



Cobb County...Expect the Best!

AGENDA

COBB COUNTY BOARD OF COMMISSIONERS REGULAR MEETING

NOVEMBER 12, 2024 – 9:00 AM

CALL TO ORDER

PRESENTATIONS

1. To present a check in the amount of \$40,000.00 to Make-A-Wish Georgia from funds raised by the annual Cobb County Make-A-Wish 5K.
2. To present a proclamation designating the week of November 4, 2024 as *Operation Green Light for Veterans* in Cobb County.
3. To present a proclamation to the National Society of Daughters of the American Revolution American Indians Committee designating November as *National American Indian Heritage Month*.

PUBLIC HEARING

4. To conduct a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 for FY26 Ultraviolet Disinfection Systems Rehabilitation, Program No. T5009.
5. To conduct the first public hearing on the proposed amendments to Part I, Chapter 2 (Administration), Chapter 6 (Alcoholic Beverages), Chapter 18 (Buildings), Chapter 50 (Environment), Chapter 78 (Licenses, Permits and Businesses), Chapter 110 (Subdivisions), Chapter 122 (Utilities), Chapter 134 (Zoning), and Part II Chapter 2 (Administration).

PUBLIC COMMENT

Those persons wishing to address the Board of Commissioners will please sign up on the "Public Comment" sign-in sheet located at the front of the meeting room. Please note that there are separate sheets for the beginning of meeting and end of meeting with ten (10) positions on each sheet.

Persons signed up to address the Board will be called upon by the County Attorney. Each speaker will be allotted a maximum of three (3) minutes. Speakers should address their comments toward the Chairwoman only.

CONSENT AGENDA

Superior Court Administration

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6. To approve a contract with Georgia Probation Management, Inc. to provide misdemeanor probation services for the Superior Court.

Water System

7. To approve a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with HD Excavations & Utilities, LLC for Noonday Creek at Valley Reserve Drive Sewer Replacement, Program No. S3051.
8. To approve Supplemental Agreement No. 1 to the agreement with Geosyntec Consultants, Inc. for Glenleigh Park Detention Pond Wall Foundation Failure Repair Design, Program No. SW1994
9. To approve Supplemental Agreement No. 1 to the agreement with Geosyntec Consultants, Inc. for Pearl of East Cobb Detention Pond Dam/Wall Failure Repair Design, Program No. SW2193.

Transportation

10. To approve the Airport Capital Improvement Plan annual update for Cobb County International Airport - McCollum Field.
11. To approve an update to the Department of Transportation's Prequalified List of Engineering and Associated Specialty Firms available for the procurement of professional services for the 2022-2024 prequalification period.

Public Services Agency

Library System

12. To authorize application for the Library Digital Connectivity Grant from the Board of Regents, Georgia Public Library Service, in the amount of \$84,911.61.

Senior Services

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

Support Services Agency

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Information Technology Services

14. To approve a sole source Change Order No.1 (CO-1) to Statement of Work No. 1 (SOW-1) with OpenGov, Inc. for the OpenGov Operations Management System (OMS) to reimburse travel for onsite vendor maintenance.

Procurement Services

15. To approve the award of a contract with HD Supply Facilities Maintenance, Ltd. for maintenance, repair, operating supplies, industrial supplies, and related products and services.

Public Safety Agency

16. To approve a three percent adjustment to the salary scale for Fire Grade 4, to address pay discrepancies during promotions, mitigate the impact of stall steps.

Police Department

17. To approve a Second Restated and Renewed Memorandum of Agreement between the Georgia Department of Driver Services and Cobb County to provide space for motorcycle safety training.
18. To authorize the appropriation of FY2025 District 3 Contingency funding for the purchase and installation of a generator, secured parking area, and evidence lockers at Cobb County Police Department Precinct 6.
19. To authorize the acceptance of a donation of materials from Home Depot to repair a fence at the Cobb County Police Department Bomb Team location.

Fire and Emergency Services

20. To authorize the acceptance of a donation from the Georgia Firefighter's Burn Foundation, Inc.
21. To authorize the Procurement Director to purchase through Gwinnett County contract BL066-20, for the procurement of replacement vehicles per the Fire Department's Vehicle Replacement Schedule.

