

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 14, 2024
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, May 14, 2024 at 9:00 a.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 9:03 a.m.

PRESENTATIONS

1. **To present a 2024 Legislative Service Award to Senator Kay Kirkpatrick in conjunction with ACCG.**

Commissioner Birrell presented the 2024 Legislative Service Award to Senator Kay Kirkpatrick in conjunction with ACCG.

2. **To present a proclamation designating May as *Foster Care Awareness Month* in Cobb County**

Commissioner Gambrill presented a proclamation designating May as *Foster Care Awareness Month* in Cobb County.

3. **To present a proclamation designating the week of May 19, 2024, as *National Public Works Week* in Cobb County.**

Commissioner Sheffield presented a proclamation designating the week of May 19, 2024, as *National Public Works Week* in Cobb County.

4. **To present a certificate of recognition to TransDev Services, Inc., paratransit team personnel who responded to a medical emergency incident at the Cobb County Paratransit Facility on March 11, 2024.**

Commissioner Richardson presented a certificate of recognition to Jeaniece Frazier, Antroinette Grant, and Earnesha Scott for their response to a medical emergency incident at the Cobb County Paratransit Facility on March 11, 2024.

5. To present a proclamation designating the week of May 6, 2024 as *Economic Development Week* in Cobb County.

Chairwoman Cupid presented a proclamation designating the week of May 6, 2024 as *Economic Development Week* in Cobb County.

PUBLIC COMMENT

1. Anthony Coleman addressed the Board regarding preserving Lemon Street School.
2. Christine Rozman addressed the Board regarding various matters.
3. Tracy Stevenson addressed the Board regarding taxes
4. Craig Harfoot addressed the Board regarding various matters.
5. Matt Stigall addressed the Board regarding transit.
6. Denny Wilson addressed the Board regarding various matters.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, as revised; with exception to Item 21, *Office of Sustainability* and Item 24, *ComDev*, which were withdrawn from the agenda; and **authorize** execution of the necessary documents by the appropriate County personnel.

Commissioner Birrell's statement

In light of the Supreme Court's ruling last week regarding standing on the Home Rule issue. My position regarding the Home Rule Challenge still stands. I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 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 Gambrell's statement

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

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

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

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

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

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

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

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

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

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

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

Water System

6. To authorize a License Agreement with SCP Macedonia Owner, LLC for the installation of a sanitary sewer line across County-owned property located in Land Lot 717 of the 19th District.

To **approve** a License Agreement with SCP Macedonia Owner, LLC for the installation of a sanitary sewer line across County-owned property located in Land Lot 717 of the 19th District and **further authorize** the Chairwoman to execute the necessary documents.

7. To accept maintenance responsibility for all existing stormwater pipes within platted or dedicated drainage easements in the Wendwood Subdivision Units One, Two, Three, and Four.

To **authorize** the acceptance of maintenance responsibility for all existing stormwater pipes within platted or dedicated drainage easements in the Wendwood Subdivision Units One, Two, Three, and Four.

8. To approve a construction contract with K. M. Davis Contracting Co., Inc. for Old Westside Road Area Water Main Replacement, Program No. W2423.

To **approve** a construction contract with K. M. Davis Contracting Co., Inc., in the amount of \$1,054,791.25, for Old Westside Road Area Water Main Replacement, Program No. W2423; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	\$1,098,551.25

Transfer to:

Old Westside Road Area Water Main Replacement			
Construction	510-500-5754-8260	W2423-C	\$1,054,791.25
Interest Expense on Retainage	510-500-5754-6613	W2423-A	\$ 2,640.00
Materials & Supplies	510-500-5754-8265	W2423-M	\$ 20,000.00
Contingency	510-500-5754-8810	W2423-T	<u>\$ 21,120.00</u>
Total			\$1,098,551.25

9. **To authorize a License Agreement with Maxham Farm Atlanta, LLC, formerly known as (f/k/a) Drapac Group 3, LLC, for the installation of two sanitary sewer lines across County-owned property located in Land Lots 87, 88, and 145 of the 18th District.**

To **approve** a License Agreement with Maxham Farm Atlanta, LLC, f/k/a Drapac Group 3, LLC, for the installation of two sanitary sewer lines across County-owned property located in Land Lots 87, 88, and 145 of the 18th District and **further authorize** the Chairwoman to execute the necessary documents.

10. **To approve additional funding for the work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Wade Coots Company, Inc. for Sewer Tap Installation at 930 South Gordon Road, Program No. S1146.**

To **approve** additional funding for the work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Wade Coots Company, Inc., in the amount of \$44,088.03, for Sewer Tap Installation at 930 South Gordon Road, Program No. S1146; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

UPC Water, Sewer, and Miscellaneous Services

Construction	510-500-5752-8260	C0171-C	\$93,720.08
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Transfer to:

Sewer Tap Installation at 930 South Gordon Road

Construction (Original Work Order)	510-500-5755-8260	S1146-C	\$49,632.05
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Construction (Additional Funding)	510-500-5755-8260	S1146-C	<u>\$44,088.03</u>
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Total			\$93,720.08
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Transportation

11. **To approve Amendment No. 1 to the Lease Agreement with the Georgia Department of Public Safety and Intergovernmental Agreement at the Cobb County International Airport - McCollum Field.**

To **approve** Amendment No. 1 to the Lease Agreement with the Georgia Department of Public Safety and Intergovernmental Agreement at Cobb County International Airport - McCollum Field; and **authorize** the Chairwoman to execute the necessary documents.

Available in the Department of Public Safety approved FY24 Operating Budget, as follows:

Available:	010-130-2100-6534	Rental Real Estate	\$14,794.50
	230-130-1000-6534	Rental Real Estate	\$14,794.50

Public Services Agency

PARKS

12. **To approve a property access agreement with Cobb EMC to install power service to the new Maintenance Building at the PARKS Administration Complex, located at 1792 County Services Parkway, Marietta.**

To **approve** the property access agreement with Cobb EMC to install power service to the new PARKS Maintenance Building; and **further authorize** the Chairwoman to execute the necessary documents.

13. **To approve the First Amendment to the Parking Lease Agreement with the Cobb County School District for Lassiter High School parking at Carl Harrison Park.**

To **approve** the First Amendment to the Parking Lease Agreement with the Cobb County School District for Lassiter High School parking at Carl Harrison Park; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

All funds received will be deposited as rental fees collected for Carl Harrison Park.

Library System

14. **To authorize the acceptance of the 2023 Georgia Library of the Year Award from the Board of Regents, Georgia Public Library Service.**

To **authorize** the acceptance of the 2023 Georgia Library of the Year Award in the amount of \$1,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Library Director to execute the necessary documents.

Increase Revenue:	270-080-L100-L113-4502	(Board of Education)	\$1,000.00
Increase Expenditure:	270-080-L100-L113-6204	(Other Supplies)	\$1,000.00

15. **To authorize the application for and acceptance of the Talk Story Grant from the Asian Pacific American Librarians Association and the American Indian Library Association.**

To **authorize** application for and acceptance of the Talk Story Grant from the Asian Pacific American Librarians Association and the American Indian Library Association; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman and/or Library Director to execute the necessary documents.

Increase Revenue:	270-080-L100-L112-4508	(Local Grants)	\$500.00
Increase Expenditure:	270-080-L100-L112-6601	(Other Misc. Expenses)	\$500.00

Senior Services

16. **To approve the 2024 Third Amendment Contract AG2334.3 with Atlanta Regional Commission, the designated Area Agency on Aging, for American Rescue Plan Act (ARPA) funded services to provide additional support to older adults in Cobb County for case management, material aid, assistive technology, home delivered meals, and transportation for the period of July 1, 2022 to September 30, 2024.**

To **approve** the 2024 Third Amendment Contract AG2334.3 with Atlanta Regional Commission, the designated Area Agency on Aging, for American Rescue Plan Act (ARPA) funded services to provide additional support to older adults in Cobb County for case management, material aid, assistive technology, home delivered meals, and transportation for the period of July 1, 2022 to September 30, 2024; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

17. **To authorize the submission of a grant application for the FY25 Atlanta Regional Commission (ARC) Federal Transit Authority (FTA) 5310 Funded Services to improve mobility for seniors by removing barriers to transportation services and expanding transportation mobility options.**

To **authorize** the submission of a grant application for the FY25 Atlanta Regional Commission (ARC) Federal Transit Authority (FTA) 5310 Funded Services to improve mobility for seniors by removing barriers to transportation service and expanding transportation mobility options.

