

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 27, 2024
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, August 27, 2024, at 7:00 p.m. in the second-floor public meeting room at 100 Cherokee Street, David Hankerson 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.

PUBLIC HEARING

1. **To conduct a public hearing for the proposed closure and abandonment of Bentley Lake Road, located in Land Lots 1063 and 1064 of the 16th District, 2nd Section, Cobb County, Georgia.**

Drew Raessler, Transportation Agency Director, requested a public hearing regarding the proposed closure and abandonment of Bentley Lake Road.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward to address the Board. Following one speaker, the public hearing was closed.

Motion by Birrell, second by Cupid, to **authorize** the closure and abandonment of Bentley Lake Road, located in Land Lots 1063 and 1064 of the 16th District, 2nd Section, Cobb County, Georgia; determine that said right-of-way serves no substantial public purpose; **authorize** the disposition of same by Quitclaim Deeds to the adjoining owners, Bentley Farm Properties, LLLP, Lynn Bentley Taylor, Justin Ottinger, Summerour Farm, LLLP, and Summerour Properties, LLLP; and **further authorize** the Chairwoman to execute the necessary documents, in forms similar to that presented in the agenda item.

***Clerk's Note:** Prior to the vote Commissioner Birrell, Commissioner Gambrill and The Chairwoman made the following statement.*

Commissioner Birrell submitted the following statement

Considering the Supreme Court's ruling in January 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, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb 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.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense, and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.

Commissioner Gambrell read the following statement.

As an elected official of Cobb County, I took an oath of office to uphold the Constitution of the United States and Georgia, uphold the laws of the state and our local enabling legislation.

Since March of 2022, the Board Chair, with support of her identifying party, have requested the County Legal Department not to follow the law but rather to circumvent it regarding the counties Home Rule authority. Just last week, Judge Hill confirmed again this action was outside the Board's authority and ruled the Home Rule map unconstitutional.

Yesterday's work session is a yet another example – as the legal department claimed, and it was supported by a commissioner, that the Board had discussed in executive session how to resolve the unconstitutional Home Rule action the majority of the Board approved on October 25, 2022. While the public is not privy to the minutes of the executive session held on August 1, 2024, the minutes had no mention of the board discussing the home rule action and was approved 5-0 with no comments from the Board as to the accuracy. Why is this important, it is not a proper item for discussion under executive privileges.

We need to stop pointing fingers and placing blame on actions taken almost two years ago – remember, you have one finger pointing at the subject of your dislike, but 3 others pointing back at you. This Board had options yet chose the path we are on, and it is time to accept the consequences of the actions the majority agreed to pursue.

Henry Ford once said, failure is the opportunity to begin again more intelligently.

Chairwoman Cupid made the following statement.

As was acknowledged in our prior meeting that upon the act of redistricting Cobb County without following our local delegation, I did ask for our County Attorney to assess how the County could defend itself in this matter. I did not necessarily direct our County Attorney in how to address that from a legal perspective, because I trust in our County Attorney's Office to be able to advise us in how they move forward in addressing matters of law. In addressing this particular instance, we moved forward in good faith to protect what we perceived to be the best interest of the County and the voters within the County.

We have arrived to this point where our approach was found to not be constitutional and that was a matter that we perceived was a question of law which was why we moved forward in the manner that we have. There has been a decision on that question of law which will be in the book today, but I do find it ill-advised to imbue a direction that was contrary to law for it to be perceived that that was the intent. Our intent has always been to do what is right and protect the interest of the County and that will be the spirit in how we will proceed with this meeting this evening.

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

2. **To conduct the second public hearing and approve the proposed amendment to Chapter 78 (Licenses, Permits and Businesses).**

Jessica Guinn, Community Development Agency Director, presented information regarding the proposed amendment to Chapter 78 (Licenses, Permits and Businesses) of the Official Code of Cobb County.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward. Following five speakers, the public hearing was closed.

Motion by Richardson, second by Sheffield, to **approve** the proposed amendment to Chapter 78 (Licenses, Permits and Businesses). A copy of the approved amendment are 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).

PUBLIC COMMENT

1. Melissa Johnson addressed the Board in opposition to the removal of the district 2 Commissioner.
2. Hugh Norris addressed the Board regarding the Home Rule map adoption.
3. John McLean addressed the Board regarding the Home Rule map adoption.
4. Denny Wilson addressed the Board regarding the Home Rule map adoption.
5. Tracy Stevenson addressed the Board regarding the Home Rule map adoption.
6. Matt Stigall addressed the Board regarding the Home Rule map adoption.
7. Virginia Choate addressed the Board regarding the Home Rule map adoption.
8. Debbie Fisher addressed the Board regarding Home Rule and abuse of power.
9. Christine Rozman addressed the Board regarding the Home Rule map adoption.
10. Hill Wrigat addressed the Board regarding the Home Rule map adoption.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; and **authorize** execution of the necessary documents by the appropriate County personnel.

District Attorney's Office

3. To authorize the acceptance of grant funds from the Office for Victims of Crime FY24 Byrne Discretionary Community Project Grant for the Family Advocacy Center.

To **authorize** the acceptance of grant funds from the Office of Victims of Crime FY24 Byrne Discretionary Community Project Grant in the amount of \$1,550,000.00; **authorize** the creation of Unit F089; **authorize** the creation of a Volunteer Coordinator Position, Pay Grade 110 under Unit F089; **authorize** the corresponding budget and personnel transactions; **allow** FAC Executive Director to sign required programmatic reports and the Finance Department to submit required expenditure reports; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	270-170-F089-4429	2024 OVC FY24 Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program-FAC	\$1,550,000.00
Increase Expenditure:	270-170-F089-6012, etc	Salary and Fringe	\$244,000.00
	270-170-F089-6116	General Office Supplies	\$297,626.00
	270-170-F089-6258	Accountable Equipment	\$584,754.00
	270-170-F089-6326	Professional Services	\$222,000.00
	270-170-F089-6348	General Printing	\$ 50,000.00
	270-170-F089-6349	IT Subscription	\$100,000.00
	270-170-F089-6394	Registration	\$ 15,000.00

Water System

4. **To approve a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with HD Excavations & Utilities, LLC for Thrasher Drive Water Main Rehabilitation, Program No. W2431.**

To **approve** a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with HD Excavations & Utilities, LLC, in the amount of \$69,140.30, for Thrasher Drive Water Main Rehabilitation, Program No. W2431; **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:

FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services

Construction	510-500-5752-8260	C0171-C	\$69,140.30
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Transfer to:

Thrasher Drive Water Main Rehabilitation

Construction	510-500-5754-8260	W2431-C	\$69,140.30
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5. **To approve a unit price contract with Hearing Plumbing for FY25–FY26 Miscellaneous Plumbing Services.**

To **approve** a unit price contract with Hearing Plumbing for FY25-FY26 Miscellaneous Plumbing Services and **authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's Customer Service and System Maintenance Water Line – R&M Service and Sewer Line – R&M Service Adopted FY25 Operating Budgets, Fund 500, Department 500, Units 5140 and 5400, Objects 6516 and 6520.

