

Mayor
Derek Easterling
City Manager
Jeff Drobney
City Clerk, MMC
Debra Taylor



Council
Mayor Pro-Tem, Chris Henderson
James Eaton
Tracey Viars
Pat Ferris
David Blinkhorn

**City Council
Meeting Agenda
October 21, 2019 6:30 PM
Council Chambers**

- I. INVOCATION**
- II. PLEDGE OF ALLEGIANCE**
- III. CALL TO ORDER**
- IV. ANNOUNCEMENTS**
- V. PRESENTATIONS**
- VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR**
- VII. OLD BUSINESS**
- VIII. NEW BUSINESS**
- IX. COMMITTEE AND BOARD REPORTS**
- X. PUBLIC HEARING(S)**

Swearing-in of any witnesses or individuals offering comments on any of the following items.

- A. Public Hearing: ORDINANCE to amend Chapter 6 "Alcoholic Beverages," Article II "Licenses" Sections 6-45, 6-61, 6-70 and 6-71 and Chapter 22 "Businesses" Article I, Article II, Article III, Article VII, Article IX, Article XIII of the Code of Ordinances.

This ordinance amends Chapters 6 and 22 to incorporate language required by the GBI and FBI for the Business License department to obtain a separate Originating Agency Identifier (ORI) when submitting applicant fingerprints on behalf of non-criminal justice governmental agencies for licensing purposes and updates other areas of Chapters 6 and 22. In the past the Business License department was allowed to use the Police department's ORI number. New Section 22-9 "Criminal background check; fingerprinting" has been added to address criminal background check and fingerprinting requirements. Sections in Chapter 6 "Alcoholic Beverages" and Chapter 22, "Businesses", Article III "Bail Bondsmen", Article VII "Flea Markets" and Article IX "Massage Therapy Businesses" were amended to add a reference to Sec 22-9 rather than repeating

the background check and fingerprinting requirements throughout Chapters 6 and 22. Other updates to Chapter 6: change reference from City Clerk to Business License Manager for denial of a business license application, amend server permit language from requiring an employee to obtain permit prior to being employed to requiring an employee to obtain permit prior to serving alcohol, remove a check as an acceptable form of payment for a server permit, change reference from city manager or his/her designee to business license department for obtaining a closed function permit. Other updates to Chapter 22 include: Article I "In General", replace in its entirety with Article I "Occupational Taxes and Regulatory Fees," Division I "Generally," Sections 22-1 Through Section 22-35; Add new Article II "Wrecker and Towing Services," Section 22-36 "Scope," (a) through (e); delete Article XIII "Taxicabs and Limousines" in its entirety since preempted by state law and replace with "Reserved". These changes allow Chapter 22 to begin with the definitions' section to be consistent with other chapters in the Code of Ordinances. This ordinance was advertised in the Marietta Daily Journal. This ordinance has been reviewed by the City attorney, the FBI and the GBI. Finance Director recommends approval.

XI. CONSENT AGENDA

- A. Approval of the September 30, 2019 Executive Session minutes and October 7, 2019 Mayor and City Council regular meeting minutes.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

- A. Receipt of the September 2019 Crime Statistics.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, CO-IT Director
JOSHUA GUERRERO, CO-IT Director

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

- A. Approve the purchase of an Elgin Crosswind Street Sweeper.
Council approved the purchase of a street sweeper in the FY 20 Budget. The price received is an existing State Bid Contract negotiated through the Georgia Department of Administrative Services (DOAS), State Contract Number 99999-

001-SPD0000102-0010 from Environmental Products of Georgia. The price includes all necessary accessories and options the Public Works Department requires to properly utilize the sweeper. The attached quote lists and prices these items. The Public Works Director recommends approval to purchase an Elgin Crosswind Street Sweeper with the additional listed equipment from Environmental Products of Georgia, for the amount of \$263,754.00.

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XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director
STEVE ROBERTS, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

- A. Authorization for approval of a final plat for Cantrell Crossing, submitted by Matthew Coutu represented by Mr. Marvin Kerley for property along Rutledge Road.

Property is located in Land Lot 127 consisting of 8.38+/- acres as proposed. Property was zoned to Planned Unit Development - Residential (PUD-R) under Ordinance 2018-04 with stipulations. This plat is being submitted for development of 70 townhomes. The Plan Review Committee recommends approval of the final plat with date of October 04, 2019.

- B. Approval of a revised final plat for Village at Fuller's Chase, submitted by Gaskins Engineering on behalf of the Titleholder Boone Drive Lots, LLC for property along Cherokee Street at Boone Drive.

Property is located in Land Lot 138 and located in the Central Business District (CBD). Preliminary plat was approved January 16, 2007 with the final plat approval on September 17, 2007. This revised plat is being submitted for purpose of revising lots 25-28 and lots 14-16 as per the as-built locations. The Plan Review Committee recommends approval of the revised plat with the revisions date of August 14, 2019.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

- A. City Manager reports, discussions and updates.

XX. MAYOR'S REPORT

- A. Mayoral and City Council (re)appointments to Boards and Commissions. This

item is for (re)appointments made by the Mayor and/or City Council to any Board, Committee, Authority or Commission requiring an appointment to fill any vacancy, resignation, and to create or dissolve committees, as deemed necessary.

XXI. COUNCIL COMMENTS

XXII. EXECUTIVE SESSION - Land, Legal, Personnel

Pursuant to the provisions of O.C.G.A. 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters

XXIII. ADJOURN



**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	Public Hearing: ORDINANCE to amend Chapter 6 "Alcoholic Beverages," Article II "Licenses" Sections 6-45, 6-61, 6-70 and 6-71 and Chapter 22 "Businesses" Article I, Article II, Article III, Article VII, Article IX, Article XIII of the Code of Ordinances.
Agenda Comments:	<p>This ordinance amends Chapters 6 and 22 to incorporate language required by the GBI and FBI for the Business License department to obtain a separate Originating Agency Identifier (ORI) when submitting applicant fingerprints on behalf of non-criminal justice governmental agencies for licensing purposes and updates other areas of Chapters 6 and 22. In the past the Business License department was allowed to use the Police department's ORI number. New Section 22-9 "Criminal background check; fingerprinting" has been added to address criminal background check and fingerprinting requirements. Sections in Chapter 6 "Alcoholic Beverages" and Chapter 22, "Businesses", Article III "Bail Bondsmen", Article VII "Flea Markets" and Article IX "Massage Therapy Businesses" were amended to add a reference to Sec 22-9 rather than repeating the background check and fingerprinting requirements throughout Chapters 6 and 22. Other updates to Chapter 6: change reference from City Clerk to Business License Manager for denial of a business license application, amend server permit language from requiring an employee to obtain permit prior to being employed to requiring an employee to obtain permit prior to serving alcohol, remove a check as an acceptable form of payment for a server permit, change reference from city manager or his/her designee to business license department for obtaining a closed function permit. Other updates to Chapter 22 include: Article I "In General", replace in its entirety with Article I "Occupational Taxes and Regulatory Fees," Division I "Generally," Sections 22-1</p>

	Through Section 22-35; Add new Article II "Wrecker and Towing Services," Section 22-36 "Scope," (a) through (e); delete Article XIII "Taxicabs and Limousines" in its entirety since preempted by state law and replace with "Reserved". These changes allow Chapter 22 to begin with the definitions' section to be consistent with other chapters in the Code of Ordinances. This ordinance was advertised in the Marietta Daily Journal. This ordinance has been reviewed by the City attorney, the FBI and the GBI. Finance Director recommends approval.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance Chap 6 and Chap 22	9/18/2019	Ordinance
10-04-19 MDJ Ad	10/10/2019	Legal Ad
09-27-19 MDJ Ad	10/10/2019	Legal Ad

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. _____, 2019

AN ORDINANCE TO AMEND THE KENNESAW CODE OF ORDINANCES BY INCORPORATING AMENDMENTS TO CHAPTER 6, “ALCOHOLIC BEVERAGES” AND CHAPTER 22, “BUSINESSES” AS FOLLOWS:

CHAPTER 6 “ALCOHOLIC BEVERAGES,” AMEND ARTICLE II “LICENSES,” SECTION 6-45(c), “CONDITIONS DISQUALIFYING APPLICATION”;

AMEND SECTION 6-61(10) “TRANSFER OF LICENSE, RESTRICTIONS;”

AMEND SECTION 6-70(c) “PERMIT HOLDERS OF LICENSEES – APPLICATIONS, ISSUANCE, AND DENIALS;”

AND AMEND SEC 6-71(1) “CLOSED FUNCTION.”

CHAPTER 22 – “BUSINESSES,” ARTICLE I “IN GENERAL,” REPLACE IN ITS ENTIRETY WITH ARTICLE 1 “OCCUPATION TAXES AND REGULATORY FEES,” DIVISION 1 “GENERALLY,” SECTIONS 22-1 THROUGH SECTION 22-35;

NEW ARTICLE II “WRECKER AND TOWING SERVICES,” SECTION 22-36 “SCOPE,” (a) THROUGH (e);

AMEND ARTICLE III “BAIL BONDSMEN,” DIVISION 2 “LICENSE” SECTIONS 22-71(b)(6) and 22-71 (b)(7);

AMEND ARTICLE VII “FLEA MARKETS,” SECTION 22-166(e);

AMEND ARTICLE IX “MASSAGE THERAPY BUSINESSES,” SECTION 22-218(a)(2) AND SECTION 22-224;

DELETE IN ITS ENTIRETY ARTICLE XIII “TAXICABS AND LIMOUSINES” AND REPLACE WITH “RESERVED”

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

SECTION 1.

Amend Chapter 6, Alcoholic Beverages, Article II, Licenses, Section 6-45(c) as follows:

- (c) The ~~city clerk~~ business license manager shall have authority to deny an application for a new license under this chapter upon a showing that any one or more of the conditions in

subsection (a) exists. Upon such a denial, the applicant shall have a right to an appeal pursuant to the procedures set forth in section 6-63 herein within ten days of the decision to deny on such basis. Upon the showing that any one or more of the conditions outlined in subsection (c) exists on an existing licensee, the licensee shall be entitled to notice and a hearing pursuant to the procedures set forth in section 6-63 herein prior to any action taken on said license by the city.

SECTION 2.

Amend Chapter 6, Alcoholic Beverages, Article II, Licenses, Section 6-61(10) as follows:

- (10) In the event that an alcoholic beverage license is issued to a corporation and an agent, and the owner of the license desires re-issuance of the license under an alternative agent, such re-issuance shall not be deemed to be a change of ownership; provided however, that the owner of the license provide the name of a principal shareholder or alternative agent for purposes of background investigation, ~~including fingerprinting of such person as set forth in the Kennesaw Code of Ordinances, Sec. 22-9.~~ No license under this chapter shall reissue to such designated alternative person unless and until the city grants approval of such background investigation.

SECTION 3.

Amend Chapter 6, Alcoholic Beverages, Article II, Licenses, Section 6-70(c) as follows:

- (c) *Application and issuance.* Except as otherwise provided, no person requiring a server permit may ~~be employed by~~ serve alcohol for an establishment holding a license under this chapter until such person has been issued a server permit from the Kennesaw Police Department ~~indicating the person is eligible for employment.~~ All applications required by this section shall be investigated by the police department and shall include, among other things, (1) ~~fingerprinting a background investigation;~~ (2) an appropriate photo taken by the Kennesaw Police Department that accurately represents the appearance of the applicant; (3) proof of acceptable identification; and (4) a copy of the applicant's Social Security card to verify that it is unrestricted; ~~and, (5) an investigation of the criminal record, if any, of the applicant.~~ Acceptable identification for purposes of this subsection shall mean any of the following: (i) a copy of a valid Georgia photo identification issued to the applicant; (ii) a valid Georgia driver's license issued to the applicant; (iii) a valid driver's license or identification card issued by another state to the applicant along with a copy of student identification card from a college or school located in the State of Georgia; or, (iv) a valid passport together with a resident alien card or a permanent resident card issued by the United States government to the applicant. The applicant must pay a reasonable fee as determined by the city for processing and issuance of the server permit; said fee must be paid in cash, ~~by check~~ or by other method of payment considered acceptable by the city; ~~and, if paid by check the city may place a hold on the issuance of the server permit until the check clears the bank.~~ Failure to provide any of the documentation or information referenced above, or the omission or falsification of any

material information in an application for server permit shall be a violation of this chapter and grounds for the denial, suspension or revocation of any such server permit.

SECTION 4.

Amend Chapter 6, Alcoholic Beverages, Article II, Licenses, Section 6-71 as follows:

Sec. 6-71. – Closed function.

The requirements for obtaining a closed permit function are as follows:

- (1) The organization sponsoring any closed function which seeks to serve alcoholic beverages must first apply for and obtain a special permit from the ~~city manager or his/her designee~~ business license department in order to serve alcoholic beverages at the closed function. This permit must be posted in a conspicuous location at the closed function at all times during the event. The special permit shall specify the hours in which the closed function is permitted to function.
- (2) The organization sponsoring any closed function which seeks to serve alcoholic beverages must hire an off-duty City of Kennesaw police officer to monitor the function. The city manager or his/her designee shall have the discretion to allow the sponsoring organization to hire an off-duty police officer from another jurisdiction to monitor the function if the circumstances warrant.
- (3) The special permit as contemplated herein shall be granted or denied at the sole discretion of the business license department.

SECTION 5.

Amend Chapter 22, Article I, by replacing the entire Article as follows:

ARTICLE I. - OCCUPATION TAXES AND REGULATORY FEES

DIVISION 1. - GENERALLY

Sec. 22-1. - Definitions.

- (a) Wherever the term "City of Kennesaw" is used herein, such term shall be construed to mean "City of Kennesaw, Georgia"; wherever the term "city" is used herein, it shall be construed to mean "City of Kennesaw, Georgia."
- (b) Definitions provided in O.C.G.A. § 48-13-5 are incorporated in this article for the benefit of uniformity. The definitions of "business license" and "business registration certificate" have the same intent, with "business registration certificate" being the new and more proper name.
- (c) As used in this article, the following terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative fee means a component of an occupational tax which approximates the reasonable cost of handling and processing the occupation tax.

Business shall mean any corporation, firm, partnership, person (other than an employee), or other business entity who within the corporate limits of the city engages in, causes to be engaged in, or represents himself or herself to be engaged in any occupation or activity with the object of gain, benefit, or advantage either directly or indirectly. Said term shall include independent contractors.

Any person advertising by any means, including but not limited to signs, cards, circulars, newspapers, etc., that he or she is engaged in a business of any kind shall be liable for the appropriate occupation tax required under this chapter 22 and the payment of the approximate amount therefore.

No business required by this Code to secure an occupation tax certificate shall be exempt from the payment of an occupation tax on the grounds that the business is operated for a charitable purpose, unless 80 percent of the proceeds from the business are devoted to that purpose.

Business license means a business registration certificate as defined in this section for a business license as defined by ordinances prior to November 7, 1994, adopted by the city council.

Business registration certificate means a certificate issued by the business license office evidencing registration of and payment of all required regulatory fees and occupation taxes by persons engaged in business in the city. For the purposes of compliance with other city ordinances referring to a "business license," the term shall be construed to mean a business registration certificate as defined in this section.

Classifications are the separate classifications provided for the determination of that part of the occupation tax to be levied as a fixed sum and measured by ranges of taxable gross receipts, the purpose of which is to recognize the ability of businesses to pay as determined by nationwide averages. Tax shall be classified on the entire gross receipts by dominant service or product. Person whose dominant business activity is legally exempted or otherwise limited by city ordinances or by state or federal law from the tax shall be classified according to his/her principal subsidiary business, if any, which is subject to the levy and assessment of an occupation tax.

Dominant line means the type of business within a multiple-line business from which the greatest amount of income is derived.

Employee means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2, but not a form I.R.S. 1099.

Engaged in business means any person who within the incorporated area of the city engages in any activity with the object of profit, gain, benefit or advantage, including but not limited to selling real or personal property or services; leasing or renting real or personal property; sales or services of the character as made by a wholesaler or retailer; or who is involved in any of the functions performed as a manufacturer; or who is involved in the development or construction of real property; the foregoing shall include but is not limited to owner, operator, representative or agent in any business, trade, profession or occupation who represents itself to be engaged in any occupation or activity with the object of gain, benefit or advantage either directly or indirectly.

Gross receipts means the total revenue of the business or practitioner for the period, including without limitation the following:

- (1) Total income without deduction for the cost of goods sold or expenses incurred.
- (2) Gain from trading in stocks, bonds, capital assets or instruments of indebtedness.
- (3) Proceeds from commissions on the sale of property, goods or services.
- (4) Proceeds from fees charged for services rendered.
- (5) Proceeds from rent, interest, royalty or dividend income.

The term *gross receipts* shall not include the following:

- (1) Sales, use, or excise taxes;
- (2) Sales returns, allowance and discount;
- (3) Inter-organizational sales or transfers between or among the units of a parent/subsidiary controlled group of corporations as defined by 26 USC § 1563(a)(1), or between or among the units of brother-sister controlled group of corporations as defined by 26 USC § 1563(a)(2), or between or among wholly owned partnerships or other wholly owned entities;
- (4) Payments made to a subcontractor or an independent agent for services which contributed to the gross receipts in issue;
- (5) Governmental and foundation grants, charitable contributions or the interest income derived from such funds received by a nonprofit organization which employs salaried practitioners otherwise covered by this article, if such funds constitute 80 percent or more of the organization's receipts;
- (6) Proceeds from sales of goods or services which are delivered to or received by customers who are outside the state at the time of delivery or receipt.

Location of office includes any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary work site which serves a single customer or project, or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or lessor unless the real property's owner, lessor, or the agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

Municipal court is the court of the City of Kennesaw.

New business means any person, enterprise, partnership, corporation or other business entity which is engaged in business in the city who has not previously filed for a business registration certificate.

Occupation tax means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue raising purposes.

Person shall extend and be applied to associations, firms, partnerships and bodies politic and corporate, or any combination thereof, as well as to individuals.

Practitioner of profession or occupation is one who by state law requires state licensure regulating such profession or occupation as designated by O.C.G.A. § 48-13-9(c), but shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

Regulatory fees means payments, whether designated as license fees, permit fees or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee or registration fee. An occupation tax may be required in connection with a regulatory fee. Development impact fees as defined by paragraph (8) of O.C.G.A. § 36-71-2 or other costs or conditions of zoning or land development are not regulatory fees.

Retailer is a person who sells to the consumer or any other person for any purpose other than for resale in the form of tangible personal property.

Services is the accommodating or performing a duty or work by person utilizing time or talents for direct or indirect remuneration.

Tax year shall be from January 1st to December 31st.

Wholesaler is a person who sells to jobbers or to another person other than the consumer anything in the form of tangible personal property.

(Ord. No. 2001-24, § 1, 10-1-01)

Cross reference— Definitions generally, § 1-2.

Sec. 22-2. - Scope and levy—Businesses with no location in Georgia.

- (a) The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax only applies to those businesses and occupations which are covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.
- (b) Pursuant to O.C.G.A. §§ 36-1-22 and 48-13-6 et seq. and effective January 1, 1995 and succeeding years thereafter, each person engaged in any business, trade, profession, or occupation in the city, whether with a location in the city, or in the case of an out-of-state business with no location in the state, exerting substantial efforts within the state pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax for such business, trade, profession, or occupation, which tax and any applicable registration shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in the city,

such business tax registration shall be shown to the business license manager or his designees or to any police officer of the city upon his or their request.

- (c) Every person required to pay an occupation tax or license fee or a renewal of a license of occupation tax certificate under the provisions of this Code shall submit an application to the supervisor of the business license office, which application shall conform to the requirements of this section in addition to any other provisions of this Code.
- (d) Registration and assessment of an occupation tax is imposed on those businesses and practitioners of professions with no location or office in the state if the business's largest dollar volume of business in the state is in the city and the business or practitioner:
 - (1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients; or
 - (2) If the business or practitioner owns personal or real property which generates income and which is located within the jurisdiction of the city.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-3. - Option to establish exemption or reduction in occupation tax.

The mayor and city council may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of business or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious and the reasons shall be set forth in the minutes of the public hearing of mayor and city council.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-4. - Practitioners exclusively practicing for a government; tax exemption for state or local authority, or nonprofit organization; occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.

- (a) Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, shall not be required to obtain a license or pay an occupation tax for that practice.
- (b) Tax exempt organizations shall provide a federal tax exempt letter showing the section of the U.S. Code under which exemption is claimed. The city shall not levy an occupation tax, regulatory fee, or administrative fee on any state or local authority or nonprofit organization. Notwithstanding the free registration, such applicants are required to comply with the same laws and regulations as are other registered businesses within the city.
- (c) An occupation tax shall not apply to the gross receipts of any part of a business where such levy is prohibited or exempted by the laws of Georgia or of the United States.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-5. - Businesses not covered by this article.

The following businesses are not covered by the provisions of this part of the Code but may be assessed any occupation tax or other type of tax pursuant to the provisions of other general laws of the State of Georgia or by local law:

- (1) Those businesses regulated by the Georgia Public Service Commission pursuant to O.C.G.A. Title 46;
- (2) Those electrical service businesses organized under O.C.G.A. Title 46 Chapter 3;
- (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness;
- (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105;
- (5) Insurance companies governed by O.C.G.A. § 33-8-8, et seq.;
- (6) Motor common carriers governed by O.C.G.A. § 46-7-15;
- (7) Those businesses governed by O.C.G.A. § 48-5-355;
- (8) Agricultural products and livestock raised in the State of Georgia governed by O.C.G.A. § 48-5-356;
- (9) Depository financial institutions governed by O.C.G.A. § 48-6-93;
- (10) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55;
- (11) Alcoholic beverages;
- (12) Any other businesses not governed by this part of the Code.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-6. - More than one place or line of business; each line of business to be identified on occupation tax certificate; separate businesses.

- (a) Where a business is operated at more than one place or where the business includes more than one line, the gross receipts of each location shall be entered on a separate occupation tax return and each different line of business shall be identified on a form to be furnished by the business license and revenue division.
- (b) The business registration of each business operated in the city shall identify the line or lines of business that the business conducts. No business shall conduct any line of business without first having that line of business registered with the business license and revenue division and that line of business being noted by the business license and revenue division upon the occupation tax certificate which is to be displayed by the business owner.
- (c) Where a person conducts a business at more than one store, location or place, each store, location or place shall be considered a separate business under the terms of this chapter and a separate tax shall be required. Should more than one business on which an occupation tax is levied by this Code be conducted in or in conjunction with one place or kind of business, each business shall be separately licensed under this chapter.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-7. - Basis for fees; classification of business; administrative and regulatory fee structure.

- (a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within the corporate limits of the city or upon the applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based on the following criteria:
 - (1) Gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession, or occupation as measured by nationwide averages derived from statistics, classifications, or other information published by the United States Office of Management and Budget, the United States Internal Revenue Service, or successor agencies of the United States.
 - (2) Ranking the classification codes according to nationwide averages of profitability ratios which will be updated from time to time by the city.
 - (3) Determining the profit class, tax class, and tax rate on gross receipts for each business, trade, profession or occupation as indicated in schedule A attached hereto and made a part herein by reference which will be updated from time to time by the city. The schedule of fees shall be as approved and adopted and may be amended in the future by the city council. The schedule of fees, including those that pertain to all sections of this article, shall be on file and available in the city clerk's office and/or the business license office.
- (b) A nonprorated, nonrefundable administrative fee of \$55.00 shall be required on all occupation tax accounts for the initial start-up, renewal, or reopening of those accounts.
- (c) A nonprorated regulatory fee will be imposed as permitted under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee may not include an administrative fee.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-8. – Application; review and approval or denial of applications.

- (a) Each business license application shall contain the following information:
 - (1) Name and home address of the applicant if an individual or home office address if a corporation or partnership;
 - (2) Address where the proposed business is to be located;
 - (3) Kind and class of business to be conducted;
 - (4) Current classification code, taxable gross revenues for the preceding 12 calendar months, and number of employees;
 - (5) Any information as may be required by the manager of the business license department for the purpose of determining the amount of any occupation taxes to be collected under this Code; and

- (6) Any additional information which the manager of the business license department may find reasonably necessary for the fair administration of this part of the Code which may include: fingerprinting; a background check; a complete record of all arrests and convictions against the applicant and every partner, officer, director or stockholder of the applicant or spouses, children or parents thereof for violations of any and all laws and ordinances of the city, state or federal government other than minor traffic violations.
- (b) Each application shall be signed and sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.
- (c) False statements on any application for a license or occupation tax certificate shall be grounds for immediate revocation of the license or occupation tax certificate or denial of the application.
- (d) If any provision of this part of the Code provides for the review and approval of an application for a license or occupation tax certificate by the business license manager designated therein, the business license manager shall act, favorably or otherwise, on the application as required by this Code.
- (e) The granting of a business license or occupation tax certificate under any provisions of this Code shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in that business.
- (f) An application for a business registration certificate shall be deemed complete at the discretion of the business license manager. Once the business license manager deems an application to be complete for purpose of processing, the business license manager shall either deny the application or grant the certificate no later than ninety days after the date the application became complete for purposes of processing.
- (g) Except as hereafter provided, upon the decision of the business license manager or his designee to approve or deny a license under this chapter, such decision being in writing and including notice of the decision and notice of the appeal procedures to the mayor and city council as provided hereafter, the applicant or any aggrieved citizen may appeal the decision of the business license manager to the mayor and council by filing a written notice of appeal with the city clerk within five calendar days of the decision by the business license manager or his designee. Every appeal shall be in writing and identify the basis for such appeal and upon receipt of the appeal, the city clerk shall forward same to the city council which shall schedule a hearing within 45 days of receipt of such notice. The city council may sustain or overrule the decision of the business license manager. No license shall be issued by the business license manager or designee during the appeal notification period or while an appeal is pending before the city council. The action of the mayor and council shall be final and may be appealed to superior court in accordance with Georgia law.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-9. – Criminal background check; fingerprinting.

- (a) The business license manager shall not issue any city license or occupation tax certificate for any business that requires a criminal background check for license applicants, pursuant to O.C.G.A. § 35-3-35 to regulate the issuance of licenses and employment of those engaged in certain businesses within the city, as follows:
- (1) An applicant, employee, or volunteer seeking to engage in such business shall submit, if required, two sets of his/her fingerprints taken by the police department to the business license department, along with appropriate fees.
 - (2) Upon receipt of the fingerprints and the appropriate fees, the police department will transmit both sets of fingerprints and appropriate fees to the Georgia Crime Information Center ("GCIC"). The GCIC will compare the subject's fingerprints against its criminal file and, if necessary, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the GCIC which will disseminate the state and national results to the business license department.
 - (3) The business license department shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to the applicant.
 - (4) In rendering a fitness determination, the business license department will decide whether the record subject has been convicted of: (a) a crime which bears upon his/her ability or fitness to serve in that capacity; or (b) other enumerated disqualifiers as set forth in the Kennesaw Code of Ordinances.
 - (5) A record subject may request and receive a copy of his/her criminal history record information from the business license department. Should the record subject seek to amend or correct his/her record, he/she must contact the GCIC for Georgia state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

Sec. 22-10. - Allocation of gross receipts of business with multiple intra or interstate locations.

For those businesses who have multiple locations inside and outside of the city where the gross receipts can be allocated to each location, the gross receipts used to determine the occupation tax assessed will be those gross receipts attributed to each city location. In the case where the dollar amount of gross receipts attributed locally cannot be determined in those businesses with multiple locations, the total gross receipts will be divided by the total number of locations in the city and elsewhere and allotted to those locations pursuant to O.C.G.A. § 48-13-14(a)(2). Upon request the business or practitioner with a location or office situated in more than one jurisdiction shall provide the city the following:

- (1) Financial information necessary to allocate the gross receipts of the business or practitioner;
- (2) Information relating to the allocation of the business' or practitioner's gross receipts by other local governments.

Where the business has locations outside of the city and taxation is levied for a criteria other than gross receipts in the other local governments, the city shall not assess more than the allotted share of gross receipts for the local operation.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-11. - Occupation taxes levied on business to be transacted during calendar year; filing of returns showing gross receipts during preceding calendar year; procedure where taxes overpaid or underpaid.

- (a) All occupation taxes levied by this article are levied on the amount of business to be transacted during the calendar year. However, for the convenience of both the city and the taxpayer, and the necessity of making numerous returns, those businesses subject to the occupation tax levied in section 22-2 shall, on or before the times set forth in this section, file with the business license manager the returns specifically provided for, showing the gross receipts of that business during the preceding calendar year. This return shall be used as an estimate for making payments on the occupation tax for the current calendar year. The actual and final amount of tax levied for business transacted in a current calendar year shall be paid in accordance with a final return to be made after the termination of the year, in accordance with the procedure hereinafter set forth.
- (b) The owner, proprietor, manager or secretary officer of the business subject to said occupation tax of the current calendar year shall, at the end of the preceding year, or by March 31st of the current calendar year, file with the business license manager or the city, on a form furnished by said revenue collection officer, a signed return setting forth the amount of gross receipts of such business for the entire preceding calendar year, to be used as an estimate of the gross receipts for the current year.
- (c) Where a business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the amount of gross receipts for such part shall be set forth in said return. Said figure shall be used as the estimate of the gross receipts of the business for the current calendar year.
- (d) If the amount of the occupation tax for the preceding year based on the return provided for in this section and on the rate of the tax provided for in this Code, exceeds the amount of occupation tax theretofore paid by the business based on the estimate filed pursuant to section 22-11(a), the difference in said amount shall be due and payable by the taxpayer to the city by March 31st of the current year and delinquent if not paid on or before such date.
- (e) If the amount of the occupation tax for the preceding year based on the return provided for in this Code, is less than the amount of occupation tax theretofore paid by the business based on the estimate filed pursuant to section 22-11(a), the difference in such amount shall be refundable by the city to the taxpayer; or, if such business continues to be conducted in the city during the current year, such difference in amount may be credited by the city on the amount of occupation tax to be paid to the city by such business for the current year. This election is to be taken by the taxpayer and shall be submitted in writing to the business license manager.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-12. - Professionals as classified in O.C.G.A. § 48-13-9(c), paragraphs 1 through 22.

Practitioners of professions and occupations as described in O.C.G.A. § 48-13-9(c)(1) through (22) shall elect as their entire occupation tax one of the following:

- (a) The occupation tax bases on gross receipts combined with profitability ratios as set forth in section 22-7.
- (b) A fee of \$400.00 per practitioner who is licensed to provide the service, such tax to be paid for the practitioner's office or location; provided, however, that a practitioner paying according to this paragraph shall not be required to provide information to the local government relating to the gross receipts of the business or practitioner. The per-practitioner fee applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework.
- (c) This election is to be made on an annual basis and must be done by January 1 of each year.
- (d) It being the intention of the city council that no portion of the taxation scheme in this article be construed to be, or have the practical effect of, regulation of or a precondition on the practice of law, or other state regulated professions, if any provision of this article shall be construed by a court of competent jurisdiction to be unlawful regulation of such professions, then such provision shall be considered rescinded by the city council as if such provision had not been adopted, and in such case, the remaining provisions of this article shall be applied to such practitioner.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-13. - Temporary use certificates.

- (a) Any person intending to utilize property for a temporary use must first obtain from the mayor and council a temporary use certificate. The requirements for obtaining a temporary use certificate are as follows:
 - (1) Temporary use must be a permitted use under the existing zoning classification; and
 - (2) The applicant must submit the request for a temporary use certificate on forms provided by the business license officer; and
 - (3) The applicant must submit a letter signed and notarized by the property owner granting express permission and consent to use the property for such temporary use; and
 - (4) The applicant must submit a drawing, sketch or plat of the property showing all intersections, parking, zoning, existing structures and location of such temporary use; and
 - (5) The temporary use must be in a state of good repair and aesthetically, structurally consistent with the surrounding area to which the applicant seeks to locate; and
 - (6) The applicant shall submit a regulatory fee of \$100.00.

- (b) The mayor and council may issue a temporary use certificate, at its sole discretion, and in their discretion may take into consideration, in addition to the requirements of this section, the affect that the temporary use would have on the public safety as well as the aesthetics of surrounding areas.
- (c) The certificate may be issued for a period of time not to exceed 30 days and no extensions will be granted.
- (d) The city manager or his designee may suspend or revoke any temporary use certificate issued in accordance with this section on any one or more of the following bases:
 - (1) For any cause for which issuance of the license could have been refused had it then existed and been known to the city;
 - (2) Material misstatement, misrepresentation, omission or fraud in obtaining the certificate;
 - (3) Conviction of a felony;
 - (4) Fraudulent or dishonest practices in the conduct of the business under the certificate;
 - (5) Failure to comply with the provision of this section;
 - (6) Failure to maintain all the general qualifications and conditions applicable to the initial issuance of the certificate;
 - (7) Failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this article or any other applicable city ordinance;
 - (8) For violation of any part of this article by the certificate holder, its agents, partners, officers, employees or contractors.
- (e) A temporary use certificate granted under this section shall be subject to suspension or revocation. Whenever in the opinion of the business license department, there is cause to revoke or suspend such certificate, a written notice of intention to suspend or revoke and the grounds therefore shall be furnished the holder thereof at least three days before an administrative hearing before the city manager or his designee, at which time the holder of the certificate may make such showing as he or she may deem appropriate relative to the grounds for suspension or revocation. After the administrative hearing, the city manager or his designee may revoke or suspend said certificate if, in his discretion, it is the best interest of the public health, safety and welfare of the city and its citizens.

(Ord. No. 2001-24, § 1, 10-1-01; Ord. No. 2009-09, § 1, 10-5-09)

Sec. 22-14. - Penalty of ordinance violation.

Any person violating any provisions of this part of the Code shall, upon order of the municipal judge, be subject to a civil penalty in an amount not to exceed \$500.00, in the discretion of the municipal judge. There shall be no criminal penalty imposed hereunder.

(Ord. No. 2001-24, § 1, 10-1-01)

Secs. 22-15—22-20. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 22-21. - Responsibility for enforcement; administration of chapter; appeals.