18. **To approve the 2024 Second Amendment Contract AG2414.2 with Atlanta Regional Commission (ARC) for Title III-B, Title IIIC-1, Title III-C-2, Title III-E, CBS-HCBS State (Home and Community Based Services), CBS-Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP Federal (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's Program State and CBS Alzheimer's State funding, for July 1, 2023 through June 30, 2024.**

To **approve** the 2024 Second Amendment Contract AG2414.2 with Atlanta Regional Commission (ARC) for Title III-B, Title IIIC-1, Title III-C-2, Title III-E, CBS-HCBS State (Home and Community Based Services), CBS-Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP Federal (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's Program State and CBS Alzheimer's State funding, for July 1, 2023 through June 30, 2024; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following increase in budget appropriations:

Increase Revenue:

277-300-F078-4495	CBS-HCBS State	\$90,000.00
Total Revenue		\$90,000.00

Increase Expenditures:

277-300-F078-6012	Salaries	\$74,500.00
277-300-F078-6194	Recreational Supplies	\$2,250.00
277-300-F078-6200	Uniforms	\$1,750.00
277-300-F078-6207	Safety Supplies	\$3,000.00
277-300-F078-6262	Software – Non Capital	\$1,000.00
277-300-F078-6349	Information Technology Subscription Fee	\$1,000.00
277-300-F078-6532	Rental Equipment	\$1,500.00
277-300-F078-6504	Vehicle Outside R&M Service	\$5,000.00
Total Expenditures		\$90,000.00

19. To authorize the submission of a grant application of up to \$25,000.00 to Cobb & Douglas Public Health to assist with implementing initiatives that support the 2023 - 2027 Community Health Improvement Plan (CHIP) for Cobb and Douglas Counties.

To **authorize** the submission of a grant application to Cobb & Douglas Public Health to assist with implementing initiatives that support the 2023 -2027 Community Health Improvement Plan (CHIP) for Cobb and Douglas Counties.

Sustainability Waste and Beautification

20. To approve a third amendment to the Transfer Station Lease and Operating Agreement with Cobb County Transfer Station, LLC.

To **approve** a third amendment to the Transfer Station Lease and Operating Agreement with Cobb County Transfer Station, LLC; and **authorize** the Chairwoman to execute any necessary documents.

Office of Sustainability

21. Withdrawal of request to approve the appropriation of District 2 contingency funding, in support of a Sustainability Gala hosted by Keep Cobb Beautiful.

This item was withdrawn from the agenda.

Support Services Agency

Support Services Administration

22. To approve a Revocable License Agreement with The Board of Regents of the University System Of Georgia, by and on behalf of Kennesaw State University, for field sampling research on several Cobb County properties under the control of Cobb County Department of Transportation, Cobb County Parks and Cobb County Water in Districts 1, 2, 3 and 4.

To **approve** a Revocable License Agreement with the Board of Regents of the University System of Georgia, by and on behalf of Kennesaw State University, for field sampling research on several Cobb County properties under the control of Cobb County Department of Transportation, Cobb County Parks and Cobb County Water in Districts 1, 2, 3 and 4 for an initial term of three (3) years with the right to extend for two (2) additional one (1) year terms upon the terms and conditions set forth in the Revocable License Agreement attached; and **authorize** the Chairwoman to execute the necessary documents to implement the foregoing purposes.

Information Technology Services

23. **To authorize the Procurement Director to purchase technology greater than \$100,000.00 under provisions of an Omnia Partners contract with Mythics, Inc. for Oracle Software Update License and Support for the Sheriff's Office.**

To **authorize** the Procurement Director to purchase Oracle Software Update License & Support for the Sheriff's Office, in an amount not to exceed \$189,467.49, under provisions of Omnia Partners Region 4/National IPA contract number R190801 with Mythics, Inc.; and **further authorize** the corresponding budget transactions.

Available in Information Technology Services operating budget as follows:

010-035-0400-6491	(Software Maintenance)	\$189,467.49
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Community Development

24. **Withdrawal of request to review a summary of the appeal hearing conducted by the License Review Board on April 25, 2024, for One Stop Spirits, LLC d/b/a Supreme International Beer, Wine & Spirits.**

This item was withdrawn from the agenda.

25. **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 29.61 acres located at 5500 Elliot Road.**

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of Land Lots 598, 599, 660, 661 of the 19th District, Cobb County, Georgia, Parcel number 19066000060, into the City of Powder Springs. A copy of said notice is attached and made a part of these minutes.

26. **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 10.306 acres located at 650 South Cobb Drive.**

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of Land Lot 358 of the 17th District, Cobb County, Georgia, Parcel number 17035800020, into the City of Marietta. A copy of said notice is attached and made a part of these minutes.

Economic Development

27. **To approve a Business Investment Grant for *Sharp Media LLC* from the Cobb County Entrepreneurship and Innovation Incentive Program.**

To **approve** a grant award, in the amount of \$10,000.00, from the Entrepreneurship and Innovation Incentive Program to *Sharp Media LLC*; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

270-030-L017-6601

(Contributions, Donations, Grants)

28. **To approve the recommended ranking of the top three qualified firms to develop an Economic Development Strategic Plan for Cobb County.**

To **approve** the recommended ranking of the top three qualified firms to develop an Economic Development Strategic Plan for Cobb County and **further authorize** negotiations for final scope and fee beginning with the top-ranked firm, KB Advisory Group.

Finance

29. **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.

30. **To approve the Fifteenth Amendment to the current Grant Administration Agreement with W. Frank Newton, Inc. to extend the term of the Agreement for the provision of administrative services for grant programs received from the U.S. Department of Housing & Urban Development and other federal and state sources and establish a fee schedule for the renewal term.**

To **approve** the Fifteenth Amendment to the current Grant Administration Agreement with W. Frank Newton, Inc. to extend the term of the Agreement for the provision of administrative services for grant programs received from the U.S. Department of Housing & Urban Development and other federal and state sources and establish a fee schedule; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the Fifteenth Amendment and any other necessary documents.

CDBG

31. **To authorize the acceptance of Phase 41 Emergency Food and Shelter National Board Program grant funds from the Federal Emergency Management Agency and authorize the allocation of funds to Cobb County for program administration carried out by W. Frank Newton, Inc.**

To **authorize** the acceptance of Phase 41 Emergency Food and Shelter Program grant funds from the Federal Emergency Management Agency and authorize the allocation of funds to Cobb County for program administration carried out by W. Frank Newton, Inc.; **authorize** all corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

FEMA will send program funds directly to the participating non-profit organizations; thus Phase 41 budget appropriations are for the administrative portion of the grant only:

Increase Revenues	270-390-G706-4432	(Federal Grants)	\$5,523.00
Increase Expenditures	270-390-G706-6312	(Consultant Services)	\$5,523.00

County Clerk

32. **To approve minutes.**

To approve the minutes from the following meetings:

- April 22, 2024 - Agenda Work Session
- April 23, 2024 - BOC Work Session
- April 23, 2024 - BOC Regular Meeting

CONSENT VOTE: **ADOPTED 5-0**, Commissioner Birrell recused herself from Item 20, Commissioner Gambrill in opposition to Item 7, Commissioners Birrell and Gambrill in opposition to Item 28. *(Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

REGULAR AGENDA

ARPA

33. **To approve the de-obligation, and return to ARPA undesignated contingency, of previously appropriated funds received pursuant to the American Rescue Plan Act of 2021.**

Motion by Cupid, second by Richardson, to **approve** the de-obligation, and return to ARPA undesignated contingency, of previously appropriated funds received pursuant to the American Rescue Plan Act of 2021; authorize the corresponding budget transactions; and **further authorize** the Chairwoman to execute the agreement and any necessary documents.

Unspent appropriations will be returned to undesignated contingency within the ARPA Fund with the following transactions:

Decrease Expenditure:	279-030-ED05-6574	Contributions	\$58,925.00
Increase Expenditure:	279-055-ARPA-8820	Undesignated Contingency	\$58,925.00
Decrease Expenditure:	279-030-ED06-6574	Contributions	\$1,660,000.00
Increase Expenditure:	279-055-ARPA-8820	Undesignated Contingency	\$1,660,000.00

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

Transportation

34. To approve Change Order No. 1 (final) to the contract with Lewallen Construction Company, Inc., for Kennesaw Mountain Pedestrian Improvements, State P.I. No. 0015279, Cobb County Project No. X2404, Cobb DOT Contract No. 001585.