6. **To approve final funding for the emergency work order under the Unit Price Contract for Water, Sewer, and Miscellaneous Services with Wade Coots Company, Inc. for Sewell Mill Creek Sewer Interceptor Replacement, Program No. S3044.**

To **approve** final funding for the emergency work order under the Unit Price Contract for Water, Sewer, and Miscellaneous Services with Wade Coots Company, Inc., a savings to the project in the amount of \$36,248.19, for the Sewell Mill Creek Sewer Interceptor Replacement, Program No. S3044; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is required for the Water System's Sewell Mill Creek Sewer Interceptor Replacement, Program No. S3044.

Decrease Encumbrance:

GAE 51008222308	510-500-5755-8260	S3044-C	\$36,248.19
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Transfer from:

Sewell Mill Creek Sewer Interceptor Replacement

Construction	510-500-5755-8260	S3044-C	\$36,248.19
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Transfer to:

Unidentified New/Replacement Sewer Lines

Preliminary Estimates	510-500-5755-8005	S2503-Z	\$36,248.19
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7. **To authorize the purchase of equipment and a replacement vehicle for the Water System under provisions of Sourcwell (formally NJPA) Cooperative Contracts with Jet-Vac Equipment Company, LLC and Alan Jay Automotive Management, Inc.**

To **authorize** the purchase of equipment and a replacement vehicle for the Water System under the provisions of Sourcwell (formally NJPA) Cooperative Contracts with Jet-Vac Equipment Company, LLC, in an amount not to exceed \$348,067.20, and Alan Jay Automotive Management, Inc., in an amount not to exceed \$121,950.00; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the FY24 Water System's Operating Budget as follows:

Available:	500-500-5400-8490	Other Machinery & Equipment	\$348,067.20
	500-500-5400-8605	Autos, Vans, Trucks & Motorcycles	\$121,950.00

8. **To authorize the purchase of a replacement vehicle for the Water System under provisions of a State Contract with Rush Truck Center of Georgia, Inc. dba Rush Truck Center Atlanta.**

To **authorize** the purchase of a replacement vehicle for the Water System under provisions of a State Contract with Rush Truck Center of Georgia, Inc. dba Rush Truck Center Atlanta, in an amount not to exceed \$146,793.00; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the FY24 Water System's Adopted Operating Budget as follows:

Available:	500-500-5400-8605	Autos, Vans, Trucks & Motorcycles	\$146,793.00
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Transportation

9. **To approve the 2024 annual update to the Cobb County Department of Transportation Title VI Plan.**

To **approve** the 2024 annual update to the Cobb County Department of Transportation Title VI Plan.

10. **To approve a Lease Agreement with Vulcan Construction Materials, LLC at Cobb County International Airport – McCollum Field.**

To **approve** a five-year Lease Agreement with Vulcan Construction Materials, LLC, retroactive from July 1, 2024, through June 30, 2029, with three additional five-year renewal options, at Cobb County International Airport – McCollum Field; and **authorize** the Chairwoman to execute the necessary documents.

11. **To authorize the creation of one new Street Light District.**

To **authorize** the creation of one new Street Light District for Overlook at Hilltop Drive, Unit II.

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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12. **To adopt a resolution to approve the Microtransit Title VI Equity Analysis for the proposed CobbLinc Microtransit Pilot Project, and approve implementation of the new microtransit service.**

To **adopt** a resolution to approve the Microtransit Title VI Equity Analysis for the proposed CobbLinc Microtransit Pilot Project; and **approve** implementation of the new microtransit service. A copy of said resolution is attached and made a part of these minutes.

13. **To authorize the procurement of two support replacement vehicles to support administrative and maintenance operations for CobbLinc utilizing the Statewide Contract with Allan Vigil Ford Lincoln, Inc.**

To **authorize** the procurement of two support replacement vehicles to support administrative and maintenance operations for CobbLinc, in an amount not to exceed \$74,183.00, utilizing the Statewide Contract with Allan Vigil Ford Lincoln, Inc.; **authorize** the corresponding budget transaction; and **further authorize** the Procurement Services Director to sign the necessary documents.

Federal and local match funding is available in the approved Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T081-8005	Preliminary Estimate	\$74,183.00
Transfer to:	203-050-T081-8605	Auto, Vans, Trucks, & Motorcycles	\$74,183.00

14. **To approve a Hardware Warranty and Software Maintenance Agreement with Clever Devices, Ltd., for the CobbLinc Automatic Vehicle Location System Fixed Route platform.**

To **approve** a Hardware Warranty and Software Maintenance Agreement with Clever Devices, Ltd., in an amount not to exceed \$260,567.00, for the CobbLinc Automatic Vehicle Location System Fixed Route platform, retroactive from May 22, 2024 through May 21, 2025; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Federal and local match funding is available in the approved Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T083-8005	Preliminary Estimate	\$260,567.00
Transfer to:	203-050-T083-6491	Annual Maintenance and Support Contracts	\$260,567.00

Public Services Agency

PARKS

15. To apply for the FY2025 Cultural Facilities Grant through the Georgia Council for the Arts.

To **authorize** application for the FY2025 Cultural Facilities Grant through the Georgia Council for the Arts in an amount not to exceed \$30,000.00; **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

Matching funds are available in the FY25 adopted budget in PARKS.

16. To approve the First Amendment to the Memorandum of Understanding with Atlanta Youth Tennis & Education Foundation for programming at Fair Oaks Tennis Center.

To **approve** the First Amendment to the Memorandum of Understanding with Atlanta Youth Tennis & Education Foundation (AYTEF) that extends the termination date to December 31, 2026; and **authorize** the Chairwoman to execute the necessary documents.

17. To approve a Golf Course Management Agreement with Affiniti Golf Partners, LLC, d/b/a Bobby Jones Links at Cobblestone Golf Course.

To **approve** the Cobblestone Golf Course Management Agreement with Affiniti Golf Partners, LLC. for a term as set forth in the Agreement, unless otherwise earlier terminated; **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Golf Course Enterprise Fund.

Support Services Agency

Support Services Administration

18. **To approve a short-term lease agreement with StoreMyTruck.com, LLC for property located at 700 Lee Industrial Boulevard through the brokerage firm of McWhirter Realty Partners.**

To **approve** a short-term lease agreement with StoreMyTruck.com, LLC for property located at 700 Lee Industrial Boulevard for an initial term of ten (10) months commencing on September 16, 2024, and expiring on July 16, 2025, at a rental amount of \$75,840.00 per year, payable in monthly installments of \$6,320.00, thereafter, upon Cobb County's written consent, Storemytruck.com, LLC shall be allowed to occupy the property on a month-to-month basis starting at the expiration date and ending at the earlier of written notice of termination by either party or six (6) months from the expiration date, on terms and conditions substantially the same as those set forth in the attached lease, with the assistance of brokerage firm McWhirter Realty Partners; and **authorize** the Chairwoman to execute the necessary documents.