Community Development

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- 22. Withdrawal of request to review a summary of the appeal hearing conducted by the License Review Board on October 17, 2024, for Vape Vibes, LLC d/b/a Vape Vibes.
- 23. To authorize the Chairwoman to execute applications to initiate a rezoning of county owned property (Parcel ID 17049100410), located in Land Lot 491 of the 17th District.

Finance

- 24. To authorize a funding correction in the FY2025 adopted budget.
- 25. To adopt a resolution adopting all budget amendments set forth in agenda items on this date.

CDBG

- 26. To authorize the acceptance and allocation of Fiscal Year 2024 program funds from Edward Byrne Memorial Justice Assistance Grant allocations provided by the Bureau of Justice Assistance.
- 27. To authorize the submission of the Program Year 2025 Annual Action Plan for Cobb County to the U.S. Department of Housing and Urban Development, and to accept grant funding through the Community Development Block Grant, Home Investment Partnership Act, and Emergency Solutions Grant Program.

County Attorney

- 28. To authorize the settlement of *Alfred Hill v. Cobb County, Georgia*, Civil Action File No. 23-A-4280, in the State Court of Cobb County, Georgia.

County Clerk

- 29. To approve minutes.

REGULAR AGENDA

ARPA

- 30. To authorize the re-allocation of American Rescue Plan Act funding previously returned to Contingency, based on Investment Strategy guidance.

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Water System

31. To approve additional funding for the work order under the FY23 Stormwater Unit Price Contract with Wade Coots Company, Inc. for 64 Olive Circle, Program No. SW2273.

Transportation

32. To approve a First Amended and Restated Term Sheet with the United States Department of Transportation and the Georgia Department of Transportation for Akers Mill Road Managed Lanes Access, Phase 2, Georgia Department of Transportation Project No. 0015051, Cobb County Project No. X2410.
33. To approve a contract with Advanced Sports Construction, LLC for drainage system repairs on Wandering Vine Lane, Project No. B22124, Cobb DOT Contract No. 002389.
34. To approve a contract with Glosson Enterprises, LLC for Barnes Mill Road Sidewalk, Project No. B2731, Cobb DOT Contract No. 001704.
35. To approve Project No. B2565-TO#2 to the 2022 Master Task Order Contract with Metro Trax for 2025 Traffic Signal Timing, Cobb DOT Contract No. 002392.
36. To adopt a resolution authorizing the submission of a Local Maintenance and Improvement Grant Program application for FY25 to the Georgia Department of Transportation for the resurfacing of County-maintained roads, Project No. B2919.
37. To approve Change Orders (final) to contracts for various completed resurfacing projects in the 2022 SPLOST Transportation Improvements Program Fund and Water System Fund.
38. To approve a contract with Backbone Infrastructure, LLC for Ewing Road Sidewalk, Project No. B2601, Cobb DOT Contract No. 001969.
39. To approve Change Orders (final) to contracts for various completed projects in the 2011 SPLOST Transportation Improvements Program Fund, 2016 SPLOST Transportation Improvements Program Fund, 2022 SPLOST Transportation Improvements Program Fund, Public Facility Projects Fund, and Water System Fund.
40. To ratify previous action by the County Manager authorizing emergency drainage repairs on Liberty Lane, and approve Project No. B22152 to the 2024 Countywide Unit

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Price Contract with Chatfield Contracting, Inc., for said repairs, Cobb DOT Contract No. 002391.

41. To authorize advertisement to hold a public hearing prior to expending \$100,000.00 or more for engineering design services for King Springs Road Sidewalk, Project No. B2745, and authorize the issuance of a Task Order to secure required services.

Public Safety Agency

Emergency Management

42. To approve a contract with Crown Retail Services, Inc. for the construction of a pole barn storage area at the Cobb Department of Transportation (DOT), 1890 County Services Parkway, Marietta, GA 30008.