- (a) The business license manager shall administer and enforce the provisions of this chapter for the levy, assessment and collection of occupation taxes and penalties imposed herein.
- (b) It is made the duty of the business license manager and police department to see that the provisions of this part of the code relating to occupation taxes are observed; and to summon all violators of the same to appear before the municipal court. It is made the further duty of the business license manager, members of the police department, and their assistants, to inspect all registrations issued by the city, as often as in their judgment it may seem necessary to determine whether the registration held is proper for the business sought to be transacted thereunder.
- (c) Under the direction of the business license manager, one or more city employees designated by the business license manager shall seek out violations of the City Code, particularly the taxing and regulation portions thereof.
- (d) Any person aggrieved by any action of the business license manager or his designees in the enforcement of this chapter 22 of the Code or rules and regulation adopted pursuant to this chapter 22 of the Code, including grievances over the amount of taxes assessed and classification of the business, may be appealed by the person as follows:
 - (1) The aggrieved person shall first submit in writing to the business license manager a complaint which sets forth in reasonable detail the matters complained of. The complaint may take a letter form and it shall be the duty of the business license manager to review it and to issue a written reply stating the business license manager's position and opinion to the aggrieved person within 30 days from the receipt of the complaint. Such written reply shall include notice of the appeal procedures to the mayor and city council as provided hereafter.
 - (2) An appeal of the business license manager's decision in the enforcement of this section by the aggrieved person to the city council shall be allowed and perfected by filing with the city clerk a notice of appeal for scheduling on the city council agenda. The notice of appeal shall state in general terms the objections or exceptions taken to the action and opinion of the business license manager. The notice of appeal must be filed with the city clerk within 15 days following the date of the decision in subsection (d)(1) above complained of and it shall be the duty of the business license manager upon receipt thereof to transmit to the city clerk all the papers constituting the record upon which the action appealed from was taken. Thereafter, it shall be the duty of the city clerk to place the appeal upon the agenda of the city council meeting no later than 45 days after the date of appeal. Moreover, it shall be the duty of the city clerk to so notify the appellant in writing of the date, time and place when the matter shall be heard.
 - (3) The city council may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the opinion, requirement, decision or determination appealed

from, and to that end shall have all the powers of the business license manager. The city council may direct any action as it may deem proper in conformity with this article and it shall be the duty of the business license manager to carry out the decisions of the city council in conformity with this chapter.

- (4) An appeal under this section shall stay all legal proceedings with regard to the collection of the occupation tax and penalties from the appellant. The appellant shall have the right to present before the city council for their consideration any duly sworn witnesses or other evidence at the time such matter appealed from is heard. In the event the business license manager fails to render a written opinion to the aggrieved person within the 30 days as required above, the aggrieved person shall, if desired, appeal to the city council within the time limit state above as if the business license manager had rendered an adverse opinion with regard to the complaint.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-22. - Duties of business license manager, generally; food establishments; zoning.

- (a) The business license manager shall have, among other, the following duties.
 - (1) To prepare and provide the necessary forms for the registration and application for a business license and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this chapter.
 - (2) To issue to each person a business license or occupation tax certificate within a reasonable time after the payment of the license fee or occupation tax assessed and any personal property or other city taxes levied in this Code; provided however, where under other portions of this Code, permits, certifications, and compliance with enumerated conditions are required for the operation of the business, the business license manager shall not issue a business license or occupation tax certificate until the applicant exhibits to the city manager the obtained permits, certification, and compliance.
- (b) The business license manager shall not issue any city license or occupation tax certificate for a restaurant, lunch wagon or other food preparation establishment unless a copy of a valid certificate issued by the county health department for the operation of the business has been filed with the business license manager by the applicant.
- (c) The business license manager shall not issue any city license or occupation tax certificate for any business unless city personnel charged with the enforcement of the city's zoning regulations certify to the city manager's satisfaction that the applicant's proposed location is not in violation of the city's zoning regulations.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-23. - When occupation tax due and payable; effect of transacting business when tax delinquent; when renewal registration and tax due and payable; effect of transacting business when tax delinquent.

- (a) Each such occupation tax shall be for the calendar year 1996 and succeeding calendar years thereafter unless otherwise specifically provided. The registration and occupation tax shall accrue on January 1 of each year and shall be due and payable no later than March 31 of each year, and be subject to a ten percent penalty plus one and one-half percent interest per month for delinquency. On any new professions, trades or callings begun in the city in 1996 or succeeding years thereafter, the registration shall be submitted and occupation taxes shall be paid within 30 days upon beginning business. If said registration is not submitted and occupation taxes are not paid within 30 days upon beginning business, a ten percent penalty per year plus one and one-half percent interest per month from the date the tax first became delinquent. For the purposes of this chapter any portion of a month shall be considered to be one month. The tax registration or occupation tax certificate herein provided for shall be issued by the business license manager.
- (b) Any business license or occupation tax certificate referred to in this part of the Code shall automatically expire on December 31st of the year of its issuance unless otherwise provided.
- (c) If a business continues to transact or offer to transact in the city any of the kind of profession, trade or calling subject to this Code after notification by the office of the business license and revenue division that such registration tax or penalties are due, and if such registration, tax or penalties are not submitted as directed by the office of the business license and revenue division, then said business or its representative shall be subject to a citation. Such offender shall, upon conviction by the municipal judge, pay all fees and occupation taxes due and be subject to a civil fine not to exceed \$500.00, which may be enforced by the contempt power of the municipal court.
- (d) In addition to the above remedies, the business license manager may proceed to collect in the same manner as provided by law for tax executions.
- (e) The administrator may collect any delinquent business license or occupation taxes due the city for a period not to exceed seven years from the date such first became delinquent.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-24. - Inspections of books and records.

- (a) In any case the business license manager of the city, or his or her designee, may inspect the books of the business or profession for which the returns are made and such books or records for the business of which the return was made in the city shall be submitted for inspection by the office of the business license and revenue division of the city within 30 days. Failure of submission of such books or records within 30 days shall be grounds for revocation of the tax certificate currently existing to do business in the city. Adequate records shall be kept in the city for the examination by the business license manager at his or her discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of the under reporting, interest will be assessed for the period delinquent. If, after subsequent examinations of the books or records, it is determined that a deficiency occurs as a result of under-reporting, then a penalty of ten percent and interest shall be assessed as per O.C.G.A. § 48-2-40.

- (b) In the event of a suspension or revocation by the supervisor of the business license office, the applicant may appeal the decision of the supervisor of the business license office to the mayor and city council for the city by filing a written notice of appeal within ten days from the date of the decision of the business license manager. Thereafter, a hearing shall be scheduled before the mayor and city council for the city within 45 days after the date of the notice of appeal by the applicant. After hearing by the mayor and city council, city council may take such action as it deems appropriate, including the upholding of the action of the business license manager or the imposition of such action as the mayor and city council may deem appropriate under the facts. The decision of mayor and city council shall be final. Appeals from the decision of the mayor and city council shall be to the Superior Court of Cobb County filed within 30 days to the final action of mayor and city council. In the event the applicant does not file an appeal from any decision of the business license manager, as provided herein, the decision of the business license manager shall be final.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-25. - Business or landlord required to provide names and addresses of tenant businesses.

Every person required to pay an occupation tax or license fee or a renewal of a license or occupation tax certificate under the provisions of this Code who leases or rents space to another business or businesses operating within the city shall submit a list of such businesses, upon request of the business license manager, to the city as referenced in section 22-24 of the City Code.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-26. - Returns confidential.

Except as provided in O.C.G.A. § 48-13-15(c), as amended, it shall be unlawful for any officer, employee, agent or clerk of the City of Kennesaw or any other person to divulge or make known in any manner the amount of gross receipts or any particulars set forth or disclosed in any occupation tax return required under this chapter. All contents of the return shall be confidential and open only to the officials, employees, agents or clerks of the city using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the city shall be classed as employees. Nothing herein shall be construed to prohibit the publication by city officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof; or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia or the United States, and other local governments.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-27. - Change of location; fee; taxes not transferable.

- (a) Change of location and/or name fee. Any person or practitioner of profession or occupation taxable under this Code moving from one location to another shall notify the business

license manager of the move and the new address in writing on a form provided by the business license manager no later than the day of moving and shall pay a ten-dollar fee.

- (b) Any person or practitioner of profession or occupation taxable under this Code changing its business name from one name to another shall notify the business license manager of the name change in writing on a form provided by the business license manager no later than the day of the proposed name change and shall pay a ten-dollar fee.
- (c) The transfer of ownership of a business license or occupation tax certificate shall be considered in the same manner as the termination of the business and the establishment of a new business. In the event that the owner of a business license or occupation tax certificate desires to transfer the same, or in the event that any interest in the business for which the license or certificate was issued is sold or otherwise transferred, then the purchaser or transferee of such license or tax certificate shall apply to the city as for an original license or tax certificate on or before the date on which such sale or transfer is made. Ownership of such business license or tax certificate shall remain unchanged until the application of such purchaser or transferee is approved by the city and all proper fees and taxes are paid. Notwithstanding the foregoing, in the case of a corporation, a new license or tax certificate shall not be required as herein provided unless a change in stock ownership in the corporation results in ownership of more than 50 percent of the outstanding corporate stock, voting or otherwise, by persons or combinations of persons not owners of such stock at the time the license or tax certificate was issued.
- (d) In case of the death of any natural person holding a city business license or occupation tax certificate, or any interest therein, the license or certificate may be transferred to the administrator, executor of the lawful heir or devisee of the deceased person by filing a new application with the city for the change of ownership within 30 days of such death. The business involved may continue to operate until disposition of the application is determined as for an original license or certificate. No additional fees or occupation taxes shall be charged above what would be due if the business, or portion thereof, remained under the deceased person's ownership.
- (e) The change of ownership of a business shall not affect the distance requirements previously approved by the city.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-28. - Display of licenses and registrations; evidence of state registration required if applicable; state registration to be displayed; city registration effective; evidence of qualification if applicable.

- (a) All persons shall exhibit and display all licenses and registrations issued to them under this Code in some conspicuous place in their business establishment at which address the license or registration was issued. Any nonresident person, firm or corporation doing business within the city shall carry the license or registration, or a copy of the license or registration, issued by another jurisdiction either upon his or her person or in any vehicle or other conveyance which is used in the business and the person shall exhibit the same to any authorized enforcement officer of the city when so requested.

- (b) Each person who is licensed by the secretary of state pursuant to O.C.G.A. Title 43 shall provide evidence of proper and current state licensure before the city registration may be issued.
- (c) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.
- (d) No city registration shall become effective until each person or business who is required to obtain a license from the State of Georgia has registered with the state and is in good standing with the state or has received such license.
- (e) Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a city business registration, show evidence of such qualification.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-29. - Revocation and appeal.

- (a) The supervisor of the business license office shall be authorized to suspend or revoke a business registration certificate in accordance with the procedures set forth below. In the event the supervisor of the business license office seeks to suspend or revoke an occupation tax certificate, the supervisor of the business license office shall give written notification to the applicant of such action and such notice shall contain a specification of the violation or violations and shall be served upon the licensee at least five days prior to the hearing. The applicant shall be given written notice of the time and place of the hearing.
- (b) The supervisor of the business license office shall be authorized to deny, suspend or revoke an occupation tax certificate in the event of any one or more of the following:
 - (1) An applicant gave false or misleading information in the original or renewal application process;
 - (2) An applicant has knowingly allowed possession, use, or sale of controlled substances on the premises and/or knowingly allowed possession, use or sale of controlled substances to a minor on the premises;
 - (3) An applicant has knowingly allowed the violation of an ordinance of the city or a violation of any criminal law of the State of Georgia (a misdemeanor or a felony) to occur on the premises; and that such violation is materially related to the operation of said business;
 - (4) An applicant (or licensee) has been convicted of any drug related, alcohol-related or sex-related crime by the State of Georgia or the city regarding an offense which was committed on the premises or which would otherwise violate the provisions of this chapter;
 - (5) An applicant fails to pay any fee, occupation tax, fine or other amount of money due to the city under this chapter or any other taxing ordinance of the city;

- (6) An applicant or the owner alters or allows to be altered, the business license occupation tax certificate (license document) or the applicant or the owner changes the information, defaces, destroys, misuses, abuses, or improperly alters or misrepresents the business license or occupation tax certificate; and
- (7) An applicant has knowingly allowed the violation of any provision of O.C.G.A. § 16-12-171, as amended.
- (c) The city manager shall approve any proposed action prior to proceeding toward any suspension or revocation of any occupation tax certificate and/or business license.
- (d) In the event the supervisor of the business license office shall suspend or revoke any occupation tax certificate hereunder, the suspension or revocation shall be for a period of not less than one day nor more than 365 days, within the discretion of the supervisor of the business license office. Any suspension or revocation shall be sent by the city by certified mail, return receipt requested. For the first offense, the suspension shall be for a period of one to 90 days; second offense, suspension for one to 180 days and third offense, suspension for one to 365 days. Provided, however, that the applicant shall be authorized to continue its business operations until that date of the hearing scheduled in accordance with section 22-21(d). No applicant may apply for an occupation tax certificate during any period of suspension or revocation. In any hearing conducted, the supervisor of the business license office shall consider, among other things, the severity of the allegations, the evidence submitted and the testimony presented, in making any decision on suspension or revocation and the duration of either.

(Ord. No. 2001-24, § 1, 10-1-01; Ord. No. 2010-16, 7-6-10)

Sec. 22-30. - Lien taken for delinquent occupation tax.

In addition to the other remedies provided for the collection of the occupation tax herein levied, the business license manager of the city, upon any tax or installment of said tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the person, partnership, or corporation liable for said tax, which said execution shall bear interest at the rate of 1½ percent per month from the date when such tax or installment becomes delinquent, and the lien shall cover the property in the city of the person, partnership or corporation liable for said tax all as provided by the ordinances and Charter of said city and the laws of Georgia. The lien of said occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the sheriff's department of Cobb County upon the property of defendant located in said city, and sufficient property shall be advertised and sold to pay the amount of said execution with interest and costs. All other proceedings in relation thereto shall be had as it is provided by ordinances and charter of said city and the laws of Georgia, and the defendant in said execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the Charter of said city and the laws of Georgia in regard to tax executions. When a nulla bona entry has been entered by proper authority upon an execution issued by the city clerk against any person defaulting on the occupation tax, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the person against whom the execution is issued pays

the tax in full together with all interest and costs accrued on the tax, the person may collect any fees and charges due him or her as though he or she had never defaulted in the payment of taxes.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-31. - Amendment; repeal of provision; applications of provisions to prior ordinance.

- (a) The ordinance codified as chapter 22 of this Code shall be subject to amendment or repeal, in whole or in part, at any time and no such amendment or repeal shall be construed to deny the right of council to assess and collect any of the taxes or other charges prescribed. Such amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the city of additional occupation taxes upon the same person, property, or business. No tax may be implemented hereunder prior to the date of its adoption and no tax may be retroactively assessed or collected.
- (b) The ordinance codified as chapter 22 of this Code does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in said ordinance or ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-32. - Requirement of public hearing before tax increase.

- (a) After April 11, 1995, the city shall conduct at least one public hearing before adopting any ordinance or resolution regarding the occupation tax.
- (b) In any year when revenue from occupation taxes is greater than revenue from occupation taxes for the preceding year, the City of Kennesaw shall hold at least one public hearing as part of the process of determining how to use the additional revenue.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-33. - Conflicts between specific and general provisions; severability; saving clause; repeal of conflicting provisions.

- (a) Where there is an apparent conflict in the ordinance codified as chapter 22 of this Code between specific and general provisions, it is the intention hereof that the specific shall control.
- (b) If any section, provision or clause of any part of the ordinance codified as chapter 22 of this Code shall be declared invalid or unconstitutional, or if the provisions of any part of the ordinance codified as chapter 22 of this Code as applied to any particular situation or

set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to effect the portions of the ordinance codified as chapter 22 of this Code not so held to be invalid, or the application of the ordinance codified as chapter 22 of this Code to other circumstances not so held to be invalid. It is hereby declared as the intent that the ordinance codified as chapter 22 of this Code would have been adopted had such invalid portion not been included herein.

- (c) The ordinance codified as chapter 22 of this Code does not repeal or affect the force of any part of any ordinance not included herein which shall remain in full force and effect until changed by amendment and adopted by mayor and city council. Nothing contained herein shall prevent or prohibit the city or any court or any board or authority of the city from enforcing any previous tax or obligation (including penalties and/or interest) incurred prior to the effective date of this Code. Any such enforcement of the prior Code is hereby authorized to continue after the effective date hereof.

(Ord. No. 2001-24, § 1, 10-1-01)

Sec. 22-34. - Annexation incentive.

As an incentive for occupations, businesses, and industries located adjacent to the corporate limits of the city to annex into the city, the following provisions shall apply:

- (1) Occupations, businesses and industries located in areas annexed to the city, otherwise subject to the requirements of this article, shall be exempt from the requirements of this article for a period of five years from the effective date of the annexation.
- (2) Occupations, businesses and industries located in areas annexed to the city, otherwise subject to the requirements of this article, shall be required to comply with the requirements of this article after the initial five-year exemption period outlined in subsection (1) above and shall pay occupation and business license fees to the city based on the following schedule:
 - a. Year six after the effective date of annexation—20 percent of the occupation or business license fee otherwise due.
 - b. Year seven after the effective date of annexation—40 percent of the occupation or business license fee otherwise due.
 - c. Year eight after the effective date of annexation—60 percent of the occupation or business license fee otherwise due.
 - d. Year nine after the effective date of annexation—80 percent of the occupation or business license fee otherwise due.
 - e. Year ten after the effective date of annexation—100 percent of the occupation or business license fee otherwise due.

The incentives outlined in this section shall apply only to businesses in existence within the annexation area upon the effective date of the annexation or established within 12 months after the effective date of the annexation.

(Ord. No. 2002-18, § 1, 6-3-02)

Editor's note— Ord. No. 2002-18, § 1, adopted June 3, 2002, enacted a new § 22-42. The newly enacted § 22-42, pertaining to annexation incentive, has been renumbered as set out herein at the discretion of the editor to preserve the style of the Code.

Sec. 22-35. - Reserved.

SECTION 6.

Amend Chapter 22, Businesses, Article II by replacing the entire Article with the following:

ARTICLE II. – Wrecker and towing services.

Sec. 22-36. - Scope.

- (a) All licensees for wrecker or automobile or truck towing shall be subject to certain rules and regulations of the city, including but not limited to fingerprinting and background check as set forth in Sec. 22-9.
- (b) All licensees for the towing of motor vehicles shall exercise due care for all vehicles in their care, custody and control, and shall not permit any private use thereof by the licensee or the licensee's family or employees, agents or servants.
- (c) The licensee for the towing of motor vehicles shall place the vehicles within an enclosure at least six feet in height and consisting of a chain-link fence or other comparable fencing, and no person shall be permitted within the enclosure other than the licensee, his agents, servants and employees.
- (d) In the event of the failure of the licensee for the towing of motor vehicles to strictly observe the provisions of this section, a public hearing may be held pursuant to Sec. 22-21 and the license may be suspended or revoked upon due cause being shown.
- (e) In addition to the remedies set forth herein, the violation of this section shall also subject the licensee to penalties as prescribed in Sec. 1-11.

(Code 1986, § 9-6-4; Ord. of 8-18-86, §§ 3-201—3-205)

SECTION 7.

Amend Chapter 22, Businesses, Article III, Bail Bondsmen, Division 2, License, Sections 22-71(b)(6) and 22-71 (b)(7), as follows:

- (6) A complete set of fingerprints and a recent credential-size, full face photograph of the applicant. ~~The applicant's fingerprints shall be processed by the chief of police, who shall conduct a background check, including but not limited to the submission of the applicant's fingerprints to federal, state and local authorities and certify the applicant to be free of any record of any crime involving moral turpitude, felony or any violation of law applicable to the bail bonding business within previous five years.~~ Each application shall require a background investigation as set forth in the Kennesaw Code of

Ordinances, Sec. 22-9 and certify the applicant to be free of any record of any crime or any violation of law applicable to the bail bonding business within previous five years.

- (7) A complete set of fingerprints and a recent credential-size, full face photograph of each individual authorized to execute bonds on behalf of the company. Such application shall request and provide personal information sufficient to perform a background investigation on the employee applicant as set forth in the Kennesaw Code of Ordinances, Sec. 22-9 and certify the employee applicant to be free of any record of any crime or any violation of law applicable to the bail bonding business. ~~The employee applicant's fingerprints shall be processed by the chief of police, who shall conduct a background check, including but not limited to the submission of the applicant's fingerprints to federal, state and local authorities and certify the employee applicant to be free of any record of any crime involving moral turpitude, felony or any violation of law applicable to the bail bonding business.~~ Any person who will have power of attorney extended for the purpose of writing bonds must submit the above described application.

SECTION 8.

Amend Chapter 22, Businesses, Article VII, Flea Markets, Section 22-166(e) as follows:

- (e) All applications for business licenses for a flea market owner or operator required by this article shall be ~~investigated by the city police department. The police department shall report its recommendations to the business license office. The applicant for a license to operate a flea market shall be fingerprinted and shall supply such other information as the police department deems necessary to complete its investigation.~~ subject to fingerprinting and a background check as set forth in Sec. 22-9.

SECTION 9.

Amend Chapter 22, Businesses, Article IX, Massage Therapy Businesses, Section 22-218(a)(2) as follows:

Sec. 22-218(a)(2). – License required; application.

- (2) ~~The applicant must be fingerprinted by the city police department and a character reference check shall be completed for him or her. Each application shall require~~ fingerprinting and a background investigation of the applicant as set forth in the Kennesaw Code of Ordinances, Sec. 22-9. The applicant shall also submit a list of all persons who he or she intends to hire as employees for the business. ~~A character reference check~~ background investigation as set forth in the Kennesaw Code of Ordinances, Sec 22-9, shall be completed for all persons who will be employed by the business, including, but not limited to, all massage therapists. It is the applicant's responsibility to provide the names of all such prospective employees and the forms required to complete the ~~reference checks~~ background investigations on those prospective employees. Additionally, any person hired as an employee after the application is submitted and after the business opens must also have a ~~character reference~~ background investigation as set forth in the

Kennesaw Code of Ordinances, Sec 22-9. ~~completed on him or her.~~ Fingerprints must be submitted to the business license department no less than 15 days prior to issuance of a license to allow for investigation of the applicant and the employees. The fingerprints submitted shall be taken no earlier than 30 days prior to the submission of the application.

SECTION 10.

Amend Chapter 22, Businesses, Article IX, Massage Therapy Businesses, Section 22-224 as follows:

Sec. 22-224. - Information concerning employees to be filed with business license department.

Within three business days of commencement of operations of the business, the applicant shall file with the business license department an affidavit stating the names of all employees. After hiring each new employee and prior to that employee's commencement of employment, the applicant shall provide the name of each such prospective employee and the documentation, ~~including fingerprints, to conduct a reference check on such employee.~~ to the business license department for a background investigation as set forth in the Kennesaw Code of Ordinances, Sec. 22-9. If the employee is a massage therapist, the applicant shall provide a copy of the employee's license issued by the Georgia Board of Massage Therapy.

SECTION 11.

Delete CHAPTER 22, ARTICLE XIII. – “TAXICABS AND LIMOUSINES” in its entirety as preempted by State law pursuant to O.C.G.A. § 40-1-191 and replace with ARTICLE XIII. – “RESERVED” [Preempted by O.C.G.A. § 40-1-191].

SECTION 12.

BE IT ORDAINED THAT all ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

SECTION 13.

BE IT FURTHER ORDAINED THAT should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 14.

BE IT FURTHER ORDAINED THAT this ordinance shall become effective immediately from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

WHEREAS, the public hearings were duly advertised in the Marietta Daily Journal and the changes were reviewed by the City Attorney.

NOW, THEREFORE, BE IT ORDAINED by the Kennesaw City Council does hereby adopt the updates and amendments to various Sections the Code of Ordinances, Chapter 6 “Alcoholic Beverages” and Chapter 22 “Businesses” as outlined.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of _____, 2019.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Derek Easterling, Mayor

8000 Legals

MDJ-2337
GPN-17

Notice of Self Storage Sale
Please take notice Prime Storage - Marietta Delk Rd. located at 1155 Powers Ferry Place, SE Marietta, GA 30067 intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via www.storage-treasures.com on 10/16/2019 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Vickie Hardy unit #234; Barry Blasby unit #257; Joseph Clarkson unit #C05; Diogenes Alves Silva unit #D03; Tommie Smith unit #E37; Joaquin Stewart unit #F56; Nathalie Dagillme unit #H03; Rodney Ezzard unit #L01; Stephen Walsh unit #P74. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

9:27;10:4-2019

MDJ-2338
GPN-17

Notice of Self Storage Sale
Please take notice Prime Storage - Marietta Heathersett Dr. located at 155 Heathersett Dr., Marietta, GA 30064 intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via www.storage-treasures.com on 10/16/2019 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Myron Cook unit #C12; Colette Sullivan unit #D52; William C. Teal unit #E06; Johnny Shelton unit #E14; Lorraine Abney unit #E56; Lenard Barnes unit #F68; Kimberly Huff unit #I16. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

9:27;10:4-2019

MDJ-2339

8000 Legals

MDJ-2367
GPN-16**NOTICE OF PUBLIC HEARING
CITY OF KENNESAW**

Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct a public hearing on October 21, 2019 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance of the Official Code of the City of Kennesaw, Georgia to amend Chapter 6, "Alcoholic Beverages," Article I, Licenses Sections 6-45, 6-61, 6-70 and 6-71 and Chapter 22, Businesses Article I, Article II, Article III, Article VII, Article IX, Article XIII of the Code of Ordinances. Copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.

9:27;10:4-2019

MDJ-2371

**IN THE SUPERIOR COURT OF
COBB COUNTY
STATE OF GEORGIA
CITY OF KENNESAW, GEORGIA,
Condemnor,
V.**

The hereinafter described lands and rights in lands; STAC Properties, LLC; SERVISFIRST BANK; CARLA JACKSON, as Tax Commissioner of Cobb County, Georgia; CHRISTY HUIEL, as Property Tax Administrator of the City of Kennesaw, Georgia; KELLI WOLK, as Probate Court Judge of Cobb County, Georgia; and any and all others claiming interest in the described lands, Condemnees
**CIVIL ACTION FILE NO.
19-1-6876-58
CITATION**

The said named persons and any and all other persons, either known or unknown, claiming any right, title, power, interest, ownership, equity, claim, or demand in and to the lands here-

8000 Legals

way; THENCE North 06 degrees 31 minutes 09 seconds West a distance of 185.48 feet to a point 42.00 feet right and opposite station 106+74.16; THENCE along a curve to the left having an arc length of 14.94 feet, a radius of 1474.44 feet, and being subtended by a chord with a bearing of North 06 degrees 50 minutes 22 seconds West, for a distance of 14.94 feet to a point 42.00 feet right and opposite station 106+88.64; THENCE North 89 degrees 14 minutes 50 seconds East a distance of 18.19 feet to a point 60.05 feet right and opposite station 106+86.36; THENCE South 04 degrees 25 minutes 39 seconds East a distance of 137.36 feet to a point 55.00 feet right and opposite station 105+50.00; THENCE South 11 degrees 01 minutes 57 seconds East a distance of 63.54 feet to a point 60.00 feet right and opposite station 104+86.65; THENCE South 89 degrees 53 minutes 21 seconds West a distance of 18.12 feet back to the Point of Beginning.

The herein described temporary construction easement area contains 3.11 0 Square Feet or 0.071 Acre of land, more or less. The above described property is subject to any and all easements, encumbrances, and or restrictions of record.

Said easement to expire twenty-four (24) months from date of taking.
**EXHIBIT "I" p.3
TEMPORARY DRIVEWAY
EASEMENT**
PROJECT NO: City of Kennesaw-Old Highway Cobb County
P.I. NO.: SPLOST 2
PARCEL NO.: 30
DATE OF PLANS: May 30, 2016

All that tract or parcel of land lying and being in Land Lot 207 of the 20th Land District, 2nd Section of Cobb County, Georgia, being more particularly described as follows: Beginning at a point 60.00 feet right and opposite station 104+86.65 on the construction centerline of Old 41 Highway; THENCE North 11 degrees 01 minutes 58 seconds West a distance of 28.82 feet to a point 58.14 feet right and opposite

8000 Legals

Thursday October 24th @ 10:00 AM

Space No. Customer Name Inventory
1011 Peter Vercillo Household
goods/Furniture, Tools/Appliances,
Boxes
2106 Issac LeDay Household
goods/Furniture, Office Furniture/Ma-
chines/Equipment
2108 Alexis Lewis Household
goods/Furniture, TV/Stereo equipment,
Tools/Appliances
2324 Andrew Montgomery Household
goods/Furniture, TV/Stereo equipment,
Tools/Appliances
9:27;10:4-2019

MDJ-2424

ABANDONED VEHICLES

In accordance with OCGA Section 40-11-2, the following described vehicles have been towed and are presently being stored at Henson's Wrecker Service, Inc., 1975 Veterans Memorial Highway, Austell, GA 30168-3611 (770) 948-7100, and will be sold at public auction on Thursday October 1, 2019 at 10:00am to the highest bidder. There is a \$100.00 refundable deposit. All sales are final and sold AS IS. Henson's Wrecker Service reserves the right to bid.

Year Make Model VIN

2007 BMW 335XI WBAVD53597A006699
2007 Chevrolet Cobalt
1G1AL55F877156951
2012 Chrysler 300
2C3CCAAG8CH289137
2006 Dodge Durango
1D4HD48266F162261
1994 Ford Ranger
1FTCR10A5RUB63380
1999 Ford Taurus SE
1FAFP53S9XAT02052
2003 Ford Escape XLT
1FMYU03103KB24026
2001 Ford E150 1FDRE14W91HB42472
1997 Honda Odyssey
JHMRA1840VC020996
1998 Honda Civic
2HGEJ8640WH621191
2006 Honda Accord U.S. LX
3HGCMS6496G704423
2001 Jeep Grand Cherokee

8000 Legals

Chevrolet 1999 S10
1GCCS14X6XK143263 BJC7681 GA
Howard's Wrecker Service
2465 Ventura Place
Smyrna, Ga 30080
770-432-2613
9:27;10:4-2019

MDJ-2485
GPN-17**ABANDONED VEHICLES**

In accordance with OCGA section 40-11-2, the following described vehicles have been impounded and are presently being stored at MARIETTA WRECKER SERVICE, 950 Allgood Rd. Marietta, GA 30062, 770-953-1176 and will be sold at public auction on Thursday October 10th, 2019 at 11:00 a.m. to the highest bidder.

Auction to be conducted by Doug Braswell's Auctions Georgia Auction License Number # 1910

1.2010 HONDA CIVIC BLACK
2HGFA1F53AH309752
2.2009 CHEVROLET COBALT BLACK
1G1AT58H597281423
3.2007 DODGE CALIBER SXT SILVER 1B3HB48B17D505320
4.2011 CHEVROLET AVEO SILVER KL1TD5DEXBB196029
5.2000 FORD EXPEDITION GOLD 1FMRU1567YLB92294
6.1999 GMC YUKON DK BLUE 1GKEC13R9XJ793286
7.1997 HONDA CIVIC RED 1HGEJ6120VL025848
8.2012 NISSAN ALTIMA GOLD 1N4AL2AP0CC13197
9.2003 HONDA CIVIC GRAY 2HGSE25773H578728
10.2000 HONDA ACCORD GRAY 1HGGC1656YA005633
11.1997 MAZDA 3 RED JM1BK12F471729004
12.MERC MOUNTAINEER GOLD 4M2DU86K34ZJ10498
13.MERC GRAND MARQUIS GOLD 2MEFM74W8WX610520
14.1998 NISSAN ALTIMA WHITE 1N4D101D3WC211412
15.1993 SUBARU LEGACY GREEN 1E1B142D30000000

8000 Legals

Weather-spoon-speakers, lamp; C076-Ruth Naylor-boxes, luggage, totes; D059-Jonnet Richardson-furniture, dining table, dresser; D075-Angela J Dorry-dresser, punching bag, bags; E018-Lawrence Marcotte-sofa, chairs, table.
10:4,11-2019

MDJ-2547

GPN-17

**PUBLIC AUCTION
STATE OF GEORGIA
COUNTY OF COBB**

ARK SELF STORAGE, pursuant to the Georgia Self Storage Facilities Act, shall conduct a public Auction of the contents of the following units to the highest bidder, at 1744 Cobb Parkway S, Marietta, GA. 30060, (770) 955-5128. The sale will be on THURSDAY, OCTOBER 24, 2019 at 10:00 A.M., in front of each unit. Management reserves the right to withdraw units, items, and reject bids. All sales are final and must be paid for with cash or certified funds. All units must be emptied and swept clean within 48 hours. Contents of each unit will be available for inspection at the time of the auction. If for any reason any unit is not sold on the above date, it will be sold at the next scheduled auction.

Units contain household goods, furniture, tools and miscellaneous other items, unless noted otherwise. Any vehicles that are auctioned will be sold as parts only, no titles are involved.
JULIA BAKER UNIT #DC18
SHARON WILLIAMS UNIT #C47
MELINDA BURNETTE UNIT #E30
CHARLENE BENJAMIN UNIT #FC01
10:4,11-2019

MDJ-2555

GPN-14

**FAMILY COURT FOR THE
STATE OF DELAWARE
NOTICE OF FAMILY
COURT ACTION**

To: Lawand Stireter, Respondent
Petitioner, Courtney Roark has filed a Rule To Show Cause petition against

867 Trevor Reddick Household
goods/Furniture
899A Greg Wylie Household
goods/Furniture
899B Greg Wylie Household
goods/Furniture, TV/Stereo Equip-
ment, Tools/Appliances
218 Tracvonia Lee TV/Stereo Equip-
ment, Tools/Appliances
236 Frank O'Connell Other Household
goods, Boxes, Accounting records
435 MARCIO FRALEY Household
goods/Furniture, Tools/Appliances
536 Rashita Harris Household
goods/Furniture, Tools/Appliances, Of-
fice Furniture/Machines/Equipment
880 Richard Brady, Jr. Other Clothes,
Art

9:27;10:4-2019

MDJ-2367

GPN-16

NOTICE OF PUBLIC HEARING CITY OF KENNESAW

Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct a public hearing on October 21, 2019 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance of the Official Code of the City of Kennesaw, Georgia to amend Chapter 6 "Alcoholic Beverages," Article II Licenses Sections 6-45, 6-61, 6-70 and 6-71 and Chapter 22 Businesses Article I, Article II, Article III, Article VII, Article IX, Article XIII of the Code of Ordinances. Copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.

9:27;10:4-2019

MDJ-2371

IN THE SUPERIOR COURT OF COBB COUNTY STATE OF GEORGIA CITY OF KENNESAW, GEORGIA, Condemnor, V.