Motion by Gambrell, second by Richardson, to **approve** Change Order No. 1 (final) to the contract with Lewallen Construction Company, Inc., a savings to the project in the amount of \$905,760.28, for Kennesaw Mountain Pedestrian Improvements, State P.I. No. 0015279, Cobb County Project No. X2404, Cobb DOT Contract No. 001585; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Decrease Encumbrance

GAE 34704272139: 347-050-X240-X240-8762-X2404-C Turnkey Construction \$822,847.61

Transfer from: 347-050-X240-X240-8762-X2404-C Turnkey Construction \$822,847.61

Transfer to: 347-050-X240-X240-8761-X2404-C Preliminary Estimate \$822,847.61

Decrease appropriation of revenue from the Georgia Department of Transportation from the 2016 SPLOST Transportation Improvements Program Fund, as follows:

Decrease Revenue: 347-050-X240-X240-4466-X2404-C GDOT Revenue \$1,537,353.24

Decrease Expenditure: 347-050-X240-X240-8761-X2404-C Preliminary Estimate \$1,537,353.24

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, Congestion Relief and Mobility Improvements.

Kennesaw Mountain Pedestrian Improvements is an eligible project/program in the Congestion Relief and Mobility Improvements - Projects Requested to be Funded by the Georgia Department of Transportation Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 24).

SPLOST Project Summary as of May 1, 2024: Kennesaw Mountain Pedestrian Improvements

Budget: \$9,484,990.61 Expended: \$7,938,500.84

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

Decrease Encumbrance

GAE 51004272139: 510-500-5756-8260-W4421-C Construction \$ 82,912.67

Transfer from: Kennesaw Mountain Pedestrian Improvements

510-500-5756-8260-W4421-C Construction \$ 82,912.67

510-500-5756-6613-W4421-A Interest Expense on Retainage \$ 1,750.00

510-500-5756-8265-W4421-M Material and Supplies \$ 2,726.34

510-500-5756-8810-W4421-T Contingency \$ 14,000.00

Total: \$101,389.01

Transfer to: DOT Projects - Relocate Lines

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

35. **To approve Amendment No. 1 to the Memorandum of Agreement with Cobb County-Marietta Water Authority for relocation of a waterline facility for Kennesaw Mountain Pedestrian Improvements, Project No. X2404.**

Motion by Gambrill, second by Richardson, to **approve** Amendment No. 1 to the Memorandum of Agreement with Cobb County-Marietta Water Authority, in the additional amount of \$98,593.63, for relocation of a waterline facility for Kennesaw Mountain Pedestrian Improvements, Project No. X2404; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Appropriate receipt of revenue from Cobb County-Marietta Water Authority to the 2016 SPLOST Transportation Improvements Program Fund, as follows:

Increase Revenue: 347-050-X240-X240-4506-X2404-C Other Local Revenue \$98,593.63
Increase Expenditure: 347-050-X240-X240-8762-X2404-C Turnkey Construction \$98,593.63

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.

Kennesaw Mountain Pedestrian Improvements 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, 24).

SPLOST Project Summary as of May 1, 2024: Kennesaw Mountain Pedestrian Improvements

Budget: \$9,484,990.61 Expended: \$7,938,500.84

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

36. **To approve the recommended ranking of the three most qualified firms for Allatoona Creek Greenway Trail Scoping Study, Project No. AR17.**

Motion by Gambrill, second by Richardson, to **approve** the recommended ranking of the three most qualified firms for Allatoona Creek Greenway Trail Scoping Study, Project No. AR17; and **authorize** negotiations for scope of services and fees beginning with the top-ranked firm, Gresham Smith.

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

37. **To approve a Utility Relocation Agreement with Georgia Power Company for preliminary engineering and relocation of facilities on Shallowford Road at Wesley Chapel Road Utility Pole Relocation, Project No. X2512, Cobb DOT Contract No. 002229.**

Motion by Birrell, second by Sheffield, to **approve** a Utility Relocation Agreement with Georgia Power Company, in an amount not to exceed \$63,333.00, for preliminary engineering and relocation of facilities on Shallowford Road at Wesley Chapel Road Utility Pole Relocation, Project No. X2512, Cobb DOT Contract No. 002229; **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 transfers:

Transfer from:	347-050-X250-X250-8721-X2512-E	Preliminary Estimate	\$12,885.00
	347-050-X250-X250-8761-X2512-C	Preliminary Estimate	\$20,000.00
	347-050-X250-X250-8771-X2512-C	Construction Signalization	\$ 1,167.50
	347-050-X200-X200-8005-X2000-C	Preliminary Estimate	\$29,280.50
Transfer to:	347-050-X250-X250-8786-X2512-U	Utility Relocation	\$63,333.00

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, Traffic Management, Traffic Signals and Planning.

Shallowford Road at Wesley Chapel Road Pole Relocation is an eligible project/program under the Traffic Management, Traffic Signals and Planning Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 23). Traffic Signals improvements include upgrade of the traffic signal infrastructure to include the addition and upgrade of uninterruptible power supply (UPS) units, addition of flashing arrow left turn displays, and rebuilding traffic signal supports.

SPLOST Project Summary as of May 1, 2024: Shallowford Road at Wesley Chapel Road Utility Pole Relocation

Budget:	\$50,500.00	Expended:	\$42.50
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$79,780.50
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VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

38. To approve a Construction Agreement with CSX Transportation, Inc., for construction inspection and support services for Silver Comet Trail Connector, Project No. X2415, and Atlanta Road Bridge over CSX Railroad, Project No. B2112.

Motion by Richardson, second by Gambrill, to **approve** a Construction Agreement with CSX Transportation, Inc., in the estimated amount of \$49,887.00, for construction inspection and support services for Silver Comet Trail Connector, Project No. X2415, and Atlanta Road Bridge over CSX Railroad, Project No. B2112; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents, in a form substantially similar to that presented as approved by the County Attorney's Office.

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	\$49,887.00
Transfer to:	347-050-X240-X240-8789-X2415-U	Utility - Railroad	\$49,887.00

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.

Silver Comet Trail Connector 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). SPLOST funding for Thoroughfare and Mobility Improvements will fund activities to reduce congestion and commute times and improve safety.

SPLOST Project Summary as of May 1, 2024:

Budget:	\$3,201,957.99	Expended:	\$701,238.32
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

39. To adopt a resolution authorizing the submission of a Local Maintenance and Improvement Grant Program application for the FY24 Supplement to the Georgia Department of Transportation for Local Road Assistance Administration funding for transportation improvement projects.

Motion by Cupid, second by Richardson, to **adopt** a resolution authorizing the submission of a Local Maintenance and Improvement Grant Program application for the FY24 Supplement to the Georgia Department of Transportation for Local Road Assistance Administration funding for eight transportation improvement projects; **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 LRA funding, as follows:

Increase Revenue:	348-050-B240-B240-4466-B2440-A	GDOT Revenue	\$7,977,514.78
Increase Expenditure:	348-050-B240-B240-8005-B2440-A	Preliminary Estimate	\$7,977,514.78

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, Federal/State/Local Match Improvements.

2024 LMIG Supplement Projects are eligible projects/programs under the Federal/State/Local Match Improvements Component of the 2022 SPLOST Transportation Improvements pending sufficient Federal, State or other grant assistance becoming available (2022 Cobb SPLOST Renewal, pp. 1, 21). SPLOST funding for the Federal/State/Local Match improvements will be used to leverage available matching funds to deliver key operational and safety improvements to the county's transportation system.

SPLOST Project Summary as of May 1, 2024: 2024 LMIG Supplement Projects (new project as of 05/14/24)

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

Adjusted Budget:	\$7,977,514.78
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

40. To approve a contract with Ohmshiv Construction, LLC for James Road over Pine Creek, Project No. B2103, Cobb DOT Contract No. 001970.

Motion by Sheffield, second by Birrell, to **approve** a contract with Ohmshiv Construction, LLC, in an amount not to exceed \$1,190,886.95, for James Road over Pine Creek, Project No. B2103, Cobb DOT Contract No. 001970; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B210-B210-8005-B2103-A	Preliminary Estimate	\$1,104,739.15
Transfer to:	348-050-B210-B210-8762-B2103-C	Turnkey Construction	\$1,104,739.15

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.

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

SPLOST Project Summary as of May 1, 2024: James Road over Pine Creek

Budget:	\$2,040,000.00	Expended:	\$193,259.30
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Available in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$97,147.80
Transfer to:	James Road over Pine Creek		
	510-500-5756-8260-W4475-C	Construction	\$86,147.80
	510-500-5756-8265-W4475-M	Materials and Supplies	\$ 9,000.00
	510-500-5756-8810-W4475-T	Contingency	<u>\$ 2,000.00</u>
		Total:	\$97,147.80

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

41. To approve Project No. TR523-TO#3 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., for the development of ridership projections to be included in the project list for the proposed Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, Cobb DOT Contract No. 002328.