Lease revenue will be posted as follows:

500-500-5100-4870 (Rental of Real Estate)

Information Technology Services

19. **To approve a five-year contract with PermitRocket Software LLC (ePermitHub) for an electronic plan review solution procured under provisions of an OMNIA Partners contract with Carahsoft Technology Corporation (Carahsoft).**

To **approve** a five-year contract with PermitRocket Software LLC, procured under provisions of OMNIA Partners Contract #23-6692-01 with Carahsoft Technology Corporation, in an amount not to exceed \$426,870.97, for an electronic plan review solution to be integrated with the Accela permitting system, with the FY 2024 amount being \$71,990.22; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transactions:

Decrease Expenditure:	010-030-0310-6326	Professional Services	\$71,990.22
Increase Expenditure:	010-030-0320-6491	Annual Contracts	\$71,990.22

FY2025 (Process after 10/01/2024)

The adopted FY2025 Budget will be amended as follows:

Increase Revenue:	010-030-0320-4322	Commercial Permits (Tech Fees)	\$130,000.00
Increase Expenditure:	010-030-0320-6491	Annual Contracts	\$130,000.00

Property Management

20. **To authorize an interfund transfer from the FY2024 General Fund budget to the Property Management Capital Project fund to complete the renovation work to the West Park Government Center Departments located at 736 Whitlock Ave. NW, Marietta, GA.**

To **authorize** an interfund transfer from the adopted FY2024 Property Management budget to the Property Management Capital Projects Fund, to complete the renovation work to the West Park Government Center departments located at 736 Whitlock Ave. NW, Marietta, GA; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary document.

Funding is available with the following transfers:

Decrease Expenditure: 010-110-3640-8005	(Preliminary Estimates)	\$1,000,000.00
Increase Expenditure: 010-110-3640-6594	(Interfund Expense)	\$1,000,000.00
Increase Revenue: 381-110-PM03-4960-PM2304-A	(Interfund Revenue)	\$1,000,000.00
Increase Expenditure: 381-110-PM03-8005-PM2304-A	(Preliminary Estimates)	\$1,000,000.00

Public Safety Agency

Police Department

21. **To approve the purchase of three replacement patrol vehicles utilizing federal, state or cooperative pricing agreements.**

To **approve** the purchase of three replacement Ford F150s, utilizing federal, state or cooperative pricing agreements, not to exceed \$143,865.00; **authorize** the corresponding budget transactions; and **further authorize** the Procurement Director to execute the necessary documents.

Funding is available in the FY24 budget as follows:

010-130-2100-8605	(Autos, Vans, Trucks and Motorcycles)	\$143,865.00
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Fire and Emergency Services

22. To authorize the purchase of structural firefighting garments or turnout gear from NAFECO.

To **authorize** the purchase of structural firefighting garments or turnout gear from NAFECO, in an amount not to exceed \$172,645.00, under provisions of Sourcewell contract #010424-LIO; **authorize** the Procurement Director to execute the necessary documents; and **further authorize** the corresponding budget transactions.

Funding is available within the approved FY24 CCFES Budget:

230-130-1000-1013-6256	Personal Protective Equipment (PPE)	\$172,645.00
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911 Emergency Communications

23. To approve the Memorandum of Understanding with the Cobb County School District Police Department for use of one Motorola Solutions Inc. PremierOne Computer Aided Dispatch (CAD) License.

To **approve** the Memorandum of Understanding with the Cobb County School District Police Department; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Revenue will be collected in the E911 Fund for FY24 as follows:

Increase Revenue	260-130-0200-4506	Other Local Revenue	\$4,359.12
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24. To approve the One Plan Agreement with Medical Priority Dispatch to continue the use of Emergency Dispatch ProQA software, Quality Performance Reviews (QPR), and Protocol training.

To **approve** the Medical Priority Dispatch One Plan Agreement; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following transactions:

Available in FY25:	260-130-0200-6491	Annual Maintenance and Support Contracts	\$198,053.00
Decrease Expenditure:	260-130-0200-6394	Registration Fee	\$ 68,552.89
Increase Expenditure:	260-130-0200-6491	Annual Maintenance and Support Contracts	\$ 68,552.89

FY25 Contract Amount	\$266,605.89
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25. **To amend the current agreement with AT&T for the E911 VIPER phone system and extend on a month-to-month basis while obtaining an agreement for ESINet.**

To **approve** the amendment with AT&T for the E911 VIPER phone system and extend on a month-to-month basis while obtaining an agreement for ESINet; and **authorize** the Chairwoman to execute the necessary documents.

Funding is available in the FY25 budget.

Emergency Management

26. **To authorize the acceptance of funds from the Hazard Mitigation Grant Program through the Georgia Emergency Management Agency (GEMA).**

To **authorize** the acceptance of Hazard Mitigation Grant Program funding through the Georgia Emergency Management Agency; **authorize** the sole-source agreement with BOLDplanning, Inc., in an amount not to exceed \$75,200.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	270-130-FD02-4493	(GEMA)	\$75,200.00
Increase Expenditure:	270-130-FD02-8676	(Professional Services)	\$75,200.00

Community Development

27. **To approve an annexation notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of a 5.56-acre tract of land located at Old Highway 41 and Nance Road northeast of Eagle Drive.**

To **approve** an annexation Notice of Non-Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of a tract of land consisting of 5.56 acres located in Land Lot 85 of the 20th District located South of the intersection of Old Highway 41 and Nance Road northeast of Eagle Drive into the City of Acworth.

28. **To review a summary of the appeal hearing conducted by the License Review Board on August 8, 2024, for Taco Prado, Inc. d/b/a Taco Prado.**

This item was withdrawn from this agenda for a hearing to be held at a later date per discussion in Agenda Work Session on August 26, 2024.

Risk and Safety

29. To approve a contract with Carahsoft Technology Corporation to provide vehicle telematic solution.

To **approve** a contract with Carahsoft Technology to provide vehicle telematics subscription services for three-years with a two-year extension option; **authorize** the budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is requested for this item. Funding for FY 2024 is available in account: 710-055-8011-6491

710-055-8011-6491	Maintenance & Support Contracts	\$436,676.90
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Finance

30. 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

31. To amend Program Years 2023 and 2024 Annual Action Plans for the reallocation of unexpended Community Development Block Grant program funds.

To **amend** Program Years 2023 and 2024 Annual Action Plans for the reallocation of unexpended Community Development Block program; **authorize** the corresponding budget transactions; and further authorize the Chairwoman to execute the necessary documents. A copy of attachment A is attached and made a part of these minute.

The budget appropriations shown in Attachment account for the transfer of unexpended CDBG program funds to other eligible activities.

32. **To authorize the acceptance of Federal Fiscal Year 2025 Community Services Block Grant funds provided by the Georgia Department of Human Services.**

To **authorize** acceptance of Federal Fiscal Year 2025 Community Services Block Grant funds provided by the Georgia Department of Human Services; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents. A copy of attachment A is attached and made a part of these minutes.

The budget appropriations shown in Attachment A will account for the receipt and expenditure of \$822,061.71 in FFY2025 CSBG funds.

Cobb Works

33. **To authorize the Dislocated Worker Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide funding for education, training, and employment services for the additional Dislocated Worker Program.**

To **authorize** the Dislocated Worker Program grant award in the amount of \$290,223.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide training and employment services Dislocated Worker Program; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue

276-120-DA24-WP24DA-A-4430	\$ 29,022.00
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276-120-DP24-WP24DP-P-4430	\$261,201.00
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Total Grant Revenue	\$290,223.00
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Increase Expenditure

276-120-DA24-WP24DA-A-vary	\$ 29,022.00
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276-120-DP24-WP24DP-P-vary	\$261,201.00
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Total Grant Revenue	\$290,223.00
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34. To authorize an Adult Program grant award from the Technical College System of Georgia for CobbWorks, Inc. to provide funding for education, training, and employment services for the additional Adult Program.