The hereinafter described lands and rights in lands; STAC Properties, LLC; SERVISFIRST BANK; CARLA JACKSON, as Tax Commissioner of Cobb County, Georgia; CHRISTY HUIEL, as Property Tax Administrator of the City of Kennesaw, Georgia; KELLI WOLK, as Probate Court Judge of Cobb County, Georgia; and any and all others claiming interest in the described lands,

0.040 Acre of land, more or less. The above described property is subject to any and all easements, encumbrances, and or restrictions of record.

EXHIBIT "1" p.2

TEMPORARY CONSTRUCTION EASEMENT

PROJECT NO.: City of Kennesaw-Old Highway Cobb County
P.I. NO.: SPLOST 2
PARCEL NO.: 30
DATE OF PLANS: May 30, 2016
All that tract or parcel of land lying and being in Land Lot 207 of the 20th Land District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

Beginning at a point 42.00 feet right and opposite station 1 04+88.67 on the construction centerline of Old 41 Highway; THENCE North 06 degrees 31 minutes 09 seconds West a distance of 185.48 feet to a point 42.00 feet right and opposite station 106+74.16; THENCE along a curve to the left having an arc length of 14.94 feet, a radius of 1474.44 feet, and being subtended by a chord with a bearing of North 06 degrees 50 minutes 22 seconds West, for a distance of 14.94 feet to a point 42.00 feet right and opposite station 106+88.64; THENCE North 89 degrees 14 minutes 50 seconds East a distance of 18.19 feet to a point 60.05 feet right and opposite station 106+86.36; THENCE South 04 degrees 25 minutes 39 seconds East a distance of 137.36 feet to a point 55.00 feet right and opposite station 105+50.00; THENCE South 11 degrees 01 minutes 57 seconds East a distance of 63.54 feet to a point 60.00 feet right and opposite station 104+86.65; THENCE South 89 degrees 53 minutes 21 seconds West a distance of 18.12 feet back to the Point of Beginning.

The herein described temporary construction easement area contains 3.11 0 Square Feet or 0.071 Acre of land, more or less. The above described property is subject to any and all easements, encumbrances, and or restrictions of record.

Said easement to expire twenty-four (24) months from date of taking.

EXHIBIT "1" p.3 TEMPORARY DRIVEWAY EASEMENT

PROJECT NO.: City of Kennesaw-Old Highway Cobb County
P.I. NO.: SPLOST 2
PARCEL NO.: 30
DATE OF PLANS: May 30, 2016
All that tract or parcel of land lying

GA.

9:27-2019

MDJ-2392

GPN-17

COBB COUNTY BOARD OF COMMISSIONERS COBB COUNTY GOVERNMENT GOVERNMENT AUCTION ON-LINE Property advertised and auctioned by PropertyRoom.com www.PropertyRoom.com

bicycles, cameras, cell phones, electronics, jewelry, optics, sporting goods, tools, landscaping equipment, CDs, knives, coins

Items sold individually and in lots
Auction Start: Week of October 21,
2019

Start Time: 9:00 A.M.

9:27;10:4,11,18-2019

MDJ-2412

GPN-17

NOTICE OF PUBLIC SALE STATE OF GEORGIA COBB COUNTY

"In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or manager's lien of the goods hereinafter described and stored at the Life Storage location(s) listed below.

And, due notice having been given, to the owner of said property and all parties known to claim an interest therein, and the time specified in such notice for payment of such having expired, the goods will be sold to the highest bidder or otherwise disposed of at a public auction to be held online at www.StorageTreasures.com which will begin on:

Monday October 14th @ 10:00 AM
and on

Thursday October 24th @ 10:00 AM

Space No. Customer Name Inventory
1011 Peter Vercillo Household
goods/Furniture, Tools/Appliances,
Boxes

2106 Issac LeDay Household
goods/Furniture, Office Furniture/Ma-
chines/Equipment

2108 Alexis Lewis Household
goods/Furniture, TV/Stereo equipment,
Tools/Appliances

2324 Andrew Montgomery Household
goods/Furniture, TV/Stereo equipment,
Tools/Appliances

9:27;10:4-2019

You are hereby notified in accordance with OCGA 40-11-19(a)(2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at 344 Kathleen Dr SE, Marietta, Ga. 30067. Anyone with an ownership interest in this vehicle should contact the following business immediately: K.O. Towing, 344 Kathleen Dr Se, Marietta, Ga 30067. 770-650-1413

9:27;10:4-2019

MDJ-2482

GPN-17

Abandoned Motor Vehicle Advertisement Notice Howard's Wrecker Service

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicles are currently located at 2465 Ventura Place, Smyrna, Ga 30080. The vehicles subject to liens as stated above are identified as:

Toyota 2003 Camry
4T1BE32K63U191751 ABS0474 GA

Ford 2010 Fusion
3FAHP0JA5AR236527CFQ9181 GA

Pontiac 2007 G6 1G2ZF58B574126466
DLE704 GA

Subaru 2019 Forester
JF25KAPC4KH427812 EEJ938 GA

Cadillac 2005 STS 1G6DC67A850121802
RGS1589 GA

Toyota 1998 Camry
4T1BG22K3WU831780 No Tag

Jeep 1999 Grand Cherokee
1J4GW58N7XC751044 RJP4833 GA

Chevrolet 1999 S10
1GCCS14X6XK143263 BJC7681 GA

Howard's Wrecker Service
2465 Ventura Place
Smyrna, Ga 30080

770-432-2613
9:27;10:4-2019

MDJ-2483

GPN-09

CITY OF ACWORTH NOTICE OF ELECTION

The City of Acworth, Georgia, will hold a General Election on Tuesday, NOVEMBER 5, 2019 to elect the following council seats: Alderman Post 1, Alderman Post 2 and Alderman Post 3.

are to be used to (1) currently refund the Issuers outstanding Development Authority of Cobb County Revenue Bonds (Presbyterian Village, Austell, Inc. Obligated Group) Series 2012 (the "Series 2012 Bond") that was issued to (1) currently redeem all of the Issuers outstanding Variable Rate Demand Revenue Refunding and Improvement Bonds (Presbyterian Village Austell, Inc. Obligated Group) Series 2004B which financed or refinanced certain improvements that are part of the Corporations continuing care retirement communities (the "Community") and (ii) pay costs of issuing the Series 2012 Bond, (2) pay a termination fee relating to the termination of a swap agreement, (3) fund capital improvements to the Community, (4) fund a debt service reserve fund for the Bonds, and (5) pay the costs of issuance of the Bonds.

The Community is owned and operated by Presbyterian Village, Austell, Inc., a Georgia nonprofit corporation. The Community is located at 2000 East-West Connector, Austell, Cobb County, Georgia. The Community is located within the corporate limits of Cobb County, Georgia.

The public hearing is for the purpose of providing a reasonable opportunity for interested individuals to express their views, both orally and in writing, on the proposed issuance of the Bonds and on the location and nature of the facilities to be financed.

The proposed Bonds will not be obligations of Cobb County, or of the State of Georgia or of any county, municipal corporation, or political subdivision of the State of Georgia. The proposed Bonds will not be paid from taxes but will be payable by the Issuer solely from amounts to be paid or provided by the Borrower. **NO PERFORMANCE AUDIT OR PERFORMANCE REVIEW SHALL BE CONDUCTED WITH RESPECT TO THE BONDS.**

Any person wishing to express views on the proposed issuance of the Bonds or the location or nature of the facilities being financed or plan of financing may be heard at such public hearing and may submit written comments at or prior to the public hearing to: J. Nelson Gefer, Executive Director, Development Authority of Cobb County, 240 Interstate North Parkway, SE, Atlanta, Georgia 30339.

DEVELOPMENT AUTHORITY
OF COBB COUNTY
9:27-2019

IN THE SUPERIOR COURT FOR THE COUNTY OF COBB STATE OF GEORGIA PETITIONER: DEBBIE DIANN MURPHY CIVIL ACTION NUMBER 19-1-6357-40 NOTICE OF PETITION TO CHANGE NAME

Notice is hereby given that DEBBIE DIANN MURPHY through the undersigned, filed his/her petition with the Superior Court of Cobb County, Georgia, on the 28th day of August 2019, praying for a change in the name of THE PETITIONER from DEBBIE DIANN MURPHY to DEBBIE DIANN SHAW.

Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name change. Objections must be filed with the said Court within thirty (30) days of the filing of said petition.

DEBBIE DIANN MURPHY
Petitioner

REBECCA KEATON
Clerk of Superior Court

Cobb County

9:6,13,20,27-2019

MDJ-1941

GPN-15

IN THE SUPERIOR COURT FOR THE COUNTY OF COBB STATE OF GEORGIA PETITIONER: DEVIN JAMES NILES CIVIL ACTION NUMBER 19-1-6358-51 NOTICE OF PETITION TO CHANGE NAME

Notice is hereby given that DEVIN JAMES NILES through the undersigned, filed his/her petition with the Superior Court of Cobb County, Georgia, on the 28th day of August 2019, praying for a change in the name of THE PETITIONER from DEVIN JAMES NILES to DEVIN JAMES SHAW.

Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name change. Objections must be filed with the said Court within thirty (30) days of the filing of said petition.

DEVIN NILES
Petitioner

REBECCA KEATON
Clerk of Superior Court

Cobb County

9:6,13,20,27-2019



**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	Approval of the September 30, 2019 Executive Session minutes and October 7, 2019 Mayor and City Council regular meeting minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
09-30-19 Affidavit	10/15/2019	Backup Material
10-07-19 Minutes	10/9/2019	Minutes

MAYOR
Derek Easterling

City Manager
Jeff Drobney

City Clerk, MMC
Debra Taylor



COUNCIL
Mayor Protem Chris Henderson
James Eaton
Tracey Viars
Pat Ferris
David Blinkhorn

Verification the Mayor and City Council have reviewed Minutes from the

September 30, 2019 Executive Session.

(please initial next to your name)

Mayor Derek Easterling

Date: 10/14/2019

Mayor Protem Chris Henderson

Date: 10/14/19

Councilmember James Eaton

Date: 10/14/19

Councilmember Tracey Viars

Date: 10/14/19

Councilmember Pat Ferris

Date: 10/14/2019

Councilmember David Blinkhorn

Date: 10/14/19

These Minutes were approved at the _____ Mayor and City Council meeting.

ATTEST:

Lea Addington, Deputy City Clerk



**MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, October 7, 2019
6:30 p.m.**

Present: Mayor Derek Easterling
Mayor Protem Chris Henderson
Councilmember James Eaton
Councilmember Tracey Viars
Councilmember Pat Ferris
Councilmember David Blinkhorn
City Manager Jeff Drobney
Deputy City Clerk Lea Addington
City Attorney Randall Bentley

I. INVOCATION

City Attorney Randall Bentley led the invocation.

II. PLEDGE OF ALLEGIANCE

Girl Scout Troop 4224, American Heritage Girls, presented the colors and led the Pledge of Allegiance.

Mayor Easterling had each Girl Scout introduce herself to the audience. Mayor Easterling expressed his pride in the troop and thanked them for being there. The Girl Scouts received a round of applause from the Mayor, Council, staff, and audience.

Mayor Easterling also recognized Boy Scout Troop 002 of Legacy Park and had each introduce themselves to the audience. Mayor Easterling expressed his appreciation and thanked them for being there. The Boy Scouts received a round of applause from the Mayor, Council, staff, and audience.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

No items.

V. PRESENTATIONS

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda.]

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:39 PM Floor Open for Public Comments on agenda items

No public comments.

6:40 PM Floor Closed to Public Comments on agenda items

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

No items.

IX. COMMITTEE AND BOARD REPORTS:

No items.

X. PUBLIC HEARING(S)

- A. Consideration of an **ORDINANCE NO. 2019-08, 2019** to amend the Cemetery Preservation Commission's membership requirements. The Cemetery Preservation Commission is amending its membership requirements and updating Chapter 30 "Cemeteries," Article III "Cemetery Preservation Commission," Sections 30-52 "Membership and terms of office" and 30-53 "Prerequisites for members" of the Kennesaw Code Of Ordinances to reflect the amendments. The public hearing was duly advertised in the Marietta Daily Journal on September 20 and September 27, 2019. The Cemetery Preservation Commission recommends approval.

Deputy City Clerk, Lea Addington, presented the Ordinance to amend the Cemetery Preservation Commission's membership requirements. With the changes, certain sections in the Code of Ordinances will be updated, specifically, Ch. 3, Sec. 30-52 and 30-63. The public hearing was duly advertised in the Marietta Daily Journal and the Cemetery Preservation Commission recommends approval.

Motion by Councilmember Eaton to approve the Ordinance as presented, seconded by Councilmember Viars.

6:40 PM Floor Open to Public Comments

No comments.

6:41 PM Floor Closed to Public Comments

Vote taken, approved unanimously, 5-0. Motion carried.

XI. CONSENT AGENDA

- A. Approval of the September 16, 2019 Mayor and City Council meeting minutes.
- B. Approval of Bid and **RESOLUTION NO. 2019-41, 2019** to award contract to Bartow Paving Company, Inc., for resurfacing of various streets approved for the 2019 Local Maintenance & Improvement Grant Program (LMIG). Staff solicited bids from qualified contractors for resurfacing of seven (7) streets of various lengths.

Four companies submitted bids: Bartow Paving - \$558,519.18; Baldwin Paving - \$586,222.37; C. W. Matthews - \$564,200.00; Butch Thompson Enterprises - \$576,719.75. Funding for this project is provided by the Georgia Department of Transportation (GDOT), \$324,072.10, and City funds with a minimum of 30% match. The roads that were bid for resurfacing are:

Lockhart Drive – From Big Shanty Drive to McCollum Parkway
Ellison Lake Drive – From Cobb Parkway to End
Due West Circle – From Kennesaw Due West Rd to End
Cobb International Place – From Cobb International Drive to End
General Schwarzkopf Court – From Highland Ridge to End
Rhett Drive – From Twelve Oaks Circle to Scarlet Lane
Dobbs Drive – From Melody Lane to Cobb Parkway

There is currently a total budget of \$421,293.73 for the project, therefore there is a need to remove one or more of the streets from the list. It is Public Works recommendation to remove Due West Circle, General Schwarzkopf Court and Rhett Drive from the list to remain within budget. The Public Works Director recommends approval of bid and award of contract to Bartow Paving for an amount not to exceed \$421,293.73 and Council approve a Resolution authorizing the Mayor to sign attached contract pending legal review and approval. Funding Line: 100.1050.54.141000.00000 Street Const. & Improve.

- C. The Police Department is requesting authorization to scrap or sell seven Police vehicles. Authorization for 2009 Ford Crown Vic 2FAHP71V59X100410 (142508 miles); 2009 Ford Crown Vic 2FAHP71V79X100411 (128815 miles); 2001 Chevrolet Silverado 1GCEC14W11Z132182 (125524 miles); 2008 Ford Crown Vic 2FAFP71V18X128484 (104061 miles); 2008 Harley Police Cycle 1HD1FHM118Y529251; 2012 Harley Police Cycle 1HD1FHM15CB609516; 2012 Harley Police Cycle 1HD1FHM15CB609564. Police Chief recommends approval. Police Chief recommends approval.

Motion by Councilmember Blinkhorn to approve the Consent Agenda engross, seconded by Mayor Pro Tem Henderson. Vote taken, approved unanimously 5-0. Motion carried.

XII. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

No items.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief

LINDA DAVIS, 911 Communications Director

- A. Receipt of the August 2019 crime statistics.

Police Chief Westenberg presented the August 2019 crime statistics.

Motion by Mayor Pro Tem Henderson to receive the August report, seconded by Councilmember Viars. Vote taken, approved unanimously, 5-0. Motion carried.

Mayor Easterling mentioned how many went to the Cobb Galleria to celebrate Law Enforcement Appreciation month where Officers O'Brien, Burns and Detective Sanchez of the Kennesaw Police Department were recognized. Officer O'Brien was nominated for his work in the community as well as his relief efforts in states that have been hit by natural disasters. Officer Burns and Detective Sanchez were honorees nominated for their involvement in thwarting a burglary in progress where gunfire was exchanged. Officer Burns and Detective Sanchez won the Medal of Valor at this event.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Co-Director

JOSHUA GUERRERO, Co-Director

No items.

XV. PUBLIC WORKS

RICKY STEWART, Director

ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director

STEVE ROBERTS, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

No Items.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:46 PM Floor Open for Public Comments

ANN PRATT (resident): Expressed her thanks to everyone involved with the Inclusive Playground. The groundbreaking for the playground occurred last week and she noticed all department heads were in attendance. She wanted to thank Jeff personally for all the work he has done. She joked ten people had shovels—which was dangerous. Additionally, she said when we finish this project, the City needs to start talking about our senior citizens.

JOE BOZEMAN (property owner): He said sorrowfully that there is a blank spot in our town this week. He did not know how many in attendance knew Mr. Fred Bentley, Sr., but he has known him his entire life. Mr. Bentley, Sr. had great influence in this city. He was an icon in Kennesaw history and we are going to miss him greatly. Mr. Bozeman also mentioned it would be his 75th birthday tomorrow!

6:51 PM Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

Jeff Drobney shared there is an event this Saturday at 4:00 PM at Swift-Cantrell Park called Fall-O-Ween, which will include a showing of Hocus Pocus. He encourages everyone to come out and enjoy the cool, fall weather!

Mayor Easterling also pointed out this Saturday morning you can join him for a bike ride for “Wheel’s Up” over at Aviation Park. There will be two short, group rides along our trail system. Come and get your exercise early in the morning!

XX. MAYOR’S REPORT

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

Mayor Easterling appointed Doug McMichen to fulfill a vacancy on the Keep Kennesaw Beautiful board with a term ending December 2020.

Motion by Mayor Pro Tem Henderson to ratify the above named appointment, seconded by Councilmember Viars. Vote taken, approved unanimously 5-0. Motion carried.

XXI. COUNCIL COMMENTS

Councilmember Blinkhorn always gets excited when there are Scouts of any group in attendance but especially wanted to recognize the parents and their efforts. He knows the children cannot do what they need to do to grow within their organization without them.

Councilmember Eaton wanted to echo what Ms. Pratt said but also wanted to recognize Becky Gaunt who is a freelance writer for the Cobb County Courier. She wrote a wonderful piece about the Inclusive Park and wanted to thank her.

Councilmember Ferris mentioned the days are getting cooler and he put up foil and a scary owl to keep the woodpecker away—it has worked so far!

Councilmember Viars appreciated all the young people in attendance at the meeting. She exclaimed we are looking at all of them to be our next leaders, so stay engaged and stay involved! Happy Birthday, Joe!

Mayor Pro Tem Henderson woke up on Saturday and realized it finally feels like football weather but he still wants a few more weeks of baseball. Go Braves!

XXII. EXECUTIVE SESSION –Land, Legal, Personnel

- A. Pursuant to the provisions of O.C.G.A. §50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or

communications from the City Attorney; and/or personnel matters; and/or real estate matters.

No items.

XXIII. ADJOURN

Mayor Easterling adjourned at 6:55 P.M. The next regularly scheduled meeting will be held Monday, October 21, 2019 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.

Lea Addington, Deputy City Clerk



**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	Receipt of the September 2019 Crime Statistics.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Sept 2019 Crime Stats	10/6/2019	Exhibit



To: Chief Westenberger

Re: September 2019 Crime Stats

	Sept. 2019	Prev. Month + -	YTD	Prev. Year + -
Incidents	1205	-61	10,428	-40
Citations	524	+12	6,033	-848
Warnings*	516	-132	7,575	+1,175
Arrests	39	-7	482	-211
Part 1 Crime	41	-23	395	+63
Homicide	1	+1	1	+1
Rape	0	-3	6	-4
Robbery	0	-2	7	NC
Aggravated Assault	4	+3	23	+2
Larceny	34	-16	308	+71
Burglary	0	-1	19	-16
Auto Theft	2	-5	31	+9
Arson	0	NC	0	NC

*Does not include verbal warnings.

Sincerely,

Wm. Craig Graydon

Lieutenant Craig Graydon
Commander – Criminal Investigations Division





**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	Approve the purchase of an Elgin Crosswind Street Sweeper.
Agenda Comments:	Council approved the purchase of a street sweeper in the FY 20 Budget. The price received is an existing State Bid Contract negotiated through the Georgia Department of Administrative Services (DOAS), State Contract Number 99999-001-SPD0000102-0010 from Environmental Products of Georgia. The price includes all necessary accessories and options the Public Works Department requires to properly utilize the sweeper. The attached quote lists and prices these items. The Public Works Director recommends approval to purchase an Elgin Crosswind Street Sweeper with the additional listed equipment from Environmental Products of Georgia, for the amount of \$263,754.00.
Funding Line(s)	560.4320.54.220000.00000

ATTACHMENTS:

Description	Upload Date	Type
Proposal	10/9/2019	Backup Material
Elgin Price Details	10/16/2019	Backup Material



ENVIRONMENTAL PRODUCTS
GEORGIA

Proposal Summary

Prepared for:

Kennesaw, GA



Elgin Crosswind Street Sweeper

Crosswind Regenerative Air Sweeper with Single Engine Design



ENVIRONMENTAL PRODUCTS GEORGIA

**Kennesaw, GA
October 1, 2019**

Elgin Street Sweeper

Environmental Products of Georgia would like to thank you for the opportunity to present the **Elgin Crosswind Street Sweeper**.

Environmental Products Group is the sole provider of Elgin Street Sweeping Equipment in the State of Georgia, as well as many other leading industry product lines including: Vactor Sewer Cleaners, EnviroSight Pipeline Inspection Cameras, Petersen Grapple Loaders, PB Asphalt Pothole Patchers, Madvac Sweepers and Vacuums, Monroe Spreaders and Plows, and a host of parts, tools and accessories for all your needs.

Environmental Products Group prides itself on our local parts, service, and training capabilities. With multiple full-service locations throughout Florida, Georgia, and Memphis, Tennessee; including Vactor, Elgin, and EnviroSight repair centers, extensive parts inventory, factory-trained technicians, mobile parts and service, rentals, turnkey maintenance packages, leasing options, and much more... we are ready to service your every need.

Thank you for your consideration.

ATLANTA

4410 Wendell Dr SW

Atlanta, GA 30336

P: 404.693.9700

F: 404.693.9690

CORPORATE

2525 Clarcona Rd.

Apopka, FL 32703

P: 407.798.0004

F: 407.798.0013

www.MyEPG.com

The following proposal is based off of Georgia State Contract
#99999-001-SPD0000102-0010

Standard Features

- Single Engine Design
- 8 Cubic Yard Hopper
- Alternator, 95 amp
- Backup Alarm, electric
- Blower, HARDOX®500 steel with Linatex lined housing
- Brooms, hydraulic rotation
- Brooms, Dual
- Camera, rear mounted
- Console, w/rocker switches for all sweep functions, with full gauge package including tachometer, engine hour meter, oil pressure indicator,
- Coolant temperature, voltmeter and fuel level indicator, water level gauge and warning lights for hopper "up", hopper rear door "open" and hopper "full", RPM control, side broom down pressure controls and automotive style blade fuses
- Doors, access fiberglass doors provide easy service and maintenance on, hydraulic and electrical system
- Sweep resume/sweep transport/reverse pick-up
- In-Cab Hopper Dump
- Hopper rear door, hydraulically opened/closed and locked/unlocked with external manual controls.
- Hose, hydrant fill, 16'8" (5080 mm) with coupling
- LED Clearance Lights
- Lights; rear clearance and rear identification
- Manuals, operator and parts
- Mirrors, West Coast type with 12" convex inserts, one each side
- Pick-up head, hydraulically operated,
- 14" outside diameter pressure hose,
- 12-3/4" inside diameter suction hose with quick disconnect on suction side
- Water system; one (1) rocker switch with HI / LOW setting, with manual valves for water control
- Spray nozzles, sixteen (16), seven (7) in the pick-up head, three (3) in the suction nozzle, three (3) at each side broom
- Side Broom Outer Position Stop
- Water tank, molded polyethylene, 240 gallons

- Water pre-filter, hydrant fill hose
Sweeper Painted Standard White
- Red Logo
- 1-Year Parts and Labor Warranty
- Local Training and Delivery

Additional Features

- Memory Sweep
- Vacuum Enhancer In-Cab Control with In-Cab Display
- Right Hand Gutter Broom Tilt with In-Cab Display
- Left Hand Gutter Broom Tilt with In-Cab Display
- Dual Side Broom Lights- LED
- Individual Switches for Water System Control
- Hydraulic Oil Level Gauge with Thermometer
- Right Hand Inspection Door and Step
- Rear Mounted LED Arrow Stick
- Idle Down/No Water
- Front Spray Bar
- Air Restrictor Gauge
- Lifeliner Hopper Liner
- SS Hopper Screens
- Hopper Deluge
- 6" Drain, Rear Door
- Auxiliary Hydraulic Pump

Chassis Summary

- Freightliner M2, 33,000 GVWR
- 10,000 lb. Front Axle, 23,000 lb. Rear Drive Axle
- Cummins L9 260 HP Engine
- Allison 3500 Automatic Transmission
- 12" Convex Mirrors
- Dual Air Ride Fabric High Back Seats with Armrests
- AM/FM/CD Radio, Bluetooth Compatible
- LED/Stop/Turn/Tail Lights
- Heated & Powered Rear View Mirrors
- Maxion Wheels
- 2 ½ lb. Fire Extinguisher
- White Cab

SALE PRICE = \$263,754.00

Please don't hesitate to call with questions, or if you need any additional information. Thank you for your interest and the opportunity to earn your business.

Signature

Date



#99999-001-SPD000012-0010

Environmental Products was awarded the following contracts by the State of Georgia:

Street Sweepers, Vactor Combination Trucks, EnviroSight Sewer Cameras/Camera Trucks/Trailers, PB Asphalt Trucks and supporting accessories.

LIMITED WARRANTY

Each machine manufactured by ELGIN SWEEPER COMPANY ("ESCO" or the "Company") is warranted against defects in material and workmanship for a period of 12 months provided the machine is used in a normal and reasonable manner. This limited warranty is applicable only to the original user-purchaser for a period of twelve (12) months (as measured from the date of delivery to the original user-purchaser) and is not transferable.

During the Limited Warranty Period ESCO will cause to be repaired or replaced, as the Company may elect, any part or parts of such machine that the Company's examination discloses to be defective in material or workmanship. Repairs or replacements are to be made at the selling Elgin distributor's location or at other locations approved by ESCO.

The ESCO Limited Warranty shall not apply to:

1. Major components or trade accessories such as but not limited to, trucks, engines, hydraulic pumps and motors, tires and batteries that have a separate warranty by the original manufacturer;
2. Normal adjustments and maintenance services;
3. Normal wear parts such as but not limited to, brooms, oils, fluids, filters, broom wire, shoe runners, rubber deflectors and suction hoses;
4. Failures resulting from the machine being operated in a manner or for a purpose not recommended by ESCO;
5. Repairs, modifications or alterations without the express written consent of ESCO, which in the Company's sole judgment, have adversely affected the machine's stability, operation or reliability as originally designed and manufactured;
6. Items subject to misuse, negligence, accident or improper maintenance.

NOTE The use in the product of any part other than parts approved by ESCO may invalidate this warranty. ESCO reserves the right to determine, in its sole discretion, if the use of non-approved parts operates to invalidate the warranty. Nothing contained in this warranty shall make ESCO liable for loss, injury, or damage of any kind to any person or entity resulting from any defect or failure in the machine.

TO THE EXTENT LIMITED BY LAW, THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

This warranty is also in lieu of all other obligations or liabilities on the part of ESCO, including but not limited to, liability for incidental and consequential damages on the part of the Company or the seller. ESCO makes no representation that the machine has the capacity to perform any functions other than as contained in the Company's written literature, catalogs or specifications accompanying delivery of the machine. No person or affiliated company representative is authorized to alter the terms of this warranty, to give any other warranties or to assume any other liability on behalf of ESCO in connection with the sale, servicing or repair of any machine manufactured by the Company.

ESCO reserves the right to make design changes or improvements in its products without imposing any obligation upon itself to change or improve previously manufactured products.

ELGIN SWEEPER COMPANY
1300 W. Bartlett Road
Elgin, Illinois 60120



26	DEBRIS MANITENANCE EQUIPMENT INCLUDING SWEEPERS, BLOSERS, ACCESSORIES	51529 Lawn and Grounds Equipment Rol		ELGIN CROSSWIND SWEEPER
CONTRACT#	#99999-001-SPD0000102-0010			

Part #	Item Description	Quantity	Price Each	Price Extended
1112852	CROSSWIND - SINGLE ENGINE SWEEPER : 8.0 cu. Yd. Hopper, right and left side brooms, sweeper is powder coated from powder coatings chart 2003/N with powder coated gray undercarriage and includes the standard features listed below.	1	STD	
STD	Patent-pending Shared Power system	1	STD	
STD	Alternator, 95 amp	1	STD	
STD	Hydraulic Oil Level Guage	1	STD	
STD	Backup Alarm, electric	1	STD	
STD	Blower, HARDOX®500 steel with linatex lined housing	1	STD	
STD	Brooms, hydraulic rotation	1	STD	
STD	Brooms, Dual	1	STD	
STD	Camera, rear mounted	1	STD	
STD	Console, w/rocker switches for all sweep functions, with full gauge package including tachometer, engine hour meter, oil pressure indicator, coolant water level gauge and warning lights for hopper temperature, voltmeter and fuel lever indicator, "up", hopper rear door "open" and hopper "full", with auxiliary pressure controls and automotive style blade fuses engine, RPM control, side broom down.	1	STD	
STD	Doors, access fiberglass doors provide easy service and maintenance on hydraulic and electrical system	1	STD	
STD	Electronic Actuated Throttle, sweep resume/sweep transport/reverse pick-up	1	STD	
STD	Fuel Water Separator on Aux Engine	1	STD	
STD	Hopper rear door, hydraulically opened/closed and locked/unlocked with external manual controls.	1	STD	
STD	LED Clearance Lights	1	STD	
STD	Lights; rear clearance and rear identification	1	STD	
STD	Manuals, operator and parts	1	STD	
STD	Mirrors, West Coast type with 8" convex inserts, one each side	1	STD	
STD	Pick-up head, hydraulically operated, 14" outside diameter pressure hose, 12-3/4" inside diameter suction hose with quick disconnect on suctions side.	1	STD	
STD	Water system; one (1) rocker switch with HI / LOW setting, with manual valves for water control.	1	STD	
STD	Spray nozzles, sixteen (16), seven (7) in the pick-up head, three (3) in the suction nozzle, three (3) at each side broom.	1	STD	
STD	Side Broom Outer Position Stop	1	STD	
STD	Trans Oil Cooler	1	STD	
STD	Vacuum enhancer, external manually operated	1	STD	
STD	Water tank, molded polyethylene, 240 gallons	1	STD	
STD	Paint- Cab and Body- White with Red Elgin logo	1	STD	
STD	Water pre-filter, hydrant fill hose	1	STD	
1032484	25' Water Fill Hose	1	STD	
Training	Local Training and Delivery	1	STD	
	MSRP			\$ 135,051.00
J-42-8YD-DUAL-T4F	DOAS PRICING - Standard Elgin Crosswind (AS DETAILED ABOVE) Price			\$ 130,999.99

Chassis Option Section		Quantity	Price Each	Price Extended
1119154	CURRENT MODEL YEAR FREIGHTLINER M2 DUALIZED (CURRENT EMISSIONS)	1	\$ 106,912.01	\$ 106,912.01
1124757	CURRENT MODEL YEAR AUTOCAR XPERT CHASSIS (CURRENT EMISSIONS)		\$ 124,000.00	\$ -
1124555	CURRENT MODEL YEAR- PETERBILT RIGHT HAND STEER		\$ 127,500.00	\$ -
1124556	CURRENT MODEL YEAR- PETERBILT DUAL STEER		\$ 137,500.00	\$ -
1124546			\$	\$ -
KW370				\$ -
Body Option Section		Quantity	Price Each	Price Extended
Sweeper Components				
1114911	BROOM HOURS WITH IN CAB DISPLAY		\$ 100.00	\$ -
1119215	VACUUM ENHANCER WITH IN CAB CONTROL AND DISPLAY	1	\$ 485.00	\$ 485.00
1111176	RIGHT SIDE BROOM TILT	1	\$ 1,015.00	\$ 1,015.00
1111175	ADD LEFT HAND SIDE BROOM TILT	1	\$ 1,015.00	\$ 1,015.00