Motion by Cupid, second by Richardson, to **approve** Project No. TR523-TO#3 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$22,972.00, for the development of ridership projections to be included in the project list for the proposed Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, Cobb DOT Contract No. 002328; **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 Fund Balance appropriation and interfund transactions:

Increase Revenue:	010-050-0715-4980	Fund Balance Appropriation	\$22,972.00
Increase Expenditure:	010-050-0715-6594	Interfund Transfer - Expense	\$22,972.00

Increase Revenue:	380-050-4727-4960-TR523-E	Interfund Transfer - Revenue	\$22,972.00
Increase Expenditure:	380-050-4727-6326-TR523-E	Professional Services	\$22,972.00

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed (*See Clerk's note following item 42 for final vote*) (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

42. To adopt a resolution authorizing submission to the Atlanta-Region Transit Link Authority the intent to call for the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) referendum, which includes a list of transit projects from the regional transit plan which the County recommends funding with proceeds from the tax.

Motion by Cupid, second by Richardson, to **adopt** a resolution authorizing submission to the Atlanta-Region Transit Link Authority the intent to call for the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) referendum, that includes a list of transit projects from the regional transit plan which the County recommends funding with proceeds from the tax. A copy of said resolution is attached and made a part of these minutes.

Clerk's note: Commissioner Birrell raised questions as to the Rules of Procedure regarding voting approval on a resolution.

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

Clerk's note: Prior to the vote on Item 42. Commissioner Birrell announced that she voted incorrectly on Item 41. Bill Rowling, County Attorney advised her that she could do a motion to reconsider. After the vote of Item 42 the following motion was made:

Reconsideration of Item 41.

Motion by Birrell, second by Cupid, to reconsider the vote on Item 41.

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

Reconsidered Motion by Cupid, second by Richardson, to **approve** Project No. TR523-TO#3 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$22,972.00, for the development of ridership projections to be included in the project list for the proposed Mobility Special Purpose Local Option Sales Tax ballot referendum for November 2024, Cobb DOT Contract No. 002328; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Public Services Agency

Senior Services

43. To approve a contract with Turbo Images Corp., for a visually appealing design, printing, and full wrapping of 31 Senior Services bus exteriors.

Motion by Cupid, second by Richardson, to **approve** a contract with Turbo Images Corp. for a visually appealing design, printing, and full wrapping of 31 bus exteriors in a total amount not to exceed \$152,892.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents

Funding is available as follows:

277-300-F075-6601	Other Miscellaneous Expenses	\$80,163.00
279-499-CI01-6601	Other Miscellaneous Expenses	\$72,729.00

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

Support Services Agency
Information Technology Services

44. To approve a contract with Tyler Technologies, Inc. (Tyler) for migration of the Tax system, to a hosted Software as a Service (SaaS) solution. This project is partially funded by 2022 SPLOST project Support Services / Information Services program B0040.

Motion by Cupid, second by Richardson, to **approve** a contract with Tyler Technologies, Inc. for the iasWorld On-Prem to Tyler SaaS Migration project in a form substantially similar to that presented, in an amount not to exceed \$4,186,638.11, partially funded by 2022 SPLOST Project B0040; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents as approved by the County Attorney's Office.

Available in the Information Technology Services FY2024 operating budget as follows:

010-035-0400-6491	(Software Maintenance)	\$206,277.10
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Funding is also available in the 2022 SPLOST Digital Government / Smart Community Program Fund with the following budget transfers:

Decrease Expenditure:	348-035-B002-8005-B0040-A	Preliminary Estimates	\$1,210,425.92
Increase Expenditure:	348-035-B002-8675-B0040-E	Computer Software	\$1,210,425.92

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, and approved by the voters of Cobb County on November 3, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, Support Services / Information Services.

The iasWorld On-Prem to Tyler SaaS Migration project is an eligible project/program under the 2022 SPLOST and is an approved project of Support Services /Information Services, Digital Government / Smart Community (Cobb County 2022 SPLOST, p.42). It will implement and modernize digital government systems and maintain technical currency to meet the expectations of an engaged and connected constituency.

2022 SPLOST Project Summary as of May 1, 2024:
Digital Government / Smart Community, B0040

Current Budget:	\$9,000,000.00
Encumbrances:	\$0.00
Actual Expenditures:	\$0.00
Remaining in Program:	\$9,000,000.00

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

45. **To authorize the Procurement Director to purchase services greater than \$100,000.00 to implement the Cobb County Broadband/Wi-Fi Enhancement and Expansion Program at Wildhorse Creek Park, under provisions of a GTADirect Contract with NetPlanner Systems, Inc. (NetPlanner). This project is funded by ARPA.**

Motion by Cupid, second by Sheffield, to **authorize** the Procurement Director to purchase services to implement the Cobb County Broadband/Wi-Fi Enhancement and Expansion Program at Wildhorse Creek Park, under provisions of State of Georgia Contract Number 98000-GTA Direct-Contract-4666-NPS with NetPlanner Systems, Inc., in an amount not to exceed \$349,455.31; **authorize** the corresponding budget transactions; and **further authorize** the Procurement Director to execute the necessary documents as approved by the County Attorney's Office.

Funding is available in the ARPA budget with the following transfer:

Transfer from:	279-199-CI05-8005	Preliminary Estimates	\$349,455.31
Transfer to:	279-499-CI05-6326	Professional Services	\$349,455.31

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

46. **To authorize the Procurement Director to purchase outdoor wireless technology greater than \$100,000.00 for the Cobb County Broadband/Wi-Fi Enhancement and Expansion Program at Wildhorse Creek Park, under provisions of a State of Georgia Contract with Prosys Systems, Inc. (Prosys). This project is funded by ARPA.**

Motion by Sheffield, second by Birrell, to **authorize** the Procurement Director to purchase outdoor wireless materials for the Cobb County Broadband/Wi-Fi Enhancement and Expansion Program at Wildhorse Creek Park under provisions of State of Georgia Department of Administrative Services Cisco Contract #99999-SPD-T20120501-0006, with Prosys Systems, Inc., in an amount not to exceed \$145,516.55; **authorize** the corresponding budget transactions; and **further authorize** the Procurement Director to execute the necessary documents as approved by the County Attorney's Office.

Funding is available in the ARPA budget with the following transfer:

Transfer from:	279-499-CI05-8005	Preliminary Estimates	\$145,516.55
Transfer to:	279-499-CI05-6258	Accountable Equipment	\$145,516.55

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

Property Management

47. To approve a contract for Architectural and Engineering Services related to the renovation of 1975 West Oak Circle, Marietta, GA 30062 for the Records Services Division.

Motion by Birrell, second by Sheffield, to **approve** a contract with LDDBlueLine, Inc., in the amount of \$72,210.00, for full Architectural and Engineering Services related to the renovation of 1975 West Oak Circle, Marietta, GA 30062 for the Records Services Division; and **authorize** the corresponding budget transactions; and **further authorize** the Procurement Services Director to execute the necessary documents.

Funding is available in the FY24 Real Estate Budget as follows:

010-125-0655-8110

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

48. To ratify previous action by the County Manager authorizing emergency repair of the failure of an underground storm water pipe and associated junction box for the parking lot drainage system at Powder Springs Station, 1150 Powder Springs Street, Marietta GA 30064.

Motion by Gambrill, second by Richardson, to **ratify** action by the County Manager for the emergency repair of the failure of an underground storm water pipe and associated junction box for the parking lot drainage system at the Powder Springs Station; **authorize** purchase orders for Treeworks Services Inc., in the amount of \$76,987.28; **authorize** the corresponding budget transfers; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available from the following budget:

Decrease Exp.: 010-110-3640-8005 (Preliminary Estimates)	\$76,987.28
Increase Exp.: 010-110-3640-8120 (Professional Services - Bldg. & Structures)	\$76,987.28

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

Public Safety Agency

49. To approve an amendment to the Classification and Pay Schedule, and implement revisions to the Public Safety Step & Grade Plan for sworn personnel.