To **authorize** the Adult Program grant award in the amount of \$113,029.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide training and employment services Adult Program; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue

276-120-AA24-WP24AA-A-4430	\$ 11,303.00
276-120-AP24-WP24AP-P-4430	\$101,726.00
Total Grant Revenue	\$113,029.00

Increase Expenditure

276-120-AA24-WP24AA-A-Vary	\$ 11,303.00
276-120-AP24-WP24AP-P-Vary	\$101,726.00
Total Grant Revenue	\$113,029.00

County Clerk

35. To approve minutes.

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

- August 12, 2024 - Agenda Work Session
- August 13, 2024 - BOC Regular Meeting
- August 20, 2024 - BOC Zoning Hearing
- August 21, 2024 - Dobbins Stakeholders Meeting

CONSENT VOTE: **ADOPTED 5-0**; Commissioner Birrell in opposition to Item 12 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

REGULAR AGENDA

Transportation

36. To approve a contract with Chatfield Contracting, Inc., for drainage system repairs on Burnt Hickory Road, Project No. B22125, Cobb DOT Contract No. 002381.

Motion by Gambrill, second by Richardson, to **approve** a contract with Chatfield Contracting, Inc., in an amount not to exceed \$472,112.89, for drainage system repairs on Burnt Hickory Road, Project No. B22125, Cobb DOT Contract No. 002381; **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	\$422,112.89
Transfer to:	348-050-B220-B220-8762-B22125-C	Turnkey Construction	\$422,112.89

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.

Burnt Hickory Road 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 August 1, 2024: Drainage System

Budget:	\$22,753,789.35	Encumbered/Expended:	\$12,243,423.52
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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	\$56,000.00
Transfer to:	CC Burnt Hickory Drainage		
	510-500-5756-6496-W5104-C	Drainage Contract R&M Svc.	\$50,000.00
	510-500-5756-8265-W5104-M	Materials and Supplies	\$ 5,000.00
	510-500-5756-8810-W5104-T	Contingency	<u>\$ 1,000.00</u>
		Total:	\$56,000.00

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

37. To approve a contract with Chatfield Contracting, Inc., for drainage system repairs on Rosie Lane, Project No. B22141, Cobb DOT Contract No. 002382.

Motion by Sheffield, second by Birrell, to **approve** a contract with Chatfield Contracting, Inc., in an amount not to exceed \$136,349.67, for drainage system repairs on Rosie Lane, Project No. B22141, Cobb DOT Contract No. 002382; **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	\$101,349.67
Transfer to:	348-050-B220-B220-8762-B22141-C	Turnkey Construction	\$101,349.67

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.

Rosie 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 August 1, 2024: Drainage System

Budget:	\$22,753,789.35	Encumbered/Expended:	\$12,243,423.52
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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	\$39,200.00
Transfer to:	CC Rosie Lane Drainage - Utility Allow.		
	510-500-5756-6496-W5106-C	Drainage Contract R&M Svc.	\$35,000.00
	510-500-5756-8265-W5106-M	Materials and Supplies	\$ 3,500.00
	510-500-5756-8810-W5106-T	Contingency	<u>\$ 700.00</u>
		Total:	\$39,200.00

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

38. To approve a contract with Advanced Sports Construction, LLC for drainage system repairs on Karls Gate Drive at Middlebury Court, and approve Change Order No. 1 to said contract, Project No. X22106, Cobb DOT Contract No. 001720.

Motion by Richardson, second by Gambrill, to **approve** a contract with Advanced Sports Construction, LLC, in an amount not to exceed \$402,286.20, for drainage system repairs on Karls Gate Drive at Middlebury Court, Project No. X22106, Cobb DOT Contract No. 001720; **approve** Change Order No. 1 to said contract, in the deductive amount of \$40,200.00; **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-X200-X200-8005-X2000-A	Preliminary Estimate	\$ 85,367.82
	347-050-X220-X220-8005-X22106-C	Preliminary Estimate	\$145,931.75
	347-050-X220-X220-8761-X22106-C	Preliminary Estimate	\$120,786.63
Transfer to:	347-050-X220-X220-8762-X22106-C	Turnkey Construction	\$352,086.20

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

Karls Gate Drive at Middlebury Court is an eligible project/program under the Infrastructure Preservation - Drainage System Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 9). Drainage System Improvements include repair and replacement of roadway drainage systems throughout the County.

SPLOST Component Summary as of August 1, 2024: Drainage System Improvements

Budget:	\$17,494,028.31	Encumbered/Expended:	\$16,988,874.42
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Available in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$12,000.00
Transfer to:	CC Karls Gate Dr. at Middlebury Ct. Drainage		
	510-500-5756-6496-W5102-C	Drainage Contract R&M Svc.	\$10,000.00
	510-500-5756-8265-W5102-M	Materials and Supplies	\$ 1,500.00
	510-500-5756-8810-W5102-T	Contingency	\$ 500.00
		Total:	\$12,000.00

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

39. To approve a contract with Chatfield Contracting, Inc., for drainage system repairs on Tally Green Drive, Project No. X22113, Cobb DOT Contract No. 001724.

Motion by Richardson, second by Gambrill, to **approve** a contract with Chatfield Contracting, Inc., in an amount not to exceed \$166,517.73, for drainage system repairs on Tally Green Drive, Project No. X22113, Cobb DOT Contract No. 001724; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	347-050-X220-X220-8761-X22113-C	Preliminary Estimate	\$166,517.73
Transfer to:	347-050-X220-X220-8762-X22113-C	Turnkey Construction	\$166,517.73

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

Tally Green Drive is an eligible project/program under the Infrastructure Preservation - Drainage System Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 9). Drainage System Improvements include repair and replacement of roadway drainage systems throughout the County.

SPLOST Component Summary as of August 1, 2024: Drainage System Improvements

Budget:	\$17,494,028.31	Encumbered/Expended:	\$16,988,874.42
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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 two-year Contract for Microtransit Pilot Program Services with Via Mobility, LLC to provide CobbLinc on-demand transportation service, Cobb DOT Contract No. 002380.**

Motion by Sheffield, second by Cupid, to **approve** a two-year Contract for Microtransit Pilot Program Services with Via Mobility, LLC, in an amount not to exceed \$2,218,501.36, with an additional one-year renewal option, to provide CobbLinc on-demand transportation service, Cobb DOT Contract No. 002380; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Federal, state, and local match funding is available in the approved Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T088-8005	Preliminary Estimate	\$2,218,501.36
Transfer to:	203-050-T088-6327	Operator Service Fee - Transit	\$2,218,501.36

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

Public Services Agency

PARKS

41. **To approve Change Order No. 1 to the contract with Southeastern Surfaces & Equipment for the replacement of the synthetic gymnasium floor at Fullers Park Recreation Center under the 2022 PARKS SPLOST Program.**

Motion by Richardson, second by Gambrell, to **approve** Change Order No. 1 to the contract with Southeastern Surfaces & Equipment under the 2022 PARKS SPLOST Program, representing an addition to the contract in the amount of \$8,400.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

348-105-B065-B0653-C-8110	(Building Renovations and Improvements)	\$8,400.00
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The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Building Renovations and Improvements is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 28). Replacement of the synthetic gymnasium flooring at Fullers Park Recreation Center will provide improved playability and level of service for patrons of this heavily used facility. Removal of the second layer of existing flooring was required to satisfactorily complete the project.