1113732	VARIABLE SPEED DUAL SIDEBROOMS		\$	3,320.00	\$	-
1120875	ELGIN SWEEPER EXCLUSIVE SWEEP RESUME FEATURE; Provides in-cab feedback for operator awareness of sidebroom tilt angle, vacuum enhancer percent open/close and one switch sweep resume of sweep functions. Elgin's optional Memory Sweep ® system allows the operator to resume all previous sweep settings, even broom tilt (if so equipped), with one touch control. This feature enhances productivity and reduces fatigue. Memory Sweep incorporates a multi-screen display that indicates system diagnostics as well as optional features such as broom tilt angle, vacuum enhancer position, and broom hours.	1	\$	2,660.00	\$	2,660.00
1112947	DUAL SIDE BROOM SCRUBBING POSITION		\$	1,650.00	\$	-
1119160	CENTERBROOM		\$	4,790.00	\$	-
1120877	AUTO LUBE SWEEPER ONLY		\$	4,290.00	\$	-
1120878	AUTO LUBE SWEEPER & TRUCK		\$	5,790.00	\$	-
	LIGHTING CONTROL				\$	-
1120822	INDIVIDUAL SWITCHES FOR DUAL SIDEBROOM LIGHTS-LED	1	\$	755.00	\$	755.00
1120823	INDIVIDUAL SWITCHES FOR RIGHT HAND SIDEBROOM LIGHT-LED		\$	695.00	\$	-
1120824	INDIVIDUAL SWITCHES FOR DUAL REAR FLOOD LIGHTS-LED		\$	865.00	\$	-
1120825	INDIVIDUAL SWITCHES FOR DUAL SIDEBROOM & REAR FLOOD LTS-LED		\$	1,615.00	\$	-
	LIGHT OPTIONS				\$	-
1121132	WIRE/MOUNT REAR		\$	410.00	\$	-
1121133	WIRE/MOUNT REAR W/GUARD		\$	640.00	\$	-
SPECIAL	WIRE/MOUNT REAR BEACON W/GUARD		\$	640.00	\$	-
SPECIAL	WIRE/MOUNT REAR STROBE W/GUARD		\$	725.00	\$	-
1121098	(2) REAR LED BEACONS (USE W/WANDERING HOSE)		\$	1,435.00	\$	-
1121099	(2) REAR LED BEACONS (USE W/O WANDERING HOSE)		\$	1,435.00	\$	-
SPECIAL	REAR LED ARROWBOARD		\$	2,670.00	\$	-
SPECIAL	REAR BEACON / ARROWBOARD		\$	2,270.00	\$	-
SPECIAL	REAR STROBE / ARROWBOARD		\$	2,250.00	\$	-
1121121	REAR LED BEACON / LED ARROWBOARD		\$	2,950.00	\$	-
SPECIAL	REAR STROBE / LED ARROWBOARD		\$	2,880.00	\$	-
1117011	(2) REAR BUMPER MOUNTED STROBES (MUST SELECT ONE "INDVDUAL SWITCHES WORK LIGHT OPTION")		\$	1,100.00	\$	-
SPECIAL	(2) ALTERNATING FLASHING REAR LIGHTS (MUST SELECT ONE "INDVDUAL SWITCHES WORK LIGHT OPTION")		\$	910.00	\$	-
1121096	REAR LED BEACON / LED ARROWSTICK		\$	2,815.00	\$	-
SPECIAL	REAR STROBE / LED ARROWSTICK		\$	2,565.00	\$	-
SPECIAL	LED ARROWSTICK	1	\$	2,215.00	\$	2,215.00
1121066	(2) REAR LED BEACONS / LED ARROWSTICK (USE W/WANDERING HOSE)		\$	3,720.00	\$	-
1121067	(2) REAR LED BEACONS / LED ARROWSTICK (USE W/O WANDERING HOSE)		\$	3,720.00	\$	-
SPECIAL	(2) REAR STROBES / LED ARROWSTICK (USE W/WANDERING HOSE)		\$	3,210.00	\$	-
SPECIAL	(2) REAR STROBES / LED ARROWSTICK (USE W/O WANDERING HOSE)		\$	3,210.00	\$	-
1120887	REAR LED BEACON		\$	930.00	\$	-
	-----WATER SYSTEM (CHOOSE UP TO ONE)-----				\$	-
1110823	FUNCTIONAL CONTROL OF WATER SYSTEM - dispenses water with the use of the sweeper function rocker switch. Not compatible with Individual control water system. Not compatibale with PM-10 water system.		\$	735.00	\$	-
	OR				\$	-
1113730	INDIVIDUAL SWITCHES FOR WATER SYSTEM CONTROL	1	\$	1,355.00	\$	1,355.00
	HOPPER OPTIONS				\$	-
1119059	IN-CAB HOPPER DUMP	1	\$	825.00	\$	825.00
1085864	RIGHT HAND INSPECTION DOOR		\$	435.00	\$	-
1085882	LEFT HAND INSPECTION DOOR		\$	435.00	\$	-
1085883	RIGHT HAND INSPECTION DOOR & STEP	1	\$	775.00	\$	775.00
1085884	LEFT HAND INSPECTION DOOR & STEP		\$	775.00	\$	-
1085887	6" HOPPER DRAIN	1	\$	810.00	\$	810.00
1071234	STAINLESS STEEL HOPPER SCREENS	1	\$	1,545.00	\$	1,545.00
1101937	STAINLESS STEEL RIGHT HAND INSPECTION DOOR & STEP		\$	795.00	\$	-
1101938	STAINLESS STEEL LEFT HAND INSPECTION DOOR & STEP		\$	795.00	\$	-
1119271	STAINLESS STEEL HOPPER DOOR WITH HOPPER DELUGE		\$	1,020.00	\$	-
1092227	LIFELINER HOPPER SYSTEM W/WARRANTY	1	\$	7,895.00	\$	7,895.00
	PAINT OPTIONS				\$	-
4811018	PAINT SWEEPER YELLOW RAL 1018		\$	515.00	\$	-
4811023	PAINT SWEEPER YELLOW RAL 1023		\$	515.00	\$	-
4811037	PAINT SWEEPER YELLOW RAL 1037		\$	515.00	\$	-
4813020	PAINT SWEEPER TRAFFIC RED RAL 3020		\$	515.00	\$	-
SPECIAL	PAINT SWEEPER OTHER RAL THAN ABOVE		\$	1,265.00	\$	-
SPECIAL	PAINT SWEEPER NON RAL COLOR		\$	3,830.00	\$	-
	SAFETY OPTIONS				\$	-
1048643	SLOW MOVING VEHICLE SIGN		\$	155.00	\$	-

5007219	HYDRAULIC JACK, 5 TON		\$ 265.00	\$ -
9306848	TRIANGLE REFLECTOR FLARES (3)		\$ 80.00	\$ -
1095548	LEFT HAND SIDE CAMERA		\$ 585.00	\$ -
	SWEEPER ENGINE OPTIONS			\$ -
SPECIAL	BATTERY DISCONNECT SWITCH		\$525.00	\$ -
1120793	TURBO II PRECLEANER		\$490.00	\$ -
SPECIAL	AUX ENGINE PRE-CLEANER		\$610.00	\$ -
SPECIAL	1000 WATT BLOCK HEATER		\$450.00	\$ -
6063004	ADDITIONAL IGNITION KEY		\$45.00	\$ -
1121514	AUXILIARY HYDRAULIC PUMP USE WITHOUT IN-CAB HOPPER DUMP POWER] [SHARED		\$1,335.00	\$ -
1121515	AUXILIARY HYDRAULIC PUMP USE WITH IN-CAB HOPPER DUMP POWER] [SHARED	1	\$1,335.00	\$ 1,335.00
	WANDERING HOSE			\$ -
1119217	HYDRAULIC WANDERING HOSE		\$4,750.00	\$ -
1120863	HYDRAULIC WANDERING HOSE (USE W/VARIABLE SPEED)		\$4,750.00	\$ -
1059263	4 FT. ALUMINUM WANDERING HOSE EXTENSION - REAR MOUNT		\$760.00	\$ -
1063656	(2) 4 FT. ALUMINUM WANDERING HOSE EXTENSION REAR MOUNT		\$1,535.00	\$ -
	WATER SYSTEM			\$ -
1032484	25' WATER FILL HOSE (ILO 16' 8")		\$195.00	\$ -
1040094	QUICK DISCONNECT WATER FILL		\$510.00	\$ -
1059209	HOPPER DELUGE	1	\$1,020.00	\$ 1,020.00
1088582	HOPPER WATER NOZZLES		\$565.00	\$ -
1061652	ANTI SIPHON 2-1/2" AIR GAP (NOT COMPATIALBE W/EXTRA WATER TANKS)		\$185.00	\$ -
FS Bar	FRONT SPRAY BAR	1	\$893.00	\$ 893.00
SPECIAL	SPRAY NOZZLES FOR CENTERBROOM		\$525.00	\$ -
1070059	AIR PURGE FOR WATER SYSTEM		\$380.00	\$ -
1120809	LOW PRESSURE WASH DOWN (NOT COMPATIBLE WITH PM 10)		\$1,185.00	\$ -
1122044	HIGH PRESSURE WASHDOWN (USE W/CENTERBROOM)		\$3,975.00	\$ -
1122043	IDLE DOWN/NO WATER	1	\$854.00	\$ 854.00
1100507	AIR RESTRICTOR GUAGE	1	\$390.00	\$ 390.00
	WIRE MOUNTS FOR AFTER MARKET LIGHTS			\$ -
SPECIAL	WIRE/MOUNT REAR		\$400.00	\$ -
1121740	WIRE/MOUNT RIGHT & LEFT REAR (USE W/WANDERING HOSE)		\$955.00	\$ -
1121741	WIRE/MOUNT R&L REAR (USE W/OUT WANDERING HOSE)		\$955.00	\$ -
SPECIAL	WIRE MOUNT R&L REAR BEACON (USE W/WANDERING HOSE)		\$1,255.00	\$ -
SPECIAL	WIRE MOUNT R&L REAR BEACON (USE W/OUT WANDERING HOSE)		\$1,085.00	\$ -
	EXTENDED BODY WARRANTY OPTIONS			\$ -
EW-AIR-NA-2PL	CROSSWIND 2ND YEAR PARTS/LABOR		\$2,630.00	\$ -
EW-AIR-NA-3PL	CROSSWIND 3RD YEAR PARTS/LABOR		\$4,000.00	\$ -
EW-AIR-NA-4PL	CROSSWIND 4TH YEAR PARTS/LABOR		\$6,105.00	\$ -
EW-AIR-NA-5PL	CROSSWIND 5TH YEAR PARTS/LABOR		\$8,315.00	\$ -

Turn Key Maintenance Contracts

3 Year	A 3 YEAR TURN KEY MAINTENANCE OPTION. PLEASE REFER TO DOCUMENTATION FOR DETAILS. PRICING IS PER YEAR.		\$ 12,000.00	\$ -
4 Year	A 4 YEAR TURN KEY MAINTENANCE OPTION. PLEASE REFER TO DOCUMENTATION FOR DETAILS. PRICING IS PER YEAR.		\$ 12,000.00	\$ -
5 Year	A 5 YEAR TURN KEY MAINTENANCE OPTION. PLEASE REFER TO DOCUMENTATION FOR DETAILS. PRICING IS PER YEAR.		\$ 13,200.00	\$ -

Base Body Total	\$ 130,999.99
Chassis Total	\$ 106,912.01
Options Total	\$ 25,842.00
NEW Sales Price	\$ 263,754.00

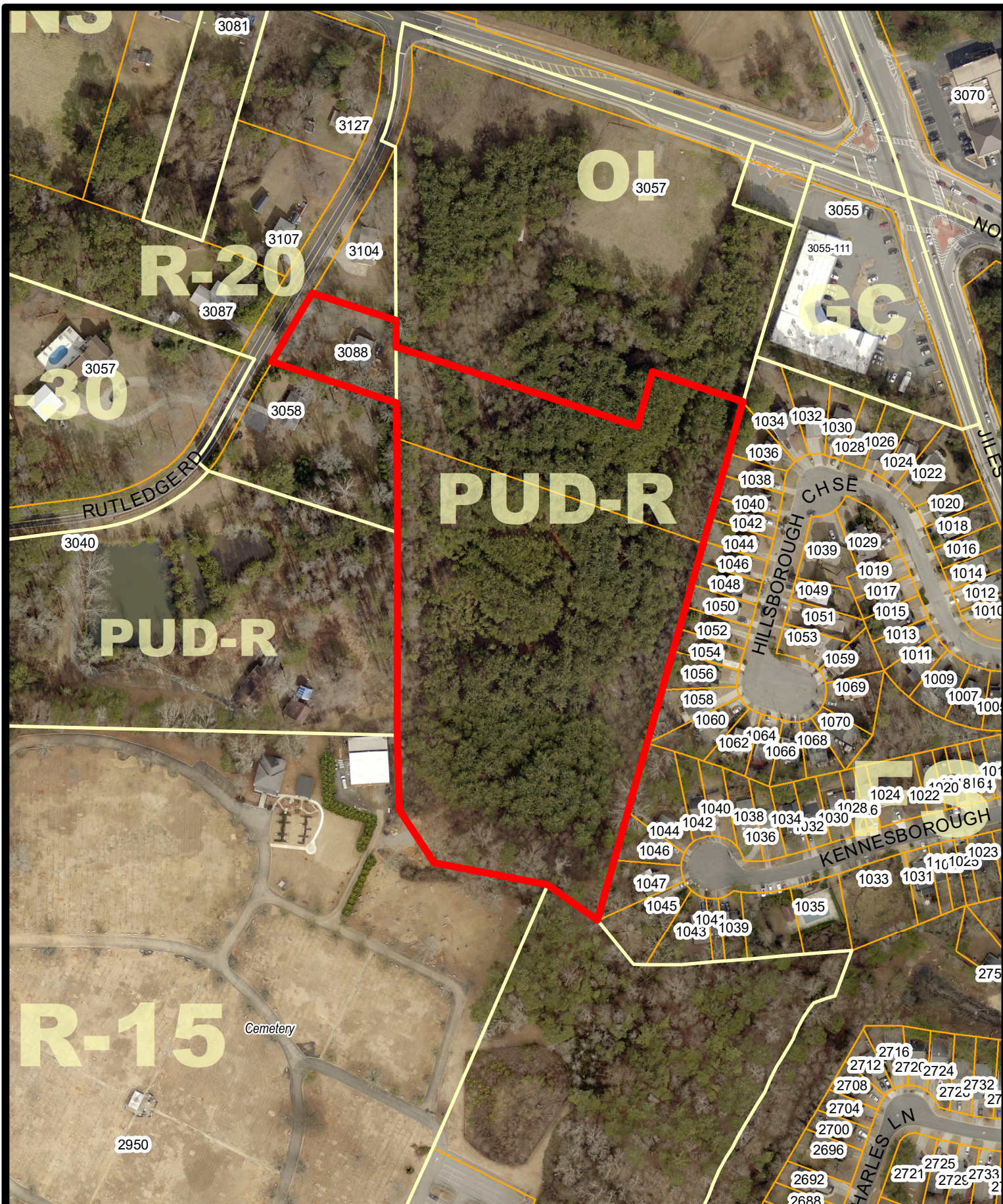


**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	Authorization for approval of a final plat for Cantrell Crossing, submitted by Matthew Coutu represented by Mr. Marvin Kerley for property along Rutledge Road.
Agenda Comments:	Property is located in Land Lot 127 consisting of 8.38+/- acres as proposed. Property was zoned to Planned Unit Development - Residential (PUD-R) under Ordinance 2018-04 with stipulations. This plat is being submitted for development of 70 townhomes. The Plan Review Committee recommends approval of the final plat with date of October 04, 2019.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Aerial Photo - 3088 Rutledge Road	10/9/2019	Backup Material
Final Plat	10/10/2019	Maps
Final Plat Application - Cantrell Crossing - Ruthledge Road	10/7/2019	Backup Material
Lighting document	10/7/2019	Backup Material
Property Tax Info	10/10/2019	Backup Material
2018 Ordinance	10/10/2019	Backup Material
01-1-18 M&C Minutes	10/10/2019	Backup Material



3088 Rutledge Rd & 3057 N Main St

2018 Aerial Photography



CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268

Derek Eastling
MAYOR
Diana Taylor
CITY CLERK

Date: 10/9/2019
File: Aerial.apr



LAND LOT 127 & 140
20TH DISTRICT, 2ND SECTION
CITY OF KENNESAW, GEORGIA

OWNER / DEVELOPER
KERLEY FAMILY HOMES
750 CHASTAIN CORNER
MARIETTA, GA 30066
GENE KERLEY
770-792-5500

DESIGNED BY:
RIDGE PLANNING AND ENGINEERING
1290 KENNESTONE CIRCLE, BLDG. A, SUITE 200
MARIETTA, GA 30066
770-938-9000
CONTACT: JEFF SMITH, P.E.
EMAIL: JEFF@RIDGEPE.COM

TRACKING#: KE1801

CANTRELL CROSSING

FINAL PLAT

DATE	:	10/2/2019
PROJECT NO.	:	109-17
SCALE	:	1" = 40'
DRAWN BY	:	GREG PHILLIPS
CHECKED BY	:	RYAN SCHULTZ
FIELD CREW	:	JONATHAN PONDER
24X36 DWG PATH	:	2017-109-17-09-01\FINAL PLAT
SHEET	:	1 OF 3

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAN HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY THE LAND SURVEYOR'S BOARD OF PROFESSIONAL ENGINEERS, SURVEYORS, STAMPS, OR STATEMENT BEFORE SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFINED WITHIN THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAN AS TO INTENDED USE OF THE CONTAINED MATERIALS. SURVEYS WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS

RYAN M. SCHULTZ, RLS
REGISTERED NUMBER: 1219

TOTAL AREA: 18.38 AC
TOWING: FUD-R
MINIMUM SETBACKS: FRONT = 5'; SIDE = 5'; REAR = 30'
TOTAL NUMBER OF UNITS = 70

HEDGEWAY CIRCLE
LENGTH: 1,619 FEET
RIGHT OF WAY: 50 FEET

HEDGEWAY LANE (PRIVATE ROAD)
LENGTH: 300 FEET
30' AE/UE

HEDGEWAY COURT (PRIVATE ROAD)
LENGTH: 200 FEET

[illegible]DATE _____
FOR OR DULY AUTHORIZED AGENT _____

IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE"; AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL ENGINEERING REQUIREMENTS OF THE KENNESAW SUBDIVISION REGULATIONS HAVE BEEN FULLY COMPLIED WITH.

DATE _____

T, RLS REGISTERED NUMBER: 3219 DATE

PURSUANT TO THE LAND SUBDIVISION SECTIONS OF THIS UDC OF THE CITY OF KENNESAW, GEORGIA, ALL THE REQUIREMENTS OF APPROVAL HAVING BEEN FULFILLED, THIS FINAL PLAT WAS GIVEN FINAL APPROVAL BY THE MAYOR AND COUNCIL OF KENNESAW, GEORGIA.

DATE	MAJOR KENNESAW GEORGIA
------	------------------------

THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENT(S) DATED _____ WHICH HEREBY BECOMES A PART OF THIS PLAT.* RECORDED IN DEED BOOK _____ PAGE _____ COBB COUNTY DEED _____

THIS PLAT IS APPROVED WITH THE UNDERSTANDING THAT EASEMENT IS GRANTED TO THE CITY OF KENNESAW ALONG ALL ROAD FRONTAGE FOR THE PURPOSE OF SLOPING CUTS AND FILLS AS FOLLOWS.

THIS PLAT HAS BEEN SUBMITTED TO KENNESAW AND HAVING BEEN FOUND TO COMPLY WITH THE KENNESAW DEVELOPMENT STANDARDS AND THE KENNESAW ZONING ORDINANCE IS APPROVED SUBJECT TO THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS, AND OTHER IMPROVEMENTS "AS APPLICABLE" IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS AND THE DETING OF A ONE YEAR MAINTENANCE BOND.

BUILDING SERVICES DEPARTMENT

CITY ENGINEER	DATE
---------------	------

THIS PLAN, HAVING BEEN SUBMITTED TO COBB COUNTY AND HAVING BEEN FOUND TO COMPLY WITH COBB COUNTY DEVELOPMENT STANDARDS, IS APPROVED SUBJECT TO THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS, AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS AND THE POSTING OF A ONE-YEAR MAINTENANCE

COBB COUNTY WATER SYSTEM	DATE
--------------------------	------

NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED WITHIN TEN (10') FEET OF THE EDGE OF PERMANENT WATER OR SANITARY EASEMENTS ON FRONT OR REAR SETBACKS, OR WITHIN TWO (2') FEET ON SIDE SETBACKS, PER COBB COUNTY CODE 122-12.3.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD
PLAIN AND IS IN ZONE X; ACCORDING TO F.E.M.A. (F.L.A.)
COMMUNITY NUMBER #150053, 150052, 150054, MAP NUMBER
15067 G 0019 G DATED DECEMBER 16, 2008

EQUIPMENT USED:
SPECTRA PRECISION, FOCUS 30 TOTAL STATION
FIELD SURVEY COMPLETED: JUNE 21, 2018

DATUM:
HORIZONTAL: STATE PLANE GRID(NAD83-CALIF)
VERTICAL: NAVD 83 ALL DISTANCES SHOWN ARE ON THE

CERTIFICATION: THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICE AND IS NON-TRANSFERABLE.

THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTED (OCGA) 15-6-67, IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.



Community Development
Planning & Zoning Department
2529 J. O. Stephenson Avenue
770-590-8268

Date Received 10.7.19
Staff's Initials dlw

PRELIMINARY, FINAL AND REVISE PLAT APPLICATION
Required Fee \$250.00

Preliminary Plat _____ Final Plat _____ X Revised Plat _____ Parcel Combination _____ Parcel Split _____

Is this property located within the Kennesaw Historic District (yes) _____ (no) (no) Not Located in Historic District

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND PLAN REVIEW STAFF PRIOR TO THE SUBMISSION OF THE APPLICATION IS MANDATORY.

DEVELOPMENT NAME Cantrell Crossing Number of Units 70

PURPOSE OF DEVELOPMENT Fee Simple Residential

WHAT IS THE REVISION BEING MADE N/A

ADDRESS OF PROPERTY 3088 Rutledge Rd Kennesaw, GA 30144

Parcel ID Tax Parcels 2, 230, & 9 Lot Size 8.38ac Present Zoning PUD-R

Current Use Previously Raw Land Proposed Use 70 Fee Simple Residential Units

APPLICANT Matthew Coutu

Applicant address 750 Chastain Corner Marietta, GA 30066

(Phone #) 404-969-9372 Email Address mcoutu@woodlandam.com

Applicant Signature [Signature]

Signed, sealed and delivered in presence of: [Signature]

Notary

Date



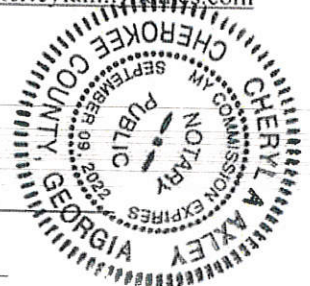
REPRESENTATIVE Mr. Marvin Kerley (Phone #) 770-792-5500 Email Address gkerley@kerleyfamilyhomes.com

Representative Signature [Signature]

Signed, sealed and delivered in presence of: [Signature]

Notary

Date



TITLEHOLDER _____ (Phone #) _____

Titleholder Signature _____ Address 5718 Westheimer Suite; 1450 Houston, TX 77057

Signed, sealed and delivered in presence of Notary _____ Date _____



Community Development
Planning & Zoning Department
2529 J. O. Stephenson Avenue
770-590-8268

CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

A separate form must be completed by each applicant

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application? _

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

No Campaign Contribution Made

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

Zero (\$0)

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 2nd day of October, 2019

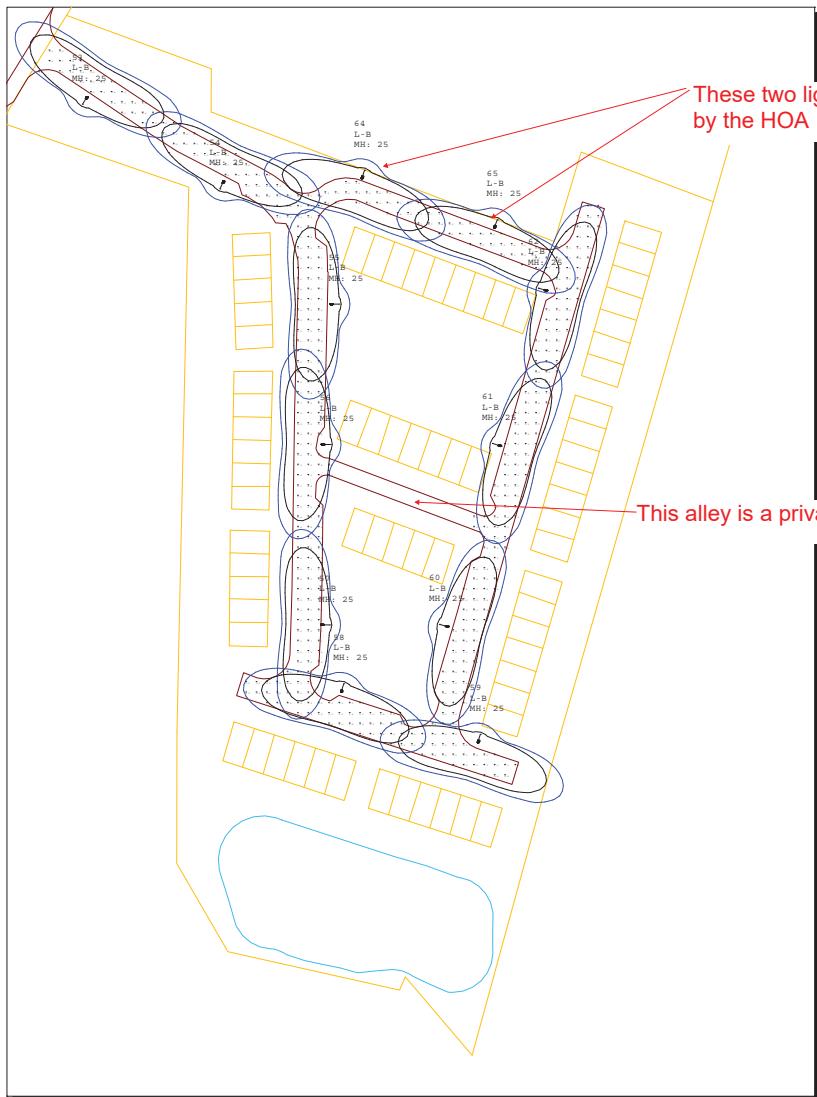


Applicants Signature

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Cantrell Crossing



Horizontal Calculation Grid with no Obstructions Tyler Roper 9/27/19
Scale: 1 inch= 60 Ft.


Cost Proposal

Cost to be paid before Construction: \$7,560.00
(12) 30' Black Fiberglass Poles at \$630.00 each

Monthly Lighting Rate: \$108.36
(12) LED Roadway Lights at \$9.03 each



Calculation Summary					
Label	CalcType	Units	Avg	Max	Min
Parking Lot	Illuminance	Fc	0.86	2.7	0.1
Parking Lot_1	Illuminance	Fc	1.20	2.6	0.5

Luminaire Schedule					
Symbol	Qty	Label	Arrangement	LLF	Description
	12	L-B	SINGLE	0.912	Phillips RW LED 72W T2



Important Notes About Cobb EMC Lighting:

Predicted Lighting Levels:

Cobb EMC strives to meet IESNA (Illuminating Engineering Society of North America) recommended lighting levels for parking & roadway areas on new large commercial exterior lighting projects. Deviations in the actual installation, lighted area geometry, and the distribution of obstructions within the space could result in practical results which differ from predicted values. Also, normal variations of supply voltage, wind-impact, sagging, and hardware malfunctions will affect results. If we are requested to install lighting that we feel is below IESNA recommendations, we will require that the developer/owner sign an LED waiver prior to installation of the lighting system.

Availability/Accessibility:

Cobb EMC lighting is available throughout the Corporation's service territory, where lines of adequate capacity exist. We install standard standard fixtures, and poles conforming to the Corporation specifications. Control for our lighting is provided by means of photocells, which provide "dark to dawn" lighting. Cobb EMC maintains ownership of the lighting installations we install. Maintenance will be provided for Cobb EMC owned lighting systems at accessible locations only.

Costs:

Cost proposal information given for exterior site lighting is applicable for new projects, prior to the installation of power water, curbing, paving, and other facilities. Additional costs will apply if we are requested to install lights after the facilities are installed.

County/City Ordinances:

County/City approval for site lighting plans, where required, will be the responsibility of the developer/owner.



COBB COUNTY TAX BILL 2019

Pay online at www.cobbtax.org or 1-866-729-2622
See the back of this bill for more payment information

CARLA JACKSON
TAX COMMISSIONER

HEATHER WALKER
CHIEF DEPUTY

Phone: 770-528-8600
Fax: 770-528-8679



KFH CANTRELL CROSSING LLC

3088 RUTLEDGE RD

PAYMENT DUE DATE: October 15, 2019

Pay Online

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Parcel ID	Fair Market Value	Assessed Value	Acreage	Tax District	Homestead Exemption				
20012700090	84,000	33,600	0.40	3 - City of Kennesaw	NONE				
Taxing Authority	Assessed Value	-	Exemption	=	Net Assessment	x	Millage Rate	=	Taxes Due
STATE	33,600	-	0	=	33,600	x	0	=	\$0.00

The Governor and General Assembly passed a tax relief, lowering your state property taxes each year until they are eliminated.

SCHOOL	33,600	-	0	=	33,600	x	0.0189	=	\$635.04
---------------	--------	---	---	---	--------	---	--------	---	----------

Levied by the Cobb County Board of Education representing approximately 62.27% of your taxes due.

COUNTY

Levied by the Board of Commissioners representing approximately 37.73% of your taxes due.

County General	33,600	-	0	=	33,600	x	0.00846	=	\$284.26
County Bond	33,600	-	0	=	33,600	x	0.00013	=	\$4.37
County Fire	33,600	-	0	=	33,600	x	0.00286	=	\$96.10

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due
2019	20012700090	10/15/2019	Pay: N/A or	\$1,019.77

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due	Amount Enclosed
2019	20012700090	10/15/2019	N/A or	\$1,019.77	

Late fees apply after
October 15, 2019

IS YOUR INFORMATION UP TO DATE?

☐

My mailing address
has changed.

☐

I want to remove
homestead
exemptions.

Date Moved:

New Mailing Address:

Signature : _____

2019 COBB COUNTY TAX BILL

Internal Use

KFH CANTRELL CROSSING LLC

or Current Property Owner
750 CHASTAIN COR

MARIETTA, GA 30066





COBB COUNTY TAX BILL 2019

Pay online at www.cobbtax.org or 1-866-729-2622
See the back of this bill for more payment information

CARLA JACKSON
TAX COMMISSIONER

HEATHER WALKER
CHIEF DEPUTY

Phone: 770-528-8600
Fax: 770-528-8679



KFH CANTRELL CROSSING LLC

3057 N MAIN ST

PAYMENT DUE DATE: October 15, 2019

Pay Online

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Parcel ID	Fair Market Value	Assessed Value	Acreage	Tax District	Homestead Exemption				
20012700020	1,230,600	492,240	5.86	3 - City of Kennesaw	NONE				
Taxing Authority	Assessed Value	-	Exemption	=	Net Assessment	x	Millage Rate	=	Taxes Due
STATE	492,240	-	0	=	492,240	x	0	=	\$0.00

The Governor and General Assembly passed a tax relief, lowering your state property taxes each year until they are eliminated.

SCHOOL	492,240	-	0	=	492,240	x	0.0189	=	\$9,303.34
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Levied by the Cobb County Board of Education representing approximately 62.27% of your taxes due.

COUNTY

Levied by the Board of Commissioners representing approximately 37.73% of your taxes due.

County General	492,240	-	0	=	492,240	x	0.00846	=	\$4,164.35
County Bond	492,240	-	0	=	492,240	x	0.00013	=	\$63.99
County Fire	492,240	-	0	=	492,240	x	0.00286	=	\$1,407.81

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due
2019	20012700020	10/15/2019	Pay: N/A	or \$14,939.49

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due	Amount Enclosed
2019	20012700020	10/15/2019	N/A	or \$14,939.49	

Late fees apply after
October 15, 2019

2019 COBB COUNTY TAX BILL

Internal Use

KFH CANTRELL CROSSING LLC

or Current Property Owner
750 CHASTAIN COR

MARIETTA, GA 30066



IS YOUR INFORMATION UP TO DATE?

☐

My mailing address
has changed.

☐

I want to remove
homestead
exemptions.

Date Moved:

New Mailing Address:

Signature :



COBB COUNTY TAX BILL 2019

Pay online at www.cobbtax.org or 1-866-729-2622
See the back of this bill for more payment information

CARLA JACKSON
TAX COMMISSIONER

HEATHER WALKER
CHIEF DEPUTY

Phone: 770-528-8600
Fax: 770-528-8679



KFH CANTRELL CROSSING LLC

3057 N MAIN ST

PAYMENT DUE DATE: October 15, 2019

Pay Online

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Parcel ID	Fair Market Value	Assessed Value	Acreage	Tax District	Homestead Exemption				
20012702310	434,700	173,880	2.07	3 - City of Kennesaw	NONE				
Taxing Authority	Assessed Value	-	Exemption	=	Net Assessment	x	Millage Rate	=	Taxes Due
STATE	173,880	-	0	=	173,880	x	0	=	\$0.00

The Governor and General Assembly passed a tax relief, lowering your state property taxes each year until they are eliminated.

SCHOOL	173,880	-	0	=	173,880	x	0.0189	=	\$3,286.33
--------	---------	---	---	---	---------	---	--------	---	------------

Levied by the Cobb County Board of Education representing approximately 62.27% of your taxes due.

COUNTY

Levied by the Board of Commissioners representing approximately 37.73% of your taxes due.

County General	173,880	-	0	=	173,880	x	0.00846	=	\$1,471.02
County Bond	173,880	-	0	=	173,880	x	0.00013	=	\$22.60
County Fire	173,880	-	0	=	173,880	x	0.00286	=	\$497.30

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due
2019	20012702310	10/15/2019	Pay: N/A or	\$5,277.25

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due	Amount Enclosed
2019	20012702310	10/15/2019	N/A or	\$5,277.25	

Late fees apply after
October 15, 2019

IS YOUR INFORMATION UP TO DATE?

☐

My mailing address
has changed.

☐

I want to remove
homestead
exemptions.

Date Moved:

New Mailing Address:

Signature :

2019 COBB COUNTY TAX BILL

Internal Use

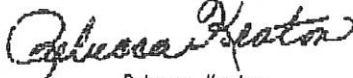
KFH CANTRELL CROSSING LLC

or Current Property Owner
750 CHASTAIN COR

MARIETTA, GA 30066



Deed Book 15570 Pg 3800
Filed and Recorded Sep-11-2018 04:16PM
2018-0118037
Real Estate Transfer Tax \$1,750.00
0332018023559


Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

Record and Return to:
Weissman PC
5909 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30328

File No.: CM104-18-0016

5/18

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE, made this 29th day of August, 2018, between Rutledge Road Investment Partners, LLC, a Georgia limited liability company, as party or parties of the first part, hereinafter called Grantor, and KFH Cantrell Crossing, LLC, a Georgia limited liability company (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee

See Exhibit "A" attached hereto.

