

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 28, 2024
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, May 28, 2024, at 7:00 p.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 7:02 p.m.

PRESENTATIONS

1. To present Certificates of Achievement to Cobb 4-H teams for advancing to the National Invitationals.

Dr. Jackie McMorris and Commissioner Gambrill presented Certificates of Achievement to the Cobb 4-H teams for advancing to the National Invitationals.

2. To present a proclamation designating May as *Older Americans Month* in Cobb County.

Commissioner Gambrill presented a proclamation designating May as *Older Americans Month* in Cobb County.

3. To present a proclamation honoring Mt. Zion Church's 147th anniversary in Cobb.

Commissioner Richardson presented a proclamation honoring Mt. Zion Church's 147th anniversary in Cobb.

4. To present a proclamation designating the week of June 3, 2024 as *Management Week* in Cobb County.

Commissioner Birrell presented a proclamation designating the week of June 3, 2024, as *Management Week* in Cobb County.

5. To present a Certificate of Achievement to the graduates of Circles Cobb's first cohort for becoming Circle Leaders.

Commissioner Sheffield presented a Certificate of Achievement to Myeichia Jackson, Essence Johnson, Latoya Pine, Nikky Cotton, Sarah Hawkins, Chaecoya Camsel, Kandia Randolph for becoming Circle Leaders of Circles Cobb's first graduating cohort.

6. **To present Certificates of Recognition to graduates of the 2023-2024 Youth Commission Class.**

Chairwoman Cupid presented Certificates of Recognition to graduates of the 2023-2024 Youth Commission Class.

PUBLIC COMMENT

1. Jan Barton addressed the Board regarding taxes.
2. Donna Court addressed the Board regarding elections.
3. Christine Rozman addressed the Board regarding various concerns.
4. Jim Jess addressed the Board regarding MSPLOST.
5. Kathy Slough addressed the Board regarding taxes and MSPLOST.
6. Tracy Stephenson addressed the Board regarding stormwater and MSPLOST.
7. Maria Cooper addressed the Board regarding taxes and MSPLOST.
8. Denny Wilson addressed the Board regarding taxes.
9. Craig Harfoot addressed the Board regarding governance.
10. Lynn Bahr addressed the Board regarding taxes.

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

Commissioner Birrell's statement

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.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; with exception to Item 18, *which was heard as a Regular item following the Consent vote*. (See item 35 of these minutes) and **authorize** execution of the necessary documents by the appropriate County personnel.

District Attorney

7. **To authorize the District Attorney's Office, Family Advocacy Center, to submit an official application for funds from the Office for Victims of Crime FY24 Byrne Discretionary Community Project Grants Program.**

To **authorize** the District Attorney's Office, Family Advocacy Center, to submit an official application for funds from the Office for Victims of Crime FY24 Byrne Discretionary Community Project Grants Program.

8. **To accept a grant award from the Junior League Cobb-Marietta for client needs at the Family Advocacy Center.**

To **authorize** the acceptance of a grant award from the Junior League Cobb-Marietta in the amount of \$1,500.00 for the Family Advocacy Center and **further authorize** the corresponding budget transactions.

Increase Revenue:	270-170-G343-4508	Local Grants	\$1,500.00
Increase Expenditure:	270-170-G343-6116	General Office Supplies	\$1,500.00

9. **To authorize the acceptance of awarded funds from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force (SAKI), under purpose area 4 which addresses the investigation and prosecution of sexually motivated, cold case homicides.**

To **authorize** the acceptance of awarded funds from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force (SAKI), under purpose area 4 which addresses the investigation and prosecution of sexually motivated, cold case homicides, in the amount of \$614,650.30; **establish** new Unit F087 in the grant fund; **authorize** the creation of one part-time investigator, pay grade S209; transfer personnel in Unit F068 to Unit F087 when grant funds expire in F068; **authorize** the corresponding budget and personnel transactions; and **further authorize** the Chairwoman to execute the necessary documents.

9. To authorize the acceptance of awarded funds from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force (SAKI), under purpose area 4 which addresses the investigation and prosecution of sexually motivated, cold case homicides (cont.)