SPLOST Project Summary as of August 1, 2024 (Building Renovations and Improvements)

Budget:	\$4,500,000.00	Expended to Date:	\$2,278,285.49
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*).

Office of Sustainability

42. To approve a supplemental agreement with Johnson Controls, Inc. for the Alternative and Renewable Energy Solutions service for the Cobb County Sustainability Strategic Action Plan.

Motion by Cupid, second by Richardson, to **approve** a supplemental agreement with Johnson Controls, Inc. for the Alternative and Renewable Energy Solutions service for the Cobb County Sustainability Strategic Action Plan, in an amount not to exceed \$275,000.00; **authorize** the Chief Sustainability Officer and Finance Department to sign programmatic, budget, and finance reports for submission; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	270-700-G344-8490	Other Machinery & Equipment	\$275,000.00
Increase Expenditure:	270-700-G344-6326	Professional Services	\$275,000.00

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

Support Services Agency

Property Management

43. To approve Supplemental Agreement No. 2 with Catamount Constructors Inc., to establish the Guaranteed Maximum Price (GMP) for Phase Two, for the construction of the Public Safety Firing Range, 2016 SPLOST Program X1050, and 2022 SPLOST Program B10500.

Motion by Sheffield, second by Birrell, to **approve** Supplemental Agreement No. 2, in the amount of \$11,020,372.00 to the contract with Catamount Constructors, Inc. to establish the final GMP, in the amount of \$21,516,398.00, for Phase Two building and Firing Range addition for the Public Safety Firing Range, located at 2435 East-West Connector, Austell; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in the 2016 and 2022 Public Safety SPLOST budgets with the following transactions.

2016 SPLOST

Decrease Expenditure:	347-130-X105-X1050-8005-C	Preliminary Estimates	\$3,652,071.19
Increase Expenditure:	347-130-X105-X1050-8125-C	Construction - New Bldgs.	\$3,652,071.19

Increase GAE 34706272336 in the amount of \$3,652,071.19.

2022 SPLOST

Decrease Expenditure	348-130-B105-B1050-8005-C	Preliminary Estimates	\$7,368,300.81
Increase Expenditure:	348-130-B105-B10500-8125-C	Construction - New Bldgs.	\$7,368,300.81

Increase GAE 34802272448 in the amount of \$7,368,300.81.

To approve Supplemental Agreement No. 2 with Catamount Constructors Inc., to establish the Guaranteed Maximum Price (GMP) for Phase Two, for the construction of the Public Safety Firing Range, 2016 SPLOST Program X1050, and 2022 SPLOST Program B10500 (CONT).

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, Public Safety Improvements. The Public Safety Firing Range is an eligible capital improvement project/program under the 2016 SPLOST. This construction is an approved project of the Public Safety Improvements (Cobb County 2016 SPLOST, p28) which provides for renovation and expansion of training facilities.

2016 SPLOST Summary as of August 1, 2024, Project X1050 Training Center:

Current Budget:	\$34,798,010.19
Encumbrances:	\$ 463,693.43
Actual Expenses:	\$30,682,245.57
Remaining in Project:	\$ 3,652,071.91

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, Public Safety Improvements. Police Headquarters & Training Center, Indoor Firing Range, is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 9).

2022 SPLOST Summary as of August 1, 2024, Project B1050 Police HQ/Training Center:

Current Budget:	\$9,944,538.00
Encumbrances:	\$0.00
Actual Expenses:	\$0.00
Remaining in Project:	\$9,944,538.00

2022 SPLOST Summary as of August 1, 2024, Project B10500 Public Safety Training Firing Range:

Current Budget:	\$8,055,462.00
Encumbrances:	\$8,055,462.00
Actual Expenses:	\$0.00
Remaining in Project:	\$0.00

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

Public Safety Agency

Fire and Emergency Services

44. **To approve Change Order No. 1 with John W. Spratlin and Son LLC, for additional work at the Fire Training Facility, 2022 SPLOST Program B1041, and authorize a fund appropriation within the Fire Fund.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 with John W. Spratlin and Son LLC, for additional work at the Fire Training Facility, 2022 SPLOST Program B1041, and authorize a fund appropriation within the Fire Fund, in the amount of \$235,680.35; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following Fire Fund, fund balance appropriation and interfund transfer to 2022 SPLOST:

Increase Revenue:	230-130-1000-4980	Fund Balance Appropriation	\$235,680.35
Increase Expenditure:	230-130-1000-6594	Interfund Expense	\$235,680.35

Increase Revenue:	348-130-B104-4960-B1041-A	Interfund Revenue	\$235,680.35
Increase Expenditure:	348-130-B104-8110-B1041-A	Renovation of Buildings	\$235,680.35

Increase GAE 34808092231 in the amount of \$398,255.35.

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for Fire Facility Replacements/Renovations, and anticipated corresponding budget funding to address, inter alia, Fire Facility Training Renovations.

Fire Training Facility Renovations is an eligible project/program under the Fire Facility Replacement/Renovations Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 11).

SPLOST Component Summary as of August 1, 2024: Fire Training B1041

Current Budget:	\$18,000,000.00
Encumbered:	\$10,091,053.79
Actual Expenses:	\$ 7,746,371.21
Remaining in Project:	\$ 162,575.00

If revenue collections in the 2022 SPLOST Fund exceed projections, the Board of Commissioners may opt to allocate additional funding to this project, and return any or all of the contributions provided herein to the Fire Fund.

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

911 Emergency Communications

45. To authorize the additional purchase of replacement portable and mobile radios with all required accessories and services with Motorola Solutions, Inc. using funds from the 2022 SPLOST program, Radio Equipment Replacement, Program B1020.

Motion by Cupid, second by Richardson, to **authorize** the purchase of replacement portable and mobile radios with all required accessories and services, in an amount not to exceed \$1,634,322.00, with Motorola Solutions, Inc. using funds from the 2022 SPLOST program, Radio Equipment Replacement, Program B1020; **approve** the purchase under the provisions of the Georgia Department of Administrative Services contract 99999S-SPD-120180606-001 with Motorola Solutions, Inc.; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2022 SPLOST project budget as follows:

Decrease Expenditure:	348-130-B102-8805-B102-B1020-A Preliminary Estimates	\$1,634,332.00
Increase Expenditure:	348-130-B102-8410-B102-B1020-P Radio Equipment	\$1,634,332.00

Create GAE in the amount of \$1,634,332.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on November 3, 2022, provides for capital improvements and equipment for Public Safety improvements.

The purchase of replacement radios and hardware is an eligible capital improvement project under the 2022 SPLOST and is an approved project of the Public Safety Improvements Tier 1, 4.4 Radio Equipment Replacement (Cobb County 2022 SPLOST, p. 10).