This Deed is given subject to all easements and restrictions of record and Permitted Exceptions listed in Exhibit "B" attached hereto

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through and the above named grantor

Deed (Warranty)

CM104-18-0016

Deed Book 15570 Pg 3801

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, on the date and year above written

Signed, sealed and delivered
in the presence of

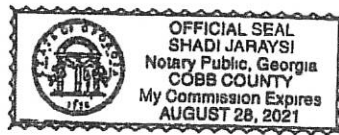
Will [Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires 8/28/21

Rutledge Road Investment Partners, LLC,
a Georgia limited liability company

BY [Signature]
Jeffrey M Smith
Manager



Deed (Warranty)

CM104-18-0016

Deed Book 15570 Pg 3802

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 127 AND 140, 20th DISTRICT, 2nd SECTION, CITY OF KENNESAW, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF NORTH MAIN STREET HAVING A 50' RIGHT OF WAY AND THE EASTERLY RIGHT OF WAY OF RUTLEDGE ROAD HAVING A 50' RIGHT OF WAY, THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF RUTLEDGE ROAD IN SOUTHWESTERLY DIRECTION A DISTANCE OF 426 89 FEET TO A 1"OTP SAID 1"OTP BEING THE TRUE POINT OF BEGINNING,

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED LEAVING THE SAID RIGHT OF WAY OF RUTLEDGE ROAD SOUTH 73 DEGREES 40 MINUTES 49 SECONDS EAST A DISTANCE OF 137 68 FEET TO A 1" OTP, THENCE SOUTH 00 DEGREES 20 MINUTES 21 SECONDS EAST A DISTANCE OF 44 55 FEET TO A POINT, THENCE SOUTH 71 DEGREES 44 MINUTES 30 SECONDS EAST A DISTANCE OF 393 71 FEET TO A POINT, THENCE NORTH 86 DEGREES 04 MINUTES 39 SECONDS EAST A DISTANCE OF 11 33 FEET TO A POINT, THENCE NORTH 15 DEGREES 42 MINUTES 26 SECONDS EAST A DISTANCE OF 85 81 FEET TO A POINT, THENCE SOUTH 71 DEGREES 44 MINUTES 30 SECONDS EAST A DISTANCE OF 153 04 FEET TO A POINT, THENCE SOUTH 16 DEGREES 00 MINUTES 38 SECONDS WEST A DISTANCE OF 235 56 FEET TO A POINT, THENCE SOUTH 16 DEGREES 00 MINUTES 38 SECONDS WEST A DISTANCE OF 326 60 FEET TO A 1/2" REBAR, THENCE SOUTH 15 DEGREES 59 MINUTES 12 SECONDS WEST A DISTANCE OF 290 63 FEET TO A 1/2" REBAR, THENCE NORTH 54 DEGREES 18 MINUTES 09 SECONDS WEST A DISTANCE OF 96 88 FEET TO A 1/2" REBAR, THENCE NORTH 79 DEGREES 08 MINUTES 24 SECONDS WEST A DISTANCE OF 183 03 FEET TO A POINT, THENCE NORTH 33 DEGREES 30 MINUTES 44 SECONDS WEST A DISTANCE OF 100 73 FEET TO A POINT; THENCE NORTH 01 DEGREES 20 MINUTES 44 SECONDS WEST A DISTANCE OF 128 01 FEET TO A 1/2" REBAR, THENCE NORTH 00 DEGREES 05 MINUTES 13 SECONDS EAST A DISTANCE OF 317 65 FEET TO A 1" OTP-DISTURBED, THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 139 47 FEET TO A POINT, THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 68 34 FEET TO A 1" OTP, THENCE NORTH 74 DEGREES 04 MINUTES 36 SECONDS WEST A DISTANCE OF 204 67 FEET TO A 45"REBAR ON THE SAID RIGHT OF WAY OF RUTLEDGE ROAD, THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF RUTLEDGE ROAD NORTH 31 DEGREES 03 MINUTES 05 SECONDS EAST A DISTANCE OF 123 98 FEET TO A 1"OTP, SAID 1"OTP BEING THE TRUE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINS 8 403 ACRES MORE OR LESS

Deed (Limited Warranty)

CM104-18-0016

Deed Book 15570 Pg 3803

SCHEDULE B**Permitted Exceptions**

- 1 All taxes for the year 2019 and subsequent years, not yet due and payable
- 2 All matters shown on survey recorded in Plat Book 6, Page 84, Cobb County, Georgia records
- 3 Right of Way Deed from J L Jiles to State Highway Department of Georgia, dated August 29, 1925, filed for record June 9, 1926, recorded in Deed Book 87, Page 489, aforesaid records
- 4 Right of Way Deed from W N Jiles, et al to Cobb County, dated August 15, 1966, filed for record August 15, 1966, recorded in Deed Book 929, Page 444, aforesaid records
- 5 Right of Way Deed from Mrs Clarence C Jensen, et al to Cobb County, dated August 5, 1966, filed for record October 13, 1966, recorded in Deed Book 940, Page 102, aforesaid records
- 6 Right of Way Deed from W N Jiles to State Highway Department of Georgia, dated November 16, 1966, filed for record December 22, 1966, recorded in Deed Book 951, Page 113, aforesaid records
- 7 Easement Agreement by and between Christ Community Church of Cobb County PCA, Inc and The Jiles Development Partnership, dated August 1, 2008, filed for record November 25, 2008, recorded in Deed Book 14651, Page 1802, aforesaid records
- 8 Right of Way Deed from Christ Community Church of Cobb County PCA, Inc to Cobb County, dated June 21, 2011, filed for record July 25, 2011, recorded in Deed Book 14867, Page 1177, aforesaid records
- 9 Driveway Easement from Christ Community Church of Cobb County PCA, Inc to Cobb County Department of Transportation, dated June 21, 2011, filed for record July 25, 2011, recorded in Deed Book 14867, Page 1184, aforesaid records
- 10 Right of Way Deed from Christ Community Church of Cobb County PCA, Inc to City of Kennesaw, dated June 12, 2014, filed for record June 18, 2014, recorded in Deed Book 15164, Page 1773, aforesaid records
- 11 Affidavit Regarding Road, dated June 19, 2008, filed for record August 4, 2008, recorded in Deed Book 14628, Page 5739, aforesaid records
- 12 Affidavit Regarding Road, dated July 10, 2008, filed for record August 4, 2008, recorded in Deed Book 14628, Page 5741, aforesaid records
- 13 Drainage Easement by and between Christ Community Church of Cobb County PCA, LLC and Rutledge Road Investment Partners, LLC, dated ____ 2018, filed of record ____ 2018, recorded in Deed Book ___, Page ___, aforesaid records
- 14 Temporary Construction Easement by and between Christ Community Church of Cobb County PCA, LLC and Rutledge Road Investment Partners, LLC, dated ____ 2018, filed of record ____ 2018, recorded in Deed Book ___, Page ___, aforesaid records
- 15 Sanitary Sewer Easement Agreement by and between Christ Community Church of Cobb County PCA, LLC and Rutledge Road Investment Partners, LLC, dated ____ 2018, filed of record ____ 2018, recorded in Deed Book ___, Page ___, aforesaid records
- 16 Grant of Easement by and between Christ Community Church of Cobb County PCA, Inc and Cobb County, a political subdivision of the State of Georgia, dated June 18, 2018, filed for record August 9, 2018 at 1 45 p m, recorded in Deed Book 15562, Page 1757, aforesaid records

Schedule B (Permitted Exceptions)

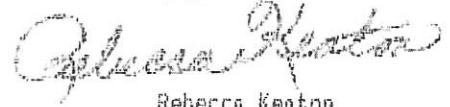
CM104-18-0016

SCHEDULE B - PART II
(Continued)

Deed Book **15570** Ps **3804**
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

- 17 The result and process of the right-of-way abandonment of Arnold Road, as so know as Giles Road, Kennesaw, GA by the City of Kennesaw or any necessary municipality
- 18 All matters revealed by survey prepared for First Continental Investment Co , Ltd and Kerley Family Homes by Northpoint Land Surveying, Ryan M Schuldt, GRLS #3219, dated 6/20/2018, Project No 009-13

ALTA Commitment 6/17/2006 - Georgia Modified - Schedule BII


Rebecca Keaton

Space Above This Line For Recorder's Use ~~Clerk of Superior Court Cobb Cty., Ga.~~

After recording, please return to
Bentley, Bentley & Bentley
241 Washington Ave.
Marietta, Georgia 30060

QUIT-CLAIM DEED

GEORGIA, COBB COUNTY

THIS CONVEYANCE is made this 12th day of June, 2019, by **CITY OF KENNESAW, GEORGIA** (hereinafter referred to as "Grantor") to **KFH CANTRELL CROSSING, LLC** (hereinafter referred to as "Grantee").

WITNESSETH that Grantee is the owner of a tract of land in COBB COUNTY which is adjacent to certain right of way that the City of Kennesaw determined was no longer necessary and undertook to abandon in accordance with applicable Georgia law. The City of Kennesaw, a municipal corporation of the State of Georgia, and also in accordance with applicable Georgia law, offered the right of way for sale to the Grantee, which accepted the same.

WHEREAS, Grantor consequently desires to convey to Grantee the property particularly described on Exhibit "A" attached hereto and made a part hereto by this reference, including any and all improvements located within and upon said property;

NOW, THEREFORE, in consideration of TEN DOLLARS (\$10.00), in hand paid, the receipt whereof is hereby acknowledged, Grantor does hereby grant, quit-claim, sell and convey to said Grantee, its successors and assigns certain right of way abandoned by Grantor and being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 127 of the 20th District of Cobb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereto by this reference. Said right of way hereby conveyed consists of 0.028 acres, more or less, as shown on the plat of the property, which plat is attached hereto as Exhibit "B" and made a part hereof by reference.

TO HAVE AND TO HOLD the said conveyed premises in fee simple and any rights Grantor has or may have in and to the rights of way are hereby quitclaimed and conveyed unto

Arnold Road / City of Kennesaw

20012700090

Page 1 of 4

the Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said property or equity or its appurtenances in same.

IN WITNESSETH WHEREOF, Grantor has hereunto set his hand and seal the day above written.

Signed, sealed and delivered
in the presence of:

Gene L. Whitmore
Unofficial Witness

Lea Addicks
Notary Public
My Commission expires:

[NOTARY SEAL]



CITY OF KENNESAW, GEORGIA

Chuck Kostelny
Mayor, Kennesaw

Debra Taylor
City Clerk, Kennesaw

(AFFIX SEAL)



EXHIBIT "A"

RIGHT OF ABANDONMENT
KFH CANTRELL CROSSING LLC
(PIN: 20012700090)

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 127, 20TH DISTRICT, 2ND SECTION, CITY OF KENNESAW, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" REBAR AT THE WESTERLY RIGHT OF WAY LINE OF ARNOLD ROAD (A.K.A. GILES ROAD) HAVING A POSSIBLE 20' RIGHT OF WAY AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF RUTLEDGE ROAD HAVING A 50' RIGHT OF WAY LINE; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF ARNOLD ROAD SOUTH 00 DEGREES 09 MINUTES 26 SECONDS EAST A DISTANCE OF 268.29 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED LEAVING THE SAID RIGHT OF WAY OF ARNOLD ROAD THENCE SOUTH 73 DEGREES 40 MINUTES 49 SECONDS EAST A DISTANCE OF 10.44 FEET TO A POINT; THENCE SOUTH 00 DEGREES 20 MINUTES 21 SECONDS EAST A DISTANCE OF 120.64 FEET TO A POINT; THENCE SOUTH 00 DEGREES 26 MINUTES 54 SECONDS EAST A DISTANCE OF 2.85 FEET TO A POINT; THENCE NORTH 74 DEGREES 04 MINUTES 36 SECONDS WEST A DISTANCE OF 10.42 FEET TO A POINT ON THE SAID RIGHT OF WAY OF ARNOLD ROAD; THENCE NORTH 00 DEGREES 20 MINUTES 21 SECONDS WEST A DISTANCE OF 123.56 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING.

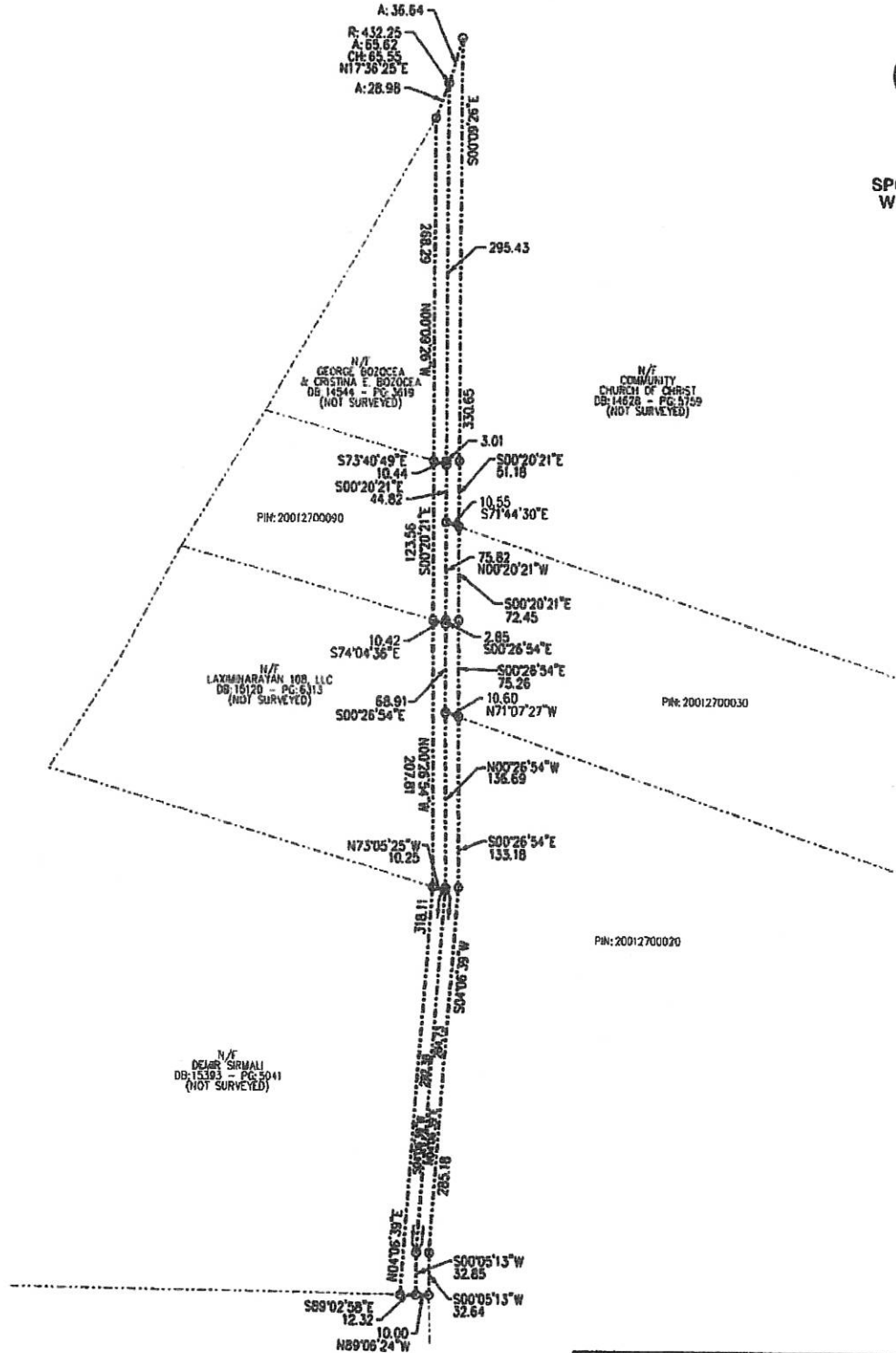
SAID TRACT OF LAND CONTAINS 0.028 ACRES (1,236 SQUARE FEET) MORE OR LESS.

Exhibit B



SPC Georgia
West Zone

Deed Book 15643 Pg 1483
REDECCA, KATHON
Clerk of Superior Court Cobb Co., Ga.



Arnold Road
Abandonment
City of Kennesaw
20012700090
Page 4 of 4

DATE	: 3/1/2019	REVISIONS
SCALE	: 1" = 80'	
DRAWN BY	:	
CHECKED BY	:	
FIELD CREW	:	



**NORTH POINT
LAND SURVEYING**
821 WYNLUCK DRIVE
KENNESAW, GEORGIA 30152
PHONE: (770) 315-5129
EMAIL: RS@NPLandSurveying.com
www.NPLandSurveying.com

Deed Book 15643 Pg 1476
Filed and Recorded Jul-02-2019 03:15pm
2019-0075541
Real Estate Transfer Tax \$2.80
0332019015967

Space Above This Line For Recorder's Use

Rebecca Kanton
Clerk of Superior Court Cobb Cty. Ga.

After recording, please return to
Bentley, Bentley & Bentley
241 Washington Ave.
Marietta, Georgia 30060

QUIT-CLAIM DEED

GEORGIA, COBB COUNTY

THIS CONVEYANCE is made this 12th day of June, 2019, by **CITY OF KENNESAW, GEORGIA** (hereinafter referred to as "Grantor") to **KFH CANTRELL CROSSING, LLC** (hereinafter referred to as "Grantee").

WITNESSETH that Grantee is the owner of a tract of land in COBB COUNTY which is adjacent to certain right of way that the City of Kennesaw determined was no longer necessary and undertook to abandon in accordance with applicable Georgia law. The City of Kennesaw, a municipal corporation of the State of Georgia, and also in accordance with applicable Georgia law, offered the right of way for sale to the Grantee, which accepted the same.

WHEREAS, Grantor consequently desires to convey to Grantee the property particularly described on Exhibit "A" attached hereto and made a part hereto by this reference, including any and all improvements located within and upon said property;

NOW, THEREFORE, in consideration of TEN DOLLARS (\$10.00), in hand paid, the receipt whereof is hereby acknowledged, Grantor does hereby grant, quit-claim, sell and convey to said Grantee, its successors and assigns certain right of way abandoned by Grantor and being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 127 of the 20th District of Cobb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereto by this reference. Said right of way hereby conveyed consists of 0.034 acres, more or less, as shown on the plat of the property, which plat is attached hereto as Exhibit "B" and made a part hereof by reference.

TO HAVE AND TO HOLD the said conveyed premises in fee simple and any rights Grantor has or may have in and to the rights of way are hereby quitclaimed and conveyed unto

Arnold Road / City of Kennesaw
20012700230

the Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said property or equity or its appurtenances in same.

IN WITNESSETH WHEREOF, Grantor has hereunto set his hand and seal the day above written.

Signed, sealed and delivered
in the presence of:

Dene L. Whitmore
Unofficial Witness

Lea Addington
Notary Public
My Commission expires:

[NOTARY SEAL]



CITY OF KENNESAW, GEORGIA

Chuck Kestel
Mayor, Kennesaw

Drew Taylor
City Clerk, Kennesaw

(AFFIX SEAL)

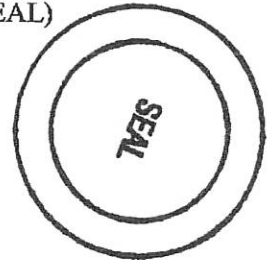


EXHIBIT "A"

**RIGHT OF WAY ABANDONMENT
KFH CANTRELL CROSSING LLC
(PIN: 20012700230)**

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 127, 20TH DISTRICT, 2ND SECTION, CITY OF KENNESAW, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE EASTERLY RIGHT OF WAY LINE OF ARNOLD ROAD (A.K.A. GILES ROAD) HAVING A POSSIBLE 20' RIGHT OF WAY AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF RUTLEDGE ROAD HAVING A 50' RIGHT OF WAY LINE; THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUING ALONG THE SAID RIGHT OF WAY LINE OF ARNOLD ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 00 DEGREES 09 MINUTES 26 SECONDS EAST A DISTANCE OF 330.65 FEET TO A POINT; SOUTH 00 DEGREES 20 MINUTES 21 SECONDS EAST A DISTANCE OF 51.18 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUING ALONG THE SAID RIGHT OF WAY OF ARNOLD ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 00 DEGREES 20 MINUTES 21 SECONDS EAST A DISTANCE OF 72.45 FEET TO A POINT; SOUTH 00 DEGREES 26 MINUTES 54 SECONDS EAST A DISTANCE OF 75.26 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT OF WAY OF ARNOLD ROAD NORTH 71 DEGREES 07 MINUTES 27 SECONDS WEST A DISTANCE OF 10.60 FEET TO A POINT; THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 71.76 FEET TO A POINT; THENCE NORTH 00 DEGREES 20 MINUTES 21 SECONDS WEST A DISTANCE OF 75.82 FEET TO A POINT; THENCE SOUTH 71 DEGREES 44 MINUTES 30 SECONDS EAST A DISTANCE OF 10.55 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING.

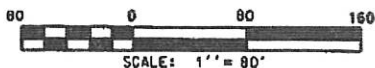
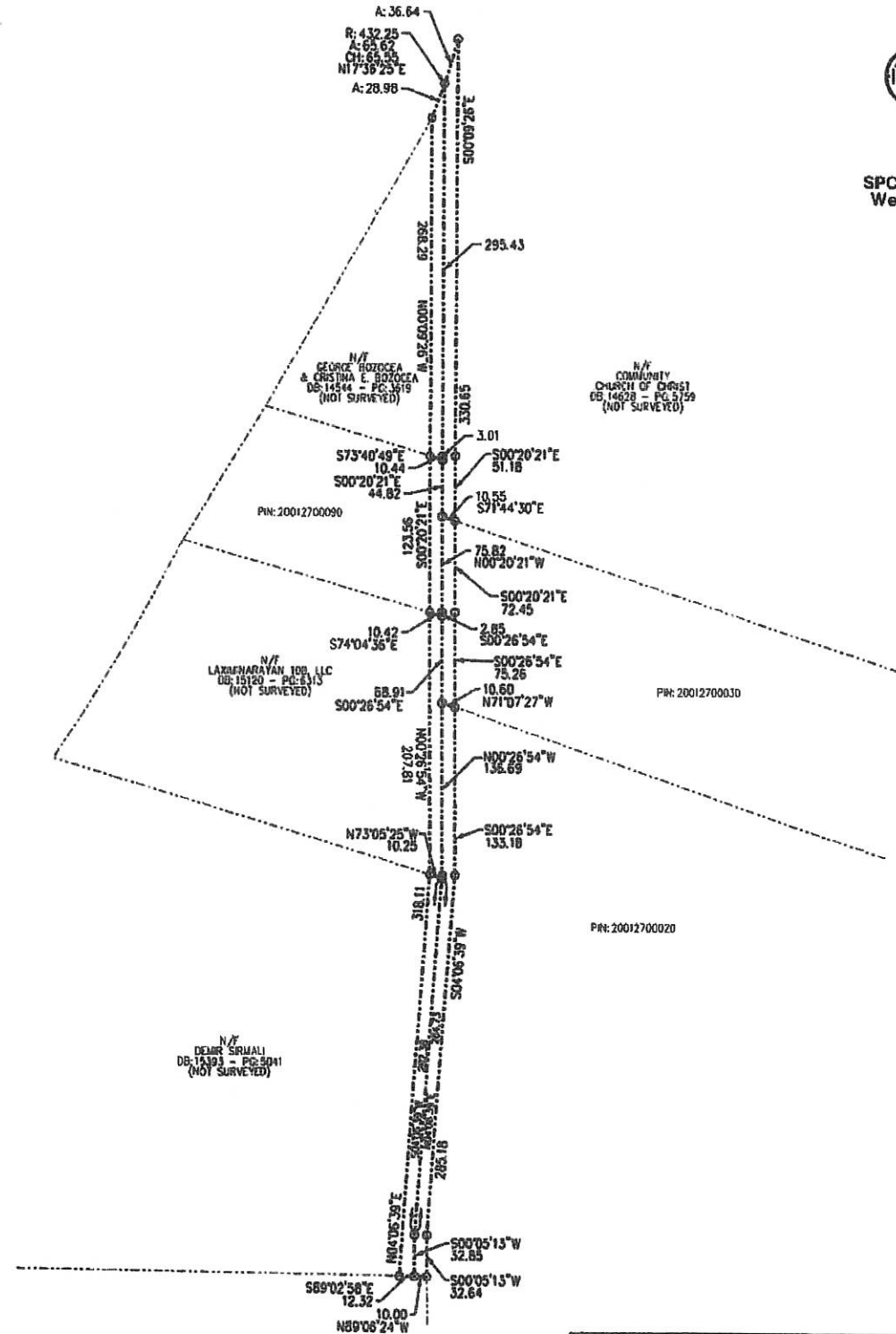
SAID TRACT OF LAND CONTAINS 0.034 ACRES (1,477 SQUARE FEET) MORE OR LESS.

Exhibit B



SPC Georgia
West Zone

Deed Book 15643 Ps 1 & 2
Rebecca Walton
Chief of Superior Court Cobb Co., Ga.



Arnold Road
Abandonment
City of Kennesaw
20012700230
Page 4 of 4

DATE	: 3/1/2019	REVISIONS
SCALE	: 1"=80'	
DRAWN BY	:	
CHECKED BY	:	
FIELD CREW	:	



**NORTH POINT
LAND SURVEYING**
821 WYNTICK DRIVE
KENNESAW, GEORGIA 30142
PHONE: (770) 515-5129
EMAIL: RS@NPlandSurveying.com
www.NPLandSurveying.com

Rebecca Keaton
Rebecca Keaton

Space Above This Line For Recorder's Use

Clerk of Superior Court Cobb Cty., Ga.

After recording, please return to
Bentley, Bentley & Bentley
241 Washington Ave.
Marietta, Georgia 30060

QUIT-CLAIM DEED

GEORGIA, COBB COUNTY

THIS CONVEYANCE is made this 12th day of June, 2019, by **CITY OF KENNESAW, GEORGIA** (hereinafter referred to as "Grantor") to **KFH CANTRELL CROSSING, LLC** (hereinafter referred to as "Grantee").

WITNESSETH that Grantee is the owner of a tract of land in COBB COUNTY which is adjacent to certain right of way that the City of Kennesaw determined was no longer necessary and undertook to abandon in accordance with applicable Georgia law. The City of Kennesaw, a municipal corporation of the State of Georgia, and also in accordance with applicable Georgia law, offered the right of way for sale to the Grantee, which accepted the same.

WHEREAS, Grantor consequently desires to convey to Grantee the property described on Exhibit "A" attached hereto and made a part hereto by this reference, including any and all improvements located within and upon said property;

NOW, THEREFORE, in consideration of TEN DOLLARS (\$10.00), in hand paid, the receipt whereof is hereby acknowledged, Grantor does hereby grant, quit-claim, sell and convey to said Grantee, its successors and assigns that certain right of way abandoned by Grantor and being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 127 of the 20th District of Cobb County, Georgia, and being more particularly described on **Exhibit "A"** attached hereto and made a part hereto by this reference. Said right of way hereby conveyed consists of **0.104 acres**, more or less, as shown on the plat of the property, which plat is attached hereto as **Exhibit "B"** and made a part hereof by reference.

TO HAVE AND TO HOLD the said conveyed premises in fee simple and any rights Grantor has or may have in and to the rights of way are hereby quitclaimed and conveyed unto

Arnold Road / City of Kennesaw
20012700020

the Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said property or equity or its appurtenances in same.

IN WITNESSETH WHEREOF, Grantor has hereunto set his hand and seal the day above written.

Signed, sealed and delivered
in the presence of:

Dena L. Whitmore
Unofficial Witness

Lea Addison
Notary Public
My Commission expires:

[NOTARY SEAL]



CITY OF KENNESAW, GEORGIA

CPaul Kestel
Mayor, City of Kennesaw

Debra Taylor
City Clerk, City of Kennesaw

(AFFIX SEAL)

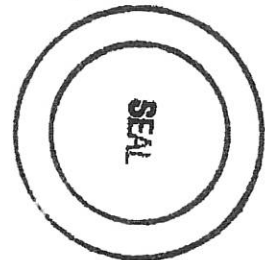


EXHIBIT "A"

**ABANDONED RIGHT OF WAY
KFH CANTRELL CROSSING, LLC
(PIN: 20012700020)**

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 127, 20TH DISTRICT, 2ND SECTION, CITY OF KENNESAW, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE EASTERLY RIGHT OF WAY LINE OF ARNOLD ROAD (A.K.A. GILES ROAD) HAVING A POSSIBLE 20' RIGHT OF WAY AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF RUTLEDGE ROAD HAVING A 50' RIGHT OF WAY LINE; THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUING ALONG THE SAID RIGHT OF WAY LINE OF ARNOLD ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 00 DEGREES 09 MINUTES 26 SECONDS EAST A DISTANCE OF 330.65 FEET TO A POINT; SOUTH 00 DEGREES 20 MINUTES 21 SECONDS EAST A DISTANCE OF 123.63 FEET TO A POINT; SOUTH 00 DEGREES 26 MINUTES 54 SECONDS EAST A DISTANCE OF 75.26 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUING ALONG THE SAID RIGHT OF WAY LINE OF ARNOLD ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 00 DEGREES 26 MINUTES 54 SECONDS EAST A DISTANCE OF 133.18 FEET TO A POINT; SOUTH 04 DEGREES 06 MINUTES 39 SECONDS WEST A DISTANCE OF 285.18 FEET TO A POINT; SOUTH 00 DEGREES 05 MINUTES 13 SECONDS WEST A DISTANCE OF 32.64 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT OF WAY LINE OF ARNOLD ROAD NORTH 89 DEGREES 06 MINUTES 24 SECONDS WEST A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTH 00 DEGREES 05 MINUTES 13 SECONDS EAST A DISTANCE OF 32.85 FEET TO A POINT; THENCE NORTH 04 DEGREES 06 MINUTES 39 SECONDS EAST A DISTANCE OF 284.73 FEET TO A POINT; THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 136.69 FEET TO A POINT; THENCE SOUTH 71 DEGREES 07 MINUTES 27 SECONDS EAST A DISTANCE OF 10.60 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING.

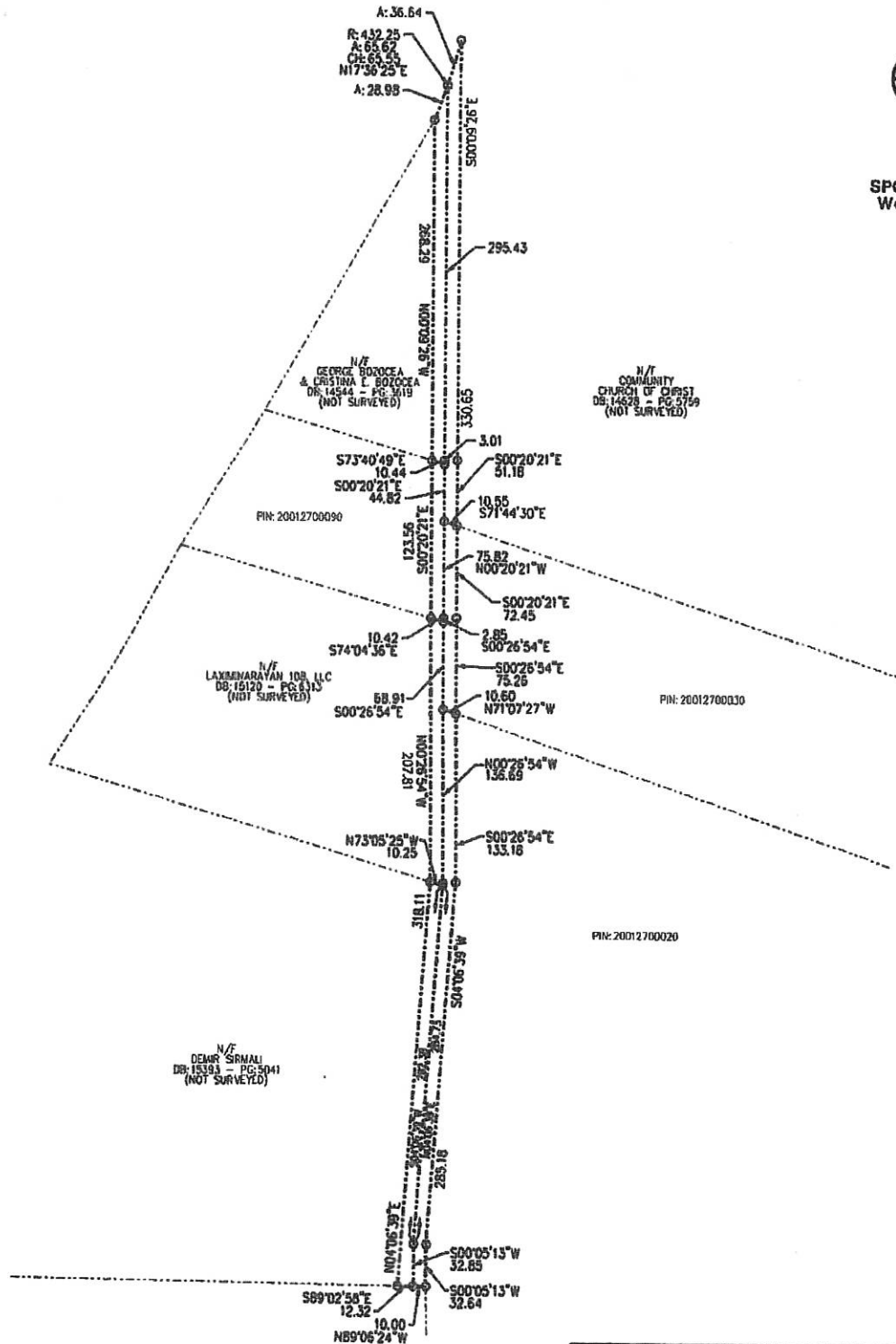
SAID TRACT OF LAND CONTAINS 0.104 ACRES (4,526 SQUARE FEET) MORE OR LESS.

Exhibit B



SPC Georgia
West Zone

Deed Book 1564 Pg 1487
Rebecca Haddon
Chief of Surveyor Court Cobb Co. Ga.