Motion by Cupid, second by Richardson, to **approve** an amendment to the Classification and Pay Schedule, and implement revisions to the Public Safety Step & Grade Plan to be effective beginning pay period July 7, 2024, for hourly paid sworn positions in Public Safety and Sheriff's Office for sworn personnel; **authorize** the necessary budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget appropriations:

Increase Revenue:	010-055-0800-4225	(Insurance Premium Tax)	\$1,328,378.88
Increase Expenditure:	010-130-2100-6012	(Salaries - Police)	\$ 795,040.16
	010-130-3800-6012	(Salaries - Animal Services)	\$ 1,808.40
	010-130-9220-6012	(Salaries - Sheriff Operation)	\$ 192,527.16
	010-130-9240-6012	(Salaries - Sheriff Detention)	\$ 334,835.56
	010-130-9220-6594	(Interfund Expense)	\$ 4,167.60
Increase Revenue:	270-210-G680-4960	(Interfund Revenue)	\$ 4,167.60
Increase Expenditure:	270-210-G680-6012	(Salaries-Sheriff Grant)	\$ 4,167.60
Decrease Revenue:	230-130-1000-8110	(Renovation of Buildings)	\$776,371.77
Increase Expenditure:	230-130-1000-6012	(Salaries - Fire Fund)	\$776,371.77

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

Finance

50. **To approve the transfer of previously appropriated funding for the renovation of the Public Safety Building, within the 2022 SPLOST Fund, from the Sheriff's Office, Unit/Major Program B107, to Property Management, Unit/Major Program B091.**

Motion by Cupid, second by Richardson, to **approve** the transfer of previously appropriated funding for the renovation of the Public Safety Building, within the 2022 SPLOST Fund, from the Sheriff's Office, Unit/Major Program B107, to Property Management, Unit/Major Program B091; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following transfers:

Decrease Exp.: 348-210-B107-8110-B1071-C	Renovation of Bldgs. & Structures	\$19,000,000.00
Increase Exp.: 348-110-B091-8110-B0911-C	Renovation of Bldgs. & Structures	\$19,000,000.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, Countywide Improvements. The Public Safety Building renovation is an eligible capital improvement project/program under the 2022 SPLOST and is an approved project for restoration to existing County facilities (Cobb County 2022 SPLOST, p. 42) which provides for renovations and improvements to facilities.

SPLOST Project Summary as of April 1, 2024, Property Management B091.

Actual Expenditures	\$ 1,527,371.11
Encumbrances	\$ 831,235.32
Pre-Encumbrances	\$ 91,225.00
Amount Remaining in the Project	\$10,857,877.57

If the 2022 SPLOST program should collect revenue above projections, the Board may opt to appropriate additional funding into this 2022 SPLOST program (B1091), and subsequently return any or all of the \$19,000,000.00 contribution to the Public Facilities Project Fund's Capital Contingency Unit.

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

APPOINTMENTS

51. **Withdrawal of request to approve the appointment of Gregory Fuller to the South Cobb Redevelopment Authority of Cobb County.**

This item was withdrawn from the agenda.

Chairwoman Cupid called for a brief recess at 10:28 a.m. - 10:29 a.m.

Clerk's Note: Following the Commissioner's public address, Chairwoman Cupid called a brief recess from 10:40 a.m. - 10:53 a.m. for the parties to prepare for the Community Development hearing.

COMMUNITY DEVELOPMENT HEARINGS

52. **To request that an Appeal Hearing be conducted to determine if "due cause" exists to deny the Cobb County Health Spa License renewal for Asgoodasme, LLC, doing business as, Wangs Feet, located at 840 Barrett Pkwy., Suite 110, Kennesaw, GA 30144, Qingzheng Wang owner/licensee**

Bill Rowling, County Attorney, opened the appeal hearing, pursuant to the appeal filed by the opposition, regarding the Cobb County Health Spa License renewal for Asgoodasme, LLC, doing business as, Wangs Feet, located at 840 Barrett Pkwy., Suite 110, Kennesaw, GA 30144, Qingzheng Wang owner/licensee.

Clerk's Note: Due to the applicant's need for and interpreter the Board agreed to extend the time to 20 minutes per side for testimony.

Sam Hensley, Jr., attorney for the Business License Division and the License Review Board, provided opening remarks, background information and tendered (Exhibit 1- Business License).

Mike Familetti, attorney for the applicant, provided opening remarks and tendered (Exhibit 1- applicant).

Mr. Hensley swore in those expected to testify and Yang Cao (Kevin), Interpreter for Mr. Wang.

Mr. Hensley called Ellisia Webb, Cobb County Business License Division Manager, for questioning. Mr. Familetti and the Board questioned Ms. Webb.

Mr. Hensley called Detective Witt, Cobb County Police Department, for questioning. Mr. Familetti and the Board questioned Det. Witt.

Mr. Hensley called Chebito Swain, Cobb County Business License Compliance Officer, for questioning. Mr. Familetti and the Board questioned Mr. Swain.

By consensus of the Board each side was granted an additional 10 minutes for testimony.

Mr. Familetti called Qingzheng Wang, owner/applicant, for questioning. Mr. Hensley and the Board questioned Mr. Wang.

Mr. Familetti and Mr. Hensley presented closing statements and the following motion was made:

Motion by Birrell, second by Sheffield, to **uphold** the denial of the Cobb County Health Spa License renewal for 12 months for Asgoodasme, LLC, doing business as, Wangs Feet, located at 840 Barrett Pkwy., Suite 110, Kennesaw, GA 30144, Qingzheng Wang owner/licensee.

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

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 14, 2024
9:00 AM**

Page | 28

ADJOURNMENT

The meeting was adjourned at 1:02 p.m.

A handwritten signature in blue 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

In light of the Supreme Court's ruling last week regarding standing on the Home Rule issue. My position regarding the Home Rule Challenge still stands. I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 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 be a comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

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

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

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

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

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

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



**COBB COUNTY
BOARD OF COMMISSIONERS**

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

Lisa Cupid
Chairwoman

CERTIFIED MAIL
7020 0640 0002 0800 0944

May 1, 2024

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

Re: Petition for Annexation –19th District, Land Lots 598, 599, 660, 661, Parcel 060; 5500 Elliott Road, Cobb County, Georgia; Notice of Non-Objection

Dear Mayor Thurman:

We are in receipt of the above-referenced annexation request. Please accept this response to the annexation proposal for the tract of land on the northwesterly side of Elliot Road, west of Quarter Way. The City of Powder Springs has petitioned to annex 29.61 acres by the 100% method. There are no county buildings or facilities on the property.

The Cobb County Future Land Use Plan designates this area as Low Density Residential. The PUD-R zoning district appears to be a recently added zoning district for the City of Powder Springs and is not listed in Exhibit "A" in our HB 489 Intergovernmental Agreement.

The annexation of the subject property would conform to the provisions of O.C.G.A. § 36-36-4 in fact, it will reduce the size of an existing unincorporated island. The PUD-R zoning district is not listed in Appendix A of the HB 489 Intergovernmental Agreement and the applicant's proposed density of 4.3 net units per acre exceeds the recommended maximum density according to the Low Density Residential designation. Cobb County does not object to the pending request based on the reduction of the unincorporated island and the large amount of open space proposed.

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 Cobb County departments. If you have questions or need any additional information, please get in touch with Donald Wells, Intergovernmental Coordinator at 770-528-2199.

Equal Opportunity Employer

Cobb County...Expect the Best!
www.cobbcounty.org

Reference No.

25

Re: Petition for Annexation –19th District, Land Lots 598, 599, 660, 661, Parcel 060; 5500 Elliott Road, Cobb County, Georgia; Notice of Non-Objection

Sincerely,

Lisa Cupid, Chairwoman

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 –19th District, Land Lots 598, 599, 660, 661, Parcel 060; 5500 Elliott Road, Cobb County, Georgia; Notice of Non-Objection

[signature page continued]

Sincerely,

Keli A. Gambrill

Keli Gambrill, 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, 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 –19th District, Land Lots 598, 599, 660, 661, Parcel 060; 5500 Elliott Road, Cobb County, Georgia; Notice of Non-Objection

[signature page continued]

Sincerely,

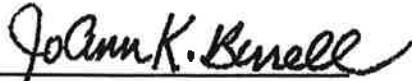
Jerica Richardson, District 2 Commissioner

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, 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 –19th District, Land Lots 598, 599, 660, 661, Parcel 060; 5500 Elliott Road, Cobb County, Georgia; Notice of Non-Objection

[signature page continued]

Sincerely,



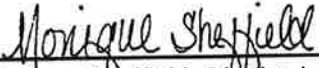
JoAnn K. Birrell, District 3 Commissioner

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
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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 –19th District, Land Lots 598, 599, 660, 661, Parcel 060; 5500 Elliott 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, Director of Community Development, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email

County Staff Comments and Recommendations

5500 Elliott 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 Elliott 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.

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.