Current Budget: \$16,000,000.00
Encumbrances: \$4,676,547.92
Actual Expenditures: \$9,543,456.16
Remaining in Project: \$1,779,995.92

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

BOC Chair

46. To acknowledge a finding in Cobb County Superior Court Civil Action File Number 24-10-2123, Order on Petition for Appeal and Judicial Review, dated July 25, 2024, that the Home Rule map was outside of the authority granted to the Board; to direct that the map set out in Act 562 be used for all future county purposes; and approve notice to the sitting District 2 Commissioner that the office is deemed vacant.

Motion by Cupid, second by Gambrill, to **acknowledge** a finding in Cobb County Superior Court Civil Action File Number 24-10-2123, Order on Petition for Appeal and Judicial Review, dated July 25, 2024, that the Home Rule map was outside of the authority granted to the Board; **direct** that the maps set out in Act 562 be used for all future county purposes; and **direct** staff to deliver a copy of this agenda item to the Georgia Secretary of State's office.

Prior to the vote, discussions ensued and the following Amended Motion was made:

Amended Motion by Cupid, second by Gambrill, to **acknowledge** a finding in Cobb County Superior Court Civil Action File Number 24-10-2123, Order on Petition for Appeal and Judicial Review, dated July 25, 2024, that the Home Rule map was outside of the authority granted to the Board; **direct** that the maps set out in Act 562, which was signed by Governor Kemp on March 2, 2022, to be used for all future county purposes, effective immediately; and **direct** staff to deliver a copy of this agenda item to the Georgia Secretary of State's office.

Chairwoman Cupid called for a brief recess at 8:38 p.m. – 8:52 p.m.

VOTE: **ADOPTED 3-2**, Commissioner Richardson and Commissioner Sheffield opposed

Prior to consideration of the following recommendation, Chairwoman Cupid announced Commissioner Richardson recused herself

Motion by Cupid, second by Birrell, to **approve** notice to the sitting District 2 Commissioner that the office is deemed vacant per Part II, Section 2-23(b), of the Official Code of Cobb County, Georgia; and **authorize** the Chairwoman to execute notice pursuant to O.C.G.A. § 45-5-1 and any other necessary documents for said purpose.

VOTE: **FAILED 2-2**, Commissioner Birrell and Commissioner Sheffield opposed, Commissioner Richardson recused

Chairwoman Cupid called for a brief recess at 10:08 p.m. – 10:12 p.m.

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 27, 2024
7:00 PM**

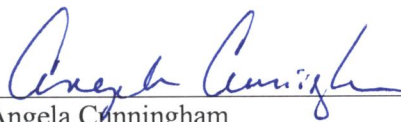
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PUBLIC COMMENT

1. Craig Harfoot addressed the Board regarding various concerns.
2. Salleigh Grubbs addressed the Board regarding comments made against citizens.
3. Kay Morgan addressed the Board regarding comments made against citizens.
4. Bette Hayden addressed the Board regarding Home Rule map adoption.
5. Donald Barth addressed the Board regarding various concerns.
6. Mike Dondelinger addressed the Board regarding Sheriff's Office spending.
7. Gabriel Sanchez addressed the Board in opposition to the removal of the district 2 Commissioner.
8. Mindy Segar addressed the Board regarding Home Rule clarification.
9. Alexis Alexander addressed the Board regarding County spending.

ADJOURNMENT

The meeting was adjourned at 10:51 p.m.



Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement revised August 13, 2024

Considering the Supreme Court's ruling in January 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, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb Board of Elections on November 15, 2022.

In addition, I do support the Order on Cross Motions for Summary Judgement (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.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.

Commissioner Gambrill's statement revised August 27, 2024

As an elected official of Cobb County, I took an oath of office to uphold the Constitution of the United States and Georgia, uphold the laws of the state and our local enabling legislation.

Since March of 2022 the Board Chair, with support of her identifying party, have requested the County Legal Department not to follow the law but rather to circumvent it regarding the counties Home Rule authority. Just last week, Judge Hill confirmed again this action was outside the Board's authority and ruled the Home Rule map unconstitutional.

Yesterday's work session is a yet another example – as the legal department claimed, and it was supported by a commissioner, that the Board had discussed in executive session how to resolve the unconstitutional Home Rule action the majority of the Board approved on October 25, 2022. While the public is not privy to the minutes of the executive session held on August 1, 2024, the minutes had no mention of the board discussing the home rule action and was approved 5-0 with no comments from the Board as to the accuracy. Why is this important, it is not a proper item for discussion under executive privileges.

We need to stop pointing fingers and placing blame on actions taken almost two years ago – remember, you have one finger pointing at the subject of your dislike, but 3 others pointing back at you. This Board had options yet chose the path we are on and it is time to accept the consequences of the actions the majority agreed to pursue.

Henry Ford once said, Failure is the opportunity to begin again more intelligently.

Chairwoman Cupid Statement

As was acknowledged in our prior meeting that upon the act of redistricting Cobb County without following our local delegation, I did ask for our County Attorney to assess how the County could defend itself in this matter. I did not necessarily direct our County Attorney in how to address that from a legal perspective because I trust in our County Attorney's Office to be able to advise us in how they move forward in addressing matters of law. In addressing this particular instance, we moved forward in good faith to protect what we perceived to be the best interest of the County and the voters within the County. We have arrived to this point where our approach was found to not be constitutional and that was a matter that we perceived was a question of law which was why we moved forward in the manner that we have. There has been a decision on that question of law which will be in the book today, but I do find it ill advised to imbue a direction that was contrary to law for it to be perceived that that was the intent. Our intent has always been to do what is right and protect the interest of the County and that will be the spirit in how we will proceed with this meeting this evening.

2024 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 78

Package I
Version I - distributed on August 2, 2024

Board of Commissioners Public Hearing Dates
August 13, 2024 – 9:00 a.m.
August 27, 2024 – 7:00 p.m.

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
www.cobbcounty.org



Cobb County. Expect the Best!

Reference No. 2

Chapter 78 – LICENSES, PERMITS AND BUSINESSES

ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES

DIVISION 2. – PEDDLERS, DOOR-TO-DOOR SALESPERSONS, AND MOBILE FOOD VENDORS

SUBDIVISION IV. – VENDING

The Official Code of Cobb County, Georgia, is amended by adding Section 78-122, to read as follows:

Section 78-122. – Clean Zone for 2021~~5~~ Major League Baseball All-Star Game and related events.

(a) Cobb County is the host of the 2021~~5~~ Major League All-Star game on Tuesday, July 13~~5~~, 2021~~5~~ with major sport competitions and activities taking place on multiple days during the period of July 7~~9~~, 2021~~5~~ to July 14~~6~~, 2021~~5~~ (the "All-Star Event Period").

(b) In addition to the stated Purpose and Intent of this article and section, during the All-Star Event Period in order to facilitate the safe and orderly movement of vehicular and pedestrian traffic as well as to preserve the aesthetic qualities of areas within unincorporated Cobb County, the board of commissioners establishes the All-Star Event Zones as shown in the maps on file in the County Clerk's Office and subjects each to the restrictions described in this Section.