Increase Revenue:	270-170-F087-4467	CJCC	\$614,650.30
Increase Expenditure:	270-170-F087-6012	Salaries & Fringe	\$232,461.60
	270-170-F087-6116	General Office Supplies	\$ 3,138.20
	270-170-F087-6326	Professional Services	\$318,400.00
	270-170-F087-6258	Accountable Equipment	\$ 12,000.00
	270-170-F087-6385	Cell Phone	\$ 3,528.00
	270-170-F087-6394	Registration	\$ 1,000.00
	270-170-F087-6400	Travel	\$ 44,122.50

Water System

10. To convey by quitclaim deed to the underlying property owner any County rights associated with two sanitary sewer easements located in Land Lot 473 of the 19th District.

To **convey** by quitclaim deed to the underlying property owner, Nicole W. Bracy, any County rights associated with two sanitary easements located in Land Lot 473 of the 19th District; and **authorize** the Chairwoman to execute the necessary documents.

11. To approve funding for Cobb County Water System utility improvements and relocation work associated with the City of Acworth Cowan Road Sidewalk, Program No. W4482.

To **approve** funding for the Cobb County Water System utility improvements and relocation work, in the amount of \$36,860.00, associated with the City of Acworth Cowan Road Sidewalk, Program No. W4482; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Miscellaneous Roadway Improvements - County/City

Preliminary Estimates	510-500-5756-8005	W4702-Z	\$36,860.00
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Transfer to:

City of Acworth Cowan Road Sidewalk

Construction	510-500-5756-8260	W4482-C	\$36,860.00
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12. **To approve funding for Cobb County Water System utility improvements and relocation work associated with the City of Acworth Northside Drive, Program No. W2426.**

To **approve** funding for the Cobb County Water System utility improvements and relocation work, in the amount of \$999,967.50, associated with the City of Acworth Northside Drive, Program No. W2426; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Unidentified New/Replacement Water Mains

Preliminary Estimates	510-500-5754-8005	W1503-Z	\$999,967.50
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Transfer to:

City of Acworth Northside
Drive

Construction	510-500-5754-8260	W2426-C	\$999,967.50
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13. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc. for 3872 Vinyard Trace, Program No. SW2297.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc., in the amount of \$120,137.90, for 3872 Vinyard Trace, Program No. SW2297; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$120,137.90
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Transfer to:

3872 Vinyard Trace

Drainage Contract R&M Service	510-500-5758-6496	SW2297-C	\$120,137.90
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14. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc. for 650 Foxcroft Circle, Program No. SW2298.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with W.E. Contracting Co. Inc., in the amount of \$116,449.00, for 650 Foxcroft Circle, Program No. SW2298; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$116,449.00
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Transfer to:

650 Foxcroft Circle

Drainage Contract R&M Service	510-500-5758-6496	SW2298-C	\$116,449.00
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15. **To approve a work order under the FY24 Stormwater Management Unit Price Contract with Wade Coots Company, Inc. for 2838 Saddlebrook Way, Program No. SW2302.**

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with Wade Coots Company, Inc., in the amount of \$83,142.70, for 2838 Saddlebrook Way, Program No. SW2302; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$83,142.70
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Transfer to:

2838 Saddlebrook Way

Drainage Contract R&M Service	510-500-5758-6496	SW2302-C	\$83,142.70
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16. To approve a work order under the FY24 Stormwater Management Unit Price Contract with D&H Construction Company for 5605 Waldens Farm Drive, Program No. SW1708.

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with D&H Construction Company, in the amount of \$131,028.70, for 5605 Waldens Farm Drive, Program No. SW1708; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$131,028.70
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Transfer to:

5605 Waldens Farm Drive

Drainage Contract R&M Service	510-500-5758-6496	SW1708-C	\$131,028.70
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17. To authorize the Chairwoman to execute a Grant of Sanitary Sewer Easement with Wells Fargo Bank, N.A. and Lockheed Martin Corporation.

To **authorize** the Chairwoman to execute a Grant of Sanitary Sewer Easement with Wells Fargo Bank, N.A. and Lockheed Martin Corporation.

Transportation

18. To approve the Department of Transportation Traffic Calming Policy.

This item was heard as a Regular item following the Consent vote. (See Item 35 of these minutes)

19. To authorize the creation of one new Street Light District.

To **authorize** the creation of one new Street Light District for Oak Valley Estates.

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

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

PARKS

20. To approve property access agreements with Cobb Electric Membership Corporation (EMC) to install power service to the new Osborne Area Recreation/Community Center, located at 675 Smyrna Powder Springs Road SW, Marietta.