Code Enforcement- Brent Farrell

No comments or case history.

Cobb DOT-James Washington

Elliott Road is classified as a minor roadway which requires a minimum right-of-way width of 30', measured from the roadway centerline. Donation of R/W will be required along the entire property frontage.

County Staff Comments and Recommendations

5500 Elliott Road

City of Powder Springs

Developer is responsible for installing curb, gutter, and sidewalk along the entire property frontage.

Developer shall submit development plans to Cobb Community Development for plan review for approval of driveway and/or roadway access.

Site Plan Review- David Griffin

No comments.

Cemetery Preservation Committee- Helga Hong

No comment.



COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

P.O. Box 649
Marietta, GA 30061-0649
Phone (770) 528-2128 Fax: (770) 528-2126
jessica.guinn@cobbcounty.org

Jessica Guinn, AICP
Director

CERTIFIED MAIL
7020 0640 0002 0800 0951

May 2, 2024

The Honorable R. Steve Tumlin, Jr
Mayor
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Re: Petition for Annexation– Land Lot 358, 17th District, Parcel 17035800020 2nd Section, 650 South Cobb Drive, Cobb County, Georgia; Notice of Non-Objection.

Dear Mayor Tumlin:

We are in receipt of the above-referenced annexation and rezoning request. Please accept this response to the annexation proposal for 650 South Cobb Drive. The subject property is currently zoned HI, and is within an area identified as PI (Public Institutional) according to the Cobb County Future Land Use Map. The subject parcel has the required contiguity with the existing Marietta boundary for annexation. No unincorporated islands would be created or extended with the proposed annexation. Currently, buildings are on the property owned by the Cobb County Board of Education. No Cobb County Board of Commissioner's buildings or facilities are on this property.

According to the Cobb County Board of Education, the Multipurpose Educational Facility project has been proposed to provide the Cobb County School District (CCSD) with a facility to house high school commencements, athletic and academic events, group meetings, continuing education events for CCSD staff, and other educational purposes. The proposed City of Marietta zoning of LI is not acceptable according to Appendix "A" of the HB 489 Intergovernmental Agreement. The Cobb County School Board enjoys an exemption from Cobb County's Zoning Ordinance therefore permitting this proposed use if other development codes, regulations, and ordinances are followed.

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.

Reference No. 26

Re: Petition for Annexation– Land Lot 358, 17th District, Parcel 17035800020 2nd Section, 650 South Cobb Drive, Cobb County, Georgia; Notice of Non-Objection.

Sincerely,

Lisa Cupid, Chair

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

Re: Petition for Annexation– Land Lot 358, 17th District, Parcel 17035800020 2nd Section, 650 South Cobb Drive, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,

Keli A. Gambrell

Keli Gambrell, District 1 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

Re: Petition for Annexation– Land Lot 358, 17th District, Parcel 17035800020 2nd Section, 650 South Cobb Drive, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,



Jerica Richardson, District 2 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

Re: Petition for Annexation– Land Lot 358, 17th District, Parcel 17035800020 2nd Section, 650 South Cobb Drive, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,



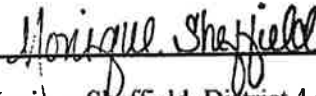
JoAnn K. Birrell, District 3 Commissioner

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Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

Re: Petition for Annexation– Land Lot 358, 17th District, Parcel 17035800020 2nd Section, 650 South Cobb Drive, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,



Monique Sheffield, District 4 Commissioner

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Brian Johnson, Senior Associate County Attorney, VIA E-mail
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Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta– Via E-Mail
Shelby Little, Planning and Zoning Manager, City of Marietta– Via E-Mail

County Staff Comments and Recommendations

650 South Cobb Drive
City of Marietta

Water System- Tim Davidson

Water service for 650 South Cobb Drive is currently provided and will continue to be provided by the City of Marietta.

Wastewater flow from the site will continue to be 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 Marietta will continue to own and maintain water and sewer facilities in public rights-of-way and public easements, there would be no infrastructure gain or loss.

Planning- Historic Preservation-Mandy Elliott

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.

Code Enforcement- Brent Farrell

No comments or case history.

Site Plan Review-David Griffin

No comments.

Cemetery Preservation Committee- Helga Hong

No comment.

Resolution

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS SET
FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 14th of May 2024

Reference No.

29

RESOLUTION

WHEREAS, it continues to be the desire of Cobb County to support the preservation of County infrastructure; and

WHEREAS, the Georgia Department of Transportation (GDOT) has been delegated authority to award State financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for State financial assistance will impose certain obligations upon Cobb County, and may require Cobb County to provide the local share of the project cost; and

WHEREAS, Cobb County has provided or will provide all annual certifications and assurances to the GDOT required for the project.

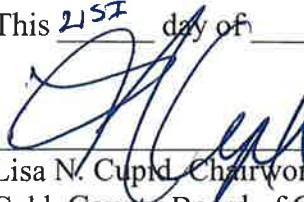
NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a grant application with the GDOT, in an amount not to exceed \$7,977,514.78; and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file an application with the GDOT for State assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other State statutes authorizing a project administered by the GDOT, on behalf of Cobb County.
2. That the Chairwoman of the Cobb County Board of Commissioners is authorized to execute and file with its application the annual certifications, assurances, and other documents the GDOT requires before awarding a State assistance grant or cooperative agreement.
3. That the Chairwoman of the Cobb County Board of Commissioners is authorized to execute grant and cooperative agreements with the GDOT, on behalf of Cobb County.

CERTIFICATION

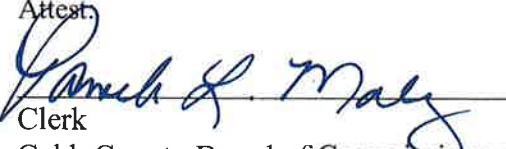
The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on May 14, 2024.

This 21ST day of May, 2024


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:


Pamela L. Maly
Clerk
Cobb County Board of Commissioners

**FY24 Supplement
LMIG Application
Cobb County, GA
List of Projects**

No.	ROAD NAME	BEGIN	END	COMM DIST.	TYPE OF WORK
1	Barrett Parkway at Burnt Hickory Road	Barrett Parkway	Burnt Hickory Road	1	Intersection Improvements
2	Lost Mountain Road at Amberton Drive/Hopeton Drive	Lost Mountain Road	Amberton Drive/Hopeton Drive	1	Intersection Improvements
3	Cobb Parkway Pedestrian Bridge	Cobb Parkway	Cobb Parkway	2	Bridge Repairs
4	Little Willeo Road at Johnson Ferry Road	Little Willeo Road	Johnson Ferry Road	2	Intersection Improvements
5	Chastain Road at Busbee Drive	Chastain Road	Busbee Drive	3	Intersection Improvements
6	Trickum Road at Eula Drive/Rocky Mountain Road	Trickum Road	Eula Drive/Rocky Mountain Road	3	Intersection Improvements
7	Veterans Memorial Highway at Burrus Road	Burrus Road	Burrus Road	4	Intersection Improvements
8	Florence Road at Hiram Road/Gaydon Road	Florence Road	Hiram Road/Gaydon Road	4	Intersection Improvements



COBB COUNTY BOARD OF COMMISSIONERS

100 CHEROKEE STREET, SUITE 300
MARIETTA GEORGIA 30090-7000
Phone: (770) 528-3305 Fax: (770) 528-2606

Lisa N. Cupid
Chairwoman

May 17, 2024

Mr. Chartrae Kent
Department of Transportation State of Georgia
District State Aid Coordinator – District 7
600 West Peachtree Street, NW
Atlanta, Georgia 30308

**Re: Local Maintenance and Improvement Grant (LMIG) Program/LRA Funding
Application for FY24 Supplement
Cobb County Projects**

Dear Mr. Kent:

The attached application is being submitted in conjunction with multiple upcoming projects. These eight projects include intersection improvements and bridge repair projects located throughout the County. The above referenced application for Cobb County Department of Transportation's LMIG Supplement is being submitted electronically via the Georgia Department of Transportation's LMIG Grant website.

The County has closed, or is in the process of closing, the following LMIG funded projects:

- FY21 LMIG funded – 2021 Countywide Pavement Markings, Cobb Project No. TR514, final change order to close project issued January 25, 2022
- FY21 LMIG funded – Resurfacing Contract 2021-1, Cobb Project No. X2915, project complete, final change order to close project issued February 14, 2023
- FY22 LMIG funded – Resurfacing Contract 2022-5, Cobb Project No. B2905, project complete, final change order pending Fall 2024

In addition, the following projects are currently under construction:

- FY23 LMIG funded – Resurfacing Contract 2023-4, Cobb Project No. B2909, anticipated to be completed Summer, 2024
- FY24 LMIG funded – Resurfacing Contract 2024-4, Cobb Project No. B2913, anticipated to be completed Summer, 2025

FY24 Supplement LMIG Application
Cobb County, GA
May 17, 2024

The Georgia Department of Transportation's assistance with these projects is greatly appreciated. If you have any questions or need further information, please contact Denise Hatabian at 770-528-3656.

Sincerely,


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



LNC/GCV/WCK/dh

Attachments

cc: Russell R. McMurry, P.E., Commissioner, GDOT
Paul DeNard, P.E. District 7 Engineer
Cobb County Board of Commissioners
Dr. Jackie R. McMorris, County Manager, Cobb County
Andrew Raessler, Director, CCDOT
Jonathan Yee, Deputy Director, CCDOT
Michael Francis, Transportation Division Manager, CCDOT
Gabriel Colon Vega, Construction Engineer, CCDOT
Wade Kelly, SPLOST Program Manager, CCDOT
Denise Hatabian, Contract Administrator, CCDOT

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
5-14-24

Cobb County...Expect the Best!

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2024 SUPPLEMENTAL**
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, **Lisa N. Cupid** (Name), the **Chairwoman** (Title), on behalf of **Board of Commissioners, Cobb County** (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), Immigration Sanctuary Policies; prohibition; penalties (O.C.G.A. § 36-80-23), and the Local Government Budgets and Audits Act (O.C.G.A. § 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment Act (TIA) (O.C.G.A. § 48-8-240).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a project shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:


Lisa N. Cupid (Print)
Mayor / Commission Chairperson
5/21/24 (Date)



LOCAL GOVERNMENT SEAL:

35131

E-Verify Number

Sworn to and subscribed before me,

This 21 day of May, 2024.

In the presence of:

NOTARY PUBLIC

My Commission Expires

NOTARY PUBLIC



Resolution

Resolution to authorize submission to the Atlanta-Region Transit Link Authority the intent to call for the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) referendum, which includes a list of transit projects from the regional transit plan which the County recommends funding with proceeds from the tax.

WHEREAS, House Bill 930 of the 2018 Session of the Georgia General Assembly allows the County to develop a referendum to levy a sales tax in .05% increments of up to 1% which can be used for transit capital and transit operational expenses, for a duration of up to 30 years; and

WHEREAS, eligible expenses must be identified as projects selected from the Atlanta-Region Transit Link Authority's (ATL) Regional Transit Plan (ARTP); and

WHEREAS, the Board of Commissioners adopted a resolution accepting the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) – Proposed Program of Projects, and authorizing staff to proceed with development of a MSPLOST ballot referendum for November 2024; and

WHEREAS, in accordance with House Bill 930, the Board authorized the request to hold a meeting with the governing authorities of the County and each qualified municipality in accordance with House Bill 930, by way of official notices sent to the governing authorities and each of the qualified municipalities on March 27, 2024 by certified mail; and

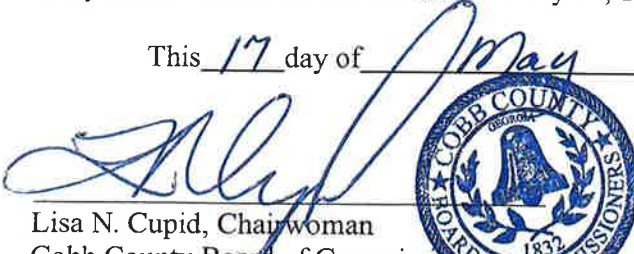
WHEREAS, in accordance with House Bill 930, the County conducted a meeting at which the governing authorities of the County and each of the qualified municipalities met to discuss possible transit projects from the ARTP for inclusion in the Cobb County MSPLOST referendum and the proposed rate of tax; and

NOW, THEREFORE, be it Resolved, that we, the Cobb County Board of Commissioners, in accordance with O.C.G.A. § 48-8-269.45, do hereby deliver written notice to the Atlanta-Region Transit Link Authority of the intent to call for a referendum, to include the attached list of transit projects from the regional transit plan which the County intends to fund with proceeds from the tax.

CERTIFICATION

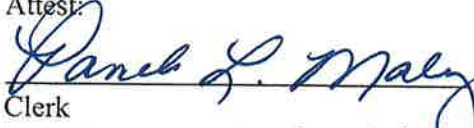
The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on May 14, 2024.

This 17 day of May, 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

5-14-24

Approved As To Form:


MARY CULLEN
COBB COUNTY ATTORNEY'S OFFICE

**Cobb County Mobility SPLOST
Proposed Program of Projects
May 2024**

Program Component	Estimated Costs*
High-Capacity Transit (BRT, ART)	\$5,979,000,000.00
Transit Operations (Local, Rapid & Commuter Service)	\$2,804,000,000.00
Transit Vehicles, Facilities, and Amenities	\$2,024,000,000.00
Transit Technology	\$237,000,000.00
Microtransit On-Demand	\$1,956,000,000.00
Transit Supportive - Bike/Pedestrian Access Improvements	\$500,000,000.00
Transit Supportive - Operational Improvements	\$500,000,000.00
Aspirational	To Be Determined / Unfunded

* Note: In addition to MSPLOST collection, projects are anticipated to be funded by revenue from hotel/motel tax, Joebox, state/federal grants and local revenue bonds

Project Name	Program Component	Project Category	Project Type	Project Description
Marietta to Cumberland Bus Rapid Transit (BRT)	High-Capacity Transit	Transit Service	Bus Rapid Transit	Bus rapid transit from Marietta Transfer Center to Cumberland
Town Center to Marietta Bus Rapid Transit (BRT)	High-Capacity Transit	Transit Service	Bus Rapid Transit	Bus rapid transit from Kennesaw State University/Town Center to Marietta Transfer Center
Cumberland to Atlanta Bus Rapid Transit (BRT)	High-Capacity Transit	Transit Service	Bus Rapid Transit	Bus rapid transit from Cumberland to MARTA Arts Center Station
Marietta to South Cobb Bus Rapid Transit (BRT)	High-Capacity Transit	Transit Service	Bus Rapid Transit	Bus rapid transit from South Cobb to Marietta Transfer Center
Top End High Capacity Transit Bus Rapid Transit (BRT)	High-Capacity Transit	Transit Service	Bus Rapid Transit	Bus rapid transit from Cumberland Parkway to MARTA Dunwoody Station
Top End Extension to MARTA H.E. Holmes Station Bus Rapid Transit (BRT)	High-Capacity Transit	Transit Service	Bus Rapid Transit	Bus rapid transit from Cumberland Parkway to MARTA H.E. Holmes Station
South Cobb to MARTA H.E. Holmes Bus Rapid Transit (BRT)	High-Capacity Transit	Transit Service	Bus Rapid Transit	Bus rapid transit from South Cobb/EWC to MARTA H.E. Holmes Station
Cumberland to South Cobb Arterial Rapid Transit (ART)	High-Capacity Transit	Transit Service	Arterial Rapid Transit	Arterial rapid transit from South Cobb/EWC to Cumberland
Atlanta Road Arterial Rapid Transit (ART)	High-Capacity Transit	Transit Service	Arterial Rapid Transit	Arterial rapid transit from Marietta Transfer Center to Marietta Boulevard
Roswell Road/ SR 120 Arterial Rapid Transit (ART)	High-Capacity Transit	Transit Service	Arterial Rapid Transit	Arterial rapid transit from Marietta Transfer Center to Johnson Ferry Road/Roswell Road
Regional Project Reserve	High-Capacity Transit	Set-Asides	Set-Asides	Dedicated funding for regional transit projects
Marietta to MARTA Arts Center Station Local Operation	Transit Operations	Transit Service	Local	Local bus route from Marietta Transfer Center to MARTA Arts Center Station
Marietta to Cumberland Local Operation	Transit Operations	Transit Service	Local	Local bus route from Marietta Transfer Center to Cumberland
Marietta to Cumberland Parkway Local Operation	Transit Operations	Transit Service	Local	Local bus route from Marietta Transfer Center to Cumberland Parkway
South Cobb to MARTA H.E. Holmes Station Local Operation	Transit Operations	Transit Service	Local	Local bus route from South Cobb/EWC to MARTA H.E. Holmes Station
Powder Springs to MARTA H.E. Holmes Station Local Operation	Transit Operations	Transit Service	Local	Local bus route from Powder Springs to MARTA H.E. Holmes Station
South Cobb to Lithia Springs Local Operation	Transit Operations	Transit Service	Local	Local bus route from South Cobb/EWC to Lithia Springs
Veterans Memorial Highway to MARTA H.E. Holmes Station Local Operation	Transit Operations	Transit Service	Local	Local bus route from Powder Springs to MARTA H.E. Holmes Station along Veterans Memorial Highway
Town Center to Marietta Local Operation	Transit Operations	Transit Service	Local	Local bus route from Kennesaw State University/Town Center to Marietta Transfer Center
Acworth to Town Center Local Operation	Transit Operations	Transit Service	Local	Local bus route from Acworth to Town Center Park and Ride
Acworth to Marietta Local Operation	Transit Operations	Transit Service	Local	Local bus route from Acworth to Marietta Transfer Center
Town Center to Woodstock Local Operation	Transit Operations	Transit Service	Local	Local bus route from Kennesaw State University/Town Center to Woodstock
Johnson Ferry Road/Roswell Road to Roswell Local Operation	Transit Operations	Transit Service	Local	Local bus route from Johnson Ferry Road/Roswell Road to Roswell
Kennesaw to MARTA Arts Center Station Rapid Operation	Transit Operations	Transit Service	Rapid	Rapid bus route from Kennesaw to MARTA Arts Center Station
South Cobb to MARTA H.E. Holmes Rapid Operation	Transit Operations	Transit Service	Rapid	Rapid bus from South Cobb/EWC to MARTA H.E. Holmes Station
South Cobb to Cumberland Rapid Operation	Transit Operations	Transit Service	Rapid	Rapid bus route from South Cobb/EWC to Cumberland
Johnson Ferry Road/Roswell Road to MARTA Dunwoody Station Rapid Operation	Transit Operations	Transit Service	Rapid	Rapid bus route from Johnson Ferry Road/Roswell Road to MARTA Dunwoody Station
Route 100 Commuter Operation	Transit Operations	Transit Service	Commuter Bus	Commuter bus route from Busbee Park and Ride to MARTA Five Points Station
Route 101 Commuter Operation	Transit Operations	Transit Service	Commuter Bus	Commuter bus route from Marietta Transfer Center to MARTA Five Points Station
Route 102 Commuter Operation	Transit Operations	Transit Service	Commuter Bus	Commuter bus route from Acworth Park and Ride to MARTA Arts Center Station
Airport Connector Service Commuter Operation*	Transit Operations	Transit Service	Commuter Bus	Shuttle service from Cumberland to Hartsfield Jackson International Airport focused on serving airport workers and passengers (*indicate initial planning level tasks)
Circulator	Transit Operations	Transit Service	Circulator	Circulator shuttle that focuses on major activity centers, like Cumberland or Town Center, and connecting major destinations like Kennesaw State University
NE Cobb Microtransit	Microtransit	Transit Service	Microtransit	Microtransit zone
West Cobb Microtransit	Microtransit	Transit Service	Microtransit	Microtransit zone
Southeast Cobb Microtransit	Microtransit	Transit Service	Microtransit	Microtransit zone
South Cobb Microtransit	Microtransit	Transit Service	Microtransit	Microtransit zone