(c) In furtherance of the need to facilitate the safe and orderly movement of vehicular and pedestrian traffic as well as to preserve the aesthetic qualities of areas within unincorporated Cobb County, within the All-Star Event Zones during the All-Star Event Period, the following are prohibited:

- (1) engaging in activities that require a temporary permit or license from the county under existing ordinances without obtaining such a permit or license;
- (2) giving away commercial items;
- (3) sampling or the distribution of handbills for any commercial purpose;
- (4) any temporary signage viewable from public property, including mobile signage;
- (5) the construction of any temporary structure or inflatable device;
- (6) the sublicensing of rights of existing vendors or merchants to third parties;
- (7) the hosting of any hospitality events or other activities conducted outside;
- (8) the sale of counterfeit or infringing merchandise and the sale of counterfeit tickets to the 2021~~5~~ Major League Baseball All-Star game or its related sponsor approved activities;
- (9) the sale of valid tickets to the 2021~~5~~ Major League Baseball All-Star game or its related sponsor approved activities.

(d) This section applies only to temporary permits or licenses for commercial vending and/or marketing activities.

(e) The license division of the county will retain its full authority to grant or deny applications for any such temporary permits or licenses and administer that authority in accordance with all applicable laws, ordinances, and regulations and, in considering whether to issue such permits or licenses, it is the county's intention that constitutional rights will preempt other considerations.

(f) Major League Baseball ("MLB") shall have the right to install decals, stickers, banners, inflatables and/or other signage promoting the 2021~~5~~ Major League Baseball All-Star game and MLB's business partners within the All-Star Event Zones during the All-Star Event Period only after review by the county

Community Development Department and its written approval that any safety concerns have been satisfied.

(g) Violations of this section shall be punished as set forth in section 78-120.

(h) The above provisions, in addition to any other ordinances within the Cobb County code, shall govern any conduct contemplated herein, however, in the event of a conflict with other sections of the Cobb County code, the above provisions shall govern for the limited All-Star Event Period and only within the All-Star Event Zones.

Secs. 78-122~~3~~ – 78-130. – Reserved.

MLB Hotels and Event Locations



RESOLUTION

Resolution to approve the service and fare equity analysis for the proposed CobbLinc Microtransit Pilot Project, in compliance with the CobbLinc Title VI Program plan, as previously approved by the Board of Commissioners in January 2024, in alignment with the 1964 Civil Rights Act and related statutes and regulations that require no person in the United States shall, on the grounds of race, color, sex, national origin, disability, or age, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal aid.

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon Cobb County, to include evaluation of any fare and service changes to ensure no discriminatory impacts on protected environmental justice communities; and

WHEREAS, the thresholds of these evaluations are outlined in both FTA federal guidance (FTA Circular 4702.1B) and Cobb Linc's recently updated Title VI Program plan; and

WHEREAS, in consideration of Cobb County's proposed microtransit service, the service areas for the current FLEX Zones will increase and will adopt the current CobbLinc fare structure, which has been found to not have disparate or disproportionate impact on environmental justice communities in the project area; and

WHEREAS, Cobb County has authorized Public Information Open Houses, held a Public Hearing, and initiated a 30-day public comment period for the FTA required analysis for the project; and

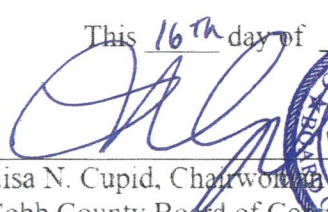
WHEREAS, Cobb County has received all comments during the public comment period and at the public hearing, and has considered and incorporated the comments into the final document as needed.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners adopt a resolution to approve the service and fare equity analysis for the proposed CobbLinc Microtransit Pilot Project, in compliance with the CobbLinc Title VI Program plan, in alignment with the 1964 Civil Rights Act and related statutes and regulations.

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 August 27, 2024.

This 16th day of September, 2024


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:


Pamela L. May
Cobb County Board of Commissioners

Microtransit Title VI Equity Analysis

Executive Summary

In accordance with Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Title VI Circular 4702.1B, Cobb County Department of Transportation (DOT) is required to conduct a Service and/or Fare Equity Analysis any time a fare change, or a major service change is proposed. This is to ensure that changes do not unfairly impact minority and low-income populations, as defined by the FTA Title VI Circular.

Cobb County DOT is currently analyzing proposed changes to the current FLEX services offered in southwest Cobb County. The proposed change is to convert the three (3) FLEX zones into a Microtransit zone would meet the definition of "Major Service Changes" and therefore requires a Title VI service equity analysis. The proposed new service area, the Microtransit Pilot Zone or "Pilot" would cover approximately 20 sq miles while the current FLEX zones cover 15 sq miles. The proposed Pilot would also increase transit service to an additional ten (10) sq miles that does not currently have access to transit. However, five (5) sq miles of the current FLEX zone service area would lose access to transit services.

The analysis uses information collected from previous transit studies completed by Cobb County DOT along with updated US Census American Community Survey (ACS) data to evaluate the populations within the current FLEX zone, the proposed Pilot, as well as populations that are currently being served but would be excluded from the proposed Pilot if implemented.

The Pilot and Title VI analysis, across the proposed Cobb County service area, show neither a disparate impact nor a disproportionate burden imposed by the proposed service changes. A majority of the individuals using the existing FLEX service remain within the proposed Pilot. In addition, the proposed Pilot provides transit access to approximately **8,548** more minorities and **1,525** low-income population than the current FLEX zone. This is shown in the table below.

Table 1: Overview of Demographics by Service Type

Population	Total Pop.	White Pop.	Minority Pop.	Total Pop. *	Poverty Pop.
Cobb County	765,813	377,833	387,980	754,716	62,536
CobbLinc Service Area	451,910	168,722	283,188	441,628	46,250
Existing FLEX Zones	33,712	8,254	25,458	33,096	3,224
Microtransit Pilot	45,221	11,215	34,006	44,528	4,749
Area Served by Flex and Pilot	23,931	5,272	18,659	23,315	2,641
Area Served by Flex but not Pilot	9,781	2,982	6,799	9,781	583
Area Served by Pilot but not Flex	21,290	5,943	15,347	21,213	2,108
Population Growth for New Service Area	11,509	2,961	8,548	11,432	1,525

**Total Population for whom poverty status is determined is different from the overall total population given the poverty status is NOT determined for institutionalized persons, persons in military group quarters, persons in college dormitories and unrelated individuals under 15 years old.*

The analysis concludes that the Major Service Changes from the current FLEX Service to the proposed Pilot do not have a disparate impact on minorities nor a disproportionate burden for low-income individuals.