To **approve** the property access agreements with Cobb EMC to install power service to the new Osborne Area Recreation/Community Center; and **further authorize** the Chairwoman to execute the necessary documents.

Support Services Agency

Information Technology Services

21. To approve a lease with Dell Financial Services LLC (DFS) from an existing Master Lease Agreement (MLA), to replace up to 263 computers in the third quarter of FY 24 for Phase 11 Lease 063 of the PC Replacement Project.

To **approve** a lease with Dell Financial Services LLC from an existing Master Lease Agreement, in an amount not to exceed \$499,310.00 (49 months of lease payments in FY 24 - FY 28) to finance the replacement of up to 263 computers in the third quarter of 2024; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for the FY 24 lease payments is available in the Capital Replacement Fund 380, PC Replacements Project, Unit 4580, as follows:

380-035-4580-6532	(Equipment Lease)	\$30,570.00
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22. **To authorize the Procurement Director to purchase Mobile Data Computers (MDCs) and accessories greater than \$100,000.00 for Cobb County Police Department (CCPD), under provisions of a Georgia Department of Administrative Services (DOAS) contract with Panasonic Corporation of North America (Panasonic) via Law-and-Order Technology LLC.**

To **authorize** the Procurement Director to purchase MDCs and accessories for Cobb County Police Department, in an amount not to exceed \$144,084.50, under provisions of Georgia Department of Administrative Services End User Computing Contract 99999-SPD-SPD0000161-0009 with Panasonic via Law and Order Technology LLC; **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 as follows:

380-035-4514-6258 (Fund 380 Information Technology Services)	\$144,084.50
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23. **To approve Amendment to Master Services Agreement with CGI Technologies and Solutions, Inc. (CGI) Statement of Work No. 13 for Technical Services (SOW 13), for professional services hours and travel-related expenses on a time and materials basis for Cobb County's Financial Services, Human Resources and Purchasing applications (CGI Advantage).**

To **approve** Amendment to Master Services Agreement Statement of Work No. 13 for Technical Services with CGI Technologies and Solutions, Inc., in an amount not to exceed \$250,000.00; for professional services hours and travel-related expenses on a time and materials basis; **authorize** the corresponding budget transactions; and **further authorize** the Procurement Director to execute the necessary documents.

Funding will be available with the following budget transactions:

Decrease Expenditure:	010-035-0400-8005	Preliminary Estimates	\$250,000.00
Increase Expenditure:	010-035-0400-6594	Interfund Transfer - Expense	\$250,000.00
Increase Revenue:	380-035-4583-4960	Interfund Transfer - Revenue	\$250,000.00
Increase Expenditure:	380-035-4583-8676	Capital Professional Services	\$250,000.00

Public Safety Agency

24. **To authorize the advertisement for and issuance of a Request for Proposals for wrecker and tow zone service for all five towing zones within the police districts.**

To **authorize** the advertisement for and issuance of a Request for Proposals for wrecker and tow zone service for all five towing zones within the police districts.

Police Department

25. **To authorize the acceptance of a donation of two explosive handling and storage bunkers from the Fulton County Police Department to the Cobb County Police Department Bomb team.**

To **authorize** the acceptance of a donation from Fulton County Police Department for two explosive handling and storage bunkers.

Funding is available in the Police Department FY24 Operating Budget for the delivery expense.

010-130-2100-6577 (Freight & Shipping) \$800.00

Fire and Emergency Services

26. **To authorize the appointment of members to the Opioid Abatement Council.**

To **authorize** the appointment of the following members to the Opioid Abatement Council.

- Post 2, Melanie Dallas, CEO of Highland Rivers to serve as the Community Services Board member.
- Post 3, Pete Quinones, CEO of Metro Atlanta Ambulance Service, to serve as the Board of Health member.
- Post 4, Blake Schneider, Director of KSU Center for Young Adult Addiction and Recovery to serve as the University System of GA member.
- Post 5, Holly Tuchman, Survivor of the disease of addiction or family member who has lost a loved one to the disease to serve as the Board of Commissioners' appointment for a two-year term to expire April 22, 2026.
- Post 6, Dr. Kimberly Coley Henderson, Organizer and CEO of CareLink of Georgia, to serve as the Board of Commissioners' appointment.

Emergency Management

27. To approve a Memorandum of Understanding with Must Ministries for providing cooling shelter services to the homeless community in Cobb County.