Support Services Agency

Property Management

43. To approve a contract with CAS Architecture for architectural and engineering services related to facility improvements for Department of Transportation Signal/Sign Shop, Project No. B2421.
44. To approve a contract with Caliber Construction, LLC, for roof replacement at East Cobb Government Service Center, a 2022 SPLOST project, Facilities Improvement Program B091.
45. To authorize purchase of roofing material for the East Cobb Government Service Center, a 2022 SPLOST project, Facilities Improvement Program B091, under provision of an OMNIA Partners Contract..

PUBLIC COMMENT

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APPOINTMENTS

- 46. To approve the appointments of Chinwe Okoronkwo and Michael Register to the Highland Rivers Governing Board.
- 47. To announce the appointment of Douglas Chandler to the Neighborhood Safety Commission.

COMMUNITY DEVELOPMENT HEARINGS

- 48. To conduct a hearing regarding the application for alcoholic beverage licenses for Taco Prado, Inc d/b/a, Taco Prado, 6912 Mableton Pkwy., Mableton, GA 30126, Maitza Prado, licensee.
- 49. To conduct a hearing regarding the application for alcoholic beverage licenses for Jasdaya Enterprise, LLC d/b/a Jasdaya Enterprise, 935 Veterans Memorial Hwy., Mableton, GA 30126, Swapandeep Singh, licensee.
- 50. To request a hearing be conducted to determine if “due cause” exists to suspend or revoke the Cobb County Health Spa License for Top Massage GA, LLC d/b/a Top Massage, 2200 Roswell Rd. Ste. 150, Marietta, GA 30062, Zhe Han, owner.

ADJOURNMENT



Procurement Services

Roger Ball, Director

Districts All

Cobb County...Expect the Best!

TO: Dr. Jackie R. McMorris, County Manager

FROM: Roger Ball, Director
Sharon Stanley, Agency Director

DATE: November 12, 2024

PURPOSE

To approve the award of a contract with HD Supply Facilities Maintenance, Ltd. for maintenance, repair, operating supplies, industrial supplies, and related products and services.

BACKGROUND

Cobb County Government participates in Innovative Government Service Association's GOVMVMT purchasing cooperative program ("GOVMVMT"). GOVMVMT is a purchasing organization that assists public agencies in reducing the cost of purchased goods and services through strategic sourcing that combines volumes and the purchasing power of public agencies nationwide. This is accomplished through an award of competitively solicited contracts for high quality products and services by large and well recognized public agencies known as Lead Public Agencies. The contracts allow usage by the Lead Public Agency and by other Participating Public Agencies. Cobb County offered to serve as the lead public agency in developing a competitive solicitation for the specified equipment.

In compliance with Cobb County purchasing policies, the Procurement Services Department publicly advertised and issued the national solicitation. The solicitation required detailed discount pricing for various categories, and responses to questions to determine nationwide servicing and delivery capability.

The term of the contract is for four years with three one-year extension options. Prices are fixed for the first year. Subsequent price adjustments are subject to Cobb County's response to requests based upon producer/consumer market indexes and/or documented manufacturer price adjustments. The contract has been reviewed by the County Attorney's Office.

Approval of this contract does not represent any obligation on the part of Cobb County Government. Cobb County has a choice at any time to either bid for this equipment or to use this competitively bid contract. Cobb County will, over the course of the contract, earn a contract administrative fee based upon the contract's utilization value.

IMPACT STATEMENT

N/A

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners approve the award of a contract with HD Supply Facilities Maintenance, Ltd. for maintenance, repair, operating supplies, industrial supplies, and related products and services; and authorize the Chairwoman and the Procurement Director to execute the necessary documents and any subsequent amendments such as renewals, price changes, etc.

ATTACHMENTS

None

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 12, 2024
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held at 9:00 a.m., Tuesday, November 12, 2024, at the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia, in the second-floor public meeting room. Present and comprising a quorum of the Board were:

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

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 9:05 a.m.

PRESENTATIONS

1. **To present a check in the amount of \$40,000.00 to Make-A-Wish Georgia from funds raised by the annual Cobb County Make-A-Wish 5K.**

Chairwoman Cupid and Commissioner Richardson presented a check in the amount of \$40,000.00 to Make-A-Wish Georgia from the Make-A-Wish 5K funds raised by the Cobb County Department of Public Safety.

