no county buildings or facilities on the property. This property is undeveloped and wooded. The applicant is proposing to develop a 10,000-square-foot freestanding package store and two additional buildings that will provide 11,520 square feet of retail space. Based on our HB 489 Intergovernmental Agreement, this is a non-objectionable request.

In summary, please accept this letter as the County's formal **notice of non-objection** to the proposed annexation. Please see the attached comments from the Cobb County departments below. Should you have any questions or need any additional information, please contact Donald Wells, Intergovernmental Coordinator, at (770) 528-2199 or donald.wells@cobbcounty.org.

**Re: Petition for Annexation– Land Lot 866, 19th District, Parcel 19086600040 2nd Section,
Southeast side of Powder Springs Road, West of Sanders Road, Cobb County, Georgia;
Notice of Non-Objection.**

Sincerely,

Lisa Cupid, Chair

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Director of Community Development, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email

**Re: Petition for Annexation– Land Lot 866, 19th District, Parcel 19086600040 2nd Section,
Southeast side of Powder Springs Road, West of Sanders Road, Cobb County, Georgia;
Notice of Non-Objection.**

[signature page continued]

Sincerely,



Keli Gambrell, District 1 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Community Development Director, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email

**Re: Petition for Annexation– Land Lot 866, 19th District, Parcel 19086600040 2nd Section,
Southeast side of Powder Springs Road, West of Sanders Road, Cobb County, Georgia;
Notice of Non-Objection.**

[signature page continued]

Sincerely,

Jerica Richardson, District 2 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Community Development Director, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email

**Re: Petition for Annexation– Land Lot 866, 19th District, Parcel 19086600040 2nd Section,
Southeast side of Powder Springs Road, West of Sanders Road, Cobb County, Georgia;
Notice of Non-Objection.**

[signature page continued]

Sincerely,



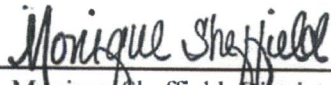
JoAnn K. Birrell, District 3 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Community Development Director, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email

**Re: Petition for Annexation– Land Lot 866, 19th District, Parcel 19086600040 2nd Section,
Southeast side of Powder Springs Road, West of Sanders Road, Cobb County, Georgia;
Notice of Non-Objection.**

[signature page continued]

Sincerely,



Monique Sheffield, District 4 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Community Development Director, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email

County Staff Comments and Recommendations

**Southside of Powder Springs Road West of Sanders Road
City of Powder Springs**

Water System- Tim Davidson

Water service for the proposed annexed property is provided by the existing CCWS water main in Powder Springs Road.

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

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

Applicant should be aware that this parcel is in the Flint Hill Road Area 1 Special Assessment Area, subject to a special sewer fee of \$600 per acre, in addition to the standard System Development Fee.

Planning- Historic Preservation-Mandy Elliot

No Comment

Cobb County Fire Marshal's Office-Rock Toler

The Fire Department does not object to the annexation.

GIS- Brad Gordon

No objections from a GIS or addressing perspective.

Stormwater Management- Andrew Heath

No comment or objections.

County Staff Comments and Recommendations

**Southside of Powder Springs Road West of Sanders Road
City of Powder Springs**

Cobb DOT-N/A

No comments received.

Code Enforcement- Brent Farrell

No Comment.

Cemetery Preservation Committee- Helga Hong

No Comment

Business License Division-Ellisia Webb

This property is rather close to a church, Pine Grove Baptist Church which has opposed alcohol licenses in the area resulting in deferrals and appeals to the BOC.

Also, there appear to be residences in the surrounding area that could, if within 300 feet, could be grounds for denial per the Cobb County Code of Ordinances.

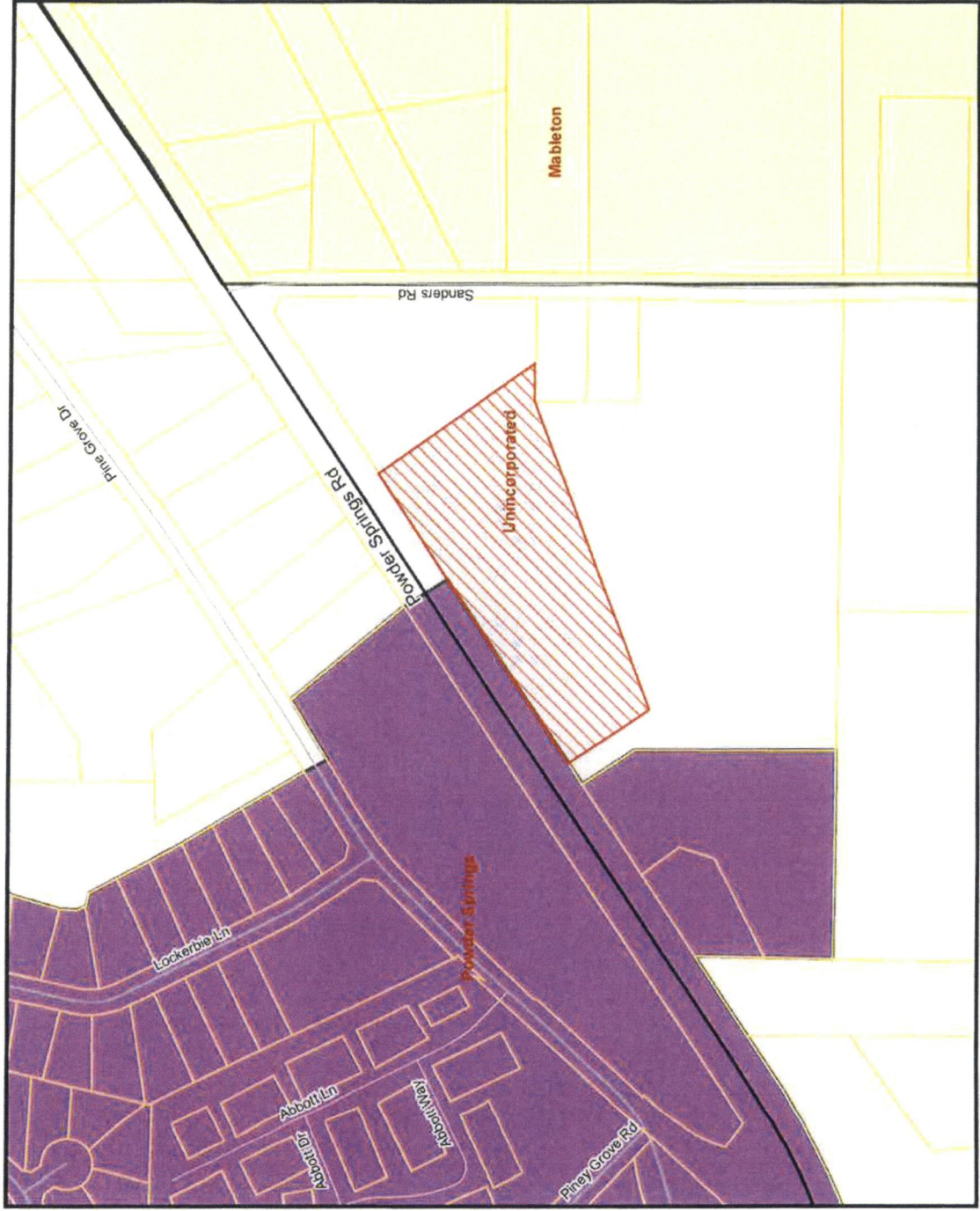
De/Annexation Location Map

January 2024

19th District
Landlot: 0866
Parcel: 004

Legend

	Annexation Areas
	Acworth
	Austell
	Kennesaw
	Mableton
	Marietta
	Powder Springs
	Smyrna
	Unincorporated



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 23rd of January 2024

A RESOLUTION OF THE COBB COUNTY BOARD OF COMMISSIONERS FOR THE PURPOSE OF LEVYING TAXES SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE COBB COUNTY SCHOOL DISTRICT (GEORGIA) SHORT-TERM CONSTRUCTION NOTES, SERIES 2024, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$99,575,000 AND THE INTEREST THEREON, AND FOR OTHER PURPOSES:

WHEREAS, pursuant to Article IX, Section V, Paragraph V of the Constitution of the State of Georgia and a resolution adopted on December 7, 2023, as supplemented on January 18, 2024 (as so supplemented, the "Board of Education Resolution") by the Board of Education of Cobb County (the "Board of Education"), for and on behalf of the Cobb County School District (the "School District"), the Board of Education authorized obtaining a temporary loan in the principal amount of \$99,575,000 for the purpose of providing moneys to pay or to be applied toward the cost of the current expenses of acquiring, constructing, equipping and upgrading various school facilities and improvements of the School District and to pay the expenses incident thereto incurred by the School District during the calendar year 2024; and

WHEREAS, in the Board of Education Resolution the Board of Education has recommended to the Board of Commissioners of Cobb County the levy of an ad valorem tax on all property in the School District sufficient to pay the principal of and interest on the Notes (hereinafter defined) in the event the proceeds of a 1% sales and use tax for educational purposes (as identified more fully in the Board of Education Resolution, the "Special Educational Sales Tax") and other available funds of the School District are insufficient to repay the Notes; and

WHEREAS, based on the Board of Education's recommendation, it is mandatory by law upon the Board of Commissioners of Cobb County to levy an ad valorem tax within the 20 mill limit prescribed by law upon all property subject to taxation within the School District, which

School District embraces all the territory comprising Cobb County, except the area embraced within the independent school system of the City of Marietta, Georgia, to the extent necessary to produce moneys in an amount sufficient, together with any other funds of the School District lawfully available for such purpose including, without limitation, proceeds of the Special Educational Sales Tax, to provide for the payment of the principal of and interest on the Notes as the same become due and payable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Cobb County, and it is hereby resolved by authority of same, that for the purpose of paying the principal of and interest on the \$99,575,000 aggregate principal amount of Cobb County School District (Georgia) Short-Term Construction Notes, Series 2024 (the “Notes”), as same become due and payable, there will be levied an ad valorem tax within the 20 mill limit prescribed by law on all property subject to taxation within the School District to the extent necessary to produce moneys sufficient, together with any other funds of the School District lawfully available for such purpose including, without limitation, proceeds of the Special Educational Sales Tax, to provide for the payment on December 16, 2024 of the following amounts:

<u>Principal</u>	<u>Interest</u>	<u>Total</u>
\$99,575,000	\$3,551,508.33	\$103,126,508.33

which moneys are hereby irrevocably pledged and appropriated to the payment of the principal and interest on the Notes.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that the Chairwoman and the Vice Chairwoman of the Board of Commissioners of Cobb County, each respectively, are hereby authorized to execute on behalf of

Cobb County this resolution and any other necessary or appropriate documents in connection with this resolution and the issuance of the Notes.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that all resolutions, if any, in conflict with this resolution, be and the same are hereby repealed.

SO ADOPTED this January 23, 2024.

COBB COUNTY, GEORGIA

By:

[Chairwoman] [Vice Chairwoman],
Board of Commissioners of Cobb County



Attest:


Pamela L. Mabry, County Clerk

Approved As To Form:


COBB COUNTY ATTORNEY'S OFFICE

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

1/23/24

COUNTY CLERK'S CERTIFICATE

GEORGIA, COBB COUNTY

I, Pamela L. Mabry, Clerk of the Board of Commissioners of Cobb County, **DO HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the said Board of Commissioners at an open public meeting duly called and lawfully assembled on January 23, 2024, in connection with the issuance of \$99,575,000 aggregate principal amount of Cobb County School District (Georgia) Short-Term Construction Notes, Series 2024, the original of which resolution being duly recorded in the Minute Book of the Board of Commissioners, which Minute Book is in my custody and control.

WITNESS my hand and the official seal of the Board of Commissioners of Cobb County, this January 23, 2024.

Pamela L. Mabry
County Clerk



(SEAL)

RESOLUTION

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

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

WHEREAS, on November 30, 2023, the USDOT announced a Fiscal Year 2024 call for projects; and

WHEREAS, applications are due by February 28, 2024, and will be competitively selected for award based on predetermined evaluation criteria; and

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

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

WHEREAS, the total requested for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project for a planning/design RAISE grant is \$5,525,000.00, which includes federal funds in the amount of \$4,420,000.00, and local match funds in the amount of \$1,105,000.00, should the RAISE grant funds be awarded.

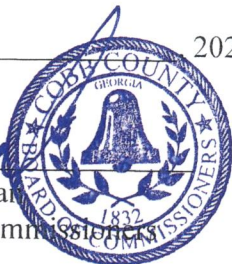
NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a RAISE grant application to the USDOT for the aforementioned project.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 23, 2024.

This 7th day of Feb. 2024

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest

Clerk

Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