To **approve** the Memorandum of Understanding with Must Ministries to provide cooling shelter services in Cobb County with a total cost of \$108,000.00 and **authorize** the Chairwoman to execute the necessary documents.

Funding is available in the EMA FY24 budget:

010-130-0260-6574	(Contributions)	\$108,000.00
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Risk and Safety Department

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

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

<u>Fire - Auto Liability -</u>	<u>24 00179</u>		
Decrease Expenditure:	710-055-8011-6441	Collision & Comp Claims	\$45.84
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$45.84
Increase Revenue:	230-130-1000-1006-4960	Interfund Revenue	\$45.84
Increase Expenditure:	230-130-1000-1006-6186	Motor Vehicle Parts	\$45.84
<u>DOT - Property Damage -</u>	<u>23 00378</u>		
Decrease Expenditure:	710-055-8011-6605	Property Loss	\$3,675.00
Increase Expenditure:	710-055-8011-6594	Interfund Expense	\$3,675.00
Increase Revenue:	010-050-0781-0781-4960	Interfund Revenue	\$3,675.00
Increase Expenditure:	010-050-0781-0781-6512	Road Maintenance – Contr.	\$3,675.00

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.

CDBG

30. To authorize the reallocation of Fiscal Year 2021 program funds from Edward Byrne Memorial Justice Assistance Grant allocations provided by the Bureau of Justice Assistance.

To **approve** the amendment to Fiscal Year 2021 Edward Byrne Memorial Justice Assistance Grant allocations provided by the Bureau of Justice Assistance, **authorize** all corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

There is no net funding impact as a result of this action to modify the allocation of previously appropriated funding to alternate programs.

Decrease Revenue/Expenditure:

284-390-J21N-6574/4429	\$11,016.01
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Increase Revenue/Expenditure:

284-390-J21E-6574/4429	\$5,508.01
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284-390-J21D-6574/4429	\$5,508.00
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CobbWorks

31. To approve the transfer of previously awarded funding for the Dislocated Worker Adult Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide funding for education, training, and employment services.

To **approve** the transfer of previously awarded Dislocated Worker Adult Program funding in the amount of \$600,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	276-120-24TA-WF24TA-A-4430	\$ 60,000.00
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Increase Revenue	276-120-24TP-WF24TP-P-4430	\$540,000.00
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Increase Expenditure	276-120-24TA-WF24TA-A-various	\$ 60,000.00
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Increase Expenditure	276-120-24TP-WF24TP-P-various	\$540,000.00
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Decrease Revenue	276-120-24DA-WF24DA-A-4430	\$ 60,000.00
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Decrease Revenue	276-120-24DP-WF24DP-P-4430	\$540,000.00
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Decrease Expenditure	276-120-24DA-WF24DA-A-various	\$ 60,000.00
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Decrease Expenditure	276-120-24DP-WF24DP-P-various	\$540,000.00
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32. To approve the Memorandum of Understanding for the Chattahoochee Technical College, Cobb County CDBG Program, Georgia Vocational Rehabilitation, Georgia Department of Labor, CobbWorks, Inc provider for the state of Georgia as a One-Stop partner.

To **approve** the Memorandum of Understanding for the following partners: Chattahoochee Technical College, Cobb County CDBG Program, Georgia Vocational Rehabilitation, Georgia Department of Labor and CobbWorks, Inc.

County Attorney

33. To adopt a resolution designating attorney Jeffrey N. Gaba of Gregory Doyle Calhoun & Rogers, LLC as an authorized signatory for Cobb County as to certain real estate closing documents that have been previously reviewed and approved by the County Attorney's Office.

To **adopt** a resolution designating Jeffrey N. Gaba of Gregory, Doyle, Calhoun & Rogers, LLC as an authorized signatory for Cobb County as to certain real estate closing documents that have been previously reviewed and approved by the County Attorney's Office and **authorize** the Chairwoman to execute the resolution and any additional necessary documents to effectuate the purpose. A copy of said resolution is attached and made a part of these minutes.

County Clerk

34. To approve minutes.

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

- May 13, 2024 - Agenda Work Session
- May 14, 2024 - BOC Regular Meeting
- May 21, 2024 - BOC Zoning Hearing

CONSENT VOTE: **ADOPTED 5-0**; Commissioner Gambrill opposed to Item 26, Post 2, Commissioners Birrell and Gambrill opposed to Item 27 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

REGULAR AGENDA

Transportation

35. To approve the Department of Transportation Traffic Calming Policy.

Motion by Cupid, second by Richardson, to **approve** the Department of Transportation Traffic Calming Policy. A copy of said policy is attached and made a part of these minutes.