**Cobb County Mobility SPLOST
Proposed Program of Projects
May 2024**

Program Component	Estimated Costs*
High-Capacity Transit (BRT, ART)	\$5,979,000,000.00
Transit Operations (Local, Rapid & Commuter Service)	\$2,804,000,000.00
Transit Vehicles, Facilities, and Amenities	\$2,024,000,000.00
Transit Technology	\$237,000,000.00
Microtransit On-Demand	\$1,956,000,000.00
Transit Supportive - Bike/Pedestrian Access Improvements	\$500,000,000.00
Transit Supportive - Operational Improvements	\$500,000,000.00
Aspirational	To Be Determined / Unfunded

* Note: In addition to MSPLOST collection, projects are anticipated to be funded by revenue from hotel/motel tax, farebox, state/federal grants and local revenue bonds.

Project Name	Program Component	Project Category	Project Type	Project Description
Town Center/Marietta Microtransit	Microtransit	Transit Service	Microtransit	Microtransit zone
Northwest Cobb Microtransit	Microtransit	Transit Service	Microtransit	Microtransit zone
Paratransit	Transit Operations	Transit Service	Paratransit	Paratransit service within three-quarters of a mile of fixed route service for individuals with mobility challenges
Vanpool	Transit Technology	Transit Service	Vanpool	Subsidies for commuter services for people with similar home and work locations
Rideshare	Transit Technology	Transit Service	Taxi Voucher	Rideshare/Transportation Networking Company subsidy programs
Vehicle Upgrades	Transit Vehicles, Facilities, and Amenities	Capital Improvement	Vehicles	New and replacement service vehicles over the entire horizon of the plan
Existing Maintenance Facility Expansion	Transit Vehicles, Facilities, and Amenities	Transit Facility	Maintenance Facility	Expansion of the existing CobbLinc transit maintenance facility
New Maintenance Facility	Transit Vehicles, Facilities, and Amenities	Transit Facility	Maintenance Facility	New CobbLinc maintenance facility
Marietta Transit Center	Transit Vehicles, Facilities, and Amenities	Transit Facility	Transfer Center	Transfer center near intersection of Roswell Road and Cobb Parkway
Cumberland Transit Center	Transit Vehicles, Facilities, and Amenities	Transit Facility	Transfer Center	Transfer center along Cumberland Boulevard
South Cobb Transit Center	Transit Vehicles, Facilities, and Amenities	Transit Facility	Transfer Center	Transfer center near the intersection of East-West Connector and Austell Road
North Cobb Transit Center	Transit Vehicles, Facilities, and Amenities	Transit Facility	Transfer Center	Transfer center near Busbee park-and-ride lot
East Cobb Transit Center	Transit Vehicles, Facilities, and Amenities	Transit Facility	Transfer Center	Transfer center near intersection of Johnson Ferry Road and Roswell Road
Riverside South Cobb Transit Center	Transit Vehicles, Facilities, and Amenities	Transit Facility	Transfer Center	Transfer center near the intersection of Riverside Parkway and Interstate 20
Local Bus Stop Upgrades	Transit Vehicles, Facilities, and Amenities	Passenger Amenities	Local Bus Stop Upgrades	ADA compliant bus stops and amenities (shelters, benches, lighting, etc.)
System Technology Upgrades	Transit Technology	Capital Improvement	System Improvements	Technologies that enhance the customer experience (real time bus location information, etc.)
Accessibility Projects	Transit Supportive Bike/Ped Enhancements	Transit Supportive	Passenger Amenities	Multi-use trails, sidewalk and bike facilities to improve first- and last-mile access to transit service. Eligible multi-use trails are aligned, intersect or connect to transit service corridors. Eligible sidewalk and bike facility projects are within 1/4 mile from transit corridor. Many eligible multi-use trails are also identified for option to use as local match towards Federal and State funding opportunities.
Operational Improvements Projects	Transit Supportive Operational Enhancements	Transit Supportive	Roadway Operations	Roadway Corridor Transit Supportive Investments and City Set-Asides for individual projects that will enhance the safety and performance of transit operations. All projects are within the transit service corridors. Many eligible roadway design related projects will be studied and coordinated along with the HCT projects. Many eligible projects are also identified for option to use as local match towards Federal and State funding opportunities.
City Set-Asides	Accessibility, and Operational Improvements	Set-Asides	Set-Asides	Dedicated transit funding allocations to each city within Cobb County
Cumberland to Arts Center HRT	Aspirational	Transit Service	Heavy Rail Transit	Heavy rail transit from Cumberland to MARTA Arts Center Station
Cumberland to Bankhead HRT	Aspirational	Transit Service	Heavy Rail Transit	Heavy rail transit from Cumberland to MARTA Bankhead Station
Six Flags to H.E. Holmes HRT	Aspirational	Transit Service	Heavy Rail Transit	Heavy rail transit from Six Flags to H.E. Holmes MARTA Station
Western & Atlantic Commuter Rail	Aspirational	Transit Service	Commuter Rail Transit	Commuter rail transit running along the W&A alignment from Cumberland to Acworth
High Capacity Transit Upgrade	Aspirational	Transit Service	High Capacity Transit Service Upgrade	Upgrading high-capacity service from ART to BRT or from BRT to LRT on key lines within the County
Arterial Rapid Transit Service Upgrade	Aspirational	Transit Service	Arterial Rapid Transit Service Upgrade	Upgrading rapid bus service to ART on key lines within Cobb County or as part of a regional multi-jurisdictional transit service