Contingency Budget Summary by Unit FISCAL YEAR 2024

Bfy	Unit	Object Description	Justification	Amount	Total by Unit
2024	9701	County wide voter information mailer	Properly inform all voters of details for the Presidential election	\$ 500,000.00	
2024	9701	ADA improvements	Bring polling places up to compliance per DOJ	\$ 50,000.00	
2024	9701	Poll worker pins	Commemorative pins for the Presidential Election	\$ 5,000.00	
2024	9701	Personnel for RLA (100 day workers for 4 days)	Additional day workers to complete RLA post-Election Day	\$ 150,000.00	
2024	9701	Special elections		\$ 156,132.92	\$ 861,132.92
2024	9716	ICP 320C (20 total)	Additional equipment to support extra AIP sites	\$ 78,000.00	
2024	9716	ATI (20 total)	Additional equipment to support extra AIP sites	\$ 7,500.00	
2024	9716	26' truck rental (3 total for 7 weeks)	Needed for additional polling places and AIP site deliveries	\$ 25,200.00	
2024	9716	16' truck rental (2 total for 7 weeks)	Needed for additional polling places and AIP site deliveries	\$ 13,160.00	
2024	9716	Tech packages (3)		\$ 7,500.00	
2024	9716	Single hubs (20)		\$ 24,500.00	
2024	9716	Duplex hubs (10)		\$ 23,500.00	
2024	9716	A-frames		\$ 8,175.00	
2024	9716	Special elections		\$ 156,132.92	\$ 343,667.92
2024	9720	Election day food	Lunch for workers working 16+ hours on Election Day	\$ 2,500.00	
2024	9720	Tech packages (9)	Converted and new positions	\$ 23,174.00	
2024	9720	Background checks	Increase in seasonal workers requiring additional background checks	\$ 3,900.00	
2024	9720	State training	Required state training classes	\$ 5,300.00	
2024	9720	Security Guard		\$ 14,431.20	
2024	9720	Poll worker safety badges		\$ 47,250.00	
2024	9720	Increase in Sheriff costs		\$ 80,000.00	
2024	9720	Special elections		\$ 156,132.92	\$ 332,688.12
2024	9750	GIS Tech package	New FT GIS Analyst	\$ 3,550.00	
2024	9750	AnyDoc Licenses	Additional licenses for seasonal workers to process absentee and voter registration applications	\$ 20,000.00	
2024	9750	Additional day workers (30 total 8 weeks 8 hours/day)	Support the drastic increase of mail ballots for the Presidential election	\$ 157,459.00	
2024	9750	AIP Additional personnel costs	Extra AIP sites exclusively for Presidential	\$ 164,000.00	
2024	9750	AIP additional supply costs	Extra AIP sites exclusively for Presidential	\$ 1,500.00	
2024	9750	Registration additional personnel costs (5 seasonals)	Increase in voter registration applications requires increase in personnel	\$ 100,000.00	
2024	9750	Registration additional monitors	Increase in voter registration applications requires increase in personnel	\$ 1,500.00	
2024	9750	Registration additional Microsoft packages	Increase in voter registration applications requires increase in personnel	\$ 2,000.00	
2024	9750	AIP poll pads (13)	Needed for additional AIP site	\$ 24,375.00	
2024	9750	Encoders (100)		\$ 9,900.00	
2024	9750	Poll Pad printers (543)		\$ 230,625.00	
2024	9750	Scanners (50)		\$ 20,150.00	
2024	9750	Monitors (ABM - 5)		\$ 595.00	
2024	9750	Printers (5)		\$ 2,450.00	
2024	9750	Special elections		\$ 156,132.92	\$ 894,236.92
TOTAL				\$ 2,431,725.88	\$ 2,431,725.88

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 27th of August 2024

Attachment A: CDBG Program Reallocations

Transfer Type	Budget Line	Organization/Project Description	Amount
Transfer from:	285-390-CD23-C23FH-P-6574	Fair Housing Education	\$ 8,290.00
Transfer to:	285-390-CD23-C23ZK-F-6574	Zion Keepers, Inc. Public Facility Acquisition/ Renovation	\$ 8,290.00
Transfer from:	285-390-CD23-C23CW-P-6574	Goodwill of North Georgia - Job Readiness	\$ 7,500.00
Transfer to:	285-390-CD23-C23ZK-F-6574	Zion Keepers, Inc. Public Facility Acquisition/ Renovation	\$ 7,500.00
Transfer from:	285-390-CD23-C23BG-P-6574	Girls, Inc. - Youth Afterschool Program - Operating Costs	\$ 15,426.75
Transfer to:	285-390-CD23-C23ZK-F-6574	Zion Keepers, Inc. Public Facility Acquisition/ Renovation	\$ 15,426.75
Transfer from:	285-390-CD24-C24SW-F-6574	Sweetwater Mission, Inc. - Facility Renovations	\$ 53,043.48
Transfer to:	285-390-CD24-C24ZK-F-6574	Zion Keepers, Inc. Public Facility Acquisition/ Renovation	\$ 53,043.48
Total			\$ 84,260.23

ATTACHMENT A

FFY2025 Community Services Block Grant Allocation Recommendations						
Organization/Program Description	FFY2025 Allocation	Fund	Dept	Unit	Revenue	Object
Education						
The Center for Children and Young Adults, Inc. - GED Literacy Program	\$ 35,000.00	220	310	C25T	4457	6574
Cobbworks, Inc.-Comprehensive Adult Literacy Program	\$ 50,000.00	220	310	C25D	4457	6574
Youth Empowerment Through Learning, Leading & Servicing, Inc. - Afterschool Program and Community Action Café Teen Program	\$ 45,000.00	220	310	C25S	4457	6574
Housing						
The Extension, Inc. - Residential Recovery Program for Homeless Men & Woman's Program	\$ 64,500.00	220	310	C25M	4457	6574
Anchor of Hope, Inc. - Eviction Prevention Program	\$ 10,000.00	220	310	C25G	4457	6574
MUST Ministries, Inc. - Elizabeth Inn Emergency Shelter Program	\$ 60,000.00	220	310	C25L	4457	6574
Zion Keepers, Inc.- Housing Assistance Program	\$ 75,000.00	220	310	C25R	4457	6574
Cobb County Senior Services - Emergency Assistance Program	\$ 60,000.00	220	310	C25E	4457	6594
The Salvation Army, A Georgia Corporation	\$ 10,000.00	220	310	C25J	4457	6574
Latin American Association	\$ 15,000.00	220	310	C25N	4457	6574
Income						
Family Promise of Cobb County- Budgeting, Life Skills and Income Management Services	\$ 15,000.00	220	310	C25U	4457	6574
Employment						
Davis Direction Foundation - Recovery and Re-Entry Program	\$ 20,000.00	220	310	C25F	4457	6574
Multiple Domain						
liveSafe Resources, Inc. - Domestic Violence Shelter Services	\$ 35,000.00	220	310	C25Q	4457	6574
Ser Familia, Inc. - Income/Mental Health Services	\$ 73,149.37	220	310	C25H	4457	6574
Advocates for Bartow's Children, Inc. dba Advocates for Children - Family Support Services	\$ 15,000.00	220	310	C25W	4457	6574
The Center for Family Resources, Inc. - Short-Term Housing Program	\$ 30,000.00	220	310	C25B	4457	6574
Zion Baptist Church of Marietta - Housing Assistance & Counseling Services	\$ 45,000.00	220	310	C25C	4457	6574
Administration						
Program Administration (WFN Consulting, Inc.)	\$ 87,000.00	220	310	C25A	4457	6312
Administrative Services (Cobb County Indirect Cost)	\$ 32,000.00	220	310	C25A	4457	6581
Audit	\$ 10,000.00	220	310	C25A	4457	6302
Administrative Support	\$ 15,000.00	220	310	C25A	4457	6572
Database Management & Software Training	\$ 20,412.34	220	310	C25A	4457	6262
TOTAL	\$ 822,061.71					