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

BOC Chair

36. To recommend the appointment of the Property Management Director.

Motion by Cupid, second by Richardson, to **approve** the appointment of Andrew Yakimovich as the Property Management Director effective May 28, 2024.

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

ARPA

37. To approve ARPA beneficiary grants to qualified Hospitality & Tourism organizations for employee retention support.

Motion by Cupid, second by Richardson, to **approve** round-two ARPA beneficiary grants to qualified Travel & Tourism organizations in Cobb County, Georgia, for employee retention support; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute any necessary documents for said purpose.

Funding is available in the ARPA Program Fund as follows:

279-030-ED06-6574	Contributions	\$40,000.00
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

Transportation

38. To approve a contract with Chatfield Contracting, Inc., for drainage system repairs on Wesley Way, Project No. B2281, Cobb DOT Contract No. 002122.

Motion by Sheffield, second by Birrell, to **approve** a contract with Chatfield Contracting, Inc., in an amount not to exceed \$295,743.03, for drainage system repairs on Wesley Way, Project No. B2281, Cobb DOT Contract No. 002122; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$270,743.03
Transfer to:	348-050-B220-B220-8762-B2281-C	Turnkey Construction	\$270,743.03

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

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

SPLOST Component Summary as of May 1, 2024: Drainage System

Budget:	\$22,753,789.35	Encumbered/Expended:	\$10,785,704.86
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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	\$27,600.00
Transfer to:	Wesley Way Drainage - Utility Allow.		
	510-500-5756-6496-W5098-C	Drainage Contract R&M Svc.	\$25,000.00
	510-500-5756-8265-W5098-M	Materials and Supplies	\$ 2,000.00
	510-500-5756-8810-W5098-T	Contingency	<u>\$ 600.00</u>
		Total:	\$27,600.00

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

39. **To approve a contract with D & H Construction Company, Inc., for drainage system repairs on Autumn Leaves Lane, Project No. B2295, Cobb DOT Contract No. 002211.**

Motion by Birrell, second by Sheffield, to **approve** a contract with D & H Construction Company, Inc., in an amount not to exceed \$317,820.00, for drainage system repairs on Autumn Leaves Lane, Project No. B2295, Cobb DOT Contract No. 002211; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$287,820.00
Transfer to:	348-050-B220-B220-8762-B2295-C	Turnkey Construction	\$287,820.00

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

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

SPLOST Component Summary as of May 1, 2024: Drainage System

Budget:	\$22,753,789.35	Encumbered/Expended:	\$10,785,704.86
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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	\$32,600.00
Transfer to:	Autumn Leaves Drainage - Utility	Allow.	
	510-500-5756-6496-W5099-C	Drainage Contract R&M Svc.	\$30,000.00
	510-500-5756-8265-W5099-M	Materials and Supplies	\$ 2,000.00
	510-500-5756-8810-W5099-T	Contingency	<u>\$ 600.00</u>
		Total:	\$32,600.00

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 D & H Construction Company, Inc., for Schaffer Road Sidewalk, Project No. B2602, Cobb DOT Contract No. 002029.**

Motion by Sheffield, second by Birrell, to **approve** a contract with D & H Construction Company, Inc., in an amount not to exceed \$273,067.50, for Schaffer Road Sidewalk, Project No. B2602, Cobb DOT Contract No. 002029; **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 transfers:

Transfer from:	348-050-B260-B260-8005-B2602-C	Preliminary Estimate	\$265,000.00
	348-050-B260-B260-8005-B2602-R	Preliminary Estimate	\$ 8,067.50
Transfer to:	348-050-B260-B260-8762-B2602-C	Turnkey Construction	\$273,067.50

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

Schaffer Road Sidewalk is an eligible project/program under the DOT Community Impact Projects Component of the 2022 SPLOST Transportation Improvements (Cobb County 2022 SPLOST, pp. 1, 25). SPLOST funds will be used for construction of sidewalks along Schaffer Road in District 4. This project will begin at Austell Road and continue east for approximately 875 linear feet.