Arnold Road
Abandonment
City of Kennesaw
20012700020
Page 4 of 4

DATE	: 3/1/2019	REVISIONS
SCALE	: 1"=80'	
DRAWN BY	:	
CHECKED BY	:	
FIELD CREW	:	



**NORTH POINT
LAND SURVEYING**
821 WYNLUCK DRIVE
KENNESAW, GEORGIA 30152
PHONE: (770) 315-5129
EMAIL: R.S@NPLandSurveying.com
WWW.NPLandSurveying.com

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2018-04, 2018

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE
CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT
DESIGNATION FROM CITY R-20 & PUD-R to CITY PUD-R
PROPERTIES LOCATED AT
3057 MAIN STREET AND 3088 RUTLEDGE ROAD
(LAND LOT 127 & 140 TAX PARCELS 2, 230 & 9)**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW,
COBB COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, LDS PARTNERS, LLC, made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from CITY R-20 & PUD-R to CITY PUD-R for properties located at 3057 Main Street, 3088 Rutledge Road identified as Land Lot 127 & 140 Tax Parcels 2, 230 & 9 (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on December 16, 2017 and December 23, 2017, of a public hearing before the Kennesaw Planning Commission held on January 03, 2018 and the Mayor and Council on January 16, 2018; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held on January 03, 2018; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held on January 16, 2018; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY
OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS.**

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from **CITY R-20 & PUD-R to CITY PUD-R** for the following described properties:

RUTLEDGE ROAD LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 127 AND 140, 20TH DISTRICT, 2ND SECTION, CITY OF KENNESAW, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF NORTH MAIN STREET HAVING A 50' RIGHT OF WAY AND THE

EASTERLY RIGHT OF WAY OF RUTLEDGE ROAD HAVING A 50' RIGHT OF WAY; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF RUTLEDGE ROAD IN SOUTHWESTERLY DIRECTION A DISTANCE OF 426.89 FEET TO A 1"OTP SAID 1"OTP BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED LEAVING THE SAID RIGHT OF WAY OF RUTLEDGE ROAD SOUTH 73 DEGREES 40 MINUTES 49 SECONDS EAST A DISTANCE OF 137.68 FEET TO A 1"OTP; THENCE south 00 DEGREES 20 MINUTES 21 SECONDS east A DISTANCE OF 44.55 FEET TO A POINT; THENCE SOUTH 71 DEGREES 44 MINUTES 30 SECONDS EAST A DISTANCE OF 393.71 FEET TO A POINT; THENCE north 86 DEGREES 04 MINUTES 39 SECONDS east A DISTANCE OF 11.33 FEET TO A POINT; THENCE north 15 DEGREES 42 MINUTES 26 SECONDS east A DISTANCE OF 85.81 FEET TO A POINT; THENCE south 71 DEGREES 44 MINUTES 30 SECONDS east A DISTANCE OF 153.04 FEET TO A POINT; THENCE SOUTH 16 DEGREES 00 MINUTES 38 SECONDS WEST A DISTANCE OF 235.56 FEET TO A POINT; THENCE SOUTH 16 DEGREES 00 MINUTES 38 SECONDS WEST A DISTANCE OF 326.60 FEET TO A ½"REBAR; THENCE SOUTH 15 DEGREES 59 MINUTES 12 SECONDS WEST A DISTANCE OF 290.63 FEET TO A ½"REBAR; THENCE NORTH 54 DEGREES 18 MINUTES 09 SECONDS WEST A DISTANCE OF 96.88 FEET TO A ½"REBAR; THENCE NORTH 79 DEGREES 08 MINUTES 24 SECONDS WEST A DISTANCE OF 183.03 FEET TO A POINT; THENCE NORTH 33 DEGREES 30 MINUTES 44 SECONDS WEST A DISTANCE OF 100.73 FEET TO A POINT; THENCE NORTH 01 DEGREES 20 MINUTES 44 SECONDS WEST A DISTANCE OF 128.01 FEET TO A ½"REBAR; THENCE NORTH 00 DEGREES 05 MINUTES 13 SECONDS EAST A DISTANCE OF 317.65 FEET TO A 1"OTP-DISTURBED; THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 139.47 FEET TO A POINT; THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 68.34 FEET TO A 1"OTP; THENCE NORTH 74 DEGREES 04 MINUTES 36 SECONDS WEST A DISTANCE OF 204.67 FEET TO A ½"REBAR ON THE SAID RIGHT OF WAY OF RUTLEDGE ROAD; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF RUTLEDGE ROAD NORTH 31 DEGREES 03 MINUTES 05 SECONDS EAST A DISTANCE OF 123.98 FEET TO A 1"OTP; SAID 1"OTP BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 8.403 ACRES MORE OR LESS.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from **CITY R-20 & PUD-R to CITY PUD-R** with stipulations as follows:

1. Maximum number of units on this portion of the previously approved PUD-R is 70 units, yielding a density of 8.3 units per acre for this portion of the neighborhood. The overall density of the PUD-R shall remain a maximum of 7.78 units per acre.
2. Minimum driveway depth of twenty (20) feet from sidewalk so no vehicle or portion of vehicles crossing into the sidewalk. Sidewalks will be consistent with the attached LDS site plan.
3. Architecture for the townhomes will be similar to the attached rendering submitted by the applicant to include: The Atlanta; The Austin, The Jackson, The Pine, The Birch and The Redwood.

4. Maximum height of all townhomes not to exceed forty-five (45) feet.
5. Maximum building coverage to be 40%.
6. Minimum house size shall be 1,400 sq. feet.
7. Front setbacks will be a minimum of five (5) feet as depicted on the site plan. However, the driveways will be a minimum of twenty (20) feet in length from the edge of the sidewalk to the front of the garage ensuring that cars can park on the driveway.
8. Major side setbacks will be five (5) feet from the right-of-way. However, no structure shall be closer than eighteen (18) feet from the curb on the roadway, or 10 feet from the curb of a parallel parking curb.
9. Minimum side-setback between structures will be fifteen (15) feet.
10. Major rear-yard setback will be thirty (30) feet from the exterior property line.
11. Minimum rear-yard setback will be thirty (30) feet from back of structure to back of structure (interior lots).
12. Open space to be provided within development to be a minimum of 25% or 2 acres excluding ponds and will include a pocket park and courtyard area as shown on the Zoning Plan by Ridge Planning and Engineering dated 11/13/17.
13. There shall be a minimum twenty (20) foot maintained buffer along the exterior of the development except as shown on the site plan, and where it is adjacent to property that was zoned PUD-R in 2014. Said buffer may be graded and replanted in accordance with the adopted city of Kennesaw landscaping ordinance.
14. School bus stops and potential shelters will be coordinated with the Board of Education.
15. Applicant will work to ensure that a proper buffer is enforced for the rear of the property subject to City Codes and staff verification with the cemetery and Winkenhofer Funeral Home. The final buffer adjacent to the cemetery shall be reviewed and approved by the city staff and the Plan Review Committee (PRC).
16. The Covenants will give the Homeowners Association control over rental restrictions. There will be a ten (10) % cap on the number of units that can be rented. The rental cap shall be incorporated into the covenants.
17. The Applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no construction activity is initiated, then the subject property will automatically revert back to the original zoning and all previous imposed conditions.
18. Developer will install street lights similar to type used in downtown Kennesaw.

SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this 16th day of January, 2018.

ATTEST:


Debra Taylor, City Clerk

CITY OF KENNESAW:


Derek Easterling, Mayor



MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Tuesday, January 16, 2018
6:30 p.m.

Present: Mayor Derek Easterling
Mayor Protem David Blinkhorn
Councilmember James Eaton
Councilmember Pat Ferris
Councilmember Chris Henderson
City Clerk Debra Taylor
City Manager Jeff Drobney
City Attorney Randall Bentley

Not present: Yvette Daniel

I. INVOCATION

The invocation was led by City Attorney Randall Bentley.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Grayson Nardone and Nic Guagliardo, as introduced by Mayor Easterling.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

V. PRESENTATIONS

- A. Presentation of a Certificate of Appreciation to the Kennesaw State Sports Management Majors Club in recognition of holding a skateboard fundraising event at Swift-Cantrell Park. The beneficiary was the Swift-Cantrell Park Foundation with the funds to be used to further enhance Swift-Cantrell Park.

Mayor Easterling presented the Certificate of Appreciation to Grayson Nardone and Nic Guagliardo representing the Kennesaw State Sports Management Majors Club in recognition of holding a skateboard fundraising event at Swift-Cantrell Park and raised just over \$2,225 for the Foundation. Skate Park Advisor Ron Stebben was also present. The group received a round of applause from the Mayor, City Council, staff and public.

The agenda was taken out of sequence. At this time, the Mayor and Council entered into Executive Session. See comments and action under Agenda Item XXI.

VI. OLD BUSINESS

No items.

VII. NEW BUSINESS

No items.

VIII. COMMITTEE AND BOARD REPORTS: No items.

[Attorney Randall Bentley swore-in any witnesses or individuals offering comments on the agenda.]

IX. PUBLIC HEARING(S)

[Agenda Items IX-A, B and C were presented concurrently.]

- A. Authorization for approval of an **ORDINANCE NO. 2018-01, 2018** granting a rezoning request submitted by Venture Homes, Inc. properties identified as 4005 Pine Mountain, 4003 Pine Mountain and 666 Pine Mountain Road. Applicant seeking to annex and rezone three parcels along Pine Mountain Road from County R-20 to City PUD-R Conservation Subdivision for purpose of single-family residential community. Properties consist of 39.09+/- acres and lying in Land Lot 165, Tax Parcels 5, 66 and 75 of the 20th District, 2nd Section Cobb County Georgia. In 2015, 4005 Pine Mountain Road requested annexation and rezoning, which was withdrawn. Application was advertised in the Marietta Daily Journal on December 15, 22, 2017. Property was legally posted on December 19, 2017. Planning Commission at a meeting on January 3, 2017 made motion to recommend approval of the rezoning from City R-10 to City PUD-R with stipulations as follows: (1) Planned Unit Development – Conservation Subdivision development will provide 19.73 acres dedicated to open space and greenspace which will total 44.9% of the total gross acreage of the development; (2) Development to provide 29 additional guests parking spaces located strategically in neighborhood as per our adopted ordinance that required 1 guest parking space per .35 units; (3) Each lot to provide a minimum twenty-foot-long driveway located behind sidewalk or back of curb as applicable; (4) Maximum net density for development will be 2.4 dwelling units per acre. Maximum number of units will be 83 single family detached housing units; (5) Site development standards to be established as follows: front setback 15 ft, side setback 5ft minimum from property lines, rear setback 15 feet, minimum separation between units 10ft; (6) Architectural design and materials will be similar to elevations and plans of nine product types submitted by the applicant that identify the following product types: Hampton, Hawthorne, Kingsgate, Laurelwood, Brentwood, Riverton, Cambridge, Princeton and Sterling; (7) Minimum square footage of heated space will be 2,363 sq. feet; (8) All residential units will contain a two car garage; (9) Open space plan and development concept layout including the designated open space and greenspace areas will be as per concept plan prepared by Vaughn and Melton Consulting Engineers for Venture Homes dated 12/14/17; (10) The applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no construction activity is initiated, then the subject property will automatically revert back to the original zoning and all previously imposed conditions; (11) Developer will maximize the preservation of mature trees where possible; (12) The development layout will allow future connectivity to adjoining city park area located in Butler Ridge subdivision; (13) Applicant and developer will

provide pre construction and post construction hydrology studies; and (14) Development will establish mandatory home owner's association. Motion made by Cindi Michael, seconded by Donald Bergwall. Motion carried 4-0. Yeas: Cindi Michael, Donald Bergwall, Keisha Edwards and Joshua Logelin. STAFF RECOMMENDATION: Darryl Simmons, Zoning Administrator recommends approval of the rezoning from County R-20 to City PUD-R to be included in the Pine Mountain project subdivision with stipulations as follows:

1. Applicant seeks a Rezoning and Annexation change for the Subject Property from the existing zoning to the Planned Unit Development ("PUD- R, Conservation Subdivision") zoning category. The proposed Site Plan, was prepared by Vaughn and Melton Consulting Engineers, dated December 14, 2017, and originally filed with the City of Kennesaw ("City") Zoning Office on or about January 3, 2018. A reduced copy of the Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
2. The Subject Property shall be developed for a residential community consisting of a maximum of eighty-three (83) fee simple single family detached homes. The entire site is comprised of 43.94 +/- acres and is planned for a total of 83 homes.
3. Applicant agrees the minimum house size for the homes in the proposed development shall be 2,363 square feet of heated and cooled living space.
4. Homes within the proposed community shall be substantially similar in style and architecture to the elevations attached hereto as Exhibit "B" and similar to the following nine (9) product types: Hampton, Hawthorne, Kingsgate, Laurelwood, Brentwood, Riverton, Cambridge, Princeton and Sterling. These plans will have fully enclosed garages and front elevations shall be in general conformity with the attached elevations. As a general rule, the applicant will use masonry (i.e. brick, stone or stacked stone or any combination thereof) as well as stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof as shown in the attached plans. Applicant shall be governed by this general style of product to be constructed on the Property as per Exhibit "B". Side and rear elevations may also utilize masonry (i.e. brick, stone, stacked stone or any combination thereof) as well as stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof in keeping with the appropriate style and use of such products on the front elevations.
5. The proposed community shall have public streets; however, Applicant shall have the option of constructing private streets to the applicable Cobb County and City of Kennesaw public streets' construction standards and installing gates if so desired by Applicant in accordance with all City and Cobb County ordinances and regulations. All driveways shall be a minimum of twenty feet (20') in length from the edge of the sidewalk or back of curb to the garage.
6. Applicant agrees to the creation of a mandatory homeowners association ("HOA") to be managed by Applicant or a 3rd party professional HOA management company until such time the HOA is "turned-over" to the homeowners which is typically at 100% buildout. Applicant shall fund any shortfall in the operating budget until such time as the HOA is "turned-over" to the homeowners. The homeowners association shall be solely responsible for the upkeep and maintenance of all common areas, mail kiosk, amenities, and

- amenity areas; including the entrance areas, boundary landscape buffers, detention pond(s) and the private streets if so constructed by the Applicant.
7. Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed community.
 8. The HOA covenants shall limit the number of rental units to not exceed 15% of the total number of units in the community or such percentage as approved by the City Council.
 9. All homes shall have a minimum of a two (2) car garage. Garages shall be primarily used for the parking of vehicles and shall not be converted to other uses. The applicant shall include this restriction in the covenants to be enforced by the HOA. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents architecturally consistent with the proposed homes. The entry monument shall be lit at night for better visibility.
 10. The entrance signage for the for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents architecturally consistent with the proposed homes. The entry monument shall be lit at night for better visibility.
 11. Landscaping of the entrance areas as well as the frontage of the proposed community along all public streets, shall be professionally designed and implemented, which shall include the installation of an irrigation system in areas where appropriate. Maintenance of the entrance area and public street frontage at the entrance shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.
 12. Any street lights installed by the appropriate power company within the proposed community shall have down lighting, shall be environmentally sensitive, and shall be as approved by the City Council. Applicant will fund the cost of the first year of street light operations for the community and will stipulate in the HOA covenants that the street light cost within the community will continue to be funded by the HOA on an on-going basis each month following the first year of operations as is the typical standard for new communities in the City.
 13. All utilities servicing the residences within the proposed community shall be underground.
 14. Applicant agrees the stormwater management facilities and system shall be constructed and installed consistent with all requirements of the City and Cobb County.
 15. Applicant agrees to the protection of all required stream buffers affecting the Property and shall utilize such areas as a passive amenity for the proposed community.
 16. Applicant agrees to comply with all City and Cobb County development standards and ordinances relating to project improvements.
 17. All setbacks shall be as shown on the referenced Site Plan.
 18. Applicant agrees to the installation of 5 feet (5') wide interior sidewalks along all interior streets on one side, typically on the opposite side of the water line.

- In addition, Applicant shall construct a 5 feet (5') wide sidewalk along the Property frontage on Pine Mountain Road.
19. All construction vehicles will be parked on-site on the Property at all times. No construction vehicles shall be parked outside the community or other surrounding streets to the proposed development.
 20. The proposed community shall utilize the City or Cobb County; utility services as is typical for such residential development.
 21. Planned Unit Development-R, Conservation Subdivision development will provide 19.73 acres dedicated to open space and greenspace which will total 44.9% of the total gross acreage of the development.
 22. Development to provide 29 additional guests parking spaces located strategically in neighborhood as per adopted City ordinance that required one guest parking space per 0.35 units.
 23. Maximum net density for development will be 2.4 dwelling units per acre (Gross acres less flood plain). The Gross Density per this site is 1.89 dwelling units per acre (83 units divided by 43.94 acres). Maximum number of units will be 83 single family detached housing units.
 24. Site development standards to be established as follows: front setback 15 feet (15'), side setback 5 feet (5') minimum from property lines, rear setback 15 feet (15'), minimum separation between units 10 feet (10').
 25. The applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no land development activity is initiated, then the subject property will automatically revert back to the original zoning and all previously imposed conditions.
 26. Developer will maximize the preservation of mature trees where possible.
 27. The Property layout will allow future connectivity to adjoining city park area located in Butler Ridge subdivision.
 28. Applicant and developer will provide pre-construction and post construction hydrology studies.

Zoning Administrator Darryl Simmons presented agenda items IX-A, B and C concurrently. A portion of the property is already located within the City limits. The applicant is petitioning to have three properties for a conservation subdivision Planned Unit Development (PUD). The process started in October 2017 and has since re-advertised and property re-posted. They proposed 83 individual, detached units. Concerns raised by staff, the public and Planning Commission resulted in 28 conditions/stipulations. A letter dated January 8, 2018 from Venture Homes agreed to the stipulations and went into more detail to avoid any gray areas, as listed above. Density will be 2.4 units per acre. Information was submitted to Cobb County in 2017 and the City received a letter of no objection.

Motion by Councilmember Eaton to approve the Ordinance granting the rezoning, as stipulated, seconded by Mayor Protem Blinkhorn.

SEAN RANDALL (Sn. VP of Venture Homes): They are proud to be in Cobb County had have done many projects. He addressed possible flooding along Butler Ridge, density, and what will the project will look like to address questions by the public. The hydrology study has been performed and they cannot increase the problem of runoff which is a pre-existing issue. They plan on having 45% of the property as open space. Density at 2.4

excludes all the flood plain area and if it was included, it would be 1.9 units per acre. The buffer is minimum of 20' in areas and 100' in other areas. They plan to leave as many mature trees as possible except for grading purposes as it is steep at the back of the property and they will need access. A traffic study was performed (morning and evening rush hour) and there will be less than one car per minute leaving from their property during rush hour. There will be a continued left turn lane and a decel lane for entering the property. There will be nine house plans consisting of 2,400 sq ft to 3,600 sq ft with an average cost of \$350,000 to \$450,000 for the homes. They are also planning an open air pavilion with parking near the creek.

7:04 PM Floor Open to Public Comments

DR. LISA ATKINS (Wellcrest Court): Her concerns are the floodplains. We were told the system is rated for 100-year flood which occurred twice in 2017 creating 2' to 3' of water in nearby yards. This build is higher than their subdivision and water can only run down towards Butler Creek. It has taken her as long as 20 minutes from Wellcrest to Cobb Parkway and this project will add approximately 160 more cars. Dr. Atkins addressed the Comp Plan and read part of Section 5.2.3 on floodplains – see page 34 of the report. They have experienced severe flooding in the past and don't want to go through that again. Hydrology studies are an issue. Please ensure this will be closely monitored in the future.

DAVID RUSSELL (Princeton Ridge subdivision): Traffic backups from Cobb Parkway are bad. He doesn't know if the traffic study was performed during peak times or weekends. How can 83 cars come out within an hour? Their subdivision has over 100 cars exiting in the morning. When was the traffic engineer involved? Who will maintain the streets? He is confused about R-20 and R-30 zoning. When they replant the trees – will it be hard woods or pines? Will the exterior of the homes be hardwood or brick? Any other amenities? How are they meeting conservation requirements – by purchasing the extra property? Will there be additional detention ponds and how will it affect the plan?

EILEEN ALBERSTADT (Wellcrest Way): She has attended three Planning meetings about this project. She has concerns about the cost of flood insurance. Her latest bill was over \$2,100. She's been talking to FEMA and was told a bridge could not be built. The whole neighborhood took a big hit last time it flooded. FEMA says holding ponds could stay empty thereby water will run into the creek. She doesn't want to lose everything again from her home. Ms. Alberstadt has always tried to keep the neighborhood nice and works hard for the community, but lately she has noticed more homes for sale. She recommended the Council drive through this neighborhood and see the creek.

JENNIFER RUSSELL (Princeton Ridge): It seems 26 homes will be affected by this build. Princeton Ridge has had good relationships with their neighboring properties. The public signage for this public hearing is difficult to view, especially due to the road work; the 200-ft noticing to locals and the accompanying map caused problems and she feels Mr. Simmons needs help. The October 17, 2017 letter from Cobb County was received – did anyone notice their notes or comments? Have these updated plans been sent to Cobb? This is a low density area and 25% is not buildable; there will be clear cutting, detention pond and traffic issues. Responses by applicant on properties 5, 6, 8 and 9 are of great

concern and she hopes Council takes note. A handout was provided to Council about development on the creek at Butler Ridge.

7:21 PM Floor Closed to Public Comments

Mr. Simmons noted the PUD category is to create flexibility to allow ease of movement for building placement to maximize open space. This is a concept only – not a Plan Review meeting. Under state law, the applicant cannot increase volume and must meet all state and city laws. He does sympathize with existing flooding issues and stormwater requirements have changed since those subdivisions have been built. Butler Creek subdivision has an existing problem the City cannot fix.

Councilmember Ferris questioned the hydrology report; how is it possible lots 19-22 can meet the 50-ft plus 25-ft buffer requirements? How current is the FEMA flood map? Public Works Director Ricky Stewart replied FEMA updated their flood maps in the summer of 2017 including the 100-year floodplain. Mr. Ferris has concerns about the buffers because he doesn't want brand new houses built in a floodplain thereby causing owners to complain to City Hall. In response, Mr. Randall said those pads are not in the floodplain.

Richard Smith (applicant's architect and engineer) replied those homes are not in the floodplain and are 12-ft above the floodplain. They meet the 75-ft buffer requirements plus a 75-ft setback. Each lot will be permitted individually. There are many checks and balances in place. Due to the steepness of their site, it is not as widespread as Butler Creek – they are 3-ft above vertical.

Mr. Simmons added the Building Department instituted another step in 2017; before pads are poured they must be field verified and to avoid the possibility of encroachment.

Councilmember Ferris noted many lots show flood lines going through them – will FEMA require flood insurance? Mr. Smith replied their building site is 3-ft above the floodplain and flood insurance probably won't be required. He is not concerned about the floodplain on this project site, but the neighbors. Runoff must be less than what occurs now and the detention pond will be used and built according to law.

Mayor Protem Blinkhorn asked if the developer has hydrology experience and what is his track record. Mr. Randall noted a hydrology study must be performed before a shovel is placed in the ground. After the impervious surface is in place it cannot be higher. They have not failed any hydrology issues. Mr. Blinkhorn also has concerns about traffic – will the Pine Mountain Road improvements help?

Abdul Amir (A&R Engineers) replied the trip report comes from a standard trip schedule manual and based on statistical standards. The center turn lane is being added on the Pine Mt. Road project as well as sidewalks on both sides of the road. He recommends a deceleration lane. There is existing congestion now along Pine Mt Road to Cobb Parkway and will improve substantially when the right turn lane is added at Cobb Parkway. GDOT recorded the traffic count in 2017 and there is plenty of capacity on Pine Mt. Road.

Vote taken on the motion to adopt the Ordinance as stipulated, approved 3-1 (Councilmember Ferris opposed). Motion carried.

[Agenda Items IX-A, B and C were presented concurrently.]

- B. Authorization for approval of an **ORDINANCE NO. 2018-02, 2018** granting an annexation request submitted by Venture Homes, Inc. properties identified as 4005 Pine Mountain, 4003 Pine Mountain and 666 Pine Mountain Road. Applicant seeking to annex and rezone three parcels along Pine Mountain Road from County R-20 to City PUD-R Conservation Subdivision. Said request to annex/rezone for purpose of single-family residential community. Properties consist of 39.09+/- acres and lying in Land Lot 165, Tax Parcels 5, 66 and 75 of the 20th District, 2nd Section Cobb County Georgia. In 2015, 4005 Pine Mountain Road requested annexation and rezoning, which was withdrawn. Application was advertised in the Marietta Daily Journal and new property posting. At their January 3, 2018 meeting, the Planning Commission recommended approval of the annexation, Vote unanimous. STAFF RECOMMENDATION: Zoning Administrator Darryl Simmons recommends approval.

Zoning Administrator Darryl Simmons presented the annexation request submitted by Venture Homes, Inc. for properties identified as 4005 Pine Mountain, 4003 Pine Mountain and 666 Pine Mountain Road. Applicant is seeking to annex and rezone three parcels along Pine Mountain Road from County R-20 to City PUD-R Conservation Subdivision. Said request to annex/rezone for purpose of single-family residential community. Properties consist of 39.09+/- acres.

See presentation under agenda item IX-A.

7:44 PM Floor Open to Public Comments

See comments under agenda item IX-A.

7:45 PM Floor Closed to Public Comments

Motion by Councilmember Henderson to approve the Ordinance granting an annexation, seconded by Mayor Protem Blinkhorn. Vote taken, approved unanimously, 4-0. Motion carried.

- C. Authorization for approval of an **ORDINANCE NO. 2018-03, 2018** granting a rezoning request submitted by Venture Homes, Inc. for property identified as Land Lot 165, Tax Parcel 4, Pine Mountain @ Wellcrest Drive. Property identified as Land Lot 165, Tax Parcel 4, 20th District, 2nd Section, Cobb County, Georgia. Applicant is seeking to rezone 4.8+/- acre tract from City R-10 to City PUD-R (Planned Unit Development) residential. Application was advertised in the Marietta Daily Journal on December 15, 22, 2017. Property was legally posted on December 19, 2017. Planning Commission at a meeting on January 3, 2017 made motion to recommend approval of the rezoning from City R-10 to City PUD-R with stipulations as follows: (1) Planned Unit Development –Conservation Subdivision development will provide 19.73 acres dedicated to open space and greenspace

which will total 44.9% of the total gross acreage of the development; (2) Development to provide 29 additional guests parking spaces located strategically in neighborhood as per our adopted ordinance that required 1 guest parking space per .35 units; (3) Each lot to provide a minimum twenty-foot-long driveway located behind sidewalk or back of curb as applicable; (4) Maximum net density for development will be 2.4 dwelling units per acre. Maximum number of units will be 83 single family detached housing units; (5) Site development standards to be established as follows: front setback 15 ft, side setback 5ft minimum from property lines, rear setback 15 feet, minimum separation between units 10ft; (6) Architectural design and materials will be similar to elevations and plans of nine product types submitted by the applicant that identify the following product types: Hampton, Hawthorne, Kingsgate, Laurelwood, Brentwood, Riverton, Cambridge, Princeton and Sterling; (7) Minimum square footage of heated space will be 2,363 sq. feet; (8) All residential units will contain a two car garage; (9) Open space plan and development concept layout including the designated open space and greenspace areas will be as per concept plan prepared by Vaughn and Melton Consulting Engineers for Venture Homes dated 12/14/17; (10) The applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no construction activity is initiated, then the subject property will automatically revert back to the original zoning and all previously imposed conditions; (11) Developer will maximize the preservation of mature trees where possible; (12) The development layout will allow future connectivity to adjoining city park area located in Butler Ridge subdivision; (13) Applicant and developer will provide pre construction and post construction hydrology studies; and (14) Development will establish mandatory home owner's association. Motion made by Cindi Michael, seconded by Donald Bergwall. Motion carried 4-0. Yeas: Cindi Michael, Donald Bergwall, Keisha Edwards and Joshua Logelin. STAFF RECOMMENDATION: Darryl Simmons, Zoning Administrator recommends approval of the rezoning from City R-10 to City PUD-R to be included in the Pine Mountain project subdivision with stipulations as follows:

1. Applicant seeks a Rezoning and Annexation change for the Subject Property from the existing zoning to the Planned Unit Development ("PUD- R, Conservation Subdivision") zoning category. The proposed Site Plan, was prepared by Vaughn and Melton Consulting Engineers, dated December 14, 2017, and originally filed with the City of Kennesaw ("City") Zoning Office on or about January 3, 2018. A reduced copy of the Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
2. The Subject Property shall be developed for a residential community consisting of a maximum of eighty-three (83) fee simple single family detached homes. The entire site is comprised of 43.94 +/- acres and is planned for a total of 83 homes.
3. Applicant agrees the minimum house size for the homes in the proposed development shall be 2,363 square feet of heated and cooled living space.
4. Homes within the proposed community shall be substantially similar in style and architecture to the elevations attached hereto as Exhibit "B" and similar to the following nine (9) product types: Hampton, Hawthorne, Kingsgate, Laurelwood, Brentwood, Riverton, Cambridge, Princeton and Sterling. These plans will have fully enclosed garages and front elevations shall be in general

conformity with the attached elevations. As a general rule, the applicant will use masonry (i.e. brick, stone or stacked stone or any combination thereof) as well as stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof as shown in the attached plans. Applicant shall be governed by this general style of product to be constructed on the Property as per Exhibit "B". Side and rear elevations may also utilize masonry (i.e. brick, stone, stacked stone or any combination thereof) as well as stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof in keeping with the appropriate style and use of such products on the front elevations.

5. The proposed community shall have public streets; however, Applicant shall have the option of constructing private streets to the applicable Cobb County and City of Kennesaw public streets' construction standards and installing gates if so desired by Applicant in accordance with all City and Cobb County ordinances and regulations. All driveways shall be a minimum of twenty feet (20') in length from the edge of the sidewalk or back of curb to the garage.
6. Applicant agrees to the creation of a mandatory homeowners association ("HOA") to be managed by Applicant or a 3rd party professional HOA management company until such time the HOA is "turned-over" to the homeowners which is typically at 100% buildout. Applicant shall fund any shortfall in the operating budget until such time as the HOA is "turned-over" to the homeowners. The homeowners association shall be solely responsible for the upkeep and maintenance of all common areas, mail kiosk, amenities, and amenity areas; including the entrance areas, boundary landscape buffers, detention pond(s) and the private streets if so constructed by the Applicant.
7. Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed community.
8. The HOA covenants shall limit the number of rental units to not exceed 15% of the total number of units in the community or such percentage as approved by the City Council.
9. All homes shall have a minimum of a two (2) car garage. Garages shall be primarily used for the parking of vehicles and shall not be converted to other uses. The applicant shall include this restriction in the covenants to be enforced by the HOA.
10. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents architecturally consistent with the proposed homes. The entry monument shall be lit at night for better visibility.
11. Landscaping of the entrance areas as well as the frontage of the proposed community along all public streets, shall be professionally designed and implemented, which shall include the installation of an irrigation system in areas where appropriate. Maintenance of the entrance area and public street frontage at the entrance shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.
12. Any street lights installed by the appropriate power company within the proposed community shall have down lighting, shall be environmentally sensitive, and shall be as approved by the City Council. Applicant will fund

the cost of the first year of street light operations for the community and will stipulate in the HOA covenants that the street light cost within the community will continue to be funded by the HOA on an on-going basis each month following the first year of operations as is the typical standard for new communities in the City.

13. All utilities servicing the residences within the proposed community shall be underground.
14. Applicant agrees the stormwater management facilities and system shall be constructed and installed consistent with all requirements of the City and Cobb County.
15. Applicant agrees to the protection of all required stream buffers affecting the Property and shall utilize such areas as a passive amenity for the proposed community.
16. Applicant agrees to comply with all City and Cobb County development standards and ordinances relating to project improvements.
17. All setbacks shall be as shown on the referenced Site Plan.
18. Applicant agrees to the installation of 5 feet (5') wide interior sidewalks along all interior streets on one side, typically on the opposite side of the water line. In addition, Applicant shall construct a 5 feet (5') wide sidewalk along the Property frontage on Pine Mountain Road.
19. All construction vehicles will be parked on-site on the Property at all times. No construction vehicles shall be parked outside the community or other surrounding streets to the proposed development.
20. The proposed community shall utilize the City or Cobb County; utility services as is typical for such residential development.
21. Planned Unit Development–R, Conservation Subdivision development will provide 19.73 acres dedicated to open space and greenspace which will total 44.9% of the total gross acreage of the development.
22. Development to provide 29 additional guests parking spaces located strategically in neighborhood as per adopted City ordinance that required one guest parking space per 0.35 units.
23. Maximum net density for development will be 2.4 dwelling units per acre (Gross acres less flood plain). The Gross Density per this site is 1.89 dwelling units per acre (83 units divided by 43.94 acres). Maximum number of units will be 83 single family detached housing units.
24. Site development standards to be established as follows: front setback 15 feet (15'), side setback 5 feet (5') minimum from property lines, rear setback 15 feet (15'), minimum separation between units 10 feet (10').
25. The applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no land development activity is initiated, then the subject property will automatically revert back to the original zoning and all previously imposed conditions.
26. Developer will maximize the preservation of mature trees where possible.
27. The Property layout will allow future connectivity to adjoining city park area located in Butler Ridge subdivision.
28. Applicant and developer will provide pre-construction and post construction hydrology studies

Zoning Administrator Darryl Simmons presented the Ordinance granting a rezoning request submitted by Venture Homes, Inc. for property identified as Land Lot 165, Tax Parcel 4, Pine Mountain @ Wellcrest Drive. Applicant is seeking to rezone 4.8+/- acre tract from City R-10 to City PUD-R (Planned Unit Development) residential.

See presentation under agenda item IX-A.

Motion by Mayor Protem Blinkhorn to approve the Ordinance, as stipulated, granting the rezoning request, seconded by Councilmember Henderson.

7:46 PM Floor Open to Public Comments

DR. LISA ATKINS: What is being built next door to her house?

Mr. Randall replied some are homes and park space. It is possible to work with Butler Creek subdivision and make it a bigger project for both subdivisions to use the park space.

7:48 PM Floor Closed to Public Comments

Vote taken on the motion to approve as stipulated. Approved 3-1 (Councilmember Ferris opposed). Motion carried.

- D. Authorization for approval of an **ORDINANCE NO. 2018-04, 2018** granting a rezoning request submitted by LDS Partners, LLC for properties located at 3057 Main Street and 3088 Rutledge Road. Properties identified in Land Lot 127 & 140, Tax Parcels 2, 230, and 9, 20th District, 2nd Section Cobb County, Georgia. Applicant is seeking to rezone from City R-20 & City PUD-R to City PUD-R properties consisting of 8.41+/- acres for proposed Fee Simple Townhouse Community with 70 dwelling units. Application was advertised in the Marietta Daily Journal on December 15, 2017 and December 22, 2017. Property was legally posted on December 19, 2017. Planning Commission at a meeting held on January 03, 2018 made motion to recommend approval of the rezoning of the properties from City PUD-R & R-20 to City PUD-R subject to conditions/stipulations: 1) Maximum number of units will be 70 townhomes. The density on the subject property is actually less than the previously approved plans. Maximum net density of 7.78 units per acre for the entire 19.68 acre PUD-R property previously approved will be applied that was the subject of the 2014-18 zoning case. However, this portion of that project is limited to no more than 70 units for a density of 8.3 dwelling units per acre on this phase of the PUD-R; 2) Minimum driveway depth of twenty (20) feet from sidewalk so no vehicle or portion of vehicles crossing into the sidewalk; 3) Architecture for the townhomes will be similar to the attached renderings prepared by Kerley Family Homes and product lines titled, The Atlanta, The Austin, The Jackson, The Pine, The Birch and the Redwood as submitted by the applicant; 4) Maximum height of all townhomes not to exceed forty-five (45) feet; 5) Maximum building coverage to be 40%; 6) Minimum house size shall be 1,400 sq. feet; 7) Front setbacks will be a minimum of five (5) feet as depicted on the site plan. However, the driveways will be a minimum of twenty (20) feet in length from the edge of the sidewalk to the front of the garage ensuring that cars can park on the driveway; 8) Major side setbacks

will be five (5) feet from the right-of-way. However, no structure shall be closer than eighteen (18) feet from the curb on the roadway; 9) Minimum side-setback between structures will be fifteen (15) feet; 10) Major rear-yard setback will be thirty (30) feet from the exterior property line; 11) Minimum rear-yard setback will be thirty (30) feet from back of structure to back of structure (interior lots); 12) Open space to be provided within development to be a minimum of 25% or 2 acres excluding ponds and will include a pocket park and courtyard area as shown on the Zoning Plan by Ridge Planning and Engineering; 13) There shall be a minimum twenty (20) foot maintained buffer along the exterior of the development. Said buffer may be graded and replanted in accordance to the adopted city of Kennesaw landscaping ordinance; 14) School bus stops and potential shelter locations within this development will be coordinated with the Cobb County Board of Education; 15) Applicant will work to ensure that a proper buffer is enforced for the rear of the property subject to City Codes and staff verification with the cemetery and Winkenhofer Funeral Home. The final buffer adjacent to the cemetery shall be reviewed and approved by the city staff and the Plan Review Committee (PRC); 16) The Covenants will give the Homeowners Association control over rental restrictions. There will be a ten percent (10%) cap on the number of units that can be rented. The rental cap shall be incorporated into the covenants; 17) The applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no construction activity is initiated, then the subject property will automatically revert back to the original zoning and all previously imposed conditions; and 18) Developers will install street lighting similar to type used in downtown Kennesaw. Motion made by Donald Bergwall, seconded by Cindi Michael. Motion carried: 4-0. STAFF RECOMMENDATION: Darryl Simmons, made recommendation to approve the rezoning of the properties subject to conditions/stipulations as approved by the Planning Commission.

Zoning Administrator Darryl Simmons presented the rezoning request submitted by LDS Partners, LLC for properties located at 3057 Main Street and 3088 Rutledge Road to rezone from City R-20 & City PUD-R to City PUD-R properties consisting of 8.41+/- acres for proposed Fee Simple Townhouse Community with 70 dwelling units. A project was originally submitted in 2014. Recently the Planning Commission approved, with 18 stipulations as stated above. This new design will have greater open space including a courtyard. Staff received a letter dated January 9, 2018 from the applicant's attorney, Sams Larkin & Huff agreeing to the 18 stipulations. Concerns addressed in 2014 were readdressed and are in line with the Comp Plan and Future Land Use goals. The previously submitted project consisted of 77 homes and this revised plan has 70 townhomes.

Motion by Councilmember Henderson to approve the Ordinance authorizing the rezoning request, as stipulated, seconded by Councilmember Eaton.

ATTORNEY PARKS HUFF (Applicant's Attorney): Applicant Jeff Smith is also an engineer. They are in full compliance with the Land Use Plan. The road entrance has changed for the better, there are seven less units therefore adding more greenspace. The first view driving in is a courtyard along with a better designed split driveway, increased buffer perimeters and lengthier driveways for parking.

8:01 PM Floor Open to Public Comment

RANDY BRYAN & LISA BLAYLOCK (Side-by-side neighbors): Mr. Bryan said Rutledge Road cannot handle existing traffic and during rush hour, they cannot get out of their street and turn left from Rutledge. Unless the road changes he does not see how the new project will be approved. A different entrance plan is needed. The prior submission had two entrances to the proposed subdivision, now there is only one so the street opens from Main Street. There are many accidents at this location including just last week. Ms. Blaylock noted you cannot make a left turn unless someone lets you out, therefore it would take all right turns to get to Cobb Parkway. When the City holds races it blocks their access to get to work and she has got yelled at by Police Officers for moving the barricades so she can get through.

8:09 PM Floor Closed to Public Comments

Councilmember Eaton inquired if there is an alternative to get on the property. Attorney Huff said not really as the church owns the property nearby. He understands the traffic issue and the applicant has reduced the scope of the project by seven units. Councilmember Henderson asked if there are any traffic studies and/or a possible turning lane. Mr. Huff said it is zoned correctly; it was not requested or performed. The Plan Review Committee may require changes. Councilmember Ferris asked about stipulation #16 regarding percentage of rental units. The maximum will be seven units that can be rented. Stipulation #18 on installation of street lights will have to include fees plus road maintenance. Mr. Huff confirmed they will install the street lights. City Attorney Randall Bentley noted the City is working on a street light district and the residents do pay.

Vote taken on the motion to approve the Ordinance as stipulated. Approved unanimously, 4-0. Motion carried.

- E. Authorization to adopt **ORDINANCE NO. 2018-05, 2018** to amend Unified Development Code, Appendix "A", Chapter Ten (10) "Administrative Procedures." The Planning and Zoning Department prepared a code amendment recommendation to Chapter Ten of Appendix "A", Chapter 10 "Administrative Procedures", Section 1.02.00 "Application Requirements." Addition to Section 10.02.00 by adding Section 10.02.12 "Sale refinancing or leasing of portion of property." The sale refinancing or leasing of any portion of a commercial, office or industrial zoned property shall not be considered to constitute a subdivision of such property as long as all other zoning guidelines, site-specific guidelines, site development guidelines, approved site plans and other imposed conditions are met and maintained. This section shall not be applicable to grandfathered or nonconforming uses as defined in this chapter. This section is limited only to those portions of the property which are actually developed and shall not be construed as to allow expansions or modifications of existing sites. The Planning Commission at a meeting held on January 03, 2018 has made recommendation to Mayor and Council to consider approving the proposed code amendment to Chapter Ten (10.02.12). Motion carried. Vote 4-0. STAFF RECOMMENDATION: Darryl Simmons, made recommendation to approve the proposed code amendment to Chapter Ten (10.02.12).

Zoning Administrator Darryl Simmons presented the Ordinance to amend the Unified Development Code, Appendix "A", Chapter Ten (10) "Administrative Procedures." The Planning and Zoning Department prepared a code amendment recommendation to Chapter Ten of Appendix "A", Chapter 10 "Administrative Procedures", Section 1.02.00 "Application Requirements." Addition to Section 10.02.00 by adding Section 10.02.12 "Sale refinancing or leasing of portion of property." The sale refinancing or leasing of any portion of a commercial, office or industrial zoned property shall not be considered to constitute a subdivision of such property as long as all other zoning guidelines, site-specific guidelines, site development guidelines, approved site plans and other imposed conditions are met and maintained. This section shall not be applicable to grandfathered or nonconforming uses as defined in this chapter. This section is limited only to those portions of the property which are actually developed and shall not be construed as to allow expansions or modifications of existing sites. This addition to the UDC came about at the end of 2017 with the Kennesaw Market Place buildout. This is a common practice in the industry and the current code is silent about subdividing. All other stipulations remain in place with this addition to the Code.

Motion by Councilmember Ferris to approve the Ordinance, as presented, seconded by Councilmember Henderson.

8:19 PM Floor Open to Public Comment

No comments.

8:20 PM Floor Closed to Public Comment

Vote taken on the motion to approve the Ordinance, as presented. Approved unanimously, 4-0. Motion carried.

X. CONSENT AGENDA

A. Approval of the January 2, 2018 Mayor and City Council meeting minutes A&B.

B. Receipt of the MetroAtlanta activity reports for October and November 2017.

Motion by Mayor Protem Blinkhorn to approve the Consent Agenda, engross, seconded by Councilmember Henderson. Vote taken, approved 4-0. Motion carried.

XI. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief

LINDA DAVIS, 911 Communications Director

No items.

XII. INFORMATION TECHNOLOGY

RICK ARNOLD, Co-Director

JOSHUA GUERRERO, Co-Director

No items.

XIII. PUBLIC WORKS

RICKY STEWART, Director

No items.

XIV. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director

DOUG TAYLOR, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

No items.

XV. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

No items.

XVI. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

No items.

XVII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

8:21 PM Floor Open for Public Comments

ANDREW BRAMLETT and JOE BOZEMAN (Vice President and President of the Kennesaw Historic Society): On Saturday, February 3rd at 2:00 PM, Mr. Bramlett will present a brief history on Kennesaw. They hope to see the Mayor and Council at the presentation; last year they had 55 attendees. Mr. Bramlett distributed a printout of their planned 2018 presentations and events.

ANN PRATT (Resident): Ms. Pratt has lived in Kennesaw 34 years. She questioned why Joe Bozeman was not reappointed to the Historic Preservation Commission. She heard it was because they needed "new blood" – that has nothing to do with history. His family has owned property in the City since the 1800's. She is disappointed.

8:25 PM Floor Closed for Public Comments

XVIII. CITY MANAGERS REPORT – Jeff Drobney

City Manager Jeff Drobney commented on the snow that is falling this evening, along with winds and rough roads. He thanks those City employees that serve the community during these conditions including Public Works, Police and 911 Communications. There is a discussion of proposition to add 1% on Cobb taxes to support public safety and is being driven by the County.

XIX. MAYOR'S REPORT

A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

Mayor Easterling appointed Clemens Bak to the Art & Culture Commission with a term ending December 2019; appointed Rachel Butler and Patrick Gallagher to the Historic Preservation Commission with terms ending December 2019 and December 2018, respectively.

Motion by Mayor Protem Blinkhorn to ratify said appointments, seconded by Councilmember Eaton. Vote taken, approved unanimously, 4-0. Motion carried.

XX. COUNCIL COMMENTS

Councilmember Eaton sympathized that City employee Laurel Fleming passed away recently and she will be missed. She has been his friend for 34 years.

Councilmember Ferris said to be careful going home this evening.

Councilmember Henderson is happy to see so many people here tonight, especially with snowy weather.

Mayor Protem Blinkhorn thanked City staff ahead of time for their work during the snow.

XXI. EXECUTIVE SESSION –Land, Legal, Personnel

- A. Pursuant to the provisions of O.C.G.A. §50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

Motion by Mayor Protem Blinkhorn to enter into Executive Session as allowed by O.C.G.A. Sec. 50-14-3 for the purpose of discussing legal and personnel, motion seconded by Councilmember Henderson. Vote taken, approved 4-0. Motion carried.

6:37 pm Recess to Executive Session

Mayor, City Council, City Attorney Randall Bentley, City Manager and City Clerk attended Executive Session.

6:43 pm Reconvene to Open Session

Mayor Protem Blinkhorn read the Board back into Open Session and directed the Mayor and City Council to execute an affidavit in compliance with O.C.G.A. Sec. 50-14-4, motion seconded by Councilmember Henderson. Vote taken, approved 4-0. Motion carried.

Motion by Councilmember Eaton to accept the resignation of Yvette Daniel from Council Post 2, effective January 12, 2018, seconded by Councilmember Henderson. Vote taken, approved unanimously, 4-0. Motion carried.

XXII. ADJOURN

Mayor Easterling adjourned at 8:29 p.m. The next regularly scheduled meeting will be held Monday, February 5, 2018 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Debra Taylor, City Clerk



**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	Approval of a revised final plat for Village at Fuller's Chase, submitted by Gaskins Engineering on behalf of the Titleholder Boone Drive Lots, LLC for property along Cherokee Street at Boone Drive.
Agenda Comments:	Property is located in Land Lot 138 and located in the Central Business District (CBD). Preliminary plat was approved January 16, 2007 with the final plat approval on September 17, 2007. This revised plat is being submitted for purpose of revising lots 25-28 and lots 14-16 as per the as-built locations. The Plan Review Committee recommends approval of the revised plat with the revisions date of August 14, 2019.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Revised Final Plat, Lots 14-16 and 25-28	9/27/2019	Maps
Aerial	10/10/2019	Maps
Plan Review Approval Letter, 9.26.19	9/27/2019	Backup Material
Application	10/10/2019	Backup Material
09-17-07 M&C Minutes	10/10/2019	Backup Material
01-16-07 M&C Minutes	10/10/2019	Backup Material

ZONING NOTES:
1. THIS SITE SUBJECT TO:
HISTORIC PRESERVATION COMMISSION APPROVAL - JUNE 20, 2006.
CENTRAL BUSINESS DISTRICT PROJECT APPROVAL - MAYOR AND COUNCIL - JULY 16, 2006.
VARIANCE APPROVAL - MAYOR AND COUNCIL - JULY 16, 2006.

FINAL PLAT NOTES:
1. STATE LAW PROHIBITS THE PRIVATE CONSTRUCTION, PLANTING, OR OTHERWISE MAKING IMPROVEMENTS ON THE DEDICATED RIGHT-OF-WAY. THE SOLE RESPONSIBILITY FOR REPAIRING OF ANY DAMAGE OF ANY SUCH IMPROVEMENT SHALL BE THE PROPERTY OWNERS.
2. THE OPEN CHANNEL DRAINAGE EASEMENTS (D.C.) SHOWN ARE NOT TO BE CONSTRUED AS EXACTING IN LOCATION. THESE EASEMENTS ARE INTENDED TO PROVIDE AN AREA FOR THE FREE CONVEYANCE OF STORMWATER RUNOFF BETWEEN DRAINAGE STRUCTURES ON THE PROPERTY OR BETWEEN DRAINAGE STRUCTURES AND THE EXTERIOR PROPERTY LINE. THE LOCATIONS SHOWN ARE INTENDED LOCATIONS BUT ARE CONTINGENT UPON FINAL GRADING AND LANDSCAPING OF THE INDIVIDUAL LOTS.
3. NO. 4 REBAR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
4. NO CEMETERIES, WETLANDS, OR CULTURAL RESOURCES EXIST ON PROPERTY.
5. THE CITY OF KENNESAW WILL NOT ACCEPT THE RESPONSIBILITY FOR PERPETUAL MAINTENANCE OF ANY REQUIRED DETENTION FACILITIES OUTSIDE THE CITY RIGHT-OF-WAY.
6. ALL COMMON AREAS SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
7. THE DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY RIGHT-OF-WAY.
8. THE WATER LINES AND SANITARY SEWER ARE UNDER THE CONTROL OF COBB COUNTY WATER SYSTEM.

ZONING	
TOTAL AREA = 0.65 ACRES	
TOTAL NO. OF LOTS = 7	
DENSITY / YIELD = 7.73 LOTS PER ACRE	
PRESIDENT ZONING - CBD	

CURVE TABLE			
CURVE #	BEARING	DISTANCE	RADIUS
C1	S89°46'54"W	25.36'	37.50'
C2	S55°51'14"W	18.13'	37.50'
C3	S75°46'55"W	41.85'	37.50'



LOCATION MAP 1" = 2000'

ABBREVIATIONS LEGEND

ABBR.	DEFINITION
D.E.	DRAINAGE EASEMENT
S.S.E.	SANITARY SEWER EASEMENT
A.E.	ACCESS EASEMENT
W.L.E.	WATER LINE EASEMENT
F.M.E.	FORCE MAIN EASEMENT

STRUCTURES LEGEND

[Symbol]	HEADWALL
[Symbol]	FLARED END SECTION (D.O.T.)
[Symbol]	SINGLE-WING CATCH BASIN
[Symbol]	DOUBLE-WING CATCH BASIN
[Symbol]	WEIR INLET
[Symbol]	JUNCTION BOX
[Symbol]	GRATE INLET
[Symbol]	FIRE HYDRANT
[Symbol]	WATER VALVE
[Symbol]	W.M. - WATER METER
[Symbol]	WATER LINE
[Symbol]	SANITARY SEWER MANHOLE
[Symbol]	WATER LINE
[Symbol]	SEWER CLEAN OUT

NOTE: ALL STORM DRAINS ARE BITUMINUS COATED OR TYPE 1 ALUMINIZED CORRUGATED METAL PIPE (CMP) UNLESS OTHERWISE NOTED.

PROPERTY CORNER LEGEND

[Symbol]	RBS- REINFORCING BAR SET
[Symbol]	RB- REINFORCING BAR FOUND
[Symbol]	CTF- CRIMP TOP PIPE FOUND
[Symbol]	OTF- OPEN TOP PIPE FOUND
[Symbol]	RWM- RIGHT-OF-WAY MONUMENT

NOTE: #4 REBAR SET ON ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

CLERK OF THE SUPERIOR COURT
RECORDING INFORMATION

SURVEYORS' ACKNOWLEDGEMENT

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE SPONG UNDER MY SUPERVISION. THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS FUTURE. AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN, AND THAT ALL ENGINEERING REQUIREMENTS OF THE KENNESAW SUBDIVISION REGULATIONS HAVE BEEN FULLY COMPLIED WITH.

CHRISTOPHER A. EVANS, GA RLS #6784 DATE

KENNESAW DEVELOPMENT CERTIFICATIONS

THIS PLAT, HAVING BEEN SUBMITTED TO KENNESAW AND HAVING BEEN FOUND TO COMPLY WITH THE KENNESAW DEVELOPMENT STANDARDS AND THE KENNESAW ZONING ORDINANCE, IS APPROVED SUBJECT TO THE INSTALLATION AND LOCATION OF ALL STREETS, UTILITIES, EASEMENTS, AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS AND THE POSTING OF A ONE YEAR MAINTENANCE BOND.

KENNESAW PUBLIC WORKS DIVISION DATE

CITY ENGINEER DATE

BUILDING DEPARTMENT DATE

PLANNING AND ZONING DEPARTMENT DATE

MAYOR/CITY COUNCIL DATE

ALL WATER AND SEWER LINES AND SERVICES SHOWN ARE PRIVATE, OWNED AND MAINTAINED BY THE RESIDENT HOMEOWNERS ASSOCIATION. NO BUILDING PERMITS TO BE ISSUED UNTIL LINES ARE INSTALLED AND INSPECTED BY COBB COUNTY.

FOR ORIGINAL SIGNATURE, SEE P.B. 266, PG. 3

COBB COUNTY WATER SYSTEM DATE

OWNER'S ACKNOWLEDGEMENT

I HEREBY CERTIFY AS THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND FOR VALUE RECEIVED THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY CONVEY TO ALL PRIVATE STREETS AND RIGHTS-OF-WAY, WATER MAINS AND SEWER LINES SHOWN HEREON IN FEE SIMPLE TO THE APPROPRIATE JURISDICTION AND FURTHER DEDICATE TO THE USE OF THE PUBLIC FOR THE USE OF ALL UTILITIES, DRAINAGE, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES OF THE KENNESAW SUBDIVISION REGULATIONS. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATION, THE OWNER FURTHER AGREES TO MAINTAIN AND DEFEND KENNESAW FROM ANY AND ALL CLAIMS, DAMAGES OR DEMANDS ARISING, ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON ON ACCOUNT OF THE ROADS, WALLS, EMBANKMENTS, DITCHES, CROSS DRAINS, COLLECTS, WATER MAINS, SEWER LINES, AND OTHER WORKS OF THE PROPERTY SHOWN HEREON, AND ON ACCOUNT OF THE CHANGING OF COURSES OF STREAMS, AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT KENNESAW SHALL NOT BE LIABLE TO HIM OR HIS HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS DRAIN EXTENSIONS, DITCHES, STRUCTURES, STREET COLLECTS, CURBS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATERS AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND OWNERS SUCCESSORS IN TITLE TO DEFEND BY NOTICE OF THESE PRESENTS.

ALL DETENTION PONDS SHOWN ARE TO BE OWNED AND MAINTAINED BY PROJECT OWNERS/HOMEOWNERS ASSOCIATIONS.

THE CITY OF KENNESAW WILL NOT ACCEPT FOR PERPETUAL MAINTENANCE FOR ANY DETENTION FACILITIES ON ANYTHING OUTSIDE CITY RIGHT OF WAY.

OWNER DATE

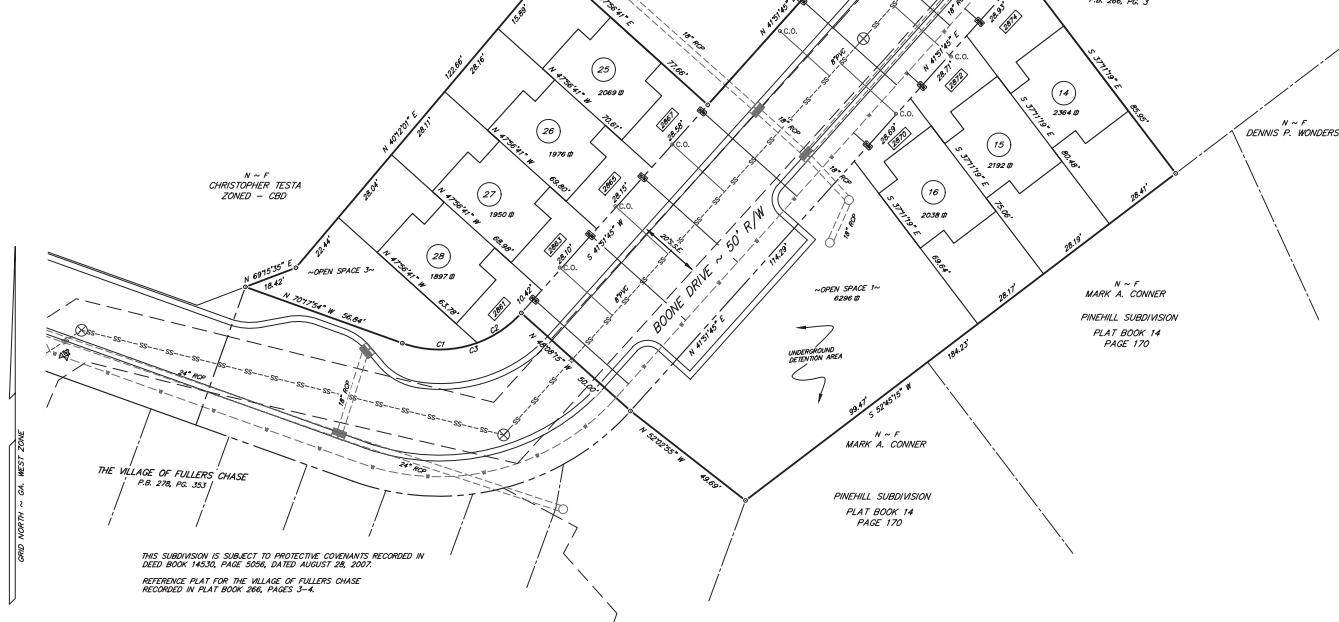
THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE... (F.L.A.) COMMUNITY NUMBER # 130555... MAP NUMBER # 13067-2 0008 11... DATED MARCH 04, 2013

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSIDIARY CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE = 1/10,000; ANGULAR ERROR: 03" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPOUND RULE. LINEAR PRECISION OF THIS PLAT: 1/176,000. MATERIALS OF TITLE ARE EXCEPTED.

REVISION DATE: 8-14-19

THIS PLAT SUPERSEDES THE PLAT RECORDED IN PLAT BOOK 278, PAGE 353. THE PURPOSE OF THE REVISION IS TO: 1. REVISE LOTS 28-35 AND 16-14 AS PER RESUBMIT BUILDING LOCATION.



GPS NOTES:

- 1.) HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.
- 2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE 1002 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EPOS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE GPS REAL TIME NETWORK OPERATED BY EPOS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL, 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.

OWNER: TRATON HOME LLC 170 KENNESAW AVE. MARETTA, GA 30060
24-HR. PHONE & EMERGENCY CONTACT: BOB HURP 770-427-8064

AS REQUIRED BY SUBSECTION (6) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR APPROVATIONS SHOULD BE COMPILED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



DATE

REVISIONS



Marion Office: 1200 Peachtree-Sherwood Rd. Marietta, Georgia 30064 Phone: (770) 643-7868
LSE# 789 www.gaskins.com
Canton Office: 2280 Marietta Highway Canton, Georgia 30144 Phone: (770) 479-8688
FIELD DATE: 3-14-19 DRAWN BY: SU
OFFICE DATE: 8-20-19 CHECKED BY: CAE
SCALE: 1"=20' FILE: P-1713

FINAL PLAT REVISION FOR:
THE VILLAGE OF FULLERS CHASE

LOCATED IN L.L. 136 20th DISTRICT, 2nd SECTION CITY OF KENNESAW COBB COUNTY, GA.





**Revised Final Plat
Village at Fullers Chase**

2018 Aerial Photography



CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268

Debra Easterling
MAYOR
Peter Taylor
CITY CLERK

Date: 10/9/2019
File: Aerial.apr





Community Development Department
Plan Review Committee

Plan Review Coordinator

Scott Banks, Building Official
Darryl Simmons, Zoning Administrator
Ricky Stewart, Public Works Director
Yared Altaye, Engineer/Project Specialist
Grey Won, Storm Water Management

To: Mayor and Council

From: Plan Review Committee

Date: September 26, 2019

Revised final plat (lots 25-28 and lots 14-16) as built having been submitted by Gaskin Engineering for property identified along Boone Drive at Cherokee Street, located in Land Lot 138. All members of the Plan Review Committee and comments being addressed have verified the project and plat known as the Village at Fuller's Chase is in compliance and ready for your consideration and approval.

Scott Banks, Plan Review Coordinator

9-25-19

Date



Community Development
Planning & Zoning Department
2529 J. O. Stephenson Avenue
770-590-8268

Date Received 9.25.19
Staff's Initials dlw

PRELIMINARY, FINAL AND REVISE PLAT APPLICATION

Required Fee \$250.00

Preliminary Plat _____ Final Plat _____ Revised Plat ✓ Parcel Combination _____ Parcel Split _____

Is this property located within the Kennesaw Historic District (yes) ✓ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND PLAN REVIEW STAFF PRIOR TO THE SUBMISSION OF THE APPLICATION IS MANDATORY.

DEVELOPMENT NAME

Number of Units

The Village of Fullers Chase

7

PURPOSE OF DEVELOPMENT proposed town home

WHAT IS THE REVISION BEING MADE revise lots 28-25 + 16-14 as a built location

ADDRESS OF PROPERTY Boone Dr.

Parcel ID _____ Lot Size _____ Present Zoning CBD

Current Use single family Proposed Use single family

APPLICANT Gaskins

Applicant address 1246 Powder Springs Manetta, GA 30084

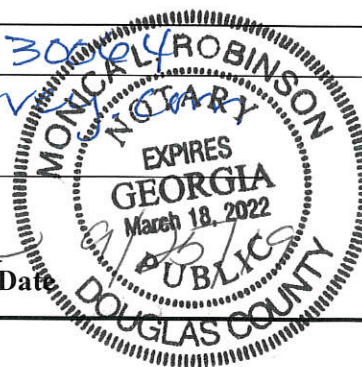
(Phone #) 770-424-7168 Email Address sjordan@gscsun.com

Applicant Signature [Signature]

Signed, sealed and delivered in presence of:

Notary

Date



REPRESENTATIVE _____ (Phone #) _____ Email Address _____

Representative Signature _____

Signed, sealed and delivered in presence of:

Notary

Date

TITLEHOLDER Boone Drive LOTS LLC (Phone #) 770-405-0671

Titleholder Signature [Signature] Address 2950 Church St Bldg 400

managing member

Kennesaw, GA 30144

Signed, sealed and delivered in presence of Notary

Rene G. Fowler

Date 9/26/2019



Community Development
Planning & Zoning Department
2529 J. O. Stephenson Avenue
770-590-8268

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they have have not made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission does (does not) :

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner Rennin Dale Hughes, managing member, Boone Drive LoB LLC
Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

Signed, sealed and delivered in presence of:

Rene G. Fowler
Notary

R. Dale Hughes, managing member
Applicants Signature Boone Drive LoB LLC Date 5-6-19

Date



Community Development
Planning & Zoning Department
2529 J. O. Stephenson Avenue
770-590-8268

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they have have not made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission does does not :

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner _____

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
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- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

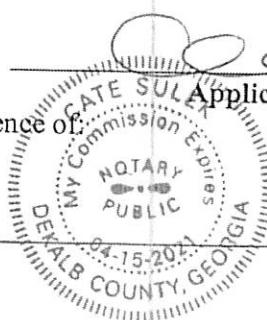
Signed, sealed and delivered in presence of _____

Applicants Signature

Date

Notary

Date



- A. Authorization for approval for final plat request submitted by Ridenour LLC for property located on Ridenour Boulevard. Proposed project known as Ridenour Townhomes Tract 3. Property identified as Land Lot 211, of the 20th District, 2nd Section, Tract 3. Applicant is requesting final plat approval for proposed 22 unit development with 10.73 unit per acre site density (Ridenour overall density maximum). Mayor and Council approved the preliminary plat on May 15, 2006. Performance Bond submitted, reviewed and deemed acceptable by Public Works Director for the proposed private road (see attachments). Zoning Administrator Darryl Simmons field-verified the proper installation of handicapped signage in the Concord Row section of Ridenour, as per Mayor and Council direction. The handicapped signage meets federal requirements. Darryl Simmons, Zoning Administrator recommends approval of the final plat.

Item approved under Consent Agenda.

- B. Authorization for approval of final plat request submitted by Frank Boone, General 3 Developers Inc. for property located at 2950 Cherokee Street. Development identified as Village at Fullers Chase. Residential project known as The Village at Fuller's Chase. Property identified as Land Lot 138, Tax Parcel 10, of the 20th District, 2nd Section, Cobb County. Applicant is requesting final plat approval for proposed 28-town home unit development on 3.19+/- acres. Mayor and Council approved the preliminary plat for this project on January 16, 2007. Mayor and Council approved variances on July 17, 2007 for structures not within 10% in height of surrounding structures, to incorporate 3-story building height design per Historic Design Review Guidelines for the proposed 28-town home units and design of driveways/garage in front of residential units. STAFF RECOMMENDATION: Darryl Simmons, Zoning Administrator recommends approval of the final plat.

Item approved under Consent Agenda.

XVI. FINANCE AND ADMINISTRATION (Councilmember John Dowdy)

- A. Consideration of new application for alcohol beverage license for Beer and Wine Package Sales for Expert Investment, Inc dba Mahin Quick Mart to be located at 3870 Moon Station Road, Kennesaw, Georgia 30144. APPLICANT: Mohammad Sharif Zargar. In accordance with City Code 6-45(b), the City Clerk rejected this application due to prior revocation by Mayor and Council in October 2006. At the September 4, 2007 Mayor and Council meeting, the applicant was informed he has until September 14th (ten days) to appeal this decision to Mayor and Council. The appeal will be for a new application of an existing establishment for an Alcoholic Beverage License for a package store located at the intersection of May Court and Moon Station Road. The previous license at the location under the ownership of Mohammad Sharif Zargar was suspended for 30 days on April 12, 2004 for underage alcohol sale. The suspension stated that all employees must attend a City approved alcohol training class within 60 days. Then on September 1, 2006 under the same ownership, the license was suspended by the License Review Board for seven (7) months due to underage alcohol sale,

6:40 PM Floor Open to Public Comments

DAVID LYONS (English Oaks Resident): He is a member of the English Oaks Home Owners Association and they requested the speed checks and thanked staff and Council for responding. This is a good example of working with government – the request had been made, performed, and now action was being taken.

6:41 PM Floor Closed to Public Comments

Mayor Church called for a vote on the implied motion to approve Ordinance No. 2007-03, 2007. Vote taken, approved unanimously 4-0 (Thrash absent). Motion carried.

IX. CONSENT AGENDA

- A. Approval of January 2, 2007 Mayor and Council Minutes.
- B. Request to surplus 1995 I-8000, Ford truck, VIN# 1FDYW82E6SVA78521 complete with 25 cubic yard garbage collection body. This vehicle was used for a number of years as a garbage collection truck, then was converted to a recycle truck. This past year we purchased a new replacement truck and no longer have need for this vehicle. Vehicle to be auctioned on the government auction site. Public Works Director recommends approval.
- C. Authorize City Manager to proceed with Request For Proposals (RFP) process related to redlight traffic monitoring systems. This initiative was discussed months ago with the general determination that no bidding was required. Recent direction from the legal staff indicated that the service would have to be bid out. A bid document is prepared and will be sent out and properly advertised as soon as approval to proceed is received. City Manager recommends approval.
- D. Authorization for approval for preliminary plat request submitted by Frank Boone/General 3 Developers, Inc. for property located at 2950 Cherokee Street. Proposed residential project known as The Village at Fuller's Chase. Property identified as Land Lot 138, Tax Parcel 10, of the 20th District, 2nd Section, Cobb County. Applicant is requesting preliminary plat approval for proposed 28-town home unit development on 3.19+/- acre. Planning Commission at a meeting held on January 8, 2007 recommended approval of the submitted preliminary plat for the proposed 28 unit townhome development. STAFF RECOMMENDATION: Darryl Simmons, Zoning Administrator recommends approval of the preliminary plat for the 28 unit townhome development.
- E. Authorize the City Manager and City Attorney to negotiate and proceed with an offer on 4.55 acres off of Pine Mountain Road. This parcel is adjacent to the Smith Gilbert Arboretum and will provide additional space for parking, administrative offices and maintenance facilities. Final numbers and agreements will be submitted to the Council for approval. City Manager recommends approval. FUNDING LINE: To Be Determined.

- F. Authorize City Manager and City Attorney to proceed with negotiations and an offer on 2.2 acres off Summit Wood Drive. This parcel is adjacent to the Smith Gilbert Arboretum property and would be an enhancement to the Garden experience. Final numbers and contract will be submitted for approval and execution by Council. City Manager recommends approval of this item.
FUNDING LINE: To Be Determined

Mayor Church called for a vote on the implied motion to approve the Consent Agenda engross. Vote taken, approved unanimously 4-0 (Thrash absent). Motion carried.

X. COMMITTEE AND BOARD REPORTS

- A. YOUTH COUNCIL – Faye Maison reported the Youth Council had a team building exercise through laser tag playing – each learning their roles as a team. Their projects are moving along and the peer court should commence by next year.

DEPARTMENT REPORTS

XI. POLICE DEPARTMENT (Councilmember Bill Thrash) TIM CALLAHAN, Chief

No items.

XII. INFORMATION TECHNOLOGY (Councilmember Bruce Jenkins) TERI CHAMBERS, Director

No items.

XIII. PUBLIC WORKS (Councilmember Cindy Giles) WOODY MCFARLIN, Director

- A. Approve Baldwin Paving Company, Inc., change order for Jiles/Legacy signalization project. Request approval of change order in the amount of \$11,908.35 covering the following items: add driveway for day care center complete with grading, base, asphalt, curb and gutter; change striping in street to accommodate new driveway; \$3,082.00 increase in signal material cost; replace top and throat of an existing catch basin; cap abandon water line; deduct short section of sidewalk and striping. Public Works Director recommends approval.
FUNDING LINE: 301.4221.54.1410 - \$11,908.35

Public Works Director presented this agenda item. City Manager Kennedy confirmed the contract with Baldwin Paving does have a penalty clause of \$250 per day and staff will calculate any penalties before payments are made. Mr. Kennedy and Mr. McFarlin will calculate delays to the project attributed to Baldwin Paving. Councilmember Mathews asked if the City withholds a reserve amount before final sign off? City Manager Kennedy said yes and those funds, plus the change order costs minus any penalties will determine final payment.

Mayor Church called for a vote on the implied motion to approve the change order for the Jiles/Legacy signalization project. Vote taken, approved unanimously 4-0 (Thrash absent). Motion carried.



**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	City Manager reports, discussions and updates.
Agenda Comments:	
Funding Line(s)	



**Regular Meeting Agenda
10/21/2019 6:30 PM
Council Chambers**

Title of Item:	Mayoral and City Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor and/or City Council to any Board, Committee, Authority or Commission requiring an appointment to fill any vacancy, resignation, and to create or dissolve committees, as deemed necessary.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Board Liaisons	3/28/2019	Backup Material
911 Advisory Board	4/2/2019	Backup Material
Art & Culture Commission	8/12/2019	Backup Material
Cemetery Preservation Commission	8/27/2019	Backup Material
City/Sports Association	1/7/2019	Backup Material
Construction Board of Adjustment and Appeals	1/7/2019	Backup Material
Depot Park Amphitheatre Committee	4/16/2019	Backup Material
Ethics Board	1/29/2019	Backup Material
Events Committee	7/15/2019	Backup Material
Historic Preservation Commission	7/9/2019	Backup Material
Keep Kennesaw Beautiful	10/9/2019	Backup Material
Kennesaw Citizens Advisory Committee	9/25/2019	Backup Material
Kennesaw Development Authority	1/7/2019	Backup Material

Kennesaw Downtown Development Authority	1/24/2019	Backup Material
License Review Board	1/7/2019	Backup Material
Planning Commission	1/7/2019	Backup Material
Public Art Commission	3/6/2019	Backup Material
Recreation Center Development Committee	1/7/2019	Backup Material
Urban Redevelopment Agency	9/25/2019	Backup Material

2019 Mayor's Appointments

COUNCIL LIAISON TO BOARDS
ART & CULTURE COMMISSION
David Blinkhorn
CITY SPORTS EXECUTIVE
Pat Ferris
Chris Henderson
CEMETERY PRESERVATION
James Eaton
David Blinkhorn
KEEP KENNESAW BEAUTIFUL
Tracey Viars
HPC
Pat Ferris
KDA
Chris Henderson
KDDA
Tracey Viars
PLANNING COMMISSION
David Blinkhorn
YOUTH COUNCIL
COUNCIL APPT OF MAYOR PRO TEM
Chris Henderson

COURTS (term indefinite):

PHILIP TAYLOR, Chief Judge

CHARLES CHESBRO, Assisting Judge

JOEL SIEGEL, Judge Emeritus

H. LUKE MAYES (Assisting Probable Cause Judge)

BENTLEY, BENTLEY & BENTLEY, Law Firm and Solicitor

MAULDIN & JENKINS, LLC, Auditor

CROY ENGINEERING, City Engineer

JEFF DROBNEY, City Manager

DEBRA TAYLOR, City Clerk

2019 KENNESAW/ACWORTH 9-1-1 ADVISORY BOARD

Members ratified by the City Council

Meet as needed

MEMBERS	PHONE, FAX, EMAIL
Jeff Drobney Kennesaw City Manager	770-424-8274(w) jdrobney@kennesaw-ga.gov
Brian Bulthuis Acworth City Manager	770-974-3112 (w) bbulthuis@acworth.org
Bill Westenberger Kennesaw Chief of Police	770-422-2505 (w) 678-414-9651 (c) wwestenberger@kennesaw-ga.gov
Wayne Dennard Acworth Chief of Police	770-974-1232 (w) 770-652-9948 (c) wdennard@acworth.org
Pat Ferris, Primary Kennesaw Councilmember	404-599-5761 (c) pferris@kennesaw-ga.gov
Chris Henderson, Alternate Kennesaw Councilmember	404-599-6189 (c) chenderson@kennesaw-ga.gov
Tim Richardson Acworth Alderman	770-974-3112 (City Hall) trichardson@acworth.org
Gene Pugliese Acworth Alderman	770-974-3112 (City Hall) gpugliese@acworth.org
Linda Davis Kennesaw 911 Director	404-664-3665 (c) ldavis@kennesaw-ga.gov
Randy Crider Cobb County Fire	770-528-8000 (w) randy.crider@cobbcounty.org
Metro Ambulance	Devan Seabaugh 770-693-8402 (w) Devan.Seabaugh@MAAS911.com

2019 ART AND CULTURE COMMISSION

Est. by Ordinance 2013-15; 7 members (1 architect, 1 art council or foundation member, 2 residents, 1 college/university professor or student, 1 City business owner, 1 KDA member); staggered 2-year and 3-year terms; Commission meets 3rd Thursday of each month at 6:30 PM in the Council/Court Chambers.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Karen Backus, Chair	2705 Windsor Ct NW Kennesaw 30144 backuskaren@gmail.com 404-229-7529	2019 [2 yr term]
Clemens Bak	13 Boones Ridge Parkway Acworth 30102 crbakdesign@yahoo.com 770-676-4156	2019 [3 yr term]
Daniel Barnard	3365 Fawn Trail Marietta, GA 30066 Danielbarnard68@att.net (c) 678-551-3823	2019 [3 yr term]
Valerie Dibble	9609 Loblolly Lane Roswell 30075 vdibble@kennesaw.edu 404-702 2960 (cell)	2019 [2 yr term]
Kim R Meacham, Secretary	3793 N Hampton Dr., Kennesaw 30144 krmeacham@bellsouth.net (c) 770.354.6963	2019 [3 yr term]
Jessica Patterson	4522 Rambling Road Kennesaw 30144 jkpatterson12@gmail.com 404 713-5345	2019 [2 yr term]
Carol Sills	1514 Barksdale Court NW Kennesaw 30152 csills2859@att.net 678-290-9199	2019 [3 yr term]
Staff Liaison: Darryl Simmons	(770) 424-8274 ext 3121 dsimmons@kennesaw-ga.gov	---
Council Liaison: David Blinkhorn	dblinkhorn@kennesaw-ga.gov 404-599-6185	---
P&R Staff Liaison: Amanda Glass	aglass@kennesaw-ga.gov 770-424-8274 ext 3205	

Kennesaw Council Chambers
2529 J. O. Stephenson Avenue, Kennesaw 30144

2019 CEMETERY PRESERVATION COMMISSION

Cemetery Preservation Commission Members – 9 members - 4 year staggered terms. Created by Ordinance No. 2001-03, updated by Ord. No. 2002-33, 2007-28 and 2014-06. Meets every 2nd Thursday at 4:00 p.m. in City Hall Training Room.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mark Bishop	5636 Forest Place Acworth, GA 30102 mark.bishop@comcast.net 678-910-9859	Dec 2021
Joe Bozeman, Jr. Vice Chair	Jbox807349@aol.com 1510 Wimbledon Dr., NW Kennesaw, GA 30144 (c) 404-444-2018 (h) 770-428-1607	Dec. 2021
Mickey Bozeman	3359 Kimberly Road Kennesaw 30144 charlesbozeman@comcast.net (c) 770-315-7505	Dec. 2020
Andrew Bramlett	Honorary Commission Member lpbramlett@hotmail.com	
Lewis P. Bramlett Secretary	2990 Summerfield Court Kennesaw 30152 lpbramlett@hotmail.com (c) 770-235-5888	Dec. 2020
Mary Helyn Hagin Chair	mhhagin@gmail.com (h) 770-427-5563 (c) 404-316-2154 1459 Ridgeway Drive Acworth, GA 30102	Dec. 2020
Loriann White	1140 Liberty Grove Road Alpharetta 30004 (404) 406-0617 loriannwhite83@gmail.com	Dec. 2021
<i>Vacant</i>		Dec. 2017
<i>Vacant</i>		Dec. 2020
Council Liaison: James Eaton, Primary	(c) 404-496-2565 jeaton@kennesaw-ga.gov	---
Council Alternate: David Blinkhorn	(c) 404-599-6185 dblinkhorn@kennesaw-ga.gov	

Staff Liaison: Jeff Drobney City Manager	jdrobney@kennesaw-ga.gov	---
Staff Liaison: Lea Addington, Assistant City Clerk	laddington@kennesaw-ga.gov	---
Staff Liaison: Ricky Stewart Public Works Director	rstewart@kennesaw-ga.gov	---
Staff Liaison: Rod Bowman, Public Works Sexton	rbowman@kennesaw-ga.gov	

2019 CITY/SPORTS ASSOCIATION EXECUTIVE COMMITTEE

Committee meets the 3rd Tuesday of January, April, July and October @ 7:30 AM
at the Ben Robertson Community Center, Administrative Conference Room.
Ordinance No. 2007-07 Establishing.

MEMBERS	PHONE, FAX, EMAIL
Jeff Drobney	jdrobney@kennesaw-ga.gov
Steve Roberts, Parks & Recreation Director	sroberts@kennesaw-ga.gov
Deann Aldridge (President, Kennesaw Futbol Club)	Ahight15@gmail.com cell: 678-428-2636
Brandi Miller (President, Kennesaw Girls Softball)	bmiller.masondev@gmail.com cell: 770-329-8741
Zack Typher (Kennesaw Baseball), Chair	presidenttofkba@gmail.com cell: 678-749-8018 home:
Kenny Phillips (President, Kennesaw Youth Football Association)	phillipskenn@gmail.com Cell: 404-396-9181
Billy Warren, P&R Assistant Director	bwarren@kennesaw-ga.gov cell: (404) 664-2771
Trici Styles, Secretary	dstyles@kennesaw-ga.gov 770-422-9714 ext. 3211
Pat Ferris Council Liaison	pferris@kennesaw-ga.gov 404-599-5761
Chris Henderson Alternate Council Liaison	chenderson@kennesaw-ga.gov 404-599-6189
Joshua Hunter P&R, Program Coordinator	jhunter@kennesaw-ga.gov 770-422-9714 ext. 3013

2019 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Board formed by Ordinance No. 2006-06 and Resolution No. 2006-31, 2006. 7 members, will include an architect/engineer, building contractor, electrical contractor, mechanical contractor, plumbing contractor, and two (2) at-large positions. 4-year terms. Board meets on an as-needed basis. Bylaws adopted by Resolution 2006-51.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mike Graham	Mike Graham Construction Inc. 3481 Canton Road Marietta, GA 30066 mgci89@yahoo.com Phone: 770-928-6036	Dec. 2022
Don Massaro	Integrity Fire Extinguisher LLC 1606 Donovans Ridge Kennesaw, GA 30152 integrityextg@gmail.com Phone: 404-680-3328	Dec. 2022
Dennis McKeon, Sr. Vice-Chairman	D. McKeon Heating & Air Conditioning Inc. 2260 Moon Station Court Bldg 300 Kennesaw, GA 30144 dennis@dmckeon.com Phone: 770-425-8779	Dec. 2022
Rob Moon	Stone Forest Materials General Manager 2501 South Main Street Kennesaw, GA 30144 rob@stoneforest.net Phone: 770-590-1700	Dec. 2022
Jim Quigley Chairman	North Cobb Electrical Services, Inc. P.O. Box 613 Kennesaw, GA 30156 jquigley@ncobbelectrical.com Phone: 678-449-6028	Dec. 2022
Greg Teague	Croy Engineering 200 Cobb Parkway North #413 Marietta, GA 30062 gteague@croyengineering.com Phone: 770-971-5407	Dec. 2022
<i>Vacant</i>		Dec. 2022
Scott Banks, Building Official	City of Kennesaw 2529 J.O. Stephenson Avenue Kennesaw 30144 sbanks@kennesaw-ga.gov 404-964-3298	---

2019 DEPOT PARK AMPHITHEATRE COMMITTEE

Meets as needed. Established April 15, 2019

MEMBERS	PHONE, FAX, EMAIL
Mike Everhart	michael@greatgigdance.com 678-793-8435
Bob Fox	rfox@kennesaw-ga.gov 770-424-8274 ext.3101
Gary Hasty, KDDA rep.	ghasty@kennesaw-ga.gov (c) 404-219-1801
Dale Hughes	dale@jeremiah360.com 678-575-4396
Marty Hughes	mhughes@kennesaw-ga.gov 770-424-8274 ext. 3017
Keith Perissi	keithperissi@mindspring.com 678-575-4396
Steve Roberts	sroberts@kennesaw-ga.gov 770-424-8274 ext 3210
Tracey Viars	tvians@kennesaw-ga.gov 404-822-8589
Candice Wharton	candicewharton@gmail.com 770-596-2594
Joyce Yung	joycekyung@bellsouth.com 404-987-9181

2019 ETHICS BOARD MEMBERS

5 members, 2-year terms - Board meets 3rd Tuesday of April & October, 6:30 p.m. in the Ben Robertson Community Center. Qualifications: City resident with residency of 12 months prior to serving as a member. Shall not be a member of any other board or commission. Established by Ordinance dated December 19, 1994.

MEMBERS	PHONE, FAX, E-MAIL	TERM EXPIRES
Brian Boughner	bkboughner@bellsouth.net 678-595-5759	Dec. 2019
Ron Davis	2619 Winterthur Main NW Kennesaw, GA 30144 Rodavis57@gmail.com 404-909-9157	Dec. 2020
Chelsey Kinsinger	3153 Kirkwood Drive NW Kennesaw, GA chelsey.kinsinger@gmail.com 404-543-4970	Dec. 2019
Robert Quigley	2633 Morningside Trail Kennesaw, GA 30144 rquigley@cobbcounty.org (c) 404-941-4603 (w) 770-499-4617	Dec. 2020
Karen Whipple	3748 Park Trace, Kennesaw Ga 30144 kwhipple@bellsouth.net 404-538-8085	Dec. 2019

2019 EVENTS COMMITTEE

Effective February 1, 2010, appointed by the Mayor. Members comprised of the following department heads or their designees – Parks & Recreation, Police, Public Works, Smith-Gilbert Gardens, Museum, Public Relations, Assistant to City Manager, Economic Development, and Building Services. Committee meets on the 1st Thursday of each month at 3:30 PM at Ben Robertson Community Center, and has the authority to make policy decisions. One vote per department.

DEPARTMENT	E-MAIL & PHONE
PARKS & RECREATION Amanda Glass Brittani Farmer Steve Roberts	aglasss@kennesaw-ga.gov 770-422-9714 ext 3028 bfarmer@kennesaw-ga.gov 770-422-9714 ext 3013 sroberts@kennesaw-ga.gov 770-422-9714 ext 3210
POLICE <i>Vacant</i> Sgt. Adam Hainline	ahainline@kennesaw-ga.gov 404-423-8271
PUBLIC WORKS Ricky Stewart David Wilson	rstewart@kennesaw-ga.gov 678-458-4179 dwilson@kennesaw-ga.gov 404-857-6263
SMITH-GILBERT GARDENS Mark Wolfe	mwolfe@kennesaw-ga.gov 770-919-0248 ext 3249
MUSEUM <i>Vacant</i> Nichole Alexander	nalexander@kennesaw-ga.gov
CITY MANAGER <i>Vacant</i>	
COMMUNICATIONS Rebecca Graham	bgraham@kennesaw-ga.gov 770-424-8274 ext 3018
ECONOMIC DEVELOPMENT Miranda Jones-Taylor	mjones@kennesaw-ga.gov 678-255-7836
BUILDING SERVICES Scott Banks	sbanks@kennesaw-ga.gov 678-794-0730
FACILITIES Robbie Balenger	rbalenger@kennesaw-ga.gov 678-674-3387
KDDA Mark Allen	mark@lazyguybrands.com

2019 HISTORIC PRESERVATION COMMISSION

7 members, 2-year terms - Board meets 3rd Tuesday @ 8:00 a.m. in Council Chambers. Qualifications: City and County residents with a majority being City residents. Members serve 2 year terms.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mary Baldwin Secretary	3846 Maybreeze Road Kennesaw 30144 marykb@gmail.com (c) 770-401-2121	Dec 2020
Rachel Butler	4192 Gramercy Main Kennesaw 30144 rachelzmadrid@gmail.com 770-842-9902	Dec 2019
Mike Ferguson	3939 Jim Owens Road Kennesaw 30152 Mferguson3939@gmail.com (c) 770-235-2302	Dec. 2020
Patrick Gallagher	2575 Fairlawn Downs NW Kennesaw 30144 pgallagher@partneresi.com patgallagher2019@gmail.com 404-661-2420	Dec. 2020
Brandi May Chair	4318 Brighton Way Kennesaw, GA 30144 (c) 770-500-0598 maybrandi@att.net	Dec. 2019
Robert Sterling	3843 Nowlin Road Kennesaw 30144 bsterling@dot.ga.gov (c) 770-885-5669	Dec 2020
Kevin Whipple	1261 Wynford Colony NW Marietta 30064 whipple.kevin@gmail.com (c) 404-309-4988	Dec. 2019
Council Liaison: Pat Ferris	404-599-5761 pferris@kennesaw-ga.gov	---
Staff Liaison: Darryl Simmons	(w) (770) 424-8274 dsimmons@kennesaw-ga.gov	
Staff Liaison: Jeff Drobney	(w) (770) 424-8274 jdrobney@kennesaw-ga.gov	---

2019 KEEP KENNESAW BEAUTIFUL BOARD

Formerly GreenSpace Committee then Environmental Committee. Created 06/20/05 Resolution No 2005-39, revised 02/06/12 Resolution No. 2012-10. The Board shall consist of no less than seven (7) members. Membership is open to City residents, Cobb County residents, and City staff, with the majority of members being City residents; the residency requirements may be waived in the event there are not enough interested City residents to fill a majority of vacant memberships. City Council members may serve as liaison members of the Board but shall not be voting members; Mayor is an ex-officio member. Members (re)appointed by the Mayor and City Council. Two-year terms. Meets the 2nd Thursday of each month, 6:00 p.m. in the Chambers.

MEMBERS	PHONE, EMAIL, ADDRESS	TERM EXPIRES
Aaron Budsock	3214 Shirley Drive NW Kennesaw 30144 aaron.m.budsock@gmail.com (c) 404-987-3783	Dec. 2020
Annette Clark:	2931 Stilesboro Ridge Court Kennesaw 30152 annetteclark4116@att.net (c) 770-597-4116	Dec. 2019
Doug McMichen	2652 Allyn Way NW Kennesaw 30152 Springcleanpowerwashing@gmail.com 706-587-3993	Dec. 2020
Kimberly Taylor	4420 Wooded Oaks NW Kennesaw 30152 kimberlytaylor102012@gmail.com (c) 678-815-4880	Dec. 2020
Trent Trees	3423 Owens Pass Kennesaw, GA 30152 (h & w) 770-917-8699 trenttrees@aol.com	Dec. 2020
Grey Won, Public Works Staff Liaison	(c) 470-651-8610 gwon@kennesaw-ga.gov	
Mayor Derek Easterling, ex-officio member	(c) 404-496-2563 deasterling@kennesaw-ga.gov	
Ricky Stewart, Public Works Director ex-officio member	(c) 678-458-4179 rstewart@kennesaw-ga.gov	
Council Liaison: Ex-officio member Tracey Viars	(c) 404-822-8589 tvians@kennesaw-ga.gov	

2019 KENNESAW CITIZENS ADVISORY COMMITTEE

Meets the 4th Thursday of each month (except Nov. & Dec. then they meet on 3rd Thursday) at 6:30 p.m. in the Council Chambers, established March 30, 2011. An advisory committee to the City Manager; 2-year terms

MEMBERS	PHONE, EMAIL, ADDRESS	TERM EXPIRES
Bobby Copeland, Secretary	P.O Box 1119 Kennesaw, GA 30156 323-816-7347 bcopelan2003@yahoo.com	Dec. 31, 2019
Jacque Cullins	P. O. Box 475, Kennesaw 30156-0475 770-422-7667 Jc7667@aol.com	Dec. 31, 2020
Glenn Dawkins	2641 Ives Way NW Kennesaw 30152 dawkinsg@gmail.com (c) 954-247-8573	Dec. 31, 2020
Carlene Fregeolle	2549 Park Drive NW Kennesaw 30144 carlenefregeolle@yahoo.com 678-464-4146	Dec. 31, 2019
Teresa Huey	2081 Twelve Oaks Circle NW thuey2@bellsouth.net 770-429-8079 (h) 678-200-5162 (c)	Dec. 31, 2019
Antonio Jones	1870 Grant Court NW Kennesaw 30144 Antoniojones89@gmail.com 267-625-3379 (c)	Dec. 31, 2019
Bill Maxson	2500 S. Main Street Kennesaw, GA 30144 (c) 404-823-3177 (w) 770-423-1969 wamaxson@aol.com	Dec. 31, 2019
Michelle Newman	1620 Clifton Downs Court Kennesaw 30144 404-416-9243 (c) new8241@bellsouth.net	Dec. 31, 2019
Dave Peeples	4010 Palisades Main Kennesaw 30144 pdpeeples@gmail.com (c) 706 537 7005	Dec. 31, 2019
Kathy Rechsteiner	3291 McGarity Lane Kennesaw 770-330-3297 (c) Srechst3@kennesaw.edu	Dec. 31, 2020
David Shock, Chair	2010 Jebbs Ct. NW Kennesaw 30144 Davidshock30144@outlook.com 770-425-0590	Dec. 31, 2020
Candice Wharton	1957 Barrett Knoll Circle Kennesaw 30152 candicewharton@gmail.com (c) 770-596-2594	Dec. 31, 2020
Joyce Yung Vice Chair	2046 Ellison Way 404-987-9181 Joycekyung@bellsouth.net	Dec. 31, 2019

2019 KENNESAW DEVELOPMENT AUTHORITY

7 members 4-year terms created by Resolution 1995-15 - Board meets the 3rd Wednesday of each month at 6:00 p.m. in Council Chambers. Qualifications: The directors shall be taxpayers residing in the county or municipal corporation for which the authority is created, and their successors shall be appointed as provided by the resolution provided for in Code Section 36-62-4. The governing authority of a county or municipality may appoint no more than one member of the governing authority as a director.

MEMBERS	PHONE, FAX, EMAIL	TERM EXP.
Richard Blevins, Jr.	3895 Collier Trace Kennesaw 30144 richardblevins@cobbcountylaw.com (w) 678-354-2290 (c) 678-428-2264	Dec. 2021
Jay Brimberry	4225 Highcroft Main NW Kennesaw 30144 jbrimberry@kennesaw-ga.gov (c) 678-794-5332	Dec. 2019
Bob Cook	3618 N. Hampton Drive Kennesaw bcook@kennesaw-ga.gov (c) 678-524-9953 (h&w) 770-422-2487	Dec. 2019
Lisa Neff	3843 Princeton Oaks Kennesaw 30144 Lneff@kennesaw-ga.gov (c) 678-491-9179	Dec. 2019
Keith Palmer	2318 Holden Way Kennesaw 30144 kpalmer@kennesaw-ga.gov 404-983-4099	Dec. 2021
Nimesh Patel	4154 Havenwood Court Kennesaw, GA 30144 npatel@kennesaw-ga.gov (H & cell) 404-597-1063	Dec. 2021
Matt Riedemann	4111 Kentmere Main NW Kennesaw 30144 mriedemann@kennesaw-ga.gov (c) 678-231-4579	Dec. 2021
Wanda Steele (Staff)	(w) 770-424-8274 wsteele@kennesaw-ga.gov	
Council Liaison: Chris Henderson	(c) 404-599-6189 chenderson@kennesaw-ga.gov	
Staff Liaison: Bob Fox	(w) 770-424-8274 rfox@kennesaw-ga.gov	---

2019 KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY

7 members, 4-year terms - Board meets 2nd Tuesday at 7:30 am in the Council/Court Chambers.

Qualifications are: (a) City resident, and/or (b) Owner/Operator of business in Downtown Development Area and resident of County, or (c) Owner/Operator of a business in the Downtown Development Area and a resident of the State of Georgia (1 member only); 8 hours of training in downtown development and redevelopment programs within 12 months. Created by Resolution 1995-16, OCGA 36-42-7

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mark Allen	2950 Moon Station Road NW Kennesaw 30144 mallen@kennesaw-ga.gov (w) 770-485-0081 (c) 678-480-9740	Dec. 2021
Joe W. Badgett, Jr.	3166 Cherokee Street Kennesaw, Ga 30144 (w) 770-928-4550 (c) 404-435-7850 jbadgett@kennesaw-ga.gov	Dec. 2021
Gary Hasty,	2887 Boone Dr., NW Kennesaw, GA 30144 (w) 404 216-7299 (c) 404-219-1801 ghasty@kennesaw-ga.gov	Dec. 2019
Donna Hogan	2126 Randolph Circle Kennesaw 30144 (c) 404-787-6599 dhogan@kennesaw-ga.gov	Dec 2019
Chad Howie	3008 Cherokee Street NW Kennesaw 30144 chowie@kennesaw-ga.gov (w) 770-702-1223 (c) 770-789-3350	Dec. 2021
David Lyons,	3573 Bramwell Crossing Kennesaw, GA 30144 (cell) 678-300-6302 dlyons@kennesaw-ga.gov	Dec. 2019
Leslie Steinle	3895 Greensward View NW Kennesaw 30144 lsteinle@kennesaw-ga.gov (w) 678-581-6567 (c) 205-706-7999	Dec 2021
Council Liaison: Tracey Viars	(c) 404-822-8589 tviars@kennesaw-ga.gov	
Staff Liaison: Bob Fox	(w) 770-424-8274 ext 3101 rfox@kennesaw-ga.gov	
Staff: Miranda Jones-Taylor (recording secty)	(w) 770-424-8274 mjones@kennesaw-ga.gov	

2019 LICENSE REVIEW BOARD

Effective October 1, 2002. 3 members. Board meets as necessary to consider Due Cause Hearings. Qualifications: Either a resident of the City or have an ownership interest as principal shareholder, general partner or sole proprietor in at least one business located in the City of Kennesaw. A maximum of 1 alcoholic beverage license holder, if any, may serve on the Board. Post 1 and 2 serve 2-year terms, Post 3 serves 1 year terms. No term limits.

MEMBERS	PHONE, FAX, E-MAIL	TERM EXPIRES
Post 1 David Burns	2410 Confederate Trail Kennesaw, GA 30152 (h) 770-420-2441 (c) 404-314-3744 crazyvol@bellsouth.net DBurns@IAAI.com	Dec. 2020
Post 2 Maulik (Jr.) Patel	2778 Main St, Kennesaw, GA 30144 maulikhetal513@gmail.com (c) 678-858-4755	Dec. 2020
Post 3 Kevin Tidwell	2865 Shillings Chase Court Kennesaw, GA 30152 (c) 404-273-4517 kevinctidwell@gmail.com	Dec. 2019

For hearings, also contact:		
Attorney Jamie Wingler	Bentley, Bentley & Bentley 272 Washington Avenue Marietta, GA 30060 jamie.wingler@bbandblaw.com	770-422-2300 770-424-5820 (fax)
Attorney Sam Hensley	Bentley, Bentley & Bentley 241 Washington Avenue, NE Marietta, GA 30060 sphensleyjr@hotmail.com	770-422-2300 770-424-5820 (fax)

2019 PLANNING COMMISSION MEMBERS

**7 members, 3-year terms - Board meets 1st Wednesday at 7:00pm in Council Chambers.
Qualifications: City resident, registered voter.**

MEMBERS	PHONE, FAX, EMAIL	TERMS EXPIRES
Donald Bergwall	3140 Brookeview Lane NW Kennesaw jdbergwall@aol.com (c) 937-243-2673	Dec. 2020
Keisha Danielle Edwards	4245 Carillon Trace NW Kennesaw 30144 kdanielleedwards@yahoo.com (c) 404-491-5103	Dec. 2019
Dan Harrison, III	1487 Shoup Court NW Kennesaw 30152 (h + cell) 954-560-6924 danielbharrison@hotmail.com	Dec. 2019
Joshua Logelin	4243 Brighton Way NW Kennesaw 30144 joshua.logelin@gmail.com (c) 919-271-7596	Dec. 2019
Cindi Michael, Vice Chair	2998 North Main Street Kennesaw 30144 (c) 770-422-0463 cmichael@kennesaw-ga.gov	Dec. 2020
Cam Perdue	2986 Carrie Drive Kennesaw 30144 (c) 404-944-1179 perduecam@yahoo.com and cam.perdue@orionbuild.design	Dec. 2019
Doug Rhodes, Chair	5670 Deerfield Place Kennesaw, GA 30144 (w) 770-684-0102 (cell) 770-362-5181 dougrhodes@att.net	Dec. 2020
Council Liaison: David Blinkhorn	404-599-6185 dblinkhorn@kennesaw-ga.gov	
Staff Liaison: Darryl Simmons, Zoning Administrator	(w) 770-590-8268 ext 3121 (cell) 404-392-0870 dsimmons@kennesaw-ga.gov	
Diane Wrobleski, Staff/Secretary	(w) 770-590-8268 ext 3120 dwrobleski@kennesaw-ga.gov	

2019 PUBLIC ART COMMISSION

Est. April 17, 2017; 5 members (1 KDDA, 2 Art & Culture Commissioners, Zoning Administrator, 1 Downtown Development Coordinator); 2-year terms; Commission meets as needed.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Art & Culture: Jessie Blowers	4234 West Mill Trail Kennesaw 30152 blowers.jessie@gmail.com 678-756-1066 (c)	Dec 2019
Art & Culture: Karen Backus	2705 Windsor Ct NW Kennesaw 30144 backuskaren@gmail.com 404-229-7529	Dec 2019
KDDA: Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 ghasty@kennesaw-ga.gov (w) 404 216-7299 (c) 404-219-1801	Dec 2019
Zoning Administrator Darryl Simmons	dsimmons@kennesaw-ga.gov 770-424-8274 ext. 3121	
Downtown Development Coordinator Miranda Jones-Taylor	mjones@kennesaw-ga.gov 770-424-8274	

Kennesaw Council Chambers
2529 J.O. Stephenson Avenue, Kennesaw 30144

2019 RECREATION CENTER DEVELOPMENT COMMITTEE

**Temporary Committee – Committee meets as-needed in the
Ben Robertson Community Center, 2753 Watts Drive, Kennesaw
Established April 16, 2018**

MEMBERS	PHONE, FAX, E-MAIL
Tom Bills	Cobb County Parks & Recreation Tom.Bills@cobbcounty.org
Mike Dixon	Michaeldixon6560@gmail.com
Jeff Drobney, Chair	City Manager, City of Kennesaw jdrobney@kennesaw-ga.gov
Jacee Garrett	jaceegarrett@gmail.com
Jimmy Gisi	Parks & Recreation Director, Cobb County jgisi@cobbcounty.org
Chris Henderson	Councilmember, City of Kennesaw chenderson@kennesaw-ga.gov
Brianca Louis	Student, Kennesaw Mountain High Sch. briancamlouis17@gmail.com
Samuel McGlashan	samuelmcglashan@gmail.com
Catherine Mockalis	catherinemockalis@gmail.com
Cindi Michaels	Vice Chair, Planning Commission cmichaels@kennesaw-ga.gov
David Shock	Secretary, Kennesaw Citizens Advisory Committee dshock@kennesaw.edu

Steve Roberts	Parks & Recreation Director, Kennesaw sroberts@kennesaw-ga.gov
Billy Warren	Building Facilities Manager, Kennesaw bwarren@kennesaw-ga.gov
Halli Watson	

2019 URBAN REDEVELOPMENT AGENCY

**Appointed August 18, 2003. Urban Redevelopment Agency shall consist of three members who shall serve terms of office of three years.
Activated through Resolution #2003-13 (9/02/03)**

Board meets on an as-needed basis.

MEMBERS	PHONE, FAX, E-MAIL	TERM ENDS
Sharon Pell	2807 Amhurst Way Kennesaw, GA 30144 PellSharon0@gmail.com	09/03/22
Arthur Hunt, Chair	770-423-0137 (w) 770-423-0020 (h) 6065 Woodland Court, 30152 huntrube@bellsouth.net	09/01/20
Herb Richardson, Secretary	2025 Dobbins Drive Kennesaw 30144 68herb@gmail.com 770-265-9734 (cell)	09/01/21

11/15/04: Mayor Church appointed Arthur Hunt to complete the term of Charles Respert who moved out of the area.

11/15/04 Mayor Church reappointed Steve Zimba for another 3 year term.

01/18/05 M+C appointed Tom Headlee to replace Steve Shelton for term ending 9/01/06

07/18/06: Accepted letter of resignation from Steve Zimba

10/02/06: Appointed Mike Sesan and Theresa Ledford

10/11/06: Accepted resignation from Tom Headlee Jr.

11/05/07: Reappointed Mike Sesan to another 3 year term ending 9/1/10

01/05/09: Reappointed Arthur Hunt to another 3 year term ending 9/1/11

01/20/09: Accepted resignation from Theresa Ledford

03/02/09: Appointed Herb Richardson to fill term of Theresa Ledford ending 9/1/09

09/08/09: Reappointed Herb Richardson for another 3 year term ending 9/1/12

09/30/10: Mike Sesan did not want to be reelected to the URA committee

09/07/10: Tim Evans appointed by M&C to replace Mike Sesan for 3 year term ending 9/1/13

11/07/11: Arthur Hunt reappointed with term ending 2014

02/20/12: Tim Evans resigned and moved out of state

08/20/12: Herb Richardson reappointed with term ending 2015

01/07/13: Cindy Giles appointed to complete the term of Tim Evans

09/08/15: Herb Richardson reappointed with term ending 2018

09/06/16: Cindy Giles reappointed with term ending 2019

09/05/17: Arthur Hunt reappointed with term ending 2020

08/20/18 Herb Richardson reappointed with term ending 2021

09/16/19 Sharon Pell appointed with term ending 2022