2. **To present a proclamation designating the week of November 4, 2024 as *Operation Green Light for Veterans* in Cobb County.**

Commissioner Gambrill and Commissioner Birrell presented a proclamation designating the week of November 4, 2024 as *Operation Green Light for Veterans* in Cobb County.

3. **To present a proclamation to the National Society of Daughters of the American Revolution American Indians Committee designating November as *National American Indian Heritage Month*.**

Commissioner Birrell presented a proclamation to the National Society of Daughters of the American Revolution American Indians Committee designating November as *National American Indian Heritage Month* in Cobb County.

PUBLIC HEARING

4. **To conduct a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 for FY26 Ultraviolet Disinfection Systems Rehabilitation, Program No. T5009.**

Judy Jones, Water System Agency Director, requested a public hearing regarding the employment of a consultant or consulting firm where contract fees will likely exceed \$100,000.00 for professional services for FY26 Ultraviolet Disinfection Systems Rehabilitation, Program No. T5009.

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.

No official action was taken by the Board.

5. **To conduct the first public hearing on the proposed amendments to Part I, Chapter 2 (Administration), Chapter 6 (Alcoholic Beverages), Chapter 18 (Buildings), Chapter 50 (Environment), Chapter 78 (Licenses, Permits and Businesses), Chapter 110 (Subdivisions), Chapter 122 (Utilities), Chapter 134 (Zoning), and Part II Chapter 2 (Administration).**

Jessica Guinn, Community Development Agency Director, requested the first public hearing to solicit comments on the proposed amendments to Part I, Chapter 2 (Administration), Chapter 6 (Alcoholic Beverages), Chapter 18 (Buildings), Chapter 50 (Environment), Chapter 78 (Licenses, Permits and Businesses), Chapter 110 (Subdivisions), Chapter 122 (Utilities), Chapter 134 (Zoning), and Part II Chapter 2 (Administration). A copy of the presented information is attached and made a part of these minutes.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak to come forward to address the Board. Following 28 speakers, the public hearing was closed.

Chairwoman Cupid called for a brief recess from 12:07 p.m. - 12:13 p.m.

Clerks note: *Prior to the motion, Commissioner Birrell and Commissioner Gambrill requested the following statement 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

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 Gambrill's statement

While the County responded on October 3, 2024 to many allegations made in the recent legal challenge filed in Superior Court on September 18, 2024 – no mention was made that these allegations were irrelevant to the action taken by the Board to provide notice that a Commissioner did not meet the qualifications per Sec. 2-23(b) of our local Enabling Legislation.

The Agenda Item #46 for August 25 and September 10, 2024 were only to deem the office vacant and were not included in the County's response. Yet the complaint states the Board voted to fill the vacancy. This is a false statement, as the Agenda's Recommendations clearly stated: "The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Sec. 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to OCGA 45-5-1 and any other necessary documents for said purpose."

Upon careful review of 45-5-1 it is two pronged. (a) addresses vacated offices and (b) state the decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court. The Board of Commissioners did not approve to fill the vacancy, nor did we call for an election. Therefore, the complaint should be dismissed.

The county provided no equitable estoppel argument advanced as a result of the actions by the Board of Commissioners in moving forward with an ultra vires passage of the Home Rule Map.

The Home Rule Board action was precipitated by an illegal action through the act of three Commissioners to confect and move forward with a scheme which was illegal in inception and act which Commissioners now claim their term should extend beyond December 31, 2024.

This response coupled with the County Attorney's Office unwillingness to rescind the Home Rule Resolution votes of Oct. 11th and 25th, 2022 raises continued questions as the representation and advice provided to me as your commissioner and representative in matters pertaining to Home Rule.

The County regularly uses outside counsel to represent the interest of the County in matters as simple as motor vehicle accidents. I respectfully request that the Cobb County Attorney's Office be removed from this legal action and outside counsel represent the County in all matters pertaining to Home Rule going forward.

The Board called Ms. Guinn forward for additional discussion and the following motion was made:

Motion by Cupid, second by Richardson, to **withdraw** the following portions of the proposed code amendments for Chapter 134 and **add** an amended definition of *impervious surface* to Sec. 134-1 as stated by Jessica Guinn, Director of Community Development.

- **Chapter 134-1** - withdraw the definition of Accessory dwelling unit, withdraw the proposed changes to Family and Single-family dwelling unit.
- **Chapter 134-1** add an amended definition of *impervious surface*.
- **Chapter 134-37 (35)**
- **Chapter 134-193**
- **Chapter 134-194**
- **Chapter 134-195.**
- **Chapter 134-196**
- **Chapter 134-197**
- **Chapter 134-198**
- **Chapter 134-199**

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

The 2nd public hearing regarding the proposed code amendments will be held November 21, 2024, at 6:00 p.m.

PUBLIC COMMENT

1. Leroy Empkin read a statement regarding First Amendment rights.
2. Alicia Adams addressed the Board regarding accessory dwelling units.
3. John McLean addressed the Board regarding accessory dwelling units.
4. Christine Rozman addressed the Board regarding listening to the public.
5. Matt Stigall addressed the Board regarding housing.
6. Craig Harfoot addressed the Board regarding various matters.
7. Liz Marchionni addressed the Board regarding the definition of family.
8. Hill Wright addressed the Board regarding various matters.

Chairwoman Cupid called for a lunch recess from 12:48 p.m. - 1:51 p.m.

CONSENT AGENDA

Clerk's Note: *Commissioner Sheffield made the following motion to add Item 48 to the consent agenda:*

Motion by Sheffield, second by Birrell, to **add** Item 48 to the consent agenda to affirm the decision of the License Review Board for Taco Prado, Inc. d/b/a Taco Prado. (See item 24 of these minutes)

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

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised, with the exception to Item 22 which was withdrawn from the agenda;* and **authorize** execution of the necessary documents by the appropriate County personnel.

Superior Court Administration

6. **To approve a contract with Georgia Probation Management, Inc. to provide misdemeanor probation services for the Superior Court.**

To **approve** a contract with Georgia Probation Management, Inc., upon the express written consent of the Superior Court's Chief Judge to provide misdemeanor probation services for the Superior Court, and **further authorize** the Chairwoman to execute the necessary documents.

Procurement Services

15. **To approve the award of a contract with HD Supply Facilities Maintenance, Ltd. for maintenance, repair, operating supplies, industrial supplies, and related products and services.**

To **approve** the award of a contract with HD Supply Facilities Maintenance, Ltd. for maintenance, repair, operating supplies, industrial supplies, and related products and services; and **authorize** the Chairwoman and the Procurement Director to execute the necessary documents and any subsequent amendments such as renewals, price changes, etc.

Public Safety Agency

16. **To approve a three percent adjustment to the salary scale for Fire Grade 4, to address pay discrepancies during promotions, mitigate the impact of stall steps.**

To **approve** a three percent salary scale adjustment for Fire Grade 4 to resolve pay disparities, mitigate the effects of stall steps; and **authorize** the corresponding budget transactions.

Funding is available in the FY2025 Fire Fund's Budget with the following budget transaction:

Decrease Expenditure:	230-130-1000-8820	Undesignated Contingency	\$572,656.00
Increase Expenditure:	230-130-1000-6012	Salaries	\$572,656.00

Police Department

17. **To approve a Second Restated and Renewed Memorandum of Agreement between the Georgia Department of Driver Services and Cobb County to provide space for motorcycle safety training.**

To **approve** a Second Restated and Renewed Memorandum of Agreement between the Georgia Department of Driver Services and Cobb County to provide space for motorcycle safety training; **authorize** the continued appropriation of revenue generated by the rental agreement; **authorize** the Chairwoman to execute the necessary documents; and **further authorize** the Chief of Police to execute any necessary documents including subsequent Memorandums of Understanding in substantially similar form as reviewed by the County Attorney's Office.

Revenues associated with this agreement are appropriated as a standard restricted reserve item within the Training Center's annual budget.

Increase revenue:	010-130-3900-4870	Rental of Real Estate
Increase expenditure:	010-130-3900-8818	Standard Restricted Reserve