SPLOST Project Summary as of May 1, 2024: Schaffer Road Sidewalk

Budget:	\$297,500.00	Expended:	\$2,374.00
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

41. **To approve final change orders to contracts for various completed projects in the 2016 SPLOST Transportation Improvements Program Fund, 2022 SPLOST Transportation Improvements Program Fund, Public Facility Projects Fund, Transit Grant Fund, and Water System Fund.**

Motion by Cupid, second by Richardson, to **approve** final change orders to contracts for various completed projects in the 2016 SPLOST Transportation Improvements Program Fund, 2022 SPLOST Transportation Improvements Program Fund, Public Facility Projects Fund, Transit Grant Fund, and Water System Fund, a total savings to the projects in the amount of \$824,109.54; **authorize** the corresponding budget and accounting transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program (TIP) Fund, 2022 SPLOST TIP Fund, Public Facility Projects Fund, Transit Grant Fund, and Water System Fund, as follows, and as detailed in the attached list of budget and accounting transactions required:

Decrease Expenditures:

347-050-Various Units/Subunits/Projects	2016 SPLOST TIP Fund	\$ 34,227.36
348-050-Various Units/Subunits/Projects	2022 SPLOST TIP Fund	\$372,788.11
380-050-4612-4612-8762-TR527-C	Public Facility Projects Fund	\$ 8,467.15
203-050-T068-8762	Transit Grant Fund	\$271,594.24
510-500-5756-Various Projects	Water System Fund	<u>\$137,032.68</u>
	Total:	\$824,109.54

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

42. **To determine that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A §32-3-4, et. seq., on one parcel on Silver Comet Trail Connector, Project No. X2415.**

Motion by Richardson, second by Gambrill, to **determine** that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et. seq.; **authorize** the commencement of condemnation proceedings on one parcel on Silver Comet Trail Connector, Project No. X2415; **adopt** a Resolution and Order in form substantially similar to that presented and as approved by the County Attorney's Office; and **further authorize** the Chairwoman to execute the necessary documents.

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

Public Services Agency

PARKS

43. **To approve a Purchase Agreement with Southeastern Surfaces & Equipment to provide construction services for the replacement of the synthetic gymnasium floor at Fullers Recreation Center under the 2022 PARKS SPLOST Program.**

Motion by Richardson, second by Gambrill, to **approve** a Purchase Agreement for Southeastern Surfaces & Equipment in an amount not to exceed \$98,980.00 for the replacement of the synthetic gymnasium floor at Fullers Recreation Center; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

348-105-B065-B0653-C-8110	(Building Renovations & Improvements)	\$ 98,980.00
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SPLOST Project Summary as of May 1, 2024:

Building Renovations and Improvements:

Budget:	\$4,500,000.00	Expended to Date:	\$2,187,685.49
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

Support Services Agency

Property Management

44. **To approve a contract for Architectural and Engineering Services related to the renovation of 1758 County Services Parkway SE, Marietta, GA 30008 for the Highland Rivers Behavioral Crisis Center.**

Motion by Gambrill, second by Richardson, to **approve** a contract with Piper O'Brien Herr Architects, in the amount not to exceed \$102,000.00, for the construction documents related to the renovation of the First Floor and the build-out of the Second Floor of the Behavioral Health Crisis Center, located at 1758 County Services Parkway SE, Marietta GA 30008; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the following fund:

381-110-PM03-8110-P2208-A

Current Budget:	\$2,900,000.00
Encumbrances:	\$ 3,250.00
Actual Expenses:	\$ 23,600.00
Amount Remaining in the Project:	\$2,873,150.00

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

45. **To approve a contract for Architectural and Engineering Services related to the renovation of 1150 Powder Springs Road Suite 400, Marietta, GA 30064 for the Community Development building.**

Motion by Gambrill, second by Richardson, to **approve** a contract with CPL Architecture, in the amount not to exceed \$91,550.00, for full Architectural and Engineering Services related to the renovation of the Community Development Building, located at 1150 Powder Springs Street Suite 400, Marietta, GA 30064; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following transactions:

Decrease Expenditure: 381-110-PM03-8005-PM2311-A (Preliminary Estimates) \$91,550.00
Increase Expenditure: 381-110-PM03-8110-PM2311-A (Renovation of Buildings) \$91,550.00

Current Budget:	\$1,433,727.00
Encumbrances:	\$ 0.00
Actual Expenses:	\$ 56,635.00
Amount Remaining in the Project:	\$1,377,092.00

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

ADJOURNMENT

The meeting was adjourned at 8:47 p.m.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners